



New South Wales

## Education Amendment Bill 2008

### Explanatory note

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

### Overview of Bill

The objects of this Bill are to amend the *Education Act 1990* as follows:

- (a) to confirm that overseas students may be required to pay fees in order to attend government schools,
  - (b) to give principals of government schools the power to require proof of a child's name, age and residential address prior to the enrolment of that child at the school,
  - (c) to add the Department of Corrective Services to the list of agencies that may be asked to provide certain information about students in relation to health and safety at schools,
  - (d) to make other minor amendments in respect of admission to government schools, exemption from attendance, district councils and adult students.
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## 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 the date of assent (except as otherwise specified).

**Clause 3** is a formal provision that gives effect to the amendments to the *Education Act 1990* set out in Schedule 1.

**Clause 4** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

## Schedule 1 Amendments

### Overseas students

**Schedule 1 [6]** inserts proposed section 31A into the *Education Act 1990* (the *Principal Act*) to confirm that overseas students may be required to pay a fee in order to receive instruction, or to participate in school activities, in government schools. The Director-General may fix any such fees payable by order published in the Gazette. The proposed section allows the Director-General to vary the fees for different classes of students and to exempt certain overseas students (or classes of overseas students) from the requirement to pay a fee.

**Schedule 1 [1]** inserts a definition of *overseas student* for the purpose of proposed section 31A.

**Schedule 1 [5]** contains a consequential amendment.

**Schedule 1 [11]** contains a consequential provision to confirm the validity of the imposition of any fees or charges in relation to the attendance of an overseas student at a government school before the commencement of proposed section 31A.

### Admission to government schools

Section 34 of the Principal Act currently provides that a child may be enrolled at a government school if the child is eligible to attend the school and the school can accommodate the child. The section also provides that a child is entitled to be enrolled at the government school that is designated for the intake area within which the child's home is situated and that the child is eligible to attend.

**Schedule 1 [7]** amends section 34 to provide guidance as to the matters that may be taken into consideration in determining whether a government school can accommodate a child. The amendments to section 34 also make it clear that nothing in Part 6 (Government schools) prevents the principal of a government school from accepting an application for the enrolment of an adult at that school.

**Schedule 1 [8]** inserts proposed section 34A into the Principal Act to allow the principal of a school to require a person seeking to enrol a child at a government school to provide proof of the child's identity, date of birth and home address for the purpose of establishing a child's eligibility to attend or entitlement to be enrolled at the school. Such a requirement must be complied with in order for the child to be entitled to be enrolled at the school (unless the request cannot be reasonably complied with in the circumstances). A principal is entitled to refuse the child's enrolment at the school (and any prior enrolment may be terminated) if false or misleading information is provided in response to such a request.

### **Miscellaneous**

**Schedule 1 [2]** amends section 25 of the Principal Act to make it clear that the existing power of the Minister to exempt a child from enrolment and attendance at a school can be limited to times specified in the certificate.

**Schedule 1 [3]** adds the Department of Corrective Services to the list of agencies that may be asked to provide information to the Department of Education and Training, a non-government schools authority or a school about a particular student in order to assess whether the enrolment of the student will constitute a risk to the health or safety of any person.

**Schedule 1 [4]** makes an amendment by way of statute law revision.

**Schedule 1 [9]** amends section 115 of the Principal Act so that a district council for a specified area may be established by the Minister by order published in the Gazette (rather than being established by the Minister for an area prescribed by regulation).

**Schedule 1 [11]** contains a savings provision in relation to existing district councils.

**Schedule 1 [10]** enables regulations of a savings and transitional nature to be made as a consequence of the proposed Act.