

NORTHERN TERRITORY OF AUSTRALIA

EDUCATION AMENDMENT (YOUTH PARTICIPATION) ACT 2009

Act No. 34 of 2009

Table of provisions

1	Short title	1
2	Commencement	1
3	Act amended	1
4	Amendment of section 4 (Definitions)	1
5	New section 20A.....	2
	20A Compulsory school age	
6	New section 22A.....	3
	22A Parents to ensure participation in eligible option	
7	Amendment of section 30 (Employment of children)	4
8	New section 31A.....	4
	31A Inquiries about participation in eligible option	
9	Repeal and substitution of section 75.....	5
	75 Regulations	
10	New Part 11	5
	Part 11 Transitional matters for Education Amendment (Youth Participation) Act 2009	
	76 Application of amendments	
11	Further amendments	5

Schedule Further amendments



NORTHERN TERRITORY OF AUSTRALIA

Act No. 34 of 2009

An Act to amend the *Education Act*

[Assented to 9 December 2009]
[Second reading 15 October 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Education Amendment (Youth Participation) Act 2009*.

2 Commencement

This Act commences on 1 January 2010.

3 Act amended

This Act amends the *Education Act*.

4 Amendment of section 4 (Definitions)

- (1) Section 4(1), definitions ***child of compulsory school age***, ***Department of Education***, ***Secretary*** and ***this Act***

omit

- (2) Section 4(1)

insert (in alphabetical order)

compulsory school age, see section 20A(1).

eligible option, see section 20A(3)(a).

5 New section 20A

Before section 21, in Part 4

insert

20A Compulsory school age

- (1) A child is of **compulsory school age** if the child is of or above the age of 6 years and below the minimum school leaving age.
- (2) The minimum school leaving age is the earlier of the following:
 - (a) the age when the child completes year 10 of secondary education;
 - (b) the age of 17 years.
- (3) However, a child who completes year 10 of secondary education and is below the age of 17 years is of compulsory school age unless:
 - (a) the child participates on a full-time basis in one of the following options (an **eligible option**):
 - (i) approved education or training;
 - (ii) if the child is of or above the age of 15 years – paid employment or a combination of approved education or training and paid employment; or
 - (b) the child is exempt from participating in an eligible option.
- (4) If a child is not of compulsory school age because of participation in an eligible option, the child does not become of compulsory school age merely because the child stops participating unless the break in participation totals more than 3 months in any 12-month period.
- (5) The completion of year 10 of secondary education is:
 - (a) the completion of year 10 of secondary education in the Territory or the equivalent in a State or another Territory; or
 - (b) the completion of education approved by the Chief Executive Officer in special circumstances for a particular child.
- (6) Participation in approved education or training is participation in any of the following:
 - (a) year 11 or 12 of secondary education in the Territory or the equivalent in a State or another Territory;

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- (b) an educational program or course of study or instruction provided by the Charles Darwin University or Batchelor Institute of Indigenous Tertiary Education;
 - (c) a higher education course accredited under the *Higher Education Act*;
 - (d) an accredited course or approved apprenticeship under the *Northern Territory Employment and Training Act*;
 - (e) other education or training approved by the Chief Executive Officer by *Gazette* notice.
- (7) The Chief Executive Officer may, by written notice given to a parent of a child, exempt the child from participating in an eligible option for a period stated in the notice if satisfied it is appropriate to do so because of special circumstances.

Example for subsection (7)

The child is seriously ill.

- (8) A regulation may be made about the following:
- (a) whether a child completes year 10 of secondary education;
 - (b) whether a child is participating in an eligible option.
- (9) Subject to the regulations, participation on a full-time basis in paid employment is participation for an average of 25 hours a week.

6 New section 22A

After section 22

insert

22A Parents to ensure participation in eligible option

- (1) This section applies if a child:
- (a) completes year 10 of secondary education under section 20A and is below the age of 17 years; and
 - (b) is not exempt from participating in an eligible option.
- (2) A parent of a child who has the actual custody of the child must ensure the child participates in an eligible option.

Maximum penalty: 2 penalty units.

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- (3) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves he or she is unable to control the child's behaviour to the extent necessary to ensure the child participates in an eligible option.

7 Amendment of section 30 (Employment of children)

After section 30(1)

insert

- (1A) Subsection (1) does not apply to a child who has completed year 10 of secondary education.

8 New section 31A

After section 31

insert

31A Inquiries about participation in eligible option

- (1) For the effective administration of this Part in relation to the requirement for a child to participate in an eligible option, the Chief Executive Officer may make the inquiries the Chief Executive Officer considers appropriate.
- (2) If the Chief Executive Officer has information that a person is the provider of an eligible option to a child, the Chief Executive Officer may ask the person to give relevant information about the child's participation in an eligible option.
- (3) The request must be made by written notice given to the person.
- (4) The person must comply with the notice.
- Maximum penalty: 5 penalty units.
- (5) The Chief Executive Officer may also ask a child to give relevant information about the child's participation in an eligible option.
- (6) Subsections (2) and (5) do not limit subsection (1).
- (7) In this section:

provider, of an eligible option to a child, means a person who:

- (a) provides the child with approved education or training under section 20A(6); or
- (b) employs the child.

9 Repeal and substitution of section 75

Section 75

repeal, substitute

75 Regulations

The Administrator may make regulations under this Act.

10 New Part 11

After section 75

insert

**Part 11 Transitional matters for Education Amendment
(Youth Participation) Act 2009**

76 Application of amendments

The amendments made by the *Education Amendment (Youth Participation) Act 2009* do not apply to a child who attained the age of 15 years before 1 January 2010.

11 Further amendments

The Schedule has effect.

Schedule Further amendments

section 11

Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
Part I, heading	whole heading	Part 1 Preliminary matters
Part II, heading	PART II	Part 2
section 8, heading	Secretary of Department of Education	Chief Executive Officer's powers and functions
section 8(2)	Secretary Part VII	Chief Executive Officer Part 7
section 8(3)	Secretary	Chief Executive Officer
sections 9(1), (2) and (4) and 10(1)	Secretary (all references)	Chief Executive Officer
Part IIA, heading	PART IIA	Part 2A
section 10A	In this Part, unless the contrary intention appears –	In this Part:
sections 10J(a) and 10S(1)	Secretary	Chief Executive Officer
Part III, heading	PART III	Part 3
section 11(3)(b)	Secretary	Chief Executive Officer
Part IV, heading	whole heading	Part 4 Compulsory attendance at school and youth participation
section 21(1)(a)(ii)	Part VII	Part 7
section 21(2)(a) and (b)	Secretary	Chief Executive Officer
section 21(3)	Part V	Part 5

section 26, heading	Power of Secretary	Chief Executive Officer's power
sections 26, 27(3) and (3A) and 31(1)(b) and (2)	Secretary	Chief Executive Officer
Part V, heading	PART V	Part 5
Part VI, heading	PART VI	Part 6
section 40	In this Part, unless the contrary intention appears –	In this Part:
section 44(3)(a)	Department of Education	Agency
sections 45(1)(b) and (2)(e), 58 and 60A(2), (3) and (4)	Secretary	Chief Executive Officer
Part VII	PART VII	Part 7
section 61	For the purposes of this Part –	In this Part:
sections 61, definition authorized , 62(1), 63(2), 64(1) to (4) and 65(1) to (5)	Secretary (all references)	Chief Executive Officer
section 66, heading	Secretary not to cancel, &c.,	Chief Executive Officer's power to cancel etc.
sections 66, 67(1) to (3) and 68(1), (2), (3) and (5)(a)	Secretary (all references)	Chief Executive Officer
section 68B, heading	Secretary may exempt, &c.,	Chief Executive Officer's power to exempt etc.
sections 68B and 68C(1) and (2)	Secretary (all references)	Chief Executive Officer
Part VIII, heading	PART VIII	Part 8

section 69, heading	Secretary	Chief Executive Officer
section 69(1) to (3)	Secretary (all references)	Chief Executive Officer
Part IX, heading	PART IX	Part 9
section 70(1)	In this Part, unless the contrary intention appears –	In this Part:
section 71(9)	Department of Education	Agency
section 71C(1) and (1B)	Secretary (all references)	Chief Executive Officer
sections 71C(1)(e) and 71G(a)	Department of Education	Agency
sections 71H(1) and (2), 71J(2)(g) and 73(1) and (2)	Secretary (all references)	Chief Executive Officer
Part X, heading	whole heading	Part 10 Miscellaneous matters
