



# **Education (Queensland Studies Authority) Act 2002**

**Reprinted as in force on 20 February 2008**

**Reprint No. 2A**

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Queensland

# Education (Queensland Studies Authority) Act 2002

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# **Education (Queensland Studies Authority) Act 2002**

[as amended by all amendments that commenced on or before 20 February 2008]

**An Act to establish the Queensland Studies Authority, to confer functions on the authority including functions about developing, purchasing and accrediting 1–12 syllabuses and preparatory guidelines, testing, assessment, moderation, certification, vocational education and training and tertiary entrance, to establish the Office of the Queensland Studies Authority, and for other purposes**

## **Part 1 Preliminary**

### **Division 1 Introduction**

#### **1 Short title**

This Act may be cited as the *Education (Queensland Studies Authority) Act 2002*.

#### **2 Commencement**

This Act commences on a day to be fixed by proclamation.

### **Division 2 Objects**

#### **3 Objects of Act**

- (1) The objects of this Act are—
  - (a) to help schools to achieve quality learning outcomes for their students; and

- (b) to facilitate the transition of students through the sectors of education; and
  - (c) to maintain public confidence in certificates of achievement and statements of results; and
  - (d) to help achieve the objects of the *Education (General Provisions) Act 2006* mentioned in section 5(1)(c) of that Act.
- (2) The objects are to be achieved mainly by—
- (a) establishing the Queensland Studies Authority; and
  - (b) conferring on the authority functions about—
    - (i) the development or purchase, and approval, of 1–12 syllabuses and preparatory guidelines; and
    - (ii) the accreditation of 1–12 syllabuses and preparatory guidelines; and
    - (iii) the testing and assessment of persons; and
    - (iv) moderation; and
    - (v) the issue of certificates of achievement and statements of results; and
    - (vi) vocational education and training; and
    - (vii) tertiary entrance; and
    - (viii) the participation of young people in education and training; and
  - (c) establishing the Office of the Queensland Studies Authority to help the authority in the performance of the authority’s functions.

## **Division 3                      Guiding principles for achieving Act’s objects**

### **4                      Guiding principles**

The principles intended to guide the achievement of this Act’s objects are the following—

- (a) collaboration and consultation should be promoted—

- (i) across the sectors of education; and
  - (ii) across State schools and non-State schools;
- (b) students should be encouraged, through flexible learning pathways, to gain—
  - (i) a certificate of achievement on completion of secondary education; or
  - (ii) an equivalent qualification as provided for under the Australian Qualifications Framework;
- (c) the professional role of teachers in schools should be recognised;
- (d) the diverse educational needs of students should be catered for;
- (e) students should be helped to achieve their educational career goals.

## **Division 4 Interpretation**

### **5 Definitions**

The dictionary in schedule 2 defines particular words used in this Act.

## **Part 2 Establishment, functions and powers of Queensland Studies Authority**

### **Division 1 Establishment**

#### **6 Establishment of authority**

- (1) The Queensland Studies Authority is established.
- (2) The authority—

- (a) is a body corporate; and
- (b) has a common seal; and
- (c) may sue and be sued in its corporate name.

## **Division 2                      Functions**

### **7                      Authority's functions**

This division states the authority's functions.

### **8                      Development and purchase functions**

- (1) The authority has the following functions—
  - (a) to develop and revise 1–12 syllabuses and preparatory guidelines;
  - (b) to purchase and revise 1–12 syllabuses and preparatory guidelines developed by entities other than the authority;
  - (c) to approve 1–12 syllabuses and preparatory guidelines, developed, purchased or revised by the authority, for implementation at schools;
  - (d) to develop and revise documents to support the implementation at schools of approved syllabuses or approved preparatory guidelines;
  - (e) to develop resources and services for the professional development of teachers, in support of the implementation at schools of approved syllabuses or approved preparatory guidelines.
- (2) In performing its function to revise 1–12 syllabuses or preparatory guidelines under subsection (1)(b), the authority must exercise its powers subject to the terms on which the syllabuses or guidelines were purchased.
- (3) In this section—

***purchase*** a 1–12 syllabus or preparatory guideline includes enter into an agreement allowing the authority to approve the syllabus or guideline for implementation at schools.

**9 Accreditation function**

The authority has the function to accredit 1–12 syllabuses and preparatory guidelines, developed by entities other than the authority, for implementation at schools.

**10 Testing functions**

The authority has, for a test required under a regulation,<sup>1</sup> the following functions—

- (a) to develop, revise and mark the test;
- (b) to develop procedures for the administration of the test by schools or the authority;
- (c) to analyse systemic information about the performance of persons who undertook the test and to report the results of the analysis to the Minister, the chief executive, AISQ and QCEC;
- (d) to give the principal of a school individual results of the school's students who undertook the test;
- (e) to give a person who undertook the test the person's results in the test.

**10A Testing functions for common national tests**

The authority has, for implementing common national tests, the following functions—

- (a) to participate in the development or revision of the tests;
- (b) to implement procedures for administering the tests by schools or the authority;
- (c) to mark the tests;
- (d) to analyse systemic information about the performance of persons who undertake the tests and report the results of the analysis to the Minister, the chief executive, AISQ and QCEC;

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<sup>1</sup> See section 19(1) (Tests).

- (e) to give the principal of a school individual results of the school's students who undertake the tests;
- (f) to give a person who undertakes the tests the person's results in the tests.

## **11 Assessment functions**

- (1) The authority has the function to decide on procedures, and to carry out arrangements, for the assessment of persons in school subjects that are certification studies.
- (2) Also, the authority has, for an assessment prescribed under a regulation, the following functions—
  - (a) to develop and revise documents for the assessment;
  - (b) to develop procedures for the administration of the assessment.
- (3) In addition, the authority has the following functions—
  - (a) to collect, and analyse, assessment data;
  - (b) to report the results of the analysis to the Minister, the chief executive, AISQ and QCEC.

## **12 Moderation function**

The authority has the function to decide on procedures, and to make arrangements, for moderation.

## **13 Certification functions**

- (1) The authority has the following functions—
  - (a) to issue—
    - (i) the QCE and other certificates of achievement of the types provided for under a regulation; and
    - (ii) statements of results of the types provided for under a regulation;
  - (b) to review, and make recommendations to the Minister about, the requirements for issuing the certificates and statements mentioned in paragraph (a);

- (c) to inform the public about—
  - (i) the certificates and statements mentioned in paragraph (a); and
  - (ii) the requirements for issuing the certificates and statements mentioned in paragraph (a).
- (2) Also, the authority has the function to approve work programs, for use by the schools that developed the work programs, for school subjects that are certification studies.
- (3) In addition, the authority has the function to recognise the results of a person in certification studies, other than school subjects for which—
  - (a) there is an approved syllabus; or
  - (b) a work program has been approved under subsection (2).

## **14 Vocational education and training functions**

The authority has the following functions—

- (a) to exercise powers delegated to the authority, by the Training and Employment Recognition Council, under the *Vocational Education, Training and Employment Act 2000*, section 186;<sup>2</sup>
- (b) to inform the public about—
  - (i) vocational education and training courses accredited under the delegation; and
  - (ii) vocational placement schemes recognised under the delegation; and
  - (iii) training organisations registered under the delegation;
- (c) to advise the Minister administering the vocational education and training department about vocational education and training matters relevant to the authority's functions.

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<sup>2</sup> *Vocational Education, Training and Employment Act 2000*, section 186 (Delegation by council)

**14A Student account functions**

The authority has the following functions—

- (a) to keep student accounts under part 2A for—
  - (i) young persons in the student account phase; and
  - (ii) other persons for whom student accounts are opened under part 2A, division 2, subdivision 2;<sup>3</sup>
- (b) to deal with information recorded in the accounts in the way permitted or required under that part.

**15 Tertiary entrance functions**

The authority has the following functions—

- (a) after consulting with the Minister, to decide the authority's tertiary entrance procedures and requirements;
- (b) to rank persons as a basis for tertiary entrance as provided for under the authority's tertiary entrance procedures and requirements;
- (c) to issue tertiary entrance statements;
- (d) to monitor, review, and recommend to the Minister changes to, the tertiary entrance requirements of tertiary institutions established in the State;
- (e) to inform the public about tertiary entrance procedures and requirements;
- (f) to confer and collaborate about tertiary entrance with the following, and other, entities having an interest in tertiary education—
  - (i) universities;
  - (ii) TAFE institute councils of TAFE institutes established under the *Vocational Education, Training and Employment Act 2000*;

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<sup>3</sup> Part 2A (Student accounts), division 2 (Opening student accounts), subdivision 2 (Accounts for other persons)



- (iii) Queensland Tertiary Admissions Centre Ltd ACN 050 542 633;
  - (iv) the department in which the *Education (General Provisions) Act 2006* is administered;
  - (v) AISQ and QCEC;
  - (vi) the principals of schools;
  - (vii) the vocational education and training department;
  - (viii) group training organisations recognised under the *Vocational Education, Training and Employment Act 2000*;
  - (ix) boards of statutory TAFE institutes established under the VETE Act;
- (g) to review, and to make recommendations to the Minister about, tertiary entrance.

## **16 Research function**

The authority has the function to undertake research about matters relevant to its functions stated in sections 8 to 15 and 17.

## **17 Other functions**

The authority also has the following functions—

- (a) to decide the equivalent level of school education, or school qualification, in the State of a level of education reached, or qualification obtained, by a person at an educational institution established outside the State;
- (b) to give a person, on request, a copy of any of the following that was issued to the person—
  - (i) a certificate, about the completion of the person's studies, under the *Education Act 1964* or the *Education (Senior Secondary School Studies) Act 1988*;
  - (ii) a certificate of achievement;

- (iii) a statement of results of a type prescribed under a regulation;
- (c) to advise the Minister, and inform the public, about matters relevant to the authority's functions;
- (d) to give information, obtained by the authority in the performance of its functions, to the Commonwealth, a State or an entity of the Commonwealth or a State;
- (e) to perform other functions conferred on the authority under this, or another, Act.

## **Division 3                      Authority's powers**

### **18            Powers of authority**

- (1) The authority has all the powers of an individual, and may, for example—
  - (a) enter into contracts; and
  - (b) acquire, hold, dispose of, and deal with, property; and
  - (c) appoint agents and attorneys; and
  - (d) engage consultants; and
  - (e) produce documents in performing its functions; and
  - (f) charge for advertising in the documents; and
  - (g) fix charges, and other terms, for services and other facilities it supplies; and
  - (h) do anything else necessary or convenient to be done in performing its functions.
- (2) However, the authority must not enter into an agreement about real property, including, for example, leasing premises for its accommodation, unless the Minister has approved its entering into the agreement.
- (3) Without limiting subsection (1), the authority has the powers given to it under this, or another, Act.
- (4) The authority may exercise its powers inside or outside Queensland.

- (5) Without limiting subsection (4), the authority may exercise its powers outside Australia.

## **Division 4                      Tests and notifications of syllabuses and preparatory guidelines**

### **19        Tests**

- (1) A regulation may require the authority to develop tests for the assessment of particular skills or knowledge of persons.

*Examples of a test—*

- 1 a test to assess the literacy skills of students in the year 5 year of schooling
  - 2 a core skills test
- (2) After the authority develops or revises a test required under the regulation (an ***approved test***), it must give notice about the approved test to—
- (a) the Minister; and
  - (b) the governing body of each non-State school.
- (3) If a school administers an approved test, the school's principal must give the authority the test script of each of the school's students who undertook the test.
- (4) This section is subject to section 21.

### **19A      Common national tests**

- (1) If the authority participates in the development or revision of a common national test, the authority must, as soon as practicable after the development or revision, give a notice stating the type of test developed, or the test that has been revised, to—
- (a) the Minister; and
  - (b) the governing body of each non-State school.

- (2) If a school administers a common national test, the school's principal must give the authority the test script of each of the school's students who undertakes the test.
- (3) This section is subject to section 21.

## **20 Notification of approved or accredited syllabus or preparatory guideline**

- (1) This section applies if the authority—
  - (a) approves a 1–12 syllabus or preparatory guideline developed, purchased or revised by it under this Act; or
  - (b) accredits a 1–12 syllabus or preparatory guideline under this Act.
- (2) The authority must, after the approval or accreditation, give notice about the approved syllabus, approved preparatory guideline, accredited syllabus or accredited preparatory guideline to—
  - (a) the Minister; and
  - (b) the governing body of each non-State school.
- (3) This section is subject to section 21.

## **21 Notice to be given to nominated body**

- (1) If a non-State school's governing body gives the authority a notice asking that notices mentioned in this division be given to a nominated body instead of the governing body, the authority must comply with the request.
- (2) If the authority complies with the request, it is taken to have complied with the requirement that a notice mentioned in this division be given by it to the governing body.

## Part 2A Student accounts

### Division 1 Preliminary

#### 21A Explanation and purposes

- (1) This part provides for the keeping of a record (a *student account*) for a person—
  - (a) about the person's participation in eligible options during the compulsory participation phase, if the person is in the compulsory participation phase; and
  - (b) of the person's results in certification studies.
- (2) The purposes for which student accounts are kept are—
  - (a) supporting the authority in performing its certification functions under section 13; and
  - (b) making information available to the chief executive to enable the chief executive to carry on planning activities; and
  - (c) for student accounts kept for young persons in the compulsory participation phase—making information available to the chief executive to enable the chief executive to carry on re-engagement activities.

#### 21B Definitions for pt 2A

In this part—

*aggregated information* means information, about persons for whom student accounts are kept, that—

- (a) comprises or includes, or is derived from, information given to the authority under this part; and
- (b) could not reasonably be expected to result in the identification of any of the persons to whom it relates.

*eligible option* see the E(GP) Act, section 232.

*exempt provider* means a provider for certification studies that are not a component of an eligible option, if the provider does

not provide educational instruction in the studies in Queensland.

***planning activities*** means—

- (a) planning activities under the E(GP) Act, section 6; and
- (b) education planning activities.

***provider***—

- (a) generally, means a provider for—
  - (i) an eligible option; or
  - (ii) certification studies that are not a component of an eligible option; or
- (b) for an eligible option, see the E(GP) Act, section 232; or
- (c) for certification studies that are not a component of an eligible option, means an entity that—
  - (i) provides educational instruction in the studies, or carries out the assessment of persons for the studies, in Queensland; and
  - (ii) issues persons' results in the studies.

***re-engagement activities*** see the E(GP) Act, section 6.

***student visa holder*** means a person who holds a student visa issued under the *Migration Act 1958* (Cwlth).

## **21C Meaning of *student account phase***

A young person is in the ***student account phase*** if—

- (a) the person is in the compulsory participation phase; or
- (b) the person is not yet in the compulsory participation phase but a student account has been opened for the person.

**Division 2                    Opening student accounts****Subdivision 1                Accounts for young persons about to enter, or in, the compulsory participation phase****21D    When an account must be opened**

A student account must be opened for a young person within 1 year before the start of the person's compulsory participation phase.

**21E    Who must open an account**

The following person is responsible for opening a student account for a young person—

- (a) if the young person is enrolled with a school—the principal of the school;
- (b) otherwise—the chief executive.

**21F    How an account is opened**

- (1) A student account is opened for a young person by giving notice to the authority of each of the following—
  - (a) the person's name and any previous names of the person;
  - (b) the person's sex;
  - (c) the person's date of birth;
  - (d) the person's address;
  - (e) the person's phone number, if the person consents to it being given to the authority;
  - (f) if the person has a parent—the parent's name and address;
  - (g) whether the person is an Aboriginal person or Torres Strait Islander;

- (h) whether the person is a person from a non-English speaking background;
  - (i) each eligible option in which the person proposes to participate when the person starts the compulsory participation phase;
  - (j) whether the person's participation in each eligible option will be full-time;
  - (k) whether the person is a student visa holder;
  - (l) if the person is enrolled with a school—which year of schooling the person is in;
  - (m) other information prescribed under a regulation.
- (2) However, subsection (1)(f) does not apply if the person opening the student account is satisfied it would be inappropriate in the circumstances to give notice of the name and address of a parent of the young person.

*Example—*

It may be inappropriate to give notice of the name and address of a parent of the young person if the young person is living independently of his or her parents.

## **21G Obligation to open an account for young persons in other circumstances**

- (1) This section applies if—
  - (a) the authority receives a notice under section 21K<sup>4</sup> about a young person who is in the compulsory participation phase; and
  - (b) there is no student account open for the person.
- (2) The authority must give the provider a notice asking it to open a student account for the young person.
- (3) On receiving the request, the provider must open a student account for the young person by giving notice to the authority of the following information relating to the person—

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4 Section 21K (Obligation to notify enrolment—eligible option)



- (a) the information mentioned in section 21F(1)(a) to (h), (k) and (m);
  - (b) the eligible option of the provider in which the person is participating or proposes to participate;
  - (c) whether the person's participation in the eligible option is, or will be, full-time;
  - (d) any other eligible options in which the person is participating, or has participated, since starting the compulsory participation phase of which the provider is aware.
- (4) However, the provider is not required to give notice of the information mentioned in section 21F(1)(f) if the provider is satisfied it would be inappropriate in the circumstances to give notice of the name and address of a parent of the young person.

*Example—*

It may be inappropriate to give notice of the name and address of a parent of the young person if the young person is living independently of his or her parents.

## **Subdivision 2      Accounts for other persons**

### **21H      Who may have an account opened under sdiv 2**

Any person may have a student account opened under this subdivision, other than a person who—

- (a) is in the student account phase; or
- (b) is of compulsory school age or younger.

### **21I      How an account is opened**

- (1) A person who wishes to have a student account opened under this subdivision may either—
- (a) if the person is enrolled with a provider, other than an exempt provider, in certification studies—give the provider the required information and ask the provider to open the account for the person; or

- (b) give the chief executive the required information and ask the chief executive to open the account for the person.
- (2) The provider or chief executive must open the account by giving notice to the authority of the required information.
- (3) The **required information** is each of the following—
  - (a) the information mentioned in section 21F(1)(a) to (e), (g), (h) and (k);
  - (b) if the person is under 18 years and has a parent—the parent’s name and address;
  - (c) details of each of the certification studies in which the person is enrolled when the required information is given to the provider or chief executive, including the name and type of the provider for the studies, of which the provider or chief executive is aware;
  - (d) other information prescribed under a regulation.
- (4) However, the information mentioned in subsection (3)(b) is not required information if the provider or chief executive is satisfied it would be inappropriate in the circumstances to give notice of the name and address of a parent of the person.

*Example—*

It may be inappropriate to give notice of the name and address of a parent of the person if the person is living independently of his or her parents.

### **Subdivision 3      Account numbers for student accounts**

#### **21J      Authority to assign account number etc.**

- (1) After a student account is opened for a person, the authority must—
  - (a) assign a number to the account (the **account number**); and
  - (b) give notice to the person stating—
    - (i) that the account has been opened; and

- (ii) the account number; and
    - (iii) other information prescribed under a regulation; and
  - (c) if the name and address of a parent of the person are recorded in the account—give notice to the parent stating—
    - (i) that a student account has been opened for the person; and
    - (ii) the account number; and
  - (d) give notice to the person who opened the account stating—
    - (i) that a student account has been opened for the person; and
    - (ii) the account number.
- (2) The authority complies with a requirement under subsection (1) to give a notice if an agent of the authority gives the notice on the authority's behalf.

### **Division 3                      Provision of account information to the authority**

#### **Subdivision 1                Providers' obligations to give information**

##### **21K      Obligation to notify enrolment—eligible option**

If a young person in the student account phase enrolls with a provider in a program or course that is a component of an eligible option, the provider must give notice to the authority of the following information—

- (a) the person's name and any previous names of the person;
- (b) the person's address;
- (c) the person's date of birth;

- (d) if a student account is open for the person and the provider has the account number for the account—the account number;
- (e) the eligible option in which the person is participating, or proposes to participate, by enrolling in the program or course;
- (f) the components of the eligible option being undertaken, or proposed to be undertaken, by the person;
- (g) the date of enrolment in the program or course;
- (h) the date the person started, or proposes to start, to comply with the provider's attendance requirements for the program or course;
- (i) whether the person's participation in the eligible option is, or will be, full-time;
- (j) the name and type of the provider.

## **21L Obligation to notify enrolment—certification studies**

- (1) This section applies if—
  - (a) a person enrolls with a provider, other than an exempt provider, in certification studies; and
  - (b) a student account is open for the person; and
  - (c) the provider has the account number for the person's student account; and
  - (d) the provider is not required to notify the authority about the enrolment under section 21K.
- (2) The provider must give notice to the authority of the following information—
  - (a) the person's name;
  - (b) the account number for the person's student account;
  - (c) the person's address;
  - (d) the person's date of birth;
  - (e) the certification studies in which the person is enrolled;

- (f) the date of the person's enrolment in the studies;
- (g) the name and type of the provider.

### **21M Obligation to notify results—certification studies**

- (1) A provider must give the authority result information about a person who is or was enrolled with the provider in certification studies if—
  - (a) the person is in the student account phase; or
  - (b) the person is not in the student account phase but—
    - (i) a student account is open for the person; and
    - (ii) the provider has the account number for the person's student account.
- (2) The information must be given at the times, and in the ways, prescribed under a regulation.
- (3) In this section—

*result information*, about a person, means each of the following—

  - (a) the results of the assessment, carried out by the provider, of the person for certification studies;
  - (b) when the results were achieved;
  - (c) qualifications conferred on the person by the provider;
  - (d) when the qualifications were conferred.

### **21N Obligation to notify other matters**

- (1) This section applies to a provider with which a person is or was enrolled if—
  - (a) the person is in the student account phase; or
  - (b) the person is not in the student account phase but—
    - (i) the person is or was enrolled in certification studies; and
    - (ii) a student account is kept for the person; and

- (iii) the provider has the account number for the person's student account.
- (2) The provider must give notice to the authority of the following matters—
- (a) if the provider becomes satisfied it is inappropriate in the circumstances for the name and address of a parent of the person to be recorded in the account—that the name and address of the parent must be removed from the account;
- Example—*
- It may be inappropriate for the name and address of a parent of the person to be recorded in the person's student account if the person is living independently of his or her parents.
- (b) if the provider becomes satisfied it is appropriate in the circumstances for the name and address of a parent of the person to be recorded in the account—the name and address of the parent;
- (c) if the provider is aware that prescribed information has changed or is incorrect—the new or correct information;
- (d) if the provider is aware that information about the person's enrolment or results in certification studies, previously notified by the provider to the authority under this part, has changed, is incorrect or is incorrectly recorded in the person's student account—the new or correct information;
- (e) if the person stops being enrolled with the provider—the date the person stopped being enrolled with the provider.
- (3) Subsection (2)(a) and (b) do not apply if the person is 18 years or more.
- (4) If the person is in the student account phase and the person dies, the provider must, if the provider is aware of the death, give notice of the death to the authority.
- (5) Notices required to be given under this section must be given at the times prescribed under a regulation.
- (6) In this section—

**prescribed information** means any of the following recorded in the person's student account—

- (a) the person's name;
- (b) the person's sex;
- (c) the person's date of birth;
- (d) the person's address;
- (e) the person's phone number;
- (f) whether the person is an Aboriginal person or Torres Strait Islander;
- (g) whether the person is from a non-English speaking background;
- (h) whether the person is a student visa holder.

## **210 Authority to record information in account**

- (1) This section applies if the authority receives information—
  - (a) under division 2 about a person for whom a student account is opened; or
  - (b) under this subdivision about a person for whom a student account is open.
- (2) The authority must ensure information is recorded in the student account in accordance with the information received.

## **Subdivision 2 Persons who may give information on behalf of providers**

### **21P VETE chief executive**

- (1) This section applies to a provider that is a TAFE institute, statutory TAFE institute or registered training organisation.
- (2) The provider complies with a requirement under this part to give notice to the authority if, with the written agreement of the VETE chief executive, it gives the relevant information to the VETE chief executive and asks the VETE chief executive to give the notice on its behalf.

(3) Notice given by the VETE chief executive on behalf of the provider is taken to have been given by the provider.

(4) In this section—

*registered training organisation* see the VETE Act, section 14.

*statutory TAFE institute* means a statutory TAFE institute established under the VETE Act, chapter 6A.

*TAFE institute* see the VETE Act, section 191.

### **21Q Authorised agent**

(1) This section applies to a provider to which section 21P does not apply.

(2) The provider may enter into a written agreement with an entity (an *authorised agent*) authorising the entity to act as the provider's agent for complying with the provider's obligations to give notices under this part.

(3) A provider complies with a requirement under this part to give notice to the authority if an authorised agent for the provider gives the notice to the authority on the provider's behalf.

(4) Notice given by an authorised agent on behalf of a provider is taken to have been given by the provider.

## **Subdivision 3 Information not given by a provider under subdivision 1**

### **21R Circumstances in which information must be recorded in account**

(1) This section applies to information, about a person for whom a student account is open, held or obtained by the authority, other than information obtained from a provider under subdivision 1.

(2) The authority must record the information in the person's student account in the circumstances prescribed under a regulation.



## **Division 4                      Use and disclosure of account information by authority**

### **21S    Use by authority and disclosure to providers for verification**

- (1) The authority may use information recorded in a student account to perform its certification functions under section 13.
- (2) The authority may disclose prescribed information for a student account to a relevant provider to the extent necessary for the authority to ensure the accuracy of the information.
- (3) However, the authority may disclose information about the enrolment or results, in certification studies, of the person for whom the student account is kept, only to the provider for the studies.
- (4) If the authority discloses information under subsection (2), the provider must, as soon as practicable, give notice to the authority stating—
  - (a) whether the disclosed information is correct; and
  - (b) if the disclosed information is incorrect—the correct information.
- (5) If the authority is notified under subsection (4) that the disclosed information is incorrect, the authority must—
  - (a) ensure the incorrect information is corrected or removed from the account; and
  - (b) give the person for whom the student account is kept notice of the changes made to information recorded in the account.
- (6) In this section—

***prescribed information***, for a student account, means—

  - (a) if the student account is kept for a young person in the student account phase—the account number for the account and any of the information recorded in the account; or

- (b) otherwise—the account number for the student account and any of the following information recorded in the account—
  - (i) the person’s name;
  - (ii) the person’s address;
  - (iii) information about the person’s enrolment or results in certification studies.

***relevant provider*** means a provider the authority reasonably believes will be able to confirm the accuracy of the prescribed information.

## **21T Disclosure to providers, or their agents, for other purposes**

- (1) This section prescribes, for a provider or a prescribed agent for a provider—
  - (a) the information recorded in the student account kept for a person to which the authority must give the provider or agent access (the ***accessible information***); and
  - (b) the purpose of the access.
- (2) For a relevant provider for the person, if the provider is a school—
  - (a) the accessible information is all of the information; and
  - (b) the purpose of the access is to help the provider—
    - (i) comply with section 21N; and
    - (ii) manage the educational program provided to the person.
- (3) For a relevant provider for the person, other than a school—
  - (a) the accessible information is—
    - (i) identifying information about the person; and
    - (ii) information about certification studies in which the person is or was enrolled with the provider; and
  - (b) the purpose of the access is to—

- (i) enable the provider to verify identifying information about the person held by the provider for ensuring information notified by the provider to the authority under division 3 relates to the correct person for whom a student account is kept; and
  - (ii) help the provider comply with section 21N.
- (4) For a prescribed agent for a relevant provider for the person—
  - (a) the accessible information is identifying information about the person; and
  - (b) the purpose of the access is to enable the agent to verify identifying information about the person given to the agent by the provider for ensuring information notified for the provider to the authority under division 3 relates to the correct person for whom a student account is kept.

- (5) In this section—

***identifying information***, about a person, means the following information—

- (a) the person's name;
- (b) the person's sex;
- (c) the account number for the person's student account;
- (d) the person's date of birth.

***prescribed agent***, for a provider, means—

- (a) for a TAFE institute, statutory TAFE institute or registered training organisation under section 21P that has entered into an agreement mentioned in section 21P(2)—the VETE chief executive, to the extent the accessible information is covered by the agreement; or
- (b) for a provider other than a TAFE institute, statutory TAFE institute or registered training organisation under section 21P—an authorised agent for the provider.

***relevant provider***, for a person, means a provider with whom the person is enrolled in certification studies.

**21U Disclosure to the chief executive**

- (1) To enable the chief executive to carry on planning activities, the authority must give the chief executive the aggregated information the chief executive asks for.
- (2) The authority must include, in its annual report for a financial year under the *Financial Administration and Audit Act 1977*, the details of each request under subsection (1) received during the financial year.
- (3) To enable the chief executive to carry on re-engagement activities, the authority must give the chief executive any of the prescribed information the chief executive asks for about a stated young person or all young persons who, according to the person's student account or the persons' student accounts—
  - (a) is or are in the compulsory participation phase; and
  - (b) has or have stopped being enrolled with a provider in a course or program that is a component of an eligible option; and
  - (c) after a period of at least 3 months, has or have not re-enrolled with a provider in a course or program that is a component of an eligible option.
- (4) In this section—

***prescribed information***, about a young person mentioned in subsection (3), means the account number for the person's student account and the following information recorded in the person's student account—

  - (a) name and any previous names;
  - (b) address and telephone number;
  - (c) date of birth;
  - (d) the date the person stopped being enrolled with the provider in the course or program;
  - (e) any eligible option in which the person was participating immediately before the person stopped being enrolled with the provider in the course or program and the components of the eligible option that were being undertaken by the person;

- (f) the name and type of the provider for an eligible option mentioned in paragraph (e);
- (g) any eligible option in which the person is participating and the components of the eligible option being undertaken by the person;
- (h) the name and type of the provider for an eligible option mentioned in paragraph (g).

**21V Disclosure to person for whom account is kept and the person's parents**

- (1) If a student account is kept for a person, the authority must give the person access to information recorded in the account.
- (2) Also, subsection (3) applies if—
  - (a) a student account is kept for—
    - (i) a young person in the compulsory participation phase; or
    - (ii) a person who is under 18 years and is not in the compulsory participation phase; and
  - (b) the name and address of a parent of the person are recorded in the account.
- (3) To help the parent—
  - (a) support the person's progress towards obtaining a certificate of achievement or statement of results; and
  - (b) if the person is in the compulsory participation phase—comply with the E(GP) Act, section 239(1);<sup>5</sup>the authority must give the parent access to information recorded in the account.
- (4) Section 75<sup>6</sup> does not apply to the authority giving access to information under this section.

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5 E(GP) Act, section 239 (Obligation to ensure participation)

6 Section 75 (Privacy)

**21W Disclosure of aggregated information to relevant entities**

The authority must give each of the relevant entities, at the times prescribed under a regulation, the aggregated information prescribed under a regulation relating to the entity.

**21X Disclosure to VETE chief executive**

- (1) To enable the VETE department to comply with its reporting obligations under the Commonwealth agreements, the authority must give the VETE chief executive, at the time and in the way prescribed under a regulation, the relevant information for a year.
- (2) In this section—

***Commonwealth agreements*** means—

- (a) the Commonwealth-State Agreement for Skilling Australia's Workforce, within the meaning of the *Skilling Australia's Workforce Act 2005* (Cwlth), section 7(1), in force between the Commonwealth and Queensland; and
- (b) any agreement made between the Commonwealth and Queensland for the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004* (Cwlth), section 14(1)(b).

***relevant information*** means the following information recorded in the student account kept for a relevant student—

- (a) the student's name;
- (b) the account number for the student account;
- (c) the student's sex;
- (d) the student's date of birth;
- (e) the student's address;
- (f) whether the student is an Aboriginal person or Torres Strait Islander;
- (g) whether the student is from a non-English speaking background;

- (h) each VET course, and, if recorded in the account, each unit of competency that is a component of the course, in which the student was enrolled during the year to which the relevant information relates;
- (i) the date of the student's enrolment in the VET course;
- (j) the name and type of the provider for the VET course;
- (k) if the student stopped being enrolled in the VET course during the year and the date the student stopped being enrolled is recorded in the account—the date the student stopped being enrolled in the course;
- (l) any results of the student for the VET course or a unit of competency that is a component of the course.

***relevant student*** means a person for whom a student account is kept who was, at any time during the year to which the relevant information relates—

- (a) enrolled with a school; and
- (b) undertaking the year 11 or 12 year of schooling; and
- (c) enrolled in a VET course.

***unit of competency*** has the meaning given under the VETE Act, section 19.

***VET course*** means a course of vocational education and training provided under the VETE Act that is certification studies.

## **Division 5                      Miscellaneous**

### **21Y      Student visa holder**

- (1) This section applies despite divisions 2 and 3.
- (2) An entity must not open a student account for a student visa holder, or give notice to the authority of the enrolment of a student visa holder, without the holder's written agreement.

### **21Z      Closing student account**

- (1) This section applies if—

- (a) a student account is opened for a person; and
  - (b) a provider notifies the authority, under section 21N(4), of the person's death.
- (2) The authority must close the account.

### **21ZA Consultation about proposed regulations**

Before recommending to the Governor in Council the making of a regulation under section 21F(1)(m), 21N(5), or 21W,<sup>7</sup> the Minister must consult the relevant entities.

### **21ZB Confidentiality**

- (1) This section applies to a person—
- (a) who is or has been—
    - (i) the chief executive or a public service employee in the department; or
    - (ii) a provider or an employee of a provider; or
    - (iii) an authorised agent of a provider or an employee of an authorised agent; or
    - (iv) an employee of the authority; and
  - (b) who, in the course of the administration of this part, or because of opportunity provided by the administration, has gained or has access to information recorded in a student account.
- (2) The person must not make a record of the information or disclose the information to anyone else, other than—
- (a) for a purpose of this Act; or
  - (b) with the consent of the person to whom the information relates; or
  - (c) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or

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<sup>7</sup> Section 21F (How an account is opened), 21N (Obligation to notify other matters) or 21W (Disclosure of aggregated information to relevant entities)



(d) as permitted or required by another Act.

Maximum penalty—50 penalty units.

(3) In this section—

*disclose* information includes give access to the information.

*employee*, of a provider, the authority or another entity, includes—

(a) a person appointed to a position with the entity; and

(b) a person engaged by the entity under a contract for services; and

(c) an unpaid employee of the entity.

### **21ZC Delegation by chief executive**

(1) The chief executive may delegate the chief executive's functions under this part to an appropriately qualified officer or employee of the department or the VETE department.

(2) A delegation of a function may permit the subdelegation of the function to an appropriately qualified officer or employee of the department or the VETE department.

(3) In this section—

*appropriately qualified* includes having qualifications, experience or standing appropriate for the function.

*Example of standing—*

a person's classification level in the public service

*functions* includes powers.

## **Part 3 Minister's powers in relation to authority**

### **22 Minister may refer matter to authority**

(1) If the Minister considers there is a matter relevant to the authority's functions that the authority should investigate, the

Minister may, by notice given to the authority, refer the matter to the authority for its investigation.

- (2) The authority must, after completing the investigation, give the Minister a written report about the matter.

## **23 Minister's power to give directions in the public interest**

- (1) The Minister may give the authority a written direction about a matter relevant to its functions if the Minister is satisfied it is necessary to give the direction in the public interest.
- (2) Without limiting subsection (1), the direction may be that the authority develop or purchase a 1–12 syllabus for stated school studies, or a preparatory guideline of a stated type, for its approval under this Act.
- (3) Also, without limiting subsection (1), the direction may be that the authority must comply with—
  - (a) a policy, standard or other instrument applying to a public sector unit; or
  - (b) another document, including, for example, another policy, standard or instrument.
- (4) The authority must comply with the direction.
- (5) The direction can not be about—
  - (a) the content of a 1–12 syllabus or preparatory guideline; or
  - (b) the approval of a 1–12 syllabus or preparatory guideline developed, purchased or revised by the authority; or
  - (c) the accreditation, under this Act, of a 1–12 syllabus or preparatory guideline; or
  - (d) the approval, under this Act, of a work program for a school subject; or
  - (e) the recording of a particular person's results in certification studies on a certificate of achievement or statement of results; or
  - (f) the issue to a particular person of a QCE, another certificate of achievement or a statement of results.

- (6) In the authority's annual report for a financial year, the authority must include copies of all directions given to it under this section in the financial year.
- (7) This section is subject to section 76(3).

## **24 Power to require production of document**

- (1) The Minister may, by notice given to the authority, require it to make available for inspection by the Minister, or produce to the Minister for inspection, a stated Act document in the possession or control of the authority.
- (2) The Act document must be made available for inspection, or produced, at a reasonable time and place stated in the notice.
- (3) The Minister may copy the Act document and must return it to the authority after copying it.
- (4) In the authority's annual report for a financial year, the authority must include copies of all notices given to it under this section in the financial year.
- (5) In this section—

*Act document* means a document relevant to the authority's functions.

# **Part 4 Matters concerning authority**

## **Division 1 Membership**

### **25 Membership of authority**

- (1) The authority consists of the following—
  - (a) the chief executive;
  - (b) the chief executive of the vocational education and training department;
  - (c) the persons appointed under subsection (2).

- (2) The Governor in Council is to appoint the following persons as members of the authority—
- (a) 1 nominee of the Minister;
  - (b) 1 nominee of AISQ;
  - (c) 1 nominee of QCEC;
  - (d) 2 nominees of the Higher Education Forum, at least 1 of whom must have expertise relating to tertiary entrance;
  - (e) 2 persons who, at the time of appointment, are parents of students enrolled at a school, of whom—
    - (i) one is to be nominated by the Queensland Council of Parents' and Citizens' Associations Incorporated; and
    - (ii) one is to be nominated jointly by the Federation of Parents and Friends Associations of Catholic Schools, Queensland and the Independent Parents and Friends Council of Queensland;
  - (f) 1 primary school principal and 1 secondary school principal, of whom—
    - (i) one is to be nominated by the chief executive; and
    - (ii) one is to be nominated jointly by AISQ and QCEC;
  - (g) 1 teacher of primary education and 1 teacher of secondary education, neither of whom is a school principal, of whom—
    - (i) one is to be nominated by the chief executive; and
    - (ii) one is to be nominated jointly by AISQ and QCEC;
  - (h) 1 nominee of the Queensland Teachers' Union;
  - (i) 1 nominee of the Queensland Independent Education Union of Employees;
  - (j) 1 nominee of the Minister administering the vocational education and training department;
  - (k) 3 nominees of the Minister, of whom—
    - (i) one is to have expertise in the provision of special education; and

- (ii) one is to have expertise in the education of Aborigines or Torres Strait Islanders; and
  - (iii) one is to be representative of industry;
- (l) one other person who may be nominated by the Minister.
- (3) The Minister's nominees must have the qualifications, experience or standing the Minister considers appropriate for membership of the authority.
- (4) The person appointed to be the director may not be an appointed member.

## **26 Nomination by entities for membership of authority**

- (1) This section applies to the nomination of a person for membership of the authority by an entity or entities mentioned in section 25(2)(b) to (j).
- (2) The Minister must give the entity or entities a notice stating a reasonable time within which it or they may nominate a person for the membership.
- (3) If the entity does not nominate, or the entities do not nominate jointly, a person within the time stated in the notice, the Minister may nominate a person for the membership and the nomination is taken to have been made by the entity or entities.
- (4) A person nominated under subsection (3) must be a person whom the entity or entities may nominate for membership of the authority as stated in section 25(2).

## **27 Term of appointment**

An appointed member must be appointed for a term of not more than 4 years.

## **28 Chairperson of authority**

- (1) The Governor in Council is to appoint the member mentioned in section 25(2)(a) to be the chairperson of the authority.

- (2) A person may be appointed as the chairperson at the same time the person is appointed as a member.
- (3) The chairperson holds office while a member under section 25(2)(a).

## **29 Deputy chairperson of authority**

- (1) The authority must appoint a member as the deputy chairperson of the authority.
- (2) The deputy chairperson holds office for the term decided by the authority.
- (3) A vacancy occurs in the office of deputy chairperson if the person holding the office resigns the office by signed notice of resignation given to the Minister or ceases to be a member.
- (4) However, a person resigning the office of deputy chairperson may continue to be a member.
- (5) The deputy chairperson is to act as chairperson—
  - (a) during a vacancy in the office of chairperson; and
  - (b) during all periods when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.
- (6) For subsection (5), *deputy chairperson* includes a member appointed, under section 33(7), to act in the deputy chairperson's office.

## **30 Disqualification from membership**

- (1) A person can not become, or continue as, an appointed member if the person—
  - (a) is, or has been, convicted of an indictable offence; or
  - (b) is affected by bankruptcy action.
- (2) However, if the Minister considers it would be reasonable, having regard to the circumstances of the indictable offence of which a person has been convicted or the circumstances in which a person has been affected by bankruptcy action, the Minister may—

- (a) if the person was an appointed member when convicted or affected by bankruptcy action—give notice to the chairperson and the person that the person is restored as an appointed member, and may be later reappointed, despite the conviction or being affected by bankruptcy action; or
  - (b) otherwise—give written approval for the person to become an appointed member despite the conviction or being affected by bankruptcy action.
- (3) On the day the chairperson receives a notice under subsection (2)(a)—
- (a) the person is restored as an appointed member; and
  - (b) if another person has been appointed to fill the vacancy—the other person’s appointment ends.
- (4) If a person is restored as an appointed member under subsection (3), the person’s term of office as an appointed member ends when it would have ended if the person had not been convicted of the offence or affected by bankruptcy action.

### **31 Vacation of office**

- (1) The office of an appointed member becomes vacant if the member—
- (a) resigns his or her office by signed notice of resignation given to the Minister; or
  - (b) can not continue as a member under section 30; or
  - (c) is absent, without the authority’s permission, from 3 consecutive meetings of which proper notice has been given.
- (2) Also, the office of an appointed member becomes vacant if the member was nominated for membership of the authority under a nomination provision and the member stops being a person mentioned in that provision.
- (3) In this section—
- meeting* means—

- (a) if the member does not attend—an authority meeting with a quorum present; or
- (b) if the member attends—an authority meeting with or without a quorum present.

*nomination provision* means section 25(2)(f) or (g).<sup>8</sup>

### **32 When notice of resignation takes effect**

A notice of resignation mentioned in section 29(3) or 31(1)(a) takes effect when the notice is given to the Minister or, if a later time is stated in the notice, the later time.

### **33 Leave of absence**

- (1) The Minister may approve a leave of absence for an appointed member (the *approved absent member*).
- (2) The Minister may appoint someone else to act in the office of the approved absent member while the member is absent on the leave.
- (3) If the approved absent member is an eligible person for a nominating entity, the Minister must, before making the appointment, give the entity a notice stating a reasonable time within which it may nominate someone else to act in the office of the approved absent member while the member is absent on the leave.
- (4) If the entity does not make the nomination within the time stated in the notice, the Minister may proceed to appoint a person who is an eligible person for the entity.
- (5) A person is taken to be an appointed member during the term of the person's appointment to act in the office of an approved absent member.
- (6) The Minister's power to appoint a person to act in the office of an approved absent member does not limit the Governor in

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<sup>8</sup> Section 25 (Membership of authority)



Council's powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(v).<sup>9</sup>

- (7) If the approved absent member is the deputy chairperson, the authority may appoint another member to act in the deputy chairperson's office while the deputy chairperson is absent on the leave.
- (8) In this section—

*eligible person*, for a nominating entity, means a person whom the entity may nominate for membership of the authority as stated in section 25(2)(b) to (j).

*nominating entity* means an entity or entities that, under section 25(2)(b) to (j), may nominate, or nominate jointly, a person to be a member.

### **34 Remuneration of an appointed member**

An appointed member is entitled to be paid the fees and allowances decided by the Governor in Council.

## **Division 2 Authority business**

### **35 Conduct of business**

Subject to this division, the authority must conduct its business, including its meetings, in the way it considers appropriate.

### **36 Times and places of authority meetings**

- (1) Meetings of the authority must be held at the times and places the executive committee decides.
- (2) However, the executive committee must call a meeting if asked, in writing, to do so by the Minister or at least the number of members required to form a quorum for the authority.

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<sup>9</sup> *Acts Interpretation Act 1954*, section 25 (Powers of appointment imply certain incidental powers)

- (3) The authority must meet as often as necessary for it to perform its functions.
- (4) Without limiting subsection (3), the authority must meet at least 6 times a year.

### **37 Quorum**

A quorum for the authority is the number equal to one-half of the number of its members or, if one-half is not a whole number, the next highest whole number.

### **38 Presiding at authority meetings**

- (1) The chairperson must preside at all authority meetings at which the chairperson is present.
- (2) If the chairperson is absent from an authority meeting, but the deputy chairperson is present, the deputy chairperson must preside.
- (3) If the chairperson and deputy chairperson are both absent from an authority meeting or the offices are vacant, a member chosen by the members present must preside.
- (4) In this section—  
*deputy chairperson* includes a member appointed, under section 33(7), to act in the deputy chairperson's office.

### **39 Official member may appoint nominee**

- (1) An official member may, in writing, appoint a person (the *official member's nominee*) to attend authority meetings and executive committee meetings in place of the official member during any period, or during all periods, when the official member can not attend for any reason.
- (2) When making the appointment, if practicable, the official member must appoint a person who has previously attended the meetings as the official member's nominee.
- (3) The official member's nominee must be a public service officer who is appropriately qualified to exercise the official member's powers.

- (4) The official member must give the chairperson notice of—
  - (a) the appointment; and
  - (b) if the instrument of appointment is amended or revoked—the amendment or revocation.

#### **40 Attendance by proxy by member**

- (1) A member may, not more than twice in a year, attend an authority meeting by proxy.
- (2) A member is not entitled to preside at an authority meeting merely because the member is the proxyholder for another member who, if present, would be entitled to preside.

#### **41 Participation of director in authority meetings**

- (1) The director may participate in any of the authority's deliberations, but has no voting rights at an authority meeting.
- (2) For subsection (1), the chairperson must give the director timely notice of an authority meeting.
- (3) An authority meeting is not invalid merely because the chairperson has not, for the meeting, complied with subsection (2).

#### **42 Conduct of meetings**

- (1) A question at an authority meeting is to be decided by a majority of the votes of the members present.
- (2) Each member present at an authority meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.
- (3) A member present at an authority meeting who abstains from voting is taken to have voted for the negative.
- (4) The authority may hold meetings, or allow members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meetings, including, for example, teleconferencing.

- (5) A member who takes part in an authority meeting under subsection (4) is taken to be present at the meeting.
- (6) A resolution is validly made by the authority, even if it is not passed at an authority meeting, if—
  - (a) notice of the resolution is given under procedures approved by the authority; and
  - (b) a majority of the members gives written agreement to the resolution.

### **43 Minutes**

The authority must keep minutes of its meetings.

### **44 Disclosure of interest**

- (1) This section applies to a member (the *interested member*) if—
  - (a) the interested member has a direct or indirect interest in an issue being considered, or about to be considered, by the authority; and
  - (b) the interest could conflict with the proper performance of the interested member's duties for considering the issue.
- (2) As soon as practicable after the relevant facts come to the interested member's knowledge, the interested member must disclose the nature of the interest to an authority meeting.
- (3) Unless the authority otherwise directs, the interested member must not—
  - (a) be present when the authority considers the issue; or
  - (b) take part in a decision of the authority about the issue.
- (4) The interested member must not be present when the authority is considering whether to give a direction under subsection (3).
- (5) If there is another member who must, under subsection (2), also disclose an interest in the issue, the other member must not—

- (a) be present when the authority is considering whether to give a direction mentioned in subsection (3) about the interested member; or
  - (b) take part in making the decision about giving the direction.
- (6) If—
- (a) because of this section, a member is not present at an authority meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3); and
  - (b) there would be a quorum if the member were present; the remaining members present are a quorum of the authority for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.
- (7) A disclosure under subsection (2) must be recorded in the authority's minutes of its meetings.

## **Division 3                      Authority committees**

### **45            Executive committee**

- (1) There is an executive committee of the authority.
- (2) The members of the executive committee are as follows—
  - (a) the chairperson;
  - (b) the official members;
  - (c) the members mentioned in section 25(2)(b) and (c).<sup>10</sup>
- (3) The executive committee must set the agenda for each meeting of the authority held under section 36(1).<sup>11</sup>
- (4) Also, the executive committee must perform functions conferred on the committee by the authority and report to the authority as required by the authority.

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<sup>10</sup> Section 25 (Membership of authority)

<sup>11</sup> Section 36 (Times and places of authority meetings)

**46 Participation of director in executive committee meetings**

- (1) The director may participate in any of the executive committee's deliberations, but has no voting rights at an executive committee meeting.
- (2) For subsection (1), the chairperson must give the director timely notice of an executive committee meeting.
- (3) A meeting of the executive committee is not invalid merely because the chairperson has not, for the meeting, complied with subsection (2).

**47 Other committees**

- (1) The authority may establish committees of the authority for effectively and efficiently performing the authority's functions.
- (2) A committee may include a person who is not a member of the authority.
- (3) The authority must decide the terms of reference of a committee.
- (4) The functions of a committee are—
  - (a) to advise and make recommendations to the authority about matters, relevant to the authority's functions, referred by the authority to the committee; and
  - (b) to exercise powers delegated to it by the authority.<sup>12</sup>
- (5) A committee must keep a record of the decisions it makes when exercising a power delegated to it by the authority.
- (6) The authority may decide matters about a committee that are not provided for under this Act, including, for example, the way a committee must conduct meetings.

**48 Remuneration of authority committee members**

A member of an authority committee is entitled to be paid the fees and allowances decided by the Governor in Council.

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<sup>12</sup> See section 55 (Delegation by authority) for the authority's power of delegation.

## **Division 4                      Financial provisions**

### **49            Authority is statutory body under the Financial Administration and Audit Act 1977**

The authority is a statutory body under the *Financial Administration and Audit Act 1977*.

### **50            Authority is statutory body under the Statutory Bodies Financial Arrangements Act 1982**

- (1) The authority is a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B<sup>13</sup> sets out the way in which the authority's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

### **51            Budget**

- (1) The authority must, for each financial year, develop, adopt and give to the Minister a budget by the day the Minister directs.
- (2) A budget has no effect until approved by the Minister.
- (3) In a financial year, the authority may develop, adopt and give to the Minister amendments to its approved budget for the financial year.
- (4) An amendment has no effect until approved by the Minister.

### **52            Compliance with approved budget**

- (1) The authority must comply with its approved budget for a financial year.
- (2) If the authority makes a disbursement in a financial year that is not provided for in its approved budget for the financial year, the members who knowingly agreed to the disbursement

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13 *Statutory Bodies Financial Arrangements Act 1982*, part 2B (Powers under this Act and relationship with other Acts)

(the *relevant members*) are jointly and severally liable to repay the amount of the disbursement to the authority.

- (3) A person appointed in writing by the Minister for the purpose may recover, on the authority's behalf, the amount from the relevant members as a debt.

## **Division 5                      Other provisions about the authority**

### **53            Performance of authority**

- (1) The Minister has responsibility to ensure the authority operates to best practice standards.
- (2) To help the Minister discharge the responsibility, the authority must report to the Minister, when and in the way required by the Minister, on the efficiency, effectiveness, economy and timeliness of the authority and its systems and processes, including operational processes.
- (3) The authority must comply with a Ministerial request under this section.
- (4) In the authority's annual report for a financial year, the authority must include copies of all Ministerial requests made under this section in the financial year.

### **54            Change in requirements for certification**

In effecting a change in the requirements for the issue of a type of certificate of achievement or statement of results, the authority must ensure a person who is subject to the requirements that are to be changed is not disadvantaged by the change.

### **55            Delegation by authority**

- (1) The authority may delegate its powers under this Act to—
  - (a) a member; or
  - (b) an authority committee; or



- (c) the director; or
  - (d) an appropriately qualified member of the office's staff.
- (2) However, the authority may not delegate its power under this Act—
- (a) to approve a 1–12 syllabus or preparatory guideline; or
  - (b) to accredit a 1–12 syllabus or preparatory guideline.

**56 Time within which authority to do something under this Act**

- (1) This section applies if—
- (a) the authority is to do something under this Act after the happening of an event; and
  - (b) the Act does not state a time within which the authority must do the thing.
- (2) The authority must do the thing as soon as practicable after the event happens.

**Part 5 Office of the Queensland Studies Authority**

**Division 1 Establishment**

**57 Establishment of office**

- (1) The Office of the Queensland Studies Authority is established.
- (2) The office consists of the director and the staff of the office.

## **Division 2                    Office's function and powers**

### **58            Function and powers**

- (1) The office's function is to help the authority in the performance of its functions.
- (2) The office may do anything necessary or convenient to be done in performing its function.

## **Division 3                    The director**

### **59            Appointment of director**

- (1) There is to be a director of the office.
- (2) The director is to be appointed by the Governor in Council.
- (3) The director is appointed for the term stated in the instrument of appointment, and is eligible for reappointment.
- (4) The stated term must not be longer than 5 years.
- (5) The *Public Service Act 1996* does not apply to the appointment of the director.

### **60            Terms of appointment**

- (1) The director is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) The director holds office on terms, not provided for by this Act, decided by the Governor in Council.

### **61            Function of director**

- (1) Subject to direction by the authority, the director is to control the office and is responsible for its efficient and effective administration and operation.
- (2) Subsection (1) does not prevent the attachment of the office to the department for the purpose of ensuring the office is supplied with the administrative support services that it requires to carry out its functions effectively and efficiently.

**62 Director must act independently etc.**

In performing the director's functions and exercising the director's powers, the director—

- (a) must act independently, impartially, fairly and in the public interest; and
- (b) is not under the control or direction of the Minister.

**63 Delegation by director**

The director may delegate the director's powers under this Act to an appropriately qualified member of the office's staff.

**64 Resignation**

The director may resign by signed notice given to the Minister.

**65 Ending of appointment**

The Governor in Council may end the appointment of the director if the director—

- (a) is convicted of an indictable offence; or
- (b) is guilty of misconduct that could warrant dismissal from the public service if the director were a public service officer; or
- (c) is guilty of neglect of duty or incompetence; or
- (d) becomes incapable of satisfactorily performing the director's functions.

**66 Preservation of rights**

- (1) This section applies if a public service officer is appointed as the director.
- (2) The person retains and is entitled to all rights that have accrued to the person because of employment as a public service officer, or that would accrue in the future to the person because of that employment, as if service as the director were a continuation of service as a public service officer.

- (3) At the end of the person's term of appointment or on resignation—
- (a) the person is entitled to be employed as a public service officer—
    - (i) at the classification level at which the person would have been employed if the person had continued in employment as a public service officer; and
    - (ii) on the remuneration to which the person would have been entitled if the person had continued in employment as a public service officer; and
  - (b) the person's service as the director is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.

**67 Superannuation for director who was previously a public service officer**

- (1) This section applies if a public service officer is appointed as the director and immediately before the appointment the public service officer was a member of the State Public Sector Superannuation Scheme under the *Superannuation (State Public Sector) Act 1990*.
- (2) The person continues to be eligible to be, and to be, a member of the scheme.

**68 Acting director**

The Minister may appoint a person to act as the director—

- (a) during a vacancy in that office; or
- (b) during any period, or during all periods, when the director is absent from duty or can not, for another reason, perform the functions of that office.

## Division 4                      Staff of the office

### 69            Office staff

- (1) The staff of the office are to be employed under the *Public Service Act 1996*.
- (2) This section applies subject to section 69A.

### 69A          Employment of casual staff to help authority to perform its functions under s 10, 11, 12 or 13

- (1) The authority may employ staff on a casual basis, to help the authority to perform its functions under section 10, 11, 12 or 13.<sup>14</sup>
- (2) The staff are to be employed under this Act and not under the *Public Service Act 1996*.
- (3) The staff are entitled to be paid the remuneration and allowances decided by the Governor in Council.
- (4) The staff are not subject to any industrial instrument or any determination or rule of an industrial tribunal.
- (5) The staff are subject to the direction and control of the director.
- (6) To remove any doubt, it is declared that a person employed under this section may be simultaneously employed in another capacity under the *Public Service Act 1996*.
- (7) In this section—  
***industrial instrument*** see the *Industrial Relations Act 1999*, schedule 5.

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14 Section 10 (Testing functions), 11 (Assessment functions), 12 (Moderation function) or 13 (Certification functions)

## Part 6 **Miscellaneous**

### 70 **Protecting persons from liability**

- (1) The following persons are not civilly liable for an act done, or omission made, honestly and without negligence under this Act—
- (a) the Minister;
  - (b) a member;
  - (c) a member of a committee of the authority, established under section 47(1), who is not a member of the authority.
- (2) If subsection (1) prevents a civil liability attaching to a person, the liability attaches instead to the State.

### 71 **Approval of forms**

The authority may approve forms for use under this Act.

### 72 **Delegation by Minister**

- (1) The Minister may delegate the Minister's powers under this Act to an appropriately qualified person.
- (2) However, the Minister may not delegate the Minister's power under section 22(1), 23(1), 24(1) or 53(2).<sup>15</sup>

### 72A **Chief executive may carry on education planning activities**

The chief executive may carry on the following activities (*education planning activities*)—

- (a) monitoring the effectiveness of education provided in Queensland for enabling people to obtain a certificate of achievement;

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<sup>15</sup> Section 22 (Minister may refer matter to authority), 23 (Minister's power to give directions in the public interest), 24 (Power to require production of document) or 53 (Performance of authority)

- (b) monitoring the operation and effectiveness of part 2A for—
  - (i) helping to ensure a person who is in the compulsory participation phase participates in education or training as required under the E(GP) Act, chapter 10; and
  - (ii) recording the person's participation and learning achievements.

### **73 Administrative support for authority**

- (1) The authority may make arrangements for administrative support services for the authority.
- (2) If the authority makes arrangements with the chief executive to provide 1 or more services for the authority, the arrangement must include a provision about the authority paying the department a reasonable amount for the service.

### **74 Authority's annual report**

In the authority's annual report for a financial year, the authority must include details of any powers delegated by the Training and Employment Recognition Council to the authority, in the financial year, under the *Vocational Education, Training and Employment Act 2000*, section 186.<sup>16</sup>

### **75 Privacy**

In performing a function to give information to an entity, the authority must be satisfied there are arrangements in place sufficient to ensure the privacy of individuals is protected.

### **76 Powers of Minister administering vocational education and training department**

- (1) The purpose of this section is to confer on the Minister administering the vocational education and training

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<sup>16</sup> *Vocational Education, Training and Employment Act 2000*, section 186 (Delegation by council)

department powers in relation to the authority's functions mentioned in section 14.

- (2) Sections 22 and 24 apply as if—
  - (a) the reference to the Minister were a reference to the Minister administering the vocational education and training department; and
  - (b) the reference to the authority's functions were a reference to the authority's functions mentioned in section 14.
- (3) For a direction mentioned in section 23(1) about the authority's functions mentioned in section 14—
  - (a) the direction must be given jointly by the Minister and the Minister administering the vocational education and training department; and
  - (b) the Minister and the Minister administering the vocational education and training department must be jointly satisfied it is necessary to give the direction in the public interest.

## **77 Review of Act**

- (1) The Minister must, before the third anniversary of the date of assent of this Act, start a review of this Act to ensure it is adequately meeting community expectations and its provisions remain appropriate.
- (2) The Minister must, as soon as practicable after the review is finished, cause a report of the outcome of the review to be laid before the Legislative Assembly.

## **78 Guidelines**

- (1) The authority may make guidelines as provided under a regulation.
- (2) A regulation may provide that the authority may make a guideline only with the approval of the Minister.
- (3) If a guideline is inconsistent with this Act or the regulation, the guideline is invalid to the extent of the inconsistency.



- (4) A guideline—
  - (a) must be notified in the way required by the regulation; and
  - (b) takes effect on the day of its notification or, if a later day or time is fixed in the guideline, on the day or at the time fixed.
- (5) On the day a guideline is notified under subsection (4)(a) or as soon as practicable after that day, copies of the guideline must be available to be obtained, by purchase or otherwise, at the place or at each of the places stated in the notice.
- (6) Failure to comply with subsection (5) does not affect the validity of the notification under subsection (4)(a).

## **79 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may be made about the following—
  - (a) the accreditation by the authority of 1–12 syllabuses or preparatory guidelines, for implementation at schools;
  - (b) the approval by the authority of work programs for school subjects;
  - (c) the recognition of a person's results in certification studies, other than school subjects for which—
    - (i) there is an approved syllabus; or
    - (ii) a work program has been approved under section 13(2);
  - (d) the issuing of QCEs, other certificates of achievement, and statements of results, including eligibility requirements for the issue of the certificates and statements;
  - (e) the testing of persons;
  - (f) deciding the equivalence, in the State, of a level of school education reached, or a school qualification obtained, by a person at an educational institution established outside the State;

- (g) the assessment of persons;
- (h) tertiary entrance procedures and requirements, and the issuing of tertiary entrance statements;
- (i) the review of decisions, under this Act, of the authority or an authority committee;
- (j) the review by the authority of information contained in a tertiary entrance statement issued to a person under this Act;
- (k) the verification of information contained in a certificate of achievement, other than a QCE, or a statement of results issued to a person;
- (l) fees, including the refunding of fees, for this Act.

## **Part 7                      Repeal, transitional and validating provisions**

### **Division 1                Repeal of Acts**

#### **80        Repeal**

The following Acts are repealed—

- Education (School Curriculum P-10) Act 1996 (1996 Act No. 65)
- Education (Senior Secondary School Studies) Act 1988 (1988 Act No. 95)
- Education (Tertiary Entrance Procedures Authority) Act 1990 (1990 Act No. 92).

### **Division 2                Transitional provisions**

#### **81        Definitions for div 2**

In this division—

**commencement** means commencement of this section.

**former body** means—

- (a) the Queensland School Curriculum Council (P-10) under the *Education (School Curriculum P-10) Act 1996*; or
- (b) the Board of Senior Secondary School Studies under the *Education (Senior Secondary School Studies) Act 1988*; or
- (c) the Tertiary Entrance Procedures Authority under the *Education (Tertiary Entrance Procedures Authority) Act 1990*.

**repealed Act** means any of the following Acts—

- *Education (School Curriculum P-10) Act 1996*
- *Education (Senior Secondary School Studies) Act 1988*
- *Education (Tertiary Entrance Procedures Authority) Act 1990*.

## **82 Dissolution of former bodies**

The former bodies are dissolved and their members go out of office.

## **83 References to repealed Act or former body**

- (1) In an Act or document, a reference to a repealed Act may, if the context permits, be taken as a reference to this Act.
- (2) A reference in an Act or document to a former body may, if the context permits, be taken as a reference to the authority.

## **84 Authority is the legal successor**

- (1) The authority is the successor in law of each former body.
- (2) Sections 85 and 86 do not limit subsection (1).

**85 Agreements and proceedings**

- (1) An agreement or arrangement, in force immediately before the commencement, between a former body and another entity is taken to be an agreement or arrangement between the authority and the entity.
- (2) A proceeding that could have been started or continued by or against a former body before the commencement may be started or continued by or against the authority.

**86 Assets and liabilities**

On the commencement, an asset or liability of a former body immediately before the commencement becomes an asset or liability of the authority.

**87 Syllabuses**

- (1) A syllabus that immediately before the commencement is an approved syllabus under the *Education (School Curriculum P-10) Act 1996* for a subject is taken to be an approved syllabus for the subject.
- (2) A syllabus developed and approved by the Board of Senior Secondary School Studies under the *Education (Senior Secondary School Studies) Act 1988* for a subject, the approval of which is current immediately before the commencement, is taken to be an approved syllabus for the subject.
- (3) A study area specification approved by the Board of Senior Secondary School Studies under the *Education (Senior Secondary School Studies) Act 1988* for a subject, the approval of which is current immediately before the commencement, is taken to be an approved syllabus for the subject.
- (4) A syllabus developed by an entity other than the Board of Senior Secondary School Studies under the *Education (Senior Secondary School Studies) Act 1988* and approved by the Board under that Act for a subject, the approval of which is current immediately before the commencement, is taken to be an accredited syllabus for the subject.

- (5) A syllabus developed and approved by the Board of Senior Secondary School Studies under the *Education (Senior Secondary School Studies) Act 1988* for a vocational education program for students in years 11 and 12 years of schooling, the approval of which is current immediately before the commencement, is taken to be an approved syllabus for the program.

## **88 Work program**

A work program approved by the Board of Senior Secondary School Studies under the *Education (Senior Secondary School Studies) Act 1988* for a subject, the approval of which is current immediately before the commencement, is taken to be a work program approved under this Act for the corresponding area of learning.

*Note—*

See also section 93 in relation to work programs approved for an area of learning before the commencement of the *Education Legislation Amendment Act 2006*, section 35.

## **89 Possible issue of certificate of achievement not to be jeopardised**

- (1) This section applies to a person who, immediately before the commencement, was undertaking the study of an area of learning that may have led to the issue of a certificate of achievement to the person under a repealed Act.
- (2) The person must not be disadvantaged because of the transition from the repealed Act to this Act.

**Division 3                      Validation provision for Education  
(Accreditation of Non-State  
Schools) and Other Legislation  
Amendment Act 2005**

**90            Validation of employment of certain casual staff**

- (1) This section applies if, before the commencement of this section, a person was employed by the authority on a casual basis, to help the authority to perform its functions under section 10, 11 or 12.<sup>17</sup>
- (2) The employment is taken to be, and always to have been, valid and effective.

**Division 4                      Transitional provisions for  
Education Legislation Amendment  
Act 2006**

**91            Definitions for div 4**

In this division—

*area of learning* means an area of learning under the pre-amended Act.

*commencement* means the commencement of the *Education Legislation Amendment Act 2006*, section 35.<sup>18</sup>

*pre-amended Act* means this Act as in force before the commencement.

*repealed chapter 11*, of the E(GP) Act, means chapter 11 of that Act as in force before the commencement of the *Education Legislation Amendment Act 2006*, section 18.

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17 Section 10 (Testing functions), 11 (Assessment functions) or 12 (Moderation function)

18 *Education Legislation Amendment Act 2006*, section 35 (Replacement of s 13 (Certification functions))

**92 Approved and accredited syllabuses**

- (1) This section applies to a 1–12 syllabus that is, immediately before the commencement, an approved syllabus or accredited syllabus for an area of learning.
- (2) On the commencement, the syllabus is taken to be an approved syllabus or accredited syllabus for the corresponding school studies.
- (3) In this section—  
*1–12 syllabus* means a 1–12 syllabus under the pre-amended Act.

**93 Work programs**

- (1) This section applies to a work program for an area of learning that is, immediately before the commencement, approved by the authority under section 13(2).
- (2) On the commencement, the work program is taken to have been approved by the authority for the corresponding school subject.

**94 Student accounts**

- (1) A student account open under the E(GP) Act, repealed chapter 11, immediately before the commencement is taken to be a student account opened under part 2A.
- (2) For section 21B, definition *aggregated information*, information recorded in the account that was given to the authority under the E(GP) Act, repealed chapter 11, is taken to have been given to the authority under part 2A.
- (3) Subsection (4) applies if—
  - (a) information was notified to the authority under the repealed *Youth Participation in Education and Training Act 2003*, section 42, or the E(GP) Act, repealed section 258, about a person's enrolment in a course or program; and
  - (b) the course or program is certification studies under part 2A.

- (4) For section 21N(2)(d), the information mentioned in subsection (3)(a) is taken to have been notified to the authority under part 2A.
- (5) Subsection (6) applies if a provider becomes aware, after the commencement, that the provider—
  - (a) was required, under a repealed provision, to give notice to the authority before the commencement; and
  - (b) did not give notice.
- (6) The provider must give the notice as soon as practicable after becoming aware the notice was not given.
- (7) For subsection (6), the repealed provision continues to apply to the extent it provided for the information to be included in the notice.
- (8) Section 21ZB(2) is taken to apply to a person—
  - (a) mentioned in section 21ZB(1)(a); and
  - (b) who, in the course of the administration of the E(GP) Act, repealed chapter 11, or because of the opportunity provided by the administration, had gained or had access to information recorded in a student account opened under the repealed chapter.
- (9) In this section—
  - provider* see section 21B.
  - repealed provision* means—
    - (a) the repealed *Youth Participation in Education and Training Act 2003*, part 4; or
    - (b) the E(GP) Act, repealed chapter 11.

## 95 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision for any matter for which—
  - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the E(GP) Act, repealed chapter 11, to the



operation of this Act as amended by the *Education Legislation Amendment Act 2006*; and

- (b) this Act does not make provision or sufficient provision.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the commencement.
- (3) A transitional regulation must declare that it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the commencement.

## Schedule 2      Dictionary

### section 5

**1–12 syllabus** means a syllabus for school studies in 1 or more of the years 1 to 12 years of schooling.

**account number**, for part 2A, see section 21J(1)(a).

**accredited preparatory guideline** means a preparatory guideline accredited, by the authority under this Act, for the preparatory year.

**accredited syllabus**, for school studies, means a 1-12 syllabus accredited, by the authority under this Act, for the studies.

**affected by bankruptcy action**, in relation to a person, means the person—

- (a) is bankrupt; or
- (b) has compounded with creditors; or
- (c) as a debtor, has otherwise taken, or applied to take, advantage of any law about bankruptcy.

**aggregated information**, for part 2A, see section 21B.

**AISQ** means The Association of Independent Schools of Queensland Inc.

**annual report**, of the authority, means the authority's annual report under the *Financial Administration and Audit Act 1977*.

**appointed member** means a person appointed as a member under section 25(2).

**appropriately qualified**, in relation to a power, means having the qualifications, experience or standing appropriate to exercise the power.

**approved preparatory guideline** means a preparatory guideline developed, purchased or revised, and approved, by the authority under this Act, for the preparatory year.

**approved syllabus**, for school studies, means a 1–12 syllabus developed, purchased or revised, and approved, by the authority under this Act for the studies.

## Schedule 2 (continued)

**area of learning**, for part 7, division 4, see section 91.

**assessment data** means the results of school-based assessment of persons' achievement in school studies.

**Australian Qualifications Framework** means the national framework of educational qualifications—

- (a) approved by the Ministerial Council for Education, Employment, Training and Youth Affairs; and
- (b) stated in the implementation handbook for that framework published by the Australian Qualifications Framework Advisory Board, as in force from time to time.<sup>19</sup>

**Australian Qualifications Framework Advisory Board** means the board by that name established by the Ministerial Council for Education, Employment, Training and Youth Affairs.

**authorised agent**, for part 2A, see section 21Q(2).

**authority** means the Queensland Studies Authority.

**authority committee** means—

- (a) the executive committee; or
- (b) a committee of the authority established under section 47(1).

**certificate of achievement** means—

- (a) a QCE; or
- (b) another certificate issuable under this Act to a person who meets the eligibility requirements provided for under this Act for the issue of the certificate.

**certification studies** means studies prescribed under a regulation to be contributing studies for a certificate of achievement.

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<sup>19</sup> The implementation handbook may be inspected during business hours at the office from which the Office of the Queensland Studies Authority operates or viewed at the website at <[www.aqf.edu.au/implem.htm](http://www.aqf.edu.au/implem.htm)>.

## Schedule 2 (continued)

**chairperson** means the chairperson of the authority appointed under section 28(1).

**commencement**—

- (a) for part 7, division 2, see section 81; and
- (b) for part 7, division 4, see section 91.

**common national test** means a test in literacy or numeracy specified in a regulation made under the Commonwealth Act.

**Commonwealth Act** means the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004* (Cwlth).

**compulsory participation phase** see the E(GP) Act, section 231.

**compulsory school age** see the E(GP) Act, section 9.

**convicted** means found guilty, or having a plea of guilty accepted by a court, whether or not a conviction is recorded.

**deputy chairperson** means the deputy chairperson of the authority appointed under section 29(1).

**director** means the director of the office appointed under section 59.

**education planning activities** see section 72A.

**E(GP) Act** means the *Education (General Provisions) Act 2006*.

**eligible option**, for part 2A, see section 21B.

**executive committee** means the committee established under section 45.

**exempt provider**, for part 2A, see section 21B.

**former body**, for part 7, division 2, see section 81.

**Higher Education Forum** means the entity by that name whose membership includes the following—

- (a) the vice-chancellors of universities established in the State;

## Schedule 2 (continued)

- (b) the chief executive;
- (c) a nominee of the Minister administering the vocational education and training department.

**implementing**, in relation to common national tests, means implementing the tests under a regulation made under the Commonwealth Act.

**member** means—

- (a) an official member; or
- (b) an appointed member.

**moderation** means the process under which assessment data is moderated to ensure comparability, across the State, of the assessing teachers' judgments in deciding results.

**non-State school** means a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*.

**notice** means written notice.

**office** means the Office of the Queensland Studies Authority.

**official member** means a member mentioned in section 25(1)(a) or (b).

**parent** see the E(GP) Act, section 10.

**planning activities**, for part 2A, see section 21B.

**pre-amended Act**, for part 7, division 4, see section 91.

**preparatory guideline** means a guideline for the preparatory year.

**preparatory year** see the *Education (General Provisions) Act 2006*, schedule 4.

**primary education** see the *Education (General Provisions) Act 2006*, schedule 4.

**primary school** means a school, other than a special school, offering education in the preparatory year and years 1 to 7.

**principal**, of a school, means the individual in charge of the school.

## Schedule 2 (continued)

**provider**, for part 2A, see section 21B.

**purchase** see section 8(3).

**QCE** means Queensland certificate of education.

**QCEC** means the Queensland Catholic Education Commission.

**Queensland certificate of education** means a certificate issuable under this Act to a person who meets the eligibility requirements provided for under this Act for the issue of the certificate.

**re-engagement activities**, for part 2A, see section 21B.

**regulation made under the Commonwealth Act** means a regulation made under the following provisions of the Commonwealth Act—

- (a) for a State school—section 19(4);
- (b) for a non-State school—section 36(4).

**relevant entities** means the following entities—

- (a) AISQ;
- (b) QCEC;
- (c) the VETE chief executive.

**repealed Act**, for part 7, division 2, see section 81.

**repealed chapter 11**, for part 7, division 4, see section 91.

**school** means—

- (a) a State instructional institution within the meaning of the *Education (General Provisions) Act 2006*, schedule 4; or
- (b) a non-State school.

**school studies** means—

- (a) the 8 key learning areas provided for under the Adelaide Declaration on National Goals for Schooling in the Twenty-first Century; or

## Schedule 2 (continued)

*Note—*

The declaration was made at the 10th Ministerial Council on Education, Employment, Training and Youth Affairs held on 22 and 23 April 1999.

*Editor's note—*

The declaration may be viewed on the website of the Department of Education, Science and Training (Cwlth) at <[www.dest.gov.au](http://www.dest.gov.au)>.

(b) school subjects.

**secondary education** see the *Education (General Provisions) Act 2006*, schedule 4.

**secondary school** means a school, other than a special school, offering education in years 8 to 12 years of schooling.

**sectors of education** means primary education, secondary education, special education and tertiary education.

**special education** see the *Education (General Provisions) Act 2006*, schedule 4.

**special school** means a school providing special education.

**statement of results** means a statement, issuable under this Act, recording information that is—

- (a) recorded in a person's student account; and
- (b) prescribed under a regulation for the statement.

**State school** see the *Education (General Provisions) Act 2006*, schedule 4.

**student account** see section 21A(1).

**student account phase** see section 21C.

**students** means persons studying school studies within a sector of education.

**student visa holder**, for part 2A, see section 21B.

**syllabus** includes standards of learning, and standards of assessment, for school studies.

## Schedule 2 (continued)

***teacher*** means a person who—

- (a) is registered as a teacher under the *Education (Queensland College of Teachers) Act 2005*; and
- (b) is a member of the educational staff of a school.

***tertiary entrance*** means the entrance by persons to tertiary education in Queensland.

***VETE Act*** means the *Vocational Education, Training and Employment Act 2000*.

***VETE chief executive*** means the chief executive of the VETE department.

***VETE department*** means the department in which the VETE Act is administered.



## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 20 February 2008. Future amendments of the Education (Queensland Studies Authority) Act 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2002	
1A	none	1 January 2003	
1B	2003 Act No. 63	1 January 2004	
1C	2005 Act No. 29	31 May 2005	
1D rv	2003 Act No. 62 (amd 2005 Act No. 65) 2005 Act No. 47	1 January 2006	
1E	2006 Act No. 39	30 October 2006	
1F	2006 Act No. 55	7 December 2006	
1G	2006 Act No. 39 (amd 2006 Act No. 55)	1 January 2007	
1H	2007 Act No. 2	23 March 2007	
1I	2006 Act No. 55	2 November 2007	
1J	2007 Act No. 53	9 November 2007	R1J withdrawn, see R2
2	—	9 November 2007	
2A	2008 Act No. 1	20 February 2008	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	1

## 6 List of legislation

### **Education (Queensland Studies Authority) Act 2002 No. 1**

date of assent 28 February 2002

ss 1–2 commenced on date of assent

s 9 commenced 1 January 2003 (2002 SL No. 342)

remaining provisions commenced 1 July 2002 (2002 SL No. 154)

amending legislation—

### **Youth Participation in Education and Training Act 2003 No. 62 ss 1, 2(3), pt 8 div 2 (this Act is amended, see amending legislation below)**

date of assent 13 October 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2006 (see s 2(3))

amending legislation—

**Youth Participation in Education and Training Act 2005 No. 65 ss 1, 16  
(amends 2003 No. 62 above)**

date of assent 28 November 2005  
commenced on date of assent

**Training Reform Act 2003 No. 63 ss 1, 2(2), 60 sch**

date of assent 13 October 2003  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 January 2004 (2003 SL No. 293)

**Education (Accreditation of Non-State Schools) and Other Legislation Amendment Act 2005 No. 29 pts 1, 4**

date of assent 31 May 2005  
commenced on date of assent

**Education (Queensland College of Teachers) Act 2005 No. 47 ss 1–2, 329 sch 2**

date of assent 2 November 2005  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 January 2006 (see s 2)

**Education (General Provisions) Act 2006 No. 39 ss 1–2(1), (3), 512(1)–(2) schs 1–2  
(this Act is amended, see amending legislation below)**

date of assent 11 August 2006  
ss 1–2 commenced on date of assent  
s 512(2) sch 2 commenced 1 January 2007 (see s 2(1))  
remaining provisions commenced 30 October 2006 (2006 SL No. 247)

amending legislation—

**Education Legislation Amendment Act 2006 No. 55 ss 1–2, 20 (amends 2006 No. 39 above)**

date of assent 7 December 2006  
commenced on date of assent

**Education Legislation Amendment Act 2006 No. 55 pts 1, 4, s 52 sch**

date of assent 7 December 2006  
ss 1–2, 30–31, 32(2), 33, 40, 42(1), (3), 51(2) (to the extent it ins def “purchase”),  
51(5), 52 commenced on date of assent (see s 2(a))  
remaining provisions commenced 2 November 2007 (2007 SL No. 265)

**Vocational Education, Training and Employment and Other Acts Amendment Act 2007 No. 2 pts 1, 4**

date of assent 16 February 2007  
ss 1–2 commenced on date of assent  
remaining provisions commenced 23 March 2007 (2007 SL No. 34)

**Vocational Education, Training and Employment and Other Legislation Amendment Act 2007 No. 53 ss 1, 30 sch**

date of assent 9 November 2007  
commenced on date of assent

**Education Legislation Amendment Act 2008 No. 1 pts 1, 3**

date of assent 20 February 2008  
commenced on date of assent

## **7 List of annotations**

**Title** amd 2006 No. 55 s 31; 2006 No. 39 s 512(2) sch 2

### **Objects of Act**

**s 3** amd 2003 No. 62 s 95; 2006 No. 39 s 512(1) sch 1; 2006 No. 55 s 32(2); 2006 No. 39 s 512(2) sch 2; 2006 No. 55 s 32(1)

## **PART 2—ESTABLISHMENT, FUNCTIONS AND POWERS OF QUEENSLAND STUDIES AUTHORITY**

### **Development and purchase functions**

**prov hdg** amd 2006 No. 55 s 33(1)

**s 8** amd 2006 No. 55 s 33(2)–(5); 2006 No. 39 s 512(2) sch 2 (amd 2006 No. 55 s 20)

### **Accreditation function**

**s 9** amd 2006 No. 39 s 512(2) sch 2

### **Testing functions for common national tests**

**s 10A** ins 2008 No. 1 s 10

### **Assessment functions**

**s 11** amd 2006 No. 55 s 34

### **Certification functions**

**s 13** sub 2006 No. 55 s 35

### **Vocational education and training functions**

**s 14** amd 2003 No. 63 s 60 sch

### **Student account functions**

**s 14A** ins 2003 No. 62 s 96

sub 2006 No. 39 s 512(1) sch 1; 2006 No. 55 s 36

### **Tertiary entrance functions**

**s 15** amd 2003 No. 63 s 60 sch; 2006 No. 39 s 512(1) sch 1; 2007 No. 2 s 20; 2007 No. 53 s 30 sch

### **Other functions**

**s 17** amd 2006 No. 55 s 37

### **Division 4—Tests and notifications of syllabuses and preparatory guidelines**

**div hdg** amd 2003 No. 62 s 97; 2006 No. 39 s 512(2) sch 2; 2006 No. 55 s 38

### **Provider must give information about results to authority**

**s 18A** ins 2003 No. 62 s 98

amd 2006 No. 39 s 512(1) sch 1

om 2006 No. 55 s 39

### **Information about results to be recorded in student account**

**s 18B** ins 2003 No. 62 s 98 (amd 2005 No. 65 s 16(2))

amd 2006 No. 39 s 512(1) sch 1

om 2006 No. 55 s 39

### **Common national tests**

**s 19A** ins 2008 No. 1 s 11

**Notification of approved or accredited syllabus or preparatory guideline****prov hdg** amd 2006 No. 39 s 512(2) sch 2**s 20** amd 2006 No. 55 s 40; 2006 No. 39 s 512(2) sch 2**PART 2A—STUDENT ACCOUNTS****pt hdg** ins 2006 No. 55 s 41**Division 1—Preliminary****div 1 (ss 21A–21C)** ins 2006 No. 55 s 41**Division 2—Opening student accounts****div 2 (ss 21D–21J)** ins 2006 No. 55 s 41**Division 3—Provision of account information to the authority****div hdg** ins 2006 No. 55 s 41**Subdivision 1—Providers' obligations to give information****sdiv 1 (ss 21K–21O)** ins 2006 No. 55 s 41**Subdivision 2—Persons who may give information on behalf of providers****sdiv hdg** ins 2006 No. 55 s 41**VETE chief executive****s 21P** ins 2006 No. 55 s 41

amd 2007 No. 53 s 30 sch

**Authorised agent****s 21Q** ins 2006 No. 55 s 41**Subdivision 3—Information not given by a provider under subdivision 1****sdiv 3 (s 21R)** ins 2006 No. 55 s 41**Division 4—Use and disclosure of account information by authority****div hdg** ins 2006 No. 55 s 41**Use by authority and disclosure to providers for verification****s 21S** ins 2006 No. 55 s 41**Disclosure to providers, or their agents, for other purposes****s 21T** ins 2006 No. 55 s 41

amd 2007 No. 53 s 30 sch

**Disclosure to the chief executive****s 21U** ins 2006 No. 55 s 41**Disclosure to person for whom account is kept and the person's parents****s 21V** ins 2006 No. 55 s 41**Disclosure of aggregated information to relevant entities****s 21W** ins 2006 No. 55 s 41**Disclosure to VETE chief executive****s 21X** ins 2006 No. 55 s 41**Division 5—Miscellaneous****div 5 (ss 21Y–21ZC)** ins 2006 No. 55 s 41

**Minister's power to give directions in the public interest**

**s 23** amd 2006 No. 55 s 42(1), (3); 2006 No. 39 s 512(2) sch 2; 2006 No. 55 s 42(2), (4)–(5)

**Membership of authority**

**s 25** amd 2006 No. 55 s 43

**Change in requirements for certification**

**s 54** amd 2006 No. 55 s 44

**Delegation by authority**

**s 55** amd 2006 No. 39 s 512(2) sch 2

**Office staff**

**s 69** amd 2005 No. 29 s 27

**Employment of casual staff to help authority to perform its functions under s 10, 11, 12 or 13**

**prov hdg** amd 2006 No. 55 s 45(1)

**s 69A** ins 2005 No. 29 s 28  
amd 2006 No. 55 s 45(2)

**Chief executive may carry on education planning activities**

**s 72A** ins 2006 No. 55 s 46

**Authority's annual report**

**s 74** sub 2003 No. 63 s 60 sch

**Guidelines**

**s 78** amd 2006 No. 55 s 47

**Regulation-making power**

**s 79** amd 2006 No. 39 s 512(2) sch 2; 2006 No. 55 s 48

**PART 7—REPEAL, TRANSITIONAL AND VALIDATING PROVISIONS**

**pt hdg** amd 2005 No. 29 s 29

**Syllabuses**

**prov hdg** sub 2006 No. 39 s 512(2) sch 2

**s 87** amd 2006 No. 39 s 512(2) sch 2

**Work program**

**s 88** amd 2006 No. 55 s 49

**Division 3—Validation provision for Education (Accreditation of Non-State Schools) and Other Legislation Amendment Act 2005**

**div hdg** ins 2005 No. 29 s 30

**Validation of employment of certain casual staff**

**s 90** prev s 90 om R1 (see RA s 40)

pres s 90 ins 2005 No. 29 s 30

**Division 4—Transitional provisions for Education Legislation Amendment Act 2006**

**div hdg** ins 2006 No. 55 s 50

**Definitions for div 4**

**s 91** ins 2006 No. 55 s 50

**Approved and accredited syllabuses**

s 92 ins 2006 No. 55 s 50

**Work programs**

s 93 ins 2006 No. 55 s 50

**Student accounts**

s 94 ins 2006 No. 55 s 50

**Transitional regulation-making power**s 95 ins 2006 No. 55 s 50  
exp 2 November 2008 (see s 95(4))**PART 8—AMENDMENT OF ACTS**

pt hdg om R1 (see RA s 7(1)(k))

**SCHEDULE 1—CONSEQUENTIAL AND OTHER AMENDMENTS OF ACTS**

om R1 (see RA s 40)

**SCHEDULE 2—DICTIONARY**

amd 2003 No. 63 s 60 sch

def “**1–12 syllabus**” sub 2006 No. 55 s 51(1)–(2)def “**account number**” ins 2006 No. 55 s 51(2)def “**accredited preparatory guideline**” ins 2006 No. 39 s 512(2) sch 2def “**accredited preschool guideline**” om 2006 No. 39 s 512(2) sch 2def “**accredited syllabus**” amd 2006 No. 55 s 51(3)–(4)def “**aggregated information**” ins 2006 No. 55 s 51(2)def “**approved preparatory guideline**” ins 2006 No. 39 s 512(2) sch 2

amd 2006 No. 55 s 51(6)

def “**approved preschool guideline**” amd 2006 No. 55 s 51(5)

om 2006 No. 39 s 512(2) sch 2

def “**approved syllabus**” amd 2006 No. 55 s 51(5); 2006 No. 55 s 51(3)–(4)def “**area of learning**” sub 2006 No. 55 s 51(1)–(2)def “**assessment data**” amd 2006 No. 55 s 51(7)def “**authorised agent**” ins 2006 No. 55 s 51(2)def “**certificate of achievement**” sub 2006 No. 55 s 51(1)–(2)def “**certification studies**” ins 2006 No. 55 s 51(2)def “**commencement**” ins 2006 No. 55 s 51(2)def “**common national test**” ins 2008 No. 1 s 12def “**Commonwealth Act**” ins 2008 No. 1 s 12def “**compulsory participation phase**” ins 2006 No. 55 s 51(2)def “**compulsory school age**” ins 2006 No. 55 s 51(2)def “**education planning activities**” ins 2006 No. 55 s 51(2)def “**E(GP) Act**” ins 2006 No. 55 s 51(2)def “**eligible option**” ins 2006 No. 55 s 51(2)def “**exempt provider**” ins 2006 No. 55 s 51(2)def “**former body**” ins 2006 No. 55 s 51(2)def “**guardian**” om 2006 No. 55 s 51(1)def “**implementing**” ins 2008 No. 1 s 12def “**non-authority area of learning**” om 2006 No. 55 s 51(1)def “**parent**” sub 2006 No. 55 s 51(1)–(2)def “**planning activities**” ins 2006 No. 55 s 51(2)def “**pre-amended Act**” ins 2006 No. 55 s 51(2)

- def “**preparatory guideline**” ins 2006 No. 39 s 512(2) sch 2  
 def “**preparatory year**” ins 2006 No. 39 s 512(2) sch 2  
 def “**preschool education**” sub 2006 No. 39 s 512(1) sch 1  
   om 2006 No. 39 s 512(2) sch 2  
 def “**preschool guideline**” om 2006 No. 39 s 512(2) sch 2  
 def “**primary education**” sub 2006 No. 39 s 512(1) sch 1  
 def “**primary school**” amd 2006 No. 39 s 512(2) sch 2  
 def “**provider**” ins 2006 No. 55 s 51(2)  
 def “**purchase**” ins 2006 No. 55 s 51(2)  
 def “**QCE**” ins 2006 No. 55 s 51(2)  
 def “**Queensland certificate of education**” ins 2006 No. 55 s 51(2)  
 def “**re-engagement activities**” ins 2006 No. 55 s 51(2)  
 def “**regulation made under the Commonwealth Act**” ins 2008 No. 1 s 12  
 def “**relevant entities**” ins 2006 No. 55 s 51(2)  
 def “**repealed Act**” ins 2006 No. 55 s 51(2)  
 def “**repealed chapter 11**” ins 2006 No. 55 s 51(2)  
 def “**school**” sub 2006 No. 39 s 512(1) sch 1  
 def “**school studies**” ins 2006 No. 55 s 51(2)  
 def “**secondary education**” sub 2006 No. 39 s 512(1) sch 1  
 def “**sectors of education**” amd 2006 No. 39 s 512(2) sch 2  
 def “**special education**” sub 2006 No. 39 s 512(1) sch 1  
 def “**statement of results**” ins 2006 No. 55 s 51(2)  
 def “**State school**” sub 2006 No. 39 s 512(1) sch 1  
 def “**student account**” ins 2006 No. 55 s 51(2)  
 def “**student account phase**” ins 2006 No. 55 s 51(2)  
 def “**students**” amd 2006 No. 55 s 51(7)  
 def “**student visa holder**” ins 2006 No. 55 s 51(2)  
 def “**syllabus**” amd 2006 No. 55 s 51(7)  
 def “**teacher**” amd 2005 No. 47 s 329 sch 2  
 def “**VETE Act**” ins 2006 No. 55 s 51(2)  
 def “**VETE chief executive**” ins 2006 No. 55 s 51(2)  
 def “**VETE department**” ins 2006 No. 55 s 51(2)  
 def “**vocational education and training department**” om 2006 No. 55 s  
 51(1)