Western Australia

School Education Act 1999

School Education Regulations 2000

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Defined terms

School Education Act 1999

School Education Regulations 2000

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *School Education Regulations 2000*.

2. Commencement

These regulations come into operation on 1 January 2001.

3. Terms used

(1) In these regulations —

adult student has the meaning given by section 97;

Australian Immunisation Register means the register called the Australian Immunisation Register kept under the *Australian Immunisation Register Act 2015* (Commonwealth) section 8;

breach of school discipline has the meaning given by section 89;

campus, in relation to a registered school, means the school premises, or if the school is located in more than one place, the school premises at each of those places;

code of conduct, in relation to a school, means a code of conduct formulated for students at the school as referred to in section 128(c);

dress code, in relation to a school, means the dress code determined under section 128(d) by the school's Council;

first charges payment year has the meaning given by section 97;

governing body, in relation to a school or proposed school, has the meaning given by section 150;

governing body, in relation to a kindergarten or a proposed kindergarten, has the meaning given by section 191;

independent minor means a child designated as such under regulation 147(1);

kindergarten programme means an educational programme the content and implementation of which are designed for children in their pre-compulsory education period;

licence means a licence to which section 218 applies;

link school, in relation to a kindergarten, means the school of the principal who is nominated under section 205(1)(d) in respect of that kindergarten;

member of staff**,** in relation to a government school, means a person —

(a) employed in the department and referred to in section 235(1)(a), (b), (c) or (d); and

(b) whose functions relate to the school;

outline of curriculum and assessment means the outline of curriculum and assessment in schools established by the School Curriculum and Standards Authority under the *School Curriculum and Standards Authority Act 1997*;

overseas student has the meaning given by section 97;

Note for this definition:

The criterion for the definition of "overseas student" is prescribed in regulation 62.

Part 4 CEO means the chief executive officer to whom section 151 applies;

policy direction means a policy direction issued under section 157C;

pre-primary programme means an educational programme the content and implementation of which are designed for children in the first year of their compulsory education period;

primary programme means an educational programme the content and implementation of which are designed for children in the second to seventh years of their compulsory education period;

prohibition order means an order made under regulation 78(1);

registrar, in relation to a school, means a person appointed under section 235(1)(a) or (c) as the registrar, the bursar or the business manager of the school;

Schedule 3A visa holder means a child who —

(a) holds a visa of a kind set out in Schedule 3A; or

(b) is a dependent child of a person who holds a visa of a kind set out in Schedule 3A;

school administrator, in relation to a school, means a person referred to in section 237(a)(i) or (ii) in respect of that school;

Note for this definition:

The offices or positions referred to in section 237(a)(ii) are prescribed by regulation 127.

school premises has the meaning given by section 119(1);

school's premises, in relation to a school, means the school premises of that school;

secondary programme means an educational programme the content and implementation of which are designed for children in the eighth to thirteenth years of their compulsory education period;

section means section of the Act;

security coordinator means the person employed in the department as the person in charge of the coordination of the security of school premises;

serious breach of school discipline means a breach of school discipline —

(a) of a kind that is, or that is committed in circumstances that are —

(i) set out in the school's code of conduct as a serious breach of school discipline; or

(ii) referred to in a direction under section 232 or CEO's Instructions under section 233 as a serious breach of school discipline;

or

(b) that adversely affects, or threatens, the safety of a person at the school;

sibling, in relation to a person —

(a) means a brother or sister of the person (whether of the whole or half blood or whether it is a natural relationship or a relationship established by a written law); or

(b) where the spouse or de facto partner of the person's parent is not the person's parent, means a child of that spouse or de facto partner whose usual place of residence is the same as that of the person;

specialist programme means an educational programme approved by the chief executive officer as a specialist programme;

vaccine preventable notifiable infectious disease has the meaning given in the *Public Health Act 2016* section 4(1);

vehicle has the meaning given in the *Road Traffic (Administration) Act 2008* section 4;

visa means a visa under the *Migration Act 1958* of the Commonwealth.

Note for this section:

A word used in these regulations may have the same meaning as it has under the *School Education Act 1999*: *Interpretation Act 1984* s. 44(1).

(2) A reference in these regulations to a ***person responsible for a student*** is a reference to a person whose details have been provided under section 16(1)(b)(ii)(II) in relation to the student.

[Regulation 3 amended: Gazette 17 Dec 2002 p. 5906; 30 Jun 2003 p. 2632; 24 Aug 2007 p. 4318; 14 Aug 2012 p. 3831; 11 Nov 2014 p. 4255-6; 8 Jan 2015 p. 104; 16 Jan 2015 p. 312; 21 Dec 2018 p. 4853; 19 Jul 2019 p. 2844.]

4. Notes etc. not part of regulations

Notes and examples in these regulations are provided to assist understanding and do not form part of the regulations.

Part 2 — Enrolment and attendance

Division 1 — Enrolment, all schools

5. Prescribed information required when applying to enrol (Act s. 16(1)(h))

The following information is prescribed for the purposes of section 16(1)(h) —

(a) information as to who is to be contacted in emergency situations that affect the enrollee and contact details for the relevant persons;

(b) if the enrollee has a Medicare number, the Medicare number of the enrollee.

[Regulation 5 inserted: Gazette 19 Jul 2019 p. 2844-5.]

6. Information prescribed, for enrolment register (Act s. 19(a))

(1) The information prescribed for the purposes of section 19(a) is as follows —

(a) the name of the enrollee;

(b) the date of birth of the enrollee;

(c) the date of enrolment of the enrollee;

(d) the date on which the enrolment ceases;

(e) any immunisation status of the enrollee given in accordance with the *Public Health Act 2016* section 141B;

(f) if the enrollee has a Medicare number, the Medicare number of the enrollee.

(2) The information referred to in subregulation (1) may be retained in an electronic form but must be able to be reproduced in written form.

[Regulation 6 amended: Gazette 21 Dec 2018 p. 4853; 19 Jul 2019 p. 2845.]

7. Period prescribed, for retention of particulars (Act s. 19(b))

The particulars recorded in a register under section 19(a) in relation to a particular student are to be retained for 7 years from the day on which the student's enrolment ceases.

8. Closed school, CEO's duties as to enrolment particulars of

(1) If a government school closes before the period referred to in regulation 7 expires, the chief executive officer is to ensure that the particulars referred to in that regulation are retained for the period.

(2) If a non-government school closes before the period referred to in regulation 7 expires, the Part 4 CEO is to ensure that the particulars referred to in that regulation are retained for the period.

9. Permanent retention of government school enrolment particulars

(1) When the period referred to in regulation 7 expires in relation to particulars recorded in a government school's register, the chief executive officer —

(a) is to take such action as is within the chief executive officer's power to cause the particulars to be retained permanently as State archives under the *State Records Act 2000*; or

(b) if the particulars are not to be retained permanently as State archives under that Act, is to ensure that the particulars are otherwise retained permanently, in so far as is practicable.

(2) If it is not practicable to retain permanently the particulars referred to in subregulation (1)(b) the particulars must not be disposed of or destroyed without the authority of the chief executive officer.

(3) This regulation applies whether or not the school referred to in subregulation (1) has closed.

[Regulation 9 amended: Gazette 11 Nov 2014 p. 4256.]

10. Permanent retention of non-government school enrolment particulars

(1) When the period referred to in regulation 7 expires in relation to particulars recorded in the register of a non-government school, the Part 4 CEO is to ensure that the particulars are retained permanently, in so far as is practicable.

(2) If it is not practicable to retain permanently the particulars referred to in subregulation (1), the particulars must not be disposed of or destroyed without the authority of the Part 4 CEO.

(3) This regulation applies whether or not the school referred to in subregulation (1) has closed.

[Regulation 10 amended: Gazette 11 Nov 2014 p. 4256-7.]

11. Child changing schools, new principal to inform old principal of

If —

(a) a child of compulsory school age is enrolled at a school; and

(b) the school at which the child was last enrolled is within Western Australia,

the principal of the school mentioned in paragraph (a) is to inform the principal of the school mentioned in paragraph (b), by such means as are approved by the chief executive officer, that the child is enrolled at the school mentioned in paragraph (a).

Division 1A — Options under Part 2 Division 1 Subdivision 1A of the Act in final years of compulsory education

[Heading inserted: Gazette 11 Nov 2014 p. 4257.]

11A. Term used: option

In this Division —

option means an option provided for by section 11B(1).

[Regulation 11A inserted: Gazette 23 Dec 2005 p. 6254.]

11B. When participation in one option is full-time (Act s. 11C)

For the purposes of section 11C(1), participation by a child in an option is on a full-time basis if the participation is full-time according to the requirements laid down by the provider for participation in the course or employment concerned.

[Regulation 11B inserted: Gazette 23 Dec 2005 p. 6254.]

11C. When participation in 2 or more options is full-time (Act s. 11C)

(1) In this regulation —

course includes part-time studies at a school.

(2) For the purposes of section 11C(1), participation by a child in a combination of options is on a full-time basis if the total participation value of all of the options is not less than 100%.

(3) The participation value of part-time participation in a course or employment is the proportion, expressed as a percentage, that the part-time participation bears to full-time participation in the course or employment.

(4) The proportion referred to in subregulation (3) is to be determined by the Minister having regard to —

(a) the requirements laid down by the provider for participation in the course or employment concerned; and

(b) any time spent travelling between providers' locations, to the extent that the Minister considers that the length of time so spent is significant.

[Regulation 11C inserted: Gazette 23 Dec 2005 p. 6254-5.]

11D. Arrangements notified under Act s. 11D, exception to duty to notify variation of

(1) In this regulation —

arrangements previously notified means —

(a) arrangements that have been notified to the Minister under section 11D(1); and

(b) employment that has been notified to the Minister under section 11H(1) of the Act;

participation value has the meaning given by regulation 11C(3).

(2) This regulation provides for an exception to the requirement under section 11D(4) that notice be given to the Minister of a variation or proposed variation of arrangements previously notified.

(3) The exception applies where —

(a) the variation does not result; or

(b) the proposed variation would not result,

in participation in an option or a combination of options ceasing to be on a full-time basis, but only if there is no change of provider or in the participation value of any option.

(4) The exception in subregulation (3) also does not apply if the variation results, or the proposed variation would result, in a breach of any condition imposed by the Minister under section 11G(5).

[Regulation 11D inserted: Gazette 23 Dec 2005 p. 6255.]

Division 2 — Enrolment, government schools

12. Criteria prescribed (Act s. 76(2)), child in exchange programme

For the purposes of section 76(2), a child who is not entitled to reside permanently in Australia is entitled to be enrolled at a government school if —

(a) the child's usual place of residence while in Australia is in Western Australia; and

(b) the child is involved in the International Secondary Student Exchange Programme.

[Regulation 12 inserted: Gazette 17 Dec 2002 p. 5907.]

13. Criteria prescribed (Act s. 76(2)), dependent of scholarship holder

For the purposes of section 76(2), a child who is not entitled to reside permanently in Australia is entitled to be enrolled at a government school if —

(a) the child's usual place of residence while in Australia is in Western Australia; and

(b) the child is a dependent of a person who is the holder of a scholarship of a kind set out in Schedule 1.

[Regulation 13 inserted: Gazette 17 Dec 2002 p. 5907.]

14. Criteria prescribed (Act s. 76(2)), child of certain defence personnel

For the purposes of section 76(2), a child who is not entitled to reside permanently in Australia is entitled to be enrolled at a government school if —

(a) the child's usual place of residence while in Australia is in Western Australia; and

(b) the child, or a person in respect of whom the child is a dependent child, is entitled to reside temporarily in Australia under the Status of Forces Agreement signed at Canberra on 9 May 1963.

[Regulation 14 inserted: Gazette 17 Dec 2002 p. 5907.]

14A. Criteria prescribed (Act s. 76(2)): holder of or applicant for Schedule 2 visa

For the purposes of section 76(2), a child who is not entitled to reside permanently in Australia is entitled to be enrolled at a government school if —

(a) the child's usual place of residence while in Australia is in Western Australia; and

(b) the child or a person in respect of whom the child is a dependent child —

(i) holds a visa of a kind set out in Schedule 2 Division 1; or

(ii) has applied for a visa of a kind set out in Schedule 2 Division 2 and has received a letter from the Department of State of the Commonwealth assisting in the administration of the *Migration Act 1958* (Commonwealth) confirming that the application is valid.

[Regulation 14A inserted: Gazette 17 Dec 2002 p. 5907-8; amended: SL 2020/101 r. 4.]

15. Too many children for pre-compulsory education at a government school, priority for enrolment in case of

(1) If the number of children in their pre-compulsory education period applying for enrolment at a particular local-intake school for a particular year exceeds the number of available places at

the school, priority for enrolment is to be given in the following order —

(a) to a child whose usual place of residence is in the intake area for the school —

(i) who has a sibling who is enrolled at the school for that year; and

(ii) who lives nearest the school;

(b) to a child whose usual place of residence is in the intake area for the school —

(i) who does not have a sibling who is enrolled at the school for that year; and

(ii) who lives nearest the school;

(c) to a child whose usual place of residence is not in the intake area for the school —

(i) who has a sibling who is enrolled at the school for that year; and

(ii) who lives nearest the school;

(d) to a child whose usual place of residence is not in the intake area for the school —

(i) who does not have a sibling who is enrolled at the school for that year; and

(ii) who lives nearest the school.

(2) If the number of children in their pre-compulsory education period applying for enrolment at a particular government school that is not a local-intake school for a particular year exceeds the number of available places at the school, priority for enrolment is to be given to the child who lives nearest the school.

[Regulation 15 inserted: Gazette 10 Oct 2003 p. 4401-2.]

16. Too many children outside intake area for a local-intake school, priority of enrolment in case of

(1) This regulation applies to children —

(a) who are of compulsory school age; and

(b) whose usual place of residence is not in the intake area for a particular local-intake school.

(2) If the number of children referred to in subregulation (1) applying for enrolment at a the local-intake school for a particular year exceeds the number of available places at the school, priority for enrolment is to be given in the following order —

(a) to a child who qualifies to participate in a specialist programme at that school for that year;

(b) to a child —

(i) who has a sibling who is enrolled at the school for that year other than a sibling who is enrolled at the school to participate in a specialist programme; and

(ii) who lives nearest the school;

(c) to a child —

(i) who —

(I) does not have a sibling who is enrolled at the school for that year; or

(II) has a sibling who is enrolled at the school for that year to participate in a specialist programme;

and

(ii) who lives nearest the school.

*[**17.** Deleted: Gazette 11 Nov 2014 p. 4257.]*

18. Criteria prescribed for School of Isolated and Distance Education (Act s. 79(1)(b))

The following criteria are prescribed for the purposes of section 79(1)(b) in relation to entitlement to enrolment at a School of Isolated and Distance Education —

(a) the child cannot be reasonably expected to attend, or participate in an educational programme of, any other government school;

(b) the School has sufficient resources to make an appropriate educational programme available for the child at the School.

[Regulation 18 inserted: Gazette 17 Dec 2002 p. 5908; amended: Gazette 11 Nov 2014 p. 4257.]

19. Enrolment of person after compulsory education period (Act s. 81(2))

(1) This regulation is prescribed for the purposes of section 81(2).

(2) The chief executive officer is not to approve the enrolment of a person under section 81(1) at a government school unless there is available for the person at the school —

(a) an appropriate educational programme; and

(b) classroom accommodation.

(3) The chief executive officer is not to approve the enrolment of a person under section 81(1) without having regard to the person's —

(a) educational history; and

(b) individual circumstances; and

(c) record of past behaviour as a student and attitude to school.

(4) The chief executive officer is to have regard to the matters referred to in subregulation (5) when deciding whether or not to approve the enrolment of an adult person under section 81(1) —

(a) at a government school that will also be attended by a child of compulsory school age; or

(b) in an educational programme of a government school that will be also be participated in by a child of compulsory school age.

(5) The matters to which the chief executive officer is to have regard are —

(a) whether the person has been convicted or otherwise found guilty of an offence whether or not —

(i) the conviction or finding was made in Western Australia; or

(ii) the offence was committed in or outside Western Australia;

and

(b) whether any charge in relation to an offence, whether committed in or outside Western Australia, is outstanding or whether any proceeding in relation to such an offence is pending.

[Regulation 19 amended: Gazette 11 Nov 2014 p. 4261.]

20. Enrolment at government school of persons who do not have an entitlement to enrol under s. 76

A person may be enrolled at a government school, even though the person is not entitled under section 76 to be enrolled at a government school, if —

(a) there is available for the person at the school —

(i) an appropriate educational programme; and

(ii) classroom accommodation;

and

(b) each person who is entitled under Part 3 Division 4 of the Act to be enrolled at the government school has been given priority for enrolment at the school; and

(c) the school's principal has the approval of the chief executive officer to enrol overseas students at the school.

[Regulation 20 amended: Gazette 11 Nov 2014 p. 4257.]

Division 3 — Attendance

21. Period prescribed for retention of attendance records (Act s. 28(1)(b))

(1) The particulars recorded under section 28(1)(a) in relation to a particular student are to be retained for 7 years from the day on which the student's enrolment ceases.

(2) Nothing in subregulation (1) or regulation 22 is intended to affect the application of the *Library Board of Western Australia Act 1951* in respect of the particulars recorded under section 28(1)(a) in relation to students at government schools.

22. Closed school, CEO's duties as to attendance records of

(1) If a government school closes before the period referred to in regulation 21(1) expires, the chief executive officer is to ensure that the particulars are retained for the period.

(2) If a non-government school closes before the period referred to in regulation 21(1) expires, the Part 4 CEO is to ensure that the particulars are retained for the period.

23. Identification badge for school attendance officer, form of prescribed (Act s. 34(4))

The identification badge of a school attendance officer is to contain —

(a) the name of the school attendance officer; and

(b) a photograph of the school attendance officer; and

(c) a statement that the person has been designated under section 33 as a school attendance officer; and

(d) the expiry date or currency of the designation.

Part 3 — Management of government schools

Division 1 — Hours of instruction

24. Minimum hours prescribed for instruction of child in kindergarten programme (Act s. 123(2)(b))

Subject to regulation 27, a child enrolled at a government school in a kindergarten programme is to be provided at least 11 hours instruction during each week in which the school is open for instruction.

25. Minimum hours prescribed for instruction of child in pre-primary programme (Act s. 123(2)(b))

(1) Subject to regulation 27, before 1 January 2002 a child enrolled at a government school in a pre-primary programme is to be provided at least 20 hours and 40 minutes instruction during each week in which the school is open for instruction.

(2) Subject to regulation 27, on and from 1 January 2002 a child enrolled at a government school in a pre-primary programme is to be provided —

(a) at least 25 hours and 50 minutes instruction during each week in which the school is open for instruction; and

(b) at least 4 hours and 10 minutes instruction during each day in which the school is open for instruction.

26. Minimum hours prescribed for instruction of child in primary or secondary programme (Act s. 123(2)(b))

Subject to regulation 27, a child enrolled at a government school in a primary programme or secondary programme is to be provided —

(a) at least 25 hours and 50 minutes instruction during each week in which the school is open for instruction; and

(b) at least 4 hours and 10 minutes instruction during each day in which the school is open for instruction.

27. Periods prescribed under r. 24, 25 and 26, calculation of

(1) A period referred to in regulation 24, 25 or 26 does not include time for recess or lunch.

(2) A period referred to in regulation 24 or 25(1) is reduced by 25% for each public holiday on which a government school is closed during a week in which the school would otherwise be open for instruction.

(3) A period referred to in regulation 25(2)(a) or 26(a) is reduced by 20% for each public holiday on which a government school is closed during a week in which the school would otherwise be open for instruction.

(4) The chief executive officer may reduce a period referred to in regulation 24, 25 or 26 if the reduction in the period would benefit —

(a) children enrolled in a kindergarten programme, a pre-primary programme, a primary programme or a secondary programme, as is relevant to the case, at a government school; or

(b) the management of a government school.

Division 2 — Health, safety and cleanliness

28. Student with medical condition, principal's powers in case of

If a student at a government school has a medical condition that needs attention when the enrollee is attending school or is otherwise participating in an educational programme of the school the principal may seek such advice from the Chief Health Officer or a registered medical practitioner as will assist —

(a) the principal in deciding whether any member of the staff of the school is to give attention to the student's medical condition; or

(b) a member of the staff of the school when giving attention to the student's medical condition.

[Regulation 28 amended: Gazette 10 Jan 2017 p. 229.]

29. Head lice inspection, principal may authorise etc.

(1) The principal of a government school may authorise a member of the teaching staff or another officer at the school to examine the head of any student at the school for the purpose of ascertaining whether head lice are present.

Note for this subregulation:

Section 27(1) applies in the case where a student is found to be suffering from a contagious medical condition.

(2) If a student refuses to be examined under subregulation (1) the principal may direct the student —

(a) not to attend the school until such time as the student is examined under subregulation (1) or by a registered medical practitioner and found not to have head lice; or

(b) not to participate in an educational programme of the school until such time as the student is examined under subregulation (1) or by a registered medical practitioner and found not to have head lice.

Note for this subregulation:

Under the *Health (Miscellaneous Provisions) Act 1911* section 337(1) a child attending a school is required to submit to a medical or physical examination by a medical practitioner or any nurse authorised by the Chief Health Officer, and the parents or guardians of the child are required to permit such examination as the medical practitioner or nurse deems necessary.

30. Student with clothing etc. likely to be hazard in school activity, principal's powers in case of

(1) The principal of a government school may prevent a student from participating in a school activity if the student's participation in the activity would constitute, or would be likely

to constitute, a hazard to the student, or to other students or members of staff at the school, as a result of —

(a) the clothing worn by the student including headwear or footwear; or

(b) the length of the student's hair, or the student's hair style; or

(c) the jewellery or other adornment worn by the student including any ring, stud or other thing attached to the student's body.

(2) A principal may take action under subregulation (1) whether or not the student is complying with the school's dress code.

31. Student's hygiene likely to affect others, principal's powers in case of

If the state of hygiene of a student at a government school is likely to adversely affect the capacity of other students or members of the teaching staff at the school to participate in a school activity, the principal of the school may require the student to cleanse himself or herself or to return home for that purpose.

32. Parent etc. to be advised of action taken under r. 29(2), 30 or 31

If a principal takes action under regulation 29(2), 30 or 31 the principal is to take reasonable steps to advise a parent of the student or a person responsible for the student (unless the student is an adult student or an independent minor) of the action and the reasons for the action and seek that person's assistance in dealing with the situation if necessary.

Division 3 — School dress codes and codes of conduct

Subdivision 1 — School dress codes

33. Matters which may be provided for in dress code (Act s. 140(d)(i))

The following matters may be provided for in a government school's dress code —

(a) standards of what is acceptable in relation to the clothing worn by students at the school including headwear or footwear;

(b) standards of what is acceptable in relation to other aspects of the personal presentation of students.

34. Students etc. to be informed of dress code

The principal of a government school is to ensure that each student enrolled at the school and, unless the student is an adult student or an independent minor, a parent of the student or a person responsible for the student are informed in writing —

(a) at the time of the student's enrolment at the school about the requirements of the school's dress code (if any); and

(b) about any changes to the school's dress code.

35. Exempting student from dress code, grounds for etc. (Act s. 140(d)(iii))

(1) The following persons may apply to the principal of a government school to be exempted from complying with one or more of the requirements of the school's dress code —

(a) if the student is an adult student or an independent minor, the student;

(b) otherwise, a parent of the student or a person responsible for the student.

(2) On an application under subregulation (1), the principal of a school may exempt, for such period as the principal thinks fit, the student from complying with any requirement of the school's dress code on any of the following grounds —

(a) the unavailability of a component of the dress code;

(b) a matter relating to the student's health;

(c) a matter relating to the religious beliefs of the student or the student's family;

(d) a matter relating to the cultural background of the student or the student's family;

(e) any other matter which, in the principal's opinion, is sufficient to exempt the student from complying with the requirement.

(3) The principal may make the exemption subject to conditions.

(4) If the principal of a government school exempts a student at the school from complying with any requirement of the school's dress code then the principal must —

(a) ensure that a written record is made of —

(i) each requirement of the school dress code that the student is exempt from complying with; and

(ii) the period of time for which each exemption has effect; and

(iii) the ground on which each exemption was given; and

(iv) any relevant condition of the exemption;

and

(b) ensure that the applicant receives a copy of the record; and

(c) ensure that each of the student's teachers is informed of the contents of the record.

(5) On an application under subregulation (1) the principal may also determine that the exemption applies —

(a) to all students at the school in specified circumstances and if so, is to ensure that the persons affected are informed in writing of the details of the exemption; or

(b) to all students in a specified category of students at the school and if so, is to ensure that the persons affected are informed in writing of the details of the exemption.

(6) The principal —

(a) may revoke or vary an exemption given under this regulation at any time; and

(b) is to ensure that the persons affected are informed in writing of the revocation or variation.

36. Enforcing dress code, powers for

(1) In this regulation —

non-complying student means a student at a government school —

(a) who does not comply with —

(i) a requirement of the school's dress code when not exempted under regulation 35 from complying with the requirement; or

(ii) a condition imposed under regulation 35(3) on an exemption that applies to the student;

and

(b) who had reached the age of 6 years and 6 months at the time of the alleged non-compliance or would have reached that age during the calendar year in which the alleged non-compliance occurred; and

(c) who had not reached the age of 18 at the time of the alleged non-compliance.

(2) If a non-complying student is enrolled in a primary programme the principal of the school may do one or both of the following things —

(a) prevent the student from attending any activity in respect of which the student would have been representing the school;

(b) prevent the student from attending or participating in any school activity which, in the opinion of the principal, is not an essential part of the student's educational programme.

(3) Despite any provision of Division 5, a student to whom subregulation (2) applies is not to be disciplined in relation to the non-compliance in any manner other than the manner set out in that subregulation.

(4) If a non-complying student is enrolled in an educational programme other than a primary programme the provisions of Division 5 Subdivision 1 apply as if the student had committed a breach of school discipline.

(5) Despite subregulation (4), a student may not be prevented from attending or participating in any school activity which, in the opinion of the school's principal, is an essential part of the student's educational programme.

(6) Nothing in this regulation enables a student to be treated as having committed a breach of school discipline for the purpose of suspending or excluding the student under Part 3 Division 5 of the Act.

[Regulation 36 inserted: Gazette 17 Nov 2006 p. 4761-2.]

Subdivision 2 — Codes of conduct

37. School's code of conduct, content of

A school's code of conduct is not to be inconsistent with any relevant direction under section 135 or 232 or CEO's Instructions under section 233.

Division 4 — Supervision of students, protection of persons and property

[Heading inserted: Gazette 24 Aug 2007 p. 4318.]

38. Staff member's powers to manage etc. students

A member of staff of a government school may, in the performance of the person's functions, take such action, including physical contact with a student or a student's property, as is reasonable —

(a) to manage or care for a student; or

(b) to maintain or re-establish order; or

(c) to prevent or restrain a person from —

(i) placing at risk the safety of any person; or

(ii) damaging any property.

[Regulation 38 inserted: Gazette 24 Aug 2007 p. 4318.]

*[**39.** Deleted: Gazette 24 Aug 2007 p. 4318.]*

Division 5 — Discipline

Subdivision 1 — Discipline other than suspension

40. School discipline, principal's general powers as to breaches of

(1) Subject to Part 3 Division 5 of the Act, regulation 36 and this Division, the principal of a government school may determine —

(a) the ways in which students at the school may be disciplined for breaches of school discipline; and

(b) the breaches of school discipline that are to be dealt with by —

(i) the principal; or

(ii) any other member of the teaching staff.

(2) A student at a government school is not to be disciplined by way of corporal punishment.

41. School administrator's disciplinary powers

(1) If a student at a government school commits a breach of school discipline a school administrator at the school may —

(a) withdraw the student from any class or classes of instruction; or

(b) alter any of the student's recess or lunch periods; or

(c) restrict or prohibit the student's participation in a school activity or activities.

(2) A student is not to be withdrawn from any class or classes of instruction for more than 5 consecutive school days.

(3) Action taken under subregulation (2) is not to affect any requirement of the student to attend the school.

42. Detention, rules for imposing etc.

(1) If a student at a government school commits a breach of school discipline a member of the teaching staff at the school may detain the student after school for a period of time approved by the principal of the school.

(2) Before a student is detained the principal of the school or a person authorised by the principal to do so is to take all reasonable steps —

(a) to contact either —

(i) a person who at law has responsibility for the day to day care, welfare and development of the student; or

(ii) a person responsible for the student,

as is relevant to the case; and

(b) to ensure that an arrangement is in place for the student to get home.

(3) A student must not be detained for more than 30 minutes unless —

(a) a person referred to in subregulation (2)(a)(i) or (ii) has been informed of the detention; and

(b) the principal or the person authorised by the principal ensures that —

(i) an arrangement is in place for the student to get home; and

(ii) the arrangement has been agreed to by a person referred to in subregulation (2)(a)(i) or (ii).

Subdivision 2 — Suspension

43. Maximum period of suspension prescribed (Act s. 90(1))

(1) The period prescribed for the purposes of section 90(1) —

(a) is 5 consecutive school days unless paragraph (b), (c) or (d) applies; or

(b) is 10 consecutive school days if the student commits a serious breach of school discipline; or

(c) is 10 consecutive school days if the principal makes a recommendation under section 92(1)(a) that the chief executive officer exercise a power under section 94; or

(d) is such further period as is authorised by the chief executive officer if —

(i) the principal has made a recommendation under section 92(1)(a) that the chief executive officer exercise a power under section 94; and

(ii) the chief executive officer has not made a decision based on the material and information referred to in section 92(6); and

(iii) the period of suspension imposed by the principal has expired; and

(iv) the student and, unless the student is an adult student or an independent minor, a parent of the student or a person responsible for the student have been given a reasonable opportunity to show that the suspension should not continue.

(2) If a student is either wholly or partially suspended from attendance at a school for a period of suspension referred to in subregulation (1)(a), (b), or (c), the period terminates at the end of the school term in which the term was imposed.

(3) Nothing in this regulation prevents a student who has been suspended for a period referred to in subregulation (1) from

being suspended for a breach of school discipline that occurs after that period if the periods of suspension are not consecutive.

44. Suspension, rules for imposing etc. (Act s. 90(2))

(1) Before a principal suspends a student under section 90(1) for a breach of school discipline other than a serious breach of school discipline, the principal is to —

(a) provide oral or written advice about the duration of, and reasons for, the proposed suspension to —

(i) the student; and

(ii) unless the student is an adult student or an independent minor, a parent of the student or a person responsible for the student;

and

(b) give a person who is given advice under paragraph (a) a reasonable opportunity to give reasons for not suspending the student.

(2) If a principal suspends a student under section 90(1) for a serious breach of school discipline the principal is to —

(a) provide written advice about the duration of, and reasons for, the suspension to —

(i) the student; and

(ii) unless the student is an adult student or an independent minor, a parent of the student or a person responsible for the student;

and

(b) give a person who is given advice under paragraph (a) a reasonable opportunity to show that the student should not have been suspended or that the suspension should not continue.

(3) A student who is suspended under section 90(1) remains subject to the school's code of conduct during the period of suspension.

[Regulation 44 inserted: Gazette 17 Dec 2002 p. 5908-9.]

45. Suspension for 10 days or more in school year, principal's duty in case of

(1) If a student is suspended under section 90(1) for a total of 10 or more days in a school year the principal is to take reasonable steps to arrange a consultation with a parent of the student or a person responsible for the student (unless the student is an adult student or an independent minor) for the purposes of discussing the student's behaviour and educational programme with the parent or responsible person, with a view to avoiding any further breaches of school discipline by the student.

(2) Nothing in subregulation (1) prevents the principal from arranging consultations referred to in that subregulation for students other than those referred to in that subregulation.

46. Educational instruction for certain suspended students (Act s. 90(3))

If a student is suspended under section 90(1) —

(a) for 3 or more consecutive school days; or

(b) for a total of 5 or more school days in a school year,

the principal of the school is to ensure that educational instruction is made available to the student.

46A. Suspension of student charged with or convicted of sexual offence

(1) This regulation applies for the purposes of section 96D.

(2) If the chief executive officer gives a direction in writing to a principal of a school to wholly or partially suspend a student from attendance at the school under section 96D(2), the principal of the school is to wholly or partially (as the case requires) —

(a) suspend the student for 10 consecutive school days; or

(b) suspend the student for such further period as is authorised by the chief executive officer if —

(i) the period of suspension imposed under paragraph (a) has expired; and

(ii) the chief executive officer has not made an order under section 96G(1); and

(iii) the student and, unless the student is an adult student or an independent minor, a parent of the student or a person responsible for the student have been given a reasonable opportunity to show that the suspension should not continue.

(3) If a principal has suspended a student under subregulation (2), the principal is to ensure that educational instruction is made available to the student.

(4) If a student is either wholly or partially suspended from attendance at a school for a period of suspension referred to in subregulation (2), and the period imposed would continue at the end of a school term, the period is taken to —

(a) pause at the end of the school term; and

(b) resume at the start of the next school term.

(5) A student who is suspended under subregulation (2) remains subject to the school's code of conduct during the period of suspension.

Note for this regulation:

Section 232 provides that the chief executive officer may give directions in writing to the principal of a government school with respect to the performance of the principal's functions under the Act, either generally or in relation to a particular matter, and the principal is to give effect to any such direction. This may include a direction for a period of suspension imposed under subregulation (2)(a) or (b) to cease.

[Regulation 46A inserted: SL 2024/118 r. 4.]

Division 6 — Special religious education

47. Provision of special religious education (Act s. 69(1))

(1) The principal of a government school may request the following persons to advise the principal of the religious denomination or group to which a student belongs —

(a) a parent of the student or a person responsible for the student; or

(b) if the student is an adult student or an independent minor, the student.

(2) A person is not obliged to give the principal the advice requested under subregulation (1).

(3) If a government school provides special religious education, the principal of the school is to ensure that appropriate arrangements are in place —

(a) to provide for a student at the school to participate in special religious education; and

(b) to provide for a student at the school who does not participate in special religious education.

48. Who can give special religious education (Act s. 69(3))

(1) The chief executive officer may approve persons as being authorised to give special religious education in schools.

(2) The chief executive officer may —

(a) make an approval under subregulation (1) subject to conditions; and

(b) revoke an approval at any time.

(3) The principal of a government school is to ensure, before a person gives special religious education to students at the school, that the person is authorised under subregulation (1) to give special religious education in the school.

Division 7 — Advertising and sponsorship

49. Term used: arrangement

In this Division —

arrangement means an agreement or arrangement for advertising or sponsorship in connection with an educational programme or school activity at a government school under which the school or any member of staff of, or student at, the school receives money, goods, services or facilities.

50. Arrangements, form and duration of

(1) The Minister may enter into an arrangement that has effect for up to 5 years.

[(2)-(4) deleted]

(5) An arrangement that has a value of $500 or more must be in writing.

[Regulation 50 amended: Gazette 27 Nov 2012 p. 5737.]

51. Arrangements, limitations on content of

An arrangement —

(a) must not adversely affect, or be likely to adversely affect the safety, health, welfare or best interests of the students at the school; or

(b) must not require the school or any member of staff of, or student at, the school or the department to endorse, recommend or promote any goods or services; or

(c) must not enable a party to the arrangement other than the Minister, the chief executive officer or the principal, as is relevant to the case —

(i) to invite students to participate in an activity; or

(ii) to make the arrangement conditional upon student participation in an activity;

or

(d) must not provide for any student at the school to participate in an activity unless the student chooses to do so; or

(e) must not restrict competition or require or lead to the exclusive supply by the advertiser or sponsor of goods or services to the school; or

(f) must not promote, or enable the distribution of, goods or services to the school or to any member of staff of, or student at, the school if the consumption of the goods or services is likely to —

(i) conflict with the ethos and values of the school; or

(ii) otherwise adversely affect the school's reputation;

or

(g) must not enable the distribution, to students at the school, of materials promoting or endorsing any particular denomination or sect or any political party.

52. Naming rights in arrangement

(1) An arrangement must not provide for the right to name —

(a) the school; or

(b) an educational programme of the school.

(2) An arrangement may provide for the right to name —

(a) a facility at the school, including a building or an oval; or

(b) a school activity held at or by the school, including a concert, sporting event, carnival or competition; or

(c) a prize, scholarship or award to be given to a student at, or member of staff of, the school.

53. Teaching materials provided under arrangement

Teaching materials provided under an arrangement are not to be used at the school unless they are clearly identified as being provided under the arrangement.

Division 8 — Disputes and complaints

54. Term used: scheme

In this Division —

scheme means a scheme provided for under regulation 55.

55. Scheme for dealing with disputes and complaints, establishing

(1) The chief executive officer may make provision, by instrument published in the *Gazette*, for a scheme for dealing with disputes and complaints.

(2) The chief executive officer is to ensure that a scheme —

(a) is consistent with, and requires the application of, the principles of procedural fairness; and

(b) complies, as far as practicable, with the document entitled AS ISO 10002-2006 *Customer satisfaction — Guidelines for complaints handling in organizations*, published by Standards Australia as amended from time to time; and

(c) does not allow a person referred to in section 235(1) to make a complaint under the scheme unless the complaint relates to the person's child and the child is a student at a government school; and

(d) does not purport to affect any right that a person has in relation to the making of a complaint under any other law; and

(e) does not purport to prevent the chief executive officer from dealing with a matter that is the subject of a

complaint by way of exercising the powers of an employing authority under Part 5 of the *Public Sector Management Act 1994* as that Part has effect under section 239; and

(f) provides for the chief executive officer to prevent a complaint being dealt with under the scheme if dealing with the complaint under the scheme would be likely to delay, interfere with or jeopardise an inquiry, investigation or proceeding under any other law.

[Regulation 55 amended: Gazette 11 Nov 2014 p. 4258.]

56. Protection of complainants etc. from civil liability

(1) A person is not liable to any civil proceedings in respect of —

(a) making a complaint under a scheme; or

(b) providing information in the course of, or for the purposes of —

(i) the investigation of a complaint under a scheme; or

(ii) a proceeding in respect of a complaint under a scheme.

(2) Subregulation (1) does not apply if the complaint was made, or the information was provided, in bad faith.

(3) No civil proceedings are to be brought against a person in respect of an act referred to in subregulation (1)(a) or (b) without the leave of the Supreme Court, and the Supreme Court is not to give leave unless it is satisfied that there is substantial ground for the contention that the person to be proceeded against has acted in bad faith.

57. Detrimental action against complainant etc., offence

A person must not —

(a) by threats or intimidation persuade or attempt to persuade another person not to continue with proceedings in relation to a complaint under a scheme; or

(b) refuse to employ, or dismiss, another person or subject another person to any detriment, because the other person —

(i) has made a complaint under a scheme; or

(ii) is taking part, or has taken part, in proceedings in relation to a complaint under a scheme.

Penalty: $2 000.

Part 4 — Financial provisions for government schools

Division 1 — Charges and contributions

58. Terms used

In this Division —

contribution means voluntary contribution;

extra cost optional component has the meaning given by section 97.

59. Materials for which there can be a charge or contribution (Act s. 99)

The materials for which a charge or contribution may be determined for a government school under section 99 are as follows —

(a) materials in printed or electronic form that are relevant to an educational programme of the school and that are provided by the school to a student for the student to borrow or keep;

(b) stationery items and blank computer disks and audio visual tapes or discs that are provided by the school to a student for the student to borrow or keep;

(c) materials for use in a component of an educational programme of the school that are provided by the school for a student to consume the materials or take ownership of a finished article produced by the student with the materials;

(d) materials for inclusion in the school's library for use by students.

60. Services and facilities for which there can be a charge or contribution (Act s. 99)

The services and facilities for which a charge or contribution may be determined for a government school under section 99 are as follows —

(a) printing or copying text materials for use in, or in association with, an educational programme of the school;

(b) transport services to and from educational activities conducted away from the school's premises;

(c) entry to premises other than the school's premises to undertake an activity that is part of an educational programme of the school;

(d) attending or participating in an activity (whether held at the school's premises or elsewhere) —

(i) that is part of an educational programme of the school; and

(ii) that is not provided by the school or staff at the school;

(e) providing equipment other than that which is under the direct control of the school in order to conduct an activity that is part of an educational programme of the school;

(f) providing a venue outside the school's premises in order to conduct an activity that is part of an educational programme of the school;

(g) in the case of a School of Isolated and Distance Education, posting or telecommunicating educational materials to a student who is studying outside Western Australia.

61. Limits on charges and contributions (Act s. 99(3)(b))

(1) The maximum total amount of a contribution in respect of a student for materials referred to in regulation 59 and services

referred to in regulation 60(a) to (f) is $60.00 for each year in which the student —

(a) is in his or her pre-compulsory education period; or

(b) is in his or her compulsory education period before the student's first charges payment year.

(2) The maximum total amount of a charge in respect of a student for materials referred to in regulation 59 and services referred to in regulation 60(a) to (f) is $235.00 for —

(a) the student's first charges payment year; and

(b) each subsequent year until the end of the year in which the student reaches 15 years of age.

(3) The maximum total amount of a contribution or charge, as is relevant to the case, in respect of a student in a region set out in column 1 of the Table to this regulation for the facilities referred to in regulation 60(g) is, for each year in which the student is in the region, the amount set out opposite the region in column 2 of the Table.

Table

Region	**Maximum charge**
Within Australia but outside Western Australia	$130
New Zealand	$200
Pacific region other than New Zealand	$260
South-East Asian region	$300
Middle East and North America	$400
Europe and Russia, Africa, Central and South America	$500

(4) The contribution or charge referred to in subregulation (3) is in addition to any other charge or contribution determined under section 99 in respect of the student.

(5) A contribution is not to be determined in respect of a student if a charge has been determined under section 99 in respect of the student.

[Regulation 61 amended: Gazette 2 Dec 2005 p. 5810.]

Division 2 — Overseas and adult students

62. Criterion prescribed (Act s. 97 *overseas student*)

The criterion for the purposes of paragraph (b) of the definition of ***overseas student*** in section 97 is that the person —

(a) is a Schedule 3A visa holder; or

(b) is not entitled under section 76 to be enrolled at a government school.

[Regulation 62 amended: Gazette 17 Dec 2002 p. 5909; 11 Nov 2014 p. 4258.]

63. Fees for instruction prescribed (Act s. 103)

(1) The maximum total amount of the fees for instruction that are payable by a person who is an overseas student or an adult student at a government school is $25 000 each school year.

(2) The chief executive officer may from time to time determine the fees for instruction that are payable by overseas students and adult students at a government school not exceeding the limit referred to in subregulation (1).

(3) A fee for instruction may be determined by reference to such matters as the chief executive officer thinks fit, including all, or any, of the following —

(a) a particular period of instruction;

(b) a particular subject of instruction;

(c) a particular level of educational programme;

(d) a particular class or group of students.

(4) Without limiting the general discretion of the chief executive officer under subregulation (3)(d), a class or group of students may be described by reference to all, or any, of the following —

(a) the size of students' families;

(b) the income and circumstances of students' families;

(c) the kind, or kinds, of visas —

(i) held by students; or

(ii) held by persons in respect of whom students are dependent children.

[Regulation 63 amended: Gazette 21 Dec 2010 p. 6754; 4 Dec 2012 p. 5909; 11 Nov 2014 p. 4258.]

64. Exemption from r. 63 fees for some adult students

(1) Despite regulation 63, no fee for instruction is payable by an adult student who is enrolled for the year 2013 or any earlier year if the student —

(a) is enrolled in an educational programme that is based on the learning outcomes set out in the outline of curriculum and assessment; and

(b) the student does not reach the age of 19 years by 1 January of the year for which the student is enrolled.

(2) Despite regulation 63, no fee for instruction is payable by an adult student who is enrolled for the year 2014 or any subsequent year if the student —

(a) is enrolled in an educational programme that is based on the learning outcomes set out in the outline of curriculum and assessment; and

(b) the student does not reach the age of 19 years and 6 months by 1 January of the year for which the student is enrolled.

[Regulation 64 amended: Gazette 14 Aug 2012 p. 3831.]

65. CEO may waive r. 63 fees for some overseas students

(1) The chief executive officer may waive the whole or part of any fee for instruction that would otherwise be payable by an overseas student at a government school who is a dependent child of a person —

(a) who is enrolled in a postgraduate course at a university in Western Australia; and

(b) who does not hold a scholarship of a kind set out in Schedule 1.

(2) The chief executive officer may waive the whole or part of any fee for instruction that would otherwise be payable by an overseas student at a government school if —

(a) the student is a Schedule 3A visa holder; and

(b) in the opinion of the chief executive officer, there are special reasons to do so.

(3) In subregulation (2) —

special reasons includes that payment of the fee would cause financial hardship.

[Regulation 65 amended: Gazette 11 Nov 2014 p. 4259.]

66. CEO may waive r. 63 fees for some adult students

The chief executive officer may waive the whole or part of any fee for instruction that would otherwise be payable by an adult student if it is reasonable to do so having regard to the student's —

(a) educational history; and

(b) individual circumstances; and

(c) record of past behaviour as a student and attitude to school.

Example:

See the examples at regulation 19(3).

Part 5 — Management and control of government school premises

Division 1 — Preliminary

67. Application of this Part

(1) This Part applies to school premises —

(a) comprising alienated land the freehold of which is held by the Minister; or

(b) comprising unalienated land —

(i) that is vested in, dedicated to a purpose of, in the possession of, or under the control of, the Minister; or

(ii) that is a managed reserve as defined in the *Land Administration Act 1997* if the Minister is the management body as defined in that Act for the reserve;

or

(c) comprising land that is taken on lease by the Minister.

(2) If school premises comprise land that is taken on lease by the Minister the lease may provide that —

(a) a provision of this Part does not apply to the owner of the land or an agent of the owner and if the lease so provides the provision does not apply to the owner or the owner's agent; or

(b) a direction or order made under this Part does not apply to the owner of the land or an agent of the owner and if the lease so provides the direction or order does not apply to the owner or the owner's agent.

(3) This Part does not apply to school premises comprising land that is leased by the Minister to another person.

[Regulation 67 amended: Gazette 13 Nov 2009 p. 4535.]

Division 2 — Giving name and address

68. Non-student on school premises, power to obtain name and address of

(1) An authorised person may require a person on school premises who is not a student at the school to state the person's name and address.

(2) A person —

(a) must comply with a requirement under subregulation (1); and

(b) must not give any information that is false or misleading in a material particular in purported compliance with a requirement.

Penalty: $500.

(3) In this regulation —

authorised person, in relation to a school, means —

(a) a school administrator at the school; or

(b) the registrar of the school when the school administrators are absent from duty or are otherwise unable to exercise the power referred to in subregulation (1).

Division 3 — Maintaining good order on school premises

69. Maintaining good order etc., principal's general powers for

(1) The principal of a government school may give a direction (a ***direction***), either generally or in a specific case concerning the procedures to be observed by persons on the school's premises.

(2) A direction may be given for one or more of the following purposes —

(a) to manage and control the school and persons on the school's premises;

(b) to maintain good order on the school's premises;

(c) to ensure the safety and welfare of persons on the school's premises;

(d) to prevent or minimise damage to property that comprises, or is located at, the school's premises (whether or not the property is vested in the Minister).

(3) A direction that applies to persons generally is of no effect unless it is in writing and posted for public display at the school's premises for the duration of the period in which the direction is to apply.

(4) A direction that applies to a specific person is of no effect unless it has been given to that person, either orally or in writing.

(5) A direction is of no effect to the extent of any inconsistency with a licence or permission given under regulation 72(1).

(6) A person must comply with a direction.

Penalty: $500.

Division 4 — Things on school premises

70. Principal's powers to prohibit and regulate things

(1) The principal of a government school may by order (an ***order***), either generally or in a specific case —

(a) prohibit an item or animal that is specified in the order from being brought on to the school's premises without the permission of the principal; or

(b) prohibit an item that is specified in the order from being used or consumed on the school's premises without the permission of the principal; or

(c) place conditions on —

(i) the use or consumption on the school's premises of an item that is specified in the order; or

(ii) the presence of an animal on the school's premises that is specified in the order.

(2) An order may be made for one or more of the following purposes —

(a) to manage and control the school and persons on the school's premises;

(b) to maintain good order on the school's premises;

(c) to ensure the safety and welfare of persons on the school's premises;

(d) to prevent or minimise damage to property that comprises, or is located at, the school's premises (whether or not the property is vested in the Minister).

(3) An order that applies to persons generally is of no effect unless it is in writing and posted for public display at the school's premises for the duration of the period in which the order is to apply.

(4) An order that applies to a specific person is of no effect unless it has been given to that person, either orally or in writing.

(5) If an order applies to all students at the school it is sufficient compliance with subregulations (3) and (4) if notice of the terms of the order is given by any of the following methods —

(a) announcement to classes;

(b) announcement at an assembly;

(c) in a written circular or other school publication.

(6) An order is of no effect to the extent of any inconsistency with a licence or permission given under regulation 72(1).

(7) A person must comply with an order.

Penalty: $500.

71. Confiscating property from students, powers for

(1) A member of the teaching staff at a government school may take from a student at the school any property that appears to be in the student's possession and that —

(a) has been brought on to the school's premises, or used at the school's premises in a manner that is, contrary to an order under regulation 70(1); or

(b) is likely —

(i) to disrupt good order on the school's premises; or

(ii) to adversely affect the safety or welfare of persons on the school's premises; or

(iii) to cause damage to property that comprises, or is located at, the school's premises (whether or not the property is vested in the Minister).

(2) If a person other than the principal of the school takes property from a student under subregulation (1) the person is to deliver the property to the principal.

(3) The principal of the school is to make arrangements with a parent of the student or a person responsible for the student (unless the student is an adult student or an independent minor) for that parent or person to collect property taken from a student under subregulation (1) unless the property has been delivered into the custody of a member of the Police Force.

(4) The principal is to allow the student to collect property taken from a student under subregulation (1) within such period as the principal thinks is appropriate but the property must be available for collection no later than the end of the school year in which the property was taken from the student.

(5) Subregulation (4) does not apply if the property —

(a) has been delivered into the custody of a member of the Police Force; or

(b) has been collected under an arrangement referred to in subregulation (3).

Division 5 — Permission to use school premises

72. Permitting public to use school premises

(1) The principal of a government school may give permission for the school's premises or a part of the school's premises to be used for an activity or gathering of members of the public for purposes not directly related to the purposes of school education.

(2) Permission under subregulation (1) is to be in writing in a form approved by the chief executive officer.

(3) The principal may give permission under subregulation (1) —

(a) in relation to such part or parts of the school's premises as are specified in the permission; or

(b) in relation to such periods of time as are specified in the permission; or

(c) subject to such conditions as are specified in the permission.

(4) The principal may give permission under subregulation (1) if the proposed use would not, or would not be likely to —

(a) interfere with the normal operations of the school; or

(b) adversely affect the safety or welfare of persons on the school's premises; or

(c) cause damage to property that comprises, or is located at, the school's premises (whether or not the property is vested in the Minister); or

(d) conflict with the ethos and values of the school or otherwise adversely affect the school's reputation.

(5) No fee or charge is to be paid for the use of the school's premises except in accordance with a licence.

Division 6 — Orders to leave school premises

73. Term used: authorised person

In this Division —

authorised person, in relation to a school, means —

(a) a school administrator at the school; or

(b) the registrar of the school when the school administrators are absent from duty or are otherwise unable to exercise a power referred to in regulation 75 or 77; or

(c) a person who is employed or engaged to provide security services for the school's premises.

74. Principal's authority prevails

The authority of the principal of a government school prevails to the extent of any inconsistency in the manner in which the principal and another authorised person deal with a matter for the purposes of this Division.

75. Ordering non-student or student to leave school premises

(1) An authorised person at a government school may, at any time and in the circumstances set out in regulation 76, order a person who is not a student at the school —

(a) who is on the school's premises to leave the school's premises and remain away from the school's premises for up to 24 hours following the time of the order; or

(b) who is on a particular part of the school's premises to leave that part of the school's premises and go to a part of the premises where the person has a good reason to be.

(2) An authorised person at a government school may, at a time when the school is not open for instruction and in the

circumstances set out in regulation 76, order a student at the school —

(a) who is on the school's premises to leave the school's premises and remain away from the school's premises until the school is open for instruction; or

(b) who is on a particular part of the school's premises to leave that part of the school's premises and go to a part of the premises where the student has a good reason to be.

(3) A person must comply with an order directed to him or her under subregulation (1) or (2).

Penalty: $1 000.

76. Circumstances allowing r. 75 order

An order may be made under regulation 75(1) or (2) in relation to a person if —

(a) the authorised person reasonably suspects that the person has committed or is about to commit an offence under any written law at the school's premises; or

(b) the authorised person reasonably suspects that the person has used or is about to use —

(i) threatening, abusive or insulting language; or

(ii) threatening or violent behaviour,

towards any person on the school's premises; or

(c) the authorised person reasonably suspects that the person has otherwise disrupted or is about to disrupt good order on the school's premises; or

(d) the authorised person reasonably suspects that the person is in possession of any property —

(i) that has been brought on to the school's premises, or used at the school's premises in a manner that is, contrary to an order under regulation 70(1); or

(ii) that is likely —

(I) to disrupt good order on the school's premises; or

(II) to adversely affect the safety or welfare of persons on the school's premises; or

(III) to cause damage to property that comprises, or is located at, the school's premises (whether or not the property is vested in the Minister);

or

(e) the person does not have a good reason to be on the school's premises or that part of the school's premises at the particular time.

77. Ordering person to remove animal from school premises

(1) An authorised person at a government school may order a person who appears to have the charge of, or be responsible for, an animal that is on the school's premises to remove the animal from the premises.

(2) A person must comply with an order under subregulation (1).

Penalty: $500.

Division 7 — Prohibiting persons from entering school premises

78. Prohibition order, principal may make

(1) The principal of a government school may make an order prohibiting a person from entering the school's premises without the permission of the principal during such period, not exceeding 60 days from the date of service of the order, as is specified in the order.

(2) The principal is not to make a prohibition order in respect of a person unless the principal is satisfied that —

(a) unless the order is made, the person would be likely to —

(i) cause physical harm to, or apprehension or fear in, another person when that other person is on the school's premises; or

(ii) cause damage to property that comprises, or is located at, the school's premises (whether or not the property is vested in the Minister);

and

(b) making a prohibition order is an appropriate way of dealing with the matter in the circumstances of the case.

(3) A prohibition order may be made subject to conditions, varied or revoked but a variation is not to extend the operation of the prohibition order beyond 60 days from the date of service of the original prohibition order.

(4) A prohibition order or an order varying or revoking a prohibition order is not effective until it is personally served.

79. Certain persons not to be prohibited by order from school premises

A person is not to be prohibited under a prohibition order from entering school premises if the person is or becomes —

(a) a student at the school; or

(b) either —

(i) a member of the teaching staff at the school or any other government school; or

(ii) another officer at the school or any other government school; or

(iii) a member of the wages staff at the school or any other government school; or

(iv) a contractor or a member of a contractor's staff working at the school;

or

(c) any other person who gives instruction at the school; or

(d) any other person employed in the department; or

(e) a member of a management committee provided for under section 219(3)(a) in a licence whose presence, at that time, on the school's premises or that part of the school's premises is in accordance with the licence; or

(f) a member of staff whose appointment is provided for under section 219(3)(c) in a licence whose presence, at that time, on the school's premises or that part of the school's premises is in accordance with the licence.

80. Breach of prohibition order, offence

A person who has been served with a prohibition order or an order varying a prohibition order must comply with the order.

Penalty: $2 000.

81. *Restraining Orders Act 1997* not affected

Nothing in this Division affects the power of a court to make a restraining order under the *Restraining Orders Act 1997* in respect of a matter leading to the making of a prohibition order.

Division 8 — Closure of school premises

82. Temporary closure of school premises, principal or security coordinator may order

(1) The principal of a government school or the security coordinator may order the temporary closure of the whole or a particular part of the school's premises —

(a) to protect the health or safety of persons in the vicinity of the school's premises or the part of the premises to be closed; or

(b) to protect or secure the school premises or the part of the premises to be closed from damage or despoliation or further damage or despoliation.

(2) The order may be for such period as is necessary for the purposes set out in subregulation (1) but is of no effect if it purports to permanently close the school premises or part of the school premises.

(3) Subject to subregulations (1) and (2), an order may be made subject to conditions, varied or revoked.

83. Steps to be taken if r. 82(1) order made

(1) If an order is made under regulation 82(1) to temporarily close the whole of the school premises the person who made the order —

(a) is to notify the chief executive officer immediately after the order is made; and

(b) is to ensure that there are prominently displayed in and around the school premises —

(i) copies of the order and any variation; and

(ii) signs indicating that entry to the school premises is prohibited except with the permission of the person who made the order.

(2) If an order is made under regulation 82(1) to temporarily close a part of the school premises the person who made the order is to ensure that —

(a) that part is cordoned off or otherwise marked; and

(b) there are prominently displayed in and around that part —

(i) copies of the order and any variation; and

(ii) signs indicating that entry to that part is prohibited except with the permission of the person who made the order.

84. Offences as to r. 82(1) order

(1) A person who is on school premises that have been closed by an order under regulation 82(1) must leave the premises as soon as practicable after the order is made unless —

(a) the person is specifically permitted by the person who made the order to remain on the school premises; or

(b) the person's remaining on the school premises is necessary to prevent or minimise injury to a person or damage to property.

(2) A person who is in a particular part of school premises that has been closed by an order under regulation 82(1) must leave that part of the premises as soon as practicable after the order is made unless —

(a) the person is specifically permitted by the person who made the order to remain in that part of the premises; or

(b) the person's remaining in that part of the premises is necessary to prevent or minimise injury to a person or damage to property.

(3) A person must not enter school premises that have been closed by an order under regulation 82(1) unless —

(a) the person is specifically permitted by the person who made the order to enter the school premises; or

(b) the person's entering the school premises is necessary to prevent or minimise injury to a person or damage to property.

(4) A person must not enter a particular part of school premises that has been closed by an order under regulation 82(1) unless —

(a) the person is specifically permitted by the person who made the order to enter that part of the premises; or

(b) the person's entering that part of the premises is necessary to prevent or minimise injury to a person or damage to property.

Penalty applicable to subregulations (1), (2), (3) and (4): $1 000.

85. Minister may override r. 82(1) order

The Minister may vary or revoke an order made under regulation 82(1) that is inconsistent with the temporary closure of a school under section 56(1)(b) as if the Minister had the powers of the principal under regulation 82.

Division 9 — Traffic control on school premises

86. Terms used

In this Division —

authorised person, in relation to a school, means —

(a) the principal of the school; or

(b) the vice or deputy principal of the school or a head of school at the school; or

(c) the registrar of the school when the persons referred to in paragraphs (a) and (b) are absent from duty or are otherwise unable to exercise the power referred to in regulation 88; or

(d) the security coordinator; or

(e) a person who is employed or engaged to provide security services for the school's premises;

specified means specified in a sign, notice or marking referred to in regulation 87(1).

87. Signs etc. for traffic control, principal may erect etc.

(1) The principal of a government school may, for one or more of the purposes set out in subregulation (2) —

(a) cause to be erected on the school's premises any sign or notice; or

(b) cause markings to be made at the school's premises by way of marking out roads or parking spaces.

(2) The purposes for which a principal may take action under subregulation (1) are as follows —

(a) to control the parking or standing of vehicles, specified kinds of vehicles or specified vehicles at the school's premises;

(b) to prohibit or restrict the way vehicles, specified kinds of vehicles or specified vehicles are used at the school's premises or a specified part of the school's premises;

(c) to require vehicles, specified kinds of vehicles or specified vehicles to be used at the school's premises or a specified part of the school's premises in a specified manner;

(d) to regulate traffic on the school's premises including providing for the speed of, manner of driving of, or the routes, entrances and exits to be used for, vehicles, specified kinds of vehicles or specified vehicles.

88. Authorised person may direct drivers etc.

(1) An authorised person at a government school may direct a person who appears to have the charge of, or be responsible for, a vehicle —

(a) to move the vehicle to a place on the school's premises where its parking, standing or use, as is relevant to the case, is in compliance with a sign, notice or marking referred to in regulation 87(1); or

(b) to move the vehicle to any other place on the school's premises specified by the authorised person; or

(c) to remove the vehicle from the school's premises.

(2) The authority of the principal of a government school prevails to the extent of any inconsistency in the manner in which the principal and another authorised person deal with a matter for the purposes of this Division.

89. Traffic offences

(1) A person must comply with a sign, notice or marking referred to in regulation 87(1).

Penalty: $200.

(2) A person must comply with a direction under regulation 88.

Penalty: $1 000.

90. Local laws as to parking not affected

Nothing in this Division —

(a) affects the application to school premises of any local law providing for parking offences at premises in the local government district in which the school's premises are situated; or

(b) prevents a person from being authorised to issue infringement notices in respect of parking offences under a local law committed at the school premises.

Division 10 — Management of property left on school premises

91. Term used: authorised person

In this Division —

authorised person, in relation to a school means —

(a) the principal of the school; or

(b) the vice principal or deputy principal of the school or a head of school at the school; or

(c) the registrar of the school; or

(d) the security coordinator.

92. Principal's authority prevails

The authority of the principal of a government school prevails to the extent of any inconsistency in the manner in which the

principal and another authorised person deal with a matter for the purposes of this Division.

93. Removing and moving vehicles, authorised person's powers for

(1) An authorised person at a government school may, in the circumstances referred to in subregulation (2), but subject to subregulation (3) —

(a) remove a vehicle from the school's premises to a place specified by the authorised person; or

(b) move a vehicle within the school's premises to a place specified by the authorised person.

(2) A vehicle may be removed or moved under subregulation (1) if —

(a) the vehicle is parked in breach of —

(i) a sign, notice or marking referred to in regulation 87(1); or

(ii) a direction under regulation 88;

or

(b) the vehicle appears to have been abandoned.

(3) A vehicle is not to be removed or moved under subregulation (1) unless an authorised person has taken reasonable steps —

(a) to establish the identity of the vehicle's owner; and

(b) to cause a direction under regulation 88 to be issued to the vehicle's owner in respect of the vehicle.

94. Authorised person's powers to remove or move vehicles

(1) An authorised person at a government school, together with such assistants as the authorised person thinks are necessary, may do all such things as may be reasonably necessary to

remove a vehicle from, or move a vehicle within, a school's premises including breaking into, driving or towing the vehicle.

(2) An authorised person or a person assisting an authorised person under subregulation (1) is not liable for any loss of, or damage to, a vehicle which is removed from, or moved within, school premises if the loss or damage occurs without the negligence or wilful misconduct of the authorised person or assistant.

95. Lost, discarded or disused property, principal's functions as to; ownership of

(1) The principal of a government school may take possession of property on school premises that appears to be lost, discarded or disused.

(2) If the principal does not know who owns the property then before taking steps to dispose of the property under regulation 96 the principal —

(a) is to take reasonable steps to establish the identity of the property's owner; and

(b) in the case of property that appears to have a value of more than $100, is to bring the matter to the attention of the public by a notice published in a newspaper circulating in the area in which the school is located.

(3) If the principal knows or establishes the identity of the property's owner the principal is to request the owner —

(a) to take possession of the property; and

(b) if relevant, to remove the property from the school's premises.

(4) The property becomes the property of the department —

(a) in the case where the principal knows or establishes the identity of the property's owner, if the property is not claimed within 14 days of the request under subregulation (3); or

(b) in the case where the principal does not know and has not been able to establish the identity of the property's owner, if the property is not claimed within 14 days of whichever of the following events occurs later —

(i) the final step taken to establish the identity of the property's owner; or

(ii) the date of publication of the notice (if any) referred to in subregulation (2)(b).

(5) The principal or a person assisting the principal under this regulation is not liable for any loss of, or damage to, any property the possession of which is taken under this regulation if the loss or damage occurs without the negligence or wilful misconduct of the principal or assistant.

96. Unclaimed lost etc. property, disposal of

(1) Property that has become the property of the department under regulation 95(4) may, at the discretion of the principal of the school at which the property was lost, discarded or disused, be —

(a) sold; or

(b) given away; or

(c) destroyed or otherwise disposed of.

(2) Subject to any direction of the chief executive officer under section 232, the principal of the school at which property was lost, discarded or disused is to cause the net proceeds of the sale of the property under subregulation (1)(a) to be paid into the school's school fund.

97. Costs etc. of removing etc. vehicle or property, recovering

(1) The following may be recovered from the owner of a vehicle or other property as a debt in a court of competent jurisdiction —

(a) costs and expenses reasonably incurred in removing the vehicle or other property from school premises in accordance with this Division;

(b) costs and expenses reasonably incurred in moving the vehicle or other property within school premises in accordance with this Division.

(2) An authorised person who removes a vehicle from, or moves a vehicle within, school premises may direct a person who has the charge of the vehicle to refuse to deliver possession of the vehicle to the owner until costs and expenses referred to in subregulation (1) in relation to the vehicle are paid and a person so directed may refuse to deliver possession of the vehicle to the owner until such costs and expenses are paid.

(3) The principal of a government school at which property is lost, discarded or disused may direct a person who has the charge of the property to refuse to deliver possession of the property to the owner until costs and expenses referred to in subregulation (1) in relation to the property are paid and a person so directed may refuse to deliver possession of the property to the owner until such costs and expenses are paid.

(4) Proceedings under subregulation (1) may be taken on behalf of the Minister in the name of the chief executive officer or a person authorised in that behalf by the chief executive officer and in any such proceedings no proof is required of —

(a) the appointment of the chief executive officer; or

(b) the authorisation of a person under this subregulation.

Division 11 — Review of decisions made under this Part

98. Decision under r. 72(1) to refuse use of school premises, review of

(1) A person who is aggrieved by a decision of the principal not to give permission under regulation 72(1) for the school's premises

to be used for an activity or gathering of members of the public may request the chief executive officer to review the decision.

(2) On a review the chief executive officer may —

(a) confirm the decision; or

(b) give the permission as if the chief executive officer had the powers of the principal under regulation 72.

99. Other decisions under this Part, review of

(1) This regulation applies to —

(a) a direction under regulation 69(1) (maintaining good order on school premises); or

(b) an order under regulation 70(1) (bringing things on to school premises); or

(c) a decision under regulation 71(1) to confiscate property from a student; or

(d) an order under regulation 82(1) (temporary closure of school premises); or

(e) a decision under regulation 87(1) (signs, notices or markings for traffic control).

(2) A person who is aggrieved by a direction, an order or a decision to which this regulation applies may request the chief executive officer to review the direction, order or decision.

(3) On a review the chief executive officer may —

(a) confirm the direction, order or decision; or

(b) vary or revoke the direction, order or decision, with or without making a new direction, order or decision, as if the chief executive officer had the powers of —

(i) the principal under regulation 69; or

(ii) the principal under regulation 70; or

(iii) a member of the teaching staff under regulation 71; or

(iv) the principal under regulation 82; or

(v) the principal under regulation 87,

as is relevant to the case.

100. Prohibition order, review of

(1) A person aggrieved by a prohibition order may request the chief executive officer to review the order.

(2) On a review the chief executive officer may —

(a) confirm the prohibition order; or

(b) vary the prohibition order as if the chief executive officer had the powers of the principal under regulation 78 but a variation is not to extend the operation of the prohibition order beyond 60 days from the date of service of the prohibition order; or

(c) revoke the prohibition order, with or without making a new prohibition order, as if the chief executive officer had the powers of the principal under regulation 78 but a new order is not to have effect beyond 60 days from the date of service of the original prohibition order.

101. Matters applicable to reviews under this Division

(1) On a review under this Division the chief executive officer —

(a) may take into account any information that is relevant to the review; and

(b) is to complete the review within 14 days and is to advise the applicant and the person who made the direction, order or decision being reviewed of the chief executive officer's decision.

(2) A direction, order or decision that is being reviewed under this Division continues to have effect while the review is being conducted.

Division 12 — Fees for the use of school premises

102. Fees for residential accommodation on school premises

(1) The chief executive officer may from time to time determine the fees that are payable in respect of providing residential accommodation on school premises.

(2) The maximum total amount of fees that are payable in respect of providing residential accommodation to a person is $10 500 each calendar year.

(3) Fees may be made payable in relation to the use of accommodation facilities on a daily or other periodic basis.

[Regulation 102 amended: Gazette 21 Dec 2010 p. 6754.]

Part 6 — Government school Councils

Division 1 — Preliminary

103. Term used: school

(1) In this Part —

school has the meaning given by section 124.

(2) If a Council operates for 2 or more schools jointly a reference in this Part, except in regulation 107(1) to (3), to a school is a reference to each of the schools for which the Council operates.

Division 2 — Constitution of Councils

104. Interim Council, appointment of etc.

(1) If the Minister —

(a) establishes a school the Minister may appoint an interim Council for the school; or

(b) gives approval for 2 or more schools to have one Council that operates for those schools jointly the Minister may appoint an interim Council for the schools.

(2) An interim Council has the functions of a Council, and holds office, until 1 January in the year after the first year in which students are enrolled at the school or the Minister gives the approval referred to in subregulation (1)(b), as is relevant to the case.

(3) Subject to section 127(1), (2), (3), (4) and (6) and subregulation (2), the Minister may appoint for an interim Council such number of members, in such composition and for such term as is appropriate.

105. Class of school prescribed (Act s. 127(1)(d)); which students can be on Council

(1) A school with students enrolled in secondary programmes is a school for the purposes of section 127(1)(d).

(2) A student at a school referred to in subregulation (1) may be a member of the Council for the school during a calendar year if the student is 15 years of age or more or will reach 15 years of age during that year.

[Regulation 105 amended: Gazette 11 Nov 2014 p. 4259.]

106. Number of members prescribed (Act s. 127(5)(b))

(1) For the purposes of section 127(5)(b) —

(a) an unincorporated Council is to have at least 5 members and not more than 15 members;

(b) an incorporated Council is to have at least 10 members and not more than 15 members;

(c) if a Council operates for 2 or more schools jointly, the Council is to have such number of members as is determined by the Minister.

(2) Subject to subregulation (1), a Council for a school is to determine the number of members.

107. Composition of Council, how determined (Act s. 127(5)(b))

(1) For the purposes of section 127(5)(b), subject to subregulations (2), (3) and (4), the Council for a school is to determine its composition —

(a) having regard to —

(i) the nature of the student population of the school and the social, cultural, lingual, economic or geographic factors that may be relevant to the school; and

(ii) the functions of the Council and any changes in those functions;

and

(b) with a view to —

(i) including members of the general community; and

(ii) including members of the staff of the school in addition to the principal; and

(iii) including student members to whom regulation 105 applies; and

(iv) allocating a membership position to a member of an association referred to in section 149 in relation to the school or a group of schools to which the school belongs.

(2) The Council for a school is to have at least one member drawn from the persons referred to in section 127(1)(a).

(3) If a school or a group of schools to which the school belongs has a Parents and Citizens' Association the association is entitled to nominate one of its members to be a member of the Council for the school in the membership category referred to in section 127(1)(a) or (b), as is relevant to the nominee.

(4) If a Council operates for 2 or more schools jointly, the composition of the Council is to be determined by the Minister.

108. Members, appointment and election of (Act s. 127(5)(c))

(1) If a vacancy of any kind exists in the membership of a Council for a school the principal of the school is to invite nominations from suitably qualified persons to fill the vacancy.

(2) If the number of nominations exceeds the number of vacancies —

(a) for the membership category referred to in section 127(1)(a), the principal is to conduct an election among those persons eligible to vote under regulation 109(1) or (2), as is relevant to the case; or

(b) for the membership category referred to in section 127(1)(b), the Council may appoint suitably qualified persons from the list of nominees; or

(c) for the membership category referred to in section 127(1)(c), the principal is to conduct an election among those persons eligible to vote under regulation 109(3); or

(d) for a membership category referred to in section 127(1)(d), the principal is to conduct an election among those persons eligible to vote under regulation 109(4).

(3) The chief executive officer may, from time to time, specify standards or requirements in relation to the conduct of elections under subregulation (2).

(4) The chief executive officer may inquire into any matter affecting an election or appointment under subregulation (2) and if any irregularity has occurred in relation to the election or appointment the chief executive officer may —

(a) declare the results of an election or appointment to be invalid; or

(b) order an election or appointment or a new election or appointment to be conducted.

(5) In subregulations (1) and (2) —

principal, in relation to a Council that operates for 2 or more schools jointly, means a principal of one of those schools who has been nominated by the chief executive officer for the purposes of those subregulations.

109. Who can vote in election of members

(1) The persons eligible to vote for a person to be a member of the Council for the school in the category referred to in section 127(1)(a) are, subject to subregulation (2) —

(a) each parent whose name and address has been provided to the school under section 16(1)(b)(ii)(I); or

(b) if neither parent's name and address has been so provided in relation to a particular student, each person who is responsible for the student.

(2) The persons eligible to vote for a person to be a member of the Council for the school in the category referred to in section 127(1)(a) where the majority of students at the school are 18 years of age or more are each student —

(a) who is enrolled at the school at the date of the notice of the election; and

(b) who is 15 years of age or more or who will reach 15 years of age during the calendar year of that date.

(3) The persons eligible to vote for a person to be a member of the Council for the school in the category referred to in section 127(1)(c) are each person to whom section 235(1) applies and whose usual place of work is at the school.

(4) The persons eligible to vote for a person to be a member of the Council for the school in the category referred to in section 127(1)(d) are each student —

(a) who is enrolled at the school at the date of the notice of the election; and

(b) who is 15 years of age or more or who will reach 15 years of age during the calendar year of that date.

(5) A person may not vote in respect of more than one category referred to in subregulations (1) to (4).

110. Term of office prescribed (Act s. 127(5)(d))

(1) A member of the Council for a school —

(a) subject to subregulation (2), holds office for a term, not exceeding 3 years, as determined by the Council; and

(b) may be reappointed once or more than once.

(2) A member of a Council for a school who is elected or appointed to fill a casual vacancy holds office for the residual period of the predecessor's term of office.

111. When vacancy occurs

(1) The office of a member of the Council for a school becomes vacant if the member —

(a) becomes ineligible to hold office as a member; or

(b) resigns the office by written notice delivered to the Council; or

(c) is removed from office by the chief executive officer under subregulation (2).

(2) The chief executive officer may remove a person as a member of the Council for a school on the grounds that the continuation of the person as a member would be detrimental to the interests of the Council.

(3) Subject to subregulation (4), the Council for a school may remove a person as a member of the Council on the grounds that the person —

(a) has neglected the person's duty as a member; or

(b) has misbehaved or is incompetent; or

(c) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of the person's functions as a member; or

(d) has been absent, without leave or reasonable excuse, from 3 consecutive meetings of which the member has had notice.

(4) The Council for a school must not remove a person as a member of the Council unless —

(a) the person has been given a reasonable opportunity to show that he or she should not be removed as a member; and

(b) the decision is made by a resolution of a majority comprising enough of the members for the time being of the Council for their number to be at least 2/3 of the number of offices (whether vacant or not) of member of the Council.

112. Co-opting members

The Council for a school may appoint a member of the local community having such experience, skills or qualifications as would enable the person to make a contribution to the Council's functions to be a co-opted member for such period, or in relation to such matters, as determined by the Council.

Division 3 — Functions of Councils

113. Functions prescribed that Minister may approve for incorporated Council (Act s. 130(1))

The functions of a Council for a school prescribed for the purposes of section 130(1) are as follows —

(a) to obtain funds for the benefit of the school;

(b) to employ persons other than a person referred to in section 235(1);

(c) to manage or operate facilities at the school.

Examples:

- a canteen
- a swimming pool
- residential accommodation for students
- a school farm or horticultural centre

114. Council operating for 2 or more schools, performance of functions by

If a Council operates for 2 or more schools jointly, the Council's functions are to be performed in a way which takes account of the specific needs of each school for which the Council operates.

Division 4 — Proceedings of Councils

115. Meetings, when to be held; open to public

(1) Subject to regulations 117 and 118, an ordinary or a special meeting of a Council for a school is to be held if so decided by the Council.

(2) The chairperson of the Council is to convene Council meetings in accordance with the directions of the Council in relation to the venue and time of the meeting and giving notice of the meeting.

(3) A meeting of the Council is generally to be open to members of the public but the Council may decide to close to members of the public a meeting or part of the meeting on the grounds set out in regulation 116 unless the meeting is one referred to in regulation 117 or 118.

116. Grounds for closing meeting to public

(1) A Council for a school may decide to close to members of the public a meeting or part of the meeting if the meeting or part of the meeting deals with any of the following —

(a) a matter affecting a person who is employed at the school;

(b) the personal affairs of any person;

(c) a contract entered into, or which may be entered into, by the Council and which relates to a matter to be discussed at the meeting;

(d) legal advice obtained, or which may be obtained, by the Council and which relates to a matter to be discussed at the meeting;

(e) a matter that if disclosed, would reveal —

(i) information that has a commercial value to a person and that is held by, or is about, a person other than the Council; or

(ii) information about the business, professional, commercial or financial affairs of a person and that is held by, or is about, a person other than the Council;

(f) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

(2) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

117. Annual public meeting

A Council for a school is to hold each calendar year at least one meeting —

(a) that is open to the public; and

(b) 14 days' notice of which has been given to parents of students enrolled at the school at the time the meeting is called; and

(c) in which a report is presented on the performance of the Council's functions since the previous annual public meeting or the Council's inaugural meeting, as is relevant to the case.

118. Special meeting called for by families of students or by students

(1) Subject to subregulation (2), the chairperson of a Council for a school is to convene a special meeting of the Council if the meeting is called for —

(a) in a notice to the chairperson setting out the purposes of the proposed meeting; and

(b) by —

(i) at least 20 families of students at the school; or

(ii) at least half the number of families of students at the school,

whichever is the lesser number of families.

(2) The chairperson of a Council for a school at which the majority of the students at a school are 18 years of age or more is to convene a special meeting of the Council if the meeting is called for —

(a) in a notice to the chairperson setting out the purposes of the proposed meeting; and

(b) by at least 20 students at the school.

(3) The chairperson is not to convene a meeting under subregulation (1) or (2) if the purposes of the proposed meeting are not relevant to the Council's functions.

(4) A meeting convened under subregulation (1) or (2) is to deal only with matters relevant to the purposes set out in the notice received by the chairperson.

119. Voting

(1) In this regulation —

absolute majority, in relation to a Council for a school, means a majority comprising enough of the members for the time being of the Council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the Council.

(2) A decision of a Council for a school does not have effect unless it has been made by an absolute majority.

(3) Each Council member (including the chairperson) is entitled to one vote only.

Division 5 — Transitional provision as to Councils

120. Certain Councils to comply with Act s. 127 and this Part Div. 2 and 4 by 1 July 2003

(1) In this regulation —

Council means a Council referred to in clause 20(1) of Schedule 1 to the Act.

(2) A Council is to take such steps as are necessary to ensure that its constitution and procedures comply with section 127 and Divisions 2 and 4 by 1 July 2003.

(3) Before 1 July 2003, a Council may operate under the constitution and procedures applicable to it on the day on which the Act commences until such time as its constitution and procedures comply with section 127 and Divisions 2 and 4.

(4) A Council is not to apply for the Minister's approval to perform a function under section 130 unless at the time of the application the Council's constitution and procedures comply with section 127 and Divisions 2 and 4.

Part 7 — Parents and Citizens' Associations of government schools

121. Term used: association

In this Part —

association means a Parents and Citizens' Association formed under section 142.

122. CEO's approval required for certain activities by association

An association may, subject to the approval of the chief executive officer, do any of the following things in relation to the school or group of schools for which it is formed —

(a) assist in the provision of a resource, facility or amenity for the school or schools;

(b) organise or conduct fundraising or other benefits for the benefit of the school or schools;

(c) seek voluntary contributions for the provision of a resource, facility or amenity for the school or schools from parents of students at the school or schools.

123. CEO may close or abolish facilities etc. provided by association

(1) The chief executive officer may at any time order the closure or abolition of any resource, facility or amenity provided by an association if the resource, facility or amenity —

(a) has not been properly established; or

(b) is not managed properly; or

(c) is no longer required; or

(d) is not operated in a way which is consistent with the ethos of the government education system.

(2) Effect is to be given to an order under subregulation (1) according to its tenor.

124. Constitution of association to contain certain provisions

(1) The Minister is not to approve —

(a) a proposed constitution of an association for the purposes of section 145(3) or 146(3) unless that constitution provides for the matters set out in subregulation (2); or

(b) a change to or substitution of an association's constitution for the purposes of section 145(5) or 146(5) unless the constitution provides, or will continue to provide, for the matters set out in subregulation (2).

(2) An association's constitution is to provide —

(a) that the annual membership subscription is not to exceed $1.00 for each member; and

(b) that the principal of the school for which the association is formed is an ex officio member of the governing body of the association; and

(c) if the association is formed for a group of schools, that the principal of each school for which the association is formed is an ex officio member of the governing body of the association.

Part 8 — Staff employed in the department

Division 1 — General

125. Probation period for teaching staff etc. engaged under Act s. 236(2)

A person who is engaged under section 236(2) is to be on probation for not more than the first 12 months after the engagement commences or for such longer time as the chief executive officer determines.

126. Inefficient teachers under repealed r. 86A, transitional provision for

If, before the commencement of the Act, the chief executive officer had received 2 or more reports that a teacher is inefficient —

(a) the chief executive officer and the Minister may exercise their respective powers under regulation 86A of the *Education Regulations 1960* in relation to the teacher as if that regulation had not been repealed; and

(b) that regulation otherwise applies in relation to the teacher as if it had not been repealed.

Division 2 — Teaching staff

127. Offices etc. prescribed to be school administrators (Act s. 237(a)(ii))

The following offices or positions or classes of office or position are prescribed for the purposes of section 237(a)(ii) —

(a) vice principal;

(b) deputy principal;

(c) head of school;

(d) head of department;

(e) programme coordinator;

(f) coordinator;

(g) manager;

(h) senior lecturer;

(i) head of learning area.

127A. Classes of teaching staff prescribed (Act s. 237(c))

The following classes of teaching staff are prescribed for the purposes of section 237(c) —

(a) director;

(b) area director;

(c) school psychologist;

(d) education officer;

(e) school development officer;

(e) principal consultant.

[Regulation 127A inserted: Gazette 17 Dec 2002 p. 5909.]

Part 9 — Non-government schools

128. Kinds of establishments that are not schools (Act s. 154(2)(c))

(1) In this regulation —

educational programme means an organised set of learning activities designed to enable a child to develop knowledge, understanding, skills and attitudes relevant to the child's individual needs.

(2) Establishments of the following kinds are prescribed for the purposes of section 154(2)(c) —

(a) an establishment that provides an educational programme to a child that is additional to an educational programme provided to the child to satisfy the duty imposed by section 9;

(b) an establishment that provides an educational programme to a child that is based on the development by the child of a particular skill or proficiency.

(3) The following are irrelevant in determining if an establishment is of a kind to which subregulation (2) applies —

(a) the place, or places, where the establishment provides an educational programme;

(b) whether an educational programme is provided to a child individually or as part of a group or class of children;

(c) that an educational programme provided is the same as, or similar to, an educational programme that would satisfy the duty imposed by section 9 in respect of a child.

[Regulation 128 inserted: Gazette 16 Jan 2015 p. 312-13.]

129. Significant registration changes (Act s. 156)

(1) In this regulation —

non-compulsory education means education provided to children —

(a) in the final year of their early education period; or

(b) in their pre-compulsory education period;

primary education means education provided to children in any of the 1st to 7th years of their compulsory education period;

secondary education means education provided to children in any of the 8th to 13th years of their compulsory education period.

(2) For the purposes of paragraph (b) of the definition of ***school planning proposal*** in section 156, a proposal to make any of the following registration changes to a registered school is a significant registration change —

(a) to relocate the school or a campus of the school;

(b) to open an additional campus of the school;

(c) to provide an additional year level, or more than one additional year levels, of education if the addition or additions would result in the school providing —

(i) non-compulsory education if the school currently provides no non-compulsory education; or

(ii) primary education if the school currently provides no primary education; or

(iii) secondary education if the school currently provides no secondary education.

[Regulation 129 inserted: SL 2020/15 r. 4.]

130. Consultation procedures prescribed (Act s. 157C(2)(d))

(1) In this regulation —

advance determination, ***non-system school***, ***school planning proposal*** and ***school system*** have the meanings given to those terms in section 150;

advisory panel means an advisory panel under section 241 established for the purpose of advising the Minister on applications made to the Minister for advance determinations about school planning proposals.

(2) If consultation about a school planning proposal is required under a policy direction issued under section 157C, then the procedures set out in subregulations (3) to (6) are prescribed for the purposes of section 157C(2)(d).

(3) On receipt of an application for an advance determination about a school planning proposal on which consultation is required, the Minister or, if the application is referred to an advisory panel by the Minister, the advisory panel is to consult with, and take into account the views of, the following —

(a) the chief executive officer referred to in section 229;

(b) the governing body of each school system;

(c) the governing body of each non-system school that, in the opinion of the Minister or advisory panel, could be adversely affected by the implementation of the school planning proposal;

(d) the governing body of each proposed non-system school —

(i) in respect of which there is an advance determination in force; and

(ii) that, in the opinion of the Minister or advisory panel, could be adversely affected by the implementation of the school planning proposal.

(4) For the purposes of subregulation (3), the Minister or advisory panel must invite —

(a) each person and body referred to in subregulation (3) to submit to the Minister or advisory panel an objection to the school planning proposal; and

(b) the applicant to submit to the Minister or advisory panel a response to any objection submitted under paragraph (a).

(5) A person or body submitting an objection or response must —

(a) submit the objection or response in writing in a form approved by the Minister; and

(b) include in the objection or response the information required by the Minister or advisory panel; and

(c) submit the objection or response within —

(i) 14 days after the day on which the invitation is made; or

(ii) a longer period approved by the Minister or advisory panel.

(6) After receiving an objection or response from a person or body, the Minister or advisory panel may accept additional information or submissions from the person or body, orally or in writing, as the Minister or advisory panel considers appropriate.

[Regulation 130 inserted: SL 2020/15 r. 5.]

130A. Transitional provision for *School Education Amendment Regulations 2020*

(1) In this regulation —

advance determination has the meaning given in section 150;

commencement day means the day on which the *School Education Amendment Regulations 2020* regulation 5 comes into operation.

(2) These regulations apply in respect of an application for an advance determination received by the Minister before the commencement day as if regulation 130 had not been replaced by the *School Education Amendment Regulations 2020* regulation 5.

[Regulation 130A inserted: SL 2020/15 r. 5.]

131A. Other matters about which standards may be determined (Act s. 159(1)(n))

For the purposes of section 159(1)(n), the Minister may also determine standards for non-government schools about any of the following matters —

(a) the management of students' behaviour;

(b) the minimum age children must reach to be enrolled at schools;

(c) the delivery of the curriculum or curriculums of schools;

(d) the number of children enrolled at schools.

[Regulation 131A inserted: Gazette 22 Dec 2017 p. 5978.]

131. Consultation procedures prescribed (Act s. 159(2))

In determining standards in respect of a matter referred to in section 159(1) the Minister is to consult with, and take into account the views of —

(a) the Executive Director Catholic Education in Western Australia; and

(b) the Association of Independent Schools of Western Australia (Inc.); and

(c) any other person or body who is able to make a useful contribution in relation to the standards that are to be determined.

[Regulation 131 amended: Gazette 16 Jan 2015 p. 314.]

Part 10 — Community kindergartens

Division 1 — Preliminary

132. Terms used

In this Part —

contribution means voluntary contribution;

kindergarten means community kindergarten.

Division 2 — Registration of kindergartens

133. Matters prescribed to be considered by Minister when determining registration of kindergarten (Act s. 194(1)(d))

(1) For the purposes of section 194(1)(d), a matter to be taken into account by the Minister in determining an application for registration of a kindergarten (the ***proposed kindergarten***) is the effect that the opening of the proposed kindergarten would have on the capacity of each existing kindergarten or school in the geographic region from which the proposed kindergarten would draw its enrollees to continue to provide the educational programmes provided by them before the opening of the proposed kindergarten.

(2) In subregulation (1) —

existing school includes a proposed school for which a determination under section 157B is in force.

[Regulation 133 amended: Gazette 16 Jan 2015 p. 314.]

Division 3 — Management of kindergartens

134. Functions of teaching staff prescribed (Act s. 205(1)(g))

The functions that are prescribed for the purposes of section 205(1)(g) for the teaching staff in all kindergartens are as follows —

(a) in consultation with the governing body of the kindergarten to establish, or to ensure that there is established, a plan for the management of the kindergarten;

(b) to report to the governing body of the kindergarten on the achievement of the objectives in the plan for the management of the kindergarten.

135. When kindergarten to be open

(1) The chief executive officer, by order published in the *Gazette*, is to determine the days in each year on which kindergartens are to be open for educational instruction of children.

(2) Section 117(2) to (4) apply as if the references in those provisions to an order were references to an order under subregulation (1).

136. Enrolment at kindergarten (Act s. 206(2)(b))

(1) For the purposes of section 206(2)(b), sections 16, 17, 18 and 20 and any regulations made under those sections apply to an application for enrolment at a kindergarten and have effect as if —

(a) the references in those sections and regulations to a school were references to the kindergarten; and

(b) the references in those sections and regulations to a principal were references to the teacher in charge of the kindergarten.

(2) For the purposes of section 206(2)(b), if the number of children applying for enrolment at a particular kindergarten for a particular year exceeds the number of available places at the kindergarten and the kindergarten's link school is a local-intake school, priority for enrolment is to be given in the following order —

(a) to a child whose usual place of residence is in the intake area of the link school —

(i) who has a sibling enrolled at the link school for that year; and

(ii) who lives nearest the kindergarten;

(b) to a child whose usual place of residence is in the intake area of the link school —

(i) who does not have a sibling enrolled at the link school for that year; and

(ii) who lives nearest the kindergarten;

(c) to a child whose usual place of residence is not in the intake area of the link school —

(i) who has a sibling enrolled at the link school for that year; and

(ii) who lives nearest the kindergarten;

(d) to a child whose usual place of residence is not in the intake area of the link school —

(i) who does not have a sibling enrolled at the link school for that year; and

(ii) who lives nearest the kindergarten.

(3) For the purposes of section 206(2)(b), if the number of children applying for enrolment at a particular kindergarten for a particular year exceeds the number of available places at the kindergarten and the kindergarten's link school is not a local-intake school, priority for enrolment is to be given to the child who lives nearest the kindergarten.

[Regulation 136 amended: Gazette 10 Oct 2003 p. 4402-3; 19 Jul 2019 p. 2845.]

137. Minimum hours of instruction for children in kindergarten programme

(1) Subject to subregulations (3) and (4), a child enrolled at a kindergarten in a kindergarten programme is to be provided at least 11 hours instruction during each week in which the kindergarten is open for instruction (the ***minimum period***).

(2) The minimum period does not include time for recess or lunch.

(3) The minimum period is reduced by 25% for each public holiday on which a kindergarten is closed during a week in which the kindergarten would otherwise be open for instruction.

(4) The chief executive officer may reduce the minimum period if the reduction in the period would benefit —

(a) children enrolled in a kindergarten programme; or

(b) the management of a kindergarten.

138. Enrolment register to be kept and retained

The teacher in charge of a kindergarten must ensure that —

(a) a register is kept showing, in respect of each child enrolled at the kindergarten, the following information —

(i) the name of the child;

(ii) the date of birth of the child;

(iii) the date of the enrolment and the date on which the enrolment ceases;

(iv) the immunisation status of the child given in accordance with the *Public Health Act 2016* section 141B;

(v) if the child has a Medicare number, the Medicare number of the child;

and

(b) the particulars recorded in the register are retained by the kindergarten for 7 years from the day on which the child's enrolment ceases.

[Regulation 138 amended: Gazette 21 Dec 2018 p. 4853; 19 Jul 2019 p. 2845.]

139. Permanent retention of kindergarten enrolment particulars

(1) When the period referred to in regulation 138(b) expires in relation to particulars recorded in the register of a kindergarten, the chief executive officer is to ensure that the particulars are retained permanently, in so far as is practicable.

(2) If it is not practicable to retain permanently the particulars referred to in subregulation (1), the particulars must not be disposed of or destroyed without the authority of the chief executive officer.

(3) This regulation applies whether or not the kindergarten referred to in subregulation (1) has closed.

[Regulation 139 amended: Gazette 11 Nov 2014 p. 4259.]

Division 4 — Financial provisions for kindergartens

Subdivision 1 — Contributions and costs

140. What contributions may be sought (Act s. 207)

(1) A contribution must not be sought towards the cost of instruction in a kindergarten programme if the instruction is provided by a member of the teaching staff.

(2) No charge is payable in respect of a child for —

(a) materials provided in a non-optional component of a kindergarten programme; or

(b) services or facilities for use in, or associated with the provision of, a non-optional component of a kindergarten programme.

(3) A contribution determined in accordance with regulation 141 may be sought for the costs of the materials, services or facilities referred to in subregulation (2).

141. Contributions, determining and limits on (Act s. 207)

(1) The teacher in charge of a kindergarten may from time to time determine a contribution for the materials, services or facilities referred to in regulation 140(2).

(2) Materials for the purposes of regulation 140(2)(a) are as set out in regulation 59 as if the references in that provision to a school were references to a kindergarten.

(3) Services and facilities for the purposes of regulation 140(2)(b) are as set out in regulation 60 as if the references in that provision to a school were references to a kindergarten.

(4) The maximum total amount of a contribution in respect of a child enrolled in a kindergarten programme is —

(a) $40.00 for 2001; and

(b) $60.00 for each kindergarten year from 1 January 2002.

(5) A contribution determined under subregulation (1) is not to be applied to the purchase, maintenance or replacement of equipment, furniture and fittings provided for the purposes of a kindergarten.

142. Extra cost optional component, cost of etc. (Act s. 207)

(1) In this regulation —

extra cost optional component means an optional component of a kindergarten programme having a cost that is not incorporated into the determination of the kindergarten's contributions under

regulation 141 because of the high cost associated with the provision of that optional component.

(2) The teacher in charge of a kindergarten may from time to time determine the costs to be paid for participation in an extra cost optional component of a kindergarten programme.

(3) The costs of an extra cost optional component must not include a fee for instruction if the instruction is provided by a member of the teaching staff.

(4) The participation of a child in an extra cost optional component is conditional on payment of the costs of that component.

143. Items for child's personal use to be supplied by child

The teacher in charge of a kindergarten may from time to time determine the items that are to be supplied by a child for the child's personal use in a kindergarten programme.

144. Approval and notification of determinations

(1) A determination under regulation 141(1), 142(2) or 143 does not have effect until it has been approved by the governing body or its management committee.

(2) Not later than 2 months before the beginning of a kindergarten year —

(a) all contributions for the year must be determined under regulation 141(1) and approved under subregulation (1); and

(b) the teacher in charge is to take reasonable steps to notify the persons from whom a contribution may be sought, of the amount to be sought by way of contribution; and

(c) all items to be supplied by a child for the year must be determined under regulation 143 and approved under subregulation (1); and

(d) the teacher in charge is to take reasonable steps to notify a parent of a child if the child is to supply any such item.

(3) The costs of an extra cost optional component to be provided by a kindergarten must be determined under regulation 142(2) and approved under subregulation (1) at least 4 weeks before the component is to be provided.

(4) If an extra cost optional component may be participated in by a particular child, the teacher in charge is to take reasonable steps to notify a parent of the child of the costs of that component at least 3 weeks before the component is to be provided.

(5) When notifying a person —

(a) for the purposes of subregulation (2)(b) it is sufficient for the teacher in charge to notify the person of the total contribution to be sought for the kindergarten year in respect of the child, itemising each component of the contribution and the contribution for each component; and

(b) for the purposes of subregulation (4) it is sufficient for the teacher in charge to notify the person by itemising each component of those costs and the costs for each component.

(6) A determination or notification referred to in subregulation (2) for the purposes of the 2001 kindergarten year need not comply with the time limit referred to in that subregulation but must be made or occur by 28 February 2001.

Subdivision 2 — Allocation of moneys appropriated by Parliament

145. Classes of children prescribed (Act s. 210(2)(b))

The classes of children prescribed for the purposes of section 210(2)(b) are those classes whose members satisfy the criteria set out in regulation 12(a) and (b), 13(a) and (b), 14(a) and (b) or 14A(a) and (b).

[Regulation 145 amended: Gazette 17 Dec 2002 p. 5910; 22 Jul 2005 p. 3370.]

146. Allocation of moneys appropriated by Parliament (Act s. 210(3))

(1) Moneys that have been appropriated by Parliament for the purpose of assisting kindergartens may be allocated for one or more of the following matters —

(a) providing children with materials, services or facilities for use in kindergarten programmes;

(b) the purchase, maintenance or replacement of kindergarten equipment, furniture or fittings;

(c) costs of renting or leasing kindergarten premises;

(d) water, electricity, gas and telephone costs;

(e) gardening and cleaning costs;

(f) insurance costs.

(2) The allocation of moneys referred to in subregulation (1) to a kindergarten may be conditional on the provision by the kindergarten's governing body of statistical, educational and financial information about the kindergarten and if the condition is not complied with the chief executive officer may recover the moneys as a debt in a court of competent jurisdiction.

Part 11 — Miscellaneous

147. Independent minor, designation of child as

(1) The principal of a school at which a child is enrolled or wishes to be enrolled may designate the child to be a child for the purposes of the provisions of the Act set out in the Table to this subregulation that are relevant to the school (an ***independent minor***) if the principal is satisfied that the child has the capacity to make his or her own decisions in relation to —

(a) an educational programme for the child at the school; and

(b) the administrative requirements of the school.

Table

s. 17(1)(d)	s. 31(2)(b)
s. 20(2)(a)(ii)	s. 40(5)(b)
s. 24(2)(b)	s. 74(2) in the definition of ***person*** paragraph (b)
s. 25(1) in the definition of ***responsible person*** paragraph (b)	s. 83(3)(a)(ii)
s. 26(2)(c)(ii)	s. 100(5)(b)
s. 27(3)(b)	s. 106(1)(b)
s. 30(4)(b)	s. 108(4)(b)

(2) A principal is not to designate a child as an independent minor —

(a) without having taken into account —

(i) the existence or absence of a relationship between the child and a parent of the child or a person responsible for the child; and

(ii) the nature of the relationship, if any;

and

(b) unless the principal is satisfied that no working relationship exists between the child and any of the child's parents or a person responsible for the child.

(3) A decision to designate a child as an independent minor —

(a) must be in writing and recorded at the school referred to in subregulation (1) (the ***school***); and

(b) applies only in relation to the school; and

(c) is of no effect when the child ceases to be enrolled at the school; and

(d) is to be reviewed by the principal of the school at least once every 6 months; and

(e) may be reviewed or revoked at any time by the principal of the school.

(4) This regulation does not apply to a child in respect of whom a protection order (time-limited) or a protection order (until 18), as those terms are defined in the *Children and Community Services Act 2004* section 3, is made.

[Regulation 147 amended: Gazette 24 Aug 2007 p. 4319.]

148A. Anaphylactic reaction in child, treatment of by staff member

(1) In this regulation —

adrenaline means adrenaline in the form in which it is classified as a Schedule 3 poison under the *Medicines and Poisons Act 2014*;

auto-injector means a device containing a single pre-measured dose of adrenaline, with a mechanism for administering the dose by injection;

enrolled child means —

(a) a child enrolled at a community kindergarten; or

(b) a student;

staff member means a natural person who is —

(a) employed in the department referred to in section 228; or

(b) employed in a school registered under section 160.

(2) A staff member may, in the course of the staff member's employment as a staff member, administer adrenaline to an enrolled child by means of an auto-injector if the staff member reasonably suspects that the child is suffering an anaphylactic reaction, even if there is no consent to the administration of the adrenaline.

[Regulation 148A inserted: Gazette 10 Jul 2012 p. 3061; amended: Gazette 17 Jan 2017 p. 417.]

148. Exemption from regulations, grant etc. of by Minister

(1) The Minister may, at any time, by notice published in the *Gazette* —

(a) exempt a person, school or community kindergarten from provisions of these regulations and impose conditions subject to which an exemption applies; or

(b) revoke or vary an exemption; or

(c) impose any further condition or vary or revoke a condition.

(2) An exemption or condition may be limited in its operation to a specified period.

(3) The following are to be set out in the notice —

(a) either —

(i) the person, persons or classes of person to whom the exemption applies; or

(ii) the school, schools or classes of school to which the exemption applies,

as is relevant to the case;

(b) the regulation or regulations to which the exemption applies and the period of the exemption;

(c) if relevant, each condition subject to which the exemption applies and the period of the condition;

(d) if relevant, the revocation or details of the variation of the exemption;

(e) if relevant, the further conditions or revocation or details of the variation of an existing condition.

(4) The regulations set out in the notice do not apply to a person who, or school which, is exempted under subregulation (1) if the conditions of the exemption are being complied with.

149. Limits on charges etc., CEO to review regularly

(1) At least once every 3 years the chief executive officer is to review the limits in the following regulations and consider whether the limits should be changed and what the new limits should be —

(a) regulations 61(1), 61(2) and 61(3) (charges and contributions for materials, services and facilities in government schools);

(b) regulation 63(1) (fees for instruction of overseas students and adult students);

(c) regulation 102(2) (fees for residential accommodation on government school premises);

(d) regulation 141(4)(b) (contributions for materials, services and facilities in community kindergartens).

(2) When conducting —

(a) a review referred to in subregulation (1)(a) the chief executive officer is to consult with a representative group of principals of government schools, parents and community members; and

(b) a review referred to in subregulation (1)(b) the chief executive officer is to take into account —

(i) changes in the costs of providing instruction to overseas students and adult students at government schools; and

(ii) the views of representative principals of government schools and community members;

and

(c) a review referred to in subregulation (1)(c) the chief executive officer is to take into account changes in the costs of providing residential accommodation on school premises; and

(d) a review referred to in subregulation (1)(d) the chief executive officer is to consult with a representative group of teachers in charge of community kindergartens, parents and community members; and

(e) any review under subregulation (1) the chief executive officer may take into account any other matter that is relevant to the review.

Schedule 1 — Scholarships

[r. 13(b)]

AusAID Scholarship	full scholarship awarded by the Commonwealth of Australia to a person who, because of the scholarship, is permitted under a law of the Commonwealth to reside in Australia
	full scholarship awarded by the Curtin University of Technology, the Edith Cowan University, Murdoch University or The University of Western Australia

[Schedule 1 inserted: Gazette 17 Dec 2002 p. 5910.]

Schedule 2 — Entitlement to enrolment at government school

[r. 14A(b)]

[Heading inserted: SL 2020/101 r. 5.]

Division 1 — Visas held by child or person on whom child is dependent

[Heading inserted: SL 2020/101 r. 5.]

Item	Visa subclass number	Visa subclass name
1.	188	Business Innovation and Investment (Provisional)
2.	300	Prospective Marriage
3.	309	Partner (Provisional)
4.	401	Temporary Work (Long Stay Activity)
5.	402	Training and Research
6.	403	Temporary Work (International Relations)
7.	407	Training
8.	408	Temporary Activity
9.	444	Special Category
10.	445	Dependent Child
11.	449	Humanitarian Stay (Temporary)
12.	457	Temporary Work (Skilled)
13.	461	New Zealand Citizen Family Relationship (Temporary)
14.	476	Skilled — Recognised Graduate
15.	482	Temporary Skill Shortage
16.	485	Temporary Graduate
17.	489	Skilled — Regional (Provisional)

Item	Visa subclass number	Visa subclass name
18.	491	Skilled Work Regional (Provisional)
19.	494	Skilled Employer Sponsored Regional (Provisional)
20.	576	Foreign Affairs or Defence Sector
21.	785	Temporary Protection
22.	786	Temporary (Humanitarian Concern)
23.	790	Safe Haven Enterprise
24.	820	Partner
25.	850	Resolution of Status (Temporary)
26.	995	Diplomatic (Temporary)

[Division 1 inserted: SL 2020/101 r. 5.]

Division 2 — Visas for which child or person on whom child is dependent has validly applied

[Heading inserted: SL 2020/101 r. 5.]

Item	Visa subclass number	Visa subclass name
1.	785	Temporary Protection
2.	790	Safe Haven Enterprise
3.	866	Protection

[Division 2 inserted: SL 2020/101 r. 5.]

Schedule 3A — Overseas students with entitlement to enrolment at government school

[r. 3(1)]

[Heading inserted: SL 2020/101 r. 5.]

Item	Visa subclass number	Visa subclass name
1.	457	Temporary Work (Skilled)
2.	482	Temporary Skill Shortage

[Schedule 3A inserted: SL 2020/101 r. 5.]

[Schedule 3 deleted: Gazette 16 Jan 2015 p. 314.]

Notes

This is a compilation of the *School Education Regulations 2000* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
School Education Regulations 2000	29 Dec 2000 p. 7795-900	1 Jan 2001 (see r. 2)
School Education Amendment Regulations 2002	17 Dec 2002 p. 5906-11	17 Dec 2002
Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 37	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and *Gazette* 30 Jun 2003 p. 2579)
School Education Amendment Regulations 2003	10 Oct 2003 p. 4401-3	10 Oct 2003
School Education Amendment Regulations 2005	22 Jul 2005 p. 3369-71	22 Jul 2005
School Education Amendment Regulations (No. 2) 2005	2 Dec 2005 p. 5810	2 Dec 2005
School Education Amendment Regulations (No. 3) 2005	23 Dec 2005 p. 6254-5	1 Jan 2006 (see r. 2)
Reprint 1: The *School Education Regulations 2000* as at 3 Mar 2006 (includes amendments listed above)		
School Education Amendment Regulations 2006	17 Nov 2006 p. 4760-2	1 Jan 2007 (see r. 2)
School Education Amendment Regulations 2007	24 Aug 2007 p. 4317-19	r. 1 and 2: 24 Aug 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Aug 2007 (see r. 2(b))
School Education Amendment Regulations 2009	13 Nov 2009 p. 4535	r. 1 and 2: 13 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Nov 2009 (see r. 2(b))
School Education Amendment Regulations 2010	21 Dec 2010 p. 6754	r. 1 and 2: 21 Dec 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2011 (see r. 2(b))

Citation	Published	Commencement
School Education Amendment Regulations 2012	10 Jul 2012 p. 3060-1	r. 1 and 2: 10 Jul 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2013 (see r. 2(b) and *Gazette* 14 Dec 2012 p. 6195)
School Education Amendment Regulations (No. 2) 2012	14 Aug 2012 p. 3830-1	r. 1 and 2: 14 Aug 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Aug 2012 (see r. 2(b))
School Education Amendment Regulations (No. 3) 2012	27 Nov 2012 p. 5737	r. 1 and 2: 27 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Nov 2012 (see r. 2(b))
School Education Amendment Regulations (No. 4) 2012	4 Dec 2012 p. 5909	r. 1 and 2: 4 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2013 (see r. 2(b))
Reprint 2: The *School Education Regulations 2000* as at 1 Mar 2013 (includes amendments listed above)		
School Education Amendment Regulations 2013	21 Jun 2013 p. 2446-7	r. 1 and 2: 21 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 22 Jun 2013 (see r. 2(b))
School Education Amendment Regulations 2014	11 Nov 2014 p. 4255-61	r. 1 and 2: 11 Nov 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Nov 2014 (see r. 2(b))
School Education Amendment Regulations (No. 2) 2014	8 Jan 2015 p. 103-4	r. 1 and 2: 8 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and *Gazette* 17 Apr 2015 p. 1371)
School Education Amendment Regulations 2015	16 Jan 2015 p. 312-14	r. 1 and 2: 16 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Feb 2015 (see r. 2(b) and *Gazette* 16 Jan 2015 p. 311)
School Education Amendment Regulations (No. 2) 2016	10 Jan 2017 p. 229-30	r. 1 and 2: 10 Jan 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Jan 2017 (see r. 2(b) and *Gazette* 10 Jan 2017 p. 165)

Citation	Published	Commencement
School Education Amendment Regulations 2016	17 Jan 2017 p. 417	r. 1 and 2: 17 Jan 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jan 2017 (see r. 2(b) and *Gazette* 17 Jan 2017 p. 403)
Reprint 3: The *School Education Regulations 2000* as at 1 Sep 2017 (includes amendments listed above)		
School Education Amendment Regulations 2017	22 Dec 2017 p. 5977-8	r. 1 and 2: 22 Dec 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Dec 2017 (see r. 2(b))
School Education Amendment Regulations 2018	21 Dec 2018 p. 4852-3	r. 1 and 2: 21 Dec 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2019 (see r. 2(b))
Education Regulations (Immunisation Requirements for Enrolment) Amendment Regulations 2019 Pt. 2	19 Jul 2019 p. 2844-6	22 Jul 2019 (see r. 2(b) and *Gazette* 19 Jul 2019 p. 2841)
School Education Amendment Regulations 2020	SL 2020/15 17 Mar 2020	r. 1 and 2: 17 Mar 2020 (see r. 2(a)); Regulations other than r. 1, 2 and 4: 18 Mar 2020 (see r. 2(c)); r. 4: 17 Apr 2020 (see r. 2(b))
School Education Amendment Regulations (No. 2) 2020	SL 2020/101 30 Jun 2020	r. 1 and 2: 30 Jun 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2020 (see r. 2(b))
School Education Amendment Regulations 2024	SL 2024/118 26 Jun 2024	1 Jul 2024 (see r. 2(b) and SL 2024/111 cl. 2)

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
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