

CLAUSE NOTES

Education Amendment Bill 2017

PART 1 - PRELIMINARY

- Clause 1 **Short title**
Education Amendment Bill 2017
- Clause 2 **Commencement**
Sets out the commencement dates for provisions of the *Education Amendment Act 2017*.

PART 2 - EDUCATION ACT 2016 AMENDED

- Clause 3 **Principal Act**
Education Act 2016
- Clause 4 **Schedule 5 amended (Savings and Transitional Provisions)**
This amendment ensures access to kindergarten continues between 10 July 2017 and the commencement of section 8 of this Act.

This amendment removes transitional provisions that are no longer required. This amendment corrects a minor editorial issue by substituting '2017' for '2016' to ensure continuity in regard to school association constitutions.

This amendment provides for uncompleted reviews of non-government schools that commenced under the 1994 Act to be completed under the 2016 Act.

PART 3 - EDUCATION ACT 2016 – FURTHER AMENDED

- Clause 5 **Principal Act**
Education Act 2016
- Clause 6 **Section 2 amended (Commencement)**
Removes requirements in relation to the process to be followed for commencement of sections 8 and 9 as they relate to the voluntary earlier school starting age. This is because the option to enrol earlier in school is to be removed and the current school starting age is to be retained.
- Clause 7 **Section 5 amended (Interpretation)**
Amends the definition of overseas student to ensure it covers all overseas students who seek to study in Tasmania.

Replaces the definition of 'statement of Year 10 completion' with 'transition statement'. This is to avoid any perception that a statement of Year 10 completion signals the end of education.

In line with the Act, the statement will be provided when a student finishes Year 10. It has two purposes as it marks the point:

- at which parents have fulfilled their legal obligations for this phase of their child's education, and
- after which a young person goes on to study under an approved learning program (school, apprenticeship etc).

Clause 8	<p>Section 7 amended (Secretary's Instructions) Clarifies the Secretary may issue instructions under the Act rather than this Part of the Act in relation to State schools.</p> <p>Inserts the word 'State' in 7(2)(a) to clarify the Secretary may issue instructions in relation to intake areas for State schools. This makes the wording of the subsection consistent with the other subsections of section 7.</p>
Clause 9	<p>Section 8 amended (Kindergarten) Retains the current eligibility age for participation in kindergarten (4 Years of age on or before 1 January).</p> <p>Removes subsections (3) and (4) as these relate to a child who may have started kindergarten under the earlier school starting age option and was not ready to go on to Prep.</p> <p>With the retention of the current arrangements, a child must start school if he/she is 5 as at 1 January and, therefore, sections 8(3) and (4) are contrary to that requirement. As happens now, appropriate arrangements would be made for a child who is deemed not to be ready. For example, approval for part-time attendance to participate in kindergarten for a further year.</p>
Clause 10	<p>Section 9 repealed (Early enrolment in first Year of education following kindergarten) Removes the option for voluntary early enrolment in a school at 4 years and 6 months.</p>
Clause 11	<p>Section 10 amended (Object of Part) Replaces 'Year 10 completion' with 'transition statement'.</p>
Clause 12	<p>Section 11 amended (Requirement to enrol school-aged child at school or provide home education) Replaces 'statement of Year 10 completion' with 'transition statement'.</p>
Clause 13	<p>Section 19 amended (School-aged child excused from daily attendance at school) Increases the time parents have to advise the principal that their child is sick and unable to attend school from 2 to 5 days.</p>
Clause 14	<p>Section 22 amended (Providing learning program or notifying of home education) Replaces 'statement of Year 10 completion' with 'transition statement'.</p>

- Clause 15** **Section 24 amended (Participation in approved learning program or home education)**
Replaces 'statement of Year 10 completion' with 'transition statement'.
- Clause 16** **Section 25 amended (Proposed learning program for child coming from outside jurisdiction)**
Replaces 'statement of Year 10 completion' with 'transition statement'.
- Clause 17** **Section 29 amended (Approval of learning program)**
Replaces 'statement of Year 10 completion' with 'transition statement'.
- Clause 18** **Section 64 amended (Strategies to eliminate or ameliorate risks to health and safety of persons at school)**
Clarifies that section 64(1) is only relevant in relation to a child whose behaviour may pose a risk to him or herself or others at the school and makes the wording of the section consistent with other sections in this Division.
- Clause 19** **Section 67A inserted (Provisional approval of proposed home education program)**
Provides flexibility for the Registrar – Education to provisionally approve a proposed home education program while the formal process is undertaken. This is in line with previous administrative practice and allows for the program to be assessed 'in action'. Without such a provision a child could not commence home education until such time as a program was formally approved, which could take several months.
- Clause 20** **Section 80 amended (Enrolment at school for part-time attendance by home educated child)**
Corrects a minor editorial issue by replacing the word 'Secretary' with 'Minister' in 80(2)(d).

The power in this section was exercised by the Secretary under the 1994 Act. It was changed in the 2016 Act to a power exercised by the Minister. This amendment ensures consistency in the section.
- Clause 21** **Section 89 amended (Guidelines relating to enrolment for part-time schooling)**
Corrects a minor editorial issue by replacing the word 'body' with 'authority' in 89(1)(3) and (4).

The term 'administrative authority' is used throughout the Act, rather than 'administrative body'. This amendment ensures consistency of terminology.
- Clause 22** **Section 90 amended (Statement of Year 10 completion by principal)**
Replaces variations of 'completed' with 'finished' to assist in avoiding any perception that completion means the end of education.
- Clause 23** **Section 91 amended (statement of Year 10 completion by Registrar)**
Replaces variations 'completed' with 'finished' to assist in avoiding any perception that completion means the end of education.

- Clause 24** **Section 119 amended (Conflict of interest by member of school association)**
Corrects a minor editorial issue by clarifying that officeholders (committee members) of school associations must declare conflicts of interest in relation to contracts that the association is considering entering.
- Without this clarification, all association members (ie, all parents, staff and community members) would have to be advised in regard to every contract the committee was considering in order for any conflicts of interest to be identified.
- Clause 25** **Section 125 amended (Curriculum, assessment and reporting)**
Paragraph (a) – extends the requirement for State schools to be independently reviewed to ensure developmentally appropriate learning frameworks are being delivered to underpin kindergarten to Year 2 from three years to four years. This aligns with the school review cycle.
- Paragraph (b) – section 125 provides for learning frameworks for kindergarten to Year 2 (125(3)(a)(i) and also for any other class of children determined by the Secretary (125(3)(a)(ii)). The current definition of learning framework is relevant only to children in kindergarten to Year 2.
- The amendment differentiates between the two categories of students and provides a separate definition for learning frameworks that may be developed for children other than those in kindergarten to Year 2.
- Clause 26** **Section 138A inserted (Recovery of fees and charges from overseas student)**
Inserts a new section to enable unpaid fees and charges from overseas students to be recovered or for the cancellation of enrolment if fees and charges are not paid in relation to overseas students.
- Clause 27** **Section 164 amended (Application for registration of new individual non-government school)**
This amendment provides flexibility in the timeframe for applications for registration of new individual non-government schools. The Act currently requires applications to be lodged at least 9 months before the new school is due to commence operating. The amendment provides flexibility for the 9 month period to be shortened.
- Clause 28** **Section 199 amended (Qualifications of principal)**
This amendment ensures that the requirement for the principal of a non-government school to be fully registered under the *Teachers Registration Act 2000* applies to those providing compulsory education.
- It means that those who wish to register as a non-government school to deliver non-compulsory education only (ie, kindergarten) can do so without the requirement to be fully registered under the Teachers Registration Act. This would apply to organisations such as long day care providers that wish to register as a non-government school to deliver kindergarten as part of their service options.

- Clause 29 **Section 257 amended (Evidence and Presumptions)**
Replaces 'statement of Year 10 completion' with 'transition statement'.
- Clause 30 **Section 259 amended (Regulations)**
This amendment is consequential to the removal of sections relating to the voluntary earlier school starting age.
- Clause 31 **Schedule 5 amended (Savings and Transitional Provisions)**
Replaces 'statement of Year 10 completion' with 'transition statement'.
- Clause 32 **Validation of certain fees and charges**
This section validates any fees and charges that have been paid by overseas students for study at State schools under the *Education Act 1994*.
- Clause 33 **Repeal of Act**
Sets out the timeframe for repeal of the *Education Amendment Act 2017*.