

FACT SHEET

Education Amendment Bill 2009

This Bill is an amendment Bill which amends the *Education Act 1994*. The Bill will provide for a new Act which will be cited as the *Education Amendment Act 2009* to commence on proclamation.

Education Act 1994

The *Education Act 1994* provides for the education of children in Tasmania. Proclaimed in December 1994, the Act regulates the provision of compulsory education as well education provided before and after compulsory education, in both state and registered (non-government) schools.

Section 46 relates to education before compulsory education. Under this section, a child who, on 1 January in any year, is at least 4 years of age and has not attained the age of 5 years is entitled to be enrolled at, and attend, a State school. The section also states that the Secretary may issue instructions in respect of the attendance at a State school of such children.

In March 2009, the Solicitor General advised that as the Act remained silent on the discretion of the Secretary to allow the enrolment of children under the age of 4 in a State school, enrolment of such children was not permitted.

Education Amendment Bill 2009

The amendment contained in this Bill provides the Secretary with the discretion to allow the enrolment of children who are under the age of 4 years in state school where this is in the best interests of the child.

The amendment will ensure that two long-standing practices of enrolling such younger children who have met the gifted policy guidelines or who have already enrolled in kindergarten and are moving to Tasmania from interstate, are in line with Act.

The amendment also includes a provision that ensures that any enrolment of a child younger than 4 years in a state school prior to the commencement of this Bill, is taken to be valid.

The amendment will only apply to state schools as this is how the Act is framed. Enrolment requirements in non-government schools are administered by the Schools Registration Board as part of standards approved by the Minister for Education. The relevant standard will be amended to mirror the new provision of the Act.