



Queensland

Youth Participation in Education and Training and Another Act Amendment Bill 2005



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2005

A Bill

for

An Act to amend the Youth Participation in Education and Training Act 2003 and the Education (General Provisions) Act 1989

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The Parliament of Queensland enacts—

1

Part 1 Preliminary

2

Clause 1 Short title

3

This Act may be cited as the *Youth Participation in Education
and Training and Another Act Amendment Act 2005*.

4

5

Clause 2 Commencement

6

Sections 22 and 23 commence on a day to be fixed by
proclamation.

7

8

**Part 2 Amendment of Youth
Participation in Education and
Training Act 2003**

9

10

11

Clause 3 Act amended in pt 2 and schedule

12

This part and the schedule amend the *Youth Participation in
Education and Training Act 2003*.

13

14

Clause 4 Replacement of s 40 (How an account is opened)

15

Section 40—

16

omit, insert—

17

‘40 How an account is opened

18

‘A student account is opened for a young person by giving
notice to the QSA of the following information—

19

20

(a) the person’s name and any previous names of the
person;

21

22

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- (b) the person's address; 1
- (c) the person's date of birth; 2
- (d) the person's sex; 3
- (e) whether the person is an Aborigine or Torres Strait Islander; 4
5
- (f) whether the person is a person from a non-English speaking background; 6
7
- (g) the eligible option in which the person proposes to participate when the person starts the compulsory participation phase; 8
9
10
- (h) whether the person's participation in the eligible option will be full-time; 11
12
- (i) other information prescribed under a regulation. 13

'40A Young person's telephone number 14

- '(1) Subsection (2) applies if a student account is opened for a young person under section 40. 15
16
- '(2) The person opening the account may, when opening the account, give notice to the QSA of the young person's telephone number if the young person has consented to the giving of the notice. 17
18
19
20
- '(3) The QSA must, as soon as practicable after receiving information under subsection (2), record the information in the account.' 21
22
23

Clause 5 Replacement of s 42 (Obligation to notify enrolment) 24

Section 42— 25

omit, insert— 26

'42 Obligation to notify information 27

'If a young person in the student account phase enrolls in a program or course with a provider, the provider must give notice to the QSA of the following information— 28
29
30

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- | | |
|---|----------------|
| (a) the person's name and any previous names of the person; | 1
2 |
| (b) the person's address; | 3 |
| (c) the person's date of birth; | 4 |
| (d) the eligible option in which the person is participating, or proposes to participate, by the enrolment in the program or course; | 5
6
7 |
| (e) the components of the eligible option being undertaken, or proposed to be undertaken, by the person; | 8
9 |
| (f) the date of enrolment in the program or course; | 10 |
| (g) the date the person started, or proposes to start, to comply with the provider's attendance requirements for the program or course; | 11
12
13 |
| (h) whether the person's participation in the eligible option is, or will be, full-time; | 14
15 |
| (i) the name, and type, of the provider.'. | 16 |

- | | | |
|-----------------|---|----------------------|
| Clause 6 | Amendment of s 43 (Obligation to open an account) | 17 |
| | Section 43(3)— | 18 |
| | <i>omit, insert—</i> | 19 |
| ‘(3) | On receiving the request, the provider must open a student account for the young person by giving notice to the QSA of the following information relating to the person— | 20
21
22 |
| | (a) the information mentioned in section 40(a) to (f) and (i); | 23 |
| | (b) the eligible option of the provider in which the person is participating or proposes to participate; | 24
25 |
| | (c) whether the person's participation in the eligible option is, or will be, full-time; | 26
27 |
| | (d) any other eligible options in which the person is participating, or has participated, since starting the compulsory participation phase of which the provider is aware.’. | 28
29
30
31 |

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Clause 7	Insertion of new s 43A	1
	After section 43—	2
	<i>insert—</i>	3
‘43A	Young person’s telephone number	4
	‘(1) Subsection (2) applies if a student account is opened for a young person under section 43(3).’	5 6
	‘(2) The provider opening the account may, when opening the account, give notice to the QSA of the young person’s telephone number if the young person has consented to the giving of the notice.’	7 8 9 10
	‘(3) The QSA must, as soon as practicable after receiving information under subsection (2), record the information in the account.’	11 12 13
Clause 8	Amendment of s 44 (Obligation to notify other matters)	14
	(1) Section 44(2)—	15
	<i>omit, insert—</i>	16
	‘(2) The provider must give notice to the QSA, at the times prescribed under a regulation, of the following matters—	17 18
	(a) if the provider is aware that information, previously notified to the QSA under this part, has changed or is incorrect—the new or correct information;	19 20 21
	(b) if the person stops being enrolled with the provider—the date the person stopped being enrolled with the provider;	22 23 24
	(c) if the person dies and the provider is aware of the death—the death.	25 26
	<i>Note—</i>	27
	The provider is also required to give the QSA certain information about the person’s results. See the QSA Act, section 18A.’	28 29
	(2) Section 44(3), ‘40(e)’—	30
	<i>omit, insert—</i>	31
	‘40(g)’.	32

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Clause 9	Amendment of s 46 (Use and disclosure by the QSA)	1
(1)	Section 46(5), from ‘young’—	2
	<i>omit, insert—</i>	3
	‘stated young person or all young persons who, according to	4
	the person’s student account or the persons’ student	5
	accounts—	6
	(a) is or are in the compulsory participation phase; and	7
	(b) has or have stopped being enrolled with a provider; and	8
	(c) after a period of at least 3 months, has or have not	9
	re-enrolled with a provider.’.	10
(2)	Section 46(6)—	11
	<i>renumber</i> as section 46(7).	12
(3)	Section 46—	13
	<i>insert—</i>	14
‘(6)	If there is a student account for a person, the QSA must give	15
	the person access to the information recorded in the account.’.	16
(4)	Section 46(7), as renumbered, definition <i>prescribed</i>	17
	<i>information—</i>	18
	<i>omit, insert—</i>	19
	‘prescribed information , about a young person mentioned in	20
	subsection (5), means the following information recorded in	21
	the person’s student account—	22
	(a) name and any previous names;	23
	(b) address and telephone number;	24
	(c) date of birth;	25
	(d) the date the person stopped being enrolled with the	26
	provider;	27
	(e) any eligible option in which the person is participating	28
	and the components of the eligible option being	29
	undertaken by the person;	30
	(f) the name, and type, of the provider for an eligible option	31
	mentioned in paragraph (e);	32

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- | | | |
|--|--|---|
| | (g) any eligible option in which the person was participating | 1 |
| | immediately before the person stopped being enrolled | 2 |
| | with the provider and the components of the eligible | 3 |
| | option that were being undertaken by the person; | 4 |
| | (h) the name, and type, of the provider for an eligible option | 5 |
| | mentioned in paragraph (g).' | 6 |

Clause		10 Insertion of new s 48A	7
		Before part 5—	8
		<i>insert—</i>	9
		‘48A Closing of account	10
		‘(1) This section applies if—	11
		(a) there is open a student account for a young person; and	12
		(b) the person dies.	13
		‘(2) The QSA must, as soon as practicable after becoming aware	14
		of the death, close the account.’.	15
 Clause	 	 11 Amendment of s 58 (Consultation about proposed regulations)	 16 17
		Section 58, ‘40(d)’—	18
		<i>omit, insert—</i>	19
		‘40(i)’.	20
 Clause	 	 12 Amendment of s 59 (Aggregated information)	 21
		Section 59(2), definition <i>aggregated information</i> , ‘46(6)’—	22
		<i>omit, insert—</i>	23
		‘46(7)’.	24

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Clause 13	Amendment of s 60 (Transitional)	1
	Section 60, ‘stopped being of compulsory school age’—	2
	<i>omit, insert—</i>	3
	‘turned 15 years or completed year 10’.	4
Clause 14	Amendment of s 61 (Confidentiality)	5
	Section 61(2), from ‘, disclose’ to ‘access to’—	6
	<i>omit, insert—</i>	7
	‘or disclose’.	8
Clause 15	Replacement of s 91 (Insertion of new s 166E of Act No. 30 of 1989)	9
	Section 91—	10
	<i>omit, insert—</i>	11
‘91	Insertion of new s 166E	12
	Part 11, division 4, after section 166D—	13
	<i>insert—</i>	14
‘166E	Compulsory school age	15
	‘(1) Despite section 4A(1), a person who was at least 15 years on 31 December 2005 is not of compulsory school age.	16
	’	17
	‘(2) Subsection (3) applies to a person who—	18
	(a) was less than 15 years on 31 December 2005; and	19
	(b) had completed year 10 before 1 January 2006.	20
	’	21
	‘(3) Despite section 4A(2), the person—	22
	(a) is of compulsory school age while the person is less than 15 years; and	23
	(b) is no longer of compulsory school age on turning 15 years.’.	24
	’.	25
		26

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Clause 16	Amendment of s 98 (Insertion of new s 18A of Act No. 1 of 2002)	1 2
	(1) Section 98, heading, ‘s 18A’—	3
	<i>omit, insert—</i>	4
	‘ss 18A and 18B’.	5
	(2) Section 98, after inserted section 18A—	6
	<i>insert—</i>	7
‘18B	Information about results to be recorded in student account	8 9
	‘(1) This section applies if—	10
	(a) there is open a student account for a young person under the <i>Youth Participation in Education and Training Act 2003</i> , part 4; and	11 12 13
	(b) the authority receives information about the person under section 18A.	14 15
	‘(2) The authority must, as soon as practicable after receiving the information, record the information in the account.’.	16 17
Clause 17	Replacement of s 102 (Amendment of s 7 (Definitions) of Act No. 42 of 1992)	18 19
	Section 102—	20
	<i>omit, insert—</i>	21
‘102	Amendment of s 11 (Act not to apply to certain bodies etc.)	22 23
	‘(1) Section 11(1)(y)—	24
	<i>insert—</i>	25
	‘(viii) aggregated information as defined under the <i>Youth Participation in Education and Training Act 2003</i> , section 46(7).’.	26 27 28
	‘(2) Section 11(4), definition <i>education agencies</i> —	29
	<i>insert—</i>	30
	‘(c) the department in which the <i>Youth Participation in Education and Training Act 2003</i> is administered.’.	31 32

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Clause 18	Omission of s 103 (Amendment of s 11 (Act not to apply to certain bodies etc.) of Act No. 42 of 1992)	1 2
	Section 103—	3
	<i>omit.</i>	4
Clause 19	Amendment of sch 2 (Dictionary)	5
	Schedule 2, definition <i>registered teacher</i> —	6
	<i>omit, insert—</i>	7
	‘ registered teacher see the <i>Education (Queensland College of Teachers) Act 2005</i> , schedule 3.’.	8 9
Part 3	Amendment of Education (General Provisions) Act 1989	10 11
Clause 20	Act amended in pt 3	12
	This part amends the <i>Education (General Provisions) Act 1989</i> .	13 14
Clause 21	Amendment of s 2 (Interpretation)	15
	Section 2(1), definition <i>school of distance education</i> , paragraph (a)—	16 17
	<i>omit, insert—</i>	18
	‘(a) a State school providing distance education; or’.	19
Clause 22	Amendment of s 24 (Instruction to be free)	20
	Section 24—	21
	<i>insert—</i>	22
	‘(2) This section applies subject to section 24A.’.	23

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Clause 23	Insertion of new s 24A	1
	After section 24—	2
	<i>insert—</i>	3
‘24A	Fee for distance education provided by a State school	4
		5
	‘(1) This section applies to a person enrolled in a program of distance education at a State school.	6
		7
	‘(2) The fee prescribed under a regulation must be paid for the provision of distance education to the person under the program.	8
		9
		10
	‘(3) Despite subsection (2), the fee is not payable in the circumstances prescribed under a regulation.’.	11
		12
Clause 24	Amendment of s 152 (Regulation-making power)	13
	Section 152(2)(a), after ‘the fees are payable,’—	14
	<i>insert—</i>	15
	‘the refunding of fees’.	16

Schedule	Other amendments of the Youth Participation in Education and Training Act 2003	1 2 3 4
	section 3	5
1	Section 17(2)— <i>omit, insert—</i>	6 7
	‘(2) Subsection (1) does not apply to suspension from a State educational institution under the EGP Act if the person has been placed in an alternative education program under section 30 of that Act.	8 9 10 11
	<i>Note—</i>	12
	Section 14(1) and (3)(b) provide for how the person participates in the alternative education program.’.	13 14
2	Schedule 2, definition <i>external program</i>, paragraph (a), ‘educational’— <i>omit, insert—</i> ‘education’.	15 16 17 18