



# Education Regulation 2012

under the

Education Act 1990

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Education Act 1990*.

ADRIAN PICCOLI, MP  
Minister for Education

## Explanatory note

The object of this Regulation is to remake, with minor changes, the *Education Regulation 2007*, which is repealed on 1 September 2012 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation makes provision for the following matters:

- (a) the criteria for determining whether a child has completed Year 10 or is no longer required to attend school because the child is participating in full time paid work or approved education or training or both,
- (b) the particular kinds of children in respect of whom certain non-government schools may be registered,
- (c) the notification requirements if a non-government school closes or ceases to operate and the effect on the registration of the school,
- (d) the constitution of parents and citizens associations and district councils,
- (e) the publication of the rules of the Board of Studies.

This Regulation is made under the *Education Act 1990* including sections 21B, 53, 63, 64, 65, 115, 130 (the general regulation-making power) and 131.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature.

## 2012 No 440

Education Regulation 2012

---

### Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 Completion of Year 10	3
5 Participation in paid work	5
6 Participation in approved education or training	5
7 Participation on a full-time basis	5
8 Registration of non-government schools as efficient for education of children of particular kind	6
9 Closure or cessation of operation of non-government schools	6
10 Constitution of parents and citizens associations and kindred associations for government schools	7
11 Constitution of district councils	7
12 Publication of Board of Studies rules	7
13 Saving	8

## Education Regulation 2012

under the

Education Act 1990

### 1 Name of Regulation

This Regulation is the *Education Regulation 2012*.

### 2 Commencement

This Regulation commences on 1 September 2012 and is required to be published on the NSW legislation website.

**Note.** This Regulation replaces the *Education Regulation 2007* which is repealed on 1 September 2012 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

- (1) In this Regulation:  
*the Act* means the *Education Act 1990*.
- (2) Notes included in this Regulation do not form part of this Regulation.

### 4 Completion of Year 10

- (1) For the purposes of section 21B of the Act, a child has completed Year 10 of secondary education in this State (as referred to in section 21B (5) (a)) if:
  - (a) the child has been awarded, or has received, a relevant certificate, or
  - (b) the child has satisfied the relevant participation requirements for Year 10 or Year 10 of home schooling.
- (2) For the purposes of this clause, a *relevant certificate* means:
  - (a) a Record of School Achievement or Higher School Certificate granted under Part 8 of the Act, or
  - (b) a transcript of study issued under section 98 of the Act, or
  - (c) a certificate from the proprietor of a non-accredited school confirming that the child has satisfied the relevant participation requirements for Year 10, or

## 2012 No 440

Clause 4 Education Regulation 2012

---

- (d) in the case of a child who is registered for home schooling—a certificate from an authorised person (within the meaning of section 70 of the Act) confirming that the child has satisfied the relevant participation requirements for Year 10 of home schooling.
- (3) For the purposes of this clause, a child has satisfied the *relevant participation requirements for Year 10* if:
- (a) the child's attendance at school until the final day of Year 10 is satisfactory in the opinion of the relevant authority, and
  - (b) the child has:
    - (i) in the case of a child attending a non-accredited school—received instruction in courses of study that meet the curriculum requirements for secondary school children during Year 7 to Year 10 and has completed the courses of study for Year 10, and
    - (ii) in any other case—participated in courses of study which have been determined under the Act as appropriate to be undertaken by candidates for the Record of School Achievement, and
  - (c) the child has applied himself or herself with diligence and sustained effort in the opinion of the principal of the school.
- (4) For the purposes of this clause, a child has satisfied the *relevant participation requirements for Year 10 of home schooling* if:
- (a) the child is, or was, registered for home schooling subject to the condition that he or she receive instruction in courses of study that meet the curriculum requirements for secondary school children during Year 7 to Year 10, and
  - (b) the child has completed the courses of study for Year 10.
- (5) In this clause:
- non-accredited school* means a registered non-government school that is not accredited to present candidates for the Record of School Achievement.
- relevant authority* means:
- (a) in the case of a child attending a government school—the Director-General, and
  - (b) in the case of a child attending a non-government school that is a member of a system of non-government schools—the approved authority appointed under section 40 of the Act, and
  - (c) in the case of a child attending any other non-government school—the proprietor of the school.

**5 Participation in paid work**

- (1) For the purposes of section 21B of the Act, a child is participating in paid work if:
  - (a) the child is undertaking work as an employee or a self-employed person, and
  - (b) the child is being paid for undertaking that work, and
  - (c) any requirements relating to the age or qualifications of an employee undertaking that work, as imposed by or under legislation, are complied with.
- (2) A child who undertakes work of a domestic or home maintenance nature for a parent of the child is not participating in paid work for the purposes of section 21B of the Act in relation to that work regardless of whether the child is being paid to undertake the work.

**6 Participation in approved education or training**

For the purposes of section 21B of the Act, participation in approved education or training includes participation in Years 11 and 12 of secondary education.

**7 Participation on a full-time basis**

For the purposes of section 21B of the Act:

- (a) a child is participating in paid work on a full-time basis if the child is participating in paid work for an average of 25 hours per week over a 4 week period, and
- (b) a child is participating in approved education or training on a full-time basis if the provider of the approved education or training that the child is participating in certifies that the education or training is being provided to the child on a full-time basis, and
- (c) a child is participating in a combination of approved education or training and paid work on a full-time basis if the child participates in any of the following for an average of 25 hours per week over a 4 week period:
  - (i) paid work, or
  - (ii) face-to-face instruction in connection with approved education or training.

**8 Registration of non-government schools as efficient for education of children of particular kind**

Children of the following kinds are prescribed for the purposes of sections 53 (1) (c), 64 (2) (b) and 65 (2) (c) of the Act:

- (a) children who need special instruction because of sensory, physical, intellectual or emotional disabilities,
- (b) children who are, or who are the children of, foreign nationals.

**9 Closure or cessation of operation of non-government schools**

- (1) The proprietor or principal of a registered 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) must give written notice of the following changes to the circumstances of the operation of the school:
  - (a) the closure of the school,
  - (b) the cessation of operation of the school for at least 1 year,
  - (c) the cessation of operation of the school for at least 2 years.
- (2) The written notice must be given:
  - (a) to any person designated by the Board as a designated person for the purposes of this clause in an official notice given to schools by the Board, and
  - (b) as soon as reasonably practicable after the proprietor or principal of a 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) becomes aware that the school is to undergo, or has undergone, the change, but not later than one month after the change has occurred.
- (3) In the event of a closure of a school or the cessation of operation of the school for at least 2 years, the registration of the school ceases.
- (4) In the event of the cessation of operation of the school for at least 1 year, the registration of the school continues to have effect for 1 year after the end of the first 12 months during which the school did not operate.
- (5) If the registration of a school ceases under subclause (3) or is limited under subclause (4), the Minister is to give written notice of that cessation or limitation 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, to the approved authority for the system.

- (6) For the purposes of this clause, a school ceases operation if:
  - (a) there are no courses of study being taught at the school, or
  - (b) there are no students enrolled at the school.
- (7) In subclause (6), *courses of study* means courses of study that comply with the curriculum requirements under Part 3 of the Act that apply to the students at the school.

**10 Constitution of parents and citizens associations and kindred associations for government schools**

- (1) The Minister may constitute a parents and citizens association or a kindred association for a government school on receiving minutes of a meeting at which 7 or more persons (each being a parent of a child attending the school or a resident of the district served by the school):
  - (a) have resolved that such an association be formed, and
  - (b) have appointed a president, at least 2 vice-presidents, a treasurer and a secretary from among themselves.
- (2) The appointed persons hold office until their successors are appointed in accordance with the rules made or adopted by the association for the conduct of the association's affairs.

**11 Constitution of district councils**

- (1) A district council for an area is to consist of delegates appointed by each parents and citizens association or kindred association constituted for any government school situated in the area.
- (2) Each parents and citizens association or kindred association may appoint up to 2 delegates.
- (3) The delegates of a parents and citizens association or kindred association are to be appointed in accordance with the rules made or adopted by the association for the conduct of the association's affairs.

**12 Publication of Board of Studies rules**

- (1) A rule made by the Board is to be published on the Board's website or by means of a notice displayed to the public at the Board's office.
- (2) A copy of each rule:
  - (a) must be included in the relevant bulletins and manuals issued by the Board to government schools and non-government schools, and
  - (b) must be available for public inspection at the Board's office during business hours.

## **2012 No 440**

Clause 13      Education Regulation 2012

---

### **13    Saving**

Any act, matter or thing that, immediately before the repeal of the *Education Regulation 2007*, had effect under that Regulation continues to have effect under this Regulation.