

Queensland



Education (General Provisions) Act 1989

EDUCATION (GENERAL PROVISIONS) REGULATION 1989

**Reprinted as in force on 27 July 1994
(includes amendments up to SL No. 125 of 1994)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This Act is reprinted as at 27 July 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use gender neutral office names (s 25)
- correct spelling and use different spelling consistent with current legislative drafting practice (s 26(1) and (2))
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use expressions consistent with current legislative drafting practice (s 29)
- use appropriate names for instruments and provision units (ss 31 and 32)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (ss 36 and 39)
- omit the words of notification (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44)
- make all necessary consequential amendments (s 7(1)(k)).

Also see Endnotes for—

- **details about when provisions commenced**
- **any provisions that have not commenced and are not incorporated in the reprint**
- **further information about editorial changes made in the reprint, including—**
 - **Table of changed names and titles**
 - **Table of obsolete and redundant provisions**
 - **Table of corrected minor errors**
 - **Table of renumbered provisions.**

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[as amended by all amendments that commenced on or before 27 July 19942]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Education (General Provisions) Regulation 1989*³⁻⁸.

Interpretation

3.(1) In these regulations—

“**accredited representative**” means a representative of a religious denomination which representative has been approved by the Minister pursuant to section 30(1) of the Act, for the purpose of giving religious instruction.

“**authorised officer**” means an officer or an officer of the class of officers authorised by the Minister pursuant to section 19 of the Act to give permission for the use of a State educational institution.

“**permitted user**” means the person to whom a permission to use a State educational institution has been given pursuant to section 19 of the Act.

“**social function**” means an event or occasion—

- (a) to which persons are invited by or on behalf of the proposed permitted user; and
- (b) that happens on the premises of a State educational institution hired for the purpose by the proposed permitted user.

“**special education unit**” means that part of a State school or State preschool centre at which special education is provided by the State.

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(2) Where in this regulation any function, responsibility, power, authority or duty is conferred or imposed upon the principal of a State school, a teacher in a State school or other person whomsoever—

- (a) the chief executive may issue directions and guidelines in respect thereof; and
- (b) every principal, teacher and other person, in the exercise or performance thereof, shall observe and comply with the relevant direction or guidelines in every respect.

PART 2—SCHOOL MANAGEMENT

Management of school

4. The principal of a State school shall be the person in charge of that State school and shall be responsible for the general management of the school.

Management of staff

5. The principal of a State school shall—
- (a) regulate, apportion and supervise the work of each member of the staff of the school;
 - (b) forthwith report to the chief executive any misconduct, incompetence or insubordination on the part of a member of the staff of the school.

Work of teaching staff outside period allocated for instruction

6. The principal of a State school may require a member of the teaching staff of the school to perform school work or to supervise the activities of students outside the period allocated for instruction on a school day as the principal deems necessary in the circumstances.

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Teaching in schools

7.(1) The principal of a State school shall encourage the use of progressive teaching techniques and ensure that relevant information is disseminated to each member of the teaching staff of the school.

(2) A teacher of a State school shall perform such duties as may be allotted to the teacher by the principal.

(3) A teacher of a State school shall take an active interest in extracurricular activities.

(4) A teacher of a State school shall engage in a range of professional development activities.

Charge of school in temporary absence of principal

8. In the absence of the principal of a State school, the senior teacher on duty or such other member of staff who is nominated by the executive director shall assume the duties and responsibilities of the principal during such absence until otherwise directed by the chief executive.

Attendance at staff meetings

9. The principal of a State school may from time to time require members of the staff of the school to attend a staff meeting outside the period allocated for instruction of students on a school day.

Person undertaking course of teacher education

10. The principal of a State school shall arrange for special attention and assistance, in respect of the instruction and management of a class, to a student who is undertaking a course of teacher education and who has been assigned to the school for teaching practice.

School routine

11.(1) The principal of a State school shall be responsible for planning a satisfactory school day routine for students which, unless otherwise

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approved by the chief executive, shall provide—

- (a) for State schools, expect State preschool centres—
 - (i) that instruction shall not commence before 8.30 a.m. nor later than 9.30 a.m.; and
 - (ii) that any school day shall be for a minimum of six hours duration; and
 - (iii) a forenoon intermission of not less than 10 minutes and a midday recess of not less than 45 minutes nor more than 1 hour;
- (b) for State preschool centres—
 - (i) that instruction shall not commence before 8.30 a.m. nor later than 9.30 a.m.; and
 - (ii) that any school day shall be for a minimum of 2.5 hours duration; and
 - (iii) a forenoon intermission of not less than 10 minutes and a midday recess of not less than 45 minutes nor more than 1 hour.

(2) Subject to subsection (3), the principal may vary school routine to allow a student to be absent from school on any school day.

(3) A variation may be authorised only if—

- (a) the student's parent agrees to the student's absence from school; and
- (b) adequate supervision is arranged; and
- (c) no cost to the department is incurred without the prior approval of the executive director.

School records and reports

12.(1) For the purposes of section 28(1) of the Act, the prescribed school records and reports, which the principal of a State school shall keep or cause to be kept, are as follows—

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- (a) admission register;
- (b) class roll book;
- (c) student record cards;
- (ca) register of school excursions;
- (d) register of time lost;
- (e) ancillary staff timebook;
- (f) current work programs;
- (g) accident register;
- (h) medication register;
- (i) electrical safety inspections register;
- (j) punishment register;
- (k) certificate of transfer book;
- (l) records of school stock;
- (m) edquip register;
- (n) playground equipment inspection register;
- (o) account books;
- (p) Education Office Gazette;
- (q) Administrative Instructions;
- (r) religious instruction register;
- (s) register of duty performed (supply teachers);
- (t) instrumental music instructors' timebook;
- (u) log book of emergency evacuation drills;
- (v) official letters, memoranda, reports and necessary duplicates of returns and reports of inspection.

(2) The principal of a State school shall, from time to time, prepare and dispatch to the chief executive such returns as the chief executive may require.

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(3) The chief executive may authorise the principal of a State school to keep, where practicable, prescribed records upon computer-based information systems.

Accident register

13. A principal shall—

- (a) keep a record of accidents occurring upon the premises of a State school; and
- (b) forward promptly to the chief executive, in the form approved by the chief executive a report of each accident where any person has sustained an injury and the circumstances indicate the possibility of litigation.

Reports on students in State schools

14.(1) The chief executive shall prepare or cause to be prepared and issued to eligible applicants reports in respect of students in State schools—

- (a) for the purposes of litigation; or
- (b) for the purpose of supporting students who are candidates in competitions; or
- (c) for the purpose of providing background on students for media purposes; or
- (d) for any other purpose, but not being reports made periodically and in the normal course of school administration made to parents relating to results and progress of students.

(1A) For the purposes of this section—

“eligible applicant” is a person who satisfies the chief executive that—

- (a) the person has or, where the applicant is a professional person making application for a fee-paying client, that the client has, a sufficient interest in the subject matter of the proposed report;
- (b) it is appropriate in all the circumstances that the proposed report should be prepared and issued to the person.

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(2) The fees payable in respect of reports prepared pursuant to subsection (1) are—

- (a) for a report of 1 000 words or less—\$75;
- (b) for a report of more than 1 000 words but less than 2 000 words—\$100;
- (c) for a report of 2 000 words or more—\$150.

Instruction for overseas students

15.(1) Subject to the provisions of section 76 of the Act, upon application and payment of the prescribed fee, an applicant from an overseas country, with the approval of the chief executive first had and obtained, may be enrolled in an approved course in a State school.

(2) For the purposes of this section—

“**applicant**” means a person—

- (a) who is from an overseas country and who is able to—
 - (i) live in the State and attend a State school; or
 - (ii) attend by enrolling in the School of Distance Education or any other State educational institution offering distance education; and
- (b) who, in the opinion of the chief executive—
 - (i) is fully supported financially;
 - (ii) is academically qualified to be enrolled;
 - (iii) has an adequate standard of English;
 - (iv) is of good health;
 - (v) has been adequately provided for with respect to student accommodation, welfare and supervision arrangements.

(3) The maximum annual prescribed fee is—

- (a) under subsection (2)(a)(i)—

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	Regular Admissions	Special Education
	\$	\$
Preschool	2 550	4 860
Years 1 to 7	5 100	8 270
Years 8 to 10	6 150	9 350
Years 11 to 12	7 200	10 390

(b) under subsection (2)(a)(ii)—

	\$
Preschool	5 250
Years 1 to 7	5 250
Years 8 to 10	6 600
Years 11 to 12	7 730

(4) For the purposes of this section, application shall be made in the form approved by the Minister.

Classification of schools

16.(1) State schools shall be classified as from 1 January in each year in accordance with the principles contained in the Teachers' Award—State.

(2) However, to avoid undue movement of teachers, the chief executive may classify a State school into a higher class where the chief executive considers that such State school will meet the criteria determined for such classification within that calendar year.

Student vacations

17. Student vacations to be observed in a State school shall be those days as approved from time to time by the Minister and published on calendars in the Education Office Gazette.

Additional holidays

18. Additional holidays which shall be observed in a State school include—

- (a) the holiday appointed annually for 1 local show or carnival; and

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- (b) holidays granted by the Governor-General, the Governor, the Premier, the Minister for Education, and other Ministers—however, a holiday granted to a State school in accordance with the provisions of this paragraph shall be observed only by the students of such school; and
- (c) public holidays notified pursuant to the *Holidays Act 1983*.

PART 3—PROPERTY MANAGEMENT

Use of State educational institutions

19.(1) An application for the use of a State educational institution shall be made to an authorised officer.

(2) For the purposes of section 19(1) of the Act, the prescribed conditions for the use of a State educational institution shall be as follows—

- (a) the proposed use of the premises is not likely to interfere with the ordinary work of the institution or to cause damage to the premises or injury to any person thereon;
- (b) the permitted user must not cause or permit liquor to be taken onto the premises unless—
 - (i) the proposed use of the premises is for a social function; and
 - (ii) the permitted user has—
 - (A) obtained the written approval of an authorised officer under section 19A; and
 - (B) has complied with the conditions of the approval;
- (c) any furniture or apparatus which it may be necessary to move shall be moved and replaced at the conclusion of the use of the premises at the expense and risk of the permitted user;
- (ca) however, no fixtures shall in any case be moved without the prior written consent of an authorised officer;

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- (d) the permitted user shall not cause or permit motor vehicles to enter onto playing fields or other areas of the premises not specifically constructed for the passage or parking of such vehicles without the prior consent of an authorised officer;
- (e) where the authorised officer to whom the application to use the premises is made is of the opinion that there is a likelihood of personal injury being sustained by any person having regard to the proposed use of the premises, the permitted user shall take out public risk liability and personal accident insurance policies in the amount determined by the authorised officer and shall, when requested by an authorised officer, produce satisfactory evidence of such insurance cover being held;
- (f) the permitted user shall pay the hiring fee of \$5 or such other amount not exceeding \$500 per day determined by an authorised officer and, in the case of a State school, after consultation with the association for the school concerned;
- (fa) an amount of \$20 or such other amount, not exceeding \$100, as may be determined by the authorised officer to defray the cost of cleaning shall be deposited by the permitted user—if the premises are left clean to the satisfaction of an authorised officer that amount shall be returned, otherwise it shall be retained and used to defray the cost of necessary cleaning;
- (g) the permitted user shall be responsible for and shall forthwith arrange for the repair of any damage which has occurred during the permitted user's use of the premises and such repair shall be completed to the satisfaction of the authorised officer;
- (h) any attention to the premises beyond that necessary as a result of normal use shall be the responsibility of the permitted user;
- (i) in the case of a permission to use a sports facility—
 - (i) the permission shall be limited to 1 season only and shall be subject to review at any time; and
 - (ii) a toilet block adjacent to the sports facility shall be made available at the same time as the facility; and

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- (iii) the permitted user may be required to use his or her own equipment; and
- (iv) the permitted user shall not sub-let the sports facility;
- (j) in the case of the use of the premises as a polling place—
 - (i) the premises shall be used for that purpose only; and
 - (ii) no stall shall be erected and no goods or produce sold on polling day at any location within the premises which, in the opinion of the local returning officer or presiding officer, interferes with the movement of voters to or from polling booths; and
 - (iii) arrangements for the cleaning of the premises set apart as polling booths, for the replacing of furniture and for the repairing of any damage caused through the elections shall be made by the local returning officer or presiding officer with an authorised officer.

Approval for liquor to be taken onto premises of a State educational institution

19A.(1) A proposed permitted user may apply to an authorised officer for approval for liquor to be taken onto the premises of a State educational institution.

(2) The application must be in writing.

(3) If the authorised officer grants the application, the officer must give the applicant written approval.

Agreement of parents and citizens association

19B.(1) This section applies if—

- (a) an application to take liquor onto premises relates to premises that are a State school; and
- (b) the school has a parents and citizens association.

(2) The authorised officer may approve the application only if the parents

and citizens association has agreed to—

- (a) the social function being held on the premises; and
- (b) liquor being taken onto the premises; and
- (c) any proposed conditions of approval.

Dry area under local community law

19C.(1) In this section—

“**community area**” has the meaning given by the *Liquor Act 1992*;

“**Council**” has the meaning given by the *Liquor Act 1992*.

(2) The authorised officer must not approve an application to take liquor onto premises if—

- (a) under section 191(2) of the *Liquor Act 1992*, a Council has declared its community area or a part of its community area as a dry area; and
- (b) the premises are in the area or part declared as a dry area.

Limitation on use of State educational institutions for commercial and propaganda purposes

20.(1) The principal or other person in charge of a State educational institution or an authorised officer shall not allow the use of his or her official position in any way that may be construed, directly or indirectly, as an advertising or propaganda medium.

(2) A State educational institution shall not be used for commercial or propaganda purposes except in the circumstances and to the extent permitted under subsections (3) and (4) and for the provision of curriculum services approved by the chief executive.

(3) A person shall not distribute any form of written material in a State educational institution unless the person has been given permission to do so by the principal or other person in charge or an authorised officer.

(4) The principal or other person in charge or an authorised officer, as the

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case may be, may permit—

- (a) a performing artist to perform for remuneration in a State educational institution—however, such performance has been assessed as suitable by an officer authorised by the chief executive and by the Queensland Arts Council or by an assessment committee established for that purpose;
- (b) a commercial photographer to visit at State educational institution to photograph class groups—however, the commercial photographer shall not take photographs of individual students or family groups;
- (c) an association to use the premises of a State school as the venue for a fund-raising activity which, but for this subsection, would otherwise be prohibited as being a commercial purpose—however—
 - (i) the greater part of any income directly generated by that activity will accrue to the association; and
 - (ii) the prescribed conditions for the use of school premises are observed.

Care of property

21. The principal or other person in charge of a State educational institution or any teacher shall exercise due supervision over the care and conditions of the premises and equipment of such State educational institution, and shall make arrangements for the care of such premises and equipment by another teacher or officer during his or her absence.

Reporting of hazardous circumstances

22. The principal or other person in charge of a State educational institution shall report to the chief executive any circumstances likely to be injurious to the health of the persons, including students in the principal's or other person's charge, in attendance at that State educational institution or likely to be detrimental to the premises or the equipment thereon.

PART 4—RELIGIOUS INSTRUCTION

Application for approval of representative

23.(1) An application for an accredited representative of a religious denomination to be approved pursuant to section 30(1) of the Act shall be made in writing.

(2) An accredited representative, when requested by the principal of a State school, shall produce to the principal the approval given under section 30(1) of the Act.

Authorised religious instruction

24. A minister of religion or an accredited representative shall give only such religious instruction as is authorised by the religious society or denomination the minister or accredited representative represents.

Appointment of day of religious instruction

25.(1) The principal of a State school shall appoint a day on which in each week religious instruction shall be given.

(2) Subject to section 11, the principal of a State school shall provide for a period of not less than 30 minutes but not more than 45 minutes per week for a minister of religion or an accredited representative to give religious instruction.

Students to attend religious instruction

26.(1) The principal of a State school shall not permit a student to attend religious instruction given by a minister of religion or an accredited representative who represents a religious society or denomination different from that of which the student is a member, unless the parent has given written consent

(2) However, students may attend classes arranged for students of more

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than 1 denomination by agreement of the ministers of the religious denominations concerned.

Bringing and leaving sectarian publications on State school premises

27.(1) A person other than a minister of religion or an accredited representative shall not bring or use upon State school premises any sectarian or denominational publications.

(2) A minister of religion or an accredited representative shall not leave upon State school premises any sectarian or denominational publication used by the minister or accredited representative for the purpose of giving religious instruction.

Students withdrawn from religious instruction

28. The principal of a State school shall arrange for a student who has been withdrawn from all religious instruction by the student's parent to receive other instruction in a separate location during the period provided for religious instruction.

Register of ministers and accredited representatives

29. The principal of a State school shall keep a register of the ministers of religion or accredited representatives who attend the school and the dates and time of attendance.

Selected Bible lessons

30. The principal of a State primary or State special school shall provide a period of $\frac{1}{2}$ hour per week for religious instruction in selected Bible lessons from a separate reading book provided by the department for such purpose.

PART 5—STUDENT ADMINISTRATION

Record of attendance

31.(1) The principal of a State school shall maintain a record of attendance for each morning and afternoon session.

(1A) However, if an absence occurs during a session which does not exceed half such session, the student's attendance shall be recorded as attendance for $\frac{1}{2}$ of a school day and if a student's attendance is recorded for 2 such attendances whether on the same day or on different days such attendances shall be recorded as 1 day.

(2) The principal of a State school shall bring to the attention of a parent of the student concerned the continued absence from school of that student, where such absence occurs without a valid reason, and require explanation of such continued absence.

(3) If a parent desires that his or her child should receive medical or dental treatment during a school day, the principal shall grant such student leave of absence for that purpose and, provided that satisfactory evidence of the visit is produced, the principal shall record, with appropriate annotation, such student as being in attendance.

(4) The principal of a State school may grant a student leave of absence during a school day for such student to receive specialised instruction but in such case that student shall not be regarded as being in attendance for the period of time of such absence.

Compulsory attendance

32.(1) At the end of each month, the principal of a State school or a non-State school shall compile, in duplicate, in the form approved by the Minister, a list of the names of all children of the age of compulsory attendance—

(a) who have—

- (i) not attained the age of 10 years living within a distance of 3.2 km of that school or within 1.6 km of a satisfactory means of conveyance to that school; and
- (ii) attained the age of 10 years living within a distance of 4.8 km of that school or within 3.2 km of a satisfactory

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means of conveyance to that school; and

- (b) who are enrolled at that school; and
- (c) who have not attended school the full number of school days during that month and who have no valid reason for absence within the meaning of section 58 of the Act; and
- (d) whose parent has failed, in the opinion of the principal, to comply with the provisions of section 57 of the Act.

(2) One copy shall be forwarded without delay to the police officer in charge of the local police station and 1 copy filed with school documents.

(3) The principal of a State school or non-State school shall cooperate with those to whom is entrusted the enforcement of the compulsory attendance provisions of the Act and shall make available any information so required.

Enrolment requirements

33.(1) The principal of a State primary school may enrol a child who is under 6 years of age at that school at the beginning of a school year where such child attains the age of 5 years on or before 31 December in the year prior to enrolment.

(2) The principal of a State primary school may enrol a child who is of an age less than that prescribed in subsection (1) in circumstances where it is demonstrated that the child has been enrolled in a formal education program in another State or country and the executive director is satisfied that the child would be disadvantaged educationally by not being enrolled in a State primary school.

(3) The teacher-in-charge of a State preschool centre may enrol a child at that centre where such child attains the age of 4 years on or before 31 December in the year prior to enrolment.

(4) The teacher-in-charge of a State preschool centre may enrol a child who is of an age less than that prescribed in subsection (3) in circumstances where it is demonstrated that the child has been enrolled in a formal education program in another State or country and the executive director is satisfied that the child would be disadvantaged educationally by not being

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enrolled in a State preschool centre.

(5) A parent of a child, upon request by the principal or teacher-in-charge of a State school, shall produce to the principal or teacher-in-charge documentary evidence of the date of birth of his or her child.

Transfer of student

34.(1) If a parent desires to transfer his or her child's enrolment from one State school to another, the parent shall make application in writing to the principal of the school in which the child is enrolled stating the name of the State school to which the transfer of enrolment is sought.

(2) A principal, upon the receipt of an application pursuant to subsection (1), shall—

- (a) issue a transfer in triplicate in the form approved by the Minister; and
- (b) deliver the original thereof to the student which original shall be retained by the student and presented to the principal of the State school to which the student is transferred; and
- (c) forward the duplicate copy thereof to the principal of the State school to which the student is transferred; and
- (d) retain the triplicate copy thereof.

(3) This section shall not apply to a student transferring from a State preschool centre to another State preschool centre, from a State preschool centre to a State primary school and from a State primary school to a State secondary school.

Transfer of student records

35.(1) Before the close of a school year, the principal of a primary school shall forward to the receiving State secondary school all record cards relating to students of that school who will transfer to such State secondary school in the ensuing school year.

(2) The principal of a State primary school shall retain the record cards relating to students of that school transferring to a non-State secondary

school.

(3) The principal of a State primary school, upon request from the principal of a non-State secondary school, shall forward a copy of the record cards of students transferring to that non-State secondary school.

(4) If the principal of a State secondary school receives record cards relating to a student who has not been enrolled thereat the principal shall return such records without delay to the principal of the primary school concerned.

(5) The principal of a State primary school shall keep record cards pertaining to past students which are retained by the school for a period of not less than 10 years after which time such record cards may be destroyed.

(6) The principal of a State secondary school shall retain and keep safe those record cards pertaining to past students of the school for a period of not less than 5 years after which time such records may be destroyed.

(7) The principal of a State special school shall retain and keep safe those record cards pertaining to past students of the school for such period as the chief executive shall determine after which time such records may be destroyed.

(8) A principal of a State primary or secondary school, upon request from the principal of a non-State primary or secondary school, shall forward to that principal a copy of the record cards of a student enrolled or previously enrolled in that State primary or secondary school and enrolled or intending to enrol in the non-State primary or secondary school as the case may be.

(9) If the principal of a non-State primary or secondary school receives record cards relating to a student who is not, or is not likely to be, enrolled thereat, the principal shall return such records without delay to the principal of the State primary or secondary school concerned.

Progress and good behaviour of students

36. The principal of a State school shall be responsible for the progress and good behaviour of a student whilst such student is under the principal's care and control and the principal shall make arrangements for the effective

supervision of the students during such times and for staff teachers to assume duty as required for this purpose.

Home study

37. A teacher of a State school may require a student to undertake home study which may occupy such amount of time as the principal of the school may decide is reasonable in the circumstances.

Corporal punishment

38.(1) The principal or, if authorised by the principal, a deputy principal, of a State school may administer corporal punishment to a male student of such school for any of the following reasons—

- (a) offences against morality;
- (b) insolence;
- (c) wilful and persistent disobedience;
- (d) gross misconduct at school or when travelling to and from school that, in the opinion of the principal, is likely to prejudice the good order and discipline of the school.

(1A) However, corporal punishment shall not be administered—

- (a) to a student enrolled in year 1 or 2; or
- (b) for trivial breaches of school discipline; or
- (c) for a student's failure or inability to learn; or
- (d) in a form which is irregular, degrading, injurious and unnecessarily severe.

(2) The principal or deputy principal shall record the full particulars in the punishment register of each instance of corporal punishment administered by the principal or deputy principal.

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Detention of students

39. A student at a State school may be detained for a period of not more than—

- (a) 20 minutes during the midday recess; or
- (b) 1/2 hour after the period allocated for school day routine;

as punishment for disobedience, misconduct, wilful neglect to prepare home tasks or for other breaches of school discipline.

PART 6—PARENTS AND CITIZENS ASSOCIATIONS

Formation of an association

40.(1) The principal of a State school shall call a meeting of parents and citizens to consider the formation of a parents and citizens association for such State school and if the persons present at such meeting decide that an association should be formed it shall be formed accordingly by the election, from among such persons, of the officers specified in section 39 of the Act.

(1A) The procedure for the formation of an association as prescribed by subsection (1) applies only when an interim association has not been formed.

(2) An interim association shall be formed in the same manner as prescribed in subsection (1), except that the meeting for that purpose shall be called by the executive director.

(3) An interim association shall be subject to all provisions of this Part except or as otherwise prescribed.

Name of an association

41. An association formed pursuant to section 33 or 34 of the Act shall be known by the name the (name of school) Parents and Citizens Association or the (name of proposed school) Interim Parents and Citizens

Association as the case may be.

Activities of an association

42.(1) An association may organise and conduct such activities as are approved by the chief executive and may seek voluntary contributions from parents and citizens, such contributions together with money raised by approved activities to be paid into the association's general account or accounts or such special accounts as may be appropriate.

(2) However, where the object or objects of any such activities is or are or include 1 or more of the following—

- (a) the construction of any improvements to premises of a State school;
- (b) the addition of any fixtures thereto;
- (c) the purchase of any furniture therefor;

the consent of the chief executive of the department that deals with the matters mentioned in paragraphs (a) to (c) shall be first had and obtained.

Subscription for membership

43. The annual subscription (if any) for membership of an association shall not exceed \$1.

Register of members

44.(1) The register of members of an association must contain, in respect of each member—

- (a) the member's name and address; and
- (b) the date on which the person became a member; and
- (c) the date on which the person ceases to be a member; and
- (d) if the member is not a parent of a student attending the school for which the association is formed, either—
 - (i) the member's date of birth; or

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- (ii) a record that the member has stated that the member is of or above the age of 18 years; or
 - (iii) a record by the secretary or other person charged with the responsibility of making entries in the register of members that the member appears to be of or above the age of 18 years; and
- (e) such other particulars (if any) as may be prescribed in the constitution.

(2) Membership of an association is renewable each year at the annual general meeting.

Officers of an association

45.(1) Members of an association shall at each annual general meeting elect officers pursuant to section 39 of the Act.

(2) Retiring officers shall be eligible for reappointment.

Advice on office bearers

46. The secretary of an association shall after each annual general meeting notify the chief executive of the names, addresses and offices of the office bearers elected at such meeting.

Meetings of an association

47.(1) The annual general meeting of an association shall be held no later than 3 months following the end of the financial year as determined by an association pursuant to section 45 of the Act.

(2) The secretary of an association shall give at least 14 days notice of intention to convene an annual general meeting.

(3) The number of members of an association required to constitute a quorum at an annual general meeting shall be 10 or a number less than 10 as may be prescribed in the constitution.

(4) An association shall follow the order of business prescribed in the

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constitution for the conduct of the proceeding of the annual general meeting.

(5) General meetings of an association shall be held usually once each month at such times as an association may resolve in that behalf.

(6) The secretary of an association shall give at least 7 days notice of intention to convene a special meeting.

(7) The number of members of an association required to constitute a quorum at a general or special meeting shall be 7 or a number less than 7 as may be prescribed in the constitution.

Establishment of subcommittees

48.(1) An association may establish—

- (a) such subcommittees as (name of school) State school Swimming Club Subcommittee, (name of school) State School Ladies Auxiliary Subcommittee, (name of school) State School Tuckshop Subcommittee for special purposes;
- (b) such subcommittees as (name of State preschool centre associated with the school) State Preschool Centre Subcommittee for promoting the interests of and benefiting generally the State Preschool Centre for which such subcommittee is formed;
- (c) such subcommittees as it considers necessary for special purposes, consistent with the objectives and functions of an association pursuant to sections 35 and 36 of the Act.

(2) In establishing a subcommittee an association shall appoint particular members to hold the offices of chairperson, secretary and if funds are to be raised or expended, treasurer and subject to the provisions of this subsection shall impose such conditions on the operation of such subcommittee as it deems fit.

(3) The office of treasurer of a subcommittee may not be held by either the chairperson or secretary of that subcommittee.

(4) If a subcommittee has been authorised by the association to raise and expend money—

- (a) the treasurer of that subcommittee shall take charge of all money

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collected in any way and shall keep a proper record of receipts and expenditure; and

- (b) money received by subcommittees shall be banked promptly in an account or accounts in the name of the subcommittee, or such other account or accounts as the association may direct, which account or accounts shall be operated by any 2 of the chairperson, secretary, and treasurer of the subcommittee; and
- (c) the treasurer of a subcommittee shall hand to the treasurer's successor in office all money and books of accounts belonging to such subcommittee as soon as such successor has been appointed; and
- (d) after defraying all expenditure lawfully incurred by it, a subcommittee shall pay into the association's general account surplus monies held by it over and above its operational requirements, which shall be as determined by the association—however, funds raised by a subcommittee for a particular purpose authorised by the association shall be used for that purpose.

Procedures relating to accounts etc. of an association

49.(1) An association shall form a fund to be known as the (name of school) Parents and Citizens Association Fund, in 1 or more accounts for the State school for which it is formed.

(2) Subject to the provisions of section 48, money raised by an association shall be banked promptly in an account or accounts in the name of the association and such bank accounts shall be operated by any 2 of the president, a vice-president, the secretary and the treasurer.

(3) Subject to the provisions of section 48, responsibility for the collection and disbursement of money shall rest with the president, secretary and treasurer, and the treasurer shall take charge of all money collected in any way and for any purpose connected with an association and shall keep a proper account of receipts and expenditure.

(4) Subject to the provisions of section 48, the treasurer shall hand to the treasurer's successor in office all accounts and money belonging to the

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association as soon as the treasurer's successor has been appointed.

(5) Money raised for a particular purpose of an association shall be used for that purpose.

(6) The annual financial statements, submitted to the auditor of an association, appointed pursuant to section 50, shall be prepared and certified in the form approved by the chief executive after having regard to applicable prescribed requirements including any Minister's directions issued under the *Financial Administration and Audit Act 1977*.

(7) Following audit, the certified annual financial statements shall be presented for adoption to the annual general meeting of the association, with all certificates appended.

(8) Following presentation and adoption of the annual financial statements by the association at the annual general meeting, the secretary of the association shall forward promptly a copy of the audited financial statements to the chief executive.

Appointment of an auditor

50.(1) Subject to exemption of the Auditor-General from audit of an association under the *Financial Administration and Audit Act 1977*, the auditor of the financial statements, prepared as required by section 49(6), shall be appointed by an association each year at its annual general meeting or other special meeting.

(1A) In order to qualify for appointment as auditor a person shall be—

- (a) an accountant in public practice; or
- (b) a qualified accountant; or
- (c) a public servant, statutory authority employee, local government officer, a person from an insurance, bank or other financial or commercial organisation who has the necessary maturity and commercial skills and experience to examine the books and accounts of the association;

and to the extent possible shall be a local person having an awareness of the activities of the association.

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(2) An auditor appointed pursuant to this section shall not be a member of the particular association to which audit of financial statements applies unless the approval of the chief executive is first had and obtained.

(3) The secretary of an association shall after the meeting at which an auditor is appointed notify the chief executive of the name, address and qualification of the auditor in terms of this subsection.

(4) Notwithstanding anything contained in this section, the Minister may appoint a person to be auditor of an association.

Duties of an auditor

51. An auditor, appointed under section 50, shall examine the collections, payments, cash books, minutes of meetings and such other records of the association as the auditor considers necessary and shall verify with the bank or other institutions the financial balances held or, as the case requires, owing, so as to be able to certify whether or not in the auditor's opinion—

- (a) the financial statements of the association are in agreement with the accounts and are in the required form; and
- (b) the requirements in respect of the keeping of accounts by the association have been complied with in all material respects; and
- (c) the statements have been drawn up so as to present a true and fair view, on a basis consistent with that applied in the preceding year, of the transactions for the financial year and the financial position at the close of the year.

Constitution to be framed

52.(1) The members of an association, as soon as may be practicable after its formation, shall frame a constitution which shall be forwarded to the chief executive for the chief executive's approval.

(2) In framing a constitution, an association shall be guided by the model constitution approved from time to time by the chief executive.

(3) The constitution of an association shall provide for and with respect to the following—

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- (a) membership and the annual subscription (if any);
- (b) the Register of Members and additional particulars (if any) to be maintained in the register;
- (c) the conduct of annual general, general and special meetings;
- (d) establishment of, and other matters in connection with, subcommittees;
- (e) election at each annual general meeting of officers provided for pursuant to section 39 of the Act;
- (f) reappointment of officers;
- (g) voting entitlements of officers and members;
- (h) all requirements and impositions on officers of the association;
- (i) procedures relating to accounts etc. pursuant to section 49;
- (j) the method of amending, altering or modifying the constitution.

Dissolution of an association

53.(1) For the purposes of section 38(c) of the Act, an association shall be dissolved if the question of dissolution is put and resolved in the affirmative upon the vote of $\frac{3}{4}$ majority of the members present and entitled to vote at a special meeting convened to consider the question.

(2) Upon dissolution, all funds of an association and any other property whatsoever acquired by an association for the use of a State school remaining in the name of an association after defraying all expenditure lawfully incurred by such association shall be handed to the executive director to be dealt with as directed by the Corporation.

Conduct of school canteens, tuckshops and other amenities by an association

54.(1) An association may conduct within the premises of a State school a canteen or tuckshop or other amenity not being conducted by the principal of the State school where such an amenity is likely to facilitate, assist or be of advantage to members of the staff in their professional duties or to

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students of the State school in the course of their studies as the case may be.

(1A) The chief executive may at any time order the closure of any amenity conducted under subsection (1) and the association shall forthwith comply with such order within the time specified by the chief executive.

(2) In every agreement entered into by an association with a contractor for the installation of a drink vending machine, the prescribed conditions for the purposes of section 47(4) of the Act shall be as follows—

- (a) the prior approval of the chief executive, Department of Works shall be obtained to plans and specifications as to the installation and the location of such drink vending machine; and
- (aa) an electricity sub-meter shall be installed for the purpose of recording the electric current used in the operation of each drink vending machine; and
- (ab) such sub-meter shall be installed in accordance with plans and specifications approved by the chief executive, Department of Works;
- (b) the following costs shall be borne by the contractor—
 - (i) the cost of the installation of a sub-meter;
 - (ii) the cost of the installation and maintenance thereof;
 - (iii) the cost of electric current used in the operation thereof as recorded on the sub-meter;
 - (iv) any other costs, fees or charges incidental to or arising out of the agreement;
- (c) the contractor shall be responsible for providing sufficient receptacles for waste cups and regular collection and disposal of such waste cups;
- (d) the safety and security of a drink vending machine shall be the sole responsibility of the contractor;
- (e) the agreement shall be determinable by either party by 1 months notice in writing, and if given by the association shall be under the hand of the president;

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(f) upon determination of the agreement, the contractor shall be required to remove the vending machine upon the expiry of the notice and shall bear the costs of removal and such other costs as may be referable to the discontinuance of the supply of electric current and the disconnection of the sub-meter.

(3) An association or a principal shall not sell or offer for sale in a canteen or tuckshop any item or class of item which has not been approved by the chief executive.

(4) A principal shall ensure that a student conducts himself or herself in an orderly manner when in the precincts of a canteen or tuckshop conducted by an association.

PART 7—ALLOWANCES

Textbook and resource allowance

55.(1) Upon application by the principal of the school at which an approved student is enrolled the Minister shall pay—

- (a) to the parent of such student; or
- (b) at the direction of the parent, to the school on behalf of such student;

a textbook and resource allowance at the prescribed rate.

(2) For the purposes of this section—

“approved student” means a person—

- (a) who, in the opinion of the Minister, is a student in respect of whom an allowance should be paid; and
- (b) who is enrolled full-time and regularly attends in or, in the case of a person enrolled in a course at the School of Distance Education or any other State educational institution offering distance education, regularly participates in—

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- (i) the course for year 8, 9, 10, 11 or 12 (whether the person is repeating that year or not) in—
 - (A) a State secondary school other than a centre for continuing secondary education; or
 - (B) a non-State secondary school that is a school in receipt of subsidy or provisionally within the meaning of section 72 of the Act; or
 - (ii) 1 of the following office education courses—
 - (A) CN068;
 - (B) CN069;at a college of technical and further education; or
 - (iii) a course at a rural training school that takes 2 years to complete full-time; and
- (c) who—
- (i) has not attained the age of 19 years; or
 - (ii) is progressing directly from full-time study in year 10; and
- (d) who is not in receipt of assistance from the Commonwealth Government which the Minister considers designed to provide assistance of a similar nature so as to make payment of the textbook and resource allowance in respect of that person inappropriate.

(3) In this section—

“prescribed rate” means, in respect of an approved student who is—

- (a) enrolled in year 8, 9 or 10—\$69 per year; or
- (b) enrolled in year 11 or 12—\$158 per year; or
- (c) enrolled in a 2 year training course at a rural training school—\$158 per year; or
- (d) enrolled in the office education course CN068 or CN069 at a college of technical and further education—\$79 per year.

(4) For the purposes of this section, application shall be made in the form

approved by the Minister.

Per capita allowances to certain non-State schools

56. On application by the principal of a school in receipt of subsidy within the meaning of section 72 of the Act, the Minister is to pay a per capita allowance of—

- (a) \$291 per annum for each student of or above the age of 4 years who is enrolled in preschool; and
- (b) \$582 per annum for each student who is enrolled in years 1, 2, 3, 4, 5, 6 or 7; and
- (c) \$933 per annum for each student who is enrolled in year 8, 9, 10, 11 or 12;

at that school.

Per capita allowances to certain student hostels

57.(1) A person, who is in charge of a student hostel for the accommodation of students attending a school in receipt of subsidy, may apply to the Minister to be paid an allowance in respect of each student boarding at the hostel.

(2) The application must be made in the form approved by the Minister.

(3) After considering the application, the Minister may pay either or both of the following allowances—

- (a) a student hostel general purpose grant of \$330 a year for each student;
- (b) a student hostel pastoral care grant of \$544 a year for each student, to a maximum grant of \$10 880 a year for each hostel.

(5) In this section—

“**school in receipt of subsidy**” has the meaning given by section 72 of the Act.

Living away from home allowances

58.(1) For the purposes of this section, the distance from a student's home to the nearest State school with the required year level for the student shall be measured—

- (a) where there is no school transport service approved by the chief executive of the department that deals with matters arising under the *State Transport Act 1960* or public transport service to that school—by the shortest trafficable route; or
- (b) where there is a school transport service approved by the chief executive of the department that deals with matters arising under the *State Transport Act 1960* or public transport service to that school—by the total of the distance from the student's home to the school transport access point and the distance travelled by the transport service from that point to the school.

(2) For the purposes of this subsection—

“remote area” means—

- (a) where the student's home—
 - (i) is not less than 16 km from the nearest State school with the required year level for the student; and
 - (ii) is not less than 4.5 km from a school transport service approved by the chief executive of the department that deals with matters arising under the *State Transport Act 1960* or a public transport service to any State school with the required year level for the student; or
- (b) where the student's home—
 - (i) is not less than 16 km from the nearest State school with the required year level for the student; and
 - (ii) is less than 4.5 km from a school transport service approved by the chief executive of the department that deals with matters arising under the *State Transport Act 1960* or a public transport service to any State school with the required year level for the student; and

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(iii) is—

- (A) not less than 56 km from that State school using the route travelled by that transport service; or
- (B) not less than 3 hours travelling time per day from that State school using that transport service.

(2A) On application by a parent of a student attending a primary or secondary school in any of the years 1 to 12 and living in a remote area where such student boards away from home in order to attend a school in receipt of subsidy or provisionally within the meaning of section 72 of the Act offering the year of study required by the student, the Minister shall pay allowances as follows—

- (a) where the student boards at the residential facility of the school, other than a State school, and providing that the school makes a charge for tuition—the remote area tuition allowance specified in table 1, column 2 opposite the annual tuition charge, as charged by the school for the student, specified in table 1, column 1 to the school;

TABLE 1

Part 1—Primary school

Column 1 (per year)	Column 2 (per year)
A charge of not more than \$735	The amount of the charge
A charge of more than \$735	\$735 plus 50c for each dollar charged in excess of \$735, to a maximum of \$1 470

Part 2—Secondary school

Column 1 (per year)	Column 2 (per year)
A charge of not more than \$1 052	The amount of the charge
A charge of more than \$1 052	\$1 052 plus 50c for each dollar charged in excess of \$1 052, to a maximum of \$2 104

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- (b) where the student in order to travel from the student's home to the residential accommodation used in order to attend school daily—
- (i) travels not less than 50 km; and
 - (ii) travels as described in table 2, column 1 hereto; or
 - (iii) travels to or within area 1 or area 2, the distances specified in table 3, column 1 hereto; or
 - (iv) travels (to or within area 1 or area 2) a distance mentioned in table 3, column 1 and, to do so by the most convenient direct route by road, takes the relevant time mentioned in column 3;

the remote area travel allowance respectively set opposite in table 2, column 2 hereto or as the case may be table 3 hereto, to the parent.

TABLE 2

Column 1	Column 2 (per year)
	\$
Travel from area 1 to area 3	702
Travel from area 2 to area 3	234
Travel within area 3	78

TABLE 3

Column 1 (distance travelled)	Column 2 (amount per year)	Column 3 (time taken)
	\$	
At least 50 km but not more than 150 km	78	not more than 3 hours
	156	more than 3 hours but not more than 4 hours
	234	more than 4 hours
More than 150 km but not more than 300 km	156	not more than 4 hours
	234	more than 4 hours

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More than 300 km

234

no time limit

(2B) For the purposes of table 2 and subsection (4A)—

- (a) area 1 means the following areas of Queensland—
 - (i) Southern area—the area within a line commencing on the western boundary of the State at its intersection with latitude 22 degrees south and bounded thence by that parallel easterly to the boundary of the Shire of Cloncurry, by that boundary and the boundaries of the Shires of Winton and Barcoo generally easterly, southerly, easterly, south easterly and south westerly to longitude 144 degrees east, by that meridian southerly to the boundary of the Shire of Bulloo, by that boundary generally south easterly and southerly to the State boundary and by that boundary westerly, northerly, westerly and northerly to the point of commencement;
 - (ii) Northern area—the area which comprises the mainland and all islands above their respective sea shores within the encompassing line described in the appendix and referenced to the Australian Geodetic Datum, and all Australian Islands above their respective sea shores north of the Seabed Jurisdiction Line as described in the Treaty between Australia and the Independent State of Papua New Guinea dated 18 December 1978, including the islands of Anchor Cay, Aubusi Island, Black Rocks, Boigu Island, Bramble Cay, Dauan Island, Deliverance Island, East Cay, Kaumag Island, Kerr Islet, Moimi Island, Pearce Cay, Saibai Island, Turnagain Island and Turu Cay.
- (b) area 2 means the following areas of Queensland—
 - (i) Southern area—the area within a line commencing on the western boundary of the State at its intersection with latitude 22 degrees south and bounded by the State boundary northerly to the boundary of the Shire of Burke, by that boundary and the boundaries of the shires of Cloncurry, McKinlay, Richmond, Winton, Aramac, Jericho, Tambo, Murweh and Booringa generally easterly, southerly, easterly, southerly, easterly, south-easterly, southerly, easterly and

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southerly to the northern boundary of Balonne Shire at longitude 148 degrees east, by that meridian southerly to the State boundary, by that boundary westerly to the boundary of the Shire of Bulloo, by that boundary generally northerly and north-westerly to longitude 144 degrees east, by that meridian northerly to the boundary of the Shire of Barcoo, by that boundary and the boundaries of the Shires of Winton and Cloncurry generally north-easterly, north-westerly, westerly, northerly and westerly to latitude 22 degrees south and by that parallel westerly to the point of commencement;

- (ii) Northern area—the area within a line commencing at the intersection of latitude 17 degrees south and longitude 145 degrees east and bounded thence by that meridian southerly to the boundary of the Shire of Herberton, by that boundary and the boundaries of the Shires of Dalrymple and Flinders generally southerly, south-westerly and westerly to longitude 144 degrees east, by that meridian northerly to latitude 17 degrees south and by that parallel easterly to the point of commencement.
- (c) area 3 means—the area of Queensland within a line commencing on the southern boundary of the State at its intersection with longitude 148 degrees east and bounded by that meridian northerly to the northern boundary of the Shire of Balonne, by that boundary and the boundaries of the Shires of Booringa, Murweh, Tambo, Jericho, Aramac, Winton, Richmond, Etheridge and Herberton generally northerly, westerly, northerly, north-westerly, westerly, northerly, easterly, north-easterly and northerly to longitude 145 degrees east, by that meridian northerly to the boundary of the Shire of Cook, by that boundary north-easterly to latitude 16 degrees south, by that parallel easterly to the eastern extremity of the Great Barrier Reef, by the eastern most reefs thereof south-easterly to the southern limit of the outer reef, by a line southerly to Sandy Cape on Fraser Island, by the eastern boundaries of the local government areas of Hervey Bay (City), Maryborough (City), Widgee, Noosa, Maroochy, Landsborough, Caboolture, Redcliffe (City), Brisbane (City), Redland, Albert and

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Gold Coast (City) generally southerly to the State boundary and by that boundary generally westerly to the point of commencement.

APPENDIX

Commencing on the Seabed Jurisdiction Line as described in the aforesaid Treaty at latitude 9 degrees 30 minutes south, longitude 144 degrees 15 minutes east and bounded thence by a line southerly to the north-eastern extremity of the Great Barrier Reef, by the eastern most reefs thereof southerly to latitude 16 degrees south, by that parallel westerly to the boundary of the shire of Cook, by that boundary generally south-westerly to longitude 145 degrees east, by that meridian southerly to latitude 17 degrees south, by that parallel westerly to longitude 144 degrees east, by that meridian southerly to the boundary of the Shire of Flinders, by that boundary and the boundaries of the Shires of Richmond, McKinlay and Cloncurry and the City of Mount Isa generally westerly, northerly and westerly to the State boundary, by that boundary and longitude 138 degrees east, northerly to latitude 14 degrees south, by that parallel easterly to longitude to longitude 141 degrees east, by that meridian northerly to the Seabed Jurisdiction Line, and by that Seabed Jurisdiction Line generally north-easterly and easterly to the point of commencement.

APPENDIX ENDS

(3) For the purposes of this subsection—

“remote area” means—

- (a) where the student’s home—
 - (i) is not less than 16 km from the nearest State school with year 11 or 12 level of schooling as required by the student; and
 - (ii) is not less than 4.5 km from a school transport service

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approved by the chief executive of the department that deals with matters arising under the *State Transport Act 1960* or a public transport service to any State school with year 11 or 12 level of schooling as required by the student; or

- (b) where the student's home—
 - (i) is not less than 16 km from the nearest State school with year 11 or 12 level of schooling as required by the student;
 - (ii) is less than 4.5 km from a school transport service approved by the chief executive of the department that deals with matters arising under the *State Transport Act 1960* or a public transport service to that State school with year 11 or 12 level of schooling as required by the student;
 - (iii) is—
 - (A) not less than 56 kilometres from that State school using the route travelled by that transport service; or
 - (B) not less than 3 hours travelling time per day from that State school using that transport service.

(3A) On application by a parent of a student who lives in a remote area and who boards away from home in order to attend a rural training school to undertake studies in agriculture at a level equivalent to year 11 or 12 (as the case may be), the Minister shall pay to the parent a remote area allowance of \$1 129 per annum.

(4) For the purposes of this subsection—

“remote area” means—

- (a) where the student's home—
 - (i) is not less than 16 km from the nearest State special school or State special education unit with the appropriate special education as required by the student; and
 - (ii) is not less than 4.5 km from a school transport service approved by the chief executive of the department that deals with matters arising under the *State Transport Act 1960* or a public transport service to any State special school or State

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special education unit with the appropriate special education as required by the student; or

- (b) where the student's home—
- (i) is not less than 16 km from the nearest State special school or State special education unit with the appropriate special education as required by the student; and
 - (ii) is less than 4.5 km from a school transport service approved by the chief executive of the department that deals with matters arising under the *State Transport Act 1960* or a public transport service to that State special school or State special education unit with the appropriate special education as required by the student; and
 - (iii) is—
 - (A) not less than 56 km from that special school or unit using the route travelled by that transport service; or
 - (B) not less than 3 hours travelling time per day from that special school or unit using that transport service.

(4A) On application by a parent of a student who lives in a remote area and boards away from home in order to attend a State special school or State special education unit, the Minister shall pay to the parent the allowance specified in table 4, column 2 opposite the age of the student (at the end of the year in which the allowance is claimed) specified in table 4, column 1.

TABLE 4

Column 1	Column 2 (per year)
	\$
Less than 13 years old	722
At least 13 years old	902

(5) Allowances prescribed by subsections (2) to (4A) shall not be paid in respect of a student who is in receipt of a grant provided by the Commonwealth Government under the ABSTUDY Scheme.

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(6) An application shall be made in the form approved by the Minister.

(7) The Minister, having regard to—

- (a) the locality of residence of a student or class of students; or
- (b) the accessibility of the student or class of students to schools or transport services; or
- (c) the health of a student or class of students; or
- (d) such other special circumstances as may apply;

either generally or in a particular case, may pay in respect of that student or class of students any allowance prescribed by this section, notwithstanding that the student or class of students does not meet all the requirements prescribed for that allowance.

Boarding allowance in certain circumstances

58A.(1) This section applies where an agreement exists between the Minister, a parent of a sensorially disabled person, and host parents in relation to a sensorially disabled person who is enrolled at and attends or is enrolled to attend to receive special education in a State educational institution.

(2) The Minister may pay a boarding allowance to host parents of a sensorially disabled person at the rate of—

- (a) if the agreement provides for boarding on a 7 day week basis—
 - (i) up to \$65.40 for each week, if the sensorially disabled person is under 12 years of age; or
 - (ii) up to \$80.10 for each week, if the sensorially disabled person is of or over 12 years of age; or
- (b) if the agreement provides for boarding on a 5 day week basis—
 - (i) up to \$46.70 for each week, if the sensorially disabled person is under 12 years of age; or
 - (ii) up to \$57.20 for each week, if the sensorially disabled person is of or over 12 years of age;

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in accordance with the terms of the agreement.

False or misleading statements an offence

59.(1) A person who, in an application for an allowance or scholarship under the Act—

- (a) makes a statement that to the person's knowledge is false or misleading in a material particular; or
- (b) omits any matter or thing without which the application is to the person's knowledge misleading in a material respect;

commits an offence against this section.

(2) A person who commits an offence against this section is liable to a penalty of 5 penalty units.

PART 8—GENERAL

General offence provision

60.(1) A person who contravenes or fails to comply with any provision of this regulation commits an offence against this regulation.

(2) A person who—

- (a) fails to do that which the person is directed or required to do; or
- (b) does that which the person is forbidden to do;

by a person acting under the authority of this regulation, commits an offence against this regulation.

(3) Save where a specific penalty is otherwise prescribed, a person who commits an offence against this regulation is liable to a penalty of 10 penalty units.

ENDNOTES

1 Index to Endnotes

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2	Date to which amendments incorporated	48
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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 27 July 1994. Future amendments of the Education (General Provisions) Regulation 1989 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation

Education (General Provisions) Regulation 1989

pubd Gaz 5 August 1989 pp 2935–64

commenced 5 August 1989 (see s 1(2))

as amended by—

regulations published Gazette—

4 November 1989 pp 1728–30

commenced 1 January 1990 (see s 2)

11 November 1989 p 1983

commenced on date of publication

22 December 1990 pp 2305–10

ss 4, 7, 9, 10 and 11 commenced 1 January 1991 (see s 3(2))

remaining provisions commenced on date of publication (see s 3(1))

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Education (General Provisions) (Amendment) Regulation 1991

23 March 1991 p 1777
commenced on date of publication

Education (General Provisions) Amendment Regulation (No. 2) 1991 SL No. 28

pubd Gaz 20 July 1991 pp 1686–7
commenced on date of publication

Education (General Provisions) Amendment Regulation (No. 3) 1991 SL No. 98

pubd Gaz 12 October 1991 pp 571–3
commenced on date of publication

Education (General Provisions) Amendment Regulation (No. 4) 1991 SL No. 210

pubd Gaz 21 December 1991 pp 2499–503
commenced 1 January 1992 (see s 2)

Education (General Provisions) Amendment Regulation (No. 1) 1992 SL No. 437

notfd Gaz 18 December 1992 pp 1988–96
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1993 (see s 2)

Education (General Provisions) Amendment Regulation (No. 1) 1993 SL No. 411

notfd Gaz 19 November 1993 pp 1402–3
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1994 (see s 2)

Education (General Provisions) Amendment Regulation (No. 2) 1993 SL No. 483

notfd Gaz 17 December 1993 pp 1812–21
ss 1–2 commenced on date of notification
s 6(2) commenced 1 July 1994 (see s 2(2))
remaining provisions commenced 1 January 1994 (see s 2(1))

Education (General Provisions) Amendment Regulation (No. 1) 1994 SL No. 125

notfd Gaz 8 April 1994 pp 1392–3
commenced on date of notification

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
R1	=	Reprint No. 1
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Short title

s 1 sub 1991 SL No. 98 s 4

Arrangement

s 2 om R1 (see RA s 36)

Interpretation

s 3 def **“Commissioner for Transport”** ins reg pubd Gaz 22 December 1990
pp 2305–10
om 1993 SL No. 483 s 4
def **“Director-General”** ins 1993 SL No. 411 s 4(2)
om R1 (see RA s 39)
def **“social function”** ins 1993 SL No. 411 s 4(2)
def **“The Act”** om 1993 SL No. 411 s 4(1)

Charge of school in temporary absence of principal

s 8 amd 1991 SL No. 28 s 3

School routine

s 11 amd 1991 SL No. 98 s 5

School records and reports

s 12 amd 1991 SL No. 98 s 6

Instruction for overseas students

s 15 amd reg pubd Gaz 23 March 1991 p 1777; 1994 SL No. 125 s 3

Use of State educational institution

s 19 amd 1993 SL No. 411 s 5

Approval for liquor to be taken onto premises of a State educational institution

s 19A ins 1993 SL No. 411 s 6

Agreement of parents and citizens association

s 19B ins 1993 SL No. 411 s 6

Dry area under local community law

s 19C ins 1993 SL No. 411 s 6

Application for approval of representative

s 23 amd reg pubd Gaz 22 December 1990 pp 2305–10

Enrolment requirements

s 33 amd 1991 SL No. 28 s 4

Formation of an association

s 40 amd 1991 SL No. 28 s 5

Activities of an association

s 42 amd 1993 SL No. 483 s 5

Register of members

s 44 sub reg pubd Gaz 22 December 1990 pp 2305–10

Dissolution of an association

s 53 amd 1991 SL No. 28 s 6

Textbook allowance

s 55 amd reg pubd Gaz 4 November 1989 pp 1728–30; 22 December 1990
pp 2305–10; 1991 SL No. 210 s 4; 1992 SL No. 437 s 4

Per capita allowances to certain non-State school

s 56 amd reg pubd Gaz 11 November 1989 p 1983
sub reg pubd Gaz 22 December 1990 pp 2305–10

Per capita allowances to certain student hostels

s 57 amd reg pubd Gaz 4 November 1989 pp 1728–30; 22 December 1990
pp 2305–10; 1991 SL No. 210 s 5
sub 1992 SL No. 437 s 5
amd 1993 SL No. 483 s 6

Living away from home allowance

s 58 amd reg pubd Gaz 4 November 1989 pp 1728–30; 22 December 1990
pp 2305–10; 1991 SL No. 210 s 6; 1992 SL No. 437 s 6; 1993 SL
No. 483 s 7

Boarding allowance in certain circumstances

s 58A ins reg pubd Gaz 22 December 1990 pp 2305–10

5 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
Director-General (or a similar title)	chief executive	see Reprints Act 1992 s 29, example 27

6 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
references to Queensland implied	Acts Interpretation Act 1954 s 35
def "Director-General" (or a similar title)	Acts Interpretation Act 1954 s 36 def "chief executive" and ss 33(5B) and 24B(8)(b) (see also Reprints Act 1992 s 39, example 2)

7 Table of corrected minor errors

TABLE OF CORRECTED MINOR ERRORS
under section 44 of the Reprints Act 1992

Section	Description
35(8)	om 'primary of secondary school' ins 'primary or secondary school'
58(3)(b)(ii)	om 'form' ins 'from'

8 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS
under section 43 of the Reprints Act 1992

Original	Renumbered as
14(1), 2nd sentence	14(1A)
16, 1st sentence	16(1)
16, 2nd sentence	16(2)
19(2)(c), proviso	19(2)(ca)
19(2)(f)(i)	19(2)(f)
19(2)(f)(ii)	19(2)(fa)
26, 1st sentence	26(1)
26, 2nd sentence	26(2)
31(1), proviso	31(1A)
35(8)(a)	35(8)
35(8)(b)	35(9)
38(1), proviso	38(1A)
38(1), proviso, (i)	38(1A)(a)
38(1), proviso, (ii)	38(1A)(b)
38(1), proviso, (iii)	38(1A)(c)
38(1), proviso, (iv)	38(1A)(d)
40(1)(a)	40(1)
40(1)(b)	40(1A)
40(2)(a)	40(2)
40(2)(b)	40(3)
42, 1st sentence	42(1)
42, 2nd sentence	42(2)
49(6)(a)	49(6)
49(6)(b)	49(7)
49(6)(c)	49(8)
54(1)(a)	54(1)
54(1)(b)	54(1A)
54(2)(a)(i)	54(2)(a)
54(2)(a)(ii)	54(2)(aa)
54(2)(a)(iii)	54(2)(ab)
58(2)(a)	58(2)
58(2)(a)(i)	58(2), def "remote area", (a)
58(2)(a)(i)(A)	58(2)(a)(i)
58(2)(a)(i)(B)	58(2)(a)(ii)
58(2)(a)(ii)	58(2)(b)
58(2)(a)(ii)(A)	58(2)(b)(i)

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58(2)(a)(ii)(B)	58(2)(b)(ii)
58(2)(a)(ii)(C)	58(2)(b)(iii)
58(2)(a)(ii)(C)(I)	58(2)(b)(iii)(A)
58(2)(a)(ii)(C)(II)	58(2)(b)(iii)(B)
58(2)(b)	58(2A)
58(2)(b)(i)	58(2A)(a)
58(2)(b)(ii)	58(2A)(b)
58(2)(b)(ii)(A)(I)	58(2A)(b)(i)
58(2)(b)(ii)(A)(II)	58(2A)(b)(ii)
58(2)(b)(ii)(B)	58(2A)(b)(iii)
58(2)(b)(ii)(C)	58(2A)(b)(iv)
58(2)(b), 2nd sentence	58(2B)
58(2)(b), 2nd sentence, 1st unnum para	58(2B)(a)
58(2)(b), 2nd sentence, 1st unnum para, (a)	59(2B)(a)(i)
58(2)(b), 2nd sentence, 1st unnum para, (b)	58(2B)(a)(ii)
58(2)(b), 2nd sentence, 2nd unnum para	58(2B)(b)
58(2)(b), 2nd sentence, 2nd unnum para, (a)	58(2B)(b)(i)
58(2)(b), 2nd sentence, 2nd unnum para, (b)	58(2B)(b)(ii)
58(2)(b), 2nd sentence, 3rd unnum para	58(2B)(c)
58(3)(a)	58(3)
58(3)(a)(i)	58(3), def "remote area", (a)
58(3)(a)(i)(A)	58(3)(a)(i)
58(3)(a)(i)(B)	58(3)(a)(ii)
58(3)(a)(ii)	58(3)(b)
58(3)(a)(ii)(A)	58(3)(b)(i)
58(3)(a)(ii)(B)	58(3)(b)(ii)
58(3)(a)(ii)(C)	58(3)(b)(iii)
58(3)(a)(ii)(C)(I)	58(3)(b)(iii)(A)
58(3)(a)(ii)(C)(II)	58(3)(b)(iii)(B)
58(3)(b)	58(3A)
58(4)(a)	58(4)
58(4)(a)(i)	58(4), def "remote area", (a)
58(4)(a)(i)(A)	58(4)(a)(i)
58(4)(a)(i)(B)	58(4)(a)(ii)
58(4)(a)(ii)	58(4)(b)

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58(4)(a)(ii)(A)
58(4)(a)(ii)(B)
58(4)(a)(ii)(C)
58(4)(a)(ii)(C)(I)
58(4)(a)(ii)(C)(II)
58(4)(b)

58(4)(b)(i)
58(4)(b)(ii)
58(4)(b)(iii)
58(4)(b)(iii)(A)
58(4)(b)(iii)(B)
58(4A)