

# School Education Amendment Regulations 2020

SL 2020/15

Made by the Governor in Executive Council.

## 1. Citation

These regulations are the *School Education Amendment Regulations 2020*.

## 2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (***gazettal day***);
- (b) regulation 4 — on the day after the period of one month beginning on gazettal day;
- (c) the rest of the regulations — on the day after gazettal day.

## 3. Regulations amended

These regulations amend the *School Education Regulations 2000*.

## 4. Regulation 129 replaced

Delete regulation 129 and insert:

### 129. Significant registration changes (Act s. 156)

- (1) In this regulation —

***non-compulsory education*** means education provided to children —

- (a) in the final year of their early education period;  
or
- (b) in their pre-compulsory education period;

***primary education*** means education provided to children in any of the 1<sup>st</sup> to 7<sup>th</sup> years of their compulsory education period;

***secondary education*** means education provided to children in any of the 8<sup>th</sup> to 13<sup>th</sup> years of their compulsory education period.

- (2) For the purposes of paragraph (b) of the definition of *school planning proposal* in section 156, a proposal to make any of the following registration changes to a registered school is a significant registration change —
- (a) to relocate the school or a campus of the school;
  - (b) to open an additional campus of the school;
  - (c) to provide an additional year level, or more than one additional year levels, of education if the addition or additions would result in the school providing —
    - (i) non-compulsory education if the school currently provides no non-compulsory education; or
    - (ii) primary education if the school currently provides no primary education; or
    - (iii) secondary education if the school currently provides no secondary education.

**5. Regulation 130 replaced**

Delete regulation 130 and insert:

**130. Consultation procedures prescribed  
(Act s. 157C(2)(d))**

- (1) In this regulation —  
*advance determination, non-system school, school planning proposal* and *school system* have the meanings given to those terms in section 150;  
*advisory panel* means an advisory panel under section 241 established for the purpose of advising the Minister on applications made to the Minister for advance determinations about school planning proposals.
- (2) If consultation about a school planning proposal is required under a policy direction issued under section 157C, then the procedures set out in subregulations (3) to (6) are prescribed for the purposes of section 157C(2)(d).
- (3) On receipt of an application for an advance determination about a school planning proposal on which consultation is required, the Minister or, if the application is referred to an advisory panel by the Minister, the advisory panel is to consult with, and take into account the views of, the following —

- (a) the chief executive officer referred to in section 229;
  - (b) the governing body of each school system;
  - (c) the governing body of each non-system school that, in the opinion of the Minister or advisory panel, could be adversely affected by the implementation of the school planning proposal;
  - (d) the governing body of each proposed non-system school —
    - (i) in respect of which there is an advance determination in force; and
    - (ii) that, in the opinion of the Minister or advisory panel, could be adversely affected by the implementation of the school planning proposal.
- (4) For the purposes of subregulation (3), the Minister or advisory panel must invite —
- (a) each person and body referred to in subregulation (3) to submit to the Minister or advisory panel an objection to the school planning proposal; and
  - (b) the applicant to submit to the Minister or advisory panel a response to any objection submitted under paragraph (a).
- (5) A person or body submitting an objection or response must —
- (a) submit the objection or response in writing in a form approved by the Minister; and
  - (b) include in the objection or response the information required by the Minister or advisory panel; and
  - (c) submit the objection or response within —
    - (i) 14 days after the day on which the invitation is made; or
    - (ii) a longer period approved by the Minister or advisory panel.
- (6) After receiving an objection or response from a person or body, the Minister or advisory panel may accept additional information or submissions from the person or body, orally or in writing, as the Minister or advisory panel considers appropriate.

**130A. Transitional provision for *School Education Amendment Regulations 2020***

- (1) In this regulation —

***advance determination*** has the meaning given in section 150;

***commencement day*** means the day on which the *School Education Amendment Regulations 2020* regulation 5 comes into operation.

- (2) These regulations apply in respect of an application for an advance determination received by the Minister before the commencement day as if regulation 130 had not been replaced by the *School Education Amendment Regulations 2020* regulation 5.

N. HAGLEY, Clerk of the Executive Council.

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