
EDUCATION

ED301*

School Education Act 1999

School Education Amendment Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *School Education Amendment Regulations 2002*.

2. The regulations amended

The amendments in these regulations are to the *School Education Regulations 2000**.

[* *Published 29 December 2000, p. 7795-900.*]

3. Regulation 3 amended

Regulation 3(1) is amended by deleting the definition of “serious breach of school discipline” and inserting the following definition instead —

“

“**serious breach of school discipline**” means a breach of school discipline —

- (a) of a kind that is, or that is committed in circumstances that are —
 - (i) set out in the school’s code of conduct as a serious breach of school discipline;
or
 - (ii) referred to in a direction under section 232 or CEO’s Instructions under section 233 as a serious breach of school discipline;
or
- (b) that adversely affects, or threatens, the safety of a person at the school;

”.

4. Regulations 12, 13 and 14 replaced by regulations 12, 13, 14 and 14A

Regulations 12, 13 and 14 are repealed and the following regulations are inserted instead —

“

12. Enrolment for temporary residents — participants in exchange programme: s. 76(2)

For the purposes of section 76(2), a child who is not entitled to reside permanently in Australia is entitled to be enrolled at a government school if —

- (a) the child's usual place of residence while in Australia is in Western Australia; and
- (b) the child is involved in the International Secondary Student Exchange Programme.

13. Enrolment for temporary residents — dependents of scholarship holders: s. 76(2)

For the purposes of section 76(2), a child who is not entitled to reside permanently in Australia is entitled to be enrolled at a government school if —

- (a) the child's usual place of residence while in Australia is in Western Australia; and
- (b) the child is a dependent of a person who is the holder of a scholarship of a kind set out in Schedule 1.

14. Enrolment for temporary residents — defence sponsored: s. 76(2)

For the purposes of section 76(2), a child who is not entitled to reside permanently in Australia is entitled to be enrolled at a government school if —

- (a) the child's usual place of residence while in Australia is in Western Australia; and
- (b) the child, or a person in respect of whom the child is a dependent child, is entitled to reside temporarily in Australia under the Status of Forces Agreement signed at Canberra on 9 May 1963.

14A. Enrolment for other temporary residents: s. 76(2)

For the purposes of section 76(2), a child who is not entitled to reside permanently in Australia is entitled to be enrolled at a government school if —

- (a) the child's usual place of residence while in Australia is in Western Australia; and

- (b) the child, or a person in respect of whom the child is a dependent child, holds a visa of a kind set out in Schedule 2.

”.

5. Regulation 18 replaced

Regulation 18 is repealed and the following regulation is inserted instead —

“

18. Other criteria as to enrolment at Schools of Isolated and Distance Education: s. 79(1)(b) and 80(1)(b)

The following criteria are prescribed for the purposes of sections 79(1)(b) and 80(1)(b) in relation to entitlement to enrolment at a School of Isolated and Distance Education —

- (a) the child cannot be reasonably expected to attend, or participate in an educational programme of, any other government school;
- (b) the School has sufficient resources to make an appropriate educational programme available for the child at the School.

”.

6. Regulation 44 replaced

Regulation 44 is repealed and the following regulation is inserted instead —

“

44. Suspension for breaches of school discipline: s. 90(2)

- (1) Before a principal suspends a student under section 90(1) for a breach of school discipline other than a serious breach of school discipline, the principal is to —
 - (a) provide oral or written advice about the duration of, and reasons for, the proposed suspension to —
 - (i) the student; and
 - (ii) unless the student is an adult student or an independent minor, a parent of the student or a person responsible for the student;
 - and
 - (b) give a person who is given advice under paragraph (a) a reasonable opportunity to give reasons for not suspending the student.

- (2) If a principal suspends a student under section 90(1) for a serious breach of school discipline the principal is to —
- (a) provide written advice about the duration of, and reasons for, the suspension to —
 - (i) the student; and
 - (ii) unless the student is an adult student or an independent minor, a parent of the student or a person responsible for the student;
 - and
 - (b) give a person who is given advice under paragraph (a) a reasonable opportunity to show that the student should not have been suspended or that the suspension should not continue.
- (3) A student who is suspended under section 90(1) remains subject to the school's code of conduct during the period of suspension.
- ”.

7. Regulation 62 amended

Regulation 62 is amended by deleting “regulation 12(a) to (c), 13(a) to (c) or 14(a) and (b).” and inserting instead —

“

regulation 12(a) and (b), 13(a) and (b), 14(a) and (b) or 14A(a) and (b).

”.

8. Regulation 127A inserted

After regulation 127 the following regulation is inserted in Part 8 —

“

127A. Other classes of teaching staff: s. 237(c)

The following classes of teaching staff are prescribed for the purposes of section 237(c) —

- (a) director;
- (b) area director;
- (c) school psychologist;
- (d) education officer;
- (e) school development officer;
- (e) principal consultant.

”.

9. Regulation 145 amended

Regulation 145 is amended by deleting “regulation 12(a) to (c), 13(a) to (c) or 14(a) and (b).” and inserting instead —

“

regulation 12(a) and (b), 13(a) and (c), 14(a) and (b) or 14A(a) and (b).

”.

10. Schedule 1 replaced

Schedule 1 is repealed and the following Schedule is inserted instead —

“

Schedule 1 — Scholarships

[r. 13(b)]

AusAID Scholarship

full scholarship awarded by the Commonwealth of Australia to a person who, because of the scholarship, is permitted under a law of the Commonwealth to reside in Australia

full scholarship awarded by the Curtin University of Technology, the Edith Cowan University, Murdoch University or The University of Western Australia

”.

11. Schedule 2 replaced

Schedule 2 is repealed and the following Schedule is inserted instead —

“

Schedule 2 — Visas

[r. 14A(b)]

Item	Visa Subclass number	Visa Subclass name
1.	300	Prospective Marriage
2.	302	Emergency (Permanent Visa Applicant)
3.	303	Emergency (Temporary Visa Applicant)
4.	309	Spouse (Provisional)
5.	310	Interdependency (Provisional)
6.	411	Exchange
7.	415	Foreign Government Agency
8.	418	Educational
9.	419	Visiting Academic
10.	422	Medical Practitioner
11.	426	Domestic Worker — Diplomatic or Consular
12.	427	Domestic Worker — Executive
13.	428	Religious Worker
14.	430	Supported Dependant
15.	432	Expatriate
16.	442	Occupational Trainee

Item	Visa Subclass number	Visa Subclass name
17.	444	Special Visa Category (N.Z. passport holders)
18.	445	Dependent Child
19.	446	Confirmatory (Temporary)
20.	447	Refugee and Humanitarian (Secondary Movement Offshore Entry)
21.	448	Kosovar Safe Haven (Temporary)
22.	449	Humanitarian Stay (Temporary)
23.	450	Resolution of Status — Family Member
24.	451	Refugee and Humanitarian (Secondary Movement Relocation)
25.	457	Business (Long Stay)
26.	461	New Zealand Citizen Family Relationship
27.	497	Graduate – Skilled
28.	576	Defence Sector
29.	785	Temporary Protection
30.	786	Humanitarian Concern
31.	820	Spouse
32.	826	Interdependency
33.	850	Resolution of Status — (Temporary)
34.	995	Diplomatic (Temporary)

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.