

# School Education Amendment Bill 2014

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Western Australia

LEGISLATIVE COUNCIL

## **School Education Amendment Bill 2014**

**A Bill for**

**An Act —**

- **to amend the *School Education Act 1999*; and**
  - **to make consequential amendments to the *School Curriculum and Standards Authority Act 1997*,**
- and for related purposes.**

The Parliament of Western Australia enacts as follows:

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14  
15

**Part 1 — Preliminary**

**1. Short title**

This is the *School Education Amendment Act 2014*.

**2. Commencement**

This Act comes into operation as follows —

- (a) Part 1 comes into operation on the day on which this Act receives the Royal Assent (*assent day*);
- (b) section 29 —
  - (i) comes into operation on assent day if assent day is on or before 1 January 2015; or
  - (ii) is deemed to have come into operation on 1 January 2015 if assent day is later than that day;
- (c) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

1 **Part 2 — School Education Act 1999 amended**

2 **Division 1 — Preliminary**

3 **3. Act amended**

4 This Part amends the *School Education Act 1999*.

5 **Division 2 — Amendments about the registration of**  
6 **non-government schools**

7 **4. Section 150 amended**

8 (1) In section 150 insert in alphabetical order:

9  
10 *advance determination* means an advance  
11 determination made under section 157B(1);

12 *certificate of registration*, in relation to a school,  
13 means a certificate of registration issued to the  
14 governing body of the school under section 162(1)  
15 or (2);

16 *condition* means a condition imposed on the  
17 registration of a school under section 165(1);

18 *direction* means a direction given to the governing  
19 body of a registered school under section 166(1);

20 *quality improvement notice* means a notice given  
21 under section 165A(1);

22 *register* means the register of non-government schools  
23 kept under section 161;

24 *registration change*, in relation to a registered school,  
25 means a change to, or in relation to, any of the things  
26 listed in section 161(1);

27 *school planning proposal* has the meaning given in  
28 section 156;

29 *significant registration change* has the meaning given  
30 in section 156(b);

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1                    **student record**, in relation to a student, means all of the  
2 following —

3                    (a) any information in respect of the student that is  
4 shown on the register referred to in section 19;

5                    (b) any record in respect of the student that is kept  
6 under section 28;

7                    (c) any student record, as defined in the *School*  
8 *Curriculum and Standards Authority Act 1997*  
9 section 19A(1), in respect of the student;  
10

11                    (2) In section 150 in the definition of **governing body**:

12                    (a) in paragraph (a) delete “school or” (each occurrence);

13                    (b) after paragraph (a) insert:

14  
15                    (ba) in relation to a registered school, the person or  
16 body of persons that is recorded in the register  
17 as the governing body of the school; and  
18

19                    (c) in paragraph (b) delete “that exercises a supervisory role  
20 over the schools in the system;” and insert:

21  
22                    that is specified as the governing body of the system in  
23 an order made under section 169;  
24

25                    (3) In section 150 in the definitions of **non-system school** and  
26 **system school** before “school that” insert:

27

28                    registered  
29



- 1 **5. Section 153 amended**
- 2 (1) In section 153:
- 3 (a) delete “The” and insert:
- 4
- 5 (1) The
- 6
- 7 (b) delete “but the Minister cannot give a direction in
- 8 relation to a particular person.” and insert:
- 9
- 10 and the chief executive officer is to give effect to any
- 11 such direction.
- 12
- 13 (2) At the end of section 153 insert:
- 14
- 15 (2) The Minister must not under subsection (1) give a
- 16 direction with respect to the performance of the chief
- 17 executive officer’s functions —
- 18 (a) under Division 3B; or
- 19 (b) in respect of a particular person, governing
- 20 body or school.
- 21 (3) A copy of a direction given under subsection (1)
- 22 must —
- 23 (a) within 14 days after the direction is given, be
- 24 laid before each House of Parliament or dealt
- 25 with under subsection (4); and
- 26 (b) be included in the annual report of the
- 27 department submitted under the *Financial*
- 28 *Management Act 2006* Part 5.

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- 1 (4) The Minister must transmit a copy of the direction to  
2 the Clerk of a House of Parliament if —  
3 (a) at the commencement of the period referred to  
4 in subsection (3)(a) the House is not sitting; and  
5 (b) the Minister is of the opinion that the House  
6 will not sit during that period.
- 7 (5) A copy of a direction transmitted to the Clerk of a  
8 House is to be regarded as having been laid before that  
9 House.
- 10 (6) The laying of a copy of a direction that is regarded as  
11 having occurred under subsection (5) is to be recorded  
12 in the Minutes, or Votes and Proceedings, of the House  
13 on the first sitting day of the House after the receipt of  
14 the copy by the Clerk.  
15

16 **6. Part 4 Division 2 heading replaced**

17 Delete the heading to Part 4 Division 2 and insert:  
18

19 **Division 2 — Offences**  
20

21 **7. Section 154 amended**

22 (1) Delete section 154(1) and insert:  
23

24 (1) A person must not establish or conduct a school for the  
25 education of children unless the school is registered  
26 under section 160.

27 Penalty: a fine of \$10 000 and a daily penalty of \$200.  
28

- 1       (2) In section 154(2):  
2           (a) delete “Subsection (1) does not apply to —” and insert:  
3  
4                   In subsection (1) —  
5                   *school* does not include —  
6  
7           (b) after paragraph (b) insert:  
8  
9                   (ca) a child care service as defined in the *Child Care*  
10                    *Services Act 2007* section 4; or  
11                   (cb) an education and care service as defined in the  
12                    *Education and Care Services National Law*  
13                    (*Western Australia*) section 5(1); or  
14  
15           (c) in paragraph (c) delete “that provides an educational  
16            programme”.

17       (3) Delete section 154(3).

18       Note: The heading to amended section 154 is to read:

19                   **Establishing or conducting an unregistered school**

20       **8. Sections 155 to 162 replaced**

21       Delete sections 155 to 162 and insert:  
22

23       **155. Making false representations**

24       A person must not falsely represent that —

- 25           (a) an establishment is registered under  
26            section 160; or  
27           (b) enrolment in an establishment satisfies the  
28            requirements of section 9(1); or

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- 1 (c) an advance determination is in force in relation  
2 to an establishment.

3 Penalty: a fine of \$10 000.

4 **156A. Schools to be conducted in accordance with**  
5 **registered information**

6 The governing body of a registered school must ensure  
7 that the school —

- 8 (a) is not conducted under a name other than the  
9 name recorded in the register in respect of the  
10 school; and  
11 (b) is not conducted from any place other than the  
12 school premises recorded in the register in  
13 respect of the school; and  
14 (c) does not provide a year level of education other  
15 than a year level of education recorded in the  
16 register in respect of the school; and  
17 (d) does not provide a curriculum other than a  
18 curriculum recorded in the register in respect of  
19 the school.

20 Penalty: a fine of \$10 000 and a daily penalty of \$100.

21 **156B. Notice to be given to CEO about changes to**  
22 **governing bodies of schools**

23 (1) The governing body of a registered school must give  
24 written notice, in accordance with subsection (2), to the  
25 chief executive officer if —

- 26 (a) there is a change to the constitution of the  
27 governing body, whether by the amendment or  
28 substitution of the constitution; or  
29 (b) there is a change to the membership of the  
30 governing body.

31 Penalty: a fine of \$5 000.

- 
- 1           (2) Notice is to be given no later than 30 days after the  
2           change is made and is to be accompanied by —  
3                 (a) if subsection (1)(a) applies — a copy of the  
4                 amendment to the constitution or the  
5                 substituted constitution; and  
6                 (b) if subsection (1)(b) applies — a list of the  
7                 names of any new members and of any persons  
8                 who are no longer members.

9           **156C. Minister or CEO may require information about**  
10           **registered schools**

- 11           (1) The Minister or the chief executive officer may, by  
12           notice in writing, require the governing body of a  
13           registered school to provide, within the period  
14           specified in the notice —  
15                 (a) statistical, educational and financial  
16                 information about the school; and  
17                 (b) any other information about the school relating  
18                 to any matter referred to in section 159 or 160.
- 19           (2) The period specified in the notice must not be less than  
20           14 days from receipt of the notice.
- 21           (3) A governing body must comply with a notice given to  
22           it under this section.  
23           Penalty: a fine of \$5 000.

24           **Division 3A — School planning proposals require an**  
25           **advance determination**

26           **156. What is a school planning proposal**

- 27           A *school planning proposal* is a proposal —  
28                 (a) to establish a non-government school; or

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- 1 (b) to make a registration change to a registered  
2 school that is of a kind prescribed by the  
3 regulations (a *significant registration change*).

4 **157A. Application for advance determination**

- 5 (1) An application may be made to the Minister for an  
6 advance determination about a school planning  
7 proposal.
- 8 (2) An application is to —
- 9 (a) be made in writing at least 18 months, or such  
10 shorter period as may be approved by the  
11 Minister, before it is intended to implement the  
12 school planning proposal; and
- 13 (b) be made in a form approved by the Minister;  
14 and
- 15 (c) be accompanied by the prescribed fee, if any.
- 16 (3) An application is to be made by the governing body of  
17 the school or proposed school.
- 18 (4) The Minister may, in writing, request the governing  
19 body to provide the Minister with such further  
20 information relevant to the application as the Minister  
21 requires.
- 22 (5) The Minister may refuse to consider an application if  
23 the governing body does not comply with a request  
24 made under subsection (4).

25 **157B. Minister may make advance determination**

- 26 (1) The Minister is to make an advance determination, on  
27 an application under section 157A, if the Minister is  
28 satisfied that the school planning proposal is  
29 satisfactory taking into account the policy direction  
30 issued under section 157C.

- 1           (2) The Minister is to specify in an advance determination  
2           the day on which the determination will expire.
- 3           (3) An advance determination is in force until the expiry  
4           day specified in the determination.
- 5           (4) If the Minister is not satisfied as described in  
6           subsection (1), the Minister is to refuse to make an  
7           advance determination.

8           **157C. Policy direction for advance determinations**

- 9           (1) The Minister is to issue a policy direction in respect of  
10          the making of advance determinations.
- 11          (2) In preparing a policy direction the Minister is to —
- 12               (a) have regard to the need for diversity of schools  
13               and educational choices; and
- 14               (b) address the potential for adverse effects on  
15               existing schools; and
- 16               (c) address how previously made advance  
17               determinations that are in force in respect of  
18               schools, and proposed schools, are to be taken  
19               into account; and
- 20               (d) address the need for consultation, in accordance  
21               with procedures prescribed by the regulations,  
22               about school planning proposals; and
- 23               (e) take into account such other matters as the  
24               Minister thinks fit.
- 25          (3) A policy direction —
- 26               (a) is to be published —
- 27                       (i) in the *Gazette*; and
- 28                       (ii) by any other means (including on the  
29                       Internet) that the Minister thinks fit;
- 30               and

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- 1 (b) takes effect —  
2 (i) on the day it is published in the *Gazette*;  
3 or  
4 (ii) if a later day is stated in the direction,  
5 on that day.
- 6 (4) A policy direction may be amended or repealed by a  
7 subsequent policy direction issued by the Minister.
- 8 (5) Subsection (2) applies to and in relation to the  
9 amendment of a policy direction.
- 10 (6) Subsection (3) applies to and in relation to the  
11 amendment or repeal of a policy direction.

12 **157. Notice to be given about decisions on advance**  
13 **determinations**

- 14 (1) The Minister is to notify an applicant in writing —  
15 (a) of a decision to make, or refuse to make, an  
16 advance determination; and  
17 (b) if the decision is to refuse to make an advance  
18 determination, of the reasons for the decision.
- 19 (2) Notification is to be given as soon as is practicable  
20 after the decision is made, but in any event not later  
21 than 6 months after the application is made.

22 **Division 3B — Registration of non-government schools**

23 **Subdivision 1 — Applications and requirements**

24 **158A. When advance determination required before**  
25 **making application under this Division**

- 26 (1) An advance determination must be in force in respect  
27 of a proposal to establish a non-government school  
28 when an application is made under section 158 for the



1 registration of an establishment as a non-government  
2 school.

3 (2) An advance determination must be in force in respect  
4 of a proposal to make a significant registration change  
5 to a registered school when an application is made  
6 under section 159B for that change to be made to, or in  
7 relation to, the school.

8 **158. Application for registration**

9 (1) An application may be made to the chief executive  
10 officer for the registration of an establishment as a  
11 non-government school.

12 (2) An application is to —

13 (a) be made in writing at least 6 months before the  
14 day from which registration is sought; and

15 (b) be made in a form approved by the chief  
16 executive officer; and

17 (c) be accompanied by —

18 (i) a copy of the advance determination  
19 referred to in section 158A(1); and

20 (ii) a statement to the effect that there has  
21 been no material change to the  
22 information provided under  
23 section 157A in relation to the advance  
24 determination;

25 and

26 (d) be accompanied by the prescribed fee, if any.

27 (3) An application is to be made by the governing body of  
28 the proposed school.

29 (4) The chief executive officer may, in writing, request the  
30 governing body to provide the chief executive officer

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- 1 with such further information relevant to the  
2 application as the chief executive officer requires.
- 3 (5) The chief executive officer may refuse to consider an  
4 application if the governing body does not comply with  
5 a request made under subsection (4).
- 6 **159A. Application for renewal of registration**
- 7 (1) An application may be made to the chief executive  
8 officer for the renewal of the registration of a  
9 non-government school.
- 10 (2) A registration change cannot be made on an application  
11 under this section, unless it is an application referred to  
12 in section 172(2).
- 13 (3) An application is to —
- 14 (a) be made in writing at least 6 months but not  
15 more than 12 months before the current period  
16 of registration will end; and
- 17 (b) be made in a form approved by the chief  
18 executive officer; and
- 19 (c) be accompanied by the prescribed fee, if any.
- 20 (4) An application is to be made by the governing body of  
21 the school.
- 22 (5) The chief executive officer may, in writing, request the  
23 governing body to provide the chief executive officer  
24 with such further information relevant to the  
25 application as the chief executive officer requires.
- 26 (6) The chief executive officer may refuse to consider an  
27 application if the governing body does not comply with  
28 a request made under subsection (5).

- 1           **159B. Application for registration change**
- 2           (1) An application may be made to the chief executive
- 3           officer for a registration change in respect of a
- 4           registered school.
- 5           (2) An application is to —
- 6                 (a) be made in writing at least 6 months, or such
- 7                 shorter period as may be approved by the chief
- 8                 executive officer, before it is intended to
- 9                 implement the change; and
- 10                (b) be made in a form approved by the chief
- 11                executive officer; and
- 12                (c) be accompanied by the prescribed fee, if any.
- 13           (3) If the application is in respect of a significant
- 14           registration change, it is to be accompanied by —
- 15                 (a) a copy of the advance determination referred to
- 16                 in section 158A(2); and
- 17                 (b) a statement to the effect that there has been no
- 18                 material change to the information provided
- 19                 under section 157A in relation to the advance
- 20                 determination.
- 21           (4) An application is to be made by the governing body of
- 22           the school.
- 23           (5) The chief executive officer may, in writing, request the
- 24           governing body to provide the chief executive officer
- 25           with such further information relevant to the
- 26           application as the chief executive officer requires.
- 27           (6) The chief executive officer may refuse to consider an
- 28           application if the governing body does not comply with
- 29           a request made under subsection (5).

- 1           **159. Standards for non-government schools**
- 2           (1) The Minister may determine standards for
- 3 non-government schools about any of the following
- 4 matters —
- 5           (a) the curriculum or curriculums of schools;
- 6           (b) staff to student ratios at schools;
- 7           (c) the days, and hours per day, of instruction
- 8 provided by schools;
- 9           (d) the staff of schools;
- 10           (e) the premises that may be used for, or in
- 11 connection with, schools;
- 12           (f) the facilities of schools;
- 13           (g) the number of children in each year level at
- 14 schools;
- 15           (h) the enrolment and attendance procedures at
- 16 schools;
- 17           (i) the management, recording and reporting of
- 18 critical and emergency incidents at schools;
- 19           (j) the arrangements (if any) for board and lodging
- 20 for students on school premises or premises
- 21 associated with schools;
- 22           (k) the response to, and recording of, complaints
- 23 and disputes at schools;
- 24           (l) the arrangements for preventing child abuse at
- 25 schools and for responding to any such abuse
- 26 which may occur;
- 27           (m) the sufficiency of schools' financial resources
- 28 for providing education of the kind for which
- 29 registration is sought;
- 30           (n) any other matter prescribed by the regulations.
- 31           (2) A standard is to be determined in accordance with
- 32 consultation procedures prescribed by the regulations.

- 
- 1           (3) A standard —
- 2                 (a) takes effect —
- 3                         (i) on the day the standard is determined by
- 4                                 the Minister; or
- 5                         (ii) if a later day is stated in the standard, on
- 6                                 that day;
- 7                         and
- 8                 (b) is to be published on a website maintained by
- 9                         the chief executive officer.
- 10           (4) A standard may be amended or repealed by a
- 11                 subsequent determination by the Minister.
- 12           (5) Subsection (2) applies to and in relation to the
- 13                 amendment of a standard.
- 14           (6) Subsection (3) applies to and in relation to the
- 15                 amendment or repeal of a standard.

16           **160. Determining applications for registration and**

17                 **renewal of registration**

- 18           (1) The chief executive officer, on an application under
- 19                 section 158, is to register an establishment as a
- 20                 non-government school if satisfied that —
- 21                         (a) the governing body of the school is the person
- 22                                 or body that has the ownership, management or
- 23                                 control of the school; and
- 24                         (b) the constitution of the governing body of the
- 25                                 school is satisfactory for the purposes of this
- 26                                 Act; and
- 27                         (c) each member of the governing body of the
- 28                                 school is a fit and proper person to operate a
- 29                                 school having regard to —
- 30   (i) the prior conduct, whether in Western
- 31   Australia or elsewhere, of the member,

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- 1 or any person who, as described in  
2 subsection (5), is related to the member;  
3 and  
4 (ii) any other matter the chief executive  
5 officer considers relevant;  
6 and  
7 (d) the school will observe any standards  
8 determined by the Minister under section 159;  
9 and  
10 (e) the day-to-day management and control of the  
11 school by the principal will be separate from  
12 the overall governance of the school by its  
13 governing body; and  
14 (f) the governing body of the school will be  
15 accountable for the following —  
16 (i) development and implementation of an  
17 effective strategic direction for the  
18 school;  
19 (ii) development and implementation of  
20 effective processes to plan for, monitor  
21 and achieve improvements in student  
22 learning;  
23 (iii) effective management of the school's  
24 financial resources in accordance, where  
25 relevant, with any purposes for which  
26 they were provided;  
27 (iv) compliance with all written and other  
28 laws that apply to and in respect of the  
29 school and the operation of the school;  
30 and  
31 (g) the school will provide a satisfactory standard  
32 of education of the kind for which registration  
33 is sought; and

- 
- 1                   (h) the school will provide satisfactory levels of  
2                   care for the children concerned; and
- 3                   (i) there has been no material change to the  
4                   information provided under section 157A in  
5                   relation to the advance determination about the  
6                   proposal to establish the school.
- 7                   (2) The chief executive officer, on an application under  
8                   section 159A, is to renew the registration of a school if  
9                   satisfied as to the matters referred to in subsection (1).
- 10                  (3) Past and current compliance with a matter referred to in  
11                  subsection (1) may be taken into account, where  
12                  relevant, for the purposes of being satisfied as to the  
13                  matter under this Act.
- 14                  (4) If the chief executive officer is not satisfied as required  
15                  under subsection (1) or (2), the chief executive officer  
16                  is to —
- 17                   (a) register, or renew the registration of, the school,  
18                   as is relevant and —
- 19                       (i) give a quality improvement notice; or  
20                       (ii) impose, or change, a condition; or  
21                       (iii) give a direction;
- 22                   or
- 23                   (b) refuse to register, or renew the registration of,  
24                   the school, as is relevant.
- 25                  (5) For the purposes of subsection (1)(c)(i), a person is  
26                  related to a member if —
- 27                   (a) one is an employer or employee of the other; or  
28                   (b) they are partners in a partnership; or  
29                   (c) one is a body corporate and the other —
- 30                       (i) is a director or a member of the  
31                       governing body of the body corporate;  
32                       or

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- 1 (ii) is otherwise involved in the control or  
2 management of the body corporate; or  
3 (iii) has a legal or equitable interest in 5% or  
4 more of the share capital of the body  
5 corporate;  
6 or  
7 (d) one is the trustee or beneficiary of a trust of  
8 which the other is also a trustee or beneficiary;  
9 or  
10 (e) they are associated or related in a manner  
11 prescribed by the regulations; or  
12 (f) a chain of relationships can be traced between  
13 them under one or more of the preceding  
14 paragraphs.

15 **161A. Determining applications for registration change**

- 16 (1) The chief executive officer is to approve an application  
17 under section 159B for a registration change if the  
18 chief executive officer is satisfied —  
19 (a) as to the matters referred to in section 160(1)  
20 that, in the opinion of the chief executive  
21 officer, are relevant to the application; and  
22 (b) if the application is in respect of a significant  
23 registration change, there has been no material  
24 change to the information supplied under  
25 section 157A in relation to the advance  
26 determination about the proposal to make the  
27 significant registration change.  
28 (2) If the chief executive officer is not satisfied as required  
29 under subsection (1), the chief executive officer is  
30 to —  
31 (a) approve the application and —  
32 (i) give a quality improvement notice; or



- 1                                   (ii) impose, or change, a condition; or  
2                                   (iii) give a direction;  
3                                   or  
4                                   (b) refuse to approve the application.
- 5           (3) If the chief executive officer approves the application,  
6           the chief executive officer is to amend the information  
7           that is recorded in the register in respect of the school  
8           in accordance with the approval.

9           **161B. Notice to be given about decisions under this**  
10           **Subdivision**

- 11           (1) The chief executive officer is to notify an applicant in  
12           writing —  
13                               (a) of a decision made under this Subdivision; and  
14                               (b) of the reasons for the decision, if the decision is  
15                               to —  
16                                   (i) refuse to register, or to renew the  
17                                   registration of, a school; or  
18                                   (ii) refuse to approve an application for a  
19                                   registration change in respect of a  
20                                   school.
- 21           (2) Notification is to be given as soon as is practicable  
22           after the decision is made, but, unless the application is  
23           for the renewal of registration, in any event not later  
24           than 6 months after the application is made.

25           **Subdivision 2 — Register and certificates of registration**

26           **161. Register of non-government schools to be kept**

- 27           (1) The chief executive officer is to keep an accurate and  
28           up-to-date register that records the following  
29           information in respect of each registered school —  
30                               (a) the name of the school;

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- 1 (b) the address of the school and the location of all  
2 other school premises;
- 3 (c) the year levels of education that the school may  
4 provide;
- 5 (d) the curriculum or curriculums that the school  
6 may provide;
- 7 (e) the name of the governing body of the school;
- 8 (f) any other information prescribed by the  
9 regulations.
- 10 (2) The following information is also to be recorded in the  
11 register in respect of each registered school —
- 12 (a) the date on which the period of registration  
13 starts and, unless the school is a member of a  
14 school system, the date on which the period of  
15 registration ends;
- 16 (b) any condition of the school's registration;
- 17 (c) any direction given in relation to the school.
- 18 (3) The register may be kept in any way the chief  
19 executive officer thinks appropriate, including by  
20 electronic means.

21 **162. Certificate of registration**

- 22 (1) The chief executive officer is to issue a certificate of  
23 registration to the governing body of a school that is  
24 granted registration, or renewal of registration,  
25 specifying the information that is recorded in the  
26 register in respect of the school.
- 27 (2) The chief executive officer is to issue a new certificate  
28 of registration to the governing body of a school if the  
29 information recorded in the register in respect of the  
30 school is amended.

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**163A. Surrender of certificate of registration**

- (1) The governing body of a school is to surrender to the chief executive officer the certificate of registration of the school within 14 days after the governing body is notified in writing that —
    - (a) the registration of the school is cancelled under section 167; or
    - (b) the renewal of the registration of the school is refused under section 160(4)(b); or
    - (c) the certificate is to be surrendered under this section because a certificate is to be issued under section 162(2) as information recorded in the register in respect of the school has been amended.
- Penalty: a fine of \$5 000.
- (2) It is a defence to a prosecution for an offence against subsection (1) for the governing body to show that the failure to surrender the certificate is due to its loss or destruction.

**9. Section 163 amended**

- (1) In section 163(1) delete “7 years.” and insert:  
  
5 years.
- (2) After section 163(2) insert:
- (3) Despite subsection (1) and (2), the registration of a school that is the subject of an application under section 159A continues until a decision on the application is made under section 160.

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1 **10. Part 4 Division 3B Subdivision 3 heading inserted**

2 After section 163 insert:

3

4 **Subdivision 3 — Notices, conditions, directions**  
5 **and cancellations**  
6

7 **11. Sections 164 to 167 replaced**

8 Delete sections 164 to 167 and insert:

9

10 **164. Continuing suitability of governing body**

11 (1) The chief executive officer may assess the suitability of  
12 the governing body of a registered school —

13 (a) as soon as is possible after receiving a notice  
14 under section 156B; and

15 (b) at any other time the chief executive officer  
16 sees fit.

17 (2) If, after conducting an assessment, the chief executive  
18 officer is not satisfied as to any matter referred to in  
19 section 160(1)(a), (b) and (c) the chief executive officer  
20 must —

21 (a) give a quality improvement notice; or

22 (b) impose, or change, a condition; or

23 (c) give a direction; or

24 (d) cancel the registration of the school under  
25 section 167(1)(c).

26 (3) The chief executive officer may, in writing, request the  
27 governing body of a registered school to provide the  
28 chief executive officer with any relevant information  
29 that the chief executive officer requires for the

1 purposes of conducting an assessment under this  
2 section.

3 **165A. Quality improvement notices**

- 4 (1) The chief executive officer may give a quality  
5 improvement notice to the governing body of a  
6 registered school at any time if not satisfied as to any  
7 matter referred to in section 160(1).
- 8 (2) A quality improvement notice is to be in writing and is  
9 to —
- 10 (a) identify the matter that the chief executive  
11 officer is not satisfied as to; and
- 12 (b) specify —
- 13 (i) the remedial action required in respect  
14 of the matter; and
- 15 (ii) if relevant, the period of time within  
16 which the action is to be taken.
- 17 (3) If a matter identified under subsection (2)(a) is a failure  
18 to observe a standard determined by the Minister under  
19 section 159, then the standard is also to be identified in  
20 the notice.

21 **165. Conditions of registration**

- 22 (1) The chief executive officer may impose a condition on  
23 the registration of a school, or change an existing  
24 condition, at any time if —
- 25 (a) not satisfied as to any matter referred to in  
26 section 160(1); or
- 27 (b) not satisfied that a quality improvement notice  
28 given to the governing body of the school has  
29 been complied with.

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- 1 (2) A condition is to be in writing and is to —  
2 (a) identify —  
3 (i) the matter that the chief executive  
4 officer is not satisfied as to; or  
5 (ii) the quality improvement notice that the  
6 chief executive officer is not satisfied  
7 has been complied with;  
8 and  
9 (b) specify —  
10 (i) any remedial action required in respect  
11 of the matter or quality improvement  
12 notice; and  
13 (ii) if relevant, the period of time within  
14 which the action is to be taken.
- 15 (3) If a matter identified under subsection (2)(a)(i) is a  
16 failure to observe a standard determined by the  
17 Minister under section 159, then the standard is also to  
18 be identified in the condition.
- 19 (4) The governing body of a registered school must ensure  
20 that a condition imposed on the registration of the  
21 school is complied with.
- 22 (5) The chief executive officer may remove a condition if  
23 satisfied that the condition has been complied with or is  
24 no longer required.

25 **166. Directions to comply**

- 26 (1) The chief executive officer may give a written  
27 direction to the governing body of a registered school  
28 at any time if —  
29 (a) not satisfied as to any matter referred to in  
30 section 160(1); or

- 1                   (b) not satisfied that any condition of the school's  
2                   registration is being complied with.
- 3           (2) A direction is to be in writing and is to —
- 4                   (a) identify —
- 5                           (i) the matter that the chief executive  
6                           officer is not satisfied as to; or
- 7                           (ii) the condition that the chief executive  
8                           officer is not satisfied is being complied  
9                           with;
- 10                   and
- 11                   (b) specify —
- 12                           (i) any remedial action required in respect  
13                           of the matter or condition; and
- 14                           (ii) if relevant, the period of time within  
15                           which the action is to be taken.
- 16           (3) If a matter identified under subsection (2)(a)(i) is a  
17           failure to observe a standard determined by the  
18           Minister under section 159, then the standard is also to  
19           be identified in the direction.
- 20           (4) The governing body of a registered school must ensure  
21           that a direction given in relation to the school is  
22           complied with.
- 23           (5) The chief executive officer may withdraw a direction if  
24           satisfied that the direction has been complied with or is  
25           no longer required.

26           **167A. No new enrolments while a direction is outstanding**

27                   A governing body of a registered school that has been  
28                   given a direction is to ensure that no children are  
29                   accepted for enrolment at the school until the direction  
30                   is withdrawn under section 166(5).

31                   Penalty: a fine of \$10 000.

- 1           **167.   Cancelling registration**
- 2           (1) The chief executive officer may cancel the registration
- 3           of a registered school at any time if —
- 4                 (a) satisfied that the school or its governing body is
- 5                 not complying with —
- 6                         (i) this Act; or
- 7                         (ii) a condition; or
- 8                         (iii) a direction;
- 9                 or
- 10                (b) satisfied that it is in the best interests of the
- 11                children at the school to do so; or
- 12                (c) not satisfied as to any matter referred to in
- 13                section 160(1).
- 14           (2) The chief executive officer is to cancel the registration
- 15           of a school at the written request of the governing body
- 16           of the school.
- 17           (3) A request by a governing body to cancel the
- 18           registration of a school is to be accompanied by a copy
- 19           of the student record for each student currently enrolled
- 20           at the school.
- 21           (4) The chief executive officer is not to cancel the
- 22           registration of a school under subsection (1) without
- 23           first —
- 24                 (a) notifying the governing body of the proposed
- 25                 cancellation and of the reasons for it; and
- 26                 (b) giving the governing body a reasonable
- 27                 opportunity to show why the registration should
- 28                 not be cancelled.
- 29           (5) Subsection (4) does not apply if, in the opinion of the
- 30           chief executive officer, the health or welfare of any
- 31           person may be at risk if the registration is not cancelled
- 32           immediately.



- 1           (6) On cancelling the registration of a school, the chief  
2           executive officer is to give to the governing body of the  
3           school written notice stating —
- 4                 (a) that the registration of the school is cancelled  
5                 and giving the reasons for the cancellation; and  
6                 (b) the time when the cancellation takes effect.
- 7           (7) The cancellation takes effect at such time as is  
8           specified in the notice given under subsection (6).
- 9           (8) The chief executive officer may, by notice in writing,  
10           require the governing body of a registered school to  
11           provide to the chief executive officer, as soon as is  
12           possible after receiving the notice, a copy of the  
13           student record for each student currently enrolled at the  
14           school if —
- 15                 (a) the school has requested that its registration be  
16                 cancelled; or  
17                 (b) the chief executive officer has made a decision  
18                 to cancel the registration of the school.
- 19           (9) A governing body must comply with a notice given to  
20           it under subsection (8).  
21           Penalty: a fine of \$10 000.

23   **12. Part 4 Division 3C heading inserted**

24           Before section 168 insert:  
25

26                           **Division 3C — Review of decisions under**  
27                           **Divisions 3A and 3B**  
28

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1 **13. Section 168 amended**

2 Delete section 168(1) and (2) and insert:

3

4 (1) The governing body of a school, or proposed school,  
5 may apply in writing to the Minister for a review of  
6 any of the following —

- 7 (a) a decision under section 157B(4) to refuse to  
8 make an advance determination;
- 9 (b) a decision under section 160(4)(b) to refuse to  
10 register, or renew the registration of, the school;
- 11 (c) a decision under section 161A(2)(b) to refuse to  
12 approve an application for a registration  
13 change;
- 14 (d) a decision to impose, or change, a condition to  
15 which the school's registration is subject;
- 16 (e) a decision to give a direction in relation to the  
17 school;
- 18 (f) a decision under section 167(1) to cancel the  
19 registration of the school.

20 (2) The application is to —

- 21 (a) be made in writing within 20 days after the  
22 applicant receives written notice of the  
23 decision; and
- 24 (b) if reasons are given for the decision, address the  
25 reasons for the decision; and
- 26 (c) be made in a form approved by the Minister;  
27 and
- 28 (d) be accompanied by the prescribed fee, if any.

29

30 Note: The heading to amended section 168 is to read:

31 **Review of certain decisions**

1 **14. Section 169 amended**

2 In section 169(2) delete “schools.” and insert:

3

4 schools (the *governing body of the system*).

5

6 **15. Section 172 amended**

7 (1) In section 172(1) delete “wishes to withdraw from the system  
8 and apply for registration as a non-system school.” and insert:

9

10 intends to withdraw from the system.

11

12 (2) Delete section 172(2) and (3) and insert:

13

14 (2) Despite section 159A(3)(a), an application under  
15 section 159A for the renewal of the registration of a  
16 school that withdraws from a school system can be  
17 made within one month after the withdrawal of the  
18 school from the system.

19 (3) The Minister is to inform the governing body of the  
20 relevant school system of the notice given under  
21 subsection (1).

22

23 **16. Section 174 amended**

24 (1) In section 174(1):

25 (a) in paragraph (a) delete “responsibility of the governing  
26 body for the supervision” and insert:

27

28 accountability of the governing body for the proper  
29 oversight and management

30

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- 1 (b) in paragraph (b) delete “schools of” and insert:  
2  
3 schools in  
4
- 5 (c) delete paragraph (c) and insert:  
6  
7 (c) the provision of the information referred to in  
8 section 156C by the governing body of the  
9 system on behalf of the schools in the system;  
10 and  
11 (da) the methods by which the governing body will  
12 ensure that satisfactory levels of care are  
13 maintained for the children in the schools in the  
14 system; and  
15
- 16 (d) in paragraph (d) delete “schools within” and insert:  
17  
18 schools in  
19
- 20 (2) Delete section 174(2) and insert:  
21
- 22 (2) A system agreement may also include provisions as to  
23 any of the following —  
24 (a) the delegation of responsibility for registration  
25 and performance review of the schools in the  
26 system to the governing body of the system;  
27 (b) the provision of information about the system  
28 including —  
29 (i) statistical, educational and financial  
30 information; and  
31 (ii) information about policies, procedures  
32 and practices;

- 1                   (c) the manner in which compliance by the  
2                   governing body with the system agreement is to  
3                   be audited and reported to the Minister;  
4                   (d) any other matter prescribed by the regulations.  
5

6 **17. Part 4 Division 4 heading replaced**

7 Delete the heading to Part 4 Division 4 and insert:  
8

9 **Division 4 — Inspection of registered schools**  
10

11 **18. Section 176 amended**

12 (1) Delete section 176(1) and insert:  
13

- 14 (1) The chief executive officer may authorise a person to  
15 inspect registered schools for all or any of the  
16 following purposes —  
17           (a) to ensure that the following are being complied  
18           with —  
19               (i) this Act;  
20               (ii) a quality improvement notice;  
21               (iii) a condition;  
22               (iv) a direction;  
23           (b) to inquire into the following —  
24               (i) any matter referred to in section 160(1);  
25               (ii) where any matter referred to in  
26               section 160(1) has not been complied  
27               with, the causes of the failure to  
28               comply.  
29

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- 1 (2) In section 176(2):  
2 (a) delete “Minister” and insert:  
3  
4 chief executive officer  
5  
6 (b) delete paragraph (a) and insert:  
7  
8 (a) the full name of the person so authorised; and  
9
- 10 (3) In section 176(3)(b) after “records” insert:  
11  
12 (including student records)  
13
- 14 (4) Delete section 176(4).
- 15 **19. Section 177 amended**
- 16 (1) Delete section 177(1) and insert:  
17  
18 (1) The chief executive officer may authorise a person to  
19 inspect a registered school without notice for any of the  
20 purposes referred to in section 176(1) if the chief  
21 executive officer is of the opinion that it is necessary to  
22 do so because the health or welfare of a person may be  
23 at risk.  
24
- 25 (2) In section 177(2):  
26 (a) delete “Minister” and insert:  
27  
28 chief executive officer  
29

- 1                   (b) delete paragraph (a) and insert:  
2  
3                   (a) the full name of the person so authorised; and  
4  
5           (3) In section 177(3):  
6                   (a) in paragraph (b) after “records” insert:  
7  
8                               (including student records)  
9  
10                   (b) in paragraph (c) delete “Minister to do so, take  
11                               possession of any records” and insert:  
12  
13                               chief executive officer to do so, take possession of any  
14                               records (including student records)  
15

16   **20.       Sections 180 and 181 deleted**

17               Delete sections 180 and 181.

18               Note: The note under the heading to amended Part 4 is to read:

19   **What this Part is about**

20   This Part requires non-government schools to be registered and makes various  
21   provisions about their operation and funding.

22   In particular it deals with —

- 23               • advance determinations about proposals to establish, or make certain changes  
24               to, non-government schools (*school planning proposals*) (Division 3A);  
25               • registration of non-government schools (Division 3B);  
26               • review of decisions about advance determinations or registration  
27               (Division 3C);  
28               • recognition of groups of registered schools (*school systems*) and agreements  
29               between the Minister and the governing body of a school system about the  
30               operation of schools in the group (Division 3);  
31               • inspection of registered schools (Division 4);

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- 1       • the allocation of funds appropriated by Parliament for registered schools  
2       (Division 5);  
3       • loans to registered schools or school systems for capital works (Division 6).

4       **21. Schedule 1 Division 3 inserted**

5       At the end of Schedule 1 insert:  
6

7                       **Division 3 — Transitional provisions for the *School***  
8                       ***Education Amendment Act 2014***

9       **26. Terms used**

10       In this Division —

11       *commencement* means the commencement of the *School*  
12       *Education Amendment Act 2014* Part 2 Division 2;

13       *former provisions* means this Act as in force immediately  
14       before commencement.

15       **27. Interpretation Act 1984 not affected**

16       Except to the extent this Division or regulations made under  
17       clause 32 expressly provide otherwise, the *Interpretation*  
18       *Act 1984* Part V applies in relation to the amendments  
19       effected by the *School Education Amendment Act 2014*.

20       **28. Pending applications and reviews of certain decisions**

21       (1) In this clause —

22       *pending application* means an application under section 157  
23       or 158 made, but not determined, before commencement.

24       (2) The former provisions continue to apply in relation to the  
25       determination of a pending application.

26       (3) The former provisions continue to apply in relation to an  
27       application for, and the determination of, a review under  
28       section 168 of—

29               (a) a decision made under this Act before  
30               commencement; or



- 1                   (b) a decision made on a pending application to refuse  
2                   to register a school.

3           **29. Application for imminent renewal of registration**

- 4           (1) In this clause —  
5           *application for imminent renewal of registration* means an  
6           application under Part 4 for the renewal of registration of a  
7           school —  
8           (a) made, but not determined, before commencement;  
9           or  
10           (b) made after commencement where the current period  
11           of registration ends within 12 months after  
12           commencement.  
13           (2) The former provisions continue to apply in relation to the  
14           determination of an application for the imminent renewal of  
15           registration.

16           **30. Advance determinations under former provisions**  
17           **continue**

- 18           (1) In this clause —  
19           *advance determination under the former provisions* means  
20           an advance determination —  
21           (a) that is in force under section 157 of the former  
22           provisions immediately before commencement; or  
23           (b) made by the Minister under section 157 of the  
24           former provisions on a pending application under  
25           clause 28.  
26           (2) On and after commencement, an advance determination  
27           under the former provisions is to be taken to be an advance  
28           determination made under section 157B and for that purpose  
29           a reference in this Act to information provided under  
30           section 157A is to be taken to be a reference to information  
31           provided under section 157 of the former provisions.

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**Part 2** School Education Act 1999 amended

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**s. 21**

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- 1           **31.       Directions in force before commencement**
- 2                           Section 167A does not apply in relation to a direction given
- 3                           under section 166 that is in force immediately before
- 4                           commencement.
- 5           **32.       Transitional regulations**
- 6                   (1) If there is no sufficient provision in this Division for dealing
- 7                   with a transitional matter, the Governor may make
- 8                   regulations prescribing all matters that are required or
- 9                   necessary or convenient to be prescribed in relation to that
- 10                   matter.
- 11                   (2) In subsection (1) —
- 12                           *transitional matter* means a matter that needs to be dealt
- 13                           with for the transition required because of the enactment of
- 14                           the *School Education Amendment Act 2014*.
- 15                   (3) Regulations made under subsection (1) may provide that
- 16                   specific provisions of any written law —
- 17                           (a) do not apply in relation to any matter; or
- 18                           (b) apply with specific modifications in relation to any
- 19                           matter.
- 20                   (4) If regulations made under subsection (1) provide that a
- 21                   specified state of affairs is to be taken to have existed, or not
- 22                   to have existed, on and from a day that is earlier than the
- 23                   day on which the regulations are published in the *Gazette*
- 24                   but not earlier than commencement, the regulations have
- 25                   effect according to their terms.
- 26                   (5) In subsection (4) —
- 27                           *specified* means specified or described in the regulations.
- 28                   (6) If regulations contain a provision referred to in
- 29                   subsection (4), the provision does not operate so as —
- 30                           (a) to affect in a manner prejudicial to any person
- 31                           (other than the State or an authority of the State),
- 32                           the rights of that person existing before the
- 33                           regulations were published in the *Gazette*; or

- 1 (b) to impose liabilities on any person (other than the  
2 State or an authority of the State) in relation to  
3 anything done or omitted to be done before the  
4 regulations were published in the *Gazette*.  
5

6 **Division 3 — Other amendments**

7 **22. Long title amended**

8 In the long title:

- 9 (a) in the last bullet point delete “**education;**” and insert:  
10

11 **education; and**  
12

- 13 (b) after the last bullet point insert:  
14

- 15 • **for the use of property that is vested in the Minister;**  
16 **and**  
17

18 **23. Section 9 amended**

19 In section 9(3) delete “all”.

20 **24. Section 11AA inserted**

21 After section 10 insert:  
22

23 **11AA. Proof of enrolment to be provided**

24 (1) If the chief executive officer is of the opinion that  
25 section 9(1) is not being complied with in respect of a  
26 child to whom it applies, then the chief executive  
27 officer, by notice in writing to a parent of the child,  
28 may request the parent to provide —

- 29 (a) proof that the child is enrolled in a school for  
30 the current year; or

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**Part 2** School Education Act 1999 amended

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- 1 (b) proof that a parent of the child is currently  
2 registered under section 48 as the child's home  
3 educator.
- 4 (2) A parent to whom notice is given under subsection (1)  
5 must provide the chief executive officer with the proof  
6 requested —
- 7 (a) in writing; and  
8 (b) within the time specified in the notice.
- 9 Penalty: a fine of \$2 500.  
10

11 **25. Section 11M amended**

12 Delete section 11M(3)(a) and insert:

- 13
- 14 (a) the Executive Director Catholic Education in  
15 Western Australia; and  
16

17 **26. Section 26 amended**

18 After section 26(2) insert:

- 19
- 20 (3) Under subsection (2)(b)(ii), a Panel may advise that a  
21 responsible parenting agreement under the *Parental*  
22 *Support and Responsibility Act 2008* be entered into,  
23 and complied with, in respect of the child.  
24

25 **27. Section 40 amended**

26 After section 40(2) insert:

- 27
- 28 (3A) Under subsection (2)(b), a Panel may advise that a  
29 responsible parenting agreement under the *Parental*

1                                    *Support and Responsibility Act 2008* be entered into,  
2                                    and complied with, in respect of the child.  
3

4    **28.      Section 42 amended**

5            (1)    In section 42(1)(a) and (1a)(a) delete “all”.

6            (2)    Delete section 42(4).

7            (3)    In section 42(5) delete “and, if a report is required under  
8                                    subsection (4), a copy of the report are” and insert:

9

10                                is

11

12            (4)    Delete section 42(6) and insert:

13

14                                (6)    Where in any proceedings a document is produced  
15    purporting to be a certificate given under subsection (1)  
16    or (1a), the court is to presume, unless the contrary is  
17    shown, that the document is such a certificate.  
18

19    **29.      Section 97 amended**

20            In section 97 in the definition of *first charges payment year*:

21                                (a)    in paragraph (b):

22    (i)    delete “January 2011,” and insert:

23

24    1 January 2011 until 31 December 2014,

25

26    (ii)    delete “year” and insert:

27

28    year; and

29

1 (b) after paragraph (b) insert:

2

3 (c) on and from 1 January 2015, means the first  
4 calendar year in which the student has reached  
5 11 years and 6 months by the beginning of the  
6 year;

7

8 **30. Section 213 amended**

9 In section 213 insert in alphabetical order:

10

11 *joint arrangement* means an arrangement entered into  
12 by the Minister for purposes that are complementary  
13 and beneficial to the purposes of school education and  
14 which involves any or all of the following —

15 (a) enabling any property vested in the Minister to  
16 be used for the purposes of the arrangement  
17 (*joint use property*);

18 (b) controlling and managing the use of joint use  
19 property for the purposes of the arrangement;

20 (c) sharing the use of joint use property for the  
21 purposes of the arrangement and for the  
22 purposes of school education;

23

24 Note: The heading to amended section 213 is to read:

25 **Terms used**

26 **31. Section 216 amended**

27 (1) Delete section 216(1) and insert:

28

29 (1) The Minister may do all things necessary or convenient  
30 to be done for the purposes of —

31 (a) school education; or

- 1                   (b) furthering the best interests of students and  
2                   educational programmes in government  
3                   schools; or  
4                   (c) carrying out joint arrangements.  
5

6           (2) In section 216(2) delete “the purpose” and insert:  
7

8                   any of the purposes  
9

10 **32. Sections 218 and 219 replaced**

11           Delete sections 218 and 219 and insert:  
12

13 **218. Licences by Minister for use of tangible property**

- 14           (1) This section applies to a licence granted by the  
15           Minister to a person for the use of tangible property  
16           that is vested in the Minister.
- 17           (2) A licence is not to be granted if the use of the property  
18           would adversely affect the safety or welfare of  
19           students, teaching staff or other persons employed at  
20           any school to which the property relates.
- 21           (3) A licence —
- 22                   (a) must be in writing; and  
23                   (b) may provide for a payment to be made by the  
24                   licensee in connection with the use of the  
25                   property; and  
26                   (c) may provide for an amount of money to be paid  
27                   by the licensee as security for the performance  
28                   of the licensee’s obligations under the licence;  
29                   and  
30                   (d) is otherwise to be on such terms and subject to  
31                   such conditions as the Minister thinks fit.

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- 1 (4) A licence granted for the use of property that is not in  
2 use by the school to which the property relates —
- 3 (a) is not to be granted for a period of more than —
- 4 (i) in the case of a licence granted by a  
5 subdelegate acting under section 225 —  
6 2 years; or
- 7 (ii) otherwise — 5 years;
- 8 and
- 9 (b) may be renewed once or more than once for a  
10 period or successive periods, each not  
11 exceeding the period allowed under  
12 paragraph (a)(i) or (ii).
- 13 (5) The use of property in respect of which a licence  
14 referred to in subsection (4) applies must not interfere  
15 with the normal operations of the school to which the  
16 property relates.
- 17 (6) A licence granted for the purposes of a joint  
18 arrangement may provide for all things necessary or  
19 convenient to be done for the purpose of furthering the  
20 joint arrangement, including —
- 21 (a) the establishment, composition, powers and  
22 duties of a management committee to manage  
23 and control the use of the property in  
24 accordance with the licence and the joint  
25 arrangement; and
- 26 (b) setting out how the property is to be shared and  
27 how disputes as to the use of the property are to  
28 be resolved; and
- 29 (c) the provision of facilities relating to the  
30 property; and
- 31 (d) payment to be made to the Minister by the  
32 licensee by way of contribution towards the



- 1 costs incurred in the provision of any facilities;  
2 and  
3 (e) the appointment and remuneration of staff with  
4 respect to the use of the property and any  
5 facilities.  
6

7 **33. Section 220 amended**

8 In section 220(a):

- 9 (a) delete “to which section 218 applies —” and insert:

10

11 referred to in section 218(4) —

12

- 13 (b) in subparagraph (ii) delete “218(2)(c) or (d);” and insert:

14

15 218(3)(b) or (c);

16

17 **34. Section 240 amended**

18 In section 240(1):

- 19 (a) delete paragraph (b) and insert:

20

- 21 (b) that the presence of the person —

22

23 (i) on the premises of that school  
24 constitutes a risk to the safety or welfare  
of students at the premises; or

25

26 (ii) on the premises of any government  
27 school constitutes a risk to the safety or  
welfare of students generally,

28

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(b) delete “him or her to leave the school premises and remain away —” and insert:

the person to leave the premises of the school specified in the order and remain away from those premises, or from the premises of all government schools, as the case requires —

**35. Various penalties amended**

In the provisions listed in the Table after “Penalty:” insert:

a fine of

**Table**

s. 9(2)	s. 13(3)
s. 15	s. 27(4)
s. 29(1)	s. 35
s. 36(3)	s. 37
s. 38(1) and (2)	s. 43(2)
s. 120(2)	s. 121(1)
s. 149(4)	s. 179
s. 240(3)	s. 242(1)

1           **Part 3 — School Curriculum and Standards Authority**  
2    **Act 1997 amended**

3   **36.       School Curriculum and Standards Authority**  
4    **Act 1997 amended**

5                    This Part amends the *School Curriculum and Standards*  
6                    *Authority Act 1997*.

7   **37.       Section 3 amended**

8                    In section 3 in the definition of *governing body* delete  
9                    paragraphs (b) and (c) and insert:

- 10
- 11                                   (b)   in relation to a non-government school as  
12                                    defined in the School Education Act, means the  
13                                    governing body of that school under that Act;
- 14

=====