



Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment (Education) Ordinance 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 3 February 2023

David Hurley
Governor-General

By His Excellency's Command

Kristy McBain
Minister for Regional Development, Local Government and Territories

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1 Name

This Ordinance is the *Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment (Education) Ordinance 2023*.

2 Commencement

- (1) Each provision of this Ordinance specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Ordinance	The day after this Ordinance is registered.	4 February 2023

Note: This table relates only to the provisions of this Ordinance as originally made. It will not be amended to deal with any later amendments of this Ordinance.

- (2) Any information in column 3 of the table is not part of this Ordinance. Information may be inserted in this column, or information in it may be edited, in any published version of this Ordinance.

3 Authority

This Ordinance is made under section 19A of the *Norfolk Island Act 1979*.

4 Schedules

Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

Schedule 1—Amendments

Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021

1 After item 26 of Schedule 3

Insert:

26A Section 182

Repeal the section.

26B Subsection 183(2)

Repeal the subsection, substitute:

- (2) The chief executive may approve the arrangements only if:
- (a) a teacher has prepared written assessments of:
 - (i) the student's educational and other needs; and
 - (ii) the learning outcomes that the arrangements are intended to achieve; and
 - (iii) the suitability of each provider for the arrangements; and
 - (b) the chief executive has considered:
 - (i) the written assessments prepared under paragraph (a); and
 - (ii) how, and by whom, the student's participation in the arrangements is to be monitored; and
 - (iii) how, and by whom, each provider's involvement in the arrangements is to be monitored and its effectiveness evaluated; and
 - (c) the chief executive is satisfied the arrangements are appropriate, having regard to:
 - (i) the student's individual needs and circumstances; and
 - (ii) what the chief executive considers is most likely to achieve the best learning outcomes for the student; and
 - (iii) the desirability, unless it would be inappropriate in all the circumstances, of the arrangements requiring the student's participation at a level that is equivalent to full-time participation in the school's educational programs in the usual way; and
 - (iv) any other matter prescribed under a regulation.
- (3) However, the chief executive must not approve the arrangements unless:
- (a) if the student is of compulsory school age:
 - (i) a parent of the student has given written agreement to the arrangements; and
 - (ii) the chief executive has discussed the arrangements with the student to the extent the chief executive considers appropriate, having regard to the student's age and other relevant circumstances; or
 - (b) if the student is in the compulsory participation phase:
 - (i) the student gives written agreement to the arrangements; and

(ii) the chief executive has discussed the arrangements with the student's parents to the extent the chief executive considers is practicable and appropriate in the circumstances.

(4) Subsection (3)(a)(i) does not apply if the chief executive is satisfied it would be inappropriate in the circumstances to require the written agreement of a parent.

Example: It may be inappropriate to require a parent's written agreement if the student is living independently of their parents.

(5) In this section:

provider, in relation to arrangements for a student, means an entity directly involved in providing a program to the student under the arrangements.

student means a student who is of compulsory school age or in the compulsory participation phase.

2 After item 28 of Schedule 3

Insert:

28A Subsection 185(3)

Repeal the subsection.

28B Section 185A

Repeal the section.

28C Subsection 186(1)

Repeal the subsection, substitute:

(1) A parent of a child may apply to the chief executive for an exemption for the child.

28D Subsection 186(2)

Omit "relevant decision-maker", substitute "chief executive".

28E Section 187

Omit "relevant decision-maker" (wherever occurring), substitute "chief executive".

28F Subsection 188(1)

Omit "(1) For", substitute "For".

28G Subsection 188(2)

Repeal the subsection.

28H Sections 189 to 192

Omit "relevant decision-maker" (wherever occurring), substitute "chief executive".

28J Division 5 of Part 3 of Chapter 9

Repeal the Division.

3 After item 36 of Schedule 3

Insert:

36A Subsection 241(5)

Repeal the subsection, substitute:

- (5) An authorised officer may ask a member of the police force for assistance to perform a function under this section and the member of the police force may give the authorised officer reasonable assistance as requested.

4 Items 58, 59, 60 and 62 of Schedule 3

Repeal the items.

5 Item 71 of Schedule 3

Repeal the item.

6 Before item 71A of Schedule 3

Insert:

71AA Subsection 420A(2)

Omit “(1) or”.

7 After item 85B of Schedule 3

Insert:

85C Schedule 4 (paragraph (b) of the definition of *external program*)

Omit “182 or”.

8 After item 89 of Schedule 3

Insert:

89AA Schedule 4 (definition of *relevant decision-maker*)

Repeal the definition, substitute:

relevant decision-maker see section 245(1).

9 After item 1D of Schedule 4

Insert:

1E Subsections 17(1) and 18(1)

Omit “, or non-State school,”.

10 At the end of Schedule 4

Add:

3 Sections 61 and 63

Repeal the sections.

11 Before item 1 of Schedule 5

Insert:

1AA Subsection 15B(1)

After “director of public prosecutions”, insert “of Queensland or the Director of Public Prosecutions of the Commonwealth (the *relevant authority*)”.

1AB Subsection 15B(3)

Omit “director of public prosecutions may comply with a request under subsection (1) if the director”, substitute “relevant authority may comply with a request under subsection (1) if the relevant authority”.

1AC Subsections 15B(4) and (5)

Omit “director of public prosecutions”, substitute “relevant authority”.

1AD Subsection 15B(5)

Omit “if the director”, substitute “if the relevant authority”.

1AE Subsection 15B(6)

Omit “director of public prosecutions”, substitute “relevant authority”.

12 After item 1 of Schedule 5

Insert:

1B Paragraph 75(1)(b)

After “commissioner of police”, insert “of Queensland or the Commissioner of Police of the Commonwealth (the *relevant authority*)”.

1C Subsections 75(2), (4), (5) and (8)

Omit “commissioner of police”, substitute “relevant authority”.

1D Subsection 75(9) (paragraph (a) of the definition of *personal information*)

Omit “commissioner of police”, substitute “relevant authority”.

1E Paragraph 80(1)(b)

Omit “or the director of public prosecutions”, substitute “of Queensland, the Commissioner of Police of the Commonwealth, the director of public prosecutions of Queensland or the Director of Public Prosecutions of the Commonwealth”.

1F Subsection 112(1)

Omit “or QCAT”, substitute “, or QCAT or the Administrative Review Tribunal of Norfolk Island (the *relevant authority*)”.

1G Subsection 112(2)

Omit “QCAT” (wherever occurring), substitute “the relevant authority”.

1H At the end of section 112

Add:

(4) Section 49B of the *Acts Interpretation Act 1954* (Qld)(NI) does not apply to this section.

1J Subsection 286(1)

Omit “or the commissioner of police”, substitute “of Queensland or the Commissioner of Police of the Commonwealth (the *relevant authority*), or the relevant authority”.

13 Item 5C of Schedule 5

Repeal the item, substitute:

5C Subsection 287(5) (definition of *relevant agency*)

Repeal the definition, substitute:

relevant agency means:

- (a) a department; or
- (b) an interstate regulatory authority; or
- (c) the Crime and Corruption Commission.

14 Before item 1 of Schedule 7

Insert:

1A Section 165

Repeal the section.

1B Item 9 of Schedule 1

Repeal the item.