

Part 6—Compulsory enrolment and attendance etc

74—Interpretation

(1) In this Part—

approved learning program—see section 75D;

authorised officer—see section 80(1);

school means a Government school or a registered non-Government school.

(2) For the purposes of this Part, a reference to participation in an approved learning program includes a reference to attending at the place or places at which the approved learning program is conducted.

75—Compulsory enrolment of children

(1) Subject to this Part, a child of compulsory school age must be enrolled at a primary school or secondary school (according to the educational attainments of the child).

(2) Subject to this Part, a child of compulsory education age must be enrolled in an approved learning program, or in a combination of approved learning programs, so as to constitute full-time participation in approved learning programs under this Act.

...

(5) If a child of compulsory school age is not enrolled as required by this section, each parent of the child is guilty of an offence.

Maximum penalty: \$500.

(6) The obligation of a parent under this section is discharged where the parent has supplied the head teacher of the school with—

- (a) the name and date of birth of the child; and
- (b) the place of residence of the child; and
- (c) any other information required by the regulations.

76—Compulsory attendance and participation

(1) Subject to this Part, a child of compulsory school age is required to attend at the school at which he or she is enrolled on every day, and for such parts of every day, that instruction is provided for the child at the school.

(1a) Subject to this Part, a child of compulsory education age is required to participate in an approved learning program in which he or she is enrolled on every day, and for such parts of every day, that instruction is provided in relation to the program.

(2) Subsection (1) does not apply—

(b) in respect of a child exempted from attendance in accordance with the provisions of this Part; or

(2a) Subsection (1a) does not apply—

(a) in respect of a child exempted from participation in accordance with this Part; or

Maximum penalty: \$500.

79—Attendance

Authorised officers must take all practicable action to ensure attendance at school by children of compulsory school age and participation in an approved learning program by children of compulsory education age.

80—Authorised officers

The following persons are authorised officers for the purposes of this Part:

(a) any member of the police force;

(b) any person authorised in writing by the Director-General to exercise the powers of an authorised officer under this Act;

(c) any person authorised in writing by the Chief Executive Officer (within the meaning of the Family and Community Services Act 1972) to exercise the powers of an authorised officer under this Act.

80A—Powers of authorised officers

(1) If an authorised officer observes a person in a public place who appears to the officer to be a child of compulsory school age or a child of compulsory education age at a time when such a child should normally be attending school or participating in an approved learning program (as the case requires), the officer may require the child to provide—

(a) his or her name, address and age; and

(b) the reason for his or her non-attendance at school or non-participation in an approved learning program.

(2) If a child referred to in subsection (1) is in the charge or company of a person apparently over the age of 18 years, the authorised officer may require that person to provide the authorised officer with the information referred to in that subsection.

(3) If it appears to an authorised officer who is a member of the police force, after enquiring into the child's reasons for not being at school or participating in an approved learning program, that the child does not have a proper reason for being absent from school or for not

participating in an approved learning program, the authorised officer may take the child into his or her custody and return the child—

(a) to someone in authority at the school or in relation to the approved learning program in which the child is enrolled (as the case requires); or

(b) to a parent or guardian of the child.

(4) An authorised officer may at any time attend at residential premises and request any person in the premises to provide the officer with—

(a) the full names of all children of compulsory school age and children of compulsory education age resident in the dwelling house; and

(b) the respective ages of those children; and

(c) the schools at which, or the approved learning program in which, (if any) the children are enrolled in accordance with this Part.

80B—Offence to hinder etc authorised officers

A person who—

(a) hinders or obstructs an authorised officer, or a person assisting an authorised officer, in the exercise of powers conferred by this Part; or

(b) uses abusive, threatening or insulting language to an authorised officer, or a person assisting an authorised officer; or

(c) when required by an authorised officer under this Part to answer a question, refuses or fails to answer the question to the best of the person's knowledge, information and belief; or

(d) falsely represents, by words or conduct, that he or she is an authorised officer, is guilty of an offence.

Maximum penalty: \$5 000.

81—Evidentiary provision

(1) An apparently genuine document purporting to be under the hand of the head teacher of a school stating that any child named in the certificate did or did not attend that school on the occasion or occasions specified in the certificate shall, in any legal proceedings, be proof of the matters so stated in the absence of proof to the contrary.

(2) In any proceedings under this Act, an apparently genuine document purporting to be under the hand of an authorised officer and stating that—

(a) a specified person is a parent of a child named in the document; or

(b) the child named in the document is of, above or below a specified age; or

- (c) at a specified time, the child named in the document was or was not enrolled at a specified school or approved learning program; or
- (d) a person named in the document is the head teacher of a specified school; or
- (e) at a specified time, instruction was provided for the child named in the document at the school specified in the document, shall, in the absence of proof to the contrary, be deemed to be proved.

81A—Exemptions

(1) The Minister may, by written notice, if the Minister considers it appropriate to do so, grant an exemption from a requirement of this Part in relation to a child, conditionally or unconditionally.

(2) The Minister may, by written notice, if the Minister considers it appropriate to do so, vary or revoke an exemption granted under this section.

(2a) The Minister may, by notice published in the Gazette, publish guidelines in relation to the granting of, or variation or revocation of, an exemption under this section.

(3) A person must not contravene or fail to comply with a condition of an exemption granted under this section.

Maximum penalty: \$500.