

# The new *Education Act*

## INFORMATION SHEET – Overview of changes to the Act

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 in the *Education Act* (the Act) and Education Regulations.

The key areas of change include:

- Guiding principles
- The Northern Territory Board of Studies
- Home education
- Children with disability and special learning needs
- Criminal history check for mature age students
- Government school education is free
- Allocation of government school education (26 semesters)
- Parent and community engagement
- Non-government schools

### **Guiding principles (section 4)**

The Act sets out seven principles that all educators and education administrators must apply when they carry out their work. The guiding principles are important as they provide a vision for early childhood and school education in the Northern Territory.

### **Northern Territory Board of Studies (Part 3)**

The Northern Territory Board of Studies (NTBOS) now has a mixed model of membership with eleven members including six education experts (two of whom are nominees of Catholic Education Office and Association of Independent Schools NT), four key stakeholder representatives (parents, teachers, employers and Indigenous people) and one departmental officer.

This model brings a balance of views to NTBOS and maintains the cooperative arrangement between the government and non-government school sectors in the NT.

The NTBOS can set up committees which will allow the Board to inform itself on specific matters and seek the views of particular stakeholder groups.

The new model for NTBOS will start on 1 July 2016 to allow time to make changes, including the appointment of experts and stakeholders.

### **Home education (Part 4, Division 3)**

New applicants for home education must use a curriculum approved by the Australian Curriculum,

Assessment and Reporting Authority (ACARA). This is a condition of any approval to home educate.

A parent can apply to be exempted from this requirement where there are special circumstances, or if they were already approved to home educate using a different curriculum before 1 January 2016.

A decision to refuse approval, impose conditions on an approval or cancel an approval for home education is reviewable by the Northern Territory Civil and Administrative Tribunal.

### **Students with disabilities and special learning needs (Part 4, Division 4)**

This division has been thoroughly revised to update terminology and align with national and Territory disability and anti-discrimination laws. The new provisions recognise and reflect current practice and allow more direct access to support for parents and principals with children who require additional assistance at school.

Applications for a student to remain at school past Year 12 must now be made under the allocation of government school education scheme (sections 82 – 84), rather than under this section.

### **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.

### **Government school education is free (section 75)**

The Act states that government school education is free for Australian citizens or permanent residents living in the Territory who are enrolled in a government school.

Government schools cannot charge for any instruction, materials or administrative or other services or facilities provided as part of the standard curriculum program.

The definition of standard curriculum includes the provision of teaching and learning activities, instructional support and instructional materials for the delivery of the Early Years Learning Framework; the Australian Curriculum; the senior secondary Northern Territory Certificate of Education and Training; and Vocational Education and Training.

The Act does not impose any new charges or fees for parents with children at Northern Territory government schools. It sets out the details of existing Northern Territory Government policy and practice. The Act allows school representative bodies to request donations, voluntary contributions or charge parents for optional extra items.

### **Allocation of government school education (sections 82 – 84)**

Each child in the NT is allocated 26 semesters of government schooling from Transition to Year 12.

Where a student enters school after Transition, the principal determines which year level the student will be placed in and calculates their allocation of semesters. This will be the amount required for that student to finish Year 12, from that time.

Students who need more time to finish school can apply to the school to access additional semesters.

### **Parent and community engagement (Part 6)**

The Act recognises the importance of parents and communities in the governance of schools and establishes a more flexible model for school representative bodies. There are two new types of school representative body. In addition to school councils, there are independent public school boards and joint school representative bodies.

Principals must make a definite attempt every year to interest parents in forming a school representative body. Where it is not possible to set up a representative body, the principal can set up a parent consultative group.

The changes for school representative bodies will begin on 1 April 2016. This gives school councils time to plan and prepare for the changes.

### **Non-government schools (Part 7)**

The Act creates the statutory position of the registrar of non-government schools. The registrar will replace the Chief Executive as the regulatory authority for non-government schools. The registrar is appointed by, and reports directly to, the Minister.

The Act now requires registration assessment panel members and assessors to comply with a code of conduct. The panel members and assessors are protected from personal liability for civil and criminal damages when acting in accordance with their duties.

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 changes to non-government school provisions do not start until 1 April 2016. This allows time to appoint the registrar of non-government schools.

### **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.

You can also talk to your local school principal.