

Education Regulation 2007

[2007-412]



New South Wales

Status Information

Currency of version

Historical version for 1 January 2010 to 20 March 2012 (accessed 17 July 2024 at 22:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**
[Education Amendment \(Record of School Achievement\) Bill 2012](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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1 Name of Regulation

This Regulation is the *Education Regulation 2007*.

2 Commencement

This Regulation commences on 1 September 2007.

Note—

This Regulation replaces the *Education Regulation 2001* which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act or **the new 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 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 School Certificate, or Higher School Certificate, granted under Part 8 of the Act, or
- (b) a record of achievement 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

(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 School Certificate, 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 School Certificate.

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.

4A 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.
- (3) In this clause:

employee has the same meaning as it has in the *Occupational Health and Safety Act 2000*.

self-employed person has the same meaning as it has in the *Occupational Health and Safety Act 2000*.

4B 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.

4C 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.

5 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 section 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.

6 Change in circumstances of the operation of a non-government school

- (1) For the purposes of section 63 (1) of the Act, the following changes to the circumstances of the operation of a registered non-government school are prescribed:
 - (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) For the purposes of section 63 (1) of the Act, notice of such a change 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, a change of a prescribed kind, but not later than one month after such a change has occurred.
- (3) In the event of a change of the kind prescribed by subclause (1) (a) or (c) at a school, the registration of the school ceases.
- (4) In the event of a change of the kind prescribed by subclause (1) (b) at a school, the registration of the school is limited to the period ending 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 operations 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 for the years of schooling for which the school is certified as efficient for education under section 53 of the Act.

7 Constitution of parents and citizens associations and kindred associations for government schools

- (1) The Minister may constitute a parents and citizens association or 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 the following officers from among themselves, namely, a president, at least 2 vice-presidents, a treasurer and a secretary.
- (2) The officers of such an association hold office until their successors are appointed in accordance with such rules as are made or adopted by the association for the conduct of the association's affairs.

8 District council areas

For the purposes of section 115 (2) of the Act, the following are prescribed as areas for which a district council may be established:

Far South Coast district as shown on the map marked "*Area of Far South Coast District Council of P&C Associations*" deposited in the principal office of the Department of Education and Training.

9 Notice of establishment of district council

On establishing a district council for an area, the Minister must cause notice of that fact to be published in the Gazette.

10 Constitution of district council

- (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 such 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.

11 Publication of rules of Board of Studies

- (1) A rule made by the Board of Studies under section 131 of the Act is to be published by means of a notice displayed to the public at the Board's office or by publication on the Board of Studies website.
- (2) A copy of each such 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 offices during business hours.

12 Saving of certain syllabuses

- (1) A syllabus for a course of study:
 - (a) that was, immediately before the commencement of the new Act, approved or adopted by the Board of Secondary Education under the *Education and Public Instruction Act 1987*, and
 - (b) that has not, since that date, been duly replaced under the new Act,is taken to be a syllabus approved by the Minister under the new Act.
- (2) Subclause (1) ceases to apply to a syllabus that is replaced by a new syllabus.

13 Saving of certain district council areas

- (1) The area for which a district council was established under the *Education and Public Instruction Act 1987*, as existing immediately before the commencement of the new Act, is taken to be an area prescribed for the purposes of section 115 (2) of the new Act.
- (2) Land within an area referred to in subclause (1) ceases to be part of that area if the land is subsequently included in an area prescribed in respect of a district council established under the new Act.

14 General saving

Any act, matter or thing that, immediately before the repeal of the *Education Regulation 2001*, had effect under that Regulation is taken to have effect under this Regulation.

15 Transitional provision

- (1) For the purposes of clause 17 of Schedule 3 to the Act, a child is enrolled at a school at the end of the 2009 school year if the child's name remained on the register of enrolments kept in accordance with section 24 of the Act until:

- (a) in the case of a child attending a non-government school that is a member of a system of non-government schools—the date determined by the approved authority appointed under section 40 of the Act as the end of the 2009 school year, or
 - (b) in the case of a child attending any other non-government school—the date determined by the proprietor of the school as the end of the 2009 school year, or
 - (c) in any other case or if no date is determined for the school that the child is attending in accordance with paragraph (a) or (b)—10 December 2009.
- (2) However, a child who has his or her enrolment at a school withdrawn or terminated before 10 December 2009 or the date determined in relation to the school under subclause (1) (a) or (b), as appropriate, is not enrolled at that school at the end of the 2009 school year (regardless of whether the child's name remained on the register of enrolments).