

ED301\*

School Education Act 1999

## School Education Amendment Regulations 2014

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *School Education Amendment Regulations 2014*.

### 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*;
- (b) the rest of the regulations — on the day after that day.

### 3. Regulations amended

These regulations amend the *School Education Regulations 2000*.

### 4. Regulation 3 amended

- (1) In regulation 3(1) insert in alphabetical order:

***Schedule 3A visa holder*** means a child who —

- (a) holds a visa of a kind set out in Schedule 3A; or
- (b) is a dependent child of a person who holds a visa of a kind set out in Schedule 3A;

- (2) In regulation 3(1) in the definition of ***kindergarten programme*** delete “the first year of”.
- (3) In regulation 3(1) in the definition of ***pre-primary programme*** delete “second year of their pre-compulsory” and insert:

first year of their compulsory

- (4) In regulation 3(1) in the definition of *primary programme* delete “first 7” and insert:

second to seventh

- (5) In regulation 3(1) in the definition of *secondary programme* delete “tenth” and insert:

thirteenth

**5. Regulation 9 amended**

- (1) In regulation 9(1):
- (a) in paragraph (a) delete “preserved as State archives under the *Library Board of Western Australia Act 1951*; or” and insert:

retained permanently as State archives under the *State Records Act 2000*; or

- (b) in paragraph (b) delete “be preserved” and insert:

be retained permanently

- (c) in paragraph (b) delete “preserved indefinitely,” and insert:

retained permanently,

- (2) In regulation 9(2) delete “preserve indefinitely” and insert:

retain permanently

Note: The heading to amended regulation 9 is to read:

**Permanent retention of government school enrolment particulars**

**6. Regulation 10 amended**

- (1) In regulation 10(1) delete “preserved indefinitely,” and insert:

retained permanently,

- (2) In regulation 10(2) delete “preserve indefinitely” and insert:

retain permanently

Note: The heading to amended regulation 10 is to read:

**Permanent retention of non-government school enrolment particulars**

**7. Part 2 Division 1A heading replaced**

Delete the heading to Part 2 Division 1A and insert:

**Division 1A — Options under Part 2 Division 1  
Subdivision 1A of the Act in final years of  
compulsory education**

**8. Regulation 17 deleted**

Delete regulation 17.

**9. Regulation 18 amended**

In regulation 18 delete “sections 79(1)(b) and 80(1)(b)” and insert:

section 79(1)(b)

Note: The heading to amended regulation 18 is to read:

**Criteria prescribed for School of Isolated and Distance Education  
(Act s. 79(1)(b))**

**10. Regulation 20 amended**

In regulation 20 delete “A person is not to be enrolled at a government school as an overseas student unless —” and insert:

A person may be enrolled at a government school, even though the person is not entitled under section 76 to be enrolled at a government school, if —

Note: The heading to amended regulation 20 is to read:

**Enrolment at government school of persons who do not have an entitlement to enrol under s. 76**

**11. Regulation 55 amended**

In regulation 55(2)(b) delete “Standards Australia AS 4269-1995 and any amendments to that standard; and” and insert:

the document entitled AS ISO 10002-2006 *Customer satisfaction — Guidelines for complaints handling in organizations*, published by Standards Australia as amended from time to time; and

**12. Regulation 62 amended**

In regulation 62 delete “person does not satisfy the criteria set out in regulation 12(a) and (b), 13(a) and (b), 14(a) and (b) or 14A(a) and (b).” and insert:

person —

- (a) is a Schedule 3A visa holder; or
- (b) is not entitled under section 76 to be enrolled at a government school.

**13. Regulation 63 amended**

Delete regulation 63(3) and insert:

- (3) A fee for instruction may be determined by reference to such matters as the chief executive officer thinks fit, including all, or any, of the following —
  - (a) a particular period of instruction;
  - (b) a particular subject of instruction;
  - (c) a particular level of educational programme;
  - (d) a particular class or group of students.
- (4) Without limiting the general discretion of the chief executive officer under subregulation (3)(d), a class or group of students may be described by reference to all, or any, of the following —
  - (a) the size of students’ families;
  - (b) the income and circumstances of students’ families;
  - (c) the kind, or kinds, of visas —
    - (i) held by students; or
    - (ii) held by persons in respect of whom students are dependent children.

**14. Regulation 65 amended**

- (1) In regulation 65 delete “The” and insert:

(1) The

- (2) At the end of regulation 65 insert:

- (2) The chief executive officer may waive the whole or part of any fee for instruction that would otherwise be payable by an overseas student at a government school if —

- (a) the student is a Schedule 3A visa holder; and
- (b) in the opinion of the chief executive officer, there are special reasons to do so.

- (3) In subregulation (2) —

*special reasons* includes that payment of the fee would cause financial hardship.

**15. Regulation 105 amended**

In regulation 105(1) delete “in the eighth, ninth or tenth years of their compulsory education period or in their post-compulsory education period” and insert:

enrolled in secondary programmes

**16. Regulation 139 amended**

- (1) In regulation 139(1) delete “preserved indefinitely,” and insert:

retained permanently,

- (2) In regulation 139(2) delete “preserve indefinitely” and insert:

retain permanently

Note: The heading to amended regulation 139 is to read:

**Permanent retention of kindergarten enrolment particulars**

**17. Schedule 2 replaced**

Delete Schedule 2 and insert:

**Schedule 2 — Entitlement to enrolment at government school**

[r. 14A(b)]

<b>Item</b>	<b>Visa Subclass number</b>	<b>Visa Subclass name</b>
1.	188	Business Innovation and Investment (Provisional)
2.	300	Prospective Marriage
3.	302	Emergency (Permanent Visa Applicant)
4.	303	Emergency (Temporary Visa Applicant)
5.	309	Partner (Provisional)
6.	401	Temporary Work (Long Stay Activity)
7.	402	Training and Research
8.	403	Temporary Work (International Relations)
9.	411	Exchange
10.	415	Foreign Government Agency
11.	418	Educational
12.	419	Visiting Academic
13.	422	Medical Practitioner
14.	426	Domestic Worker (Temporary) – Diplomatic or Consular
15.	427	Domestic Worker (Temporary) – Executive
16.	428	Religious Worker
17.	442	Occupational Trainee
18.	444	Special Category
19.	445	Dependent Child
20.	448	Kosovar Safe Haven (Temporary)
21.	449	Humanitarian Stay (Temporary)
22.	450	Resolution of Status — Family Member (Temporary)
23.	457	Temporary Work (Skilled)
24.	461	New Zealand Citizen Family Relationship (Temporary)
25.	476	Skilled – Recognised Graduate (Temporary)
26.	485	Skilled – Temporary Graduate
27.	489	Skilled – Regional (Provisional)



Item	Visa Subclass number	Visa Subclass name
28.	576	Foreign Affairs or Defence Sector
29.	785	Temporary Protection
30.	786	Temporary (Humanitarian Concern)
31.	820	Partner
32.	850	Resolution of Status (Temporary)
33.	851	Resolution of Status
34.	995	Diplomatic (Temporary)

**Schedule 3A — Overseas students with entitlement  
to enrolment at government school**

[r. 3(1)]

Item	Visa Subclass number	Visa Subclass name
1.	457	Temporary work (Skilled)

**18. Schedule 3 amended**

- (1) Delete Schedule 3 item 1(b)(i)(III) and insert:

(III) in their early education period,

- (2) In Schedule 3 item 3 delete “post-compulsory” and insert:

early

Note: The heading to regulation 19 is to read:

**Enrolment of person after compulsory education period (Act  
s. 81(2))**

Note:

Delete the examples at the end of regulation 19(3).

R. KENNEDY, Clerk of the Executive Council.