

# Education (Accreditation of Non-State Schools) Bill 2017

## Explanatory Notes

### Short title

The short title of the Bill is the Education (Accreditation of Non-State Schools) Bill 2017 (the Bill).

### Policy objectives and the reasons for them

The non-state schooling sector in Queensland educates approximately one-third of Queensland's school students (approximately 266,000 students) through 504 schools.

Non-state schools must be accredited to operate by the Non-State Schools Accreditation Board (the Board) under the *Education (Accreditation of Non-State Schools) Act 2001* (the Accreditation Act). The Minister for Education decides on a non-state school's eligibility for Queensland Government funding, based on criteria prescribed in the Accreditation Act and upon the recommendation of the Board's Non-State Schools Eligibility for Government Funding Committee (Funding Eligibility Committee).

In 2014, the Department of Education and Training (DET) commenced a review of non-state education regulatory arrangements, with a view to modernising and streamlining non-state school accreditation.

This review was informed by a Reference Group comprising DET officials, the Executive Directors of the Queensland Catholic Education Commission (QCEC), Independent Schools Queensland (ISQ) and the chair of the Accreditation Board.

### Achievement of policy objectives

As a result of the review and feedback from stakeholders, the Bill replaces the existing Accreditation Act with modern legislation that:

- continues the Board as an independent statutory body responsible for the regulation of non-state schools;
- streamlines the accreditation processes, for example, by removing the concept of provisional accreditation and the requirement for the issuing of accreditation certificates;
- streamlines the process for government funding eligibility by: providing for the Board to

make funding eligibility decisions, rather than the Minister, on advice from the Funding Eligibility Committee; and enabling automatic eligibility for accredited non-state schools operating on a not-for-profit basis to receive government funding;

- strengthens the functions of authorised persons to investigate offences under the Act and requires governing bodies to inform the Board when members cease and new members commence; and
- provides for review of decisions by the Queensland Civil and Administrative Tribunal rather than by the Minister.

## **Establishment of the regulatory body**

### Continuation of the Board

The Bill continues the establishment of the Board as a statutory body with administrative support provided by a secretariat staffed with DET employees.

The Board has seven members appointed by the Governor in Council, comprising a Chair nominated by the Minister for Education (the Minister), three members representing each of the schooling sectors (State, Catholic and Independent) and three members who are nominated by the Minister following consultation with the non-state sector peak bodies.

The membership structure of the Board will continue unchanged under the Bill.

### The Board's functions

The Board's current functions and powers are reflected in the Bill (clauses 100 and 101). Two additional functions have been included: to monitor compliance with the Act and enforce compliance of persons who fail to comply with the Act; and to conduct investigations about contraventions of, or non-compliance, with the Act.

These additional functions clarify it is the role of the Board to monitor and investigate offences under the Act, such as operating a school without accreditation (clause 74) and holding out a school as being accredited if it is not accredited (clause 76). These offences exist under the current Accreditation Act. As the regulator of non-state schools, the Board will be responsible for prosecuting these offences.

## **Streamlining regulation**

### No provisional accreditation

The Bill does not retain the concept of provisional accreditation, which currently applies to all applications granted by the Board to establish a new school, or to add a type of education (primary/secondary/special education) to an existing school's accreditation.

Currently, the Board is required to make two decisions: one to grant provisional accreditation and another for (full) accreditation at the end of the provisional period. Provisional accreditation is granted if the governing body is suitable and the Board is satisfied the school will comply with the accreditation criteria in the provisional accreditation period. Full accreditation is granted if the Board is satisfied the governing body is complying with the

accreditation criteria at the end of the provisional accreditation period.

The Bill provides for a simplified process. The Board will only need to make one decision on the application for accreditation. A school can be accredited from the outset if the governing body is suitable and if the Board considers the school will comply with the accreditation criteria from the student-intake day (i.e. commencement of the school's operation). The student-intake day must be within four years from the day the application is made. The Bill provides that the Board will start an assessment within six months of the student-intake day to assess whether the school is complying with the accreditation criteria and the government funding eligibility criteria.

Currently, a school's student intake day must be no more than two years from the date of provisional accreditation and schools have a period of a year from their student-intake day to be fully compliant with accreditation criteria. The Board assesses compliance during the second half of the first year of operation. This is considered a risk as it allows a school to operate even if it is not fully compliant with all accreditation criteria, including, for example having appropriate student welfare procedures in place.

Under the proposed reforms, if the governing body is not complying with the accreditation criteria from the student-intake day, the Board can issue a compliance notice, giving the school time to become compliant. If the governing body does not comply with the compliance notice, the Board can issue a show cause notice as to why the accreditation should not be cancelled.

Transitional arrangements in the Bill provide that all accredited and provisionally accredited non-state schools will automatically be accredited under the new Act. For schools that were provisionally accredited before commencement of the new Act, the Bill prescribes the timeframes for undertaking the initial assessment of compliance with the accreditation criteria.

#### No certificates of accreditation

Under the existing Accreditation Act, the Board issues a certificate to provisionally accredited and accredited schools to evidence the school's accreditation. Schools must display the certificate. Certificates must be returned to the Board for replacement in certain circumstances, for example, when a school goes from provisional accreditation to (full) accreditation and when the Board approves changes to a school's attributes of accreditation. A school must also return the certificate to the Board if its accreditation is cancelled.

Under the Bill, the Board will not be required to issue certificates. This will reduce the regulatory burden on the school's governing body and on the Board, as the regulator, to issue and return certificates at the outset and each time there is a change in the school's accreditation. The Board will continue to maintain a register of non-state schools and make it available for inspection on its website. This is sufficient to enable any interested individual to check the credentials of a school.

## Funding eligibility and oversight

### Government funding eligibility

The Accreditation Act currently provides for a two-tiered process for non-state school accreditation and funding eligibility. Accreditation decisions are made by the Board based on statutory accreditation criteria, while funding eligibility is determined by the Minister after taking account of a non-binding recommendation from the Funding Eligibility Committee.

The current separation of accreditation and funding eligibility was initially intended to reflect the principle that funding for schools is a policy matter for determination by the Minister. The decision is based on criteria regarding need, choice, impact on other schools and projected minimum enrolment numbers. In addition, only schools operating on a not-for-profit basis are eligible for funding. The Accreditation Act provides for the public to be notified when a non-state school applies for government funding. This enables the public and neighbouring schools to make submissions on the potential impact that funding the proposed school may have on their operations.

Currently, there are no schools that do not receive funding for at least some of the years of schooling they provide and only a small percentage of students are unfunded. As at August 2016, approximately 77 students in seven schools did not attract State Government funding. This equates to 0.03% of the non-state school student population. The statistics support the position that the additional regulatory burden of a separate decision-making process around funding eligibility is not justified.

The Bill provides for a streamlined process for eligibility for government funding. Rather than the current two-tiered process, a governing body will be automatically eligible for government funding for a school upon its accreditation, provided the Board is satisfied the school will not be operated for-profit. The criteria the Board will consider in this regard are articulated in clause 10. These criteria allow the Board to consider relationships between the school's governing body and third parties to determine if the governing body is independent in its financial decision making.

The Board is being given responsibility for deciding government funding eligibility because it has the capacity to consider whether or not a school is being operated for profit, including considering relationships with other entities. Relationships with other entities are also relevant when assessing the suitability of a school's governing body. In addition, the capacity for the school to receive government funding may impact on the accreditation decision. For example, the Board must be satisfied that a school will be financially viable to be accredited. Some schools would require access to government funding in order to maintain their financial viability.

Although the decision about eligibility for government funding will now sit with the Board, the Queensland government, through the Minister, will remain responsible for the payment of funding to eligible non-state schools. The government has always been responsible for the payment of state recurrent funding to eligible non-state schools and for setting the rules around calculation of that funding and the terms upon which that funding will be paid. This is not, and has never been, a matter relevant to the Board.

Under the *Education (General Provisions) Act 2006* (EGPA) the Minister may, under an approved policy, pay an allowance (state recurrent funding) to the governing body of a non-state school that is eligible for government funding under the Accreditation Act (eligible non-state school). The Ministerial policy articulates how funding is calculated, the conditions upon which it is paid and rights of the Minister to suspend or cease payments. It also provides debt recovery procedures for overpayments.

#### Periods of ineligibility for government funding

Under the current Act, the Minister is able to withdraw eligibility for government funding if a school is operating for profit. A process for withdrawal of government funding eligibility is continued in the Bill. However, the Board will now be responsible for making the decision to withdraw funding eligibility. The Minister's funding policy will outline what happens to state recurrent funding when funding eligibility is withdrawn.

The current process for withdrawal of government funding eligibility does not cater for situations where a school may have been non-compliant with the government funding eligibility criteria for a period of time but is subsequently compliant. This might be an issue where, for example, the Board considers an eligible non-state school has, for a period of time, been operating for profit while receiving government funding, but has subsequently changed its financial arrangements to operate on a not-for-profit basis before any decisions are made about the withdrawal of government funding eligibility.

The Bill gives the Board the ability to decide that government funding eligibility is to be withdrawn for a period of time (clause 93(2)). For example, the Board could decide that a school was being operated on a for-profit basis from 1 January 2016 to 31 December 2016.

Allowing the Board to make a decision about the period of withdrawal of eligibility of government funding will support the Minister taking appropriate action against the school under the Ministerial Policy in relation to state recurrent funding. For example, under the scenario referred to above, the Minister might seek repayment of funding under the debt recovery processes for the period the school received government funding while it was operating for profit.

#### Minister may request reassessment of government funding eligibility

The Bill includes a power for the Minister to ask the Board to reassess a school's eligibility for government funding (clause 122). It is considered appropriate for the Minister to seek the Board's assistance in this regard, as the Board will be responsible for deciding on government funding eligibility and will have the requisite powers under the Bill to obtain documents and information required to inform decisions about compliance with the government funding eligibility criteria. This power might be utilised if allegations are made to the Minister that a school has been siphoning money to a third-party for purposes unrelated to the operation of the school.

#### Acquittals and financial data

The governing body of an eligible non-state school must, on or before a prescribed day each year, give the Minister the financial data about the school for the previous year. The data

includes details of the school's recurrent and capital income and expenses, profit or loss and loans. Also, within six months after the end of each year, the governing body of an eligible non-state school must give the Board allowance acquittal details for the school for the year. The Board must report to the Minister annually about these acquittal details.

Under the existing provisions of the EGPA, if a governing body has failed to provide the acquittal details within the required timeframe, the Board may recommend to the Minister that payment of the funding cease, following a show cause process. The Minister must decide whether to cease the payment having regard to the recommendation of the Board.

Rather than ceasing a payment, the Bill provides that the Minister may suspend payment of the state recurrent funding until the financial data or allowance acquittal details are provided (clause 215 – new section 375). The Minister must notify the governing body and the Board of the suspension. Once the required information is provided to the Minister, the unpaid funding that was suspended is to be paid to the governing body (clause 215 – new section 376).

The Bill omits the requirement for a 'show cause' process before suspending payment, as this is an unnecessary burden in the circumstances – information has either been provided or not. The Bill also amends the EGPA by inserting a new requirement that allowance acquittal details are to be approved by a qualified accountant (clause 214) to ensure the integrity of the information. This is not anticipated to be a significant burden on non-state school governing bodies, as it would be usual practice to have accounts audited annually.

At the request of the Board, the Bill also provides that governing bodies of eligible schools give allowance acquittal details directly to the Minister, rather than to the Board (clause 214). The Board requested this amendment as the allowance acquittal is not required by the Board to perform its functions.

## **Reforms to strengthen the functions of authorised persons and oversight of governing bodies**

### Authorised persons

Under the Bill, authorised persons will not be categorised into assessors and auditors, but will be grouped together as authorised persons. Authorised persons will have functions similar to those of assessors and auditors under the current Accreditation Act, such as finding out whether an accredited school is complying with the accreditation criteria; whether a school in receipt of government funding is being operated for profit; and verifying school survey data (clause 129).

Authorised persons will have an additional function of investigating offences under the Bill (clause 129) to ensure they have power to investigate offences such as operating a school without accreditation or holding out a school is accredited if it is not accredited. This function will support the Board's new function to conduct investigations about contraventions of, or non-compliance, with the Act.

When appointing a person as an authorised person, the Board will need to ensure the person is appropriately qualified for the task to be undertaken. For example, trained auditors will be

appointed to undertake an audit of school survey data.

#### Governing body to report change in directors

The Board is required to assess whether a governing body is suitable, which includes the directors having a positive notice or positive exemption notice (blue card). Under the current Accreditation Act a governing body is not required to notify the Board when directors change. To ensure currency of blue cards, the Board writes annually to all governing bodies requesting an update in their directorships. This is onerous on the Board and means the status of the directors is not known to the Board in a timely manner.

The Bill provides for a new notification requirement. A governing body must, within 28 days of a director commencing or ceasing, give the Board notice, stating the name of the director and the date their directorship commenced/ceased (clause 169). In addition, the Bill provides that if a director is commencing with the governing body, the governing body must also provide to the Board a copy of the new director's Blue Card. The maximum penalty is 20 penalty units for breach of the requirements.

#### **Review of decisions**

Currently, the Minister can review accreditation decisions of the Board and the Minister's own decisions about government funding eligibility. The Bill provides instead that there is an avenue of external review to the Queensland Civil and Administrative Tribunal (QCAT) about a decision of the Board where an information notice is issued e.g. a decision about accreditation or funding eligibility (clause 166). QCAT, as the reviewer, will provide a level of independence from government.

### **Alternative ways of achieving policy objectives**

There is no alternative way of achieving the policy objectives to continue the regulation of non-state schools.

### **Estimated cost for government implementation**

The Bill is not expected to have any detrimental cost implications for government as the Board will continue to operate within existing resources.

### **Consistency with fundamental legislative principles**

The Bill is generally consistent with fundamental legislative principles. Potential breaches of fundamental legislative principles are addressed below.

**Section 4(2)(a) of the *Legislative Standards Act 1992* - whether legislation adversely affect the rights and liberties of individuals.**

- *Power to obtain criminal history information and blue cards*

The Bill continues the power under the Accreditation Act for the Minister to request criminal history information about prospective and current members of the Board (clause 112). This aligns with the Minister's power under other legislation establishing statutory bodies in the education portfolio.

The Bill also continues the current power under the Accreditation Act for the Board to request criminal history information about the governing body or directors of governing bodies of non-state schools (clause 28).

The power to obtain a person's criminal history potentially breaches the fundamental legislative principle that legislation should have sufficient regard to the rights and liberties of individuals. However, the power for the Minister and the Board to obtain criminal history information is considered necessary to ensure the suitability of individuals appointed to statutory bodies established under legislation within the education portfolio and the suitability of persons appointed as directors of non-state schools, respectively.

The Bill includes safeguards to protect the interests of individuals whose criminal history is obtained under this section. The criminal history must be destroyed as soon as practicable after it is no longer needed (clauses 28(4) and 112(5)). The purposes for which the criminal history information may be used will be limited to considering a person's suitability for the Board membership or as a director of a non-state school's governing body. In addition, confidentiality provisions apply to the criminal history information to protect it from further disclosure (clause 176).

The Bill also continues the current requirement under the Accreditation Act that a person cannot be a director of a governing body of a non-state school or an authorised person unless they have a current positive notice (blue card) or current positive exemption notice (clauses 26(3) and 130). This makes the person subject to criminal screening under the *Working with Children (Risk Management and Screening) Act 2000*.

This requirement limits an individual's right and liberties by preventing an individual from being a director of a non-state schools' governing body or an authorised person if they do not hold a blue card. However, the infringement is considered justified as directors and authorised persons have access to non-state school students, and criminal history checking and blue cards are essential to ensuring the safety of children attending non-state schools.

In addition, a person who receives a negative notice has review rights under the *Working with Children (Risk Management and Screening) Act 2000*, and a governing body may appeal to the Queensland Civil and Administrative Tribunal (QCAT) to review the Board's decision that a governing body is not suitable.



- *Offences*

The Bill continues the following offences contained in the Accreditation Act:

- a person must not operate a school unless the school is accredited (clause 74);
- the governing body of an accredited school must not operate the school before the school's student-intake day for the type of education (clause 75);
- a person must not hold out a school as being accredited if it is not accredited (clause 76); and
- a person must not pretend to be an authorised person (clause 177).

The maximum penalty for breach of these sections is to be 100 penalty units consistent with the Accreditation Act.

Continuing these offences in the Bill is justified as it continues the regulatory framework for the accreditation of non-state schools, ensuring the standard of education provided at non-state schools and maintaining public confidence in the non-state schooling sector.

It is important schools be dissuaded from operating before the nominated student-intake day as this is the day the school has been accredited to commence operating and it is only from this date that the school is required to comply with accreditation criteria.

Pretending to be an authorised person is a serious offence given the powers of entry to non-state schools given to authorised persons. A penalty of 100 penalty units is considered an appropriate deterrent for each of these offences.

Clause 155 provides for a new offence of failing to comply with a requirement of an authorised person to give them information or documents reasonably required in the performance of their functions. Clauses 152 and 153 continue the existing requirements that if an authorised person, after entering premises, requires a person to give reasonable help or information, the person must comply with the requirement. However, currently no penalty applies for non-compliance. The Bill provides that it is a reasonable excuse for an individual not to comply with a requirement to give information if it might tend to incriminate the individual.

For each of these offences, the person must comply with these requirements unless the person has a reasonable excuse. The Bill prescribes a maximum penalty of 50 penalty units for breach of any of the requirements. These provisions are necessary as there have been instances where persons associated with non-state schools have not provided information to authorised persons. This reduces the effectiveness of the Board's ability to appropriately monitor non-state school compliance.

The Bill continues the requirement in the Accreditation Act that a person who ceases to be an authorised person must return the person's identity card to the chairperson of the Board within 21 business days, unless the person has a reasonable excuse (clause 136). Failure to comply with this requirement is an offence, attracting a maximum penalty of 10 penalty units.

This is consistent with the Accreditation Act and is considered an appropriate deterrent for this offence.

The Bill continues requirements under the Accreditation Act for governing bodies of accredited schools to notify the Board about prescribed changes in circumstances for the school. However, under the Bill, the period for notifying is reduced from 14 days to seven days (clause 169(1)). This change provides for more timely advice to the Board of changes in circumstance. A governing body is to provide, within seven days after the happening of each of the following events, notice to the Board about the following matters:

- the school closes;
- the school stops offering a year of schooling for which it is accredited;
- the governing body is affected by control action under the Corporations Act;
- a governing body that is eligible for government funding for the school starts operating the school for profit; and
- any other change in the circumstances of the governing body or school prescribed under a regulation.

The maximum penalty continues to be 20 penalty units for breach of any of these notice requirements.

Clauses 169(3) and (5) provide a new notification requirement that a governing body must notify the Board within 28 days of a director ceasing or commencing as a director and provide a copy of a new director's current positive notice or exemption notice. The maximum penalty for a breach of this new offence is to 20 penalty units. This is consistent with maximum penalty for breaches of other notification requirements under the Accreditation Act and is considered an appropriate deterrent for these offences.

Clause 169(4) continues the requirement under the Accreditation Act that if the governing body is an incorporated under the *Religious Educational and Charitable Institutions Act 1861* (RECI Act corporation) details of a person validly nominated as a director of the governing body must be given to the Board by notice signed by each declared director. The maximum penalty for breaches of this offence continues to be 20 penalty units.

The notice period has been changed from 14 days to 28 days to align with the notice requirements of governing bodies that are not RECI Act corporations. Also, the notice must also be accompanied by a copy of the new declared director's current positive notice or positive exemption notice.

Clause 172 continues the requirement under the Accreditation Act that directors and prospective directors must notify the Board of convictions for indictable offences within seven days. The maximum penalty is 20 penalty units.

Similarly, clause 113 continues the requirement under the Accreditation Act that for any changes in the criminal history of a Board member, the member must immediately give notice of the change to the Minister, unless the member has a reasonable excuse. The maximum penalty is 100 penalty units.

The Bill continues the confidentiality provision under the Accreditation Act (clause 176). For consistency with other education portfolio legislation, the maximum penalty has been increased from 20 penalty units to 50 penalty units for breach of the provision. A maximum penalty of 50 penalty units is considered an appropriate deterrent for this offence. The

offence aims to protect the rights of the person about whom the confidential information relates. On this basis, the inclusion of the offence in the Bill is considered reasonable.

Clause 216 inserts a new offences in section 382 of the *Education (General Provisions) Act 2006* that in giving the Minister allowance acquittal details for a non-State school, a person must not give information or a document the person knows contains information that is false or misleading. The maximum penalty for breaches of this offence is 20 penalty units and is consistent with other offences in section 382 of the EGPA and clause 175 of the Bill.

The inclusion of these offences in the Bill is considered necessary for the appropriate functioning of the regulatory system.

**Section 4(3)(e) of the *Legislative Standards Act 1992* - whether legislation confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer**

- *General power to enter places*

The Bill continues the current powers under the Accreditation Act that authorised persons have powers of entry to non-state schools to undertake their regulatory functions (clause 137). The Bill also allows an authorised person to enter a place other than a school's premises for carrying out a function (clause 139). For example, the authorised person may need to enter a governing body's head office not located at the school. An authorised person has the power to seize a thing at the place if the person reasonably believes the thing is relevant to a report being prepared by the authorised person or an investigation being carried out by the person, or if it is evidence of an offence against the Act.

These powers are essential to enable the Board to monitor and enforce compliance. The powers proposed in the Bill are appropriately confined. An authorised person can only enter a school's premises, during ordinary office hours, and the authorised person must give the school's governing body a notice advising the governing body about the purpose of the entry and the day on which entry is proposed. For non-school premises (such as the office of a governing body of a non-state school), an authorised person may enter only with consent of the occupier, if it is a public place and the entry is made when the place is open to the public, or if authorised by a warrant.

**Section 4(3)(h) of the *Legislative Standards Act 1992* - whether legislation confers immunity from proceedings or prosecution without adequate justification**

- *Protection from civil liability*

Clause 173 of the Bill applies section 26C of the PSA to protected persons (member of the Board or a committee of the Board, or an authorised person) who are not state employees. The clause also provides that if section 26C of the *Public Service Act 2008* prevents liability attaching to a protected person (i.e. both a person is a state employee and not a state employee), section 26C(2)(b) of that Act does not apply. The effect of this provision is that rather than liability attaching to the Board, liability will instead attach to the State. The risk of the Board and its members being sued is low (and has not happened to date). Nevertheless,

given the Board's small budget, it is appropriate that liability attach to the State, as it currently does under the Accreditation Act.

The potential breach of fundamental legislative principles is justifiable on the basis that the provision operates to attach civil liability to the State instead of the relevant officers. It is not considered appropriate for an individual to be made personally liable in these circumstances as a consequence of carrying out their responsibilities under the proposed legislation.

**Sections 4(4)(c) of the *Legislative Standards Act 1992* - whether the Bill has sufficient regard to the institution of Parliament depends on whether, for example, the Bill only authorises the amendment of an Act by another Act**

- *Transitional regulation-making power*

The Bill includes a one year transitional regulation making power that will allow a regulation to amend the Act (clause 198). The inclusion of such a power is justified on the basis that any transitional issues in relation to changes in processes from the current Act that have not been identified during the drafting of the provisions can be quickly addressed.

Parliamentary committees have indicated that a transitional regulation-making power may have sufficient regard to the institution of Parliament if it is subject to a 12 month sunset clause; and a further sunset clause on all the transitional regulations made pursuant to the transitional regulation-making power. Clause 198 provides that both the section and any transitional regulation expire one year after the day of commencement.

## Consultation

The Board, QCEC and ISQ were consulted on the draft Bill and supported the major policy changes in the Bill such as: government funding eligibility reforms; removal of provisional accreditation; simplified processes for the amalgamation and division of accredited schools; and ceasing to issue certificates of accreditation.

## Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and does not introduce uniform or complementary legislation.

# Notes on provisions

## Chapter 1 Preliminary

### Part 1 Introduction

*Clause 1* provides that the short title of the Act is the *Education (Accreditation of Non-State Schools) Act 2017*.

*Clause 2* provides that the Act commences on a day to be fixed by proclamation.

### Part 2 Objects

*Clause 3* states that objects of the Act.

### Part 3 Interpretation

*Clause 4* provides that the dictionary in schedule 1 defines particular words in the Act.

*Clause 5* defines **school** to mean a non-State school for the purpose of this Act.

*Clause 6* defines the term **non-State school**.

*Clause 7* defines a school is **operated for profit** if any part of the income arising from the school's operation, is used for any purpose other than the operation of the school. This definition focuses on income being used only for the purpose of the operation of the school rather than definition in section 7 of the current Act, which refers to the profits being used entirely to advance the school's philosophy and aims. The link to the operation of the school aligns with the changes to the definition of prohibited arrangement. When considering if income is being used for the operation of a school, the Board may consider the school's statement of philosophy and aims to assist to determine the scope of the school's operations.

*Clause 8* defines the term **prohibited arrangement** as a contract or arrangement entered into by a school's governing body or proposed governing body and another entity not dealing with each other at arm's length, and that is not, or will not be, for the benefit of the school. Subsection (2) provides that a contract or arrangement is not, or will not be for the benefit of the school if it is for property, goods or services at more than reasonable market value or that are not required for the operation of the school.

Unlike section 7A of the current Accreditation Act, the definition of prohibited arrangement in clause 8 is not restricted to arrangements with for-profit entities. This change was made on the basis that all dealings of a governing body should be at arm's length regardless of the type of third party entity. However, the Bill specifically provides that the contract or arrangement is only prohibited if it is not, or will not be for the benefit of the school. Governing bodies may have arrangements with other not-for profit entities that provide a benefit for the school such as rent at lower than market value. These arrangements are not captured by the definition of prohibited arrangement as they are for the benefit of the school.

*Clause 9* defines the term **director** of a school's governing body.

*Clause 10* defines when a governing body of a school ***meets the government funding eligibility criteria***.

## **Chapter 2 Accreditation of schools**

### **Part 1 Accreditation criteria**

*Clause 11* provides that a regulation may prescribe criteria (the ***accreditation criteria***), relevant to a school's accreditation, about the school's: administration and governance requirements; financial viability; educational program; student welfare processes; resources; and improvement processes.

### **Part 2 Accreditations**

#### **Division 1 Preliminary**

*Clause 12* provides that a school may only be accredited to provide the following types of education: primary education, secondary education and special education.

Subsection (2) continues the requirement that a school may only provide education in the preparatory year if the school is accredited to provide primary education at least years 1 to 3.

Subsection (3) clarifies that a school that is accredited to provide primary or secondary education may provide special education for the education of persons without being accredited for special education. "Special education" is granted as a type of accreditation for a school if the school is only providing special education.

*Clause 13* provides a school may only be accredited to use the following modes of delivery of education: classroom education or distance education. Classroom education and distance education are defined in the schedule 1 dictionary.

*Clause 14* applies to a school that is accredited to provide primary or secondary education. The school may be accredited to provide special assistance. The provision of special assistance is the provision of the type of education to relevant students (as defined in subsection (4)), and without tuition fees.

*Clause 15* provides that a school accredited to provide a type of education under chapter 2, part 2 must commence operations on the student-intake day for the type of education.

*Clause 16* provides that the accreditation of a school has effect until it is cancelled or surrendered under the Act.

*Clause 17* provides that the governing of an accredited school must always be a corporation.

#### **Division 2 Applications for accreditation**

##### **Subdivision 1 Applications**

*Clause 18* provides that a school's proposed governing body may apply for accreditation of the school. To be eligible to apply, the governing body must be a corporation.

*Clause 19* provides for the procedural requirements for an application for accreditation.

Subsection (1) provides that the application must be made to the Board in the approved form and be accompanied by the fee prescribed by regulation and copies of current positive notices or exemption notices for all the directors of the school's governing body.

Subsection (2) provides that the approved form must include certain information such as the types or types of education proposed to be provided by the school; the student-intake day for each type of education proposed to be provided by the school; and if the school will be an establishment phase school for a year of schooling for the type of education – the student intake day for the year of schooling. Establishment phase school, for a year of schooling, is defined in the Schedule 1 dictionary to mean an accredited school that may under its accreditation provide education for a year of schooling at a site and is yet to start to provide education for the year of schooling at the site.

Subsection (3) provides that a student-intake for a type of education must be within four years after the day the application is made.

Subsection (4) provides the approved form must require the inclusion of details of each of the attributes listed for each type of education proposed to be provided by the school.

Subsection (5) provides that a site must not be an attribute for the purposes of subsection (4)(e) i.e. special assistance, if the school is to provide education other than special assistance at the site.

Subsection (6) provides that the approved form must require the inclusion of an indication about whether or not the applicant seeks to be eligible for government funding for the school.

*Clause 20* provides that the Board must, within 28 days after receiving an application under section 18(1), give ISQ, QCEC and the chief executive a notice about the application and publish information about the application on the Board's website.

## **Subdivision 2      Deciding applications**

*Clause 21* provides that the Board must consider the application for accreditation and decide in relation to each type of education whether: the applicant is suitable to be the school's governing body; and the school will comply with the accreditation criteria from the school's student-intake day for the type of education.

Subsection (2) provides that if the Board is satisfied about these matters it must decide to accredit the school with the attributes of accreditation stated in the application and any other attribute agreed to by the applicant and the Board.

Subsection (3) provides if the Board is not satisfied about these matters, the Board must decide to refuse to accredit the school.

*Clause 22* provides that the Board may require an applicant to give the Board further information or a document the Board reasonably requires to decide the application within a stated period of at least 30 days. The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement.

*Clause 23* provides that if the Board fails to decide an application within six months after receiving it, the failure is taken to be a decision of the Board to refuse to accredit the school and the Board must, as soon as practicable, give the applicant an information notice. The

clause is subject to clause 24.

*Clause 24* provides how the Board may extend the time to make a decision on an application if the Board considers it needs more time to decide an application.

*Clause 25* provides the steps to be taken by the Board after the application is decided. If the Board decides to accredit the school it must give the applicant and the Minister written notice of the decision and publish notice of the decision on the Board's website. If the Board decides to refuse to accredit the school it must as soon as practicable give the applicant an information notice about the decision.

### **Subdivision 3      Suitability of school's governing body**

*Clause 26* applies if the Board is deciding whether the proposed governing body of a school is suitable to be the school's governing body, or whether the governing body of an accredited school is suitable to continue to be the school's governing body.

Subsection (2) provides for the matters the Board may have regard to in making its decision.

Subsection (3) provides that the governing body of a school is not suitable to be, or suitable to continue to be, a school's governing body unless each director of the governing body has a current positive notice or a current positive exemption notice.

*Clause 27* provides that to help in deciding whether an entity is, or continues to be, suitable, the Board may investigate the governing body or proposed governing body's suitability. This is an ongoing power to enable the Board to assess the suitability of a governing body.

*Clause 28* provides that when investigating a governing body or proposed governing body's suitability under section 27 the Board may ask the commissioner of the police service for a written report about the criminal history of the governing body or a director of the governing body and a brief description of the circumstances any conviction mentioned in the criminal history.

*Clause 29* provides that before making a decision about the suitability of a governing body or proposed governing body, the Board may obtain a written report from an authorised person about whether the governing body or proposed governing body is suitable.

### **Division 3      Assessment of schools**

*Clause 30* provides that the Board, must on or after the assessment day for each type of education a school is accredited to provide, start an assessment of the school to decide whether the school is complying with the accreditation criteria and that the governing body of the school is suitable to continue to be the governing body of the school.

Subsection (2) defines **assessment day**, for a type of education an accredited school is accredited to provide, as: the day that is at least 60 days after the student-intake day for the type of education and within six months after the student-intake day for the type of education; or another day agreed to by the Board and the school's governing body,

*Clause 31* applies to a school that was an establishment phase school for a year of schooling and has started to operate, within the year of schooling, on the student-intake day for the year of schooling. The Board must, on or after the assessment day, start an assessment of the



school to decide whether the school is complying with the accreditation criteria. This assessment is in addition to the initial assessment under clause 30.

Subsection (3) defines **assessment day** as: a day that is at least 60 days after the student-intake day for the year of schooling and within six months after the latest student-intake day for the years of schooling for the sector of schooling within which the school has started to operate; or another day agreed to by the Board and the school's governing body. For example, if a school is accredited to offer at a site: Prep in 2019; year 1 in 2020; year 2 in 2021; and year 3 in 2022 it would be an establishment phase school for the site. An initial assessment would need to start within the first six months of the student-intake day in 2019 under clause 30 and another assessment within the first six months of 2022 (as the latest student-intake day for the sector of schooling) under clause 31. Subsection (3) also defines the sectors of schooling.

*Clause 32* applies to a school that has started to operate at a new site at which the school has not previously operated. The Board must, on or after the assessment day, start an assessment of the school in relation to the provision of education at the new site, to decide whether the school is complying with the accreditation criteria.

Subsection (3) defines **assessment day** as either the day agreed to by the Board and the governing body, or otherwise the day that is at least 60 days after the Board gives notice to the governing body and within six months after the school starts to operate at the new site. If the site is also to be an establishment phase school for a year of schooling, clause 31 will apply in addition to clause 32.

*Clause 33* provides that to assess a school under this division, the Board must obtain a written report from an authorised person about whether the school is complying with the accreditation criteria. If the report is for an assessment under section 30 the report may also be about whether the governing body is suitable to continue to be the school's governing body. To prepare the report, the authorised person may exercise the authorised person's powers under chapter 4, part 2 (Powers of authorised persons).

## **Part 3      Changes to accreditation**

### **Division 1    Changes to student-intake days**

*Clause 34* defines **relevant student-intake day**, for a school, (for the purposes of chapter 2, part 3, division 1).

*Clause 35* provides how the governing body of an accredited school may apply to the Board to change a relevant student-intake day for the school.

Subsection (2) provides that even if the relevant student-intake day has already been changed it can be changed again.

Subsection (3) makes it clear that despite section 19(3), the governing body may apply to change the student-intake day for a type of education to a day that is more than four years after the day the application for accreditation of the school was made to the Board.

Subsection (4) provides that the application must be made at least 45 days before the relevant student-intake day. However, subsection (5) provides that Board may consider an application

made within 45 days of the student-intake day if the Board is satisfied unforeseen circumstances arose within the period that prevented the school from providing a type of education, or a year of schooling, by the relevant student-intake day.

*Clause 36* provides how the Board must consider and decide the application for a change in student-intake day.

*Clause 37* provides that the Board may require an applicant to give the Board further information or a document the Board reasonably requires to decide the application within a stated period of at least 30 days. The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement. When giving the notice the Board must have regard to the time remaining for the Board to decide the application.

*Clause 38* provides that if the Board fails to decide the application by the relevant student-intake day the failure is taken to be a decision of the Board to refuse the application. The Board must, as soon as practicable, give the applicant an information notice about the decision.

## **Division 2    Changes to attributes of accreditation**

### **Subdivision 1        Applications to change attributes of accreditation**

*Clause 39* allows an accredited school's governing body to apply to the Board to change an attribute of accreditation applying to the school.

Subsection (2) provides the application must be in the approved form and be accompanied by the fee prescribed by regulation.

Subsection (3) provides if the change will result in the school being allowed to provide education for a new year of schooling, the application must include the student-intake day for the year of schooling.

Subsection (4) provides if the application is about a change in the school's governing body, the application must be accompanied by copies of current positive notices or current positive exemption notices for all the directors of the proposed governing body.

Subsection (5) provides that the Board, must within 28 days of receiving an application, give ISQ, QCEC and the chief executive a notice stating the Board has received the application and summarising the proposed change to the school's attribute of accreditation.

*Clause 40* provides that the Board must consider the application made under clause 39 and decide to grant, or to refuse to grant, the application.

Subsection (2) provides that if the application is about a change in the school's governing body, the Board may only decide to grant the application if the Board is satisfied of the listed matters.

Subsection (3) provides that for deciding whether the proposed new governing body is suitable, chapter 2, part 2, division 2, subdivision 3 applies as if the application were an application for accreditation.

Subsection (4) provides that if the change is about an attribute of accreditation other than a

change in the school's governing body, the Board may only decide to grant the application if the Board is satisfied the school will comply with the accreditation criteria when the change has effect.

Subsection (5) provides that if the Board decides to grant the application, the Board must give the applicant a change notice stating the decision and the day (the change day) before which the change must have effect.

Subsection (6) provides that if the Board decides to refuse to grant the application, the Board must as soon as practicable give the applicant an information notice about the decision.

*Clause 41* provides that the Board may require an applicant to give the Board further information or a document the Board reasonably requires to decide the application within a stated period of at least 30 days. The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement.

*Clause 42* provides that if the Board fails to decide an application within six months after receiving it, the failure is taken to be a decision of the Board to refuse to grant the application and the Board must, as soon as practicable, give the applicant an information notice. This section is subject to section 43.

*Clause 43* provides how the Board may extend the time to make a decision on an application if the Board considers it needs more time to decide an application.

*Clause 44* applies if an accredited school's governing body receives a change notice about an attribute of accreditation applying to the school and the change is not effected before the change day stated in the notice. The change notice is of no effect and the Board is not authorised to make the change to the attribute of accreditation for the school to which the notice relates.

*Clause 45* applies if the school's governing body is eligible for government funding for the school, and the governing body applies to change the school's governing body and proposes that the new governing body is to be eligible for government funding for the school.

Subsection (2) provides that the proposed new governing body of the school is taken to have made an application for government funding for the school under section 78 on the day the Board received the application about the change in the school's governing body, and under subsection (3) the Board must decide whether the proposed new governing body is eligible for government funding for the school under chapter 3, part 2.

## **Subdivision 2      Notice of attribute of accreditation no longer applying**

*Clause 46* enables a school's governing body to notify the Board that an attribute of accreditation of the school no longer applies to the school. The Board must as soon as practicable after the attribute of accreditation stops applying for the school amend the register to remove the attribute from the attributes of accreditation applying to the school and give the governing body of the school notice that the attribute of accreditation no longer applies to the school. This is a new ability for the governing body of an accredited school to be able to surrender an attribute of accreditation it no longer needs, for example, boarding school or a site, rather than having to apply for a change in attribute.

## **Part 4      Special assistance schools – use of temporary sites**

*Clause 47* provides that purpose of this part is to enable a special assistance school to provide, on a temporary basis, special assistance at a temporary site.

Subsection (2) clarifies that special assistance may be provided at the temporary site only in accordance with the attributes of accreditation mentioned in section 19(4)(c) for the school's accredited special assistance sites (i.e. mode of delivery, years of schooling, and whether the site is co-educational or single-sex).

*Clause 48* defines certain terms used in the part 4.

*Clause 49* requires that a special assistance school that provides special assistance at a temporary site must comply with the criteria prescribed by regulation for temporary sites. A regulation may limit the period for which a special assistance school may provide special assistance at a temporary site. This enables special assistance schools to operate for a limited period of time from temporary sites to re-engage disengaged youth from the local community into education and training.

*Clause 50* sets out the process for a governing body of a special assistance school to notify the Board of the intention to start providing special assistance at a temporary site or if the governing body stops providing special assistance at a temporary site.

*Clause 51* applies if a special assistance school provides special assistance at a temporary site and complies with the temporary site criteria. Subsection (2) provides that the governing body is not required to seek accreditation of the site, and provision of special assistance at the site is not a change in attribute of accreditation.

*Clause 52* enables the Board to assess the special assistance school to decide whether it is complying with the temporary site criteria.

*Clause 53* provides that in assessing the special assistance school under section 52 the Board must obtain a written report from an authorised person about whether the school is complying with the temporary site criteria.

## **Part 5      Amalgamations and divisions of accredited schools**

### **Division 1    Application of part**

*Clause 54* provides that part 5 does not apply a school, if the governing body of the school has been given a compliance notice or show cause notice that has not finally been dealt with, or if the governing body has been given an information notice in relation to a decision, the governing body has applied for a review of the decision and the review has not been finally dealt with or the period for review of the decision has not passed.

### **Division 2    Amalgamation of accredited schools**

*Clause 55* provides that division 2 applies in the described circumstances to allow two or more accredited schools to amalgamate the schools into one school.

*Clause 56* provides the process for the governing bodies of the amalgamating schools to give the Board notice, in the approved form, of the intention to amalgamate.

*Clause 57* provides that if the Board is satisfied that the proposed attributes of accreditation for each site at which the amalgamated school is to operate are the same as the attributes of accreditation for the site for the amalgamating school at the site:

- the governing bodies of the amalgamating schools are taken to have surrendered accreditation of the schools and applied for accreditation of the new school; and
- the Board is taken to have decided to accredit the amalgamated school.

Subsection (2) sets out what the Board must do if it is taken to have decided to accredit the amalgamated school under subsection (1).

Subsection (3) provides that if the Board is not satisfied the proposed attributes of accreditation for each site at which the amalgamated school will operate are the same as the attributes for accreditation for the amalgamating school operating at the site, the Board must give the governing body of each amalgamating school an information notice about the decision.

Subsection (4) provides that subsection (3) does not prevent a governing body from applying to accredit the amalgamated school or surrendering the accreditation of an amalgamating school.

### **Division 3    Division of accredited schools**

*Clause 58* provides that division 3 applies if the governing body of an accredited school proposes to divide the school into two or more accredited schools and the governing body will be the governing body of each of the new schools.

*Clause 59* provides the process for the governing body to give the Board a notice, in the approved form, of the intention to divide a school.

*Clause 60* provides that if the Board is satisfied the proposed attributes of accreditation for each site at which a separated school is to operate are the same as the attributes of accreditation for the site for the dividing school:

- the governing body of the dividing school is taken to have surrendered accreditation of the school and applied for accreditation of each separated school; and
- the Board is taken to have decided to accredit each separated school.

Subsection (2) provides the process the Board must undertake after it is taken to have decided to accredit each separated school.

Subsection (3) provides that if the Board is not satisfied the proposed attributes of accreditation for the separated school are the same as the attributes of accreditation for the dividing school, the Board must give the governing body of the dividing school an information notice.

Subsection (4) provides that subsection (3) does not prevent a governing body from applying to accredit a separated school or surrendering the accreditation of a dividing school.

## **Division 4    Deemed eligibility for government funding**

*Clause 61* provides for the governing body of a school approved under section 57(1)(c) or 60(1)(b) to be taken to be eligible for government funding if the governing body was eligible for governing funding immediately before the amalgamation or division of the school.

## **Part 6        Amendment, cancellation and surrender of accreditations**

### **Division 1    Giving compliance notices**

*Clause 62* provides for the circumstances in which the Board may give a compliance notice to the governing body of a school requiring it to rectify a matter. The governing body must comply with the compliance notice unless it has a reasonable excuse.

*Clause 63* enables the Board to obtain a written report from an authorised person about a matter to help the Board decide whether to give a school's governing body a compliance notice or whether a school's governing body has complied with a compliance notice.

### **Division 2    Amendment and cancellation of accreditations**

*Clause 64* defines the term *relevant attribute of accreditation* used in division 2.

*Clause 65* provides the grounds for amending a school's accreditation by removing or amending a relevant attribute of accreditation. This aims to give the Board more flexibility, in appropriate circumstances, to deal with a school's non-compliance in a way that does not mean it must cease operation of a school by cancelling the school's accreditation.

*Clause 66* provides the grounds for cancelling a school's accreditation for a type of education.

*Clause 67* enables the Board to issue a show cause notice in the circumstances outlined in subsection (1). A governing body may make a written representation about the show cause notice to the Board within the prescribed period.

*Clause 68* states that before taking the proposed action stated in the show cause notice, the Board must consider all accepted representations about the notice.

*Clause 69* provides the Board must not take further action about the show cause notice and must give the school's governing body a notice stating this, if the Board, after considering the accepted representations, no longer believes a ground exists to amend or cancel the accreditation.

*Clause 70* sets out the process if the Board decides to remove or amend a relevant attribute of accreditation.

*Clause 71* sets out the process if the Board decides to cancel a school's accreditation.

*Clause 72* provides that the Board may obtain a written report from an authorised person to help the Board decide whether to: issue a show cause notice under this division; end the show cause process under clause 69; or amend or cancel a school's accreditation under section 70 or 71.

## **Division 3    Surrender of accreditations**

*Clause 73* enables a school's governing to surrender an accreditation of the school by giving notice to the Board.

## **Part 7        Offences**

*Clause 74* provides that it is an offence for a person to operate a school unless the school is an accredited school. The maximum penalty for breach of this provision is 100 penalty units.

*Clause 75* provides that it is an offence for the governing body of an accredited school to provide a type of education at the school before the student-intake day for the type of education. The maximum penalty for breach of this provision is 100 penalty units.

*Clause 76* provides that it is an offence for a person to hold out a school as being an accredited school if it is not an accredited school. The maximum penalty for breach of this provision is 100 penalty units.

# **Chapter 3                    Eligibility for government funding**

## **Part 1        Preliminary**

*Clause 77* provides that a governing body of a school is eligible for government funding for the school if the Board is satisfied the governing body meets the government funding eligibility criteria. Clause 10 sets out the government funding eligibility criteria.

## **Part 2        Applications for eligibility for government funding**

*Clause 78* provides that the governing body of an accredited school may apply to be eligible for government funding for the school. This clause applies to an already accredited school that does not have government funding eligibility.

*Clause 79* provides that if a governing body of a school applies for accreditation of a school under section 18 and indicates in the application it is seeking to be eligible for government funding for the school, the governing body is taken to have made an application to be eligible for governing funding under section 78 on the day the Board received the application for accreditation of the school.

Subsection (3) provides that the application is taken to have been withdrawn if the Board decides to refuse to accredit the school under section 21(3) or is taken to have refused to accredit the school under section 23(1)(a). The governing body of a school that is not accredited cannot be eligible for government funding.

*Clause 80* requires the Board to consider the application for government funding eligibility and decide whether it is satisfied the governing body meets the government funding eligibility criteria. If the Board decides the governing body meets the criteria, it must decide the governing body is eligible for government funding for the school.

*Clause 81* provides that the Board may require an applicant to give the Board further information or a document the Board reasonably requires to decide the application within a stated period of at least 30 days. The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement.

*Clause 82* provides that if the Board fails to decide the application within 6 months after receiving it the failure is taken to be a decision of the Board to that the governing body is not eligible for government funding and the Board must as soon as practicable give the applicant an information notice about the decision. This section is subject to section 83.

*Clause 83* provides how the Board may extend the time to make a decision on an application if the Board considers it needs more time to decide an application.

*Clause 84* sets out the steps the Board must take after deciding the application.

*Clause 85* enables the Board to obtain a written report about a governing body's eligibility for government funding.

## **Part 3      Withdrawal of eligibility for government funding**

### **Division 1    Application of part**

*Clause 86* provides that part 3 applies to a school the governing body of which is eligible for government funding for the school.

### **Division 2    Giving compliance notices**

*Clause 87* prescribes when the Board can issue a compliance notice to rectify a matter relating to a governing body's noncompliance with the government funding eligibility criteria.

*Clause 88* enables the Board to obtain a written report to help the Board decide whether to give a governing body a compliance notice or whether a school has complied with a compliance notice.

### **Division 3    Withdrawal of eligibility for government funding after show cause process**

*Clause 89* sets out the grounds for withdrawal of a governing body's eligibility for government funding for a school.

*Clause 90* provides when the Board must issue a show cause notice to a governing body about the decision the Board proposes to make about the withdrawal of the governing body's eligibility for government funding. The governing body may make a written representation about the show cause notice to the Board.

*Clause 91* provides that before taking the proposed action in the show cause notice, the Board must consider all accepted representations for the notice.

*Clause 92* prescribes how the Board must end the show cause process if the Board no longer believes a ground exists for withdrawing the governing body's eligibility for government funding for the school.



*Clause 93* applies if, after considering any representations, the Board still believes a ground for withdrawal exists, or there were no acceptable representations made. The Board must decide whether to withdraw government funding eligibility for either a period the ground existed or otherwise from the day the Board believes the ground arose.

*Clause 94* enables the Board to obtain a written report from an authorised person to help the Board decide: whether to issue the show cause notice for withdrawal of government funding eligibility; whether to end the show cause process; or whether to withdraw a governing body's eligibility for government funding.

*Clause 95* provides that the withdrawal of eligibility for government funding has effect for either the period the Board believes the ground existed or otherwise from the day the Board believes the ground arose.

#### **Division 4 Automatic withdrawal of eligibility for government funding**

*Clause 96* provides that if an accredited school's accreditation is cancelled, the school's governing body's eligibility for government funding is taken to be withdrawn when the cancellation has effect under the Act.

## **Chapter 4 General administration**

### **Part 1 Non-State Schools Accreditation Board**

#### **Division 1 Establishment**

*Clause 97* continues the Board in existence.

*Clause 98* provides that the Board represents the State and has the status, privileges and immunities of the State.

*Clause 99* provides that the Board is a statutory body under the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*.

#### **Division 2 Functions and powers**

*Clause 100* sets out the functions of the Board.

*Clause 101* provides that the Board has all the powers of an individual.

#### **Division 3 Membership**

*Clause 102* establishes the membership of the Board.

*Clause 103* provides that for the nominee of ISQ and QCEC, the Minister must give the entity a notice stating a reasonable period within which it may nominate a person for the membership. If the entity does not nominate a person for membership within the period stated in the notice, the Minister may nominate a person for membership and the nomination is taken to have been made by the entity.

*Clause 104* provides for the term of appointment of a member to be no longer than four years as stated in the member's instrument of appointment.

*Clause 105* provides for the conditions of appointment of members.

*Clause 106* provides for the appointment of the chairperson of the Board.

*Clause 107* provides for the appointment of the deputy chairperson of the Board.

*Clause 108* provides for how a member is disqualified from becoming, or continuing as, a member.

*Clause 109* provides for when a Board member's office becomes vacant.

*Clause 110* enables a member to resign by signed notice given to the Minister.

*Clause 111* enables the Minister to approve a leave of absence for a member and appoint another person to act in the office of the member during the leave of absence.

#### **Division 4 Criminal history**

*Clause 112* enables the Minister to ask the commissioner of the police service for a criminal history report for the purposes of deciding if a person is disqualified from becoming, or continuing as, a member.

*Clause 113* requires a member, if there is a change in their criminal history, to immediately give notice of the change to the Minister, unless the member has a reasonable excuse. The maximum penalty for breach of this provision is 100 penalty units.

#### **Division 5 Business and meetings**

*Clause 114* provides that, subject to division 5, the Board may conduct its business and hold meetings in the way the Board decides.

*Clause 115* prescribes how the times and places of Board meetings are to be decided.

*Clause 116* states that a quorum for a Board meeting is a majority of the members appointed at the time the meeting is held.

*Clause 117* prescribes for the conduct of Board meetings.

*Clause 118* enables a member to attend a Board meeting by proxy.

*Clause 119* prescribes how conflicts of interest are to be dealt with by the Board.

#### **Division 6 Administrative support of the Board**

*Clause 120* provides that the chief executive must ensure the Board has the administrative support services reasonably required for the Board to carry out its functions effectively and efficiently.

#### **Division 7 Interaction between Minister and board**

*Clause 121* enables the Minister to refer a matter to the Board if the Minister considers there is a matter about the accreditation of schools or the eligibility of governing bodies for government funding the Board should examine. The Board must give the Minister a written report about the matter if the Minister requests it.

*Clause 122* provides that if the Minister is satisfied a governing body's eligibility for government funding should be reassessed, the Minister may by notice ask the Board to reassess the governing body's eligibility. The Board is then required to reassess whether the Board is satisfied the governing body meets the government funding eligibility criteria in section 10.

*Clause 123* enables the Minister to give the Board a written direction about a matter relevant to the performance of the Board's functions if the Minister is satisfied it is necessary to give the direction in the public interest. Subsection (3) provides for the matters that the direction cannot be about.

*Clause 124* enables the Minister, by written notice, to ask the Board to give the Minister information or a document. The Board must comply with the request.

*Clause 125* applies if the Board gives any of the stated notices to the governing body of a grammar school. The Board must also give a copy of the notice to the Minister.

## **Division 8 Register of accredited schools**

*Clause 126* requires the Board to keep a register about accredited schools. Subsection (3) sets out the information the register must contain.

*Clause 127* sets out the way the Board is to keep the register open for inspection.

## **Division 9 Information sharing arrangements**

*Clause 128* prescribes how the Board and the chief executive (employment screening) may enter into an information sharing arrangement.

# **Part 2 Authorised persons**

## **Division 1 Functions and appointment**

*Clause 129* prescribes the functions of authorised persons.

*Clause 130* provides for the appointment of authorised persons by the Board. The provision enables the Board to appoint a person to perform just one function, for example, verifying school survey data relating to an accredited school. The Board can only appoint a person to perform this function if it considers the person to be appropriately qualified and is suitable to perform that function.

Subsection (2) provides that a person is not suitable to perform the function of an authorised person if the person does not have a current positive notice or current positive exemption notice. In accordance with subsection (3), this does not limit the matters the Board can have regard to when considering suitability of a person to be an authorised person.

*Clause 131* provides that an authorised person holds office on the conditions stated in the authorised person's instrument of appointment. Subsection (2) provides that instrument of appointment may limit the authorised person's function under this Act. For example, the instrument of appointment could limit a person's appointment to the function of verifying school survey data relating to an accredited school.

*Clause 132* prescribes how the office of an authorised person may end.

*Clause 133* provides for the way an authorised person may resign.

## **Division 2 Identity cards**

*Clause 134* requires the Board to give an identity card to each authorised person and sets out what the identity card must contain.

*Clause 135* provides that in exercising a power in relation to a person in their presence, an authorised person must first produce their identity and have it displayed so it is clearly visible to the other person. Subsection (2) provides that if it is not practicable to comply with subsection (1) the authorised person must produce the identity card for the other person's inspection at the first reasonable opportunity. Subsection (3) clarifies a power is not exercised in relation to a person merely because an authorised person has entered a place under sections 139(1)(b) or 141.

*Clause 136* provides that it is an offence for a person who ceases to be an authorised person to not return the person's identity card to the chairperson within 21 days after the person ceases to be an authorised person, unless the person has a reasonable excuse. The maximum penalty for breach of the provision is 10 penalty units.

## **Division 3 Entry of places by authorised persons**

### **Subdivision 1 Power to enter school premises**

*Clause 137* enables an authorised person to enter a school's premises, during ordinary office hours, after complying with the requirements in section 138.

*Clause 138* prescribes how an authorised person is to give notice to enter a school.

### **Subdivision 2 Power to enter places other than school premises**

*Clause 139* enables an authorised person to enter a place, other than a school's premises, such as the office of a governing body not situated on the school's premises, for carrying out a function in certain circumstances.

### **Subdivision 3 Entry by consent**

*Clause 140* provides that subdivision 3 applies if an authorised person intends to seek consent to enter a place other than a school's premises.

*Clause 141* enables an authorised person to enter certain places to obtain consent.

*Clause 142* prescribes the information an authorised person must provide to seek consent.

*Clause 143* enables an authorised person to ask for a signed acknowledgement of the consent given and prescribes the details to be included in the acknowledgement.

### **Subdivision 3 Entry under warrant**

*Clause 144* enables an authorised person to apply to a magistrate for a warrant for a place and prescribes the process for making the application.

*Clause 145* prescribes the grounds upon which a magistrate may issue a warrant to enter a place and what the warrant must include.

*Clause 146* enables a warrant to be obtained by electronic means in prescribed circumstances.

*Clause 147* provides the procedure for issuing a warrant applied for through electronic means.

*Clause 148* provides a warrant is not invalidated by a defect in the warrant or the way it was applied for, provided the defect does not affect the substance of the warrant in a material particular.

*Clause 149* prescribes what an authorised person must do before entering a place under the warrant.

## **Division 4    General powers after entry**

*Clause 150* provides that division 4 applies to authorised officers who have entered school premises or other places. Subsection (2) confirms that if an authorised person enters premises with consent or under a warrant, the powers in division 4 are subject to any conditions on the consent or terms of the warrant.

*Clause 151* provides for the general powers of an authorised person after entering places.

*Clause 152* enables an authorised person to require a governing body, an occupier of a place entered or another person at the place to give the authorised person reasonable help, including producing a document or giving information.

*Clause 153* provides that a person must comply with a requirement to provide help, unless the person has a reasonable excuse. The maximum penalty for breach of this provision is 50 penalty units. It is a reasonable excuse for an individual to not comply with the requirement if complying might tend to incriminate the individual or expose the individual to a penalty.

## **Division 5    Power to require information**

*Clause 154* enables an authorised person to require the provision of information or a document if the authorised person is performing a function under the Act and a person may be able to provide information that could assist in the performance of the functions.

*Clause 155* provides that it is an offence to fail to comply with a request for information or a document under clause 154, unless the person has a reasonable excuse. The maximum penalty for breach of this provision is 50 penalty units. It is a reasonable excuse for an individual to not comply with the requirement if complying might tend to incriminate the individual or expose the individual to a penalty.

*Clause 156* prescribes how an authorised person must keep custody of a document or thing given to the authorised person under this division.

## **Division 6    Seizure by authorised persons and forfeiture**

### **Subdivision 1        Power to seize**

*Clause 157* sets out the circumstances in which an authorised person may seize evidence at a place that may be entered without consent or a warrant.

*Clause 158* sets out the circumstances in which an authorised person may seize evidence at a

place that may be entered only with consent or a warrant.

### **Subdivision 2 Powers to support seizure**

*Clause 159* provides that after seizing a thing, an authorised person may move the thing from the place where it was seized or leave the thing but take reasonable action to restrict access to it.

*Clause 160* provides that it is an offence for a person to tamper with a thing, or something restricting access to the thing, without the authorised person's approval. The maximum penalty for breach of this provision is 50 penalty units.

### **Subdivision 3 Safeguards for seized things**

*Clause 161* sets out the circumstances when an authorised person must give a receipt for a seized thing.

*Clause 162* prescribes when an authorised person must allow an owner to inspect a seized thing until it is forfeited or returned.

*Clause 163* provides for the return of a seized thing if it is not forfeited.

### **Subdivision 4 Forfeiture**

*Clause 164* prescribes the circumstances when a thing that has been seized is forfeited to the Board.

*Clause 165* prescribes how the Board is to deal with a thing forfeited to it.

## **Part 3 Reviews and proceedings**

*Clause 166* provides that a governing body of a school that is given, or entitled to be given, an information notice for a decision and is dissatisfied with the decision may apply to QCAT for a review of the decision.

*Clause 167* provides that a proceeding for an offence against the Act must be taken in a summary way under the *Justices Act 1882* and provides the time within which a proceeding must start.

## **Chapter 5 Miscellaneous**

*Clause 168* requires the governing body of an accredited school to give the Board details about the school prescribed under a regulation (school survey data) in the time and manner outlined in subsections (2) and (3).

*Clause 169* requires the governing body of an accredited school to give notice to the Board about a change in circumstances in the situations outlined. Failure to give the required notice is a breach of the provision and can result in a maximum penalty of 20 penalty units.

*Clause 170* enables the Board, once every five years during a school's accreditation, to give the school's governing body a notice requesting information or a document to help the Board decide whether the governing body is, or continues to be, suitable to be the school's

governing body or the school is complying with the accreditation criteria. The governing body must comply with the request within six months after receiving the notice.

*Clause 171* enables the Board, once every five years, for an accredited school that is eligible for government funding, to give the school's governing body a notice asking for information or a document that may help the Board reassess whether the governing body meets the government funding eligibility criteria. The governing body must comply with the request within six months after receiving the notice.

*Clause 172* requires the director of a governing body to notify the Board of details of any indictable offence included in their criminal history in the circumstances outlined.

*Clause 173* applies section 26C of the *Public Service Act 2008* (PSA) to a **protected person**, whether or not the person is a state employee, and modifies the application of the section to protected persons.

Section 26C of the PSA provides that a state employee does not incur civil liability for engaging in conduct in an official capacity. Under section 26B, a state employee includes a person who is not a public service employee but who is a member or employee of a government entity that represents the State. Under section 26C(2)(b) of the PSA, if a state employee is employed by a body corporate, liability attaches to the body corporate. Otherwise liability attaches to the State.

Protected person is defined in subsection (4) to mean a member of the Board, an authorised person or a member of a committee established by the Board. Not all of these people are state employees within the meaning of section 26B of the PSA.

Subsection (1) and (2) provide that if section 26C of the PSA applies to a protected person (i.e. because the person is a state employee), section 26C(2)(b) does not apply. Subsection (3) provides that section 26C of the PSA also applies to a protected person who is not a state employee, as if they were a state employee, but that section 26C(2)(b) does not apply. The effect of these provisions are to transfer liability incurred by a protected person to the State, not the Board.

*Clause 174* protects the Board from civil, criminal and administrative liability for publishing information that identifies, or is likely to lead to the identification of a school, if the Board, honestly and on reasonable grounds, believes is being operated without accreditation.

*Clause 175* provides that a person must not give information to the Board the person knows is false or misleading. Subsection (2) provides that a person must not give the Board a document that the person knows is false or misleading. The maximum penalty for breach of either of these provisions is 20 penalty units.

*Clause 176* applies to the persons listed in subsection (1) who are, or have been, involved in the administration of the Act. Subsection (2) provides it is an offence to disclose protected information in the circumstances listed. The maximum penalty for breach of this provision is 50 penalty units. Subsection (3) sets out the circumstances in which disclosure is allowed.

*Clause 177* provides a person must not impersonate an authorised person. The maximum penalty for breach of this provision is 100 penalty units.

*Clause 178* provides that the Board may approve forms for use under the Act.

*Clause 179* provides that the Governor in Council may make regulations under the Act including about fees and the refunding of fees.

## **Chapter 6                      Repeal and transitional provisions**

### **Part 1                      Repeal**

*Clause 180* repeals the *Education (Accreditation of Non-State Schools) Act 2001*, Act No.75.

### **Part 2                      Transitional provisions**

*Clause 181* defines certain terms used in this part.

*Clause 182* continues a thing done by or in relation to the previous Board before commencement. Subsection (2) provides that an appointment of the previous Board is taken to be an appointment to the new Board.

*Clause 183* provides that an application for accreditation not decided by the Board at commencement is taken to have been made under section 18(1) of the new Act and must be decided under the new Act.

*Clause 184* provides that an application for government funding for a school made, or taken to be made, by the governing body of the school under the repealed Accreditation Act and not decided at commencement, is taken to be an application for government funding eligibility under the new Act and decided under the new Act. The Board must publish a notice about the application in a newspaper circulating throughout the school's catchment area stating the application is to be decided under chapter 3, part 2 of the new Act and that the Board is not required to consider any submissions made about the application under the repealed Accreditation Act.

*Clause 185* provides that any school accredited immediately before commencement is taken to be an accredited school under the new Act.

*Clause 186* provides that the governing body of a school, that immediately before the commencement, was eligible for government funding for the school under the repealed Accreditation Act is taken to be eligible for government funding under the new Act.

*Clause 187* provides that a school that was provisionally accredited immediately before commencement is taken to be an accredited school under the new Act.

*Clause 188* provides that for a school that is provisionally accredited and has commenced operating but has not had an initial assessment started under the repealed Accreditation Act, an initial assessment is to be started under section 30 of the new Act within six months of the commencement of the new Act.

*Clause 189* applies to a school that is provisionally accredited that immediately before commencement is operating under a provisional accreditation extended under section 34(2) of the repealed Accreditation Act. If the Board has not started a further assessment of the school under the repealed section 34, an assessment is to be started under section 30 of the



new Act within six months of the commencement of the new Act.

*Clause 190* applies to a school that immediately before commencement is a provisionally accredited school and the Board has started an assessment under section 32 or 34 of the repealed Accreditation Act but has not decided the application for accreditation under the repealed section 27. The assessment is instead taken to have been started under section 30 of the new Act and is continued under the new Act.

*Clause 191* applies to a compliance notice given to the governing body of a school before commencement under repealed section 61(2) and the governing body has not complied with the notice. The compliance notice is taken to have been given to the governing body by the Board under section 62(3) of the new Act.

*Clause 192* applies to a show cause notice given to the governing body of a school before commencement under the repealed section 58A(2) and 64(2) and immediately before commencement the governing body has not finally dealt with the matters relating to the show cause notice. The show cause notice is taken to have been given to the governing body by the Board under section 67(2) of the new Act and the show cause process continues under the new Act.

*Clause 193* applies to a show cause notice given to the governing body of a school before commencement under the repealed section 94(2) and immediately before commencement the Board has not finally dealt with the matters relating to the show cause notice. The show cause notice is taken to have been given to the governing body by the Board under section 90(2) of the new Act and the show cause process continues under the new Act.

*Clause 194* applies if a person had applied for the review of a decision regarding government funding eligibility under the repealed section 101 and immediately before commencement the Minister has not finally dealt with the review. The Minister is taken to have decided to substitute the decision with a decision that the governing body is eligible for government funding.

*Clause 195* applies if a person had applied for a review of a decision, other than a decision relating to government funding eligibility under the repealed section 101, and immediately before commencement the Minister has not finally dealt with the review. Chapter 4 of the repealed Accreditation Act continues to apply to the review as if the chapter had not been repealed. This means the review will be completed under the provisions of the repealed Accreditation Act.

*Clause 196* applies if at commencement a person has been given an information notice about a decision, other than a decision regarding government funding eligibility, under the repealed Accreditation Act and the period in which a person may apply for a review has not ended but the person has not applied for a review of the decision. Chapter 4 of the repealed Act continues to apply to enable the person to seek a review under the provisions of the repealed Accreditation Act.

*Clause 197* applies if a school's governing body was, immediately before commencement, eligible for government funding for the school and the governing body was an ineligible company. Governing bodies may fall into this category if the governing body was transitioned under section 224 of the repealed Accreditation Act. The governing body will continue to be eligible for government funding as long as the governing body continues to

meet the government funding eligibility criteria, however, section 10(a) and 89(1)(a) do not apply to the governing body in relation to the school.

*Clause 198* provides that a regulation may make provision of a saving or transitional nature to enable the transition from the operation of the repealed Accreditation Act to the new Act. Clause 194 and any transitional regulation expire one year after the day of commencement.

## **Chapter 7            Amendment of legislation**

### **Part 1            Amendment of this Act**

*Clause 199* provides that part 1 amends the new Act.

*Clause 200* provides that the words after “for the schools” are omitted from the long title after commencement.

### **Part 2            Amendment of Building Act 1975**

*Clause 201* provides that part 2 amends the *Building Act 1975*.

*Clause 202* omits paragraph (b) of the definition of *educational institution* in section 216(5) and inserts a new paragraph to refer to the new Act.

### **Part 3            Amendment of Charitable and Non-Profit Gaming Act 1999**

*Clause 203* provides that part 3 amends the *Charitable and Non-Profit Gaming Act 1999*.

*Clause 204* omits section 39(c) and replaces it with a new section 39(c) that references the new Act.

### **Part 4            Amendment of Child Protection Act 1999**

*Clause 205* provides that part 4 amends the *Child Protection Act 1999*.

*Clause 206* omits section 159D(f) of the definition of *prescribed entity* and inserts a new paragraph to refer to the new Act.

*Clause 207* omits section 159M(1)(e) and replaces it with a new section that references the new Act.

*Clause 208* omits the definition of *school* in the schedule 3 dictionary and inserts a new definition to refer to the new Act.

### **Part 5            Amendment of Education and Care Services Act 2013**

*Clause 209* provides that part 5 amends the *Education and Care Services Act 2013*.

*Clause 210* omits the definition of *school* paragraph (b) in the schedule 1 dictionary and inserts a new paragraph to refer to the new Act.

## **Part 6      Amendment of Education and Care Services National Law (Queensland) Act 2011**

*Clause 211* provides that part 6 amends the *Education and Care Services National Law (Queensland) Act 2011*.

*Clause 212* omits the reference to the repealed Accreditation Act in section 10(a) and inserts a reference to the new Act.

## **Part 7      Amendment of Education (Capital Assistance) Act 1993**

*Clause 213* provides that part 7 amends the *Education (Capital Assistance) Act 1993*.

*Clause 214* amends the definitions of *eligible non-state school* and *non-state school* in section 3 to refer to the new Act rather than the repealed Accreditation Act.

*Clause 215* omits the reference to the repealed Accreditation Act in section 10(1) and inserts a reference to the new Act.

*Clause 216* omits the reference to the repealed Accreditation Act in section 14(1)(c) and inserts a reference to the new Accreditation Act.

## **Part 8      Amendment of the Education (General Provisions) Act 2006**

*Clause 217* provides that part 8 amends the *Education (General Provisions) Act 2006*.

*Clause 218* omits the reference to the repealed Accreditation Act in the table at section 232 and inserts a reference to the new Act.

*Clause 219* omits the reference to the repealed Accreditation Act in section 364 definition of *director* and inserts a reference to the new Act.

*Clause 220* inserts a new subsection (7) in section 370 to provide that if the governing body does not comply with section 370 (the giving of financial data) it is a ground for suspending payment of the allowance.

*Clause 221* inserts in section 373 that a matter under new section 425A (clause 225) is to be subject to the confidentiality requirements in section 373.

*Clause 222* provides that governing bodies of eligible schools are to give allowance acquittal details directly to the Minister, rather than to the Board by replacing references to the “board” in section 374(2) and (3) with the “Minister”.

Clause 222 also inserts a new section 374(2A), which requires the governing body to ensure that a school’s allowance acquittal details for the year are approved by an accountant. Subsection (4) inserts a definition of ‘accountant’ for the purposes of this section. Section 374(4) is amended to provide that the Minister may suspend, rather than stop, payment of an allowance until the financial data or allowance acquittal details are provided. The definition of *allowance acquittal details* is omitted as the definition has been inserted in the dictionary by clause 226.

*Clause 223* omits section 375 to 381, which relate to stopping a payment and the show cause process and inserts new sections 375 and 376. Rather than stopping a payment, new section 375 provides that the Minister may suspend payment of the allowance and the Minister must notify the governing body and the Board of the suspension and the reasons for the decision. New section 376 provides that once the required information is provided to the Minister, the unpaid allowance that was suspended is to be paid to the governing body.

*Clause 224* inserts in section 382 new subsections (2A) and (2B), which create offences for a person who, when giving the Minister the allowance acquittal details, gives information or a document containing information, the person knows is false or misleading. The maximum penalty for breach of this provision is 20 penalty units.

*Clause 225* inserts a new section 425A, which enables a relevant entity (i.e. the Minister, chief executive or the Board) to enter into an information sharing arrangement for the purpose of sharing or exchanging financial information about a school that is relevant to the functions of the entity.

*Clause 226* amends definitions in the schedule 4 dictionary to refer the new Act and includes a definition of ‘allowance acquittal details’.

## **Part 9      Amendment of Education (Overseas Students) Regulation 2014**

*Clause 227* provides that part 9 amends the *Education (Overseas Students) Regulation 2014*.

*Clause 228* omits the definition of *non-state school* in section 3 and inserts a new definition to refer to the new Act.

## **Part 10     Amendment of Education (Queensland College of Teachers) Act 2005**

*Clause 229* provides that part 10 amends the *Education (Queensland College of Teachers) Act 2005*.

*Clause 230* updates the definition of *relevant agency* in section 287(5) to refer to the new Board under the new Act.

*Clause 231* omits the definition of *non-State school* in the schedule 3 dictionary and inserts a new definition to refer to the new Act.

## **Part 11     Amendment of Education (Queensland Curriculum and Assessment Authority) Act 2004**

*Clause 232* provides that part 11 amends the *Education (Queensland Curriculum and Assessment Authority) Act 2004*.

*Clause 233* omits the definition of *non-State school* in the schedule 1 dictionary and inserts a new definition to refer to the new Act.

## **Part 12 Amendment of Education (Work Experience) Act 1996**

*Clause 234* provides that part 12 amends the *Education (Work Experience) Act 1996*.

*Clause 235* omits the definition of *non-State school* in the schedule dictionary and inserts a new definition to refer to the new Act.

## **Part 13 Amendment of Environmental Protection Act 1994**

*Clause 236* provides that part 13 amends the *Environmental Protection Act 1994*.

*Clause 237* omits the definition of *educational institution* in section 440K and inserts a new definition to refer to the new Act.

## **Part 14 Amendment of Family Responsibilities Commission Act 2008**

*Clause 238* provides that part 14 amends the *Family Responsibilities Commission Act 2008*.

*Clause 239* amends the definition of *prescribed entity* in the section 90 to refer the new Act.

*Clause 240* omits the definition of *non-State school* in the schedule dictionary and inserts a new definition to refer to the new Act.

## **Part 15 Amendment of Grammar Schools Act 2016**

*Clause 241* provides that part 15 amends the *Grammar Schools Act 2016*.

*Clause 242* amends section 38 to refer to the new Act.

*Clause 243* inserts a new section 39(4) to require the Minister to advise a grammar school board and the Board prior to publishing a gazette notice about the appointment of an administrator of the board of a grammar school.

*Clause 244* updates section 47(3) to refer to the new Act.

*Clause 245* omits the definition of *Accreditation Act* in the schedule 1 dictionary. The clause also amends the definition of *non-grammar school* to the new Accreditation Act.

## **Part 16 Amendment of Planning Act 2016**

*Clause 246* provides that part 16 amends the *Planning Act 2016*.

*Clause 247* updates the definition of *non-State school* in section 113(6) to refer to the new Act.

## **Part 17 Amendment of Public Guardian Act 2014**

*Clause 248* provides that part 17 amends the *Public Guardian Act 2014*.

*Clause 249* updates the definition of *prescribed entities* in section 86(n) to refer to the new Act.

## **Part 18 Amendment of Public Health Act 2005**

*Clause 250* provides that part 18 amends the *Public Health Act 2005*.

*Clause 251* replaces a reference in section 180(2)(a) to the repealed Accreditation Act with a reference to the new Act.

*Clause 252* replaces a reference in section 181(2)(a) to the repealed Accreditation Act with a reference to the new Act.

## **Part 19 Amendment of Public Health (Medicinal Cannabis) Regulation 2017**

*Clause 253* provides that part 19 amends the *Public Health (Medicinal Cannabis) Regulation 2017*.

*Clause 254* omits the definition of *non-State school* in section 58 and insert a new definition to refer to the new Act.

## **Part 20 Amendment of Residential Services (Accreditation) Act 2002**

*Clause 255* provides that part 20 amends the *Residential Services (Accreditation) Act 2002*.

*Clause 256* amends the definition of *school* in the schedule 2 dictionary to refer to the new Act.

## **Part 21 Amendment of Residential Tenancies and Rooming Accommodation Act 2008**

*Clause 257* provides that part 21 amends the *Residential Tenancies and Rooming Accommodation Act 2008*.

*Clause 258* amends the definition of *school* in the schedule 2 dictionary to refer to the new Act.

## **Part 22 Amendment of Tobacco and Other Smoking Products Act 1998**

*Clause 259* provides that part 22 amends the *Tobacco and Other Smoking Products Act 1998*.

*Clause 260* amends the definitions of *non-State school* and *school facility* in section 26VQ(4) to refer to the new Act.

## **Part 23 Amendment of Transport Operations (Passenger Transport) Regulation 2005**

*Clause 261* provides that part 23 amends the *Transport Operations (Passenger Transport) Regulation 2005*.

*Clause 262* amends the definition of *school students* in the schedule 11 dictionary to refer to

the new Act.

## **Part 24      Amendment of Weapons Act 1990**

*Clause 263* provides that part 24 amends the *Weapons Act 1990*.

*Clause 264* amends the definition of *school* in section 51 to refer to the new Act.

## **Part 25      Amendment of Workers' Compensation and Rehabilitation Act 2003**

*Clause 265* provides that part 25 amends the *Workers' Compensation and Rehabilitation Act 2003*.

*Clause 266* omits the definition of *non-State school* in section 22(4) and inserts a new definition to remove the concept of provisionally accredited and to refer to the new Act.

## **Part 26      Amendment of Working with Children (Risk Management and Screening) Act 2000**

*Clause 267* provides that part 26 amends the *Working with Children (Risk Management and Screening) Act 2000*.

*Clause 268* omits section 342 and inserts a new section 342. The new section 342 enables the Board to request certain information from the chief executive (employment screening) about directors of governing bodies of accredited schools and authorised persons. The chief executive of employment screening must comply with the request.

*Clause 269* omits schedule 1, part 2, item 25 and inserts a new item 25 providing that directors of governing bodies of non-state schools and authorised persons are taken to be carrying on a regulated business.

*Clause 270* amends the schedule 7 dictionary to update references to the new Act.

## **Schedule 1      Dictionary**

The schedule 1 dictionary defines certain terms used in the Bill.