



Queensland

Education Legislation Amendment Act 2009

Act No. 39 of 2009



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Queensland

Education Legislation Amendment Act 2009

Act No. 39 of 2009

An Act to amend the Child Care Act 2002, the Education (General Provisions) Act 2006, the Education (Queensland Studies Authority) Act 2002 and the University of Queensland Act 1998 for particular purposes

[Assented to 15 October 2009]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Education Legislation Amendment Act 2009*.

2 Commencement

Part 2 commences on 1 February 2010.

Part 2 Amendment of Child Care Act 2002

3 Act amended

This part amends the *Child Care Act 2002*.

4 Amendment of s 49 (Licensee to give notice of revocation or suspension of licence)

(1) Section 49(4) to (7)—

renumber as section 49(5) to (8).

(2) Section 49—

insert—

‘(4) A notice given under subsection (3) must include the reasons given in the chief executive’s notice for revoking or suspending the licence.’.

5 Insertion of new pt 2, div 9A

Part 2, after section 50A—

insert—

‘Division 9A Publication of information about decision to amend, suspend, revoke or refuse to renew licence

‘50B Non-application to school age care service

‘This division does not apply to a school age care service.

‘50C Publication of information

- ‘(1) This section applies if the chief executive, in relation to the licence of a child care service, takes one of the following actions—
- (a) under section 21, refuses to renew the licence;
 - (b) under section 42, other than under section 42(5), amends the licence;
 - (c) under section 43, urgently amends the licence;
 - (d) under section 45, other than section 45(7), suspends or revokes the licence;
 - (e) under section 46, urgently suspends the licence.
- ‘(2) The chief executive must publish, on a publicly accessible website of the department, the information mentioned in section 50D about the action taken.
- ‘(3) Subsection (2) is subject to section 50E.

‘50D Information that must be published

- ‘(1) For section 50C(2), the following information must be published—

[s 5]

- (a) if the licence is for a centre based service—
 - (i) the address of the child care centre; and
 - (ii) the name by which the centre is known;
 - (b) if the licence is for a home based service—
 - (i) the address of the home based service; and
 - (ii) the name by which the service is known;
 - (c) the action taken by the chief executive;
 - (d) the chief executive’s reason for taking the action.
- ‘(2) Subsection (1)(b)(i) does not apply if the address of the home based service is also the home address of a carer in the service.
- ‘(3) The following information must also be published in relation to the action taken—
- (a) for a refusal under section 21 to renew the licence—the day on which the licence expired;
 - (b) for an amendment of the licence under section 42, other than under section 42(5)—
 - (i) the details of the amendment; and
 - (ii) the day on which the amendment had effect;
 - (c) for an urgent amendment of the licence under section 43—
 - (i) the details of the amendment; and
 - (ii) the day on which the amendment had effect and the day on which it ceases to have effect;
 - (d) for a suspension of the licence under section 45, other than section 45(7)—the day on which the suspension had effect and the day on which it ends;
 - (e) for an urgent suspension of the licence under section 46—the day on which the suspension had effect and the day on which it ends;

- (f) for a revocation of the licence under section 45, other than section 45(7)—the day on which the revocation had effect.

‘50E When information may be published

- ‘(1) The chief executive must not publish the information until the end of the period within which the licensee may apply for a review of the chief executive’s decision to take the action mentioned in section 50C(1).
- ‘(2) If the licensee applies for a review of the chief executive’s decision—
 - (a) the chief executive must not publish the information until the application is finally dealt with or otherwise ends; and
 - (b) if the application for review is finally dealt with, the chief executive may publish the information only to the extent the information is consistent with the decision on review.
- ‘(3) In this section—
licensee includes a person whose licence has been suspended or revoked.

‘50F When published information must be amended

- ‘(1) Subsection (2) applies if—
 - (a) information about the suspension, or urgent suspension, of a licence was published under section 50C(2); and
 - (b) the suspension has been lifted.
- ‘(2) The chief executive must amend the published information to include the following information—
 - (a) the suspension of the licence has been lifted;
 - (b) the day the suspension was lifted.

[s 5]

‘50G Period of publication of information

- ‘(1) The chief executive must ensure information published under section 50C(2) remains on the department’s website until the day that is 3 years after the day it is published.
- ‘(2) However, if the licence to which the information relates is transferred to another person before the day mentioned in subsection (1), the chief executive must remove the information from the website as soon as practicable after the transfer takes effect.
- ‘(3) Subsection (2) does not apply in any of the following circumstances—
 - (a) if—
 - (i) before the transfer, the licence was held by a corporation; and
 - (ii) after the transfer, a person who is or was an executive officer of the corporation is—
 - (A) the person, or one of the persons, to whom the licence was transferred; or
 - (B) an executive officer of a corporation to whom the licence was transferred;
 - (b) if—
 - (i) before the transfer, the licence was held by an individual; and
 - (ii) after the transfer, the individual is—
 - (A) one of the persons to whom the licence was transferred; or
 - (B) an executive officer of a corporation to whom the licence was transferred;
 - (c) if—
 - (i) before the transfer, the licence was held by a group of persons; and
 - (ii) after the transfer, one of the persons is—

-
- (A) the person, or one of the persons, to whom the licence was transferred; or
- (B) an executive officer of a corporation to whom the licence was transferred.’

6 Insertion of new ss 143A–143E

Part 7, division 2, after section 143—

insert—

‘143A Publication of information about compliance notices

‘(1) This section applies if—

- (a) an authorised officer gives a compliance notice under section 142 to a person who is—
- (i) the licensee of a child care service; or
- (ii) a person conducting a stand alone service; and
- (b) within 3 years after the day the notice is given to the person, an authorised officer gives another compliance notice to the person; and
- (c) in each case, the authorised officer is reasonably satisfied that, because of the non-compliance to which the notice relates, there is more than a minor risk to the wellbeing and safety of children being provided with child care.

Examples of minor risk—

- inadequate play equipment
- minor build-up of dirt and grime
- minor irregularities in record-keeping, for example, out of date records of name, address or telephone numbers of some staff members

Examples of more than a minor risk—

- uneven ground in outdoor play areas that may pose a significant tripping hazard
- significant breaches in group sizes or staffing levels
- inadequate or compacted soft fall in play areas

[s 6]

- ‘(2) The chief executive must publish, on a publicly accessible website of the department, the information mentioned in section 143B about the compliance notices.
- ‘(3) Subsection (2) is subject to section 143C.
- ‘(4) In this section—
child care service does not include a school age care service.

‘143B Information that must be published

- ‘(1) For section 143A(2), the following information must be published—
 - (a) for a compliance notice given to the licensee of a centre based service—
 - (i) the address of the child care centre; and
 - (ii) the name by which the centre is known;
 - (b) for a compliance notice given to the licensee of a home based service—
 - (i) the address of the home based service; and
 - (ii) the name by which the service is known;
 - (c) for a compliance notice given to a person conducting a stand alone service—the name under which the service is conducted;
 - (d) details of the authorised officer’s reasons for giving the compliance notice;
 - (e) the steps the authorised officer reasonably believes are necessary to remedy the contravention, or to avoid further contravention, of the provision;
 - (f) the day by which the compliance notice states that the person given the notice must remedy the contravention.
- ‘(2) Subsection (1)(b)(i) does not apply if the address of the home based service is also the home address of a carer in the service.

- ‘(3) The details of the reasons for giving the compliance notice must include the following—
- (a) the provision of this Act the authorised officer believes the person is contravening or has contravened;
 - (b) the way in which the provision is being, or has been, contravened;
 - (c) the day or days on which the authorised officer became aware of the contravention.

‘143C When information may be published

- ‘(1) The chief executive must not publish the information until the end of the period within which the person given the compliance notice may apply for a review of the authorised officer’s decision to give the notice.
- ‘(2) If the person applies for a review of the authorised officer’s decision—
- (a) the chief executive must not publish the information until the application is finally dealt with or otherwise ends; and
 - (b) if the application for review is finally dealt with, the chief executive may publish the information only to the extent the information is consistent with the decision on review.

‘143D When published information must be amended

- ‘(1) Subsection (2) applies if—
- (a) information about a compliance notice given to a person under section 142 was published under section 143A(2); and
 - (b) the person has taken the steps stated in the notice to remedy the contravention, or to avoid further contravention, of the provision.

[s 6]

- ‘(2) The chief executive must amend the published information to include the following information—
- (a) the person has taken the steps stated in the notice to remedy the contravention, or to avoid further contravention, of the provision;
 - (b) the day the authorised officer became aware the contravention had been remedied.

‘143E Period of publication of information

- ‘(1) The chief executive must ensure information published under section 143A(2) remains on the department’s website until the day that is 1 year after the day it is published.
- ‘(2) However, if the information relates to a licence and the licence is transferred to another person before the day mentioned in subsection (1), the chief executive must remove the information from the website as soon as practicable after the transfer takes effect.
- ‘(3) Subsection (2) does not apply in any of the following circumstances—
- (a) if—
 - (i) before the transfer, the licence was held by a corporation; and
 - (ii) after the transfer, a person who is or was an executive officer of the corporation is—
 - (A) the person, or one of the persons, to whom the licence was transferred; or
 - (B) an executive officer of a corporation to whom the licence was transferred;
 - (b) if—
 - (i) before the transfer, the licence was held by an individual; and
 - (ii) after the transfer, the individual is—

- (A) one of the persons to whom the licence was transferred; or
 - (B) an executive officer of a corporation to whom the licence was transferred;
- (c) if—
- (i) before the transfer, the licence was held by a group of persons; and
 - (ii) after the transfer, one of the persons is—
 - (A) the person, or one of the persons, to whom the licence was transferred; or
 - (B) an executive officer of a corporation to whom the licence was transferred.’.

7 Amendment of s 163 (Reviewable decisions)

Section 163(2), from ‘a decision reviewed if’—
omit, insert—

‘either of the following decisions reviewed—

- (a) a decision on an application made by the person under a regulation that states that the decision is a reviewable decision for this section;
- (b) a decision by an authorised officer to give a compliance notice under section 142 if the compliance notice is a notice mentioned in section 143A(1).’.

8 Amendment of s 164 (Chief executive must give notice after making reviewable decision)

(1) Section 164, heading, after ‘Chief executive’—
insert—

‘**or authorised officer**’.

(2) Section 164(1) and (2), after ‘chief executive’—

[s 9]

insert—

‘or authorised officer’.

9 Amendment of s 171 (Register)

(1) Section 171(2)—

insert—

‘(f) if information in relation to the licence has been published under section 50C or 143A—the information that has been published.’.

(2) Section 171(4)—

renumber as section 171(6).

(3) Section 171—

insert—

‘(4) Subsection (5) applies if information mentioned in subsection (2)(f) is removed from the department’s website under section 50G(2) or 143E(2).

‘(5) The chief executive must ensure the information is removed from the register as soon as practicable after its removal from the website.’.

10 Insertion of new s 171A

After section 171—

insert—

‘171A Protection against actions for defamation or breach of confidence

‘(1) This section applies if information is published on a publicly accessible website of the department in the genuine belief that publication is required under section 50C or 143A.

‘(2) No action for defamation or breach of confidence lies against the State or a person acting on behalf of the State because of the publication.’.

11 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘authorised officer means a person appointed as an authorised officer under section 111.’.

**Part 3 Amendment of Education
(General Provisions) Act 2006**

12 Act amended

This part amends the *Education (General Provisions) Act 2006*.

13 Insertion of new ch 2A

After section 47—

insert—

‘Chapter 2A Recognised schools

‘Part 1 Preliminary

‘47A Definitions for ch 2A

‘In this chapter—

minimum eligibility criteria see section 47E(2).

recognised school means a school approved as a recognised school under 47B.

‘Part 2 Approval as a recognised school

‘47B Power to approve school as a recognised school

‘The Minister may approve a school as a recognised school.

‘47C Application for approval as a recognised school

- ‘(1) The governing body of a school may apply to the Minister for approval as a recognised school.
- ‘(2) The application must be in the approved form.

‘47D Further information to support application

- ‘(1) The Minister may, by notice given to the applicant, require the applicant to give the Minister, within the reasonable time of at least 14 days stated in the notice, further information the Minister reasonably requires to decide the application.
- ‘(2) The applicant is taken to have withdrawn the application if the applicant does not comply with the requirement within the stated time.

‘47E Decision on application

- ‘(1) The Minister must consider the application and either grant, or refuse to grant, the application.
- ‘(2) The Minister may grant the application only if the Minister is satisfied the school meets the following criteria (the *minimum eligibility criteria*)—
 - (a) the school does not operate in Australia;
 - (b) the school is established and operates in a foreign country;

- (c) if there is an entity in the foreign country responsible for recognising schools, the school is recognised by that entity;
 - (d) there is an agreement between the governing body of the school and the State under which the governing body is authorised to implement approved syllabuses for years 11 and 12 to its students.
- ‘(3) In deciding the application, the Minister may make any enquiries the Minister considers appropriate.
- ‘(4) If the Minister decides to grant the application, the Minister must as soon as practicable give the applicant notice of the decision.
- ‘(5) If the Minister decides to refuse to grant the application, the Minister must as soon as practicable give the applicant notice of the decision and the reasons for the decision.

‘Part 3 Cancellation of approval

‘47F Grounds for cancellation

‘Each of the following is a ground for cancelling the approval of a school as a recognised school—

- (a) the Minister’s decision to grant the approval was based on false or misleading information;
- (b) the Minister is satisfied the school is not meeting the minimum eligibility criteria.

‘47G Show cause notice

- ‘(1) If the Minister reasonably believes a ground exists for cancelling the approval of a school as a recognised school, the Minister must give the governing body of the school a notice under this section (a *show cause notice*).

[s 13]

- ‘(2) The show cause notice must state the following—
- (a) that the Minister proposes to cancel the approval (the *proposed action*);
 - (b) the ground for the proposed action;
 - (c) an outline of the facts and circumstances forming the basis for the ground;
 - (d) an invitation to the governing body to show within a stated period (the *show cause period*) why the proposed action should not be taken.
- ‘(3) The show cause period must be a period ending at least 30 days after the show cause notice is given to the governing body.

‘47H Representations about show cause notice

- ‘(1) The governing body may make written representations about the show cause notice to the Minister in the show cause period.
- ‘(2) The Minister must consider all written representations (the *accepted representations*) made under subsection (1).

‘47I Ending show cause process without further action

‘If, after considering the accepted representations for the show cause notice, the Minister no longer believes the ground exists to cancel the approval, the Minister—

- (a) must not take further action about the show cause notice; and
- (b) must, as soon as practicable, give notice to the governing body that no further action will be taken about the show cause notice.

‘47J Cancellation of approval

- ‘(1) This section applies if, after considering the accepted representations if any for the show cause notice, the Minister—
- (a) still believes the ground exists to cancel the approval; and
 - (b) believes cancellation of the approval is warranted.
- ‘(2) The Minister may decide to cancel the approval.
- ‘(3) The Minister must, as soon as practicable, give notice to the governing body of the decision and the reasons for the decision.
- ‘(4) The decision takes effect on the day the notice is given to the governing body or on the later day stated in the notice.

‘Part 4 Miscellaneous

‘47K Application of Act to recognised schools

‘This Act, other than this chapter, sections 426, 431 and 433 and the dictionary, does not apply to a recognised school.’

14 Amendment of s 426 (Confidentiality)

- (1) Section 426(3) and (4)—
renumber as subsections (4) and (5).
- (2) Section 426—
insert—
- ‘(3) This section also applies to a person—
- (a) who is or has been the chief executive or a public service employee in the department; and

[s 15]

- (b) who, in that capacity, has gained or has access to personal information about a student, prospective student or former student of a recognised school.’.

15 Amendment sch 4 (Dictionary)

- (1) Schedule 4—

insert—

‘**approved syllabus** see the *Education (Queensland Studies Authority) Act 2002*, schedule 2.

minimum eligibility criteria see section 47A.

recognised school see section 47A.’.

- (2) Schedule 4, definition *accepted representations*, before paragraph (a)—

insert—

‘(aa) for chapter 2A, part 3—see section 47H(2); or’.

- (3) Schedule 4, definition *show cause notice*, before paragraph (a)—

insert—

‘(aa) for chapter 2A—see section 47G(1); or’.

- (4) Schedule 4, definition *show cause period*, before paragraph (a)—

insert—

‘(aa) for chapter 2A—see section 47G(2)(d); or’.

Part 4 Amendment of Education (Queensland Studies Authority) Act 2002

16 Act amended

This part amends the *Education (Queensland Studies Authority) Act 2002*.

17 Amendment of long title

Long title, ‘**syllabuses and preparatory guidelines**’—
omit, insert—

‘**syllabuses, preparatory guidelines and kindergarten guidelines**’.

18 Amendment of s 3 (Objects of Act)

Section 3(2)(b)(i) and (ii), ‘syllabuses and preparatory guidelines’—

omit, insert—

‘syllabuses, preparatory guidelines and kindergarten guidelines’.

19 Insertion of new s 7A

After section 7—

insert—

‘7A Application of div 2 to recognised schools

‘This division applies to recognised schools to the extent stated.’.

20 Replacement of ss 8 and 9

Sections 8 and 9—

[s 20]

omit, insert—

‘8 Development and purchase functions

- ‘(1) The authority has the following functions—
- (a) to develop and revise 1–12 syllabuses, preparatory guidelines and kindergarten guidelines;
 - (b) to purchase and revise 1–12 syllabuses, preparatory guidelines and kindergarten guidelines developed by entities other than the authority;
 - (c) to approve 1–12 syllabuses and preparatory guidelines, developed, purchased or revised by the authority, for implementation at schools;
 - (d) to approve kindergarten guidelines, developed, purchased or revised by the authority, for implementation in child care services;
 - (e) to develop and revise documents to support the implementation at schools of approved syllabuses or approved preparatory guidelines;
 - (f) to develop and revise documents to support the implementation in child care services of approved kindergarten guidelines;
 - (g) to develop resources and services for the professional development of teachers, in support of the implementation at schools of approved syllabuses or approved preparatory guidelines;
 - (h) to develop resources and services for the professional development of carers in child care services in support of the implementation in child care services of approved kindergarten guidelines.
- ‘(2) In performing its function to revise 1–12 syllabuses, preparatory guidelines or kindergarten guidelines under subsection (1)(b), the authority must exercise its powers subject to the terms on which the syllabuses or guidelines were purchased.
- ‘(3) In this section—

purchase, a syllabus or guideline, includes enter into an agreement allowing the authority to approve the syllabus or guideline for implementation at schools or in child care services.

‘9 Accreditation function

‘The authority has the function to—

- (a) accredit 1–12 syllabuses and preparatory guidelines, developed by entities other than the authority, for implementation at schools; and
- (b) accredit kindergarten guidelines, developed by entities other than the authority, for implementation in child care services.’.

21 Amendment of s 11 (Assessment functions)

Section 11—

insert—

- ‘(4) The authority has the function mentioned in subsection (1) in relation to recognised schools.’.

22 Amendment of s 12 (Moderation function)

Section 12—

insert—

- ‘(2) The authority has the function mentioned in subsection (1) in relation to recognised schools.’.

23 Amendment of s 13 (Certification functions)

Section 13—

insert—

- ‘(4) The authority has the functions mentioned in subsection (1)(a) in relation to recognised schools.’.

[s 24]

24 Amendment of s 14A (Student account functions)

(1) Section 14A(a)(ii), ‘subdivision 2’—

omit, insert—

‘subdivision 1A or 2’.

(2) Section 14A—

insert—

‘(2) The authority has the functions mentioned in subsection (1) in relation to recognised schools.’.

25 Amendment of pt 2, div 4, hdg

Part 2, division 4, heading, ‘preparatory’—

omit.

26 Replacement of s 20 (Notification of approved or accredited syllabus or preparatory guideline)

Section 20—

omit, insert—

‘20 Notification of approved or accredited syllabus or guideline

‘(1) This section applies if the authority—

(a) approves a 1–12 syllabus, preparatory guideline or kindergarten guideline developed, purchased or revised by it under this Act; or

(b) accredits a 1–12 syllabus, preparatory guideline or kindergarten guideline under this Act.

‘(2) The authority must give notice about the approved or accredited syllabus or guideline to—

(a) the Minister; and

(b) for a 1–12 syllabus or preparatory guideline—the governing body of each non-State school; and

- (c) for a kindergarten guideline—each licensee of a child care service other than a school age care service.

‘(3) This section is subject to section 21.’.

27 Insertion of new pt 2A, div 2, sdiv 1A

Part 2A, division 2, after section 21G—

insert—

‘Subdivision 1A Accounts for students of recognised schools

‘21GA Who may have an account opened under sdiv 1A

‘A student account may be opened for a person who is enrolled to undertake certification studies at a recognised school.

‘21GB Who may open an account

‘A student account, for a person enrolled to undertake certification studies at a recognised school, may be opened by the school or by the chief executive.

‘21GC How an account is opened

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

- (a) the person’s name and any previous names of the person;
- (b) the person’s sex;
- (c) the person’s date of birth;
- (d) the person’s address;
- (e) the person’s phone number if the person consents to the phone number being given to the authority;

[s 28]

- (f) details of the certification studies in which the person is enrolled when the notice is given to the authority;
- (g) other information prescribed under a regulation.’

28 Insertion of new pt 2A, div 3, sdiv 1A

Part 2A, division 3, after section 21O—

insert—

‘Subdivision 1A Obligation of recognised school to give information

‘21OA Obligation to notify enrolment

- ‘(1) This section applies if—
 - (a) a person enrolls in certification studies at a recognised school; and
 - (b) a student account is open for the person; and
 - (c) the recognised school has the account number for the person’s student account.
- ‘(2) The recognised school must give notice to the authority of the following information—
 - (a) the person’s name;
 - (b) the account number for the person’s student account;
 - (c) the person’s address;
 - (d) the person’s date of birth;
 - (e) the certification studies in which the person is enrolled;
 - (f) the date of the person’s enrolment in the studies.

‘21OB Obligation to notify results

- ‘(1) A recognised school must give the authority result information about a person who is or was enrolled in certification studies at the school if—

-
- (a) a student account is open for the person; and
 - (b) the recognised school has the account number for the person's student account.
- '(2) The information must be given at the times, and in the way, prescribed under a regulation.
- '(3) In this section—
- qualifications*, for certification studies, includes qualifications conferred by an entity other than the recognised school.
- result information*, about a person, means each of the following—
- (a) the results of the assessment of the person, for certification studies, carried out by the recognised school;
 - (b) when the results were achieved;
 - (c) any qualifications, for certification studies, that have been conferred on the person;
 - (d) when the qualifications were conferred.

'210C Obligation to notify other matters

- '(1) This section applies to a recognised school at which a person is or was enrolled in certification studies if—
- (a) a student account is open for the person; and
 - (b) the recognised school has the account number for the person's student account.
- '(2) The recognised school must give notice to the authority of the following matters—
- (a) if the recognised school is aware that prescribed information has changed or is incorrect—the new or correct information;
 - (b) if the recognised school is aware that information about the person's enrolment or results in certification studies, previously notified by the recognised school to the

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authority has changed, is incorrect or is incorrectly recorded in the person's student account—the new or correct information;

- (c) if the person stops being enrolled with the recognised school—the date the person stopped being enrolled with the school.
- ‘(3) If the person dies and the recognised school is aware of the death, the recognised school must give notice of the death to the authority.
- ‘(4) Notices required to be given under this section must be given at the times prescribed under a regulation.
- ‘(5) In this section—

prescribed information means any of the following recorded in the person's student account—

- (a) the person's name;
- (b) the person's sex;
- (c) the person's date of birth;
- (d) the person's address;
- (e) the person's phone number.

‘21OD Authority to record information in account

- ‘(1) This section applies if the authority receives information—
- (a) under division 2 about a person for whom a student account is opened; or
 - (b) under this subdivision about a person for whom a student account is open.
- ‘(2) The authority must ensure information is recorded in the student account in accordance with the information received.’.

29 Amendment of s 21S (Use by authority and disclosure to providers for verification)

- (1) Section 21S, heading, after ‘providers’—
insert—
‘or recognised schools’.
- (2) Section 21S(2)—
omit, insert—
- ‘(2) The authority may disclose prescribed information for a student account, to the extent necessary for the authority to ensure the accuracy of the information, to—
- (a) a relevant provider; or
- (b) for a student account for a person enrolled in certification studies at a recognised school—the recognised school.’.
- (3) Section 21S(3) and (4), after ‘provider’—
insert—
‘or recognised school’.

30 Amendment of s 21T (Disclosure to providers, or their agents, for other purposes)

- (1) Section 21T, heading, ‘or their agents,’—
omit, insert—
‘their agents, or recognised schools,’.
- (2) Section 21T(1)—
omit, insert—
- ‘(1) This section prescribes, for a provider, a prescribed agent for a provider, or a recognised school—
- (a) the information recorded in the student account kept for a person to which the authority must give the provider, agent or recognised school access (the ***accessible information***); and

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- (b) the purpose of the access.’.
- (3) Section 21T(5)—
renumber as section 21T(6).
- (4) Section 21T—
insert—
- ‘(5) For a recognised school for the person—
 - (a) the accessible information is all of the information; and
 - (b) the purpose of the access is to help the recognised school—
 - (i) comply with section 21OC; and
 - (ii) manage the educational program provided to the person.’.
- (5) Section 21T(6)—
insert—
‘recognised school, for a person, means the recognised school at which the person is enrolled in certification studies.’.

31 Amendment of s 21V (Disclosure to person for whom account is kept and the person’s parents)

- (1) Section 21V(2)(a)(ii), ‘; and’—
omit, insert—
‘; or’.
- (2) Section 21V(2)(a)—
insert—
‘(iii) a person who is enrolled in certification studies at a recognised school; and’.

32 Amendment of s 21Z (Closing student account)

Section 21Z(1)(b)—

omit, insert—

- ‘(b) the authority is notified of the person’s death by—
- (i) a provider, under section 21N(4); or
 - (ii) a recognised school, under section 21OC(3).’.

33 Amendment of s 21ZB (Confidentiality)

- (1) Section 21ZB(1)(a)—

insert—

- ‘(v) a member of the governing body of a recognised school or an employee of a recognised school; and’.

- (2) Section 21ZB(3), definition *employee*, after ‘authority’—

insert—

‘, recognised school’.

34 Amendment of s 23 (Minister’s power to give directions in the public interest)

- (1) Section 23(2), after ‘preparatory guideline’—

insert—

‘or kindergarten guideline’.

- (2) Section 23(5)(a) to (c), ‘syllabus or preparatory guideline’

omit, insert—

‘syllabus, preparatory guideline or kindergarten guideline’.

35 Insertion of new s 23A

After section 23—

insert—

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‘23A Minister’s power to give directions about intellectual property

- ‘(1) The Minister may give the authority a written direction about material containing intellectual property held by the authority.
- ‘(2) Without limiting subsection (1), the direction may be about any of the following—
- (a) the granting of a licence to the State;
 - (b) the conditions on which a licence is to be granted to the State including a condition that no fee is payable by the State for the licence;
 - (c) that a licence not be granted to an entity other than the State;
 - (d) the receipt or payment of monies.
- ‘(3) A direction under subsection (1) may also—
- (a) require the authority to give the Minister notice if the authority intends entering into an agreement with another entity in relation to the material; and
 - (b) state the type of agreement about which the Minister is to be given notice; and
 - (c) require the notice to be given to the Minister a stated period of time before the authority intends entering the agreement.
- ‘(4) The authority must comply with the direction.
- ‘(5) In the authority’s annual report for a financial year, the authority must include copies of all directions given to it under this section in the financial year.
- ‘(6) In this section—

licence means a licence to deal with material containing intellectual property held by the authority.

material containing intellectual property includes material in existence before the commencement of this section.’.

36 Amendment of s 55 (Delegation by authority)

Section 55(2)(a) and (b), ‘syllabus or preparatory guideline’—
omit, insert—
‘syllabus, preparatory guideline or kindergarten guideline’.

37 Amendment of s 79 (Regulation-making power)

Section 79(2)(a)—
omit, insert—
‘(a) the accreditation by the authority of—
(i) 1–12 syllabuses or preparatory guidelines for implementation at schools; or
(ii) kindergarten guidelines for implementation in child care services;’.

38 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *school* and *teacher*—
omit.

(2) Schedule 2—
insert—

‘accredited kindergarten guideline means a kindergarten guideline accredited by the authority under this Act.

approved kindergarten guideline means a kindergarten guideline developed, purchased or revised, and approved, by the authority under this Act.

carer, in a child care service, see the *Child Care Act 2002*, section 56.

child care service see the *Child Care Act 2002*, section 5.

kindergarten guideline means a guideline about learning and age-appropriate teaching and assessment practices in child care services for the years before the preparatory year.

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recognised school see the *Education (General Provisions) Act 2006*, schedule 4.

school—

- (a) means—
 - (i) a State instructional institution within the meaning of the *Education (General Provisions) Act 2006*, schedule 4; or
 - (ii) a non-State school; but
- (b) does not include a recognised school.

school age care service see the *Child Care Act 2002*, schedule 2.

teacher means—

- (a) a person who—
 - (i) is registered as a teacher under the *Education (Queensland College of Teachers) Act 2005*; and
 - (ii) is a member of the educational staff of a school; or
 - (b) in relation to a recognised school—a person who provides educational instruction in, or assessment of, certification studies at the school?.
- (3) Schedule 2, definition *moderation*, after ‘State’—
insert—
‘and at recognised schools’.

Part 5 Amendment of University of Queensland Act 1998

39 Act amended

This part amends the *University of Queensland Act 1998*.

40 Insertion of new pt 8, div 3

Part 8—

insert—

‘Division 3 Expiry of statutes

‘72 Expiry of statutes

‘(1) This section applies to the following statutes—

- *University of Queensland Statute No. 5 (Awards) 1999*
- *University of Queensland Statute No. 6 (Fees) 1999*

‘(2) Despite the *Statutory Instruments Act 1992*, section 54, each statute—

- (a) is taken not to have expired on 1 September 2009; and
- (b) expires on 1 September 2010 unless it is repealed before that day.’.

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