

I certify that this is a copy of the authorised version of this Statutory Rule as at 1 July 2023, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2023.

K Woodward  
Chief Parliamentary Counsel  
Dated 25 July 2023

## TASMANIA

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# EDUCATION REGULATIONS 2017

## STATUTORY RULES 2017, No. 42

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## **EDUCATION REGULATIONS 2017**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Education Act 2016*.

Dated 4 July 2017.

C. WARNER  
Governor

By Her Excellency's Command,

JEREMY ROCKLIFF  
Minister for Education and Training

### **PART 1 – PRELIMINARY**

#### **1. Short title**

These regulations may be cited as the *Education Regulations 2017*.

#### **2. Commencement**

These regulations take effect on 10 July 2017.

### **3. Interpretation**

In these regulations –

*Act* means the *Education Act 2016*;

*move campus* means –

- (a) add another campus; or
- (b) move out of an existing campus;  
or
- (c) move out of an existing campus  
and into a new campus.

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**PART 2 – COMPULSORY EDUCATION AND TRAINING**

**4. Objection to participation in school activities**

(1) In this regulation –

*Australian Curriculum, Assessment and Reporting Authority* means the Australian Curriculum, Assessment and Reporting Authority established under section 5 of the *Australian Curriculum, Assessment and Reporting Authority Act 2008* of the Commonwealth;

*NAP* means the National Assessment Program which is conducted on a rolling 3-yearly basis under the organisation of the Australian Curriculum, Assessment and Reporting Authority for selected students in Years 6 and 10;

*NAPLAN* means the National Assessment Program – Literacy and Numeracy which is conducted annually under the organisation of the Australian Curriculum, Assessment and Reporting Authority for all students in Years 3, 5, 7 and 9.

(2) For the purposes of section 39(1) of the Act, the following activities are prescribed as activities to which a parent may object, as a matter of conscience, to his or her child or youth participating in:

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- (a) a fund-raising event if the objection relates to the beneficiary of the fund raising;
- (b) a religious event or celebration;
- (c) an excursion, or event, that is related to environmental, industrial or cultural matters if, as part of the excursion or event, only one political view may be expressed or one political view may be given more favour or weight than other alternative political views;
- (d) a cultural celebration;
- (e) an event where food is offered to students or cooked and eaten by students;
- (f) an assembly, if the objection relates to a proposed speaker or the inclusion of a political, religious or cultural matter or activity;
- (g) a NAPLAN or NAP test;
- (h) education by any means of delivery if –
  - (i) the objection relates to any content of that education; and
  - (ii) that education is not part of the Australian curriculum;
- (i) sex education, or family planning education, that is not part of the Australian curriculum.

**5. Standards for approved home education programs**

- (1) The standards for approved home education programs are set out in Schedule 1.
- (2) There is no obligation for an approved home education program to provide a curriculum other than as specified in the standards for approved home education programs set out in Schedule 1.

**PART 3 – STATE SCHOOLS**

***Division 1 – Roads on school campus***

**6. Conditions relating to use of vehicles on State school campus**

The principal of a State school may determine the conditions under which vehicles may be driven, ridden, parked and removed on or from a campus of the school.

**7. Notices relating to vehicles on State school campus**

- (1) The principal of a State school may cause to be displayed on a State school campus a notice containing instructions relating to the driving, riding, parking and removal of vehicles on or from the campus.
- (2) A person must comply with a notice displayed under subregulation (1).

**8. Maximum speed limits on State school campus**

- (1) The principal of a State school may –
  - (a) determine the maximum speed at which vehicles may be driven or ridden on a State school campus; and
  - (b) erect on a campus of the school signs specifying that maximum speed.
- (2) A person must not drive or ride a vehicle on a State school campus at a speed in excess of the

maximum speed determined for that campus, and specified on a sign erected, under subregulation (1).

## **9. Effect of contravening this Division**

A person who contravenes regulation 7(2) or regulation 8(2) is taken to be behaving in an unacceptable manner for the purposes of Division 5 of Part 5 of the Act.

### ***Division 2 – School associations***

## **10. School association constitution**

- (1) The constitution, or proposed constitution, of a school association must provide for the matters specified in Schedule 5.
- (2) The constitution, or proposed constitution, of a school association may provide for matters in addition to those specified in Schedule 5 if those additional matters are in the best interests of the school association and are approved by the Minister.
- (3) The constitution, or proposed constitution, of a school association is taken to comply with these regulations if the constitution, or proposed constitution, is consistent with the model constitution published by the Minister under section 111(5) of the Act.

**PART 4 – REGISTERED SCHOOLS**

*Division 1 – Standards for registration*

**11. Standards for registration of system of non-government schools**

The standards for the registration of a system of non-government schools are set out in Schedule 2.

**12. Standards for registration of non-government schools**

For the purposes of sections 154(1), 161(1) and 162(1) of the Act, the standards for the registration of non-government schools are the standards for the renewal of registration of registered individual schools set out in Schedule 4.

**13. Standards for registration of new individual non-government schools**

The standards for the registration of new individual non-government schools are set out in Schedule 3.

**14. Standards for renewal of registration of registered individual schools**

The standards for the renewal of registration of registered individual schools are set out in Schedule 4.

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***Division 2 – Recovery of Commonwealth financial assistance***

**15. Debt of Commonwealth-approved authority, block grant authority or non-government representative body**

(1) In this regulation –

***block grant authority*** has the same meaning as in the Commonwealth Act;

***Commonwealth Act*** means the *Australian Education Act 2013* of the Commonwealth;

***Commonwealth-approved authority*** means an approved authority within the meaning of the Commonwealth Act;

***Commonwealth Minister*** means the Commonwealth Minister responsible for administering the Commonwealth Act;

***entity*** means –

- (a) a block grant authority; or
- (b) a Commonwealth-approved authority; or
- (c) a non-government representative body;

***non-government representative body*** has the same meaning as in the Commonwealth Act;

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***recoverable payments deed*** means a deed that is –

- (a) entered into by the State and a person or body that, at the time of the signing of the deed, was or was intended to become a Commonwealth-approved authority or block grant authority; and
- (b) entered into for the purposes of complying with section 24 of the Commonwealth Act; and
- (c) in force immediately before 10 July 2017.

(2) If –

- (a) the Commonwealth Minister makes a determination under section 110(1)(a) of the Commonwealth Act that requires the State to pay an amount to the Commonwealth; and
- (b) that determination relates to financial assistance that is paid, on or after 10 July 2017, by the Commonwealth to the State for an entity; and
- (c) the financial assistance is paid by the State to the entity; and
- (d) that determination is made as a result of –

- (i) non-compliance or a breach by the entity mentioned in section 108 of the Commonwealth Act; or
- (ii) a payment mentioned in section 109(1), (2), (3)(a) or (4) of the Commonwealth Act that was paid to the State for the entity –

the amount referred to in paragraph (a) is a debt due and payable by the entity to the State and may be recovered by the State in a court of competent jurisdiction.

- (3) Subregulation (2) does not apply to an entity if –
  - (a) the entity on or after 10 July 2017 enters into a written agreement with the State; and
  - (b) the agreement between the State and the entity is in force and establishes an arrangement that complies with section 11(2) of the *Australian Education Regulation 2013* of the Commonwealth.
- (4) A recoverable payments deed does not apply in relation to any debt payable by a Commonwealth-approved authority or block grant authority to the State in accordance with subregulation (2).

*Division 3 – Miscellaneous*

**16. Application to amend type of education for which registered school is registered**

- (1) The administrative authority of a registered school may apply to the Registration Board for the amendment of the school's registration by the omission or addition of types of education that the school is registered to provide under section 174 of the Act.
- (2) An application is to –
  - (a) be in writing; and
  - (b) state the types of education, as specified in section 174 of the Act, that are to be omitted from, or added to, the types of education that the registered school is registered to provide; and
  - (c) if a type of education is proposed to be added, provide details of how the registered school will meet, in relation to that type of education, the standards for registration relevant to the school; and
  - (d) be lodged with the Registrar; and
  - (e) be accompanied by any fee determined by the Registration Board and approved by the Minister.
- (3) The Registration Board may require the administrative authority to provide any further

information that it considers necessary or relevant.

**17. Report of Registrar for amendment of type of education**

- (1) Before determining an application for the amendment of a registered school's registration by the addition of a type of education that a registered school is registered to provide under section 174 of the Act, the Registration Board is to obtain a report from the Registrar in relation to the application.
- (2) The report is to include –
  - (a) an assessment of the registered school against any relevant standards relating to the type of education proposed to be added; and
  - (b) any other information that the Registrar considers relevant; and
  - (c) recommendations relating to whether the application be granted and whether the registration of the registered school be subject to conditions, or further conditions, by reason of the addition of a type of education.
- (3) The Registrar may require the administrative authority for the registered school to provide any information that he or she considers necessary in order to make the report.

**18. Determination of application to amend registration of school by omitting or adding types of education**

- (1) As soon as reasonably practicable after receiving an application to amend the registration of a registered school by omitting or adding a type of education that the school is registered to provide under section 174 of the Act, the Registration Board is to –
  - (a) grant the application, with or without conditions; or
  - (b) refuse to grant the application.
- (2) The Registration Board must not grant, without conditions, an application that proposes to add a type of education unless satisfied that the registered school meets, in relation to that type of education, any relevant standards.
- (3) The Registration Board may grant the application subject to conditions if satisfied that –
  - (a) although the registered school does not meet the standards relevant to the type of education proposed to be added, the deficiency –
    - (i) does not pose a risk of harm to the health and safety of the students and staff at, or visitors to, the school; and

- (ii) is capable of being rectified within the period determined by the Registration Board; and
  - (b) the imposition of the conditions is sufficient to rectify the failure to meet those standards.
- (4) In determining an application for the amendment of the registration of a registered school by the addition of a type of education that the school is registered to provide under section 174 of the Act, the Registration Board must take into account the report of the Registrar obtained under regulation 17.
- (5) For the purposes of determining the application, the Registration Board may require the applicant or the Registrar to provide any further information that the Registration Board considers necessary or relevant.
- (6) The Registration Board is to notify the applicant, in writing, of the determination under this section and, if the application is refused or granted subject to conditions, of the reasons for that determination.
- (7) If the Registration Board grants the application, it is to cause –
  - (a) the register kept under section 214 of the Act to be updated accordingly; and
  - (b) amend or substitute the relevant certificate of registration.

**19. Notifying change of principal**

Within 30 days after the principal of a registered school retires or leaves or a new principal is appointed, the administrative authority must –

- (a) notify the Registrar, in writing, of that change; and
- (b) provide the Registrar with evidence that the new principal meets the requirements of section 199 of the Act.

**20. Limitation of change of campus of registered school**

- (1) A registered school must not move campus without the prior approval of the Registration Board.
- (2) The administrative authority of a registered school may apply to the Registration Board to move campus.
- (3) An application is to –
  - (a) be in writing; and
  - (b) provide the details of the move; and
  - (c) provide details of how the registered school will meet the standards for registration relevant to the school after the move; and
  - (d) be lodged with the Registrar; and

- (e) be accompanied by any fee determined by the Registration Board and approved by the Minister.
- (4) The Registration Board may require the administrative authority to provide any further information that it considers necessary or relevant.

**21. Report of Registrar for move of campus**

- (1) Before determining an application to move campus, the Registration Board is to obtain a report from the Registrar in relation to the application.
- (2) The report is to include –
  - (a) an assessment of the registered school against any relevant standards that would apply if the application were granted; and
  - (b) any other information that the Registrar considers relevant; and
  - (c) recommendations relating to whether the application be granted and whether any approval to move campus be subject to conditions.
- (3) The Registrar may require the administrative authority for the registered school to provide any information that he or she considers necessary in order to make the report.

**22. Determination of application to move campus**

- (1) As soon as reasonably practicable after receiving the report of the Registrar under regulation 21, the Registration Board is to –
  - (a) grant the application, with or without conditions; or
  - (b) refuse to grant the application.
- (2) The Registration Board must not grant, without conditions, an application unless satisfied that the registered school, after the move of campus, will meet any relevant standards.
- (3) The Registration Board may grant the application subject to conditions if satisfied that –
  - (a) although the registered school, after the move of campus, will not meet all relevant standards, the deficiency –
    - (i) does not pose a risk of harm to the health and safety of the students and staff at, or visitors to, the school; and
    - (ii) is capable of being rectified within the period determined by the Registration Board; and
  - (b) the imposition of the conditions is sufficient to rectify the failure to meet those standards.

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- (4) In determining an application to move campus, the Registration Board must take into account the report of the Registrar obtained under regulation 21.
- (5) For the purposes of determining the application, the Registration Board may require the applicant or the Registrar to provide any further information that the Registration Board considers necessary or relevant.
- (6) The Registration Board is to notify the applicant, in writing, of the determination under this section and, if the application is refused or granted subject to conditions, of the reasons for that determination.
- (7) If the Registration Board grants the application, it is to issue a letter of approval for the campus move and –
  - (a) cause the register kept under section 214 of the Act to be updated accordingly; and
  - (b) amend or substitute the relevant certificate of registration.

**SCHEDULE 1 – STANDARDS FOR APPROVED HOME  
EDUCATION PROGRAMS**

Regulation 5

**1. Interpretation**

In this Schedule –

*relevant child* means the school-aged child or youth who is, or is to be, provided with home education under an approved home education program.

**2. Diverse learning needs**

An approved home education program is to provide for the relevant child to be provided with a rich educational program that meets their individual needs.

**3. Provision of education by suitable person**

An approved home education program is to demonstrate that –

- (a) the education to be provided has been well researched; and
- (b) the aspects of the areas of education to be provided are thoroughly understood by the person providing the program.

**4. Pedagogy**

An approved home education program is to specify the learning methodologies that will be used to meet the aims of the program and how those methodologies will be delivered to the relevant child.

**5. Education relating to safety, health and wellbeing**

An approved home education program is to provide for the education of the relevant child in matters relating to safety, health and wellbeing.

**6. Providing for the development of interpersonal skills**

An approved home education program is to –

- (a) ensure that the relevant child is provided with opportunities to form and maintain friendships, respectful relationships and communication with his or her immediate community and other communities for a wide range of purposes; and
- (b) specify how those opportunities will occur.

**7. Literacy**

An approved home education program is to ensure that the relevant child –

- (a) will experience environments that are rich in literacy; and
- (b) will participate in activities that will develop the relevant child's speech, reading, writing and communication.

## **8. Numeracy**

An approved home education program is to ensure that the relevant child –

- (a) will experience environments that are rich in numeracy; and
- (b) will learn and practise mathematical concepts.

## **9. Range of learning areas**

An approved home education program is to –

- (a) ensure that the relevant child engages in a broad range of educational areas suitable to his or her educational needs; and
- (b) identify all the educational areas to be provided to the relevant child.

## **10. Future directions**

If the relevant child has attained the age of 13 years, an approved home education program is to specify how the relevant child will be supported to plan future pathways in education, training or

employment to ensure that he or she develops to his or her full potential.

**11. Evaluation**

An approved home education program is to specify how the relevant child's progress under the program is to be evaluated.

**SCHEDULE 2 – STANDARDS FOR REGISTRATION  
OF SYSTEM OF NON-GOVERNMENT SCHOOLS**

Regulation 11

**1. Interpretation**

In this Schedule –

*relevant standards* means the standards for registration of non-government schools as referred to in regulation 12.

**2. Approved authority**

- (1) The approved authority for a system of non-government schools must be able to demonstrate that he or she, or each member of it, is a fit and proper person to have the responsibilities and powers specified in sections 146(1) and (2) of the Act.
- (2) The approved authority for a system of non-government schools must have available for adoption by each system school the processes that allow the school to plan for, and achieve, improvement in student learning.

**3. Financial resources and related matters**

- (1) The approved authority for a system of non-government schools must demonstrate that it has sufficient financial resources, including dedicated capital, to manage the processes of assessing and reviewing the system schools against the relevant standards.

- (2) The approved authority for a system of non-government schools must have an auditing framework in relation to the funding that it provides to the system schools that the Registration Board considers appropriate.
- (3) The approved authority for a system of non-government schools must have a funding model and mechanisms that will ensure that each system school will be able to continue to comply with the relevant standards.

#### **4. Policies, procedures, &c.**

- (1) The approved authority for a system of non-government schools must have such policies, plans, methodologies and procedures available to the system schools as are needed to ensure that those schools comply with the relevant standards.
- (2) The approved authority for a system of non-government schools must have processes to ensure that all system schools comply with –
  - (a) the policies, plans, methodologies and procedures required by the relevant standards; and
  - (b) the relevant standards.

#### **5. Record keeping**

- (1) The approved authority for a system of non-government schools must have record keeping procedures that, in the opinion of the

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Registration Board, are sufficient to enable the Registration Board to determine whether the approved authority and each of its system schools are complying with the Act, these standards, the relevant standards and the requirements of any other law.

- (2) The approved authority for a system of non-government schools must ensure that the financial records of –
  - (a) each of its system schools; and
  - (b) the system of non-government schools; and
  - (c) the approved authority –

are kept for a minimum of 7 years.

## **6. Compliance with law**

- (1) The approved authority for a system of non-government schools must have a written plan detailing the steps it will take to ensure that each system school is complying with the relevant standards.
- (2) The plan referred to in subclause (1) must ensure that the approved authority reviews the compliance by at least 20% of the system schools with the relevant standards each year.
- (3) The approved authority for a system of non-government schools must report, at the times and in the manner agreed between the Registrar and the approved authority, to the Registration Board

on the compliance with the relevant standards by the system schools reviewed in the preceding 12 months.

- (4) The Registrar is to consult with the Registration Board before an agreement is made between the Registrar and an approved authority for a system of non-government schools under subclause (3).
- (5) Regardless of any other provision in this clause, the approved authority for a system of non-government schools must report to the Registration Board any significant failure to comply with the relevant standards by a system school within 14 days of becoming aware of that failure.
- (6) For the purposes of subclause (5) and without limiting what may constitute a significant failure to comply with the relevant standards, a failure to comply with the relevant standards may be significant if –
  - (a) the failure creates a risk to the welfare of students or staff; or
  - (b) the failure creates a risk to the health or safety of students, staff or other persons; or
  - (c) the failure has resulted, or may result, in a system school, or the whole system of non-government schools, becoming financially unviable or unable to pay its bills as they fall due; or

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- (d) the failure has resulted or may result in damage to facilities such that students can no longer be educated in accordance with the relevant standards; or
- (e) the failure is that a teacher at a system school is not a registered teacher under the *Teachers Registration Act 2000* or a staff member at a system school is not appropriately registered under the *Registration to Work with Vulnerable People Act 2013*.

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**SCHEDULE 3 – STANDARDS FOR REGISTRATION  
OF NEW INDIVIDUAL NON-GOVERNMENT  
SCHOOLS**

Regulation 13

**1. Interpretation**

In this Schedule –

*Australian Curriculum, Assessment and Reporting Authority* means the Australian Curriculum, Assessment and Reporting Authority established under section 5 of the *Australian Curriculum, Assessment and Reporting Authority Act 2008* of the Commonwealth;

*Australian Curriculum* means the Australian Curriculum referred to in section 42 of the *Australian Education Regulation 2013*;

*new school* means a new individual non-government school.

**2. Governance of, and accountability for, new school's operation**

- (1) The governing body of a new school must be able to demonstrate that it has responsibility for the standard of education to be delivered at the school, the strategic direction of the school, the overall management of the school finances and the management of the school's principal.

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- (2) The governing body of a new school must be able to demonstrate that there will be a clear separation between the day-to-day management of the school by the principal and the overall governance of the school by the governing body.
- (3) The governing body of a new school must be able to demonstrate that he or she, or each member of it, is a fit and proper person to have the responsibilities specified in subclause (1) and to have the overall governance of a school.
- (4) The governing body of a new school must have a school development plan for the school.
- (5) The governing body of a new school is to demonstrate that it has procedures for providing annual reports to the school community relating to the school's finances, student achievement, qualifications of teachers and other matters that the governing body considers appropriate to be included in the report.

**3. Student learning**

- (1) The governing body of a new school must demonstrate to the satisfaction of the Board that the school will provide education that is satisfactory for –
  - (a) a registered school of the type for which it is proposed to be registered; and
  - (b) the kind of students that will be attending the school.

- (2) The governing body of a new school must demonstrate that the school will provide a differentiated learning program to cater for the learning needs of all of its students.
- (3) The governing body of a new school must have determined the processes that allow it to plan for, and achieve, improvement in student learning.

#### **4. Curriculum**

- (1) In this clause –

*learning framework* means a framework, that describes the principles and practices to support and enhance learning and the outcomes to be achieved from that learning, as approved from time to time by the Ministerial Council responsible for early childhood education and care in accordance with the *Education and Care National Law (Tasmania)*.

- (2) The governing body of a new school that provides kindergarten must demonstrate to the satisfaction of the Board that the school will provide, for kindergarten, a developmentally appropriate learning framework.
- (3) The governing body of a new school must demonstrate to the satisfaction of the Board that the school will provide, for the years of compulsory education, a curriculum that is –

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- (a) approved by the Australian Curriculum, Assessment and Reporting Authority; and
  - (b) satisfies the requirements of the Australian Government relating to the delivery of the curriculum.
- (4) The governing body of a new school must demonstrate to the satisfaction of the Board that the school will provide all of the learning areas in the Australian Curriculum or another curriculum which is approved by the Australian Curriculum, Assessment and Reporting Authority.
- (5) The governing body of a new school that provides senior secondary education must demonstrate that the curriculum for that senior secondary education –
- (a) is accredited or recognised by –
    - (i) the Tasmanian Assessment, Standards and Certification Board as established under section 7 of the *Tasmanian Assessment, Standards and Certification Act 2003*; or
    - (ii) the International Baccalaureate; or
    - (iii) an Australian Curriculum, Assessment and Reporting Authority-approved course for senior secondary education; or

- (b) is vocational educational and training within the meaning of the *Training and Workforce Development Act 2013*.

## **5. Assessment and reporting**

The governing body of a new school must have a student assessment policy and a reporting policy that are consistent with the relevant requirements of the Australian Government.

## **6. Student welfare**

- (1) In this clause –

*critical incident* means an incident that poses a present or imminent risk to the life, health, safety or wellbeing of a person or may cause a person to suffer extreme stress or fear.

- (2) The governing body of a new school must have a policy which details the school's response to a critical incident.
- (3) The governing body of a new school must have one or more policies relating to –
  - (a) student welfare, including child protection, student privacy, bullying of students, harassment of students and the maintenance of appropriate relationships between staff and students; and
  - (b) if the new school is to operate a boarding house, the safety and welfare of students

accommodated at the boarding house;  
and

- (c) the pastoral care of students or positive learning environments for students.
- (4) The policies referred to in subclauses (2) and (3) are to include a mechanism for informing the Registrar if a student –
- (a) dies as a result of an incident while in the care of the school; or
  - (b) is hospitalised as a result of an incident while in the care of the school and that hospitalisation continues for more than 3 days.

## **7. Financial resources**

The governing body of a new school must demonstrate that the school will have sufficient financial resources to provide education and learning programs of the kind referred to in clause 3(1) and (2).

## **8. Staff**

- (1) The governing body of a new school must demonstrate that all staff to be employed at the school in teaching roles are, or will be, registered teachers, within the meaning of the *Teachers Registration Act 2000*.
- (2) The governing body of a new school must demonstrate that all staff to be employed at the

school, whether in teaching roles or other roles, are, or will be, registered under the *Registration to Work with Vulnerable People Act 2013* to engage in the regulated activity of a child-related service, within the meaning of Division 1 of Part 2 of the *Registration to Work with Vulnerable People Regulations 2014*.

- (3) The governing body of a new school must demonstrate that the school will comply with the *Registration to Work with Vulnerable People Act 2013* in relation to all staff and volunteers at the school.
- (4) The governing body of a new school must have professional development plans, for all professional staff employed at the school, that are consistent with guidelines issued by the Australian Institute for Teaching and School Leadership Limited (ABN 17 117 362 740).

## **9. Facilities and environment**

- (1) The governing body of a new school must demonstrate that the buildings, facilities and grounds of the school comply, or will comply before the school commences operating, with all relevant laws.
- (2) The governing body of a new school must demonstrate to the satisfaction of the Board that the school will provide a physical environment and facilities that –
  - (a) are, or will be before the school commences operating, safe; and

- (b) are, or will be before the school commences operating, suitable for the age groups of the students that will be in that environment and using those facilities; and
- (c) will enable the delivery of the curriculum to students; and
- (d) will enable the delivery to the students of a diverse range of experiences which promote learning and development.

#### **10. Enrolment and attendance**

- (1) The governing body of a new school must demonstrate that the school has enrolment and attendance procedures that –
  - (a) comply with all relevant laws; and
  - (b) are detailed in written documents in a clear and concise manner.
- (2) The governing body of a new school must demonstrate that the school will comply with all relevant Ministerial instructions relating to evidence of the identity of students and their parents.

#### **11. Number of students**

- (1) The governing body of a new school must demonstrate that the number of students who will be attending the school, in the year levels for which it is proposed that the school be

registered, are sufficient to establish and maintain the school's financial and educational viability.

- (2) The governing body of a new school must demonstrate that the school class sizes will be appropriate to meet the educational, social and supervision needs of the students in those classes.
- (3) The governing body of a new school must demonstrate that not more than half of its students will be the children of the principal and staff of the school.

## **12. Complaints management**

- (1) The governing body of a new school must have a complaints management policy and procedures that ensure that complaints are addressed fairly, objectively and in a timely manner.
- (2) The governing body of a new school must demonstrate that the complaints policy and procedures provide that –
  - (a) complaints by staff and parents are processed separately; and
  - (b) complaints against the principal are processed separately from other complaints.

### **13. Behaviour management**

- (1) The governing body of a new school must have a student behaviour management policy.
- (2) The student behaviour management policy must –
  - (a) ensure that students will receive positive guidance and encouragement towards acceptable behaviour and will be given opportunities to interact and develop respectful and positive relationships with each other, staff and volunteers; and
  - (b) expressly forbid any form of child abuse, corporal punishment or punishment which threatens or humiliates a child.
- (3) The governing body of a new school must demonstrate that the behaviour management and discipline of students will observe the principles of procedural fairness and the prohibition of discrimination.
- (4) The governing body of a new school may have a behaviour management policy relating to staff and adult visitors to the school.

### **14. Compliance with law**

The governing body of a new school must have such policies as are necessary to ensure that the school will comply with all relevant laws.

**15. Impact on existing schools**

(1) In this clause –

*existing school* means a school in the area in which a new school is to be established or in a nearby area.

(2) The governing body of a new school must –

- (a) demonstrate to the satisfaction of the Board that it has sought advice from the relevant administrative authorities responsible for existing schools on the likely impact that the registration of the new school will have on existing schools; and
- (b) provide to the Board a copy of any advice received under paragraph (a).

**SCHEDULE 4 – STANDARDS FOR RENEWAL OF  
REGISTRATION OF REGISTERED INDIVIDUAL  
SCHOOLS**

Regulation 14

**1. Interpretation**

In this Schedule –

*Australian Curriculum, Assessment and Reporting Authority* means the Australian Curriculum, Assessment and Reporting Authority established under section 5 of the *Australian Curriculum, Assessment and Reporting Authority Act 2008* of the Commonwealth;

*Australian Curriculum* means the Australian Curriculum referred to in section 42 of the *Australian Education Regulation 2013*.

**2. Governance of, and accountability for, school's operation**

- (1) The governing body of a registered individual school must be able to demonstrate that it has responsibility for the standard of education delivered, or to be delivered, at the school, the strategic direction of the school, the overall management of the school finances and the management of the school's principal.
- (2) The governing body of a registered individual school must be able to demonstrate that there is a

clear separation between the day-to-day management of the school by the principal and the overall governance of the school by the governing body.

- (3) The governing body of a registered individual school must be able to demonstrate that he or she, or each member of it, is a fit and proper person to have the responsibilities specified in subclause (1) and to have the overall governance of a school.
- (4) There must be a school development plan for the registered individual school.
- (5) The governing body of a registered individual school is to demonstrate that it has procedures for providing annual reports to the school community relating to the school's finances, student achievement, qualifications of teachers and other matters that the governing body considers appropriate to be included in the report.

### **3. Student learning**

- (1) A registered individual school must provide education that, in the opinion of the Board, is satisfactory for –
  - (a) a registered school of the type for which it is registered; and
  - (b) the kind of students attending the school.

- (2) A registered individual school must provide a differentiated learning program to cater for the learning needs of all of its students.
- (3) A registered individual school must have processes that allow it to plan for, and achieve, improvement in student learning.

#### **4. Curriculum**

- (1) In this clause –

*learning framework* means a framework, that describes the principles and practices to support and enhance learning and the outcomes to be achieved from that learning, as approved from time to time by the Ministerial Council responsible for early childhood education and care in accordance with the *Education and Care National Law (Tasmania)*.

- (2) A registered individual school that provides kindergarten must provide, for kindergarten, a developmentally appropriate learning framework.
- (3) A registered individual school must provide, for the years of compulsory education, a curriculum that is –
  - (a) approved by the Australian Curriculum, Assessment and Reporting Authority; and

- (b) satisfies the requirements of the Australian Government relating to the delivery of the curriculum.
- (4) A registered individual school must provide all of the learning areas in the Australian Curriculum or another curriculum which is approved by the Australian Curriculum, Assessment and Reporting Authority.
- (5) A registered individual school that provides senior secondary education must have a curriculum for that senior secondary education that –
  - (a) is accredited or recognised by –
    - (i) the Tasmanian Assessment, Standards and Certification Board as established under section 7 of the *Tasmanian Assessment, Standards and Certification Act 2003*; or
    - (ii) the International Baccalaureate; or
    - (iii) an Australian Curriculum, Assessment and Reporting Authority-approved course for senior secondary education; or
  - (b) is vocational educational and training within the meaning of the *Training and Workforce Development Act 2013*.

## **5. Assessment and reporting**

A registered individual school must have a student assessment policy and a reporting policy that are consistent with the relevant requirements of the Australian government.

## **6. Student welfare**

(1) In this clause –

*critical incident* means an incident that poses a present or imminent risk to the life, health, safety or wellbeing of a person or may cause a person to suffer extreme stress or fear.

(2) A registered individual school must have a policy which details the school's response to a critical incident.

(3) A registered individual school must have one or more policies relating to –

(a) student welfare, including child protection, student privacy, bullying of students, harassment of students and the maintenance of appropriate relationships between staff and students; and

(b) if the individual registered school operates a boarding house, the safety and welfare of students accommodated at the boarding house; and

(c) the pastoral care of students or positive learning environments for students.

- (4) The policies referred to in subclauses (2) and (3) are to include a mechanism for informing the Registrar if a student –
- (a) dies as a result of an incident while in the care of the school; or
  - (b) is hospitalised as a result of an incident while in the care of the school and that hospitalisation continues for more than 3 days.

## **7. Financial resources**

A registered individual school must have sufficient financial resources to provide education and learning programs of the kind referred to in clause 3(1) and (2).

## **8. Staff**

- (1) A registered individual school must be able to demonstrate that all staff employed at the school in teaching roles are registered teachers, within the meaning of the *Teachers Registration Act 2000*.
- (2) A registered individual school must be able to demonstrate that all staff employed at the school, whether in teaching roles or other roles, are registered under the *Registration to Work with Vulnerable People Act 2013* to engage in the regulated activity of a child-related service, within the meaning of Division 1 of Part 2 of the

*Registration to Work with Vulnerable People Regulations 2014.*

- (3) A registered individual school must comply with the *Registration to Work with Vulnerable People Act 2013* in relation to all staff and volunteers at the school.
- (4) A registered individual school must have professional development plans, for all professional staff employed at the school, that are consistent with guidelines issued by the Australian Institute for Teaching and School Leadership Limited (ABN 17 117 362 740).

**9. Facilities and environment**

- (1) The buildings, facilities and grounds of a registered individual school must comply with all relevant laws.
- (2) A registered individual school must provide a physical environment and facilities that, in the opinion of the Board –
  - (a) are safe; and
  - (b) are suitable for the age groups of the students that are in that environment and using those facilities; and
  - (c) enable the delivery of the curriculum to students; and
  - (d) enable the delivery to the students of a diverse range of experiences which promote learning and development.

**10. Enrolment and attendance**

- (1) A registered individual school must have enrolment and attendance procedures that –
  - (a) comply with all relevant laws; and
  - (b) are detailed in written documents in a clear and concise manner.
- (2) A registered individual school must be able to demonstrate that it complies with all relevant Ministerial instructions relating to evidence of the identity of students and their parents.

**11. Number of students**

- (1) A registered individual school must ensure that the number of students attending the school, in the year levels for which the school is registered, are sufficient to maintain the school's financial and educational viability.
- (2) A registered individual school must ensure that class sizes are appropriate to meet the educational, social and supervision needs of the students in those classes.
- (3) A registered individual school must ensure that not more than half of its students are the children of the principal and staff of the school.

**12. Complaints management**

- (1) A registered individual school must have a complaints management policy and procedures

that ensure that complaints are addressed fairly, objectively and in a timely manner

- (2) A registered individual school must ensure that the complaints policy and procedures provide that –
  - (a) complaints by staff and parents are processed separately; and
  - (b) complaints against the principal are processed separately from other complaints

### **13. Behaviour management**

- (1) A registered individual school must have a student behaviour management policy.
- (2) The student behaviour management policy must –
  - (a) ensure that students receive positive guidance and encouragement towards acceptable behaviour and are given opportunities to interact and develop respectful and positive relationships with each other, staff and volunteers; and
  - (b) expressly forbid any form of child abuse, corporal punishment or punishment which threatens or humiliates a child.
- (3) Behaviour management and discipline of students must observe the principles of procedural fairness and the prohibition of discrimination.

- (4) A registered individual school may have a behaviour management policy relating to staff and adult visitors to the school.

**14. Compliance with law**

A registered individual school must have such policies as are necessary to ensure that it complies with all relevant laws.

**SCHEDULE 5 – MATTERS TO BE INCLUDED IN  
SCHOOL ASSOCIATION CONSTITUTION**

Regulation 10

**1. School association year**

The period of the school association year, which is to be each period of 12 months ending on either –

- (a) 31 March; or
- (b) such other date as is determined by the Minister.

**2. School association membership**

(1) The categories of membership of the school association which –

- (a) must include –
  - (i) parent members (being persons recorded on the relevant school's register as a parent or guardian of a student enrolled at the school); and
  - (ii) staff members (being State Service employees who are employed at the relevant school); and
  - (iii) the principal; and

- (b) may include community members (being persons not referred to in paragraph (a)).
- (2) A requirement that school association members be 18 or more years of age.
- (3) Provision for a person to elect not to be a parent member or a staff member of the school association.
- (4) If the constitution, or proposed constitution, includes community members –
  - (a) the process for a person to become a community member including –
    - (i) nomination by two members of the school association; and
    - (ii) that the committee be satisfied of genuine reasons for membership before voting to approve membership; and
  - (b) the term of membership for community members; and
  - (c) the process for community members ceasing to be members.
- (5) A requirement that members of the school association be indemnified, out of the property of the association, against any liability for legal costs properly and reasonably incurred by that person as a member of that school association in defending any proceedings –

- (a) in which judgment is given in favour of that person; or
  - (b) in which that person is acquitted; or
  - (c) in connection with any application in relation to any such proceedings, in which relief is granted to that person.
- (6) A prohibition on the school association charging membership fees.

### **3. School association general meetings**

- (1) A requirement for the school association to hold an annual general meeting, as close as practicable to the end of each school association year, at which –
- (a) the minutes of the preceding annual general meeting and any preceding special general meeting are confirmed; and
  - (b) the association's annual report, the annual school report, and the annual financial statements of the association are received and ratified; and
  - (c) if possible, the results of the school association election are announced.
- (2) Requirements for general meetings of the school association including requirements as to –
- (a) member requests for a special general meeting; and

- (b) the conduct of general meetings; and
  - (c) the giving of at least 14 days' notice of a general meeting and the method for the giving of such notice; and
  - (d) the appointment of a chairperson; and
  - (e) voting at general meetings.
- (3) Provision that the quorum for school association general meetings is the number of members of the school association equivalent to the number of elected members of the school association committee (for the time being) plus one.

#### **4. School association committee**

- (1) The establishment of a committee –
- (a) to manage and conduct the affairs of the school association in accordance with all relevant laws and any relevant Secretary's instructions; and
  - (b) to perform and exercise all of the functions and powers of the school association, not performed and exercised by the members of the school association.
- (2) Requirements as to the membership of the committee including –
- (a) in the case of a school with 50 or more students, requirements that the committee –

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- (i) have no fewer than 5 members and no more than 15 members; and
    - (ii) comprise the following:
      - (A) the principal;
      - (B) at least one and not more than three staff members;
      - (C) at least three parent members;
      - (D) not more than 3 community members (if the school association has, or will have, community members); or
  - (b) in the case of a school with fewer than 50 students, a size and composition which is approved by the Minister.
- (3) The process for the election of members of the committee before the expiry of each school association year, including –
- (a) the appointment of a returning officer; and
  - (b) the nomination process; and
  - (c) the election of –
    - (i) staff members by a ballot of school association staff members; and

- (ii) parent members by a ballot of school association parent members; and
  - (iii) community members (if the school association has, or is to have, community members) by a process approved –
    - (A) by the committee; or
    - (B) if there is no committee, by the principal.
- (4) Provision that a parent member of the school association who is also a staff member of that association can only be elected to the committee as a staff member.
- (5) In the event that the school association does not hold elections for the committee in accordance with the constitution, provision for the Secretary to provide direction to the school association as to the conduct of further elections and as to the terms of members of the committee.

## **5. Term of office of members of committee**

- (1) Requirements that –
- (a) the term of office for a committee member (apart from the principal) be two years; and
  - (b) at the end of each school association year, not less than one-half, respectively, of the parent members, staff members

and community members (if any) of the committee must retire.

- (2) The circumstances in which the office of a member of the committee becomes vacant including death, resignation, failure to attend committee meetings, removal by resolution at an annual general meeting of the school association, removal by the Secretary if not a fit and proper person, and ceasing to be a parent of a child at the school or a staff member at the school.
- (3) The process to fill casual vacancies on the committee.

## **6. School association officeholders**

- (1) Requirements for the committee to elect from within its members –
  - (a) a chairperson for the school association who must be a parent member or a community member (if the committee has community members) but must not be an employee of the Department; and
  - (b) a deputy chairperson for the school association; and
  - (c) a secretary for the school association; and
  - (d) a treasurer for the school association.
- (2) A description of the role of –

- (a) the secretary, which is to include maintaining –
  - (i) the minutes and other records of the general meetings of the association (including notices of meetings); and
  - (ii) the records of the meetings of members of the Committee; and
  - (iii) circular resolutions.
- (b) the treasurer, which is to include maintaining proper books of account and financial records in relation to the affairs of the association.

## **7. Committee meetings**

Requirements in relation to committee meetings including –

- (a) a requirement for the holding of at least one meeting during each school term in the association year; and
- (b) provision that a quorum for a meeting of the committee is the majority of its members; and
- (c) a restriction that business must not be conducted at a meeting without a quorum; and
- (d) processes for –

- (i) voting; and
- (ii) conflicts of interest; and
- (iii) circulating resolutions; and
- (iv) observers, including students of the school and members of the school association.

**8. Other provisions relating to the committee**

- (1) Power for the principal to appoint student representatives who may attend committee meetings, speak at committee meetings on matters that affect school students and receive copies of notices, papers and minutes of the committee.
- (2) A restriction that student representatives are not to be members of the committee or to vote at any meeting.
- (3) Provision for the committee to establish subcommittees to which the committee may delegate functions and powers.
- (4) Requirements for subcommittees to appoint a secretary and to report to the committee as required by the committee.
- (5) Restrictions on when fees or remuneration may be paid to committee members, including a requirement that any such payment be approved by an absolute majority of members of the committee.

- (6) Requirements for the committee to make the following records in relation to the school association:
  - (a) financial records that –
    - (i) correctly record and explain the association's transactions and financial position; and
    - (ii) enable true and fair financial statements to be prepared and audited in respect of the association;
  - (b) records that correctly record the operations of the school association.
- (7) Requirements for the committee to keep safe all records in relation to the school association and to make such records available for inspection by committee members, the Secretary or a person authorised by the Secretary.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 7 July 2017.

**NOTES**

The foregoing text of the *Education Regulations 2017* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2023 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
<sup>1</sup> <i>Education Regulations 2017</i>	S.R. 2017, No. 42	10.7.2017
<i>Education Legislation Amendments (Education Regulation) Act 2022</i>	No. 9 of 2022	1.7.2023

<sup>1</sup>Expire 7 July 2027 - Subordinate Legislation Act 1992

**TABLE OF AMENDMENTS**

Provision affected	How affected
Schedule 3	Amended by No. 9 of 2022, s. 164
Schedule 4	Amended by No. 9 of 2022, s. 165