



New South Wales

Education Amendment (Non-Government Schools Registration) Bill 2004

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Education Act 1990* to provide more rigorous standards for registration of non-government schools by:

- (a) enhancing the criteria for the registration of non-government schools, including new requirements relating to teaching staff standards and annual public reporting, and
- (b) reducing, from 2 years to 12 months, the maximum period for which the initial period of registration for a non-government school may be granted, and
- (c) reducing, from 6 years to 5 years, the maximum period for which the renewal of registration of a non-government school may be granted, and
- (d) making it clear that the initial period of registration for a non-government school is given on a provisional basis, and

- (e) providing that the Minister for Education and Training may, on the recommendation of the Board of Studies, reduce the duration of the initial period of provisional registration, or the period of renewal of registration, of a non-government school, and
- (f) providing that the Board of Studies may reduce the period of accreditation of a non-government school, and
- (g) requiring the Board of Studies and at least one responsible person for a school to be notified if the proprietor, principal or member of a governing body of a non-government school is convicted of certain offences, becomes bankrupt or otherwise takes the benefit of any law for the relief of bankrupt or insolvent debtors or becomes a mentally incapacitated person, and
- (h) providing daily penalties for certain continuing offences.

The Bill also amends the *Education Act 1990*:

- (a) to provide for courses of study in key learning areas in both government and non-government schools to be based on, and taught in accordance with, syllabuses developed or endorsed by the Board of Studies and approved by the Minister for Education and Training, and
- (b) in other minor and consequential respects described in the Outline of provisions below.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Education Act 1990*.

Schedule 1 Amendments

Schedule 1 [1] amends section 3 of the *Education Act 1990* (the *Principal Act*) to insert definitions of *distance education* and *responsible person*, which are used in proposed sections 47 (b), (c) and (k) (**Schedule 1 [9]**) and 63A (**Schedule 1 [20]**).

A *responsible person* for a school is defined to mean:

- (a) the proprietor of a school and, if the proprietor is a corporation, each director or person concerned in the management of the school, or
- (b) a member of the governing body of a school, or
- (c) the principal of a school.

Sections 8 and 10 of the Principal Act provide for the minimum curriculum requirements for primary school children and secondary school children (during Years 7 to 10), respectively. The requirements (which apply to both government and non-government schools) provide that courses of study in a key learning area may (but need not) be taught in accordance with a syllabus developed or endorsed by the Board of Studies and approved by the Minister for Education and Training (see sections 8 (1) (f) and 10 (1) (e)). **Schedule 1 [4]** amends section 8 (1) (f) of the Principal Act in relation to the primary education curriculum to provide that courses of study in a key learning area are to be based on, and taught in accordance with, such a syllabus. **Schedule 1 [6]** makes an equivalent change to section 10 (1) (e) of the Principal Act in relation to the secondary education curriculum for Years 7 to 10.

Schedule 1 [2] amends the definition of *proprietor* in section 3 (1) as a consequence of proposed section 47 (a) (to be inserted by **Schedule 1 [9]**).

Schedule 1 [3] amends section 3 of the Principal Act to provide that notes included in the Act do not form part of the Act.

Schedule 1 [5] amends section 8 of the Principal Act to provide that the Board may approve a modification to such syllabus to enable a part of a course of study in a key learning area for primary education at a non-government school that if taught in accordance with the syllabus without the modification would be incompatible with the educational philosophy or religious outlook of the school to be taught compatibly with that educational philosophy or religious outlook. The part of the course of study at that school is to be taught in accordance with the syllabus as modified. **Schedule 1 [7]** inserts proposed section 10 (3) into the Principal Act to make similar provision in relation to secondary education during Years 7 to 10 at a non-government school.

Schedule 1 [8] amends section 44 of the Principal Act to provide that a non-government school that withdraws from a system of non-government schools and intends to apply for registration as an individual non-government school must make the application for registration within 1 month after ceasing to be a member of the system.

Schedule 1 [9] replaces section 47 of the Principal Act. Proposed section 47 provides that the requirements for the registration of a non-government school are as follows:

- (a) if the school is seeking to become registered as an individual school—the school’s proposed proprietor must be a corporation or other form of legal entity approved by the Minister,
- (b) each responsible person for the school, and any other person or body having similar functions in relation to the school as those of such a responsible person, is of good character,
- (c) any refusal to register, or cancellation of registration, of the school or any other school under section 56 or 59 occurring during the period of 5 years immediately before the application for registration is made has not been largely attributable to the actions of a responsible person or proposed responsible person for the school, or any other person or body having similar functions in relation to the management or operation of the school as those of a responsible person,
- (d) teaching staff for the school:
 - (i) have attained the standard of professional teacher competence determined by the Minister, or
 - (ii) are working towards the standard of professional teacher competence determined by the Minister and are under the direct, on-site supervision of teaching staff who have attained the necessary standard of professional teacher competence,
- (e) educational facilities are adequate for the courses of study provided at the school,
- (f) school premises and buildings are satisfactory,
- (g) a safe and supportive environment is provided for students by means including:
 - (i) school policies and procedures that make provision for the welfare of students, and
 - (ii) persons who are employed at the school being employed in accordance with the *Child Protection (Prohibited Employment) Act 1998*, and

- (iii) school policies and procedures that ensure compliance with relevant notification requirements imposed in relation to persons employed at the school by Part 3A of the *Ombudsman Act 1974* and Part 7 of the *Commission for Children and Young People Act 1998*,
- (h) school policies relating to discipline of students attending the school that are based on principles of procedural fairness, and that do not permit corporal punishment of students,
- (i) if the school provides boarding facilities, whether itself or by contractual arrangement—school policies and procedures that are satisfactory to ensure the safety and welfare of boarders,
- (j) compliance with the requirements set out in Part 3 relating to:
 - (i) in the case of a school providing primary education—the minimum curriculum for a school providing primary education, or
 - (ii) in the case of a school providing secondary education for children during Year 7 to Year 10—the minimum curriculum for a school providing any such secondary education, or
 - (iii) in the case of a school providing secondary education for children during Year 11 and Year 12—the curriculum for students who are candidates for the Higher School Certificate,
- (k) school policies and procedures are appropriate to ensure the personal and social development of students who are undertaking all or a significant part of their courses of study by means of distance education,
- (l) school policies and procedures that ensure that its participation in annual reporting (of a kind determined by the Minister following consultation with persons recognised by the Minister as having appropriate expertise in accountability matters) to publicly disclose the educational and financial performance measures and policies of the school and to provide data to the Minister that is relevant to the Minister’s annual report to Parliament on the effectiveness of schooling in the State.

Schedule 1 [10] amends section 49 of the Principal Act to provide that an application for the initial registration of a non-government school must be made to the Minister for Education and Training not later than 31 March in the calendar year before the year it is intended to commence operating the school.

Schedule 1 [12] amends section 52 of the Principal Act to reduce, from 2 years to 12 months, the maximum period for which the initial period of registration for a non-government school may be granted.

Section 59 of the Principal Act provides that the Minister may, on the recommendation of the Board of Studies, cancel the registration of a non-government school. **Schedule 1 [13], [17] and [18]** insert proposed sections 52

(4)–(6), 57 (3) and (4) and 57A, respectively, into the Principal Act to provide that, as an alternative to cancelling a non-government school's registration, the Minister may reduce the duration of the school's period of registration (whether the registration is the initial registration or a renewal of registration). The Minister may reduce the initial period of registration or renewal of registration on the recommendation of the Board. The Board may make such a recommendation only after notifying the school of the matters that need to be attended to so as to avoid the reduction. **Schedule 1 [11] and [15]** make consequential amendments. **Schedule 1 [11]** also makes it clear that initial registration is given on a provisional basis.

Schedule 1 [14] inserts proposed section 54A into the Principal Act. Proposed section 54A provides for the renewal of registration of a non-government school. Specifically the proposed section provides that:

- (a) an application for renewal of registration of a non-government school must be made at least 9 months before the school's existing registration expires (unless otherwise determined by the Board of Studies), and
- (b) the application must include information demonstrating that the school continues to satisfy the requirements for registration and that since the school's registration was granted or last renewed, the school has complied with the terms of registration.

Schedule 1 [16] amends section 57 of the Principal Act to reduce, from 6 years to 5 years, the maximum period for which the renewal of registration of a non-government school may be granted. **Schedule 1 [22]** makes a consequential amendment to section 78 with respect to exemption from the requirement to be registered under the Act.

Schedule 1 [19] amends section 60 of the Principal Act to exclude a relocation of any premises or building of the school that is unconnected with boarding facilities provided by the school for students from the requirement under the section to give notice of the relocation of a school.

Schedule 1 [20] inserts proposed section 63A into the Principal Act. Proposed section 63A provides that the Board of Studies and at least one responsible person for a school is to be notified if a responsible person or person or body having similar functions in relation to the management or operation of the school as a responsible person for a school:

- (a) is convicted of an offence punishable by imprisonment for 12 months or more, or
- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or

- (c) if the person is a corporation—is the subject of a winding up order or has had a controller or administrator appointed, or
- (d) becomes a mentally incapacitated person.

Schedule 1 [21] amends section 65 of the Principal Act to provide an additional maximum daily penalty of 5 penalty units for the continuing offence of conducting a non-government school unless the school is registered under the Act.

Schedule 1 [23] amends section 87 of the Principal Act to reduce, from 6 years to 5 years, the maximum period for which the accreditation of a non-government school may be granted. Accreditation of a non-government school allows the school to provide courses of study for students in Year 10 for the purpose of presenting candidates for the School Certificate, or Year 11 or 12 for the purpose of presenting candidates for the Higher School Certificate.

Section 91 of the Principal Act provides that the Board may cancel the accreditation of a non-government school if it is satisfied that the requirements of the Principal Act relating to the courses of study to be undertaken by candidates for a School Certificate or Higher School Certificate are not being complied with by the school. **Schedule 1 [24]** inserts proposed section 87A into the Principal Act to provide that as an alternative to cancelling a non-government school's accreditation the Board may reduce the duration of the school's period of accreditation.

Section 93 of the Principal Act requires a person who conducts a non-government school that is not, or that ceases to be, accredited to present candidates for the School Certificate or Higher School Certificate to notify the parents of the candidates that the school is not accredited for that purpose. **Schedule 1 [25]** amends section 93 to require the school to also notify the parents of the consequences for the candidates of the school not being accredited.

Schedule 1 [26] amends section 93 of the Principal Act to provide an additional maximum daily penalty of 5 penalty units for the continuing offence of conducting a non-government school for the education of candidates for the School Certificate or Higher School Certificate unless the school is accredited under the Act.

Schedule 1 [27] inserts proposed section 124A into the Principal Act. Proposed section 124A makes provision with respect to continuing offences under the Act or regulations.

Schedule 1 [28] amends section 131 of the Principal Act to enable rules to be made by the Board of Studies with respect to registration and accreditation requirements under Parts 7 and 8 of the Act.

Education Amendment (Non-Government Schools Registration) Bill 2004

Explanatory note

Schedule 1 [29] amends Schedule 3 to the Principal Act to provide power to make regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [30] amends Schedule 3 to the Principal Act to insert a proposed Part 6 to provide for savings and transitional provisions consequent on the enactment of the proposed Act.

First print



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New South Wales

Education Amendment (Non-Government Schools Registration) Bill 2004

No. , 2004

A Bill for

An Act to amend the *Education Act 1990* with respect to the registration requirements for non-government schools; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Education Amendment (Non-Government Schools Registration) Act 2004</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6 7
3 Amendment of Education Act 1990 No 8	8
The <i>Education Act 1990</i> is amended as set out in Schedule 1.	9

Schedule 1 Amendments

		1
	(Section 3)	2
[1] Section 3 Definitions		3
Insert in alphabetical order in section 3 (1):		4
<i>distance education</i> means a form of education in which		5
students and teachers are not regularly in the presence of each		6
other but communicate with each other in writing, by print or		7
by electronic or like means.		8
<i>responsible person</i> for a school means:		9
(a) the proprietor of the school and, if the proprietor is a		10
corporation, each director or person concerned in the		11
management of the school, or		12
(b) a member of the governing body of the school, or		13
(c) the principal of the school.		14
[2] Section 3 (1), definition of “proprietor”		15
Omit “person”. Insert instead “legal entity”.		16
[3] Section 3 (3)		17
Insert after section 3 (2):		18
(3) Notes included in this Act do not form part of this Act.		19
[4] Section 8 Minimum curriculum for primary education		20
Omit “may (but need not) be taught in accordance with” from		21
section 8 (1) (f).		22
Insert instead “are to be based on, and taught in accordance with,”.		23
[5] Section 8 (3) and (4)		24
Insert after section 8 (2):		25
(3) If requested to do so by the proprietor of a non-government		26
school (or, in the case of a school that is a member of a system		27
of non-government schools, the approved authority for the		28
system), the Board may approve such modifications to the		29
syllabus referred to in subsection (1) (f) as it considers		30
necessary to enable any part of a course of study in a key		31
learning area that appears to the Board to be incompatible		32
with the educational philosophy or religious outlook of the		33

	school to be based on, and taught compatibly with, that educational philosophy or religious outlook. The part of the course of study at that school is to be based on and taught in accordance with the syllabus as modified.	1 2 3 4
	(4) Any modification approved under subsection (3) must be consistent with the guidelines referred to in subsection (1) (e).	5 6
[6]	Section 10 Minimum curriculum for secondary education (Years 7 to 10)	7 8
	Omit “may (but need not) be taught in accordance with” from section 10 (1) (e).	9 10
	Insert instead “are to be based on, and taught in accordance with,”.	11
[7]	Section 10 (3) and (4)	12
	Insert after section 10 (2):	13
	(3) If requested to do so by the proprietor of a non-government school (or, in the case of a school that is a member of a system of non-government schools, the approved authority for the system), the Board may approve such modifications to the syllabus referred to in subsection (1) (e) as it considers necessary to enable any part of a course of study in a key learning area that appears to the Board to be incompatible with the educational philosophy or religious outlook of the school to be based on, and taught compatibly with, that educational philosophy or religious outlook. The part of the course of study at that school is to be based on and taught in accordance with the syllabus as modified.	14 15 16 17 18 19 20 21 22 23 24 25
	(4) Any modification approved under subsection (3) must be consistent with the guidelines referred to in subsection (1) (d).	26 27
[8]	Section 44 Withdrawal of non-government school from system	28
	Insert after section 44 (3):	29
	(3A) A school that is withdrawn from a system of non-government schools that proposes to apply for registration as an individual non-government school must make an application for renewal of registration within 1 month after ceasing to be a member of the system.	30 31 32 33 34

[9] Section 47	1
Omit the section. Insert instead:	2
47 Registration requirements for non-government schools	3
For the purposes of this Act, the requirements for the registration of a non-government school are as follows:	4 5
(a) if the school is seeking to become registered as an individual school—the school’s proposed proprietor must be a corporation or other form of legal entity approved by the Minister,	6 7 8 9
(b) each responsible person for the school, and any other person or body having similar functions in relation to the school as those of such a responsible person, is of good character,	10 11 12 13
(c) any refusal to register, or cancellation of registration, of the school or any other school under section 56 or 59 occurring during the period of 5 years immediately before the application for registration is made has not been largely attributable to the actions of a responsible person or proposed responsible person for the school, or any other person or body having similar functions in relation to the management or operation of the school to those of a responsible person,	14 15 16 17 18 19 20 21 22
(d) teaching staff for the school:	23
(i) have attained the standard of professional teacher competence determined by the Minister, or	24 25
(ii) are working towards the standard of professional teacher competence determined by the Minister and are under the direct, on-site supervision of teaching staff who have attained the necessary standard of professional teacher competence,	26 27 28 29 30
(e) educational facilities are adequate for the courses of study provided at the school,	31 32
(f) school premises and buildings are satisfactory,	33
(g) a safe and supportive environment is provided for students by means that include:	34 35
(i) school policies and procedures that make provision for the welfare of students, and	36 37

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- (ii) persons who are employed at the school being employed in accordance with the *Child Protection (Prohibited Employment) Act 1998*, and
 - (iii) school policies and procedures that ensure compliance with relevant notification requirements imposed in relation to persons employed at the school by Part 3A of the *Ombudsman Act 1974* and Part 7 of the *Commission for Children and Young People Act 1998*,
 - (h) school policies relating to discipline of students attending the school are based on principles of procedural fairness, and do not permit corporal punishment of students,
 - (i) if the school provides boarding facilities, whether itself or by contractual arrangement—school policies and procedures that are satisfactory to ensure the safety and welfare of boarders,
 - (j) compliance with the requirements set out in Part 3 relating to:
 - (i) in the case of a school providing primary education—the minimum curriculum for a school providing primary education, or
 - (ii) in the case of a school providing secondary education for children during Year 7 to Year 10—the minimum curriculum for a school providing any such secondary education, or
 - (iii) in the case of a school providing secondary education for children during Year 11 and Year 12—the curriculum for students who are candidates for the Higher School Certificate,
 - (k) school policies and procedures are appropriate to ensure the personal and social development of students who are undertaking all or a significant part of their courses of study by means of distance education,
 - (l) school policies and procedures ensure its participation in annual reporting (of a kind determined by the Minister following consultation with persons recognised by the Minister as having appropriate expertise in accountability matters):

(i)	to publicly disclose the educational and financial performance measures and policies of the school, and	1 2 3
(ii)	to provide data to the Minister that is relevant to the Minister’s annual report to Parliament on the effectiveness of schooling in the State.	4 5 6
	Note. Section 131 enables the Board to make rules setting out guidelines to assist a non-government school to comply with the requirements for registration set out in section 47.	7 8 9
[10]	Section 49 Application for initial registration of a new non-government school or a school joining a system	10 11
	Insert after section 49 (2):	12
(2A)	An application for registration of a new non-government school must be made not later than 31 March in the calendar year before the year the proposed proprietor or approved authority intends to commence operating the school.	13 14 15 16
[11]	Section 52 Initial registration provisional for a maximum period of 12 months	17 18
	Insert “is provisional and (subject to section 57A)” after “non-government school” in section 52 (1).	19 20
[12]	Section 52 (2)	21
	Omit “2 years”. Insert instead “12 months”.	22
[13]	Section 52 (4)–(6)	23
	Insert after section 52 (3):	24
(4)	If, at any time before the expiration of the initial period of registration of a non-government school, the Board is not satisfied that the requirements for its registration are being complied with, it may give a written notice under subsection (5) to the proprietor or principal of the school or, in the case of a school that is a member of a system of non-government schools, the approved authority for the system.	25 26 27 28 29 30 31
(5)	The notice:	32
(a)	is to state that the Board will recommend to the Minister that the period of initial registration be reduced under section 57A unless the matters specified in the notice have been addressed, and	33 34 35 36

	(b) may specify the time within which such matters should be addressed.	1 2
	(6) A notice may be given under subsection (5) on more than one occasion.	3 4
[14]	Section 54A	5
	Insert after section 54:	6
	54A Renewal of registration	7
	(1) The proprietor of a non-government school or, in the case of a school that is a member of a system of non-government schools, the approved authority for the system, may apply in writing to the Minister for the renewal of the registration of the school.	8 9 10 11 12
	(2) The application must be made at least 9 months before the school's existing registration is to expire, or a later date decided by the Board by written notice given to the proprietor or approved authority.	13 14 15 16
	(3) The application must include information demonstrating:	17
	(a) whether or not the school continues to satisfy the requirements for registration under section 47, and	18 19
	(b) whether or not since the school's registration was granted or last renewed, the school has complied with the terms of such registration.	20 21 22
[15]	Section 57 Duration of renewal of registration	23
	Insert "(subject to section 57A)" after "effect" in section 57 (1).	24
[16]	Section 57 (2)	25
	Omit "6 years". Insert instead "5 years".	26
[17]	Section 57 (3) and (4)	27
	Insert after section 57 (2):	28
	(3) If, at any time before the expiration of the renewal of registration of a non-government school, the Board is not satisfied that the requirements for its registration are being complied with, it may give a written notice under subsection (4) to the proprietor or principal of the school or, in the case of a school that is a member of a system of non-government schools, the approved authority for the system.	29 30 31 32 33 34 35

- (4) The notice: 1
 - (a) is to state that the Board will recommend to the Minister 2
 - that the period of renewal of registration be reduced 3
 - under section 57A unless the matters specified in the 4
 - notice have been addressed, and 5
 - (b) may specify the time within which such matters should 6
 - be addressed. 7

[18] Section 57A 8

Insert after section 57: 9

57A Reduction of period of initial registration or renewal of registration 10
11

- (1) The Minister may, on the recommendation of the Board, 12
 - reduce the duration of the initial period of registration, or 13
 - renewal of registration, of a non-government school by 14
 - issuing a further certificate of registration for the school 15
 - specifying that the period of registration has been reduced and 16
 - that the registration is now to have effect on a provisional 17
 - basis for the period specified in the further certificate. 18
- (2) The Minister may do so only if the Minister is not satisfied 19
 - that the requirements for registration are being complied with 20
 - at the non-government school. 21
- (3) The Minister may reduce the duration of the initial period of 22
 - registration, or a renewal of registration, of a non-government 23
 - school on more than one occasion. 24
- (4) A person who conducts a non-government school that has the 25
 - duration of its initial period of registration, or renewal of 26
 - registration, reduced under this section must, as soon as 27
 - practicable, notify the parents of students at the school in 28
 - writing that the period has been reduced and the consequences 29
 - of the reduction. 30

Maximum penalty: 5 penalty units. 31

[19] Section 60 Notice to be given of relocation of school 32

Insert at the end of section 60 (4) (b): 33

, or 34

- (c) the boarding facilities provided for students by the 35
 - school. 36

[20] Section 63A	1
Insert after section 63:	2
63A Board to be notified of certain matters	3
(1) A responsible person for a school, or any other person or body having similar functions in relation to the school to those of such a responsible person, who:	4
(a) is convicted of an offence punishable by imprisonment for 12 months or more, or	5
(b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	6
(c) if the person is a corporation—is the subject of a winding up order or has had a controller or administrator appointed,	7
must notify at least one other responsible person or responsible person for the school, and the Board, of the circumstances of the conviction, bankruptcy, insolvency, winding up order or appointment as soon as practicable after it occurs.	8
Maximum penalty: 5 penalty units.	9
(2) If a responsible person for a school or other person or body having similar functions as a responsible person in relation to the school becomes a mentally incapacitated person, the following persons must cause notice of the incapacity to be given to the Board and at least one other responsible person for the school:	10
(a) in the case of a responsible person who is a mentally incapacitated person and becomes a patient at an institution because of that incapacity—the medical superintendent of the institution,	11
(b) in the case of a responsible person who is a mentally incapacitated person because of being a protected person under the <i>Protected Estates Act 1983</i> —the Protective Commissioner.	12
Maximum penalty: 5 penalty units.	13

(3)	Notice under subsection (2) must be given as soon as practicable after the responsible person or other person or body having similar functions to those of a responsible person is admitted to the institution or becomes a protected person.	1 2 3 4
(4)	For the purposes of this section, notice given to any person designated by the Board as a designated person for the purposes of this section in an official notice given to schools by the Board is taken to be notice given to the Board.	5 6 7 8
[21]	Section 65 Conducting unregistered schools	9
	Omit the penalty. Insert instead:	10
	Maximum penalty: 5 penalty units and, in the case of a continuing offence, a further penalty not exceeding 5 penalty units for each day the offence continues.	11 12 13
[22]	Section 78 Certificate of exemption	14
	Omit “6 years” from section 78 (3) (a). Insert instead “5 years”.	15
[23]	Section 87 Duration of accreditation	16
	Omit “for such period (not exceeding 6 years)” from section 87 (1).	17
	Insert instead “(subject to section 87A) for such period, not exceeding 5 years,”.	18 19
[24]	Section 87A	20
	Insert after section 87:	21
87A	Reduction of period of accreditation	22
(1)	If, at any time before the expiration of the accreditation of a non-government school, the Board is not satisfied that the requirements of this Act relating to the courses of study to be undertaken by its candidates for the certificate concerned are being complied with, it may give a written notice under subsection (2) to the proprietor or principal of the school or, in the case of a school that is a member of a system of non-government schools, the approved authority for the system.	23 24 25 26 27 28 29 30

(2) The notice:	1
(a) is to state that the Board will reduce the period of accreditation of the school under subsection (3) unless the matters specified in the notice have been addressed, and	2 3 4 5
(b) may specify the time within which such matters should be addressed.	6 7
(3) If a school that receives a notice under subsection (2) fails to address the matters specified in the notice to the satisfaction of the Board (within the time, if any, specified in the notice), the Board may reduce the duration of the accreditation of the school by issuing a further certificate of accreditation for the school specifying a reduced period of accreditation.	8 9 10 11 12 13
(4) The Board may reduce the duration of the accreditation of a school on more than one occasion.	14 15
(5) The proprietor or principal of a non-government school that has its period of accreditation reduced under this section or, in the case of a school that is a member of a system of non-government schools, the approved authority for the system must, as soon as practicable after the period is reduced, notify the parents of students at the school in writing that the period has been reduced and the consequences of the reduction.	16 17 18 19 20 21 22
Maximum penalty: 5 penalty units.	23
[25] Section 93 Conducting school that is not accredited	24
Insert “and of the consequences for candidates for that Certificate of the school not being accredited for that purpose” after “purpose” in section 93 (2).	25 26 27
[26] Section 93	28
Omit the penalty. Insert instead:	29
Maximum penalty: 5 penalty units and, in the case of a continuing offence, a further penalty not exceeding 5 penalty units for each day the offence continues.	30 31 32

[27] Section 124A	1
Insert after section 124:	2
124A Continuing offences	3
(1) A person who is guilty of an offence because the person contravenes a requirement by or under this Act or the regulations (whether the requirement is imposed by a notice or otherwise) to do or cease to do something (whether or not within a specified period or before a particular time):	4
	5
	6
	7
	8
(a) continues, until the requirement is complied with and despite the fact that any specified period has expired or time has passed, to be liable to comply with the requirement, and	9
	10
	11
	12
(b) is guilty of an offence for each day the contravention continues.	13
	14
(2) This section does not apply to an offence if the relevant provision of this Act or the regulations does not provide for a penalty for a continuing offence.	15
	16
	17
(3) This section does not apply to the extent that a requirement of a notice is revoked.	18
	19
[28] Section 131 Rules of Board	20
Insert after section 131 (1):	21
(1A) Without limiting subsection (1), the rules may set out guidelines with respect to the requirements for registration and accreditation set out in Parts 7 and 8.	22
	23
	24
[29] Schedule 3 Savings, transitional and other provisions	25
Insert at the end of clause 2 (1):	26
<i>Education Amendment (Non-Government Schools Registration) Act 2004</i>	27
	28

[30] Schedule 3, Part 6	1
Insert after Part 5:	2
Part 6 Provisions consequent on enactment of Education Amendment (Non-Government Schools Registration) Act 2004	3 4 5 6
12 Registration of non-government schools	7
Sections 8, 10 and 47, as in force immediately before the commencement of Schedule 1 [4], [5], [6], [7] and [9] to the <i>Education Amendment (Non-Government Schools Registration) Act 2004</i> , continue to apply to and in respect of a non-government school that was a registered non-government school at that commencement for a period of 1 year after the commencement, or for the balance of its current registration (whichever is the shorter).	8 9 10 11 12 13 14 15
13 Certificates of registration or accreditation	16
An amendment made by Schedule 1 [12], [16], [22] or [23] to the <i>Education Amendment (Non-Government Schools Registration) Act 2004</i> does not apply to or in respect of a certificate of registration or accreditation in force immediately before the commencement of the amendment.	17 18 19 20 21