

## The new *Education Act*

# INFORMATION SHEET – Changes for non-government schools

A new *Education Act* has been passed by the Northern Territory Parliament and is now the law. This information sheet tells you about some of the changes for non-government schools in the *Education Act* and Education Regulations.

### ***The changes in Part 7 Non-government schools start on 1 April 2016 (section 2)***

The changes for Part 7 *Non-government schools*, will begin on 1 April 2016. This allows time to appoint the registrar of non-government schools.

### ***Registrar of non-government schools (section 123)***

The Act creates the statutory position of the registrar of non-government schools. The registrar will replace the Chief Executive of the Department of Education as the regulatory authority for non-government schools.

The registrar is appointed by and reports directly to the Minister for Education. The role and functions of the registrar are set out in the legislation. The registrar is not subject to the direction or control of the Chief Executive.

### ***Registration requirements (section 125(m))***

The registration requirements for non-government schools are updated to state that non-Government schools must comply with the *Education Act* in relation to the compulsory school age for students, as well as government policy in relation to the age of school entry.

### ***Functions of registration assessment panel members and assessors (sections 134, 146 & 152)***

The Act clarifies that, when performing functions as a member of a registration assessment panel or an assessor, members must act independently and not as a representative of their agency or sector.

Registration assessment panel members and assessors must comply with a code of conduct. Non-compliance is an offence which may incur a penalty.

Panel members and assessors are protected from personal liability for civil and criminal damages when acting in accordance with their duties.

### ***Registration fees (section 134 & 154)***

Registration fees are now payable by all non-government schools (for-profit and not-for-profit) for new registrations and applications for variation of

registration. The amount of the fees is specified in the Education Regulations.

### ***Review of Part 7 (section 161)***

A review of Part 7 must be conducted within 5 years. This review is intended to consider whether the model of regulation by an independent registrar within the Department of Education remains appropriate.

### ***Criminal history check for mature age students (Part 4, Division 5)***

Students who are 18 years of age and over and have not been enrolled in a school for 12 months or more, must pass a criminal history check if they wish to enrol in a government or non-government school. This is to ensure that schools provide a safe learning and working environment.

Applications from prospective mature age students will be assessed by a vetting entity. For government schools this is the Chief Executive of the Department of Education; for non-government schools it is Association of Independent Schools NT and for Catholic schools it is Catholic Education Office NT.

Where the vetting entity finds that the applicant has been convicted or has a pending charge for a disqualifying offence, they will not be allowed to enrol. Disqualifying offences are similar to those of significance for a Working with Children Clearance (Ochre Card), including sexual, violent and drug-related offences involving children.

Continuing students who turn 18 while they are studying, or prospective students who have been enrolled in a school during the previous 12 months, are not required to obtain a criminal history check.

### **Further information**

For further details visit [www.education.nt.gov.au](http://www.education.nt.gov.au), email [legislation.services@nt.gov.au](mailto:legislation.services@nt.gov.au) or phone (08) 8901 4990.