

South Australia

## **Education and Early Childhood Services (Registration and Standards) Variation Regulations 2017**

under the *Education and Early Childhood Services (Registration and Standards) Act 2011*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Education and Early Childhood Services (Registration and Standards) Regulations 2011***

- 4 Insertion of regulation 36A
    - 36A Requirements for registration on schools register
  - 5 Insertion of regulation 38A
    - 38A Requirements for endorsement of registration with approval to enrol full fee paying overseas students
    - 38B Requirements for reviews of registration
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Education and Early Childhood Services (Registration and Standards) Variation Regulations 2017*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Education and Early Childhood Services (Registration and Standards) Regulations 2011*

### 4—Insertion of regulation 36A

After regulation 36 insert:

#### **36A—Requirements for registration on schools register**

- (1) For the purposes of section 43(1)(c) of the Act, it is a requirement that the school must comply, or be able to comply, with the standards for registration and review of registration of schools in South Australia.
- (2) In this regulation—  
*standards for registration and review of registration of schools in South Australia* means the standards for registration and review of registration of schools in South Australia published by the Board after consultation with the members of the Board appointed under section 22(2)(b), (c) and (d) of the Act, as in force from time to time.

### 5—Insertion of regulation 38A

After regulation 38 insert:

#### **38A—Requirements for endorsement of registration with approval to enrol full fee paying overseas students**

For the purposes of section 49(1) of the Act, the following requirements must be satisfied:

- (a) if the endorsement relates to overseas students within the meaning of the *Education Services for Overseas Students Act 2000* of the Commonwealth—the registered school—
  - (i) must comply, or be able to comply, with —
    - (A) any standard or code of practice prepared or adopted for the purposes of this paragraph by the Board, as in force from time to time; or
    - (B) if no such standard or code of practice has been prepared or adopted—the standards for registered providers contained in the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students under that Act, as in force from time to time; and
  - (ii) must be registered on the Commonwealth Register of Institutions and Courses for Overseas Students under that Act;

- (b) if the endorsement relates to students other than overseas students within the meaning of the *Education Services for Overseas Students Act 2000* of the Commonwealth—the registered school must comply, or be able to comply, with any standard or code of practice prepared or adopted for the purposes of this paragraph by the Board, as in force from time to time;
- (c) in any case—the registered school must comply, or be able to comply, with any other requirement determined by the Board for the purposes of this paragraph.

### **38B—Requirements for reviews of registration**

- (1) For the purposes of section 54(1) of the Act, a review of the registration of a registered school must satisfy the following requirements:
  - (a) the review must be undertaken in accordance with the standards for registration and review of registration of schools in South Australia;
  - (b) a review must be undertaken at least once in each 5 year period in accordance with the following provisions:
    - (i) if the registered school was first registered after the commencement of this regulation, the first review must be undertaken not later than 5 years after the date of registration;
    - (ii) if the registration of the registered school has not previously been reviewed, or has not been reviewed in the 5 years immediately preceding the commencement of this regulation, the first review following the commencement of this regulation must be undertaken not later than 5 years after that commencement;
    - (iii) subsequent reviews must be undertaken not later than 5 years after the preceding review.
- (2) In this regulation—

***standards for registration and review of registration of schools in South Australia*** means the standards for registration and review of registration of schools in South Australia published by the Board after consultation with the members of the Board appointed under section 22(2)(b), (c) and (d) of the Act, as in force from time to time.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

on the recommendation of the Education and Early Childhood Services Registration and Standards Board of South Australia and with the advice and consent of the Executive Council on 4 July 2017

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