



# **NAVIGATING THE REGULATORY FRAMEWORK FOR ACT NON-GOVERNMENT SCHOOLS**

**NON-GOVERNMENT EDUCATION  
ACT EDUCATION DIRECTORATE**

## CONTENTS

CONTENTS	2
1. CONTACTS	3
2. INTRODUCTION	4
3. ROLE OF THE MINISTER	6
4. ESTABLISHMENT OF REGISTRATION STANDARDS ADVISORY BOARD	9
5. ROLE OF THE REGISTRAR	10
6. INTRODUCTION OF REGISTRATION STANDARDS	14
a) <i>Registration Standards - Governance</i>	16
b) <i>Registration Standards - Educational Programs</i>	20
c) <i>Registration Standards - Safety and Welfare</i>	22
d) <i>Registration Standards - Other operational requirements</i>	24
7. ESTABLISHING A NEW NON-GOVERNMENT SCHOOL	28
8. REGISTRATION OF EXISTING NON-GOVERNMENT SCHOOLS	32
a) <i>Registration—notifiable changes</i>	35
b) <i>Registration – amendments (including expansion)</i>	37
9. REGISTRATION REVIEWS	40
10. MANAGING STUDENT BEHAVIOUR	44
a) <i>Managing Student Behaviour – suspension</i>	47
b) <i>Managing Student Behaviour – exclusion</i>	54
c) <i>Managing Student Behaviour – expulsion</i>	59
11. RECORD KEEPING AND REPORTING REQUIREMENTS	64
a) <i>Annual statement of compliance</i>	65
b) <i>Student Movement Register</i>	65
c) <i>Updating details</i>	67
12. ENROLMENT AND ATTENDANCE	67
13. OTHER PROVISIONS	75
14. AUTHORISED PERSONS (NON-GOVERNMENT)	77
15. REGULATORY ACTIONS	82
16. REVIEW OF DECISIONS	85
17. TRANSITIONAL ARRANGEMENTS	88
18. INDEX	91

# 1. CONTACTS

Role	Contact details
Director Non-government Education	<a href="mailto:NonGovSchools@act.gov.au">NonGovSchools@act.gov.au</a>

## 2. INTRODUCTION

The *Education Act 2004* (the Act) was passed by the ACT Legislative Assembly in March 2004. The Education Regulations (the Regulations) were established in February 2005.

The Act was founded for the provision of high-quality education of children at school or at home in the ACT. The Act incorporated values and principles founded on every child's right to a high-quality education and recognised children's individual education needs. It recognised the obligations of parents and government to implement those principles and the right of parents to choose a suitable educational environment for their child.

Chapter four of the Act relates to the regulation of Non-government Schools. This chapter is based on the following set of principles.

### NON-GOVERNMENT SCHOOLS—PRINCIPLES

#### *Section (s.) 72 – Education Act 2004*

- (a) the non-government school sector consists of schools from a range of different educational and religious philosophies;
- (b) the variety of schools in the sector reflects the diversity of the community in the Act and the preferences of parents for a particular style of education for their children;
- (c) the non-government schools sector is committed to—
  - (i) developing the spiritual, physical, emotional and intellectual welfare of its students; and
  - (ii) innovation, diversity and choice; and
  - (iii) maximising student outcomes; and
  - (iv) teacher, parent and student participation in school education; and
  - (v) promoting the partnership between home and school; and
  - (vi) preparing students for their full participation in all aspects of a democratic society.

### History of the 2022 amendments to the Act and Regulations

Following consultation with the Association of Independent Schools ACT (AIS) and Catholic Education, Canberra and Goulburn (CECG) the *Education Amendment Act 2022* was passed by the ACT Legislative Assembly on 8 June 2022. The amended Act and Regulations come into effect on 20 December 2022.

From 20 December 2022, the amended legislation will be known as the *Education Act 2004* (the Act) and the amended regulations will be known as the Education Regulations 2005 (the Regulations).

## What was established by the 2022 amendments?

The 2022 amendments established:

- a) a regulatory framework for ACT Non-government Schools (NGS)
- b) Registration Standards for NGS
- c) a Registration Standards Advisory Board to advise the Minister on matters pertaining to the regulation of NGS.

The 2022 amendments included:

- a) reporting requirements relating to terminations of student enrolment contracts, transfers, expulsions, and exclusions
- b) updated processes for suspension, transfer, expulsion and exclusion of students
- c) an expanded role for the Registrar of NGS (the Registrar) relating to:
  - complaints raised with the Registrar about NGS non-compliance with the Registration Standards and Act
  - powers to review NGS compliance with the Act and associated regulations
- d) the introduction of risk-based reviews
- e) the introduction of new processes to enable changes to NGS registration details
- f) the requirement for NGS to make publicly available an annual report on their compliance with the registration standards; and
- g) streamlined processes for NGS, including:
  - i) a shift from five-year registration to ongoing registration
  - ii) the removal of provisional registration as a requirement for new schools; and
  - iii) simplified processes to enable registered schools to expand their operations to include additional campuses and year levels.

## This document

This document (***Navigating the regulatory framework for ACT Non-government Schools***) is designed to assist NGS to navigate the legislation and regulations which pertain to their registration following amendments made in 2022 to the Act and the Regulations.

This document will form the basis of interim guidelines relating to the initial implementation of the Registration Standards and 2023 registration processes for new or expanding NGS.

This document should be read in conjunction with ACT *Education Act 2004* and Regulation 2005 as amended in 2022.

## Next steps

Guidelines will then be developed during 2023 and 2024 in consultation with the Registration Standards Advisory Board, AIS and CECG relating to Registration Standards, Registration processes and Registration Review processes. As the amended legislation is implemented additional summary information may be added.

## 3. ROLE OF THE MINISTER

### Summary

1. Under the *Education Act 2004* (the Act) the role of the Minister is to:
  - 1.1. determine the outcome of applications relating to:
    - 1.1.1. the establishment
    - 1.1.2. registration
    - 1.1.3. expansion of ACT Non-government Schools (NGS)
  - 1.2. appoint a Registrar NGS; and
  - 1.3. approve the cancellation of a NGS where the NGS was found to be non-compliant with the conditions of registration or other parts of the Act.
2. Under the 2022 amendments to the Act, the Minister also:
  - 2.1. appoints the Registration Standards Advisory Board
  - 2.2. considers findings of non-compliance with the Registration Standards or other parts of the Act; and
  - 2.3. decides whether a regulatory action is to be undertaken.
3. **Note:** The 2022 amendments removed the following processes:
  - 3.1. Provisional registration
  - 3.2. Registration renewal; and
  - 3.3. In-principle approval for additional campuses and educational levels.

### Extracts from legislation and regulation relating to the role of the Minister

#### 1. REGISTRAR—APPOINTMENT

*s. 73 – Education Act 2004*

The Minister must appoint a person as the Registrar of Non-Government Schools (the **registrar**).

**Note** For laws about appointments, see the [Legislation Act](#), pt 19.3.



## 2. REGISTRATION STANDARDS ADVISORY BOARD—ADVICE TO MINISTER

### *s. 77 – Education Act 2004*

The Minister may, at any time, direct the registration standards advisory board to provide advice to the Minister about a matter relating to the registration standards.

## 3. REGISTRATION AMENDMENT—REFERRAL TO REGISTRATION STANDARDS ADVISORY BOARD

### *s. 100 – Education Act 2004*

- (1) The Minister must refer an application under section 97 to the registration standards advisory board.
- (2) The board must—
  - (a) consider the application; and
  - (b) assess whether the school as proposed to be changed or transferred would, if registered, comply with the registration standards.
- (3) The board may, by written notice, require an applicant or proposed new proprietor to give the board further information that the board reasonably needs to assess the application, within a stated time.
- (4) The board must—
  - (a) give the Minister a report of the board's assessment; or
  - (b) if the board is unable to make an assessment because the applicant or proposed new proprietor has not complied with a notice under subsection (3)—notify the Minister of that fact.
- (5) After the Minister receives a report, the registrar must give public notice of the report.

## 4. MINISTER—REFERRAL TO REGISTRATION STANDARDS ADVISORY BOARD

### *s. 125 – Education Act 2004*

- (1) Before deciding whether to take regulatory action against the proprietor of a registered school, the Minister must—
  - (a) refer the matter to the registration standards advisory board; and
  - (b) give the board—
    - (i) a copy of the show cause notice; and
    - (ii) any written submission received by the Minister in response to the show cause notice.
- (2) The registration standards advisory board must—
  - (a) consider the notice and any response; and

- (b) assess whether the proposed regulatory action should be taken against the proprietor; and
  - (c) report the board's assessment to the Minister.
- (3) In considering whether to take regulatory action against the proprietor, the Minister must have regard to the board's report.

### 5. TAKING REGULATORY ACTION

#### *s. 125A – Education Act 2004*

- (1) This section applies if the Minister, after complying with section 124 and section 125, is satisfied on reasonable grounds that it is appropriate to take the regulatory action.
- (2) In deciding whether it is appropriate to take the regulatory action, the Minister must have regard to the likely impact of the proposed regulatory action on students at the registered school.
- (3) The Minister may—
  - (a) if the proposed regulatory action is imposing or amending a registration condition for the school—impose or amend the condition; or
  - (b) if the proposed regulatory action is cancelling the school's registration—take any of the following actions:
    - (i) impose or amend a registration condition for the school;
    - (ii) cancel the registration; or
  - (c) if the proposed regulatory action is cancelling the school's registration and disqualifying the proprietor of the school from applying for a further registration—take any of the following actions:
    - (i) the actions mentioned in paragraph (b);
    - (ii) cancel the school's registration and disqualify the proprietor of the school from applying for a further registration for a stated period or until a stated thing happens.
- (4) Before taking regulatory action against the proprietor of a registered school under this section, the Minister must tell the proprietor, by written notice (a **notice of regulatory action**)—
  - (a) the regulatory action that will be taken; and
  - (b) the day on which the regulatory action takes effect; and
  - (c) if the regulatory action will end on a particular day—the day; and
  - (d) if the regulatory action will end in particular circumstances—the circumstances.
- (5) The notice of regulatory action may include any other information the Minister considers appropriate.
- (6) Regulatory action against the proprietor takes effect on the day stated in the notice of regulatory action.
- (7) In this section:
  - proposed regulatory action** means regulatory action mentioned in a show cause notice given to the proprietor of a registered school under section 124.



**See also:**

[Registration Standards Advisory Board – Functions \(section 76\)](#)

[Registration amendment – conditions \(section 102\)](#)

[Grounds for taking regulatory action \(section 122\)](#)

[Notification of proposed regulatory action \(section 124\)](#)

[Regulatory Actions](#)

[Review of decisions](#)

## 4. ESTABLISHMENT OF REGISTRATION STANDARDS ADVISORY BOARD

### Summary

1. The *Education Amendment Act 2022* establishes a Registration Standards Advisory Board (RSAB).
2. Under the amended legislation, the RSAB will advise the Minister on applications for registration and amended registration, and regulatory actions relating to non-compliance.

### *Extracts from legislation and regulation relating to the establishment of the RSAB*

#### 6. REGISTRATION STANDARDS ADVISORY BOARD—FUNCTIONS

##### *s. 76 – Education Act 2004*

The registration standards advisory board has the following functions:

- (a) to advise the Minister about whether applications to register non-government schools meet the criteria for registration;
- (b) to assist the registrar in developing annual registration review programs, including identifying registered schools for registration reviews and areas of focus for registration reviews;
- (c) to advise the Minister on matters relating to the registration standards, including matters arising from registration reviews;
- (d) to assist the registrar in advising the Minister about proposed regulatory action against registered schools;
- (e) to advise the Minister about potential improvements to the registration standards;
- (f) any other function given to the board under this Act or another territory law.

## 7. REGISTRATION STANDARDS ADVISORY BOARD—ADVICE TO MINISTER

*s. 77 – Education Act 2004*

The Minister may, at any time, direct the registration standards advisory board to provide advice to the Minister about a matter relating to the registration standards.

## 8. REGISTRAR—REFERRAL TO REGISTRATION STANDARDS ADVISORY BOARD

*s. 123 – Education Act 2004*

- (1) If the registrar believes on reasonable grounds that regulatory action may be taken against the proprietor of a registered school, the registrar must—
  - (a) refer the matter to the registration standards advisory board; and
  - (b) give the board any relevant registration review report.
- (2) The board must—
  - (a) consider the matter; and
  - (b) assess what regulatory action may be appropriate to take against the proprietor; and
  - (c) report the board’s assessment to the Minister.

## 5. ROLE OF THE REGISTRAR

### Summary

1. Under the *Education Act 2004* (the Act) the role of the Registrar Non-government Schools (the Registrar) is to keep a register of all ACT Non-government Schools (NGS).
2. Under the 2022 amendments to the Act, the Registrar also:
  - 2.1. regulates NGS
  - 2.2. reviews, refers, or investigates complaints relating to alleged non-compliance with the Registration Standards or the Act
  - 2.3. refers, supports and collaborates with the Registration Standards Advisory Board (RSAB) regarding NGS applications for registration and registration amendments
  - 2.4. refers regulatory actions relating to non-compliance to the RSAB
  - 2.5. develops a program of registration reviews relating to NGS in consultation with the RSAB; and
  - 2.6. conducts registration reviews of NGS.

*Extracts from legislation and regulation relating to the role of the Registrar*

**9. REGISTRAR–FUNCTIONS**

*s. 74 – Education Act 2004*

The registrar has the following functions:

- (a) to administer the registration of non-government schools and keep the register of non-government schools;
- (b) to develop an annual registration review program, in collaboration with the registration standards advisory board;
- (c) to carry out registration reviews of registered schools;
- (d) any other function given to the registrar under this Act or another territory law.

**10. REGISTRATION STANDARDS GUIDELINES**

*s. 85 – Education Act 2004*

- (1) The registrar must make guidelines about how a registered school is to comply with the registration standards (the **registration standards guidelines**).
- (2) The registration standards guidelines must be developed in consultation with—
  - (a) the registration standards advisory board; and
  - (b) Catholic Education, Archdiocese of Canberra and Goulburn; and
  - (c) the Association of Independent Schools of the ACT; and
  - (d) the proprietor of any registered school that is not either—
    - (i) a Catholic system school; or
    - (ii) a member of the Association of Independent Schools of the ACT.
- (3) A registration standards guideline is a notifiable instrument.

**11. REGISTRATION AMENDMENT–DECISION ON APPLICATION**

*s. 101 – Education Act 2004*

- (1) The Minister must approve an application to amend a school’s registration if the Minister is satisfied that—
  - (a) after considering the board’s assessment given under section 100, the school as proposed to be changed or transferred would, if registered, comply with the registration standards; and
  - (b) the proposed change is appropriate, having regard to—
    - (i) the level of interest in the school as proposed to be changed, including the projected enrolments for the school as proposed to be changed; and
    - (ii) any submissions made under section 98 (3) (c).

- (2) If the Minister approves the application—
- (a) the Minister must tell the applicant, in writing, about the decision; and
  - (b) for an amendment to transfer the school's registration to a new proprietor—tell the new proprietor, in writing, about the decision; and
  - (c) the registrar must—
    - (i) amend the register of non-government schools to reflect the registrable change; and
    - (ii) give a revised registration certificate reflecting the registrable to—
      - (A) if the school's registration is to be transferred to a new proprietor—the new proprietor; or
      - (B) in any other case—the proprietor of the school.
- (3) If the Minister is not satisfied under subsection (1), or the board is unable to make an assessment, the Minister must—
- (a) refuse the application; and
  - (b) tell the applicant, in writing, about the refusal.

### 12. CONCERN RAISED IS FRIVOLOUS ETC

*s. 112 – Education Act 2004*

The registrar need not carry out a registration review following a concern being raised if satisfied that the concern—

- (a) is frivolous, vexatious or was not made honestly; or
- (b) lacks substance; or
- (c) cannot be made under this Act; or
- (d) would be better dealt with by another entity; or
- (e) is otherwise not appropriate for the registrar to consider.

**Examples—concern not appropriate for the registrar to consider**

- 1 the matters in the concern are being dealt with by a court or tribunal
- 2 the matters in the concern have already been dealt with by the registrar

### 13. CONCERN WITHDRAWN

*s. 113 – Education Act 2004*

- (1) A person may withdraw a concern raised under section 110 (Registration review after concern raised) at any time by written notice to the registrar.
- (2) If the person has difficulty putting the notice in writing, the registrar must give the person reasonable assistance to do so.
- (3) If the person withdraws the concern, the registrar need not, but may, take further action on the concern.

## 14. REFERRAL TO SCHOOL

### *s. 114 – Education Act 2004*

- (1) This section applies in relation to a registration review for a school other than a review carried out in accordance with an annual registration review program.
- (2) The registrar must refer the concern to the school, to be dealt with by the school under its complaints handling procedures.
- (3) However, the registrar need not refer the concern to the school if—
  - (a) the matter has already been considered by the school; or
  - (b) the registrar is satisfied that the nature or circumstances of the matter are so serious or urgent that the matter should be considered by the registrar or another entity.
- (4) If the registration review was initiated by a person raising a concern, the registrar must tell the person, in writing, about the referral.
- (5) If the registrar refers the concern to the school, the registrar may require the school to give the registrar a written report about—
  - (a) how the school investigated the concern; and
  - (b) the results of the school’s investigation; and
  - (c) any action taken, or proposed to be taken, in relation to the concern.

## 15. REFERRAL TO ANOTHER ENTITY

### *s. 115 – Education Act 2004*

- (1) This section applies in relation to a concern raised under section 110 (Registration review after concern raised) if—
  - (a) the registrar considers that the act, service or conduct to which a concern relates is a matter that could—
    - (i) have been complained about to another entity; and
    - (ii) be dealt with more conveniently or effectively by the other entity; and
  - (b) the registrar considers it would be appropriate for the concern to be referred to the other entity; and
  - (c) the registrar has consulted the other entity about the referral.

#### **Examples—other entities**

- the commissioner for fair trading
  - the human rights commission
- (2) The registrar may—
    - (a) decide not to deal with, or further deal with, the concern; and
    - (b) if paragraph (a) applies—must refer the concern, together with any relevant documents or information in its possession or control, to the other entity.
  - (3) The registrar must tell the person who raised the concern, in writing, about the referral.

- (4) If the registrar refers the concern to another entity, the registrar may ask the other entity to give the registrar a written report about—
- (a) the results of the entity’s investigation; and
  - (b) any action taken, or proposed to be taken, in relation to the concern.
- (5) The registrar may refer a matter to the chief police officer if the registrar suspects on reasonable grounds that it relates to a criminal offence.
- 

**See also:**

[Register of registered non-government schools \(section 106\)](#)

[Annual registration review program \(section 109\)](#)

[Registration review procedure \(section 116\)](#)

[Registration review guidelines \(section 117\)](#)

[Registrar’s action on completing registration review \(section 119\)](#)

[Grounds for taking regulatory action \(section 122\)](#)

[Authorised Persons \(non-government\)](#)

[Regulatory Actions](#)

[Review of decisions](#)

## 6. INTRODUCTION OF REGISTRATION STANDARDS

### Summary

1. The *Education Amendment Act 2022* establishes a new set of conditions of registration. These conditions require Non-government Schools (NGS) to:
  - 1.1 comply with the Registration Standards established for the operation of ACT NGS. The standards are detailed in Schedule 2 of the amended Education Regulations Parts 2.1-2.4
  - 1.2 make and keep records about complying with any Registration Standards
  - 1.3 have a principal; and
  - 1.4 abide by any:
    - 1.4.1 conditions imposed by the Minister under section 125A (Taking regulatory action)
    - 1.4.2 conditions prescribed by regulation; and
    - 1.4.3 other conditions the Minister considers appropriate.

*Extracts from legislation and regulation relating to the Registration Standards*

**16. NON-GOVERNMENT SCHOOLS REGISTRATION STANDARDS**

*s. 84 – Education Act 2004*

A regulation may prescribe standards for the registration of non-government schools (the **registration standards**), including standards about—

- (a) governance; and
- (b) educational courses and educational programs; and
- (c) safety and welfare of students; and
- (d) other requirements for operation.

**Note** It is a condition of being registered that a non-government school must comply with any registration standards and make and keep records about complying with the registration standards (see s 93).

**17. REGISTRATION STANDARDS GUIDELINES**

*s. 85 – Education Act 2004*

- 1) The registrar must make guidelines about how a registered school is to comply with the registration standards (the **registration standards guidelines**).
- (2) The registration standards guidelines must be developed in consultation with—
  - (a) the registration standards advisory board; and
  - (b) Catholic Education, Archdiocese of Canberra and Goulburn; and
  - (c) the Association of Independent Schools of the ACT; and
  - (d) the proprietor of any registered school that is not either—
    - (i) a Catholic system school; or
    - (ii) a member of the Association of Independent Schools of the ACT.
- (3) A registration standards guideline is a notifiable instrument.

**18. REGISTRATION—CONDITIONS**

*s. 93 – Education Act 2004*

A non-government school's registration is subject to the following conditions (each of which is a **registration condition**):

- (a) the school must comply with any registration standards;
- (b) the school must make and keep records about complying with any registration standards;
- (c) the school must have a principal;
- (d) any condition imposed by the Minister under section 125A (Taking regulatory action);



- (e) any other condition prescribed by regulation;
- (f) any other condition the Minister considers appropriate.

---

**See also:**

[Registration Standards - Governance](#)  
[Registration Standards - Educational Programs](#)  
[Registration Standards - Safety and Welfare](#)  
[Other matters](#)  
[Authorised Persons \(non-government\)](#)  
[Regulatory Actions](#)  
[Review of decisions](#)

### **a) Registration Standards - Governance**

#### **Summary**

1. The proprietor of an ACT Non-government School (NGS) is responsible for ensuring the school's compliance with the Registration Standards including the standards that relate to the school's governance.
2. The Registration Standards - Governance include requirements for the proprietor to:
  - 2.1. be both a corporation and a registered not-for-profit entity
  - 2.2. ensure the school's governance structure enables the school to:
    - 2.2.1. fulfill its legal obligations; and
    - 2.2.2. be financially viable; and
    - 2.2.3. operate safely
  - 2.3. make an annual statement of how the school has complied with the Registration Standards
  - 2.4. regularly review complaints and safety incidents at the school or pertaining to the school; and
  - 2.5. make public (for example on the school's website) the school's annual statement of compliance and the school's policies relating to enrolment, complaints, and student behaviour management.

*Extracts from legislation and regulation relating to Registration Standards - Governance*

**19. INCORPORATION**

*s. 2.1 – Education Regulation 2005*

The proprietor of a registered school must be a corporation.

**20. NOT-FOR-PROFIT**

*s. 2.2 – Education Regulation 2005*

The proprietor of a registered school must be registered under the [Australian Charities and Not-for-profits Commission Act 2012](#) (Cwlth).

**21. GOVERNANCE STRUCTURE**

*s. 2.3 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure the governance structure of the school enables the school to—
  - (a) fulfill its legal obligations; and
  - (b) be financially viable; and
  - (c) operate safely.
- (2) The proprietor must ensure that the governance responsibilities of the governing body of the school are separate from the day-to-day control and management responsibilities of the principal of the school.

**22. FINANCIAL VIABILITY**

*s. 2.4 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that the school has access to adequate financial resources for its viable operation.
- (2) The proprietor must ensure that the school's funding model enables delivery of the school's educational programs to the number of students at the school, at the levels of education for which the school is registered.
- (3) The proprietor must ensure that the school's—
  - (a) finances are managed in accordance with the requirements of the [Corporations Act](#); and
  - (b) financial records are audited annually; and
  - (c) financial records and audit reports are made available to the registrar on request.

## 23. POLICIES AND PROCEDURES

### *s. 2.5 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that the school has policies and procedures in place to ensure the school complies with the registration standards.
- (2) The proprietor must ensure that students, parents and staff are consulted about the following policies for the school:
  - (a) the enrolment policy under standard 2.8;
  - (b) the complaints policy under standard 2.9;
  - (c) the behaviour management policy under standard 2.18.
- (3) The proprietor must ensure that—
  - (a) current and prospective students, parents and staff are made aware of the school’s policies and procedures; and
  - (b) the school’s policies and procedures are made available to the public; and

#### **Example—made available to the public**

published on the school’s website

- (c) the school’s policies and procedures are made available to the registrar on request.

## 24. ANNUAL STATEMENT

### *s. 2.6 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that a written statement is prepared annually, describing how the school has complied with the registration standards during the year.
- (2) The proprietor must ensure that the school’s annual statement is made available to the public.

#### **Example—made available to the public**

- included in a publicly available annual report
- published on the school’s website.

## 25. CONTINUOUS IMPROVEMENT

### *s. 2.7 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that the school has processes in place to ensure continuous improvement in the operation of the school.
- (2) The proprietor must ensure that the school has processes to—
  - (a) consult students, parents and staff about the operation of the school, including its educational programs; and
  - (b) regularly review complaints and safety incidents; and

- (c) plan, monitor and assess strategies for improving the operation of the school.
- (3) The proprietor must ensure that the school keeps written records of—
  - (a) the school's processes for improving its operation; and
  - (b) how the strategies are to be monitored and assessed; and
  - (c) whether the strategies have been successful in improving the operation of the school.

## 26. ENROLMENT POLICY, PROCEDURES AND CONTRACTS.

### *s. 2.8 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that the school has—
  - (a) a written enrolment policy; and
  - (b) written enrolment procedures; and
  - (c) a written enrolment contract.
- (2) The proprietor must ensure that the school's enrolment policy and enrolment contract clearly state the grounds on which a student's enrolment may be ended.
- (3) The proprietor must ensure that the school's enrolment policy and enrolment procedures—
  - (a) have regard to the effect on a student of ending the student's enrolment; and
  - (b) apply natural justice and procedural fairness.

**Note** A school must consult students, parents and staff about the school's enrolment policy and ensure it is available to current and prospective students, parents and staff (see standard 2.5).

## 27. COMPLAINTS POLICY AND PROCEDURES

### *s. 2.9 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that the school has—
  - (a) a written complaints policy; and
  - (b) written complaints procedures.
- (2) The proprietor must ensure that the school's complaints policy and complaints procedures—
  - (a) include procedures for receiving, assessing, investigating and resolving complaints; and
  - (b) take into account the impact of the issues involved in the complaint on all students involved in the complaint; and
  - (c) apply natural justice and procedural fairness.

**Note** A school must consult students, parents and staff about the school's complaints policy and ensure it is available to current and prospective students, parents and staff (see standard 2.5).

**See also:**

[Authorised Persons \(non-government\)](#)

[Regulatory Actions](#)

[Review of decisions](#)

### ***b) Registration Standards - Educational Programs***

#### **Summary**

1. The proprietor of a Non-government School (NGS) is responsible for ensuring the school's compliance with the Registration Standards including the standards related to the school's educational programs.
2. The Registration Standards – Educational Programs include requirements relating to:
  - 2.1. the curriculum delivered by the school; and
  - 2.2. assessing, monitoring, recording and reporting student educational performance.

*Extracts from legislation and regulation relating to Registration Standards – Educational Programs*

#### **28. CURRICULUM**

##### *s. 2.10 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that the school has a curriculum framework in place for the organisation and implementation of the school's educational program.
- (2) The proprietor of a school that is registered to provide a level of education from kindergarten to year 10 must ensure the school's educational program complies with the requirements of at least 1 of the following:
  - (a) the Australian curriculum;
  - (b) the International Baccalaureate Primary Years Program;
  - (c) the International Baccalaureate Middle Years Program;
  - (d) the Australian Steiner Curriculum Framework;
  - (e) the Montessori National Curriculum Framework;
  - (f) another curriculum recognised by ACARA.
- (3) The proprietor of a school that is registered to provide a level of education from year 11 to year 12 must ensure the school's educational program complies with the requirements of at least 1 of the following:
  - (a) the Board of Senior Secondary Studies;

- (b) a diploma program authorised by the International Baccalaureate;
- (c) the [Education Act 1990](#) (NSW), section 12 (Curriculum for Higher School Certificate candidates).
- (4) The proprietor must ensure that the nature and content of its educational courses are appropriate for the levels of education the school is registered to provide.
- (5) The proprietor must ensure that the school makes reasonable adjustments to the way the curriculum is delivered for students with disability and students with complex needs.
- (6) A registered school's educational program may include, in addition to the courses required under subsection (2) or (3), other courses, programs, studies or subjects decided by the principal of the school.
- (7) In this section:

**Australian curriculum** means the national curriculum as agreed by the Ministerial Council and administered by ACARA under the [Australian Curriculum, Assessment and Reporting Authority Act 2008](#) (Cwlth).

**Australian Curriculum, Assessment and Reporting Authority** (or **ACARA**) means the body established under the [Australian Curriculum, Assessment and Reporting Authority Act 2008](#) (Cwlth), section 5 (1).

**Board of Senior Secondary Studies** means the board established under the [Board of Senior Secondary Studies Act 1997](#), section 4 (1).

### 29. EDUCATIONAL PROGRAM ACCESSIBILITY

#### *s. 2.11 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that the school makes information about the school's educational program available to students, parents and staff.

**Example—makes available**

publishes on the school's website

- (2) The proprietor must ensure that the school consults students, parents and staff about significant changes to the school's educational program.

### 30. EDUCATIONAL PERFORMANCE

#### *s. 2.12 – Education Regulation 2005*

The proprietor of a registered school must ensure that—

- (a) the educational performance of each student at the school is assessed, monitored and recorded; and
- (b) each student at the school, and their parents, have access to information about the student's performance; and

- (c) at least twice each year, the parents of each student at the school are given a written report about the student's educational performance and social development at the school.

### 31. STUDENT LEARNING OUTCOMES

#### *s. 2.13 – Education Regulation 2005*

The proprietor of a registered school must ensure that the school—

- (a) sets learning outcomes for all students at the school; and
- (b) has processes in place to support all students at the school to achieve their learning outcomes, including processes for making reasonable adjustments to support learning outcomes for students with disability and students with complex needs.

**See also:**

[Authorised Persons \(non-government\)](#)

[Regulatory Actions](#)

[Review of decisions](#)

## ***c) Registration Standards - Safety and Welfare***

### Summary

1. The proprietor of an ACT Non-government School (NGS) is responsible for ensuring the school's compliance with the Registration Standards including the standards related to the safety and welfare of students, members of staff, and other people involved in the school's operations.
2. The Registration Standards – Safety and Welfare include requirements relating to:
  - 2.1. compliance with the National Principles for Child Safe Organisations
  - 2.2. student attendance; and
  - 2.3. student behaviour management.

*Extracts from legislation and regulation relating to Registration Standards – Safety and Welfare*

### 32. PROTECTION FROM HARM

#### *s. 2.14 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that the school takes all reasonable steps to protect the following people from harm:



- (a) students at the school;
  - (b) members of staff of the school;
  - (c) other people involved in the school's operation.
- (2) The proprietor must take all reasonable steps to ensure that the school has a safe and effective learning environment.

### 33. NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATIONS

#### *s. 2.15 – Education Regulation 2005*

The proprietor of a registered school must ensure that the school complies with the National Principles for Child Safe Organisations as in force from time to time.

**Note** The National Principles for Child Safe Organisations is accessible at [childsafeframework.gov.au](https://childsafeframework.gov.au).

### 34. ENCOURAGING ATTENDANCE

#### *s. 2.16 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that the school has procedures in place to—
- (a) ensure students attend school regularly; and
  - (b) help parents to encourage students to attend school regularly.
- (2) The proprietor must ensure that, if the procedures are unsuccessful for a student, the student and their parents are referred to support services that encourage regular school attendance.

### 35. BEHAVIOUR MANAGEMENT POLICY AND PROCEDURES

#### *s. 2.18 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that the school has—
- (a) a written behaviour policy; and
  - (b) written procedures about behaviour.
- (2) The proprietor must ensure that the school's behaviour policy—
- (a) deals with the following:
    - (i) for a catholic system school—suspension, expulsion and exclusion of students at the school;
    - (ii) for an independent school—suspension and expulsion of students at the school; and
  - (b) is consistent with the [Act](#), chapter 2A (Suspension, transfer, expulsion and exclusion of students); and
  - (c) has regard to the best interests of—
    - (i) the student whose behaviour is being considered; and

- (ii) other students; and
- (iii) members of staff at the school; and
- (d) applies natural justice and procedural fairness.

**Note** A school must consult students, parents and staff about the school's behaviour policy and ensure it is available to current and prospective students, parents and staff (see standard 2.5).

**See also:**

[Authorised Persons \(non-government\)](#)

[Regulatory Actions](#)

[Review of decisions](#)

## d) Registration Standards - Other operational requirements

### Summary

1. The proprietor of an ACT Non-government School (NGS) is responsible for ensuring the school's compliance with all Territory and Commonwealth laws that apply to the school, and Registration Standards related to the school's operations.
2. The Registration Standards – Other operational requirements:
  - 2.1. provide examples of the ACT and Commonwealth laws that apply to NGS; and
  - 2.2. require key individuals involved in the governance or management of the school to be suitable for their roles; and
  - 2.3. include requirements relating to:
    - 2.3.1 ACT Teacher Quality Institute and Working with Vulnerable People registration
    - 2.3.2 buildings, facilities (including boarding facilities), and school grounds; and
    - 2.3.3 the development of an emergency management plan which has regard to AS 3745-2010 (Planning for emergencies in facilities).

*Extracts from legislation and regulation relating to Registration Standards – Other operational requirements*

### 36. COMPLIANCE WITH TERRITORY AND COMMONWEALTH LAWS

*s. 2.19 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that the school complies with all territory and Commonwealth laws that apply to the school.

**Examples—applicable territory and Commonwealth laws**

- [ACT Teacher Quality Institute Act 2010](#)
- [Australian Education Act 2013](#) (Cwlth)
- [Children and Young People Act 2008](#)
- [Disability Discrimination Act 1992](#) (Cwlth)
- [Discrimination Act 1991](#)
- [Education Act 2004](#)
- [Human Rights Act 2004](#)
- [Ombudsman Act 1989](#)
- [Privacy Act 1988](#) (Cwlth)
- [Senior Practitioner Act 2018](#)
- [Work Health and Safety Act 2011](#)
- [Working with Vulnerable People \(Background Checking\) Act 2011](#)

- (2) The proprietor must ensure that the proprietor, and the school, comply with the conditions of the school's registration.
- (3) The proprietor must tell the registrar within 5 working days, in writing, if any action is taken against the proprietor, or the school, under a territory or Commonwealth law.
- (4) The proprietor, and each other person involved in the management or operation of the school, must comply with any lawful direction given under a territory or Commonwealth law.
- (5) The proprietor, and each other person involved in the management or operation of the school, must make any record the school is required to keep under a territory or Commonwealth law available to the registrar on request.

### 37. SUITABILITY OF KEY INDIVIDUALS FOR THE PROPRIETOR

#### *s. 2.20 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that each key individual for the proprietor is a suitable person to be involved in the governance or management of the school.
- (2) A person is not suitable to be involved in the governance or management of a registered school if the person—
  - (a) is not registered under the [Working with Vulnerable People \(Background Checking\) Act 2011](#) to engage in regulated activities involving children; or
  - (b) has been convicted or found guilty, in the ACT, of an offence punishable by imprisonment for at least 1 year; or

**Note** A conviction does not include a spent conviction or an extinguished conviction (see [Spent Convictions Act 2000](#), s 16 (c) (i) and s 19H (1) (c) (ii)).

  - (c) has been convicted or found guilty, outside the ACT, of an offence that, if committed in the ACT, would be punishable by imprisonment for at least 1 year; or
  - (d) is or has been bankrupt or personally insolvent; or

- (e) has been the subject of an adverse finding or action taken by a court, tribunal, commission of inquiry, professional disciplinary body or regulatory authority (in the Territory or elsewhere), if the adverse finding or action relates to—
  - (i) dishonest, misleading or deceptive conduct; or
  - (ii) non-compliance with a legal obligation relating to the provision of education; or
  - (iii) a breach of a duty (including a duty of disclosure).

### 38. TEACHING STAFF

#### *s. 2.21 – Education Regulation 2005*

The proprietor of a registered school must ensure that each person employed to teach at the school is an approved teacher under the [ACT Teacher Quality Institute Act 2010](#).

**Note** Approved teachers include registered teachers and people with a permit to teach, but not if the registration or permit is suspended (see [ACT Teacher Quality Institute Act 2010](#), s 9).

### 39. COMPLIANCE WITH WORKING WITH VULNERABLE PEOPLE (BACKGROUND CHECKING) ACT 2011

#### *s. 2.22 – Education Regulation 2005*

(1) The proprietor of a registered school must ensure that each person carrying out a regulated activity for the school complies with the requirements of the [Working with Vulnerable People \(Background Checking\) Act 2011](#).

(2) In this section:

**regulated activity**—see the [Working with Vulnerable People \(Background Checking\) Act 2011](#), section 8 (1).

#### **Examples—regulated activities**

- child education services
- child accommodation services
- counselling and support services for children
- commercial services for children

### 40. BUILDINGS, FACILITIES, AND GROUNDS

#### *s. 2.23 – Education Regulation 2005*

The proprietor of a registered school must ensure that the school’s buildings, facilities and grounds comply with all territory and Commonwealth laws that apply to the buildings, facilities or grounds, including laws about planning, sustainability, building and work health and safety.

#### 41. EDUCATIONAL FACILITIES

##### *s. 2.24 – Education Regulation 2005*

The proprietor of a registered school must ensure that the school's educational facilities are—

- (a) sufficient to enable the school to effectively provide the educational program offered by the school; and
- (b) suitable for the ages of the students attending the school.

#### 42. RESIDENTIAL BOARDING SERVICES

##### *s. 2.25 – Education Regulation 2005*

The proprietor of a registered school that provides residential boarding services must ensure that the residential boarding services comply with AS 5725:2015 (Boarding Standard for Australian schools and residences) as in force from time to time.

**Note** AS 5725:2015 may be purchased at [www.standards.org.au](http://www.standards.org.au).

#### 43. EMERGENCY MANAGEMENT PLAN

##### *s. 2.26 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that the school has an emergency management plan.
- (2) The proprietor must ensure that, in developing the emergency management plan, the school has regard to AS 3745-2010 (Planning for emergencies in facilities) as in force from time to time.

**Note** AS 3745-2010 may be purchased at [www.standards.org.au](http://www.standards.org.au).

---

**See also:**

[Authorised Persons \(non-government\)](#)

[Regulatory Actions](#)

[Review of decisions](#)

## 7. ESTABLISHING A NEW NON-GOVERNMENT SCHOOL

### Summary

1. Prior to the 2022 amendment to the *Education Act 2004* (the Act) four application steps were required for the registration of ACT Non-government Schools (NGS):
  - 1.1. In-principle approval granted to apply for provisional registration of a new NGS
  - 1.2. Provisional registration (for two years)
  - 1.3. Registration (for up to five years); and
  - 1.4. Registration renewal (usually every five years).
2. Under the 2022 amendments to the Act, the establishment and registration of a new NGS has been simplified, so that from 20 December 2022, establishing a new NGS will involve two (2) application steps:
  - 2.1. In-principle approval to apply for registration of a new NGS which involves:
    - 2.1.1. submission of an application for in-principal approval at least 2 years, but not more than 4 years before the date proposed for opening the new school
    - 2.1.2. public notification of the application and an invitation for the public to make comment on the application; and
    - 2.1.3. consideration of the application by the Minister.

Note: The Minister may request additional information regarding the proposed new school.
  - 2.2. Registration (continuous) which involves:
    - 2.2.1. submission of an application for registration made at least 9 months before the proposed starting day for the new school
    - 2.2.2. a referral of the application to the Registration Standards Advisory Board for an assessment whether the proposed school would, if registered, comply with the Registration Standards; and
    - 2.2.3. consideration of the application by the Minister.

**Note:** The Minister may request additional information regarding the proposed new school.

### *Extracts from legislation and regulation relating to establishing a new school*

#### 44. IN-PRINCIPLE APPROVAL—APPLICATION

##### *s. 86 – Education Act 2004*

- (1) A person may apply for in principle approval to register a non-government school if the person is—

- (a) the proposed proprietor of the school; and
  - (b) a corporation.
- (2) The application must be in writing and include—
- (a) the following information for each campus at which the person proposes to operate the school (a **proposed campus**):
    - (i) the location of the campus;
    - (ii) the day the school is to begin operating from the campus (the **proposed starting day**);
    - (iii) the levels of education to be provided at the campus;
    - (iv) the day each level of education is to start being provided at the campus;
    - (v) whether residential boarding services are to be provided at the campus; and
  - (b) evidence that there is, or is likely to be, demand in the community for the proposed school; and
  - (c) any information or documents prescribed by regulation.
- (3) A proposed starting day must be at least 2 years, but not more than 4 years, after the day the application is made.
- (4) If the Minister receives an application, the registrar must give public notice of the following:
- (a) that an application has been made;
  - (b) the information mentioned in subsection (2) (a);
  - (c) how a person may make submissions about the application to the Minister, including the day, at least 60 days after notice is given, by which a submission must be made.

### 45. IN-PRINCIPLE APPROVAL—FURTHER INFORMATION

#### *s. 87 – Education Act 2004*

- (1) The Minister may, by written notice, require an applicant to give the Minister further information that the Minister reasonably needs to decide the application within a stated time.
- (2) If the applicant does not comply with a requirement in the notice, the Minister may refuse to consider the application further.

### 46. IN-PRINCIPLE APPROVAL—DECISION ON APPLICATION

#### *s. 88 – Education Act 2004*

- (1) The Minister may approve the application only if satisfied it is appropriate to issue the in-principle approval for registration of a non-government school, having regard to—
  - (a) the level of interest in the proposed school, including the projected enrolments for the school; and
  - (b) any submissions made under section 86 (4) (c).
- (2) The Minister must give the applicant—



- (a) notice in writing of the decision; and
- (b) if the Minister approves the application—an in-principle approval for registration of the non-government school.
- (3) The in-principle approval for registration of the non-government school must include the following information for each proposed campus:
  - (a) the location of the campus;
  - (b) the proposed starting day for the campus;
  - (c) the levels of education to be provided at the campus;
  - (d) the day each level of education is to start being provided at the campus;
  - (e) whether residential boarding services are to be provided at the campus;
  - (f) the day the in-principle approval expires.
- (4) If the Minister is not satisfied under subsection (1), the Minister must—
  - (a) refuse the application; and
  - (b) tell the applicant, in writing, about the refusal.
- (5) The Minister must give public notice of the decision.
- (6) An in-principle approval expires on the latest of the following:
  - (a) 2 years after the day it is issued;
  - (b) the latest proposed starting day for a campus of the school;
  - (c) any later day stated in the in-principle approval.

### 47. REGISTRATION—APPLICATION

#### *s. 89 – Education Act 2004*

- (1) A person may apply to the Minister to register a non-government school only if the person—
  - (a) is a corporation; and
  - (b) is the proposed proprietor of the non-government school; and
  - (c) holds an in-principle approval to register the school.
- (2) The application must—
  - (a) be made at least 9 months before the proposed starting day for the school; and
  - (b) be in writing; and
  - (c) set out any proposed change to the matters mentioned in section 86 (2) (a) for which in-principle approval was given; and
  - (d) include the name and contact details of each key individual for the applicant;
  - (e) include any information or documents prescribed by regulation.

- (3) Despite subsection (2) (a), the application may be made less than 9 months before the proposed starting day with the written approval of the Minister.
- (4) If the Minister receives an application, the registrar must give public notice of the following:
  - (a) that an application has been made;
  - (b) the information mentioned in subsection (2) (c).

### 48. REGISTRATION—FURTHER INFORMATION

#### *s. 90 – Education Act 2004*

- (1) The Minister may, by written notice, require an applicant to give the Minister further information that the Minister reasonably needs to decide the application, within a stated time.
- (2) If the applicant does not comply with a requirement in the notice, the Minister may refuse to consider the application further.

### 49. REGISTRATION—REFERRAL TO REGISTRATION STANDARDS ADVISORY BOARD

#### *s. 91 – Education Act 2004*

- (1) The Minister must refer an application for registration of a non-government school to the registration standards advisory board.
- (2) The board must—
  - (a) consider the application; and
  - (b) assess whether the proposed school would, if registered, comply with the registration standards.
- (3) The board may, by written notice, require an applicant to give the board further information that the board reasonably needs to assess the application, within a stated time.
- (4) The board must—
  - (a) give the Minister a report of the board’s assessment; or
  - (b) if the board is unable to make an assessment because the applicant has not complied with a notice under subsection (3)—notify the Minister of that fact.
- (5) After the Minister receives the report, the registrar must give public notice of the report.

### 50. REGISTRATION—DECISIONS ON APPLICATION

#### *s. 92 – Education Act 2004*

- (1) The Minister must approve an application for registration of a non-government school if, after considering the board’s assessment given under section 91, the Minister is satisfied that the proposed school would, if registered, comply with the registration standards.
- (2) If the Minister is not satisfied under subsection (1), or the board is unable to make an assessment, the Minister must—

- (a) refuse the application; and
- (b) tell the applicant, in writing, about the refusal.

**See also:**

[Registration—decisions on application](#)

[Registration—conditions](#)

[Registration – duration \(section 94\)](#)

[Incorporation \(section 2.1\)](#)

[Not-for-profit \(section 2.2\)](#)

[Non-government schools registration standards \(section 84\)](#)

[Registration standards guidelines \(section 85\)](#)

[Authorised Persons \(non-government\)](#)

[Regulatory Actions](#)

[Review of decisions](#)

## 8. REGISTRATION OF EXISTING NON-GOVERNMENT SCHOOLS

### Summary

1. Under the 2022 amendments to the *Education Act 2004* (the Act):
  - 1.1. Provisional registration is no longer required
  - 1.2. Registration renewal has been replaced by continuous registration and a registration review program
  - 1.3. the requirement to apply for In-principle approval to apply for registration of the school at an additional campus or additional educational levels has been removed
  - 1.4. additional information will be recorded in the register of NGS, including:
    - 1.4.1. the name and contact details of the principal
    - 1.4.2. details of regulatory action taken in relation to the school
  - Note:** The proprietor of a NGS must tell the Registrar about any changes to the information contained within the register within 7 days after the change happens.
  - 1.5. new processes relating to changes to registration particulars have been introduced; and
  - 1.6. new offences were introduced relating to operating a school outside of the scope of its registration.

**Note:** See the following information on Registration changes and amendments.

*Extracts from legislation and regulation relating to the registration of existing NGS*

**51. REGISTRATION–DURATION**

*s. 94 – Education Act 2004*

Registration of a school continues until the registration is cancelled or surrendered.

**Note** Registration may be cancelled under s 125A.

**52. REGISTRATION–REGISTER AND REGISTRATION CERTIFICATE**

*s. 95 – Education Act 2004*

(1) If the Minister approves an application to register a non-government school, the registrar must—

(a) enter the school in the register of non-government schools; and

**Note** The registrar must record the information set out in s 106 (2).

(b) give the proprietor of the school a registration certificate for the school.

(2) A registration certificate for a school must include—

(a) the name of the school; and

(b) the proprietor of the school, including their ACN or ABN; and

(c) for each campus at which the school is registered to operate (a registered campus)—

(i) the location of the campus; and

(ii) the levels of education to be provided at the campus; and

(iii) whether residential boarding services are to be provided at the campus; and

(d) the conditions on the registration; and

(e) any other information prescribed by regulation.

(3) The registration certificate may also include any other information the registrar considers appropriate.

**53. OFFENCE–OPERATE UNREGISTERED NON-GOVERNMENT SCHOOL**

*s. 104 – Education Act 2004*

(1) A person must not operate a non-government school unless the school is registered.

Maximum penalty: 50 penalty units.

(2) An offence against this section is a strict liability offence.

#### 54. OFFENCE—OPERATE REGISTERED SCHOOL OTHER THAN WITHIN SCOPE OF REGISTRATION

*s. 105 – Education Act 2004*

- (1) The proprietor of a registered school must not operate the school at a campus unless the school is registered to operate at the campus.

Maximum penalty: 10 penalty units.

- (2) The proprietor of a registered school must not provide a level of education at a campus unless the school is registered to provide the level of education at the campus.

Maximum penalty: 10 penalty units.

- (3) The proprietor of a registered school must not provide residential boarding services at a campus unless the school is registered to provide residential boarding services at the campus.

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.

#### 55. REGISTER OF REGISTERED NON-GOVERNMENT SCHOOLS

*s. 106 – Education Act 2004*

- (1) The registrar must keep a register of registered schools.

- (2) The register must include the following information for each registered school:

- (a) the name of the school;
- (b) the proprietor of the school, including their ACN or ABN;
- (c) the name and contact details of the principal of the school;
- (d) for each registered campus—
  - (i) the location of the campus; and
  - (ii) the levels of education provided at the campus; and
  - (iii) whether residential boarding services are provided at the campus;
- (e) the conditions on the registration;
- (f) details of any regulatory action taken against the proprietor of the school in relation to the school;
- (g) if the registration is cancelled or surrendered—the date of cancellation or surrender;
- (h) any other information prescribed by regulation.

- (3) The information mentioned in subsection (2) must be made available to the public.

**Example—made available to the public**

published on an ACT government website

**See also:**

[Registration—conditions \(section 93\)](#)

[Notifiable changes to a school's registration](#)

[Amendments to registration including expansions](#)

[Registration reviews](#)

[Authorised Persons \(non-government\)](#)

[Regulatory Actions](#)

[Review of decisions](#)

### a) **Registration—notifiable changes**

#### Summary

1. Under the 2022 amendments to the *Education Act 2004* (the Act), notification processes were established relating to processes for changing the registration particulars of an ACT Non-government School (NGS).
2. A change to the registration particulars of an NGS is a *notifiable change*.
3. Notifiable changes include:
  - 3.1 stopping the school's:
    - 3.1.1 operations at a registered campus
    - 3.1.2 provision of a level of education at a registered campus
    - 3.1.3 provision of residential boarding services at a registered campus
  - 3.2 restarting the school's:
    - 3.2.1 operations at a previously registered campus within 2 years after stopping operating at the campus
    - 3.2.2 provision of a level of education at a registered campus (or previously registered campus) within 2 years after stopping providing the level of education at the campus; or
    - 3.2.3 provision of residential boarding services at a registered campus (or previously registered campus) within 2 years after stopping providing residential boarding services at the campus.

**Note:** Notifiable changes do NOT include an expansion to the NGS such as for an additional campus or educational level. See *Registration – amendments*.

**Note:** For requirements about an urgent temporary change see s 103 below.

*Extracts from legislation and regulation relating to notifiable changes*

**56. PROPRIETOR MUST TELL REGISTRAR ABOUT NOTIFIABLE CHANGES**

*s. 96 – Education Act 2004*

- (1) This section applies if the proprietor of a registered school intends to make any of the following changes to the operation of the school (a **notifiable change**):
  - (a) stop operating at a registered campus;
  - (b) stop providing a level of education at a registered campus;
  - (c) stop providing residential boarding services at a registered campus;
  - (d) restart operating at a previously registered campus within 2 years after stopping operating at the campus;
  - (e) restart providing a level of education at a registered campus (or previously registered campus) within 2 years after stopping providing the level of education at the campus;
  - (f) restart providing residential boarding services at a registered campus (or previously registered campus) within 2 years after stopping providing residential boarding services at the campus.
- (2) However, this section does not apply if the change is an urgent temporary change made in response to a natural disaster or other unforeseeable emergency.

**Example—urgent temporary change**

a school building floods and the school moves an educational level to another campus while the flood damage is repaired

**Note** For requirements about an urgent temporary change see s 103.

- (3) The proprietor must give the registrar written notice of the change.
- (4) The notice must—
  - (a) be given at least 6 months before the day the change to the operation of the school is proposed to begin (the **proposed change day**); and
  - (b) be in writing; and
  - (c) state the proposed change day; and
  - (d) include any information or documents prescribed by regulation.
- (5) The proprietor must also tell the parents of each student at the school, in writing, about the change, at least 6 months before the change happens.
- (6) If a proprietor tells the registrar about a notifiable change, the registrar must—
  - (a) amend the register of non-government schools to reflect the notifiable change; and
  - (b) give the proprietor of the school a revised registration certificate reflecting the notifiable change.



**57. URGENT TEMPORARY CHANGE***s. 103 – Education Act 2004*

- (1) The proprietor of a registered school must, in writing—
- (a) tell the registrar within 5 days about any urgent temporary change to the operation of the school made in response to a natural disaster or other unforeseeable emergency; and
  - (b) keep the registrar informed about progress returning to the arrangements for which the school is registered; and
  - (c) tell the registrar when the arrangements for which the school is registered have been restored.
- (2) The registrar may at any time require the change to be treated as a notifiable change.

**See also:**[Amendments to registration \(including expansion\)](#)[Authorised Persons \(non-government\)](#)[Regulatory Actions](#)[Review of decisions](#)**b) Registration – amendments (including expansion)****Summary**

1. Amendments to the *Education Act 2004* (the Act) simplify the processes required for expanding an ACT Non-government School (NGS).
2. Applications for amendments to the registration of an NGS must be lodged at least 9 months before the commencement of the proposed change.
3. Applications for amendments to the registration of an NGS apply to:
  - 3.1 expansion of the NGS at a new campus
  - 3.2 expansion of the NGS at a new educational level at an already registered campus
  - 3.3 expansion of the NGS to include residential boarding at an already registered campus; and
  - 3.4 transfer of the school's registration to a new proprietor.
4. Once a complete application has been lodged:
  - 4.1. the application will be referred to Registration Standards Advisory Board (RSAB)
  - 4.2. the proprietor may be asked to provide information detailing how the proprietor / school will ensure compliance with the Registration Standards and the Act as these relate to the proposed change
  - 4.3. the RSAB will provide advice to the Minister on the application; and

4.4. the Minister will decide the application.

*Extracts from legislation and regulation relating to amendments to registration*

**58. PROPRIETOR MUST APPLY FOR REGISTRABLE CHANGES**

*s. 97 – Education Act 2004*

- (1) This section applies if the proprietor of a registered school intends to make any of the following changes (a **registrable change**):
- (a) start operating the school at a new campus;
  - (b) start providing a new level of education at a registered campus;
  - (c) start providing residential boarding services at a registered campus;
  - (d) transfer the school’s registration to a new proprietor.
- (2) However, this section does not apply if the change is—
- (a) a notifiable change to the operation of the school; or
  - (b) an urgent temporary change made in response to a natural disaster or other unforeseeable emergency.
- Note** For requirements about an urgent temporary change see s 103.
- (3) The proprietor must apply to the Minister for amendment of the school’s registration

**59. REGISTRATION AMENDMENT–APPLICATION**

*s. 98 – Education Act 2004*

- (1) An application for amendment of a school’s registration must—
- (a) be made at least 9 months before the day the change is proposed to begin (the **proposed change day**); and
  - (b) be in writing; and
  - (c) state the proposed change day; and
  - (d) for an amendment to operate at a new campus, state—
    - (i) the location of the new campus; and
    - (ii) the levels of education the proprietor proposes the school to provide at the new campus; and
    - (iii) whether the proprietor proposes the school provide residential boarding services at the new campus; and
    - (iv) if not all proposed levels of education are to be provided at the new campus on the proposed change day the day the proprietor proposes to start providing each level of education at the new campus; and

- (e) for an amendment to provide a new level of education at an already registered campus, state—
    - (i) the new level of education to be provided; and
    - (ii) the registered campus where the new level of education is to be provided; and
  - (f) for an amendment to provide new residential boarding services at an already registered campus—state the registered campus where the new residential boarding services are to be provided; and
  - (g) for an amendment to transfer the school’s registration to a new proprietor—
    - (i) state—
      - (A) the name of the proposed new proprietor; and
      - (B) the name and contact details of each key individual for the proposed new proprietor; and
    - (ii) include evidence to show the proposed new proprietor knows about and understands the purpose of the application; and
  - (h) include any information or documents prescribed by regulation.
- (2) Despite subsection (1) (a), the application may be made less than 9 months before the proposed change day with the written approval of the Minister.
- (3) If the Minister receives an application, the registrar must give public notice of the following:
- (a) that an application has been made;
  - (b) the information mentioned in subsection (1) (c) to (g);
  - (c) how a person may make submissions about the application to the Minister, including the day, at least 60 days after notice is given, by which a submission must be made.

### 60. REGISTRATION AMENDMENT—FURTHER INFORMATION

#### *s. 99 – Education Act 2004*

- (1) The Minister may, by written notice, require the applicant, or proposed new proprietor, to give the Minister further information within a stated time that the Minister reasonably needs to decide the application.
- (2) If the applicant does not comply with a requirement in the notice, the Minister may refuse to consider the application further.

### 61. REGISTRATION AMENDMENT—CONDITIONS

#### *s. 102 – Education Act 2004*

- (1) If the Minister amends a school’s registration, the Minister may also impose or amend a registration condition for the school in any way the Minister considers appropriate.
- (2) However, the Minister must not amend a registration condition requiring compliance with the registration standards.

**See also:**

[Registration amendment—referral to Registration Standards Advisory Board \(section 100\)](#)

[Registration amendment – decision on application \(section 101\)](#)

[Authorised Persons \(non-government\)](#)

[Regulatory Actions](#)

[Review of decisions](#)

## 9. REGISTRATION REVIEWS

### Summary

1. Under the 2022 amendments to the *Education Act 2004* (the Act) the Registrar will conduct registration reviews to assess ACT Non-government School (NGS) compliance with the Registration Standards and with the Act.
2. Registration reviews will be carried out:
  - 2.1. according to an annual registration review program developed by the Registrar in consultation with the Registration Standards Advisory Board; and
  - 2.2. in response to concerns raised with the Registrar about a registered school's compliance with the Act.
3. The Registrar may direct the proprietor of an NGS to take action to ensure the school complies with the Act within a stated period of time.
4. A direction that requires the proprietor of an NGS to take action is called a *compliance direction*.

### *Extracts from legislation and regulation relating to the registration reviews*

#### 62. MEANING OF REGISTRATION REVIEW

*s. 108 – Education Act 2004*

In this chapter:

**registration review**, of a registered school—

- (a) means an assessment by the registrar of whether the school is complying with this Act; and
- (b) includes a review carried out in the following circumstances:
  - (i) under an annual registration review program;

- (ii) after a concern is raised with the registrar about a registered school's compliance with this Act.

### 63. ANNUAL REGISTRATION REVIEW PROGRAM

#### *s. 109 – Education Act 2004*

- (1) The registrar must, before the end of each calendar year, prepare a program for registration reviews of registered schools that the registrar intends to conduct in the next calendar year (an **annual registration review program**).
- (2) In developing an annual registration review program, the registrar must consult the registration standards advisory board, particularly in relation to identifying—
  - (a) the registered schools to be reviewed during the year; and
  - (b) areas of focus for registration reviews during the year.

### 64. REGISTRATION REVIEW AFTER CONCERN RAISED

#### *s. 110 – Education Act 2004*

- (1) Anyone may raise a concern with the registrar about a registered school's compliance with this Act.
- (2) The registrar must take reasonable steps to consider each concern raised with the registrar.
- (3) The concern must be in writing and state—
  - (a) the nature of the concern, including the provision of the Act that is the subject of the complaint (if known); and
  - (b) the name and address of the person raising the concern.
- (4) However, the concern may be raised orally if the registrar is satisfied that to do so is reasonable in all the circumstances.
- (5) If the concern is raised orally, the registrar must make a written record of the concern as soon as practicable after being told about the concern.
- (6) The registrar may make arrangements for people with communication needs to ensure they have adequate opportunity to raise a concern.

**Note** A complaint may also be made to the human rights commission about services for children and young people (see [Human Rights Commission Act 2005](#), s 40A).

### 65. REGISTRAR TO REPORT CONCERNS TO REGISTRATION STANDARDS ADVISORY BOARD

#### *s.111–Education Act 2004*

- (1) As soon as practicable after the end of each quarter the registrar must give the registration standards advisory board a report about concerns raised under section 110.

- (2) The report must not, without the written consent of the person who raised the concern, include information that—
  - (a) identifies the person as the person who raised the concern; or
  - (b) would allow the identity of the person to be worked out.
- (3) The report must comply with any requirements prescribed by regulation.

### 66. REGISTRATION REVIEW PROCEDURE

#### *s. 116 – Education Act 2004*

In carrying out a registration review, the registrar must—

- (a) apply natural justice and procedural fairness; and
- (b) comply with the registration review guidelines.

### 67. REGISTRATION REVIEW GUIDELINES

#### *s. 117 – Education Act 2004*

- (1) The registrar must make guidelines about how a registration review may be carried out (the **registration review guidelines**).
- (2) The registration review guidelines must be developed in consultation with—
  - (a) the registration standards advisory board; and
  - (b) Catholic Education, Archdiocese of Canberra and Goulburn; and
  - (c) the Association of Independent Schools of the ACT; and
  - (d) the proprietor of any registered school that is not either—
    - (i) a Catholic system school; or
    - (ii) a member of the Association of Independent Schools of the ACT.
- (3) A registration review guideline is a notifiable instrument.

### 68. REQUEST FOR FURTHER INFORMATION OR VERIFICATION

#### *s. 118 – Education Act 2004*

- (1) This section applies to a registration review for a school initiated by a person raising a concern with the registrar.
- (2) The registrar may, at any time, request the person to give the registrar—
  - (a) further information about the concern raised; or
  - (b) a written statement verifying all or part of the concern.

**Note** It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

- (3) However, the verification statement may be made orally if the registrar is satisfied that to do so is reasonable in all the circumstances.
- (4) If the verification statement is made orally, the registrar must make a written record of the statement as soon as practicable after receiving the statement.
- (5) If the registrar makes a request under this section, the registrar must give the person a reasonable period to satisfy the request and may extend the period, whether before or after it ends.
- (6) If the person does not comply with the request, the registrar need not, but may, take further action on the concern.

### 69. REGISTRAR'S ACTION ON COMPLETING REGISTRATION REVIEW

#### *s. 119 – Education Act 2004*

- (1) If the registrar has completed a registration review of a registered school, the registrar must—
  - a) if satisfied that the school has failed, is failing, or is at risk of failing to comply with this Act—
    - (i) give the proprietor of the school information about how the school may comply with the Act; or
    - (ii) give the proprietor of the school a compliance direction; or
    - (iii) refer the matter to the registration standards advisory board to consider for regulatory action under section 123; or
  - (b) if not satisfied that any action needs to be taken in relation to the school—take no further action.
- (2) If the registration review was initiated by a person raising a concern about the school's compliance with this Act, the registrar must tell the person, in writing, about—
  - (a) the results of the review; and
  - (b) any action taken, or proposed to be taken, in relation to the concern.

---

#### **See also:**

[Authorised Persons \(non-government\)](#)

[Regulatory Actions](#)

[Review of decisions](#)

## 10. MANAGING STUDENT BEHAVIOUR

### Summary

1. The 2022 amendments to the *Education Act 2004* (the Act) established new requirements for all ACT Schools (public, Independent, and Catholic systemic) relating to the suspension, exclusion and expulsion of students.
2. The amendments provide clear guidelines as to when a student can be suspended, or excluded from a system of schools, or expelled from an individual school.
  - 2.1. The changes ensure a balance between the right of the student to an education, alongside the safety and wellbeing of that student, other students and school staff.
  - 2.2. As students with a disability have been found to be suspended more often than students without disability, the amendments provide protections for students with a disability by ensuring reasonable adjustments are being implemented, and where necessarily adapted, to ensure they can be safely at school.

**Note:** Suspensions and exclusions from a public school are reviewable decisions. This means that decisions about suspensions and exclusions related to students enrolled at ACT public schools can be reviewed internally by the Education Directorate and then by the ACT Civil and Administrative Tribunal.

### *Extracts from legislation and regulation relating to managing student behaviour*

#### 70. MEANING OF UNSAFE OR NONCOMPLIANT BEHAVIOUR—CHAPTER 2A

##### *s. 17B – Education Act 2004*

- (1) For this chapter, the behaviour of a student at a school is **unsafe or noncompliant** if the behaviour reduces the safety or effectiveness of the learning environment at the school because it—
- (a) is persistently or disruptively noncompliant; or
  - (b) poses an unacceptable risk to the safety or wellbeing of—
    - (i) another student at the school; or
    - (ii) a member of staff of the school; or
    - (iii) someone else involved in the school's operation.



- (2) To remove any doubt, a student's behaviour may be **unsafe or noncompliant** even if the behaviour does not happen on school premises or during school hours.

**Example**

using social media outside school hours to encourage violence against a student at school the next day

## 71. DEFINITIONS—CHAPTER 2A

*s. 17C – Education Act 2004*

In this chapter:

**decision-maker**, for a school, means—

- (a) for a government school—the director-general; and
- (b) for a Catholic system school—the director of Catholic education; and
- (c) for an independent school—the principal of the school.

**delegated principal**, for a government school or Catholic system school, means a principal to whom the decision-maker for the school has delegated their powers under section 17O.

**exclude**—

- (a) a student at a government school, means exclude the student from being enrolled at any government school under section 17ZA; or
- (b) a student at a Catholic system school, means exclude the student from being enrolled at any Catholic system school under section 17ZF.

**expel**, a student at a school, means expel the student from the school under section 17U.

**reasonable alternative** means an alternative that a person is reasonably able to take considering all relevant matters.

**suspend**, a student at a school, means suspend the student under section 17H.

**transfer**, a student at a government school, means transfer the student from the school to another government school under section 17P.

## 72. EXHAUSTING ALL REASONABLE ALTERNATIVES

*s. 17D – Education Act 2004*

If a person is required to exhaust all reasonable alternatives before making a decision under this chapter in relation to a student at a school, the person must—

- (a) before making a decision to transfer or expel a student—be satisfied that suspending the student would not be effective or suitable; and
- (b) be satisfied that no other reasonable alternative is likely to be suitable or successful for managing the student's unsafe or noncompliant behaviour.

### 73. COMMUNICATING WITH STUDENTS AND PARENTS

#### *s. 17E – Education Act 2004*

- (1) This section applies if a person is required to tell a student, or give their parents written notice, about a decision or proposed decision under this chapter.
- (2) The person must apply natural justice and procedural fairness and, in particular, must—
  - (a) ensure the student and their parents are given sufficient information about the decision-making process, in a language and way that the student and their parents can understand, to allow the student and their parents to effectively take part in the decision-making process and have their views heard; and
  - (b) ensure the student has a parent, or someone else chosen by the student, present when taking part in the decision-making process.

### 74. NOTIFICATION NOT REQUIRED IN CERTAIN CIRCUMSTANCES

#### *s. 17F – Education Act 2004*

- (1) This section applies if a person is required to give a written notice to a parent of a student under this chapter.
- (2) The written notice need not be given if the person is satisfied that—
  - (a) it would not be in the best interests of the student to give the notice; or  
**Example**  
a court order prevents contact between a student and their parent
  - (b) it is not possible or reasonably practicable in the circumstances to give the notice.  
**Example**  
despite reasonable efforts, contact details for a parent cannot be found
- (3) If the student is an adult, the written notice—
  - (a) need not be given to a parent of the student; and
  - (b) must be given to the student.

## a) Managing Student Behaviour – suspension

### Summary

1. The 2022 amendments to the *Education Act 2004* (the Act) established new requirements for all ACT schools (public and non-government) relating to the suspension.
2. From 20 December 2022, a student can only be suspended for the purpose of ensuring a safe and effective learning environment at the school (section 17b).
3. This means a student at a school can only be suspended if their behaviour is unsafe or non-compliant in a way that reduces the safety or effectiveness of the learning environment at the school because it is:
  - 3.1. persistently or disruptively noncompliant; or
  - 3.2. poses an unacceptable risk to the safety or wellbeing of other students, staff or other people at the school.

### Frequently asked Questions - Suspensions

#### What steps must be taken prior to a student being suspended?

4. A student can only be suspended if the decision-maker is satisfied that the student's behaviour has been:
  - 4.1. Unsafe or noncompliant
  - 4.2. The school has exhausted all reasonable alternatives to suspending the student; and
  - 4.3. It is considered reasonable to suspend the student after hearing the student's views and the views of their parents/carers (section 17h).

#### What does 'exhaust all reasonable alternatives' mean?

5. If a suspension is proposed for a student, the decision-maker must be satisfied that no other alternative is likely to be suitable or successful for managing the student's unsafe or noncompliant behaviour. This means that all other alternatives that a school is able to make must have been considered before making the decision to suspend a student (section 17D).

#### Who is the decision-maker?

6. The decision-maker for suspensions at:
  - 6.1. an independent school is the principal of a school; and
  - 6.2. a Catholic system schools is the Director Catholic Education, Canberra and Goulburn.
7. Under section 17O, the decision-maker for a Catholic system school may delegate the decision-maker's powers. A delegation is where the decision maker gives permission to someone else to use the decision-making powers for suspensions. For Catholic system schools, the decision maker's powers can be delegated to the principal of a school.

**Does suspension only apply if the unsafe or noncompliant behaviour happens during school hours or on school grounds?**

8. No, a student can be suspended if it happens outside of school hours or not on school grounds, but only if their behaviour:
  - 8.1. reduces the safety or effectiveness of the learning environment at the school; or
  - 8.2. poses and unacceptable risk to the safety or wellbeing of other students, staff or other people at the school.
9. An example of this would be using social media outside school hours to encourage violence against a student at school the next day. This behaviour has an impact on the safety of the victim's learning environment whilst at school. Another example might be violent behaviour occurring offsite while the student is on an excursion which is an extension of the learning environment (section 17B (2)).

**How long can a student be suspended for?**

10. A suspension can be suspended for a duration that the decision-maker considers necessary to ensure a safe and effective learning environment at the school. However, a single instance of suspension cannot be longer than 20 days.

**When does a suspension start and end?**

11. A suspension begins on the day the decision-maker gives a suspension notice to the student's parents/carers or the day stated in the suspension notice, whichever is later. A suspension ends on the end day stated in the suspension notice or 20 school days after the suspension begins (section 17J).

**Can a student be suspended again immediately after they have finished a period of suspension?**

12. No, a suspension must not start immediately after another suspension ends. Students must be supported to return to school at the conclusion of a suspension period (section 17J (3)).
13. A new period of suspension can only occur if the student engages in further unsafe behaviours and the same decision-making process must be followed for any future suspensions.

**How can the student and their parents/carers be involved in the decision-making process?**

14. In most instances, students and parents/carers must receive a written notice that includes information about how they can have their views considered as part of the decision-making process prior to a suspension being decided (section 17L).
15. This information must be given in a language and way that they can understand and must include:
  - 15.1 the grounds for the proposed suspension
  - 15.2 the length of the proposed suspension
  - 15.3 how the school will support the student during the proposed suspension
  - 15.4 details of the decision-making process; and

15.5 how the student and parents/carers can have their views heard.

16. Students must also be allowed to have a parent, carer or someone else chosen by the student, for example a teacher, with them when taking part in the decision-making process.
17. The only instance in which a suspension can be decided without first providing a written notice and considering the views of the student and parents/carers is if the student's unsafe or noncompliant behaviour presents an immediate or imminent risk of harm to a person, such as being or threatening to be physically violent to another student or staff member (section 17L (3)).
18. In these limited circumstances, a verbal notice may be given initially, and a written notice may be given after the suspension is enacted. In these circumstances the views of the student and parents/carers must still be considered after the decision has been taken, which may result in the Principal revising the suspension decision.
19. This is to balance the need to respond quickly to an immediate or imminent risk of harm to a person, while also ensuring a fair process for students.

**Are there any occasions where the student's parents/carers don't need to be notified in writing?**

20. Written notice of a suspension doesn't have to be given to the parents/carers if it is not in the best interests of the student, for example, if a court order prevents contact between a student and their parent or if it is not possible in the circumstances to give them notice.
21. Written notice is also not required to be given to parents/carers if the student is an adult (over 18 years of age). In this case, the notice needs to be given to the student (section 17F).

**What happens once the suspension has happened?**

22. All students who have been suspended must be given materials and support to continue their education for the period in which they are suspended. For example, this may include access to online learning resources.
23. For students who have reasonable adjustments in place, the principal must review those reasonable adjustments, including the way they have been implemented. The Principal must also make any other reasonable adjustments they think would support the student. If needed, this includes changing the way an existing adjustment is being implemented (section 17N).
24. If a student at a school is suspended for 7 or more school days in a school term (consecutively or otherwise), the principal of the school must ensure that the student is given a reasonable opportunity to attend counselling. Students are not required to participate in counselling if they choose not to (section 17M).

*Extracts from legislation and regulation relating to suspension*

## 75. SUSPENSION TO ENSURE SAFE AND EFFECTIVE LEARNING ENVIRONMENT

*s. 17G – Education Act 2004*

A decision-maker for a school may suspend a student at the school only for the purpose of ensuring a safe and effective learning environment at the school.

## 76. SUSPENSION

*s. 17H – Education Act 2004*

- (1) The decision-maker for a school may suspend a student at the school if satisfied—
- (a) the student has engaged in unsafe or noncompliant behaviour; and
  - (b) the school has exhausted all reasonable alternatives to suspending the student; and
  - (c) it is reasonable to suspend the student considering all the circumstances, including any views of the student and their parents about the proposed suspension.

**Note** *Unsafe or noncompliant* behaviour—see s 17B.

*Reasonable alternatives*—see s 17C.

- (2) However, the decision-maker must not suspend a student unless—
- (a) for a government school or Catholic system school with a delegated principal—the delegated principal has complied with the requirements for involving the student and their parents in the decision-making process under section 17L; or
  - (b) for a government school or Catholic system school without a delegated principal—the principal of the school recommends the student be suspended; and
  - (c) for an independent school—the decision-maker has complied with the requirements for involving the student and their parents in the decision-making process under section 17L.
- (3) The decision-maker for a government school or Catholic system school without a delegated principal may suspend the student as recommended by the principal of the school under section 17K, or subject to any change the decision-maker considers reasonable.

## 77. SUSPENSION—NOTICE

*s. 17I – Education Act 2004*

If the decision-maker for a school suspends a student, the decision-maker must—

- (a) tell the student, and give their parents written notice (a **suspension notice**), about the suspension, including—
- (i) the grounds for the suspension; and
  - (ii) the length of the suspension; and

- (iii) how the school intends to support the student to continue their education during the suspension; and
- (b) for a government school or Catholic system school without a delegated principal—tell the principal of the school about the suspension, including any changes made to the principal’s recommendation.

### 78. SUSPENSION—LENGTH

#### *s. 17J – Education Act 2004*

- (1) The suspension of a student is for the period, not longer than 20 school days, the decision-maker considers necessary to ensure a safe and effective learning environment at the school.
- (2) A suspension—
  - (a) begins on the later of the following:
    - (i) the day the decision-maker gives a suspension notice to the student’s parents;
    - (ii) the day stated in the suspension notice; and
  - (b) ends on the earlier of the following:
    - (i) the end day stated in the suspension notice;
    - (ii) 20 school days after the suspension begins.
- (3) A suspension must not start immediately after another suspension end.

### 79. SUSPENSION – GOVERNMENT AND CATHOLIC SYSTEM SCHOOLS—PRINCIPAL’S RECOMMENDATION

#### *s. 17K – Education Act 2004*

- (1) This section applies to a student at a government school or a Catholic system school without a delegated principal.
- (2) The principal of the school may recommend to the decision-maker for the school that the student be suspended.
- (3) However, the principal must not make a recommendation unless the principal has complied with the requirements for involving the student and their parents in the decision-making process under section 17L.
- (4) The principal’s recommendation must include the following information about the proposed suspension:
  - (a) the grounds for the suspension, including details of—
    - (i) the student’s unsafe or noncompliant behaviour; and
    - (ii) how they have exhausted reasonable alternatives to suspending the student;

**Note** *Unsafe or noncompliant* behaviour—see s 17B.

**Reasonable alternatives**—see s 17C.

- (b) the length of the suspension;
  - (c) how the school intends to support the student to continue their education during the period of suspension;
  - (d) the steps taken to involve the student and their parents in the decision-making process under section 17L, and any views of the student and their parents about the suspension.
- (5) The principal's recommendation may include any other information the principal considers would assist the decision-maker in deciding whether to suspend the student.

## 80. SUSPENSION—INVOLVING STUDENT AND PARENTS

### *s. 17L – Education Act 2004*

- (1) This section applies if—
- (a) for a government school or Catholic system school with a delegated principal—the delegated principal proposes to suspend a student at the school; or
  - (b) for a government school or Catholic system school without a delegated principal—the principal proposes to recommend the suspension of a student under section 17K; or
  - (c) the principal of an independent school proposes to suspend a student at the school.
- (2) Before taking the proposed action, the principal must take reasonable steps to tell the student, and give their parents written notice, about the proposed suspension, including—
- (a) the grounds for the suspension including details of—
    - (i) the student's unsafe or noncompliant behaviour; and
    - (ii) how they have exhausted reasonable alternatives to suspending the student; and
- Note*      **Unsafe or noncompliant** behaviour—see s 17B.  
              **Reasonable alternatives**—see s 17C.
- (b) the length of the suspension; and
  - (c) how the school intends to support the student to continue their education during the suspension; and
  - (d) the decision-making process for the suspension, and how the student and their parents may take part in the process and have their views heard.
- (3) However, the principal may take the proposed action before giving the parents written notice if—
- (a) the student's unsafe or noncompliant behaviour presents an immediate or imminent risk of harm to a person; and
- Examples—behaviour that presents an immediate or imminent risk of harm to a person**
- the student was physically violent to another student
  - the student threatened to be physically violent to a staff member
- (b) the principal tells the student and their parents, orally, about the proposed suspension including—



- (i) the information mentioned in subsection (2) (a) to (d); and
  - (ii) that the suspension starts immediately.
- (4) If the principal takes the proposed action under subsection (3), the principal must, as soon as possible, give the student's parents written notice about the suspension, including the information mentioned in subsection (2) (a) to (d).
- (5) If a principal takes action under subsection (3) and a student is suspended before any views of the student and their parents about the suspension may be considered, the decision-maker may, after considering the views of the student and their parents, revise the suspension in any way the decision-maker considers reasonable.
- (6) If the decision-maker revises a suspension under subsection (5), the decision-maker must tell the student, and give the student's parents a revised suspension notice.

## 81. SUSPENSION—STUDENT'S EDUCATION AND COUNSELLING

### *s. 17M – Education Act 2004*

- (1) If a student at a school is suspended, the principal of the school must ensure the student is given the materials and support needed to continue their education during the period of suspension.
- (2) If a student at a school is suspended for a total of 7 or more school days in a school term (consecutively or otherwise), the principal of the school must ensure that the student is given a reasonable opportunity to attend counselling.

## 82. SUSPENSIONS—REVIEW OF STUDENT'S CIRCUMSTANCES

### *s. 17N – Education Act 2004*

- (1) If a student at a school is suspended, the principal of the school must—
- (a) review any reasonable adjustments in place for the student, including reviewing the way an adjustment is implemented; and
  - (b) make any reasonable adjustments the principal considers would support the student, including changing the way an adjustment is implemented.

- (2) In this section:

**adjustment**—see the [Disability Standards for Education 2005](#) (Cwlth), section 3.3.

**reasonable**, in relation to an adjustment—see the [Disability Standards for Education 2005](#) (Cwlth), section 3.4.

## 83. SUSPENSION—GOVERNMENT AND CATHOLIC SYSTEM SCHOOLS—DELEGATION

### *s. 17O – Education Act 2004*

The decision-maker for a government school or Catholic system school may delegate the decision-maker's powers under this part in relation to suspending a student at a school to the principal of the school. **Note** For laws about delegations, see the [Legislation Act](#), pt 19.4.

## b) Managing Student Behaviour – exclusion

### Summary

1. The 2022 amendments to the *Education Act 2004* (the Act) established new requirements for ACT public and Catholic system schools relating to exclusion. These changes come into effect on 20 December 2022.
2. Exclusions do not relate to non-system schools.

### Frequently asked Questions - Exclusions

**Under the changes, why can a student in an ACT Catholic system school be excluded?**

3. From 20 December 2022, a student can only be excluded from all Catholic system schools in the ACT if:
  - 3.1. their behaviour is unsafe or non-compliant in a way that reduces the safety or effectiveness of the learning environment at the school
  - 3.2. all reasonable alternatives to exclusion have been exhausted
  - 3.3. it is not in the best interests of the student, another student, or a staff member for the student to be enrolled at any Catholic system school; and
  - 3.4. it is reasonable to exclude the student considering all the circumstances, including any views of the student and their parents/carers about the proposed exclusion.
4. For Catholic system schools, the Director, Catholic Education can only exclude a student from all Catholic system schools in the ACT if the principal of the school recommends the student be excluded. The Director, Catholic Education may make changes to the principal's recommendation that they consider reasonable.
5. If the exclusion is recommended because it's not in the best interests of the student to remain at the school, the Director, Catholic Education may consider whether the relationship between the student and the Catholic school system has deteriorated to such an extent that remaining in the system is no longer in the student's best interests.

**What does 'compulsory education age' mean?**

6. A student is of compulsory education age if the student is at least 6 years old and under the age of 17 years old or has completed year 12 (whichever happens first).

**What steps must be taken prior to a student in an ACT Catholic system school being excluded?**

7. The principal of a Catholic system school may recommend to the Director, Catholic Education that a student is excluded from all Catholic system schools in the diocese.
8. However before recommending that a student is excluded, a principal of a Catholic system school must tell the student, and give their parents/carers written notice, about the proposed exclusion.

9. Information that must be provided includes the grounds for the proposed exclusion including details of:
  - 9.1. the student's unsafe or noncompliant behaviour; and
  - 9.2. how they have exhausted reasonable alternatives to excluding the student; and
  - 9.3. the day the proposed exclusion is to take effect; and
  - 9.4. the decision-making process for the proposed exclusion; and
  - 9.5. how the student and their parents/carers may take part in the process and have their views heard.
10. Once the principal of a Catholic system school has involved the student and their parents/carers, they can make a recommendation to the Director, Catholic Education. The recommendation must include the following about the proposed exclusion the grounds for the proposed exclusion including details of:
  - 1.1 the student's unsafe or noncompliant behaviour; and
  - 1.2 how they have exhausted reasonable alternatives to expelling the student; and
  - 1.3 any previous action taken under Chapter 2A of the Education Act 2004, relating to suspensions and expulsions; and
  - 1.4 the day the proposed exclusion is to take effect; and
  - 1.5 the decision-making process for the proposed exclusion; and
  - 1.6 the steps taken to involve the parents/carers and the student in the decision-making process; and
  - 1.7 any views of the student and their parents/carers about the proposed exclusion.
11. The principal's recommendation may include any other information the principal considers would assist the Director, Catholic Education in deciding whether to exclude the student.
12. The Director, Catholic Education may then exclude the student if they are satisfied that:
  - 12.1 the student has engaged in unsafe or noncompliant behaviour; and
  - 12.2. the school has exhausted all reasonable alternatives to excluding the student; and
  - 12.3. it is not in the best interests of 1 or more of the following for the student to remain at any Catholic system school:
    - 12.3.1. the student
    - 12.3.2. another student
    - 12.3.3. a member of staff of the school; and
    - 12.3.4. it is reasonable to exclude the student considering all the circumstances, including any views of the student and their parents/carers about the proposed exclusion.

13. In making the decision, the Director, Catholic Education may also consider whether the relationship between the student and the Catholic system has deteriorated to such an extent that remaining in the system is no longer in the student's best interests.

14. The Director, Catholic Education may make any changes to the principal's recommendation that they consider reasonable.

15. If the Director, Catholic Education decides to exclude a student from all Catholic system schools, they must tell the student and give their parents/carers written notice about the exclusion, including:

15.2. the grounds for the exclusion; and

15.3. the day the exclusion takes effect.

16. The Director, Catholic Education must also tell the principal about the exclusion, including any changes made to the principal's recommendation.

**Who is the decision-maker?**

17. For Catholic system schools, the decision-maker is the Director, Catholic Education.

**How can the student and their parents/carers be involved in the decision-making process?**

18. Students and parents/carers must have their views heard as part of the decision-making process prior to an exclusion being enacted.

19. Students and parents/carers must be given enough information about how the decision-making process works in a language and way that they can understand.

20. Before recommending the exclusion of a student to the decision-maker, the principal must tell the student, and give their parents/carers written notice, about the exclusion, including the reason for the exclusion including details of:

20.2. the student's unsafe or noncompliant behaviour; and

20.3. how they have exhausted reasonable alternatives to excluding the student; and

20.4. the day the proposed exclusion is to take effect; and

20.5. the decision-making process; and

20.6. how the student and their parents/carers may have their views heard.

**What happens once the exclusion has happened?**

21. If a student is excluded from the Catholic system of schools in the ACT, the principal of the school at which they are enrolled must ensure the student is given a reasonable opportunity to attend counselling. This might be with a school counsellor or other suitably skilled adult. Students are not required to participate in counselling if they choose not to.

**Can the student return to the system they were excluded from?**

22. No. If a student is excluded from a particular system, it means that this was not the best environment for the student. Therefore, they are unable to return to that system.

*Extracts from legislation and regulation relating to exclusion*

**84. EXCLUSION—CATHOLIC SYSTEM SCHOOLS**

*s. 17ZF – Education Act 2004*

- (1) The director of Catholic education may exclude a student from enrolling at any Catholic system school if satisfied—
  - (a) the student has engaged in unsafe or noncompliant behaviour; and
  - (b) the school at which the student is enrolled has exhausted all reasonable alternatives to excluding the student; and
  - (c) it is not in the best interests of 1 or more of the following for the student to be enrolled at any Catholic system school:
    - (i) the student;
    - (ii) another student at a Catholic school;
    - (iii) a member of staff of a Catholic school; and
  - (d) it is reasonable to exclude the student considering all the circumstances, including any views of the student and their parents about the proposed exclusion.
- (2) However, the director must not exclude a student unless the principal of the school recommends the student be excluded.
- (3) The director may exclude the student as recommended by the principal, or subject to any change the director considers reasonable.
- (4) For subsection (1) (c) (i), the director may consider whether the relationship between the student and the Catholic school system has deteriorated to such an extent that the student’s enrolment at any Catholic system school is no longer in the student’s best interests.

**85. EXCLUSION—CATHOLIC SYSTEM SCHOOLS—NOTICE**

*s. 17ZG – Education Act 2004*

If the director of Catholic education excludes a student from enrolling at any Catholic system school, the director must—

- (a) tell the student, and give their parents written notice, about the exclusion, including—
  - (i) the grounds for the exclusion; and
  - (ii) the day the exclusion takes effect; and
- (b) tell the recommending principal about the exclusion, including any changes made to the principal’s recommendation.

## 86. EXCLUSION—CATHOLIC SYSTEM SCHOOLS—PRINCIPAL’S RECOMMENDATION

*s. 17ZH— Education Act 2004*

- (1) The principal of a Catholic system school may recommend to the director of Catholic education that a student at the school be excluded from enrolling at any Catholic system school.
- (2) However, the principal may make a recommendation only if the principal has complied with the requirements for involving the student and their parents in the decision-making process under section 17ZI.
- (3) The principal’s recommendation must include the following information about the proposed exclusion:
  - (a) the grounds for the exclusion including details of—
    - (i) the student’s unsafe or noncompliant behaviour; and
    - (ii) how they have exhausted reasonable alternatives to excluding the student; and
    - (iii) any previous action taken under this chapter against the student, including the behaviour giving rise to the action;
  - (b) the day the exclusion is to take effect;
  - (c) the steps taken to involve the student and their parents in the decision-making process under section 17ZI, and any views of the student and their parents about the exclusion.
- (4) The principal’s recommendation may include any other information the principal considers would assist the director in deciding whether to exclude the student from enrolling at any Catholic system school.

**Note**      ***Unsafe or noncompliant*** behaviour—see s 17B.  
                  ***Reasonable alternatives***—see s 17C.

## 87. EXCLUSION—CATHOLIC SYSTEM SCHOOLS—INVOLVING STUDENT AND PARENTS

*s. 17ZI – Education Act 2004*

Before recommending the exclusion of a student under section 17ZH, the principal of a Catholic system school must tell the student, and give their parents written notice, about the proposed exclusion, including—

- (a) the grounds for the exclusion, including details of—
  - (i) the student’s unsafe or noncompliant behaviour; and
  - (ii) how they have exhausted reasonable alternatives to excluding the student;
- (b) the day the exclusion is to take effect;
- (c) the decision-making process for the exclusion, and how the student and their parents may take part in the process and have their views heard.

**Note**      ***Unsafe or noncompliant*** behaviour—see s 17B.  
                  ***Reasonable alternatives***—see s 17C.

## 88. EXCLUSION—CATHOLIC SYSTEM SCHOOLS—COUNSELLING

*s. 17ZJ – Education Act 2004*

If a student at a Catholic system school is excluded from enrolling at any Catholic system school, the principal of the school must ensure the student is given a reasonable opportunity to attend counselling.

### c) *Managing Student Behaviour – expulsion*

#### Summary

1. The 2022 amendments to the *Education Act 2004* (the Act) established new requirements for all ACT Non-government Schools (NGS) relating to expulsion. The new category of ‘expulsion’ has been created to refer to the expulsion of a student from a particular Catholic system or independent school.
2. Expulsion prevents a student from being re-enrolled in that school.
3. This change comes into effect on 20 December 2022.

#### Frequently asked Questions - Expulsions

##### Why has the category of ‘expulsion’ been created?

4. In the current Act, the term ‘exclusion’ has two meanings.
  - 4.1. For public and Catholic system schools, exclusion currently means preventing the student from continuing to be enrolled or being re-enrolled at any public school or at any Catholic system school.
  - 4.2. For independent schools, exclusions mean preventing the student from continuing to be enrolled or being re-enrolled at an individual independent school. This inconsistency causes confusion across the different sectors.
5. To clarify these inconsistencies, a new category of ‘expulsion’ has been created to refer to the expulsion of a student from a particular Catholic system or independent school and being prevented from being re-enrolled in that school.
6. This category differs from ‘exclusion’ which refers to a student who is excluded from all public schools in the ACT if they are not of compulsory education age, or all Catholic system schools.

##### Who is the decision-maker?

7. For Catholic system schools, the decision-maker is the Director, Catholic Education. For independent schools, the decision-maker is the Principal of that school.

##### Under the changes, why can a student be expelled?

8. From 20 December 2022, a student can only be expelled if:

- 8.1 their behaviour is unsafe or non-compliant in a way that reduces the safety or effectiveness of the learning environment at the school;
  - 8.2 all reasonable alternatives to expelling the student have been exhausted;
  - 8.3 it is not in the best interests of the student, another student, or a staff member for the student to remain at the school; and
  - 8.4 it is reasonable to expel the student considering all the circumstances, including any views of the student and their parents/carers about the proposed transfer.
9. If the expulsion is recommended because it is not in the best interests of the student to remain at the school, the Director, Catholic Education or the Principal of the independent school may consider whether the relationship between the student and the school has deteriorated to such an extent that remaining at the school is no longer in the student's best interests (section 17U).

### **What does 'exhaust all reasonable alternatives' mean?**

- 10. If expulsion is proposed for a student, the decision-maker must be satisfied that no other alternative is likely to be suitable or successful for managing the student's unsafe or noncompliant behaviour.
- 11. This means that all other alternatives that a school is able to make must have been considered before making the decision to expel a student (section 17D).

### **What steps must be taken prior to a student being expelled?**

#### *Catholic system schools*

- 12. The Principal of a Catholic system school may recommend to the Director, Catholic Education that a student is expelled (section 17W).
- 13. However before recommending that a student is expelled, a principal of a Catholic system school must tell the student, and give their parents/carers written notice, about the proposed expulsion.
- 14. Information that must be provided includes the grounds for the proposed expulsion including details of-
  - 14.1 the student's unsafe or noncompliant behaviour; and
  - 14.2 how they have exhausted reasonable alternatives to expelling the student;
  - 14.3 the day the proposed expulsion is to take effect;
  - 14.4 the decision-making process for the proposed expulsion; and
  - 14.5 how the student and their parents/carers may take part in the process and have their views heard.
- 15. Once the principal of a Catholic system schools has involved the student and their parents/carers, they can make a recommendation to the Director, Catholic Education. The recommendation must include the following about the proposed expulsion the grounds for the proposed expulsion including details of-



- 15.1 the student's unsafe or noncompliant behaviour; and
  - 15.2 how they have exhausted reasonable alternatives to expelling the student;
  - 15.3 the day the proposed expulsion is to take effect;
  - 15.4 the decision-making process for the proposed expulsion;
  - 15.5 the steps taken to involve the parents/carers and the student in the decision-making process; and
  - 15.6 any views of the student and their parents/carers about the expulsion.
16. The principal's recommendation may also include any other information the principal considers would assist the Director, Catholic Education in deciding whether to expel the student.
17. If the Director, Catholic Education decides to expel a student, they must tell the student and give their parents/carers written notice about the expulsion, including:
- 17.1 the grounds for the expulsion; and
  - 17.2 the day the expulsion takes effect.

#### *Independent schools*

18. The Principal of an independent school may expel a student from their school. However, before they can expel the student, they must tell the student, and give their parents/carers written notice, about the proposed expulsion (section 17X).
19. Information that must be provided includes the grounds for the proposed expulsion including details of-
- 19.1 the student's unsafe or noncompliant behaviour; and
  - 19.2 how they have exhausted reasonable alternatives to expelling the student;
  - 19.3 the day the proposed expulsion is to take effect;
  - 19.4 the decision-making process for the proposed expulsion; and
  - 19.5 how the student and their parents/carers may take part in the process and have their views heard.
20. If the principal of the independent school decides to expel a student, they must tell the student and give their parents/carers written notice about the expulsion, including:
- 20.1 the grounds for the expulsion; and
  - 20.2 the day the expulsion takes effect.

#### **How can the student and their parents/carers be involved in the decision-making process?**

21. Students and parents/carers must have their views heard as part of the decision-making process prior to an expulsion being enacted.

22. Students and parents/carers must be given enough information about how the decision-making process works, including how they can have their views heard, in a language and way that they can understand (section 17E).

**What happens once the expulsion has happened?**

23. If a student is expelled from a Catholic system school or an independent school, the Principal of the school must ensure the student is given a reasonable opportunity to attend counselling. Students are not required to participate in counselling if they choose not to (section 17Y).

*Extracts from legislation and regulation relating to expulsion*

**89. EXPULSION**

*s. 17U– Education Act 2004*

- (1) The decision-maker for a Catholic system school or an independent school may expel a student at the school if satisfied—
  - (a) the student has engaged in unsafe or noncompliant behaviour; and
  - (b) the school has exhausted all reasonable alternatives to expelling the student; and
  - (c) it is not in the best interests of 1 or more of the following for the student to remain at the school:
    - (i) the student;
    - (ii) another student;
    - (iii) a member of staff of the school; and
  - (d) it is reasonable to expel the student considering all the circumstances, including any views of the student and their parents about the proposed expulsion.
- (2) However, the decision-maker for a school may expel a student only if—
  - (a) for a Catholic system school—the principal of the school recommends the student be expelled; and
  - (b) for an independent school—the decision-maker has complied with the requirements for involving the student and their parents in the decision-making process under section 17X.
- (3) The decision-maker for a Catholic system school may expel the student as recommended by the principal, or subject to any change the decision-maker considers reasonable.
- (4) For subsection (1) (c) (i), the decision-maker may consider whether the relationship between the student and the school has deteriorated to such an extent that remaining at the school is no longer in the student’s best interests.

## 90. EXPULSION—NOTICE

### *s. 17V – Education Act 2004*

If the decision-maker for a Catholic system school or an independent school expels a student, the decision-maker must—

- (a) tell the student, and give their parents written notice, about the expulsion, including—
  - (i) the grounds for the expulsion; and
  - (ii) the day the expulsion takes effect; and
- (b) for a Catholic system school—tell the principal about the expulsion, including any changes made to the principal’s recommendation.

## 91. EXPULSION—CATHOLIC SYSTEM SCHOOLS—PRINCIPAL’S RECOMMENDATION

### *s. 17W – Education Act 2004*

- (1) This section applies in relation to a student at a Catholic system school.
  - (2) The principal of the school may recommend to the decision-maker for the school that the student be expelled.
  - (3) However, the principal may make a recommendation only if the principal has complied with the requirements for involving the student and their parents in the decision-making process under section 17X.
  - (4) The principal’s recommendation must include the following information about the proposed expulsion:
    - (a) the grounds for the expulsion, including details of—
      - (i) the student’s unsafe or noncompliant behaviour; and
      - (ii) how they have exhausted reasonable alternatives to expelling the student;
- Note**      ***Unsafe or noncompliant*** behaviour—see s 17B.  
                  ***Reasonable alternatives***—see s 17C.
- (b) the day the expulsion is to take effect;
  - (c) the steps taken to involve the student and their parents in the decision-making process under section 17X, and any views of the student and their parents about the expulsion.
  - (5) The principal’s recommendation may include any other information the principal considers would assist the decision-maker in deciding whether to expel the student.

## 92. EXPULSION—INVOLVING STUDENT AND PARENTS

### *s. 17X – Education Act 2004*

- (1) This section applies if—

- (a) the principal of a Catholic system school proposes to recommend the expulsion of a student under section 17W; or
  - (b) the principal of an independent school proposes to expel a student at the school.
- (2) Before taking the proposed action, the principal must tell the student, and give their parents written notice, about the following:
- (a) the grounds for the proposed expulsion including details of—
    - (i) the student’s unsafe or noncompliant behaviour; and
    - (ii) how they have exhausted reasonable alternatives to expelling the student; and
- Note**      **Unsafe or noncompliant** behaviour—see s 17B.  
                  **Reasonable alternatives**—see s 17C.
- (b) the day the proposed expulsion is to take effect;
  - (c) the decision-making process for the proposed expulsion, and how the student and their parents may take part in the process and have their views heard.

### 93. EXPULSION—COUNSELLING

*s. 17Y – Education Act 2004*

If a student at a Catholic system school or an independent school is expelled, the principal of the school must ensure the student is given a reasonable opportunity to attend counselling.

**See also:**

[Regulatory Actions](#)

[Review of decisions](#)

## 11. RECORD KEEPING AND REPORTING REQUIREMENTS

### Summary

1. Under the *Education Act 2004* (the Act) Non-government Schools (NGS) were required to:
  - 1.1. keep an accurate register of enrolments and attendance
  - 1.2. record student enrolments and departures into the Student Transfer Register; and
  - 1.3. provide student reports twice yearly.
2. Under the 2022 amendments to the Act:
  - 2.1. NGS are required to:
    - 2.1.1. continue to keep an accurate register of enrolments and attendance
    - 2.1.2. continue to provide student reports twice yearly; and

- 2.1.3. make and keep records about their compliance with the Registration Standards
- 2.2. the Student Movement Register replaces the Student Transfer Register
- 2.3. the Director-General is authorised to establish procedures for recording information within the Student Movement Register (these procedures will apply to all ACT Schools)
- 2.4. an annual statement of compliance with the Registration Standards is introduced
- 2.5. NGS proprietors must notify the Registrar:
  - 2.5.1. within 7 days of any changes to the name or contact details of the principal of the school or chair of the school's governing body (if any); and
  - 2.5.2. within 28 days of any changes relating to key individuals for the proprietor.

*Extracts from legislation and regulation relating to record keeping and reporting*

### **a) Annual statement of compliance**

#### **94. ANNUAL STATEMENT**

*s. 2.6 – Education Regulation 2005*

- (1) The proprietor of a registered school must ensure that a written statement is prepared annually, describing how the school has complied with the registration standards during the year.
- (2) The proprietor must ensure that the school's annual statement is made available to the public.

##### **Example—made available to the public**

- included in a publicly available annual report
- published on the school's website

### **b) Student Movement Register**

#### **95. STUDENT MOVEMENT REGISTER**

*s. 2.17 – Education Regulation 2005*

The proprietor of a registered school must ensure that the school has procedures in place to ensure the principal of the school complies with procedures established by the director-general under the Act, section 10AB (Student movement register—procedures).

#### **96. STUDENT MOVEMENT REGISTER**

*s. 10AA – Education Act 2004*

- (1) The director-general must keep a register (the **student movement register**) of changes in—
  - (a) the enrolment of students at schools in the ACT; and
  - (b) the registration of students for home education in the ACT.

- (2) The principal of a school must record the information prescribed by regulation in the student movement register for each of the following (a **student movement event**):
- (a) a student is enrolled at the school, having been previously—
    - (i) enrolled at another education provider; or
    - (ii) registered for home education, whether under this Act or a corresponding law;
  - (b) a student’s enrolment ends for any of the following reasons:
    - (i) the student is unenrolled from the school;
    - (ii) the student is enrolled at another education provider;
    - (iii) the student is registered for home education;
    - (iv) the school terminates the enrolment contract for the student;
    - (v) the student is transferred, expelled or excluded from the school under chapter 2A (Suspension, transfer, expulsion and exclusion of students).
- (3) The director-general must record the information prescribed by regulation in the student movement register for each of the following events (also a **student movement event**):
- (a) a student is registered for home education, having been previously—
    - (i) enrolled at an education provider; or
    - (ii) registered for home education under a corresponding law;
  - (b) the registration of a student for home education ends.
- (4) Information to be recorded for a student movement event under this section must be recorded within 5 days after the event happens.
- (5) In this section:
- corresponding law** means a law of another State under which children are registered for home education.

**Note** **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

## 97. STUDENT MOVEMENT REGISTER—PROCEDURES

### *s. 10AB – Education Act 2004*

- (1) The director-general must—
- (a) establish procedures for recording information in the student movement register; and
  - (b) tell principals of schools in the ACT about the procedures.
- (2) A principal of a school who is recording information in the student movement register under section 10AA must comply with the procedures established under subsection (1).

## c) Updating details

### 98. PROPRIETOR MUST UPDATE DETAILS

*s. 107 – Education Act 2004*

- (1) If any of the following information for a registered school changes, the proprietor of the school must tell the registrar about the change, in writing, within 7 days after the change happens:
  - (a) the name or contact details of the principal of the school;
  - (b) the name or contact details of the chair of the school's governing body (if any).
- (2) If either of the following changes happen, the proprietor of a registered school must tell the registrar about the change, in writing, within 28 days after the change happens:
  - (a) a person becomes a key individual for the proprietor;
  - (b) a person stops being a key individual for the proprietor.

## 12. ENROLMENT AND ATTENDANCE

### Summary

1. Under the 2022 amendments to the *Education Act 2004* (the Act) the parents of a child of compulsory education age must enrol the child in a public or Non-government School (NGS) or register the child for home education.
  - 1.1 Parents are responsible for ensuring a child meets the attendance requirements.
2. The child's parents may apply to the Director-General for:
  - 2.1 a certificate (an *exemption certificate*) exempting the child from the requirement to be enrolled at an education provider; or
  - 2.2 an *approval statement* approving the child's participation in a training or employment alternative during the child's post-year 10 period.
3. Where a student enrolled in a NGS is not meeting the attendance requirements, the principal may require the parents and the student to meet with an authorised person (non-government) at a stated place and time.
 

**Note:** the principal should contact the authorised person (non-government) via [Nongovschools@act.gov.au](mailto:Nongovschools@act.gov.au) to discuss this option.
4. Under the Act NGS must keep a register of student enrolments and attendance which includes:
  - (i) the full name of each student enrolled at the school; and
  - (ii) a record of the attendance or nonattendance of each student at the school on every day when the school is open for attendance.

5. The Director-General or delegate may issue an information or compliance notice to parents where the child is not meeting the attendance requirement.

**Note:** The principal should contact the authorised person (non-government) via [Nongovschools@act.gov.au](mailto:Nongovschools@act.gov.au) to discuss the processes for issuing an information or compliance notice.

**Note:** Parental non-compliance with an information or compliance notice may constitute an offence.

*Extracts from legislation and regulation relating to enrolment and attendance*

## 99. CHILD OF COMPULSORY EDUCATION AGE—SCHOOL ATTENDANCE REQUIREMENT

### *s.10A—Education Act 2004*

This section applies if a child—

- (a) is of compulsory education age; and
  - (b) is enrolled at a government or non-government school.
- (2) The child's parents must ensure that the child—
- (a) attends the school on every day, and during the times on every day, when the school is open for attendance; and
  - (b) attends every activity of the school (including attendance at an approved educational course) that the school requires the child to attend.
- (3) This section does not apply if the child's parents have an excuse for not complying with this section that the director-general is satisfied is a reasonable excuse.

**Note 1** The director-general must comply with any guidelines about the exercise of the director-general's functions under s (3) (see s 9D).

**Note 2** For offences in relation to this requirement, see pt 2.6 (Offences— parents).

## 100. MEANING OF PARTICIPATES IN EDUCATION COURSE—DIV 2.2.2

### *s.10B—Education Act 2004*

For this division, a child participates in an education course if the child complies with—

- (a) the provider's requirements about physically attending, at particular times, the provider's premises or another place; or
- (b) for an education course that is completed by distance education (however described)—the provider's requirements for distance education.

**Examples—par (b)**

- 1 complete and return the assigned work for the course
- 2 communicate with or contact the provider for the purpose of participating in the course



3 attend the provider for 1 week twice a year

## 101. MEANING OF FULL-TIME PARTICIPATION IN EDUCATION COURSE— DIV 2.2.2

*s.10C—Education Act 2004*

(1) For this division, full-time participation in an education course means participation in the course—

(a) at a level that is full-time under the requirements of the course;

or

(b) for at least 25 hours each week.

(2) Also, for this division, **full-time participation** in an education course includes—

(a) part-time participation in 2 or more education courses to an extent that is at least equivalent to **full-time participation** in 1 education course; and

(b) participation in any combination of the following that is equivalent to full-time participation in 1 education course:

(i) an education course;

(ii) a training alternative;

(iii) an employment alternative.

**Note** A child needs the director-general’s approval to participate in a training or employment alternative (see pt 2.4 (After year 10—training and employment alternatives)).

## 102. CHILD OF COMPULSORY EDUCATION AGE—PARTICIPATION REQUIREMENT

*10D—Education Act 2004*

(1) This section applies if a child—

(a) is of compulsory education age; and

(b) is enrolled at an education provider other than a government or non-government school for the purpose of the provider’s education course.

(2) The child’s parents must ensure that the child participates in the education course.

(3) Also, the child’s participation must be—

(a) full-time participation (the **full-time participation** requirement); or

(b) if an exemption certificate is in force for the child for the course—participation in accordance with the certificate.

(4) This section does not apply if the child’s parents have an excuse for not complying with this section that the director-general is satisfied is a reasonable excuse.

**Note 1** The director-general must comply with any guidelines about the exercise of the director-general’s functions under s (4) (see s 9D).

**Note 2** For offences in relation to this requirement, see pt 2.6 (Offences—parents).

### 103. PARTICIPATION REQUIREMENT—ABSENCE

#### *s.11—Education Act 2004*

A child's participation in an education course is taken for this Act to continue during an absence that is—

- (a) allowed under the requirements of the course or by the provider of the course; or
- (b) required under a territory law or a law of the Commonwealth, a State or another Territory.

#### **Example—par (b)**

Will is absent from an education provider because a public health direction under the *Public Health Act 1997* requires that he be confined to home for 2 weeks.

### 104. PARTICIPATION REQUIREMENT—SUSPENSION

#### *s.11A—Education Act 2004*

- (1) This section applies if a child participating in an education course stops attending the provider because the child has been suspended from attending the provider.
- (2) The child's participation in the course is taken for this Act to continue during the suspension period.

### 105. PARTICIPATION REQUIREMENT—EXCLUSION

#### *s.11B—Education Act 2004*

- (1) This section applies if a child participating in an education course stops attending the provider because the child has been excluded from attending the provider.
- (2) The child's participation in the course is taken for this Act to continue—
  - (a) at the same level as before the exclusion; and
  - (b) for the time reasonably required for the child to resume participation in an education course or apply for approval to participate in a training or employment alternative under part 2.4
 (After year 10—training and employment alternatives).

### 106. GIVING INFORMATION NOTICE

#### *s.11C—Education Act 2004*

- (1) This section applies if a child—
  - (a) lives in the ACT; and
  - (b) is at least 6 years old but under 17 years old.
- (2) The director-general may give a written notice (**an information notice**) to the child's parents if the director-general believes on reasonable grounds that—
  - (a) the child is not enrolled at an education provider; or

- (b) the child is not registered for home education; or
- (c) if the child is enrolled at a government or non-government school—the child is not attending the school; or
- (d) if the child is enrolled at an education provider other than a government or non-government school for the purpose of the provider’s education course—the child is not participating in the course or the child is contravening section 10D (3) (Child of compulsory education age—participation requirement); or
- (e) the child is not participating in a training or employment alternative in accordance with part 2.4 (After year 10—training and employment alternatives).

**Note** For how documents may be served, see the [Legislation Act](#), pt 19.5.

## 107. EXEMPTION CERTIFICATE—APPLICATION

*s.11H—Education Act 2004*

- (1) A child or the child’s parents may apply to the director-general for a certificate (an **exemption certificate**) exempting the child from—
  - (a) the requirement to be enrolled at an education provider or registered for home education; or

**Note** See s 10 (Child of compulsory education age—enrolment and registration requirement).

  - (b) the full-time participation requirement.

**Note** See s 10D (Child of compulsory education age—participation requirement).
- (2) Application may be made for either or both of the following:
  - (a) exempting the child until the child is 17 years old or for a shorter period;
  - (b) exempting the child from the full-time participation requirement.
- (3) An application made by a child must contain the signed consent of the child’s parents
- (4) However, subsection (3) does not apply if the director-general is satisfied on reasonable grounds that it is not appropriate to require the signed consent.

## 108. APPROVAL STATEMENT—APPLICATION

*s.13D—Education Act 2004*

- (1) A child or the child’s parents may apply to the director-general for a statement (an **approval statement**) approving the child’s participation in a training or employment alternative during the child’s post-year 10 period.
- (2) Application may be made for either or both of the following:
  - (a) approving the child’s participation in a training or employment alternative for all or part of the child’s post-year 10 period;
  - (b) approving that the child’s participation in a training or employment alternative be other than full-time participation.
- (3) An application made by a child must contain the signed consent of the child’s parents.

- (4) However, subsection (3) does not apply if the director-general is satisfied on reasonable grounds that it is not appropriate to require the signed consent.
- (5) For this section, a child's **post-year 10 period** starts when the child completes year 10 and ends when the first of the following happens:
- (a) the child completes year 12;
  - (b) the child is 17 years old.

### 109. APPROVAL STATEMENT—DURATION

#### *s.15—Education Act 2004*

An approval statement may be issued for a child until—

- (a) the end of the period stated in the statement; or
- (b) the ground for the issue of the statement no longer applies in relation to the child.

### 110. APPROVAL STATEMENT—REVOCATION

#### *s.15A—Education Act 2004*

The director-general may revoke an approval statement issued for a child if—

- (a) the statement is issued in error; or
- (b) the ground for the issue of the statement no longer applies in relation to the child; or
- (c) a condition of the statement has been contravened.

### 111. GIVING COMPLIANCE NOTICE

#### *s.16B—Education Act 2004*

The director-general may give a notice (a **compliance notice**) to a child's parents if the director-general believes on reasonable grounds that the parents have contravened or are contravening—

- (a) section 10 (Child of compulsory education age—enrolment and registration requirement); or
- (b) section 10A (Child of compulsory education age—school attendance requirement); or
- (c) section 10D (Child of compulsory education age—participation requirement); or
- (d) section 14D (Approval statement—compliance requirement).

**Note** For how documents may be served, see the [Legislation Act](#), pt 19.5.

### 112. CONTENTS OF COMPLIANCE NOTICE

#### *s.16C—Education Act 2004*

(1) A compliance notice in relation to a child must—

- (a) state that it is a compliance notice under this Act; and
- (b) include a brief description of the contravention of this Act in relation to which the notice is given; and

- (c) state what the child's parents need to do to comply with the notice; and
  - (d) state the period for complying with the notice; and
  - (e) contain a statement to the effect that failure to comply with the notice is an offence.
- (2) The compliance notice may include any other information the director-general considers appropriate.

### 113. CONTRAVENTION OF INFORMATION AND COMPLIANCE NOTICES

#### *s.17A—Education Act 2004*

- (1) A child's parents commit an offence if—
- (a) an information notice is given to the parents; and
  - (b) the parents fail to comply with the notice.

Maximum penalty: 5 penalty units.

- (2) A child's parents commit an offence if—
- (a) a compliance notice is given to the parents; and
  - (b) the parents fail to comply with the notice.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) This section does not apply if the child's parents have a reasonable excuse for failing to comply with the notice.
- (5) Without limiting subsection (4), it is a reasonable excuse for a parent of the child (the stated parent) that—
- (a) the child lives with another parent and the **stated parent** believes on reasonable grounds that the other parent is complying with the notice; or
  - (b) the stated parent is not reasonably able to control the child's behaviour to the extent necessary to comply with the notice.

### 114. MEANING OF REGISTER OF ENROLMENTS AND ATTENDANCES.

#### *s. 125E – Education Act 2004*

In this part:

**register of enrolments and attendances** means—

- (a) for a registered school—a register recording the following information:
  - (i) the full name of each student enrolled at the school;
  - (ii) the attendance or nonattendance of each student at the school on every day when the school is open for attendance; and
- (b) for an approved educational course (non-government)—a register recording the following information:
  - (i) the full name of each student enrolled at the course;
  - (ii) a record of the attendance or nonattendance of each student at the course on every day when the course is open for attendance.

### 115. KEEPING REGISTER OF ENROLMENTS AND ATTENDANCE—REGISTERED SCHOOLS

*s. 125F – Education Act 2004*

(1) The principal of a registered school must keep a register of enrolments and attendances for the school.

Maximum penalty: 10 penalty units.

(2) An offence against subsection (1) is a strict liability offence.

(3) The principal of a registered school commits an offence if the principal—

(a) makes an entry in the register of enrolments and attendances for the school; and

(b) is reckless about whether the entry is correct.

Maximum penalty: 10 penalty units.

### 116. KEEPING REGISTERS OF ENROLMENTS AND ATTENDANCES—APPROVED EDUCATIONAL COURSES (NON-GOVERNMENT)

*s. 125H – Education Act 2004*

(1) A person giving an approved educational course (non-government) must keep a register of enrolments and attendances for the course.

Maximum penalty: 10 penalty units.

(2) An offence against subsection (1) is a strict liability offence.

(3) A person giving an approved educational course (non-government) commits an offence if the person—

(a) makes an entry in the register of enrolments and attendances for the course; and

(b) is reckless about whether the entry is correct.

Maximum penalty: 10 penalty units.

### 117. NONATTENDANCE AT REGISTERED SCHOOLS

*s. 125J— Education Act 2004*

If a student at a registered school has not been attending school regularly, the principal of the school may, by written notice, require the student's parents and the student to meet with an authorised person (non-government) at a stated place and time.

---

**See also:**

[Producing registers of enrolments and attendances – registered schools \(section 125G\)](#)

[Producing registers of enrolments and attendances – approved educational courses \(non-government\) \(section 125 I\)](#)

[Registration—conditions \(section 93\)](#)

[Authorised Persons \(non-government\)](#)

[Regulatory Actions](#)

## 13. OTHER PROVISIONS

### Summary

1. The *Education Act 2004* (the Act):
  - 1.1 permits principals of Non-government Schools to approve students studying at another place but requires the principal to undertake checks prior to giving this approval
  - 1.2 articulates:
    - 1.2.1 trespass offences relating to school premises
    - 1.2.2 obligations on parents regarding compliance with the Act; and
    - 1.2.3 rules of parental information or compliance notification.

*Extracts from legislation and regulation relating to other matters*

#### 118. APPROVED EDUCATIONAL COURSES—REGISTERED SCHOOLS

*s. 125D – Education Act 2004*

- (1) The principal of a registered school may approve an educational course for students at the school that may be provided to the student at a place other than the school (an **approved educational course (non-government)**).
- (2) An approval may be subject to conditions.
- (3) However, the principal may approve an educational course at a place only if satisfied that—
  - (a) the standard of the course is appropriate; and
  - (b) there are adequate facilities at the place for conducting the course; and
  - (c) the place complies with any relevant territory laws about health and safety standards.

#### 119. OFFENCES ON SCHOOL PREMISES

*s.147—Education Act 2004*

- (1) A person must not trespass on school premises.  
Maximum penalty: 5 penalty units.
- (2) A person commits an offence if the person behaves in an offensive or disorderly way on school premises.  
Maximum penalty: 10 penalty units.
- (3) A person commits an offence if the person—

- (a) is on school premises; and
- (b) is directed to leave the premises by a police officer, the principal of the school or a person authorised by the principal; and
- (c) fails to leave the premises in accordance with the direction.

Maximum penalty: 10 penalty units.

(4) An offence against this section is a strict liability offence.

(5) In this section:

**school premises** means land (including any building or structure on the land) occupied by a government or non-government school.

### 120. OBLIGATIONS ON PARENTS

*s. 148 – Education Act 2004*

- (1) For this Act, if an obligation is expressed to apply to the parents of a child it is sufficient for any parent of the child to carry out the obligation.
- (2) For this Act, if an obligation is expressed to apply to the parents of a child and no parent carries out the obligation, each parent is liable for the failure to carry out the obligation.

### 121. NOTIFICATION OF PARENTS

*s. 149 – Education Act 2004*

For this Act, if notice is required to be given to the parents of a child or student, or there is an obligation to ask or tell the parents of a child or student something, it is sufficient if a parent of the child or student is given notice or asked or told the thing.

---

**See also:**

[Authorised Persons \(non-government\)](#)

[Regulatory Actions](#)

[Review of decisions](#)



## 14. AUTHORISED PERSONS (NON-GOVERNMENT)

### Summary

1. The 2022 amendments to the *Education Act 2004* (the Act) provide authorised persons (non-government) with functions, powers and responsibilities similar to those provided to officers in other ACT regulating authorities including Children's Education and Care Assurance (CECA).

### *Extracts from legislation and regulation relating to Authorised Persons*

#### **122. PRODUCING REGISTERS OF ENROLMENTS AND ATTENDANCES—REGISTERED SCHOOLS**

##### *s. 125G – Education Act 2004*

- 1) An authorised person (non-government) may, by written notice, require the principal of a school, within the time stated in the notice—
    - (a) to make the register available for inspection by the authorised person (non-government); or
    - (b) to give information contained on the register that the authorised person (non-government) requires.
  - (2) The principal must comply with the notice.
- Maximum penalty: 50 penalty units.
- (3) An authorised person (non-government) may examine and copy a register of enrolments and attendances for a registered school.
  - (4) The principal of a registered school must take reasonable steps to assist an authorised person (non-government) in exercising a function under this section.
  - (5) An offence against this section is a strict liability offence.

#### **124. AUTHORISED PEOPLE (NON-GOVERNMENT)—FUNCTIONS**

##### *s. 125N – Education Act 2004*

- (1) If an authorised person (non-government) exercises a power under this Act (other than a power under section 125U (Power to obtain information) that affects an individual, the authorised person (non-government) must first show their authorised person (non-government) identity card to the individual.
- (2) If an authorised person (non-government) exercises a power under this Act (other than a power under section 125U) that affects a person other than an individual, the authorised person (non-government) must first show their authorised person (non-government) identity card to an individual the authorised person (non-government) believes on reasonable grounds is an employee, officer or agent of the person.

## 125. ENTRY TO PREMISES

*s. 125Q – Education Act 2004*

- (1) For this chapter, an authorised person (non-government) may—
  - (a) at any reasonable time, enter registered school premises to find out whether the school is complying with this Act; or
  - (b) at any reasonable time, enter premises that the public is entitled to use or that are open to the public (whether or not on payment of money); or
  - (c) at any time, enter premises with the occupier’s consent.
- (2) However—
  - (a) if the premises are used to provide residential boarding services—subsection (1) authorises entry only if—
    - (i) the entry is after 8 am and before 6 pm; and
    - (ii) the residents are given reasonable notice of the entry, including the purpose of the entry; and
    - (iii) a member of staff of the school is present during the entry and any exercise of powers under section 125T (General powers on entry to premises); and
  - (b) in any other case—subsection (1) (a) and (b) do not authorise entry into a part of the premises that is being used only for residential purposes.
- (3) An authorised person (non-government) may, without the consent of the occupier of premises, enter land around the premises to ask for consent to enter the premises.
- (4) To remove any doubt, an authorised person (non-government) may enter premises under subsection (1) without payment of an entry fee or other charge.
- (5) An authorised person (non-government) may, for subsection (1), enter the premises with necessary assistance.
- (6) In this section:  
**at any reasonable time**, for entering registered premises, includes at any time the school is open for operation.  
**necessary assistance**, for an authorised person (non-government) entering premises, includes the attendance of 1 or more people who, in the opinion of the authorised person (non-government), have knowledge or skills that could assist the authorised person (non-government) to carry out their function.

## 126. CONSENT TO ENTRY

*s. 125S – Education Act 2004*

- (1) This section applies if an authorised person (non-government) intends to ask the occupier of premises to consent to the authorised person (non-government) entering the premises.
- (2) Before asking for the consent, the authorised person (non-government) must—

- (a) produce their identity card; and
- (b) tell the occupier—
  - (i) the purpose of the entry; and
  - (ii) the reason for, and identity of, any other person accompanying the authorised person (non-government); and
  - (iii) that consent may be refused.
- (3) If the occupier consents, the authorised person (non-government) must ask the occupier to sign a written acknowledgment (an **acknowledgment of consent**)—
  - (a) that the occupier was told—
    - (i) the purpose of the entry; and
    - (ii) the reason for, and identity of, any other person accompanying the authorised person (non-government); and
    - (iii) that consent may be refused; and
  - (b) that the occupier consents to the entry; and
  - (c) stating the time and date when consent was given.
- (4) If the occupier signs an acknowledgment of consent, the authorised person (non-government) must immediately give a copy to the occupier.
- (5) A court must find that the occupier did not consent to entry to the premises by the authorised person (non-government) under this part if—
  - (a) the question whether the occupier consented to the entry arises in a proceeding in the court; and
  - (b) an acknowledgment of consent for the entry is not produced in evidence; and
  - (c) it is not proved that the occupier consented to the entry.

## 127. GENERAL POWERS ON ENTRY TO PREMISES

### *s. 125T – Education Act 2004*

- (1) An authorised person (non-government) who enters premises under this part may, for this Act, do 1 or more of the following in relation to the premises or anything at the premises:
  - (a) examine anything;
  - (b) examine and copy, or take extracts from, documents relating to a contravention, or possible contravention, of this Act;
  - (c) take photographs, films, or audio, video or other recordings;
  - (d) require the occupier, or anyone at the premises, to give information, answer questions, or produce documents or anything else (whether the information, document or other thing is at the premises or elsewhere) that the occupier or person at the premises has, or has access to, that are reasonably necessary to exercise a function under this Act;

- (e) require the occupier, or anyone else at the premises, to give the authorised person (non-government) copies of documents produced under paragraph (d) that are reasonably necessary to exercise a function under this Act;
  - (f) require the occupier, or anyone else at the premises, to give the authorised person (non-government) reasonable help to exercise a power under this part.
- (2) A person must take reasonable steps to comply with a requirement made of the person under subsection (1) (d), (e) or (f).

Maximum penalty: 10 penalty units.

### 128. POWER TO OBTAIN INFORMATION

#### *s. 125U – Education Act 2004*

- (1) An authorised person (non-government) may, in writing, require any of the following people to give the authorised person (non-government) information, or produce documents or anything else, that the person has, or has access to, that are reasonably required by the authorised person (non-government) for this Act:
- (a) a proprietor of a non-government school;
  - (b) a member of staff of a non-government school;
  - (c) any other person who has, or has access to, information or documents or anything else that is reasonably required by the authorised person (non-government) to assess a registered school's compliance with this Act.

#### **Example**

request and obtain by email a list of employees

- (2) A person must take reasonable steps to comply with a requirement made of the person under this section.

Maximum penalty: 10 penalty units.

### 129. ABROGATION OF PRIVILEGE AGAINST SELF-INCRIMINATION

#### *s. 125V – Education Act 2004*

- (1) A person is not excused from answering a question or providing information or a document under this part on the ground that the answer to the question, or the information or document, may tend to incriminate the person or expose the person to a penalty.
- (2) However, any information, document or thing obtained, directly or indirectly, because of the giving of the answer or the production of the document is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for an offence arising out of the false or misleading nature of the answer, information or document.

### 130. WARNING TO BE GIVEN

*s. 125W – Education Act 2004*

- (1) Before requiring a person to comply with a requirement under section 125T (1) (d) or (e) or section 125U, an authorised person (non-government) must warn the person—
  - (a) that failure to comply constitutes an offence; and
  - (b) about the effect of section 125V.
- (2) It is not an offence for an individual to refuse to answer a question put by an authorised person (non-government) or provide information or a document to an authorised person (non-government) under section 125T (1) (d) or (e) or section 125U on the ground that the question, information or document might tend to incriminate the individual, unless the individual was first given the warning in subsection (1) (b).
- (3) Nothing in this section prevents an authorised person (non-government) from obtaining and using evidence given to the authorised person (non-government) voluntarily by any person.

### 131. PRODUCING REGISTERS OF ENROLMENTS AND ATTENDANCES – APPROVED EDUCATIONAL COURSES (NON-GOVERNMENT)

*s. 125I – Education Act 2004*

- (1) An authorised person (non-government) may, by written notice, require a person giving an approved educational course, within the time stated in the notice—
  - (a) to make the register available for inspection by the authorised person (non-government); or
  - (b) to give information contained on the register that the authorised person (non-government) requires.
- (2) The person giving an approved educational course must comply with the notice.  
Maximum penalty: 50 penalty units.
- (3) An authorised person (non-government) may examine and copy a register of enrolments and attendances for an approved educational course (non-government).
- (4) A person giving an approved educational course (non-government) must take reasonable steps to assist an authorised person (non-government) in exercising a function under this section.
- (5) An offence against this section is a strict liability offence.

**See also:**

[Regulatory Actions](#)

[Review of decisions](#)

## 15. REGULATORY ACTIONS

### Summary

1. Under the *Education Act 2004* (the Act) the Minister can cancel the registration of a Non-government School (NGS) due to non-compliance with the conditions of registration or the Act.
2. Under the 2022 amendments to the Act additional regulatory actions were introduced in response to a finding of non-compliance with the conditions of registration (including the Registration Standards) or the Act.

### *Extracts from legislation and regulation relating to regulatory actions*

#### 132. MEANING OF REGULATORY ACTION

##### *s. 121 – Education Act 2004*

In this chapter:

**regulatory action**, against the proprietor of a registered school, means 1 or more of the following actions:

- (a) imposing, or amending, a condition on the school's registration;
- (b) cancelling the school's registration;
- (c) cancelling the school's registration and disqualifying the proprietor of the school from applying for registration of a school for a stated period or until a stated thing happens.

#### 133. GROUNDS FOR TAKING REGULATORY ACTION

##### *s. 122 – Education Act 2004*

The Minister may take regulatory action against the proprietor of a registered school only if satisfied on reasonable grounds that—

- (a) the school has contravened a condition of its registration; or
- (b) the proprietor or the school has failed to comply with a provision of this Act.

### 134. REGISTRAR – REFERRAL TO REGISTRATION STANDARDS ADVISORY BOARD

*s. 123– Education Act 2004*

- (1) If the registrar believes on reasonable grounds that regulatory action may be taken against the proprietor of a registered school, the registrar must—
  - (a) refer the matter to the registration standards advisory board; and
  - (b) give the board any relevant registration review report.
- (2) The board must—
  - (a) consider the matter; and
  - (b) assess what regulatory action may be appropriate to take against the proprietor; and
  - (c) report the board’s assessment to the Minister.

### 135. NOTIFICATION OF PROPOSED REGULATORY ACTION

*s. 124 – Education Act 2004*

If, after considering the board’s report under section 123, the Minister proposes taking regulatory action against the proprietor of a registered school, the Minister must give the proprietor a written notice (a **show cause notice**) stating—

- (a) the grounds on which, under section 122, the Minister considers regulatory action may be taken; and
- (b) details of the proposed regulatory action; and
- (c) that the proprietor may, within 14 days after the day the proprietor is given the notice, give a written submission to the Minister about the proposed regulatory action.

### 136. WHEN CANCELLATION TAKES EFFECT

*s. 125B – Education Act 2004*

- (1) The cancellation of a school’s registration does not take effect until the cancellation becomes final.
- (2) The cancellation of a school’s registration becomes final when—
  - (a) the time for any appeal or review in relation to the decision has ended; or
  - (b) any appeal or review in relation to the decision has been decided or otherwise ended

### 137. NOT TAKING REGULATORY ACTION

*s. 125C – Education Act 2004*

- (1) This section applies if, after considering a submission under section 124 (c) received from the proprietor of the registered school, the Minister is satisfied on reasonable grounds that regulatory action against the proprietor—
- (a) need not be taken; or
  - (b) may be taken but, in all the circumstances, it is not appropriate to take the action.
- (2) The Minister must give the proprietor written notice telling the proprietor that regulatory action will not be taken against the proprietor in relation to the matters stated in the show cause notice.
- 

**See also:**

[Minister – referral to Registration Advisory Board \(section 125\)](#)

[Taking regulatory action \(section 125A\)](#)

[Authorised Persons \(non-government\)](#)

[Review of decisions](#)



## 16. REVIEW OF DECISIONS

### Summary

1. The 2022 amendments to the *Education Act 2004* (the Act) updated material related to the review of decisions made by the Minister or the Registrar.

Note: The section of the Act relating to *Notification and review of decisions* does not apply to decisions made by ACT Non-government School decision makers.

### Extracts from legislation and regulation relating to reviews of decisions

#### 138. Internal review notices

##### *s. 141 – Education Act 2004*

If a decision-maker makes an internally reviewable decision, the decision-maker must give an internal review notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

**Note 1** The decision-maker must also take reasonable steps to give an internal review notice to any other person whose interests are affected by the decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67B).

**Note 2** The requirements for internal review notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](#).

#### 139. Schedule 1 Reviewable decisions

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision-maker
15	88	refuse in-principle approval	applicant for in-principle approval	Minister
16	92 (2)	refuse to register non-government school	applicant for registration of school	Minister
17	93	register non-government school subject to condition	applicant for registration of school	Minister

18	101 (3)	refuse to amend non-government school's registration	proprietor of non-government school	Minister
19	102 (1)	amend non-government school's registration subject to condition	proprietor of non-government school	Minister
20	120	give compliance direction	proprietor of non-government school	Registrar
21	125A	take regulatory action	proprietor of non-government school	Minister

#### 140. APPLICATIONS FOR INTERNAL REVIEW

*s. 142 – Education Act 2004*

- (1) The following may apply to the decision-maker for review of an internally reviewable decision:
  - (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
  - (b) any other person whose interests are affected by the decision.
- (2) The application must—
  - (a) be in writing; and
  - (b) state the applicant's name and address; and
  - (c) set out the applicant's reasons for making the application.
- (3) The application must be given to the decision-maker within—
  - (a) 28 days after the day the applicant is given the internal review statement; or
  - (b) a longer period allowed by the internal reviewer before or after the end of the 28-day period.

#### 141. APPLICATIONS NOT STAY REVIEWABLE DECISIONS

*s. 143 – Education Act 2004*

Making an application for internal review of an internally reviewable decision does not affect the operation of the decision.

## 142. INTERNAL REVIEW

### *s. 144 – Education Act 2004*

- (1) If application is made for internal review of an internally reviewable decision, the decision-maker must arrange for someone else (the internal reviewer) to review the decision.
- (2) The internal reviewer must, within 28 days after the decision-maker receives the application for internal review—
  - (a) confirm the decision; or
  - (b) vary the decision; or
  - (c) set aside the decision and substitute its own decision.
- (3) If the decision is not varied or set aside within the 28-day period, the decision is taken to have been confirmed by the internal reviewer.

## 143. REVIEWABLE DECISION NOTICES

### *s. 145 – Education Act 2004*

If a decision-maker makes a reviewable decision, the decision-maker must give a reviewable decision notice to—

- (a) for a decision in relation to an internally reviewable decision—each entity that is given an internal review notice; or
- (b) for a decision made personally by the Minister or director-general—each entity mentioned in schedule 1, column 4 in relation to the decision.

**Note 1** The decision-maker must also take reasonable steps to give a reviewable decision notice to anyone whose interests are affected by the decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

**Note 2** The requirements for reviewable decision notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](#).

## 144. APPLICATIONS TO ACAT

### *s. 145A – Education Act 2004*

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4;
- (b) any other person whose interests are affected by the decision.

**Note** If a form is approved under the [ACT Civil and Administrative Tribunal Act 2008](#) for the application, the form must be used.

**See also:**

[Authorised Persons \(non-government\)](#)

[Regulatory Actions](#)

## 17. TRANSITIONAL ARRANGEMENTS

### Summary

1. The 2022 amendments to the *Education Act 2004* (the Act) include a number of transitional arrangements which will expire in December 2023.
2. If a Non-government school (NGS) is registered under the pre-amendment Act, no action may be taken against the school for failing to comply with Registration Standards or the requirement to keep and make records about complying with any Registration Standards for the period 20 December 2022 to 20 September 2023, that is, the first 9 months following the commencement day.

Note: This 'grand-father clause' does not apply to requirements that are not part of the Registration Standards including, but not limited to, the use of the *Student Movement Register*, requirements relating to amendments to registration, and student behaviour management.

Note: NGS are expected to comply with the Registration Standards from the date of the amended legislation's commencement.

### Extracts from legislation and regulation

#### 145. REGISTER OF NON-GOVERNMENT SCHOOLS

*s. 311C – Education Act 2004*

The register of non-government schools kept under the pre-amendment Act, section 79 is, on the commencement day, taken to be the register of non-government schools under section 106.

#### 146. APPLICATION FOR IN-PRINCIPLE APPROVAL FOR REGISTRATION OF SCHOOL AT ADDITIONAL EDUCATIONAL LEVEL—GENERALLY

*s. 311G – Education Act 2004*

(1) This section applies if—

- (a) before the commencement day, a person applied for in-principle approval for registration of a non-government school at an additional educational level under the pre-amendment Act, section 83; and
- (b) the school either—

- (i) had not previously provided that level of education; or
  - (ii) had provided that level of education, but not for 2 years or more before the date of the application; and
- (c) immediately before the commencement day, the application had not been —
  - (i) withdrawn by the applicant; or
  - (ii) decided by the Minister.
- (2) The application is, on the commencement day, taken to be an application to amend the school's registration under section 97.

#### **147. REGISTRATION OF SCHOOL**

##### *s. 311M – Education Act 2004*

- (1) This section applies if, immediately before the commencement day, a non-government school was registered under the pre-amendment Act, section 88 (including registration renewed under the pre-amendment Act, section 97).
- (2) Subject to subsection (3), the school is, on the commencement day, taken to be registered under section 92.
- (3) The school's registration —
  - (a) does not expire on the day stated in the old registration, but continues until the registration is cancelled or surrendered; and
  - (b) is subject to the conditions mentioned in section 93; and
  - (c) is otherwise subject to any conditions on the registration that are not inconsistent with the conditions mentioned in section 93.
- (4) However, no action under this Act may be taken against the school for failing to comply with the conditions mentioned in section 93 (a) and (b) during the first 9 months following the commencement day.
- (5) The registrar must give the proprietor of the school a revised registration certificate for the school in accordance with section 95.

#### **148. APPLICATION FOR REGISTRATION OF SCHOOL AT ADDITIONAL EDUCATIONAL LEVEL—GENERALLY**

##### *s. 311P – Education Act 2004*

- (1) This section applies if —
  - (a) before the commencement day, a proprietor of a registered school applied for registration of the school at an additional educational level under the pre-amendment Act, section 89; and
  - (b) the school either —
    - (i) had not previously provided that level of education; or

- (ii) had provided that level of education, but not for 2 years or more before the date of the application; and
- (c) immediately before the commencement day, the application had not been—
  - (i) withdrawn by the applicant; or
  - (ii) decided by the Minister.
- (2) The application is, on the commencement day, taken to be an application to amend the school's registration under section 97.

### 149. GROUNDS FOR REGULATORY ACTION

#### *s. 311R – Education Act 2004*

- (1) This section applies if the Minister—
  - (a) is satisfied on reasonable grounds that, within the 12 months immediately before the commencement day, a condition of a school's registration under the pre-amendment Act, section 91 had been contravened; and
  - (b) the Minister had not cancelled the school's registration in relation to the contravention under the pre-amendment Act, section 95.
- (2) The Minister may take regulatory action against the proprietor of the registered school in relation to the contravention under section 122.

### 150. REGISTER OF ENROLMENTS AND ATTENDANCES—NON-GOVERNMENT SCHOOLS

#### *s. 311S – Education Act 2004*

- (1) A register of enrolments and attendances kept by the principal of a registered school under the pre-amendment Act, section 99 is, on the commencement day, taken to be a register of enrolments and attendances under section 125E, definition of **register of enrolments and attendances**, paragraph (a).
- (2) A register of enrolments and attendances kept by a person conducting an approved educational course (non-government) under the pre-amendment Act, section 99 is, on the commencement day, taken to be a register of enrolments and attendances under section 125E, definition of **register of enrolments and attendances**, paragraph (b).

### 151. APPOINTMENT OF AUTHORISED PERSONS (NON-GOVERNMENT)

#### *s. 311T – Education Act 2004*

An appointment of an authorised person (non-government) under the pre-amendment Act, section 119, that is in force immediately before the commencement day is, on the commencement day, taken to be an appointment of an authorised person (non-government) under section 125M.

## 18. INDEX

### Authorised persons (non-government)

abrogation of privilege against self-incrimination .....	81
consent to entry .....	79
entry to premises .....	79
functions .....	78
general powers on entry to premises .....	80
power to obtain information .....	81
producing registers of enrolments and attendances – approved educational courses (non-government) .....	82
producing registers of enrolments and attendances – registered schools .....	78
warning to be given .....	82

### Enrolment and Attendance

approval statement—application .....	72
approval statement—duration .....	73
approval statement—revocation .....	73
child of compulsory education age—participation requirement .....	70
child of compulsory education age—school attendance requirement .....	69
compulsory education – does not apply ...	69
contents of compliance notice .....	73
contravention of information and compliance notices .....	74
exemption certificate—application .....	72
giving compliance notice .....	73
giving information notice .....	71
keeping register of enrolments and attendance – registered schools .....	75
keeping registers of enrolments and attendances – approved educational courses (non-government) .....	75
meaning of full-time participation in education course .....	70
meaning of participates in education course .....	69
meaning of register of enrolments and attendances .....	74
nonattendance at registered schools .....	75
parents' responsibility .....	69
participation requirement—absence .....	71

participation requirement—exclusion .....	71
participation requirement—suspension ...	71

### Managing Student Behaviour

apply natural justice and procedural fairness .....	47
communicating with students and parents .....	47
definitions .....	46
ensure the student has support during decision making process .....	47
exhausting all reasonable alternatives .....	46
making a decision .....	46
meaning of unsafe or noncompliant behaviour .....	45
no other reasonable alternative .....	46
notification not required in certain circumstances .....	47
student and parents information regarding decision-making process .....	47
unacceptable risk to the safety or wellbeing .....	45
unsafe or noncompliant .....	45
unsafe or noncompliant even if the behaviour does not happen on school premises or during school hours .....	46
written notice need not be given .....	47

### Managing Student Behaviour - Exclusion

Catholic system schools – counselling .....	60
Catholic system schools – involving student and parents .....	59
Catholic system schools – notice .....	58
Catholic system schools – principal's recommendation .....	59
director may exclude a student from enrolling at any Catholic system school	58
exclusion—Catholic system schools .....	58
principal's recommendation requires information regarding proposed exclusion .....	59
the principal of a Catholic system school give written notice, about the proposed exclusion .....	59

### Managing Student Behaviour - Expulsion ...63

before taking the proposed action .....	65
Catholic system schools–principal’s recommendation .....	64
counselling .....	65
decision maker for a Catholic system school or an independent school may expel ....	63
decision-maker must tell the student and provide written notice, about the expulsion .....	64
involving student and parents .....	64
notice.....	64
reasonable opportunity to attend counselling .....	65

## Managing Student Behaviour - Suspension 51

after total of 7 days student is given opportunity to attend counselling.....	54
Catholic system school with a delegated principal.....	53
Catholic system school without a delegated principal.....	53
Catholic system schools – delegation.....	54
decision maker must not suspend.....	51
decision maker must tell the student and give a revised suspension notice .....	54
decision-maker gives/stated in suspension notice .....	52
decision-maker may suspend .....	51
educational support during the period of suspension .....	54
end day stated in the suspension notice or 20 days after suspension begins.....	52
give the student’s parents written notice about the suspension.....	54
Information regarding proposed suspension .....	52
involving student and parents .....	53
make any reasonable adjustments to support the student .....	54
principal of an independent school proposes to suspend.....	53
review any reasonable adjustments for the student .....	54
review of student’s circumstances .....	54
revise the suspension.....	54
student’s behaviour presents an immediate or imminent risk of harm .....	53
suspension - government and Catholic system schools–principal’s recommendation .....	52
suspension - student’s education and counselling .....	54

Suspension length.....	52
suspension must not start immediately after another suspension end .....	52
suspension notice .....	51
suspension to ensure safe and effective learning environment .....	51
telling student and parents orally about the proposed suspension.....	53
without a delegated principal.....	52
written notice (suspension notice).....	51
written notice, about the proposed suspension .....	53

## Navigating the regulatory framework for ACT Non-government Schools

interim guidelines .....	6
--------------------------	---

## Next steps ..... 7

## Non-government Schools–principles ..... 5

### Other provisions

approved educational courses – registered schools .....	76
notification of parents .....	77
obligations on parents .....	77
offences on school premises .....	76

### Record keeping and Reporting requirements

annual statement is made available to the public.....	66
annual statement of compliance.....	66
proprietor must tell the registrar within 7 days after the change happens .....	68
proprietor must update details .....	68
student movement event - information to be collected.....	67
student movement event - information to be recorded within 5 days of event happening .....	67
student movement register.....	66
student movement register - establish procedures for recording information ..	67
student movement register - procedures .	66
student movement register – procedures	67
student movement register – record information .....	67

### Registrar

appointment .....	7
concern - referral to school .....	14
concern - withdrawn.....	13
concern raised is frivolous .....	13
consider each concern raised.....	42
functions .....	12



referral to school - registrar responsibility if concern raised.....	14	procedure .....	43
<b>Registration - amendment</b>		Registrar - compliance direction .....	44
application.....	39	Registrar - information about how school may comply.....	44
conditions.....	40	Registrar - refer the matter to RSAB .....	44
decision on application .....	12	Registrar - take no further action .....	44
further information.....	40	Registrar to report concerns to RSAB.....	42
Minister may impose or amend a registration condition .....	40	Registrar's action on completing registration review .....	44
proprietor must apply for registrable changes .....	39	<b>Registration Standards.....</b>	<b>16</b>
referral to RSAB.....	8	conditions .....	16
<b>Registration - Establishing a new NGS</b>		guidelines.....	12, 16
In principle approval—application.....	29	<b>Registration Standards - Compliance with Territory and Commonwealth law</b>	
In principle approval—decision on application.....	30	notify Registrar of any actions taken.....	26
In principle approval—further information .....	30	<b>Registration Standards - Educational Programs</b>	
registration—application.....	31	access to information .....	22
registration—decisions on application.....	32	additional courses.....	22
registration—further information .....	32	Australian curriculum - ACARA .....	22
registration—referral to Registration Standards Advisory Board.....	32	Board of Senior Secondary Studies .....	22
<b>Registration - Existing NGS</b>		consults with parents, students and staff educational programs.....	22
offence—operate registered school other than within scope of registration .....	35	curriculum .....	21
offence—operate unregistered non-government school .....	34	curriculum framework.....	21
register of registered non-government schools.....	35	educational performance .....	22
registration—register and registration certificate .....	34	educational performance – assessed, monitored and recorded .....	22
<b>Registration - Notifiable Changes</b>		educational program accessibility .....	22
proprietor must tell Registrar about any intended changes to operation of the school .....	37	learning outcomes for students with disability or complex needs .....	23
urgent temporary change .....	38	level of education - Kindergarten to Year 10 .....	21
urgent temporary change notification .....	38	level of education - Year 11 and Year 12... ..	21
<b>Registration Review</b>		levels of educational courses.....	22
after concern raised .....	42	processes for making reasonable adjustments .....	23
annual review program.....	42	processes to support all students.....	23
apply natural justice and procedural fairness .....	43	reasonable adjustments – students with disabilities and complex needs.....	22
comply with the registration review guidelines .....	43	student learning outcomes.....	23
further information or verification .....	43	written reports for students.....	23
guidelines .....	43	<b>Registration Standards - Existing NGS</b>	
guidelines developed in consultation .....	43	registration—duration.....	34
meaning.....	41	<b>Registration Standards - Governance</b>	
		annual statement.....	19
		annual statement publicly available .....	19
		complaints - consultation with parents.....	20
		complaints - impact on students .....	20

complaints - natural justice.....	20	encouraging attendance.....	24
complaints - policy .....	20	national principles for child safe organisations.....	24
complaints - procedural fairness .....	20	protection from harm.....	23
consultation behaviour management .....	19	safe and effective learning environment. .	24
consultation complaints policy .....	19	written behaviour policy.....	24
consultation enrolment policy.....	19	written behaviour procedures.....	24
consultation regarding school processes ..	19		
consultation with parents - complaints policy .....	20	<b>Registration Standards Advisory Board</b>	
consultation with parents - enrolment policy .....	20	advice to Minister .....	8, 11
continuous improvement .....	19	functions .....	10
enrolment - contracts .....	20	referral by Registrar .....	11
enrolment - end of contract .....	20	<b>Regulatory action</b>	
enrolment - natural justice .....	20	grounds for taking regulatory action.....	83
enrolment - policy.....	20	meaning of regulatory action .....	83
enrolment - procedural fairness.....	20	not taking regulatory action .....	85
enrolment procedures .....	20	notification of proposed regulatory action	84
financial records audited annually.....	18	referral to RSAB .....	8
financial records available to Registrar.....	18	Registrar – referral to Registration Standards Advisory Board .....	84
financial requirements.....	18	taking regulatory action.....	9
financial viability.....	18	when cancellation takes effect.....	84
governance structure.....	18	<b>Review of decisions</b>	
governing body of school.....	18	applications for internal review.....	87
incorporation .....	18	applications not stay reviewable decisions	87
not-for-profit.....	18	applications to ACAT .....	88
policies and procedures.....	19	internal review .....	88
policies and procedures made available to Registrar .....	19	<b>internal review notices</b> .....	86
principal day to day control .....	18	reviewable decision notices .....	88
published on the school's website .....	19	<b>schedule 1 Reviewable decisions</b> .....	86
<b>Registration Standards – Guidelines</b>		<b>Territory and Commonwealth laws</b>	
consultation .....	7	ACT Teacher Quality Institute Act 2010 ....	26
<b>Registration Standards - Operational requirements</b>		Australian Education Act 2013 (Cwlth).....	26
buildings, facilities, and grounds .....	27	Children and Young People Act 2008 .....	26
compliance with Territory and Commonwealth laws .....	25	Disability Discrimination Act 1992 (Cwlth)	26
compliance with Working with Vulnerable People (Background Checking) Act 2011 .....	27	Education Act 2004.....	26
educational facilities .....	28	Human Rights Act 2004 .....	26
emergency management plan.....	28	Ombudsman Act 1989.....	26
residential boarding services .....	28	Privacy Act 1988 (Cwlth).....	26
suitability of key individuals for the proprietor.....	26	Senior Practitioner Act 2018 .....	26
teaching staff.....	27	Work Health and Safety Act 2011 .....	26
<b>Registration Standards - Safety and Welfare</b>		Working with Vulnerable People (Background Checking) Act 2011 .....	26
behaviour management policy and procedures .....	24	<b>Transitional arrangements</b>	
		application for in principle approval for registration of school at additional educational level—generally .....	89
		application for registration of school at additional educational level—generally	90

NAVIGATING THE REGULATORY FRAMEWORK FOR ACT NON-GOVERNMENT SCHOOLS

appointment of authorised persons (non-government) .....	91	register of enrolments and attendances—	
grounds for regulatory action.....	91	non government schools .....	91
		register of non-government schools .....	89
		registration of school.....	90



November 2022