



Queensland

Education (Queensland Studies Authority) Act 2002

Education (Queensland Studies Authority) Regulation 2002

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This regulation is reprinted as at 1 August 2008. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced provisions.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘judgement’ has replaced ‘judgment’).

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[as amended by all amendments that commenced on or before 1 August 2008]

Part 1 Preliminary

1 Short title

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

2 Commencement

This regulation commences on 1 July 2002.

3 Definitions

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

3AA Meaning of *contributing studies* for QCE

- (1) For the Act, schedule 2, definition *certification studies*, the following studies are *contributing studies* for a QCE—
- (a) an approved subject;
 - (b) vocational education and training;
 - (c) an apprenticeship or traineeship under the VETE Act undertaken by a person who is enrolled at a school;
 - (d) a departmental employment skills development program under the VETE Act;
 - (e) a subject that is—

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- (i) provided by a university within the meaning of the *Higher Education (General Provisions) Act 2008*, schedule 2; and
- (ii) undertaken by a person who is enrolled at a school;
- (f) a subject that is—
 - (i) provided by a non self-accrediting higher education institution or self-accrediting higher education institution within the meaning of the *Higher Education (General Provisions) Act 2008*; and
 - (ii) part of an accredited course under that Act; and
 - (iii) undertaken by a person who is enrolled at a school;
- (g) non-Queensland studies that—
 - (i) contribute to the issue of an equivalent qualification; or
 - (ii) are listed in the recognised non-Queensland studies guideline;
- (h) studies recognised as contributing studies under part 4, division 6.

Editor's note—

A list of the contributing studies mentioned in subsection (1) can be viewed on the authority's website at <www.qsa.qld.edu.au>.

- (2) Also, the following studies are **contributing studies** for a QCE for the person who applied for recognition of the studies—
 - (a) a WCS learning project recognised as contributing studies under part 4, division 7;
 - (b) a tailored training program recognised as contributing studies under part 4, division 8.

Note—

Under part 4, a person's results in contributing studies may contribute to the issue of a QCE to the person.

Part 1A Accreditation of 1–12 syllabuses and preparatory guidelines

Division 1 Preliminary

3A Definition for pt 1A

In this part—

guideline means a preparatory guideline.

3B Meaning of *accredited* for a syllabus or guideline

- (1) A syllabus or guideline is *accredited* if the authority grants or renews accreditation of the syllabus or guideline.
- (2) The syllabus or guideline is accredited from the day the authority decides to grant or renew accreditation until the end of the accreditation period for the syllabus or guideline or earlier cancellation of the accreditation.

3C Educational criteria for evaluation of a syllabus or guideline

- (1) The *educational criteria* for evaluation of a syllabus or guideline are the following—
 - (a) the syllabus or guideline includes the rationale for the syllabus or guideline;
 - (b) the syllabus or guideline is appropriate for the educational needs of the group of students provided for under the syllabus or guideline;
 - (c) the syllabus or guideline defines standards of learning and assessment that achieve or exceed outcomes for students equivalent to the outcomes achieved under related approved syllabuses or guidelines;

- (d) the syllabus or guideline allows adequate time for achieving the standards of learning and assessment mentioned in paragraph (c);
- (e) the syllabus or guideline promotes a balance, depth, quality and range (the *characteristics*) of learning experiences of a standard that achieves or exceeds the standard for the characteristics of learning experiences under related approved syllabuses or guidelines;
- (f) the syllabus or guideline does not encourage or condone discrimination on the basis of an attribute mentioned in the *Anti-Discrimination Act 1991*, section 7.¹

(2) In this section—

discrimination on the basis of an attribute see the *Anti-Discrimination Act 1991*, section 8.²

related approved guidelines, in relation to a guideline under evaluation, means approved guidelines equivalent, or at least relevant, to the guideline under evaluation.

related approved syllabuses, in relation to a syllabus under evaluation, means approved syllabuses—

- (a) providing for school studies equivalent, or at least relevant, to the school studies provided for in the syllabus under evaluation; and
- (b) providing for an equivalent or similar group of students provided for in the syllabus under evaluation.

3D Social responsibility criteria for evaluation of a syllabus or guideline

- (1) The *social responsibility criteria* for evaluation of a syllabus or guideline are the following—
 - (a) implementation of the syllabus or guideline will not encourage or condone contravention of—

1 See the *Anti-Discrimination Act 1991*, section 7 (Discrimination on the basis of certain attributes prohibited).

2 See the *Anti-Discrimination Act 1991*, section 8 (Meaning of discrimination on the basis of an attribute).

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- (i) a law of the State or the Commonwealth; or
- (ii) an international treaty to which the Commonwealth is a party;
- (b) implementation of the syllabus or guideline will not be inconsistent with an agreement between the State or a representative of the State and another State or the Commonwealth or a representative of another State or the Commonwealth;
- (c) implementation of the syllabus or guideline will not be contrary to the public interest.

Example for paragraph (c) of a syllabus implementation of which would be contrary to the public interest—

a civics syllabus that would promote a racially based social and political hierarchy for Australia

(2) In this section—

representative, of the State, another State or the Commonwealth, means—

- (a) a Minister or a person who was a Minister of the State, the other State or the Commonwealth; or
- (b) a person employed or engaged or previously employed or engaged by, the State, the other State or the Commonwealth.

treaty includes a convention, protocol, agreement, or arrangement.

Division 2 Applications for accreditation of syllabuses and guidelines

3E Who may apply for accreditation

The following persons may apply for accreditation of a syllabus or guideline—

- (a) the person who owns the syllabus or guideline;
- (b) a person authorised by the owner of the syllabus or guideline to make the application.

3F Procedural requirements for an application

- (1) An application for accreditation of a syllabus or guideline must—
 - (a) be in the approved form; and
 - (b) be accompanied by—
 - (i) the syllabus or guideline; and
 - (ii) evidence satisfactory to the authority that the applicant is eligible to apply under section 3E; and
 - (iii) the prescribed application fee; and
 - (iv) any other documents, identified in the approved form, the authority reasonably requires.
- (2) Information in the application must, if the approved form requires, be verified by a statutory declaration.

3G Accreditation of a syllabus and guideline under 1 application

A person may, in 1 application, apply for accreditation of a syllabus and a guideline if the syllabus and guideline relate to school studies for the preparatory year of schooling and at least 1 other year of schooling.

3H Agreed change to a syllabus or guideline before accreditation

- (1) The authority and an applicant for accreditation of a syllabus or guideline may agree, before the authority decides the application, to change the syllabus or guideline.
- (2) However, if the applicant is not the owner of the syllabus or guideline, the change can be made only if the owner agrees to the change.

3I Withdrawal of an application

A person may withdraw the person's application for accreditation of a syllabus or guideline by giving a notice to the authority.

Division 3 Inquiries into applications

3J Authority must ensure compliance with procedural requirements

- (1) If the authority considers an application for accreditation of a syllabus or guideline does not comply with a procedural requirement, the authority must, by notice given to the applicant, require the applicant to comply with the requirement within a reasonable period, of at least 28 days, stated in the notice.
- (2) However, the authority and the applicant may, before the end of the period stated in the notice, agree to extend the period for complying with the procedural requirement to a day (the *agreed compliance day*) after the end of the period stated in the notice.
- (3) If the applicant does not comply with the procedural requirement within the period stated in the notice, or if applicable, by the agreed compliance day, the authority may reject the application.
- (4) If the authority decides to reject the application, the authority must give the applicant an information notice about the decision.

3K Authority may require further information or documents

- (1) If the authority considers further information or a document is required for deciding an application for accreditation of a syllabus or guideline, the authority may, by notice given to the applicant, require the applicant to give the information or document to the authority within a reasonable period, of at least 28 days, stated in the notice.
- (2) The authority may also require the information or document to be verified by a statutory declaration.
- (3) Despite subsection (1), the authority and the applicant may, before the end of the period stated in the notice, agree to extend the period for complying with the procedural

requirement to a day (the ***agreed compliance day***) after the end of the period stated in the notice.

- (4) If the applicant does not comply with a requirement under subsection (1) within the period stated in the notice, or if applicable, by the agreed compliance day, the authority may reject the application.
- (5) If the authority decides to reject the application, the authority must give the applicant an information notice about the decision.

Division 4 Evaluation of syllabuses and guidelines for accreditation

3L Evaluation of a syllabus or guideline for accreditation

- (1) Before deciding to grant, or to refuse to grant, accreditation of a syllabus or guideline, the authority must conduct an evaluation of the syllabus or guideline.
- (2) However, the authority must not start the evaluation unless the applicant for accreditation of the syllabus or guideline has complied with—
 - (a) all procedural requirements for the application; and
 - (b) if the authority has given the applicant a notice under section 3K(1)—all requirements for further information or any document under the notice.
- (3) For evaluating a syllabus or guideline, the authority must consider whether or not the syllabus or guideline satisfies each of the educational criteria and social responsibility criteria.
- (4) The authority may require the applicant to give the authority further information or a document under section 3K after evaluation has started, however, the authority may not reject the application only because the applicant does not comply with the requirement.

Division 5 Decision on applications

3M Deciding an application for accreditation

- (1) As soon as practicable after evaluation of a syllabus or guideline, the authority must consider the application for accreditation of the syllabus or guideline and decide to grant, or to refuse to grant, accreditation of the syllabus or guideline.
- (2) The authority must decide to grant accreditation of a syllabus or guideline if the authority considers the syllabus or guideline satisfies each of the educational criteria and the social responsibility criteria.

3N Deciding accreditation period

- (1) If the authority decides to grant accreditation of a syllabus or guideline, it must also decide the accreditation period for implementation of the syllabus or guideline at schools.
- (2) For deciding the accreditation period for implementation of a syllabus or guideline the authority must have regard to—
 - (a) the nature of the school studies and the standards of learning and assessment provided for in the syllabus or guideline; and
 - (b) the period for which the authority considers the syllabus or guideline will continue to be appropriate and current for the school studies, taking into account advancement in the school studies.

3O When the authority must decide an application

- (1) If an application for accreditation of a syllabus or guideline is made on or before 28 February in a year, the authority must decide the application as soon as practicable after evaluation of the syllabus or guideline but not later than 31 August in the year (the *decision day*).
- (2) If an application for accreditation of a syllabus or guideline is made after 28 February in a year, the authority must decide the application as soon as practicable after evaluation of the

syllabus or guideline but not later than 31 August in the next year (also the *decision day*).

- (3) Despite subsections (1) and (2), the authority and the applicant may, before the decision day, agree in writing on a day (the *agreed extended day*), not more than 90 days after the decision day, by which the authority is to make the decision.

3P Accreditation of a syllabus or guideline

If the authority decides to grant accreditation of a syllabus or guideline, it must as soon as practicable give the applicant—

- (a) a notice about the decision; and
- (b) an information notice about the accreditation period for the syllabus or guideline; and
- (c) a certificate of accreditation stating each of the following—
 - (i) the name of the accredited syllabus or guideline;
 - (ii) the name of the owner of the syllabus or guideline;
 - (iii) if the applicant is not the owner—the name of the applicant;
 - (iv) the accreditation period.

3Q Refusal of accreditation

If the authority decides to refuse to grant accreditation of a syllabus or guideline, it must as soon as practicable give the applicant an information notice about the decision.

3R Failure to decide an application

- (1) If the authority fails to decide an application for accreditation of a syllabus or guideline by the decision day, or if applicable, the agreed extended day, the failure is taken to be a decision by the authority to refuse to grant accreditation of the syllabus or guideline.

- (2) If the authority is taken under subsection (1) to have decided to refuse to grant accreditation, the applicant may appeal against the decision under part 9.³

Division 6 Applications for renewal of accreditation

3S Renewal notice for accreditation

- (1) The authority must give the registered nominee for a syllabus or guideline a notice (a *renewal notice*) stating—
- (a) that accreditation of the syllabus or guideline is due to expire and the day of expiry; and
 - (b) that an application for renewal of accreditation may be made by the application day.
- (2) The authority must give the registered nominee the renewal notice by 1 December in the year before the year in which accreditation of the syllabus or guideline is due to expire.

3T Who may apply for renewal of accreditation

The following persons may make an application for renewal of accreditation of a syllabus or guideline—

- (a) the owner of the syllabus or guideline;
- (b) the registered nominee for the syllabus or guideline;
- (c) a person, other than the nominee, authorised by the owner to make the application.

3U When an application for renewal must be made

- (1) An application for renewal of accreditation of a syllabus or guideline must be made to the authority by 28 February (the *application day*) in the year the accreditation is due to expire.

- (2) If an application for renewal of accreditation of a syllabus or guideline is made after the application day, the authority must deal with the application as if it were an application for accreditation of the syllabus or guideline.

3V Procedural requirements for an application for renewal

- (1) An application for renewal of accreditation of a syllabus or guideline must—
- (a) be in the approved form; and
 - (b) be accompanied by—
 - (i) if the applicant proposes a change to the syllabus or guideline—the syllabus or guideline showing the change; and
 - (ii) if the applicant is not the owner of, or registered nominee for, the syllabus or guideline—evidence satisfactory to the authority that the applicant is authorised by the owner to make the application; and
 - (iii) the prescribed application fee; and
 - (iv) any documents, identified in the approved form, the authority reasonably requires to decide the application.
- (2) Information in the application must, if the approved form requires, be verified by a statutory declaration.

3W Authority must ensure compliance with procedural requirements

- (1) If the authority considers an application for renewal of accreditation of a syllabus or guideline does not comply with a procedural requirement, the authority must, by notice given to the applicant, require the applicant to comply with the requirement within a reasonable period, of at least 28 days, stated in the notice.
- (2) However, the authority and the applicant may, before the end of the period stated in the notice, agree to extend the period

for complying with the procedural requirement to a day (the ***agreed compliance day***) after the end of the period stated in the notice.

- (3) If the applicant does not comply with the procedural requirement within the period stated in the notice, or if applicable, by the agreed compliance day, the authority may reject the application.
- (4) If the authority decides to reject the application, the authority must give the applicant an information notice about the decision.

3X Authority may require further information or documents

- (1) If the authority considers further information or a document is required for deciding an application for renewal of accreditation, the authority may, by notice given to the applicant, require the applicant to give the information or document to the authority within a reasonable period, of at least 28 days, stated in the notice.
- (2) The authority may also require the information or document to be verified by a statutory declaration.
- (3) Despite subsection (1), the authority and the applicant may, before the end of the period stated in the notice, agree to extend the period for complying with the procedural requirement to a day (the ***agreed compliance day***) after the end of the period stated in the notice.
- (4) If the applicant does not comply with a requirement under subsection (1) within the period stated in the notice, or if applicable, by the agreed compliance day, the authority may reject the application.
- (5) If the authority decides to reject the application, the authority must give the applicant an information notice about the decision.

3Y Evaluation of a syllabus or guideline for renewal of accreditation

- (1) Before deciding to renew, or to refuse to renew, accreditation of a syllabus or guideline, the authority must conduct an evaluation of the syllabus or guideline.
- (2) However, the authority must not start the evaluation unless the applicant for renewal of accreditation of the syllabus or guideline has complied with—
 - (a) all procedural requirements for the application; and
 - (b) if the authority has given the applicant a notice under section 3X(1)—all requirements for further information or any document under the notice.
- (3) For evaluating a syllabus or guideline, the authority must consider whether or not the syllabus or guideline satisfies each of the educational criteria and social responsibility criteria.
- (4) The authority may require the applicant to give the authority further information or a document under section 3X after evaluation has started, however, the authority may not reject the application only because the applicant does not comply with the requirement.

3Z Deciding an application for renewal of accreditation

- (1) As soon as practicable after evaluation of a syllabus or guideline, the authority must consider the application for renewal of accreditation of the syllabus or guideline and decide to renew, or to refuse to renew, accreditation of the syllabus or guideline.
- (2) The authority must decide to renew accreditation of a syllabus or guideline if the authority considers the syllabus or guideline satisfies each of the educational criteria and the social responsibility criteria.

3ZA Deciding accreditation period for renewal

- (1) If the authority decides to renew accreditation of a syllabus or guideline, it must also decide the accreditation period for implementation of the syllabus or guideline at schools.
- (2) In deciding the accreditation period for implementation of a syllabus or guideline the authority must have regard to—
 - (a) the nature of the school studies and the standards of learning and assessment provided for in the syllabus or guideline; and
 - (b) the period for which the authority considers the syllabus or guideline will continue to be appropriate and current for the school studies, taking into account advancement in the school studies.

3ZB When the authority must decide an application for renewal of accreditation

- (1) The authority must decide to renew, or refuse to renew, accreditation of a syllabus or guideline as soon as practicable after evaluation but not later than 31 August in the year the accreditation is due to expire (the *decision day*).
- (2) Despite subsection (1), the authority and the applicant may, before the decision day, agree in writing on a day (the *agreed extended day*), not more than 90 days after the decision day, by which the authority is to make the decision.

3ZC Renewal of accreditation of a syllabus or guideline

If the authority decides to renew accreditation of a syllabus or guideline, it must as soon as practicable give the applicant—

- (a) a notice about the decision; and
- (b) an information notice about the accreditation period for the syllabus or guideline; and
- (c) a certificate of accreditation.

3ZD Refusal to renew accreditation

If the authority decides to refuse to renew accreditation of a syllabus or guideline, it must as soon as practicable give the applicant an information notice about the decision.

3ZE Failure to decide an application for renewal of accreditation

- (1) If the authority fails to decide an application for renewal of accreditation of a syllabus or guideline by the decision day, or if applicable, the agreed extended day, the failure is taken to be a decision by the authority to refuse to renew accreditation of the syllabus or guideline.
- (2) If the authority is taken under subsection (1) to have decided to refuse to renew accreditation, the applicant may appeal against the decision under part 9.⁴

3ZF Application of certain provisions to renewal of accreditation

Sections 3G to 3I⁵ apply to an application for renewal of accreditation of a syllabus or guideline as if a reference to an application for accreditation were a reference to an application for renewal of accreditation.

Division 7 Approval of changes to accredited syllabuses and guidelines

3ZG Application for approval to change a syllabus or guideline

- (1) If the owner of an accredited syllabus or guideline proposes to change the syllabus or guideline, the owner, or the registered

4 Part 9 (Reviews and appeals)

5 Sections 3G (Accreditation of a syllabus and guideline under 1 application), 3H (Agreed change to a syllabus or guideline before accreditation) and 3I (Withdrawal of an application)

nominee authorised by the owner, may make an application to the authority for approval of the proposed change.

- (2) The application must be made on or before 28 February in the year before the year in which accreditation of the syllabus or guideline is due to expire.
- (3) The application must—
 - (a) be in the approved form; and
 - (b) show the proposed change to the syllabus or guideline; and
 - (c) state any reason for the proposed change; and
 - (d) if the registered nominee is not the owner of the syllabus or guideline—include the agreement of the owner to the proposed change.
- (4) Information in the application must, if the approved form requires, be verified by a statutory declaration.
- (5) The authority must not accept an application under this section if the authority has issued a show cause notice for cancellation of the syllabus or guideline and has not decided to end the show cause process without further action.⁶

3ZH Authority must ensure compliance with procedural requirements

- (1) If the authority considers an application for approval to change a syllabus or guideline does not comply with a procedural requirement, the authority must, by notice given to the applicant, require the applicant to comply with the requirement within a reasonable period, of at least 28 days, stated in the notice.
- (2) However, the authority and the applicant may, before the end of the period stated in the notice, agree to extend the period for complying with the procedural requirement to a day (the *agreed compliance day*) after the end of the period stated in the notice.

⁶ See sections 3ZN (Show cause notice for cancellation) and 3ZP (Ending show cause process without further action).

- (3) If the applicant does not comply with the procedural requirement within the period stated in the notice, or if applicable, by the agreed compliance day, the authority may reject the application.
- (4) If the authority decides to reject the application, the authority must give the applicant an information notice about the decision.

3ZI Authority may require further information or documents

- (1) If the authority considers further information or a document is required for deciding an application for approval to change a syllabus or guideline, the authority may, by notice given to the applicant, require the applicant to give the information or document to the authority within a reasonable period, of at least 28 days, stated in the notice.
- (2) The authority may also require the information or document to be verified by a statutory declaration.
- (3) Despite subsection (1), the authority and the applicant may, before the end of the period stated in the notice, agree to extend the period for complying with the procedural requirement to a day (the *agreed compliance day*) after the end of the period stated in the notice.
- (4) If the applicant does not comply with a requirement under subsection (1) within the period stated in the notice, or if applicable, by the agreed compliance day, the authority may reject the application.
- (5) If the authority decides to reject the application, the authority must give the applicant an information notice about the decision.

3ZJ Deciding an application for approval of a change

- (1) If the applicant has complied with all procedural requirements and any requirement for further information or a document under section 3ZI(1), the authority must consider the application and decide—

- (a) to approve the proposed change to the syllabus or guideline; or
 - (b) to refuse to approve the proposed change.
- (2) The authority must refuse to approve the proposed change if the authority considers the change requires the syllabus or guideline to be evaluated for accreditation.
 - (3) The authority must make the decision as soon as practicable but not later than 1 December in the year before the year in which accreditation of the syllabus or guideline is due to expire (the *decision day*).

3ZK Steps to be taken after application decided

- (1) If the authority decides to approve a change to a syllabus or guideline, it must as soon as practicable give the applicant a notice about the decision.
- (2) If the authority decides to refuse to approve a change to a syllabus or guideline, it must as soon as practicable give the applicant an information notice about the decision.

3ZL Failure to decide an application for a change to a syllabus or guideline

- (1) If the authority fails to decide an application for approval of a proposed change to a syllabus or guideline by the decision day, the failure is taken to be a decision by the authority to refuse to approve the change.
- (2) If the authority is taken under subsection (1) to have decided to refuse to approve the change, the applicant may appeal against the decision under part 9.⁷

Division 8 Cancellation of accreditation

3ZM Grounds for cancellation

The authority may cancel accreditation of a syllabus or guideline if—

- (a) the authority—
 - (i) becomes aware of a matter relating to the syllabus or guideline; and
 - (ii) considers it would have refused to grant or renew accreditation of the syllabus or guideline if it had been aware of the matter before granting or renewing accreditation; or
- (b) the authority considers accreditation of the syllabus or guideline was granted or renewed because of a materially false or misleading representation or declaration.

3ZN Show cause notice for cancellation

- (1) If the authority considers a ground exists to cancel accreditation of a syllabus or guideline, the authority must, before taking action to cancel the accreditation, give the registered nominee a notice (a *show cause notice*).
- (2) The show cause notice must—
 - (a) state the authority proposes to cancel the accreditation; and
 - (b) state the ground for the proposed cancellation; and
 - (c) outline the facts and circumstances forming the basis for the ground; and
 - (d) invite the registered nominee to show within a stated period (the *show cause period*) why the accreditation should not be cancelled.
- (3) The show cause period must be a period ending not less than 28 days after the show cause notice is given to the registered nominee.

3ZO Representations about show cause notices

- (1) The registered nominee may make written representations about the show cause notice to the authority in the show cause period.
- (2) The authority must consider all written representations made under subsection (1).

3ZP Ending show cause process without further action

- (1) This section applies if, after considering the representations for the show cause notice, the authority no longer considers a ground exists to cancel the accreditation.
- (2) The authority must not take any further action about the show cause notice.
- (3) The authority must also, as soon as practicable after considering the ground no longer exists, give notice to the registered nominee that no further action is to be taken about the show cause notice.

3ZQ Cancellation

- (1) This section applies if, after considering the representations for the show cause notice, the authority—
 - (a) still considers the ground exists to cancel the accreditation; and
 - (b) considers cancellation of the accreditation is warranted.
- (2) This section also applies if there are no representations for the show cause notice.
- (3) The authority may decide to cancel the accreditation.
- (4) If the authority decides to cancel the accreditation, it must as soon as practicable give the registered nominee an information notice about the decision.
- (5) The decision takes effect on the day the information notice is given to the registered nominee.

- (6) The registered nominee must return the certificate of accreditation to the authority within 14 days after receiving the information notice.

Division 9 Registration and records

3ZR Accreditation register to be kept

- (1) The authority must keep a register about accredited syllabuses and guidelines (the *accreditation register*).
- (2) The register may be kept in the way the authority considers appropriate, including, for example, in an electronic form.
- (3) The register must contain the following details for each accredited syllabus and guideline—
 - (a) the title and a short description of the syllabus or guideline;
 - (b) the name of the nominee for the syllabus or guideline;
 - (c) the business address of the nominee for the syllabus or guideline;
 - (d) the name of the owner of the syllabus or guideline;
 - (e) the school studies provided for in the syllabus or guideline;
 - (f) the year or years of schooling provided for in the syllabus or guideline;
 - (g) the day the current accreditation period for the syllabus or guideline ends.
- (4) The authority must enter in the register the details mentioned in subsection (3) for an accredited syllabus or guideline within 14 days of deciding to grant or renew accreditation of the syllabus or guideline.
- (5) The authority must enter in the register the details of a change of the business address of the registered nominee for an accredited syllabus or guideline within 14 days of receiving notice of the change from the nominee.

- (6) If the authority cancels accreditation of a syllabus or guideline, the authority must immediately enter in the register a statement of the cancellation, including the day the cancellation took effect.
- (7) The authority must keep the register open for inspection by members of the public, free of charge, at the office⁸ during ordinary office hours.

3ZS Registration of the nominee for a syllabus or guideline

- (1) If the authority grants accreditation of a syllabus or guideline, the authority must register the applicant for the accreditation as the nominee for the syllabus or guideline.
- (2) If the authority renews accreditation of a syllabus or guideline, the authority must register the applicant for renewal of the accreditation as the nominee for the syllabus or guideline.
- (3) If the owner of an accredited syllabus or guideline gives the authority a notice in the approved form nominating a person to be the nominee for the syllabus or guideline, the authority must, within 14 days of receiving the notice, register the person as the nominee for the syllabus or guideline.

3ZT Registration of the owner of a syllabus or guideline

If the owner of a syllabus or guideline gives the authority a notice in the approved form stating that the owner has transferred ownership of the syllabus or guideline to another person, the authority must, within 14 days of receiving the notice, register the other person as the owner of the syllabus or guideline.

⁸ The address of the Office of the Queensland Studies Authority is 295 Ann Street, Brisbane.

3ZU Copies of syllabuses and guidelines to be kept

The authority must keep a copy of each accredited syllabus and guideline, including changes to any syllabus or guideline that are approved by the authority.

Part 2 External senior examinations

Division 1 Available examinations

4 External senior examinations available

The authority must make an external senior examination, for an approved subject stated in a guideline for this section, available to be taken by persons each year.

Division 2 Eligibility to take examinations

5 Persons eligible to take examination

- (1) A person is eligible to take an external senior examination for an examination subject if the person—
 - (a) has not finished the year 12 year of schooling; and
 - (b) has not obtained—
 - (i) a record of results stating the person's results for any examination subject; or
 - (ii) a senior certificate; and
 - (c) will be at least 19 years by the end of the year in which the person proposes to take the examination.
- (2) Also, a person is eligible to take an external senior examination for an examination subject if the person—
 - (a) has finished the year 12 year of schooling; and
 - (b) has obtained—

- (i) a senior statement stating the person's results for any examination subject; or
 - (ii) a senior certificate.
- (3) Also, a person is eligible to take an external senior examination for an examination subject if—
 - (a) the person is undertaking senior secondary education at a school; and
 - (b) the authority is satisfied the person can not reasonably study the corresponding approved subject for the examination subject at the school.
- (4) Also, a person is eligible to take an external senior examination for an examination subject if the authority declares the person to be eligible under section 6.
- (5) For subsection (3)(b), a person can not reasonably study the corresponding approved subject for the examination subject at the person's school if, for example—
 - (a) the approved subject is not taught at the school; or
 - (b) the approved subject is taught at the school, but only at the same times as another approved subject being studied by the person at the school.
- (6) In this section—

corresponding approved subject, for an examination subject, means the approved subject that is substantially the same as the examination subject.

6 Application for declaration of eligibility

- (1) A person may apply to the authority to be declared to be eligible to take an external senior examination for an examination subject in the year in which the application is made.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) accompany an application under section 9 to take the examination.

- (3) The authority must consider the application and either grant, or refuse to grant, the application.
- (4) The authority may grant the application only if it is reasonably satisfied exceptional circumstances exist that justify the decision.
- (5) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (6) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (7) If the authority fails to decide the application within 14 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 3 Number of examination subjects

7 Number of examination subjects in which examination may be taken

- (1) An eligible person who is not undertaking senior secondary education at a school may not take external senior examinations in more than 3 examination subjects in 1 year if the person—
 - (a) will be less than 19 years at the end of the year in which the person proposes to take the examinations; and
 - (b) has not finished the year 12 year of schooling; and
 - (c) has not obtained a QCE or senior certificate.
- (2) An eligible person who is undertaking senior secondary education at a school may not take external senior examinations in more than 2 examination subjects in 1 year.
- (3) Subsections (1) and (2) apply subject to section 8.

- (4) Otherwise, an eligible person may take external senior examinations in the number of examination subjects the person wishes.

8 Examination may be taken in more examination subjects because of exceptional circumstances

- (1) A person to whom section 7(1) or (2) applies may take external senior examinations in more than the number of examination subjects stated in the subsection if the person has the authority's approval.
- (2) The person may apply to the authority for its approval under this section.
- (3) The application must—
 - (a) be in the approved form; and
 - (b) accompany an application under section 9 to take the examinations.
- (4) The authority must consider the application and either grant, or refuse to grant, the application.
- (5) The authority may grant the application only if it is reasonably satisfied exceptional circumstances exist that justify the decision.
- (6) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (7) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (8) If the authority fails to decide the application within 14 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 4 Application to take examinations

9 Application

- (1) A person who wishes to take an external senior examination for an examination subject must apply to the authority to take the examination.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by—
 - (i) if the application is made on or before the closing day—the application fee; or
 - (ii) if the application is made after the closing day—the late application fee.
- (3) The application must be made on or before 31 August of the year in which the application is made.
- (4) However, the authority may, at any time, extend the time for making the application.

10 Decision about application to take examination—application made on or before closing day

- (1) This section applies if the application is made on or before the closing day.
- (2) The authority must consider the application and either grant, or refuse to grant, the application.
- (3) The authority may grant the application only if—
 - (a) the applicant is an eligible person; and
 - (b) the applicant has applied to take external senior examinations in the number of examination subjects the applicant may take—
 - (i) under section 7; or
 - (ii) because the authority has granted an application made by the applicant under section 8.

- (4) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (5) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (6) If the authority fails to decide the application within 14 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

11 Decision about application to take examination—application made after closing day

- (1) This section applies if the application is made after the closing day.
- (2) The authority must consider the application and either grant, or refuse to grant, the application.
- (3) The authority may grant the application only if—
 - (a) the applicant is an eligible person; and
 - (b) the applicant has applied to take external senior examinations in the number of examination subjects the applicant may take—
 - (i) under section 7; or
 - (ii) because the authority has granted an application made by the applicant under section 8; and
 - (c) the authority is satisfied the application was made after the closing day because of extenuating circumstances.
- (4) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (5) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

- (6) If the authority fails to decide the application within 14 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 5 Places to take examinations

12 Where examination can be taken

- (1) The authority must decide the places at which an external senior examination for an examination subject can be taken.
- (2) The places must be stated in a guideline.
- (3) An eligible person for an external senior examination for an examination subject may only take the examination at—
 - (a) a place decided under subsection (1); or
 - (b) if the authority has granted an application, under section 13, by the person to take the examination at another place—the other place.

13 Application to take examination at another place

- (1) An eligible person for an external senior examination for an examination subject may apply to the authority to take the examination at a place other than a place decided under section 12(1).
- (2) The application must be in the approved form.
- (3) The application must be made on or before 31 August of the year in which the application is made.
- (4) However, the authority may, at any time, extend the time for making the application.
- (5) The authority must consider the application and either grant, or refuse to grant, the application.

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- (6) The authority may grant the application only if it is satisfied—
- (a) there are extenuating circumstances for the applicant needing to take the examination at the other place; and
Example of extenuating circumstances—
The applicant will be interstate on an extended holiday with the applicant's parents at the time the examination is to be taken.
 - (b) adequate supervisory arrangements can be provided, at the other place, for the conduct of the examination; and
 - (c) adequate arrangements can be made, at the other place, for safeguarding—
 - (i) the examination papers before the examination is taken; and
 - (ii) the examination scripts.
- (7) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of—
- (a) the decision; and
 - (b) the local expenses fee payable by the applicant.
- (8) The local expenses fee is the amount that—
- (a) the authority considers to be reasonable; and
 - (b) is not more than the reasonable cost of providing for the examination to be taken at the other place.
- (9) The applicant may only take the examination at the other place if the local expenses fee has been paid to the authority before the day of the examination.
- (10) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (11) If the authority fails to decide the application within 14 days after the application was made—
- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 6 Special arrangements for taking examinations

14 Special consideration of person's disability or medical condition

- (1) This section applies if a person has a disability or medical condition the person believes is likely to adversely affect the person's capacity to perform in an external senior examination for an examination subject.
- (2) The person may apply to the authority to allow the person to take the examination under special arrangements that take account of the person's disability or medical condition.
- (3) The application must be in the approved form.
- (4) The application must be made on or before 31 August of the year in which the application is made.
- (5) However, the authority may, at any time, extend the time for making the application.
- (6) The authority must consider the application and either grant, or refuse to grant, the application.
- (7) The authority may grant the application only if it is satisfied of the need for the special arrangements.
- (8) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of—
 - (a) the decision; and
 - (b) the special arrangements fee payable by the applicant.
- (9) The special arrangements fee is the amount that—
 - (a) the authority considers to be reasonable; and
 - (b) is not more than the reasonable cost of providing for the special arrangements.
- (10) The applicant may only take the examination, under the special arrangements, if the special arrangements fee has been paid to the authority before the day of the examination.

- (11) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (12) If the authority fails to decide the application within 14 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 7 Refusal of entry to, or expulsion from, place of examination

15 Circumstances of refusal or expulsion

- (1) The circumstances in which an eligible person for an external senior examination for an examination subject may, by an appointed official, be refused entry to a place at which the examination can be taken must be stated in a guideline.
- (2) The circumstances in which an eligible person for an external senior examination for an examination subject may be expelled by an appointed official from a place at which the examination is being taken must be stated in a guideline.
- (3) In this section—

appointed official means an official appointed, under section 22,⁹ to ensure the proper conduct of the examination.

16 Application to sit another external senior examination

- (1) This section applies to an eligible person for an external senior examination for an examination subject who—
 - (a) under section 15(1), has been refused entry to a place at which the examination can be taken; or

9 Section 22 (Appointment of officials for examination)

*Education (Queensland Studies Authority) Regulation
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- (b) under section 15(2), has been expelled from a place at which the examination is being taken.
- (2) The person may apply to the authority for permission to sit another external senior examination for the examination subject on the basis that the refusal or expulsion was unjustified in the circumstances.
- (3) The application must—
 - (a) be in the approved form; and
 - (b) state the grounds why the applicant believes the refusal or expulsion was unjustified in the circumstances.
- (4) The application must be made within 7 days after the refusal or expulsion.
- (5) The authority may, by notice given to the applicant, require the applicant to give the authority, within a reasonable time of at least 14 days stated in the notice, further information or a document the authority reasonably requires to consider the application.
- (6) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.
- (7) The authority must consider the application and either grant, or refuse to grant, the application.
- (8) The authority may grant the application only if it is satisfied the refusal or expulsion was unjustified in the circumstances.
- (9) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (10) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (11) If the authority fails to decide the application within 28 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 8 Deciding level of achievement in examinations

17 Grading of achievement in examination

- (1) The authority must decide the level of achievement, for an examination subject, of a person who took an external senior examination for the subject.
- (2) Before making its decision, the authority must allow enough time for the person to give a notice under section 19.
- (3) If there is a student account open for the person, the authority must record in the student account the level of the person's achievement.
- (4) This section is subject to section 18.

18 Refusal to decide level of achievement

- (1) The circumstances in which the authority may decide not to decide the level of achievement, for an examination subject, of a person who took an external senior examination for the subject must be stated in a guideline.
- (2) If the authority proposes to decide not to decide the level of achievement, for an examination subject, of a person who took an external senior examination for the subject (the ***proposed decision***), the authority must first give the person a notice (a ***show cause notice***) stating the following—
 - (a) the proposed decision;
 - (b) the grounds for the proposed decision;
 - (c) an outline of the facts and circumstances forming the basis for the grounds;
 - (d) an invitation to the person to show within a stated period (a ***show cause period***) why the proposed decision should not be made.
- (3) The show cause period must be a period ending at least 14 days after the show cause notice is given to the person.

- (4) The person may make written representations about the proposed decision to the authority in the show cause period.
- (5) The authority must consider all written representations (the *accepted representations*) made under subsection (4) before making the proposed decision.
- (6) If, after considering the accepted representations for the show cause notice, the authority no longer proposes to make the proposed decision, the authority must as soon as practicable—
 - (a) give the person notice of its decision; and
 - (b) decide the person's level of achievement.
- (7) If, after considering the accepted representations for the show cause notice, the authority still proposes to make the proposed decision, the authority must as soon as practicable give the person an information notice about the decision.
- (8) Subsection (7) also applies if there are no accepted representations for the show cause notice.

19 Medical condition or circumstances adversely affecting person's performance in examination

- (1) This section applies if a person who took an external senior examination for an examination subject believes the person's performance in the examination was adversely affected because of a medical condition of the person or circumstances beyond the person's control.
- (2) The person may notify the authority of the condition or circumstances within 7 days after taking the examination.
- (3) If the authority receives a notice under subsection (2), it must take the condition or circumstances into account when deciding the person's level of achievement for the examination subject.

20 Revaluation of achievement in examination

- (1) A person who has taken an external senior examination for an examination subject may ask the authority to revalue the

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person's level of achievement for the subject stated in the relevant statement of results.

- (2) The request must—
 - (a) be in the approved form; and
 - (b) be made within 20 days after the person is issued with the relevant statement of results; and
 - (c) be accompanied by the revaluation fee.
- (3) The authority must as soon as practicable revalue the person's level of achievement for the examination subject.
- (4) If, after revaluing the person's level of achievement, the authority decides to increase or decrease the level of achievement, the authority must as soon as practicable—
 - (a) issue the person with a replacement statement of results that includes the increased or decreased level of achievement; and
 - (b) refund the revaluation fee to the person; and
 - (c) if the level of achievement is increased—give the person notice of the decision; and
 - (d) if the level of achievement is decreased—give the person an information notice about the decision.
- (5) If, after revaluing the person's level of achievement, the authority decides not to increase or decrease the level of achievement, the authority must as soon as practicable give the person an information notice about the decision.
- (6) If the authority fails to revalue the person's level of achievement within 21 days after the request was made—
 - (a) the failure is taken to be a decision of the authority not to increase or decrease the level of achievement; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.
- (7) In this section—

relevant statement of results means the first statement of results issued to the person on which the person's level of achievement for the examination subject is stated.

Division 9 Other matters

21 Inspection of graded examination script

- (1) A person who has taken an external senior examination for an examination subject may ask the authority for permission to inspect the person's graded examination script.
- (2) A request under subsection (1) must—
 - (a) be in the approved form; and
 - (b) be made within 20 days after the person is issued with the relevant statement of results; and
 - (c) be accompanied by the script inspection fee.
- (3) If the person makes a request under this section, the authority must make the person's examination script available for inspection, within a reasonable time, at the office¹⁰ or another suitable place during normal business hours.
- (4) In this section—
relevant statement of results see section 20(7).

22 Appointment of officials for examination

- (1) The authority may appoint appropriately qualified persons to ensure the proper conduct of an external senior examination for an examination subject.
- (2) In this section—
appropriately qualified includes having the qualifications, experience or standing appropriate to the exercise of the power.

¹⁰ The address of the Office of the Queensland Studies Authority is 295 Ann Street, Brisbane.

Part 3 Tests and assessments

Division 1 Core skills test

Subdivision 1 Core skills test to be developed

24 Development of test—Act, s 19(1)

For section 19(1) of the Act, the authority must develop a core skills test and make it available to be taken by persons each year.

Subdivision 2 Eligibility to take test

25 Persons eligible to take test

- (1) A person is eligible to take a core skills test if the person will finish the year 12 year of schooling in the year in which the test is proposed to be taken.
- (2) Also, a person is eligible to take a core skills test if the authority declares the person to be eligible under section 27 or 28.

26 Application for declaration of eligibility

- (1) A person may apply to the authority to be declared to be eligible to take a core skills test in the year in which the application is made.
- (2) The application must be made before 21 May of the year in which the application is made.
- (3) However, the authority may, at any time, extend the time for making the application.
- (4) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by—

- (i) if the application is made on or before the closing day—the application fee; or
- (ii) if the application is made after the closing day—the late application fee.

27 Decision about application for declaration of eligibility—application made on or before closing day

- (1) This section applies if the application is made on or before the closing day.
- (2) The authority must consider the application and either grant, or refuse to grant, the application.
- (3) The authority may grant the application only if it is satisfied the applicant—
 - (a) finished the year 12 year of schooling before the year in which the application is made; or
 - (b) will be at least 18 years at the end of the year in which the application is made.
- (4) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (5) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (6) If the authority fails to decide the application within 21 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

28 Decision about application for declaration of eligibility—application made after closing day

- (1) This section applies if the application is made after the closing day.

- (2) The authority must consider the application and either grant, or refuse to grant, the application.
- (3) The authority may grant the application only if it is satisfied—
 - (a) the applicant—
 - (i) finished the year 12 year of schooling before the year in which the application is made; or
 - (ii) will be at least 18 years at the end of the year in which the application is made; and
 - (b) the application was made after the closing day because of extenuating circumstances.
- (4) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (5) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (6) If the authority fails to decide the application within 21 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Subdivision 3 Places to take tests

29 Where test can be taken

- (1) The authority may decide the places at which a core skills test can be taken.
- (2) The places must be stated in a guideline.
- (3) An eligible person for a core skills test may only take the test at—
 - (a) a place decided under subsection (1); or

- (b) if the authority has granted an application, under section 30, by the person to take the test at another place—the other place.

30 Application to take test at another place

- (1) An eligible person for a core skills test may apply to the authority to take the test at a place other than a place decided under section 29(1).
- (2) The application must be made before 21 May of the year in which the application is made.
- (3) However, the authority may, at any time, extend the time for making the application.
- (4) The application must be in the approved form.
- (5) The authority must consider the application and either grant, or refuse to grant, the application.
- (6) The authority may grant the application only if it is satisfied—
 - (a) there are extenuating circumstances for the applicant needing to take the test at the other place; and
Example of extenuating circumstances—

The applicant will be on an extended school excursion at the time the test is to be taken.
 - (b) adequate supervisory arrangements can be provided, at the other place, for the conduct of the test; and
 - (c) adequate arrangements can be made, at the other place, for safeguarding—
 - (i) the test papers before the test is taken; and
 - (ii) the test scripts.
- (7) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of—
 - (a) the decision; and
 - (b) the local expenses fee payable by the applicant.
- (8) The local expenses fee is the amount that—
 - (a) the authority considers to be reasonable; and

- (b) is not more than the reasonable cost of providing for the test to be taken at the other place.
- (9) The applicant may only take the test at the other place if the local expenses fee has been paid to the authority before the day of the test.
- (10) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (11) If the authority fails to decide the application within 21 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Subdivision 4 Special arrangements for taking tests

31 Special consideration of person's disability or medical condition

- (1) This section applies if a person has a disability or medical condition the person believes is likely to adversely affect the person's capacity to perform in a core skills test.
- (2) The person may apply to the authority to allow the person to take the test under special arrangements that take account of the person's disability or medical condition.
- (3) The application must be in the approved form.
- (4) The application must be made before 21 May of the year in which the application is made.
- (5) However, the authority may, at any time, extend the time for making the application.
- (6) The authority must consider the application and either grant, or refuse to grant, the application.

- (7) The authority may grant the application only if it is satisfied of the need for the special arrangements.
- (8) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (9) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (10) If the authority fails to decide the application within 42 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Subdivision 5 Refusal of entry to, or expulsion from, place of test

32 Circumstances of refusal or expulsion

- (1) The circumstances in which an eligible person for a core skills test may, by an appointed official, be refused entry to a place at which the test can be taken must be stated in a guideline.
- (2) The circumstances in which an eligible person for a core skills test may be expelled by an appointed official from a place at which the test is being taken must be stated in a guideline.
- (3) In this section—

appointed official means an official appointed, under section 34, to ensure the proper conduct of the test.

33 Exemption from requirement to take core skills test

- (1) This section applies to an eligible person for a core skills test who—
 - (a) under section 32(1), has been refused entry to a place at which the test can be taken; or

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- (b) under section 32(2), has been expelled from a place at which the test is being taken.
- (2) The person may apply to the authority for an exemption from the requirement mentioned in section 52(c)¹¹ on the basis that the refusal or expulsion was unjustified in the circumstances.
- (3) The application must—
 - (a) be in the approved form; and
 - (b) state the grounds why the applicant believes the refusal or expulsion was unjustified in the circumstances.
- (4) The application must be made within 7 days after the refusal or expulsion.
- (5) The authority may, by notice given to the applicant, require the applicant to give the authority, within a reasonable time of at least 14 days stated in the notice, further information or a document the authority reasonably requires to consider the application.
- (6) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.
- (7) The authority must consider the application and either grant, or refuse to grant, the application.
- (8) The authority may grant the application only if it is satisfied the refusal or expulsion was unjustified in the circumstances.
- (9) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (10) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (11) If the authority fails to decide the application within 28 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and

11 Section 52 (Eligibility for ranking for tertiary entrance)

- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Subdivision 6 Other matters

34 Appointment of officials for test

- (1) The authority may appoint appropriately qualified persons to ensure the proper conduct of a core skills test.
- (2) In this section—
appropriately qualified includes having the qualifications, experience or standing appropriate to the exercise of the power.

35 Grading for test

- (1) The authority must decide the grading of a person who took a core skills test.
- (2) If there is a student account open for the person, the authority must record the grading in the account.
- (3) This section is subject to section 36.

36 Refusal to grade test

- (1) The circumstances in which the authority may decide not to decide the grading of a person who took a core skills test must be stated in a guideline.
- (2) If the authority proposes to decide not to decide the grading of a person who took a core skills test (the *proposed decision*), the authority must first give the person a notice (a *show cause notice*) stating the following—
 - (a) the proposed decision;
 - (b) the grounds for the proposed decision;
 - (c) an outline of the facts and circumstances forming the basis for the grounds;

- (d) an invitation to the person to show within a stated period (a *show cause period*) why the proposed decision should not be made.
- (3) The show cause period must be a period ending at least 14 days after the show cause notice is given to the person.
- (4) The person may make written representations about the proposed decision to the authority in the show cause period.
- (5) The authority must consider all written representations (the *accepted representations*) made under subsection (4) before making the proposed decision.
- (6) If, after considering the accepted representations for the show cause notice, the authority no longer proposes to make the proposed decision, the authority must as soon as practicable—
 - (a) give the person notice of its decision; and
 - (b) decide the person's grading in the test.
- (7) If, after considering the accepted representations for the show cause notice, the authority still proposes to make the proposed decision, the authority must as soon as practicable give the person an information notice about the decision.
- (8) Subsection (7) also applies if there are no accepted representations for the show cause notice.

Division 2 Assessments

37 Assessment—Act, s 11(2)

For section 11(2) of the Act, an assessment is the year 2 diagnostic net assessment.

Part 4 Queensland certificate of education

Division 1 Preliminary

38 Definitions for pt 4

In this part—

category see section 38D(4).

core studies means contributing studies belonging to the category known as core studies under section 38D(4).

credit means the basic unit of value attributed to the successful completion, or partial completion, of contributing studies.

credit value see section 38F(3).

required pattern see section 39C(1).

required standard of achievement see section 39(1)(a).

38A References to contributing studies

In this part, a reference to contributing studies is a reference to contributing studies for a QCE.

Division 2 Eligibility requirements

Subdivision 1 General requirements

38B Eligibility for issue of QCE

- (1) A person is eligible for the issue of a QCE if—
 - (a) a student account is open for the person; and
 - (b) at least 20 credits are recorded in the person's student account—

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- (i) in the required pattern; and
 - (ii) for contributing studies completed, or partially completed, by the person during 1 banking period for the person; and
 - (c) the person satisfies the school study eligibility requirement; and
 - (d) the person satisfies the literacy and numeracy requirements stated in a guideline.
- (2) For subsection (1)(c), the *school study eligibility requirement* is satisfied if at least one of the credits mentioned in subsection (1)(b) is for—
- (a) core studies completed, or partially completed, by the person—
 - (i) while enrolled at a school; or
 - (ii) while the person was provisionally registered, or registered, for home education under the E(GP) Act, chapter 9, part 5;¹² or
 - (b) non-Queensland studies that are core studies undertaken by the person at an interstate or overseas school.

38C Persons ineligible for issue of QCE

- (1) Despite section 38B, a person is not eligible for the issue of a QCE if the authority reasonably believes the person has been issued with, or become eligible for the issue of, any of the following—
- (a) a QCE;
 - (b) a senior certificate;
 - (c) a certificate about the completion of the person's studies under the *Education Act 1964* or the *Education (Senior Secondary School Studies) Act 1988*;
 - (d) an equivalent qualification.

¹² E(GP) Act, chapter 9 (Compulsory schooling), part 5 (Home education)

- (2) If, after a student account is opened for a person, the person becomes ineligible for the issue of a QCE under subsection (1)(d), the authority must notify the person of the ineligibility and the reason for the ineligibility.
- (3) Subsection (2) does not apply if the authority gave the person an information notice under section 40B(3) in relation to the qualification that is the basis for the ineligibility.

Subdivision 2 Contributing studies and credits

38D Categories of contributing studies

- (1) The categories of contributing studies are—
 - (a) core studies; and
 - (b) any other categories provided for under a guideline.
- (2) The authority must make a guideline stating, for each category of contributing studies, the criteria that contributing studies must meet to belong to the category.
- (3) Also, the authority must—
 - (a) decide, by applying the criteria stated in the guideline mentioned in subsection (2), the category to which contributing studies belong; and
 - (b) make a guideline stating the category to which contributing studies belong.
- (4) The *category* to which contributing studies belong is the category provided for under the guideline mentioned in subsection (3)(b).

38E Requirement to record credits for contributing studies in a person's student account

- (1) The authority must record credits for contributing studies in a person's student account if the requirements stated in subsection (2) for the studies are satisfied.
- (2) The requirements are—

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- (a) for an approved subject that is also an examination subject, each of the following—
 - (i) the person has taken an external senior examination for the subject;
 - (ii) the authority has decided, under section 17, the level of the person's achievement for the subject;
 - (iii) the level of the person's achievement is recorded in the person's student account;
 - (iv) the level of the person's achievement satisfies the required standard of achievement for the studies;
or
 - (b) for non-Queensland studies, each of the following—
 - (i) the results of the person's assessment for the studies are recorded in the person's student account under division 4;
 - (ii) the completion requirement for the studies is satisfied;
 - (iii) the person has achieved the required standard of achievement for the studies; or
 - (c) for a WCS learning project, the requirements stated in section 44B(1)(b); or
 - (d) for a tailored training program, the requirements stated in section 45B(2); or
 - (e) for any other contributing studies, each of the following—
 - (i) the results of the person's assessment for the studies are recorded in the person's student account;
 - (ii) the completion requirement for the studies is satisfied;
 - (iii) the person has achieved the required standard of achievement for the studies.
- (3) For subsection (2)(b)(ii) and (e)(ii), the **completion requirement** for the studies is satisfied if—

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- (a) the person has completed the studies as required under section 39A; or
 - (b) for the studies that are core studies—the person has partially completed the studies as required under section 39B(2).
- (4) If credits for contributing studies must be recorded in a person's student account under this section, the authority must record in the student account the number of credits equivalent to the credit value for the studies.
- (5) Despite subsection (1), credits for contributing studies must not be recorded in a person's student account if the studies were completed, or partially completed, during a banking period for the person that has ended without the person being eligible for the issue of a QCE.
- (6) This section applies subject to section 43A.¹³

38F Credit value for contributing studies

- (1) The authority must make a guideline stating the criteria to be applied by the authority for deciding the credit value for contributing studies.
- (2) Also, the authority must—
- (a) decide, by applying the criteria stated in the guideline mentioned in subsection (1), the credit value for contributing studies, including partially completed core studies; and
 - (b) make a guideline stating the credit value for contributing studies, including partially completed core studies.
- (3) The *credit value* for contributing studies is the number of credits provided for under the guideline mentioned in subsection (2)(b).

¹³ Section 43A (Credits for recognised studies)

39 Required standard of achievement for contributing studies

- (1) The authority must—
 - (a) decide, for contributing studies, the standard of achievement (the *required standard of achievement*) a person must achieve in order for credits for the studies to be recorded in the person's student account; and
 - (b) make a guideline stating the required standard of achievement for contributing studies.
- (2) This section does not apply in relation to WCS learning projects.

39A Completion of contributing studies

- (1) A person completes contributing studies if—
 - (a) for non-Queensland studies—the authority is satisfied the person has completed the studies; or
 - (b) for other contributing studies—the person complies with the requirements of the provider for the studies about completion of the studies.
- (2) If the authority decides for subsection (1)(a) that a person has not completed non-Queensland studies, the authority must, as soon as practicable after making the decision, give the person an information notice about the decision.
- (3) This section does not apply to the following contributing studies—
 - (a) approved subjects that are also examination subjects;
 - (b) tailored training programs;
 - (c) WCS learning projects.

39B Partial completion of contributing studies

- (1) The authority must make a guideline about partial completion of contributing studies that states the requirements a person must satisfy to partially complete the studies.

- (2) A person partially completes contributing studies if the person complies with the requirements stated in the guideline mentioned in subsection (1).

39C Required pattern for credits

- (1) Credits recorded in a person's student account are in the *required pattern* if—
- (a) at least 12 of the credits are for completed core studies; and
 - (b) not more than 8 of the credits are for—
 - (i) partially completed core studies; or
 - (ii) completed contributing studies belonging to a category other than the category known as core studies.
- (2) However, a guideline may limit, for subsection (1)(b)—
- (a) the number of credits that may be for contributing studies belonging to a particular category; or
 - (b) the number of credits that may be for particular contributing studies.

Subdivision 3 Banking periods

39D Meaning of *first banking period*

- (1) The *first banking period* for a person is 9 years from one of the following days—
- (a) if the person is, or has been, in the student account phase, and is not a non-Queensland student—1 January of the year in which the person stopped being of compulsory school age;
 - (b) if the person is a non-Queensland student—1 January of the year in which the relevant time falls;
 - (c) otherwise—1 January of the year in which a student account is opened for the person.

(2) In this section—

non-Queensland student means a person—

- (a) who did not live in Queensland at the relevant time; and
- (b) for whom a student account would have been required to be opened under a student account provision if the person had lived in Queensland at the relevant time.

relevant time, for a non-Queensland student, means the time the student would have stopped being of compulsory school age if the student had lived in Queensland.

student account provision means—

- (a) section 21D¹⁴ of the Act; or
- (b) the E(GP) Act, section 253, as in force before its repeal under the *Education Legislation Amendment Act 2006*, section 18; or
- (c) the *Youth Participation in Education and Training Act 2003*, section 38, as in force before its repeal under the E(GP) Act, section 435.

39E Meaning of further banking period

(1) A ***further banking period*** for a person is a 9 year period starting on each of the following days—

- (a) the day after the first banking period for the person ends, if the first banking period ends without the person being eligible for the issue of a QCE;
- (b) each ninth anniversary of the day after the first banking period for the person ends, if the preceding 9 year period ends without the person being eligible for the issue of a QCE.

(2) Subsection (1) applies subject to section 39F.

(3) This section stops applying to the person if the person becomes ineligible for the issue of a QCE under section 38C.

14 Section 21D (When an account must be opened) of the Act

39F Election to start further banking period early

- (1) A person may, by giving notice to the authority, choose to start a further banking period (the *new banking period*) earlier than it would otherwise have started under section 39E.
- (2) The person must choose to start the new banking period on—
 - (a) the day the authority receives the notice; or
 - (b) 1 January of the year in which the authority receives the notice.
- (3) For subsection (1), the notice must state the following—
 - (a) the person's name;
 - (b) the account number for the person's student account;
 - (c) the day chosen by the person under subsection (2) as the day on which the new banking period is to start.
- (4) If a notice is given under subsection (1)—
 - (a) the banking period immediately preceding the new banking period is taken to have ended on the day before the new banking period starts; and
 - (b) the new banking period starts on the day provided for in the notice; and
 - (c) any further banking periods for the person, after the new banking period, start on each ninth anniversary of the day the new banking period starts.

Division 3 Equivalent qualifications

40 Provision for deciding whether qualification is equivalent to QCE

- (1) The authority may decide, for this part, whether a qualification issued in a foreign country is equivalent to the QCE.
- (2) The authority may decide a qualification is equivalent to the QCE only if the authority is satisfied—

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- (a) the qualification relates to a level of schooling that is equivalent to senior secondary education; and
 - (b) the extent of the studies contributing to the issue of the qualification is comparable to the extent of studies contributing to the issue of a QCE.
- (3) The authority must make a guideline stating any matters to which the authority must have regard when deciding whether a qualification issued in a foreign country is equivalent to the QCE.
- (4) Also, the authority must make a guideline (the *equivalent qualifications guideline*) listing the qualifications issued in a foreign country that the authority has decided are equivalent to the QCE.

40A Authority may request further information for deciding whether person is ineligible for issue of QCE

- (1) This section applies if—
- (a) a student account is opened for a person; and
 - (b) the authority has been notified, under section 21F or 21I of the Act, that the person has been issued with, or become eligible for the issue of, any of the following—
 - (i) a senior certificate;
 - (ii) a certificate about the completion of the person's studies under the *Education Act 1964* or the *Education (Senior Secondary School Studies) Act 1988*;
 - (iii) an equivalent qualification;
 - (iv) a qualification issued or to be issued in a foreign country, other than an equivalent qualification.

Note—

See also section 50 in relation to information required to be notified under section 21F or 21I of the Act.

- (2) For deciding whether the person is ineligible for the issue of a QCE under section 38C(1)(d), the authority may, by notice given to the person, ask the person to give the authority,

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within 28 days after the giving of the notice by the authority, further information or a document the authority reasonably requires to make the decision.

- (3) A notice given by the authority under subsection (2) must be given to the person within 7 days after the authority receives the information mentioned in subsection (1)(b).
- (4) Despite subsection (2), the authority and the person may, before the end of the 28 day period, agree to extend the period for complying with the request to a day after the end of the 28 day period.

40B Requirement to decide whether qualification is equivalent to QCE

- (1) This section applies if—
 - (a) a student account is opened for a person; and
 - (b) the authority has been notified, under section 21F or 21I of the Act, that the person has been issued with, or become eligible for the issue of, a qualification issued or to be issued in a foreign country, other than an equivalent qualification.
- (2) The authority must, within 28 days after the relevant day, decide under section 40 whether the qualification is equivalent to the QCE.
- (3) If the authority decides the qualification is equivalent to the QCE, the authority must—
 - (a) give the person an information notice about the decision; and
 - (b) amend the equivalent qualifications guideline to include details of the qualification.
- (4) If the authority decides the qualification is not equivalent to the QCE, the authority must give the person notice of the decision.
- (5) If the authority does not decide whether the qualification is equivalent to the QCE within 28 days after the relevant day, the authority—

- (a) is taken to have decided that the qualification is not equivalent to the QCE; and
 - (b) must give the person notice of the decision.
- (6) If the authority decides the qualification is not equivalent to the QCE, the person can not become ineligible for the issue of a QCE only because the qualification later becomes an equivalent qualification.
- (7) Subsection (6) applies despite section 38C(1)(d).
- (8) In this section—
relevant day means—
- (a) the day the authority received the information mentioned in subsection (1)(b); or
 - (b) if the authority gives the person a notice under section 40A(2)—the last day of the 28 day period under the notice or, if the period is extended under section 40A(4), the day to which the period is extended.

Division 4 Results given to the authority other than by a provider

Subdivision 1 Notice of results

40C Person for whom student account is open may give notice of results

- (1) A person for whom a student account is open may give notice (a *results notice*) to the authority of the results information for—
- (a) contributing studies mentioned in section 3AA(1) completed, or partially completed, by the person during the person's pre-account period; or
 - (b) non-Queensland studies completed, or partially completed, by the person during a banking period for the person.

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- (2) A results notice must be given by the person—
- (a) if the notice is for studies mentioned in subsection (1)(a)—during the person’s first banking period; or
 - (b) if the notice is for studies mentioned in subsection (1)(b)—
 - (i) during the relevant banking period for the studies; or
 - (ii) if the person does not have all of the results information for the studies when the relevant banking period for the studies ends—within 1 month after the person has all of the results information for the studies.

- (3) In this section—

relevant banking period, for non-Queensland studies, means the banking period during which the studies were completed, or partially completed, by the person.

results information, for studies, means each of the following—

- (a) the name of the studies and, for studies other than non-Queensland studies, the name of the provider;
- (b) the period for which the studies were undertaken;
- (c) for non-Queensland studies—
 - (i) the name of the State or foreign country in which the result issuer for the studies operates; and
 - (ii) the name of the result issuer; and
 - (iii) the level of schooling the studies relate to;
- (d) whether the person completed or partially completed the studies and, for partial completion if applicable, the number of semesters completed by the person;
- (e) the results of the person’s assessment for the studies;
- (f) when the results were achieved;
- (g) any qualifications conferred on the person to which the studies contributed;

- (h) for qualifications mentioned in paragraph (g)—
 - (i) when the qualifications were conferred; and
 - (ii) the name of the entity that conferred the qualifications; and
 - (iii) if the qualifications were conferred in another State or a foreign country—the State or country in which the qualifications were conferred.

Subdivision 2 Results for contributing studies

40D Authority must record results for contributing studies mentioned in s 3AA(1) etc.

- (1) This section applies if the authority receives from a person under section 40C a results notice for contributing studies mentioned in section 3AA(1).
- (2) The authority must record the results of the person's assessment for the studies in the person's student account.
- (3) Also, the authority must give the person a notice mentioned in subsection (4) if—
 - (a) any of the studies are non-Queensland studies; and
 - (b) there are no results already recorded in the person's student account for studies in relation to which the person satisfies the school study eligibility requirement, including under section 38B(2)(b).
- (4) For subsection (3), the notice must state whether or not the person satisfies the school study eligibility requirement under section 38B(2)(b) in relation to the non-Queensland studies.

Subdivision 3 **Results for other non-Queensland studies**

40E Authority must decide whether to recognise studies

- (1) This subdivision applies if the authority receives a results notice for non-Queensland studies that—
 - (a) do not contribute to the issue of an equivalent qualification; and
 - (b) are not listed in the recognised non-Queensland studies guideline.
- (2) The authority must decide whether to recognise the non-Queensland studies as contributing studies.

40F Authority's power to obtain further information

- (1) Before deciding whether to recognise the non-Queensland studies as contributing studies, the authority may, by notice, require the person who gave the results notice (the *applicant*) to give the authority, within 28 days after the giving of the notice by the authority, further information or a document the authority reasonably requires to make the decision.
- (2) Despite subsection (1), the authority and the applicant may, before the end of the 28 day period, agree to extend the period for complying with the requirement to a day (the *extended compliance day*) after the end of the 28 day period.
- (3) The applicant is taken to have withdrawn the results notice, to the extent the notice is for the non-Queensland studies, if—
 - (a) the authority gives the applicant a notice under subsection (1); and
 - (b) the applicant does not give the authority the information or document required within the 28 day period or, if applicable, by the extended compliance day.

41 Deciding whether to recognise non-Queensland studies

- (1) Within 28 days after the relevant day, the authority must decide whether to recognise the non-Queensland studies as contributing studies.
- (2) The authority may decide to recognise the non-Queensland studies as contributing studies only if the authority is satisfied—
 - (a) the studies relate to a level of schooling that is equivalent to senior secondary education; and
 - (b) the studies meet the criteria stated in the guideline mentioned in section 45C.
- (3) If the authority decides to recognise the non-Queensland studies as contributing studies, the authority must—
 - (a) record the applicant's results for the studies in the applicant's student account; and
 - (b) give the applicant a notice stating—
 - (i) that the authority has decided to recognise the studies as contributing studies; and
 - (ii) the results for the studies that have been recorded in the applicant's student account; and
 - (iii) whether or not the applicant satisfies the school study eligibility requirement under section 38B(2)(b) in relation to the studies; and
 - (c) amend the recognised non-Queensland studies guideline to include the studies.
- (4) Subsection (3)(b)(iii) does not apply if there are results already recorded in the applicant's student account for studies in relation to which the applicant satisfies the school study eligibility requirement, including under section 38B(2)(b).
- (5) If the authority decides not to recognise the non-Queensland studies as contributing studies, the authority must give the applicant an information notice about the decision.

(6) In this section—

relevant day means—

- (a) the day the authority received the applicant's results notice; or
- (b) if the authority gives the applicant a notice under section 40F(1)—the last day of the 28 day period under the notice or, if applicable, the extended compliance day.

41A Notice of decisions about credits

(1) This section applies if—

- (a) the authority decides under section 41 to recognise non-Queensland studies as contributing studies; and
- (b) credits for the studies must be recorded in the applicant's student account under section 38E.

(2) The authority must, as soon as practicable after deciding the matters mentioned in sections 38D(3)(a) and 38F(2)(a)¹⁵ for the studies, give the applicant an information notice about the decisions.

41B Recognised non-Queensland studies guideline

The authority must, in a guideline (the *recognised non-Queensland studies guideline*), keep an up-to-date list of the non-Queensland studies that—

- (a) the authority has decided under section 41 to recognise; and
- (b) do not contribute to the issue of an equivalent qualification.

¹⁵ Sections 38D (Categories of contributing studies) and 38F (Credit value for contributing studies)

Division 5 Issuing of QCE

41C When QCE must be issued to a person

(1) The authority must issue a QCE to a person who meets the eligibility requirements for a QCE—

- (a) if the person meets the eligibility requirements during the person's year 12 year of schooling and finishes senior secondary education in that year—in December of that year; or

Editor's note—

Schedule 2, definition *finishing*—

finishing, of senior secondary education, means attending school in the year 12 year of schooling up to and including the finishing day for the year.

- (b) if the person meets the eligibility requirements before the finishing day for the person's year 12 year of schooling but does not finish senior secondary education in that year—in the first July or December, whichever occurs first, after the authority receives a relevant request from the person; or
- (c) otherwise—in the first July or December, whichever occurs first, after the person meets the eligibility requirements, or an earlier time decided by the authority.

(2) In this section—

relevant request means a written request for the authority to issue a QCE to the person received by the authority on or after 1 January of the year after the person's year 12 year of schooling.

41D What must be stated on QCE

A QCE must state each of the following—

- (a) the name of the person to whom it is issued;
- (b) the date it is issued;

- (c) that the person has met the eligibility requirements for a QCE.

Division 6 **Recognition of particular studies as contributing studies**

41E **Purpose of div 6**

The purpose of this division is to enable the authority to recognise studies as contributing studies for section 3AA(1)(h).

42 **Definitions for div 6**

In this division—

cancel, recognition of studies, means remove the studies from the recognised studies guideline.

consenting entity see section 42B(2).

recognised see section 42A.

recognised studies guideline see section 42D.

review day see section 42C(a) or 42E(5)(a).

42A **Meaning of *recognised***

Studies are *recognised* under this division if they are listed in the recognised studies guideline.

42B **Requirements for recognition**

- (1) The authority may decide to recognise studies under this division if—
- (a) the authority reasonably believes the studies are appropriate for senior secondary education; and

- (b) the authority is satisfied the studies meet the criteria stated in the guideline mentioned in section 45C;¹⁶ and
 - (c) a relevant entity for the studies has given the authority written consent to the studies being recognised under this division.
- (2) The relevant entity giving the consent mentioned in subsection (1)(c) is the **consenting entity** for the studies.
- (3) In this section—
- relevant entity**, for studies, means an entity that issues results to persons who undertake the studies.

42C Procedure for recognising studies

If the authority decides to recognise studies under this division, it must—

- (a) decide the day (the **review day**) by which recognition of the studies will first be reviewed by the authority; and
- (b) give a notice to the consenting entity for the studies stating—
 - (i) that the authority has decided to recognise the studies under this division; and
 - (ii) the review day for the studies; and
- (c) include details of the studies in the recognised studies guideline.

42D Recognised studies guideline

The authority must, in a guideline (the **recognised studies guideline**), keep an up-to-date list of studies recognised under this division, including each of the following—

- (a) the name of the studies;
- (b) the category to which the studies belong;
- (c) the required standard of achievement for the studies;

16 Section 45C (Criteria for recognising particular studies as contributing studies)

- (d) the credit value for the studies;
- (e) the next review day for the studies.

42E Conduct of review

- (1) The authority must, in a guideline, state the procedure for reviewing the recognition of studies recognised under this division.
- (2) The authority must review the recognition of studies recognised under this division not earlier than 28 days before the review day, and not later than the review day, for the studies.
- (3) The purpose of the review is for the authority to decide whether to continue recognition of the studies.
- (4) The authority may decide to continue recognition of the studies if—
 - (a) the authority reasonably believes the studies continue to be appropriate for senior secondary education; and
 - (b) the authority is satisfied the studies continue to meet the criteria stated in the guideline mentioned in section 45C; and
 - (c) the consenting entity for the studies has not revoked its consent to the studies being recognised under this division.
- (5) If the authority decides to continue recognition of the studies, it must—
 - (a) decide the day (also the *review day*) by which it will next review the recognition of the studies; and
 - (b) give a notice to the consenting entity for the studies stating—
 - (i) that the authority has decided to continue to recognise the studies under this division; and
 - (ii) the next review day for the studies.

- (6) If the authority decides not to continue recognition of the studies, the authority must give notice to the consenting entity for the studies stating—
 - (a) that the authority intends to cancel the recognition of the studies; and
 - (b) the day on which the recognition will be cancelled.
- (7) The authority must not cancel the recognition of the studies before the day stated in the notice given under subsection (6).

43 Cancelling recognition other than because of review

- (1) The authority may, at any time, decide to cancel the recognition of studies recognised under this division if—
 - (a) the authority reasonably believes the studies are not appropriate for senior secondary education; or
 - (b) the authority is not satisfied the studies meet the criteria stated in the guideline mentioned in section 45C.
- (2) If the authority decides to cancel recognition of studies under this section, the authority—
 - (a) must give notice to the consenting entity for the studies, at least 1 month before the day on which the recognition is cancelled, stating—
 - (i) that the authority intends to cancel recognition of the studies; and
 - (ii) the day on which the recognition will be cancelled; and
 - (b) must not cancel recognition of the studies before the day mentioned in the notice given under paragraph (a).
- (3) The authority must cancel the recognition of studies recognised under this division if asked to do so, in writing, by the consenting entity for the studies.

43A Credits for recognised studies

- (1) Credits for studies recognised under this division may be recorded in a person's student account only if the person's

results for the studies are achieved while the studies are recognised.

- (2) However, if a person is enrolled in studies recognised under this division immediately before the recognition is cancelled under section 42E or 43, credits for the studies may be recorded in the person's student account even if the person's results for the studies are achieved after the recognition is cancelled.
- (3) For subsection (2), section 21M¹⁷ of the Act and this part apply as if the studies were recognised when the person's results for the studies are achieved.

43B Providing evidence of assessment for particular recognised studies

- (1) This section applies if—
 - (a) a person for whom a student account is open is or was enrolled with a provider for studies recognised under this division; and
 - (b) before the person's results in the studies are issued, the provider stops issuing results for the studies; and
 - (c) the provider has carried out some assessment of the person for the studies.
- (2) If evidence of the results of the assessment mentioned in subsection (1)(c) is provided to the authority, the authority may record the results in the person's student account.

Division 7 Recognition of WCS learning projects as contributing studies

43C Authority to make learning project guideline

- (1) The authority must make a guideline (the *learning project guideline*) about WCS learning projects.

¹⁷ Section 21M (Obligation to notify results—certification studies) of the Act

- (2) The guideline must provide for at least the following—
- (a) a standard form people can use for developing project proposals;
 - (b) information, in addition to the information mentioned in section 43D(3)(a) to (e), that must be included in a project proposal;
 - (c) how a project proposal can be changed after the authority has decided under section 44 to recognise the applicable WCS learning project as contributing studies;
 - (d) the process for giving the authority evidence of learning achievements for section 44B;
 - (e) how the authority verifies a person's learning achievements in relation to a WCS learning project.

43D Application for recognition of project as contributing studies

- (1) A person for whom a student account is open may apply to the authority for recognition of a learning project for which there is no provider (a *WCS learning project*) as contributing studies.

Examples of learning projects that may be WCS learning projects—

- a learning project undertaken within a workplace or community organisation, or in the general community
- a self-directed learning project

Note—

A WCS learning project recognised as contributing studies is contributing studies for a QCE only for the person who successfully applied under this division for the recognition.

- (2) The application must—
- (a) be made at least 28 days before the person starts the project; and
 - (b) be in the approved form; and
 - (c) be accompanied by a copy of the project proposal for the project.

- (3) A ***project proposal***, for a WCS learning project, is a document including the following information about the project—
- (a) the date on which the person proposes to start it;
 - (b) the date by which it will be completed;
 - (c) a description of the learning achievements that must be achieved for the project to be completed;
 - (d) the evidence of the person's learning achievements that will be provided to the authority;
 - (e) the date by which the evidence of the person's learning achievements will be provided to the authority;
 - (f) any other information required under the learning project guideline to be included in the project proposal.

44 Deciding an application for recognition of project as contributing studies

- (1) The authority must consider an application for recognition of a WCS learning project as contributing studies and decide to grant, or refuse to grant, the application.
- (2) The authority must grant the application if the authority reasonably believes the project is appropriate for senior secondary education.
- (3) If the authority decides to grant the application, it must immediately give the applicant notice of the decision.
- (4) If the authority decides to refuse to grant the application, it must immediately give the applicant an information notice about the decision.
- (5) If the authority does not decide the application within 28 days after receiving it, the authority is taken to have decided to refuse to grant the application and must, as soon as practicable, give the applicant an information notice about the decision.

44A Changing a project proposal

- (1) This section applies if—

- (a) the authority decides under section 44 to recognise a WCS learning project as contributing studies; and
 - (b) the person who applied for the recognition wishes to change the project proposal for the project before it is completed.
- (2) The person may change the project proposal with the agreement of the authority as provided for under the learning project guideline.

44B Requirement to record results and credits for project

- (1) This section applies if—
- (a) the authority decides under section 44 to recognise a WCS learning project as contributing studies; and
 - (b) the person who applied for the recognition—
 - (i) completes the project not later than the date provided for under the project proposal for the project; and
 - (ii) gives the authority, not later than the date provided for under the project proposal, the evidence of the person's learning achievements provided for under the project proposal.
- (2) The authority must record in the person's student account—
- (a) the person's results for the project, indicating the project has been completed; and
 - (b) credits for the project.

Division 8 Recognition of tailored training programs as contributing studies

44C Meaning of *tailored training program*

- (1) A *tailored training program* is a program—
- (a) comprising at least 12 vocational education and training units of competency at certificate II level or above; and

- (b) that does not itself lead to a qualification under the Australian Qualifications Framework.
- (2) In this section—
certificate II means a qualification by that name under the Australian Qualifications Framework.

44D Authority to make tailored training program guideline

- (1) The authority must make a guideline (the *tailored training program guideline*) about tailored training programs.
- (2) The guideline must provide for at least the following—
 - (a) a standard form people can use for developing program proposals;
 - (b) information, in addition to the information mentioned in section 44E(3)(a), that must be included in a program proposal;
 - (c) how a program proposal can be changed after the authority has decided under section 45 to recognise the applicable tailored training program as contributing studies.

44E Application for recognition

- (1) A person for whom a student account is open may apply to the authority for recognition of a tailored training program as contributing studies.

Note—

A tailored training program recognised as contributing studies is contributing studies for a QCE only for the person who successfully applied under this division for the recognition.

- (2) The application must—
 - (a) be made at least 28 days before the person starts the program; and
 - (b) be in the approved form; and
 - (c) be accompanied by a copy of the program proposal for the program.

- (3) A ***program proposal***, for a tailored training program, is a document including the following information about the program—
 - (a) the date on which the person proposes to start it;
 - (b) any other information required under the tailored training program guideline to be included in the program proposal.
- (4) For this section, a person ***starts*** a tailored training program when the person starts studying for a vocational education and training unit of competency of the program.

45 Deciding an application for recognition

- (1) The authority must consider an application for recognition of a tailored training program as contributing studies and decide to grant, or refuse to grant, the application.
- (2) The authority must grant the application if the authority reasonably believes the program is appropriate for senior secondary education.
- (3) If the authority decides to grant the application, it must immediately give the applicant notice of the decision.
- (4) If the authority decides to refuse to grant the application, it must immediately give the applicant an information notice about the decision.
- (5) If the authority does not decide the application within 28 days after receiving it, the authority is taken to have decided to refuse to grant the application and must, as soon as practicable, give the applicant an information notice about the decision.

45A Changing a program proposal

- (1) This section applies if—
 - (a) the authority decides under section 45 to recognise a tailored training program as contributing studies; and

- (b) the person who applied for the recognition wishes to change the program proposal for the program before it is completed.
- (2) The person may change the program proposal with the agreement of the authority as provided for under the tailored training program guideline.

45B Requirement for credits for program to be recorded in student account

- (1) This section applies if the authority decides under section 45 to recognise a tailored training program as contributing studies.
- (2) The authority must record credits for the program in the student account of the person who applied for the recognition if—
 - (a) the results of the person’s assessment for each relevant unit are recorded in the person’s student account; and
 - (b) the person achieves the required standard of achievement for each relevant unit.
- (3) In this section—

relevant unit means a vocational education and training unit of competency of the tailored training program.

Division 9 Miscellaneous

45C Criteria for recognising particular studies as contributing studies

The authority must make a guideline stating the criteria that must be met in order for the authority to decide to—

- (a) recognise studies under division 4, subdivision 3; or
- (b) recognise, or continue to recognise, studies under division 6.

45D Day on which credits must take effect

The authority must ensure that if credits for contributing studies are required under section 38E to be recorded in a person's student account, the credits are recorded with effect from—

- (a) for a WCS learning project—the day the person gave the authority the evidence of learning achievements provided for under the project proposal for the project; or
- (b) for other contributing studies—the day the person's results for the studies were achieved.

Part 4A Other certificates of achievement

46 Eligibility for Queensland certificate of individual achievement

A person is eligible for the issue of a Queensland certificate of individual achievement if—

- (a) the person is nominated for the issue of the certificate by the principal of a school at which the person is enrolled; and
- (b) the person has completed at least 24 semesters of schooling, other than schooling in the preparatory year; and
- (c) at least 1 result for contributing studies for the certificate is recorded in a student account kept for the person.

46A Certification studies—contributing studies for Queensland certificate of individual achievement

- (1) For the Act, schedule 2, definition *certification studies*, achievement activities are *contributing studies* for a Queensland certificate of individual achievement.

(2) For this section—

achievement activity means an activity—

- (a) described in a guideline as an achievement activity for the Queensland certificate of individual achievement; and
- (b) completed by a person—
 - (i) while enrolled at a school; and
 - (ii) as part of an individual learning program developed for the person at the school.

47 When Queensland certificate of individual achievement must be issued

A Queensland certificate of individual achievement must be issued in December of the year during which the person meets the eligibility requirements for the certificate.

47A What must be stated on Queensland certificate of individual achievement

A Queensland certificate of individual achievement must state each of the following—

- (a) the name of the person to whom it is issued;
- (b) the date it is issued.

Part 5 Statements of results

Division 1 Senior statement

48 Persons to whom a senior statement must be issued

- (1) The authority must issue a senior statement to a person who finishes senior secondary education.

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Note—

However, see section 107 (Issue of senior statements) in relation to particular persons to whom a senior statement is not issuable.

Editor's note—

Schedule 2, definition *finishing*—

finishing, of senior secondary education, means attending school in the year 12 year of schooling up to and including the finishing day for the year.

- (2) The authority must issue a senior statement to the person in December of the year in which the person finishes senior secondary education.

48A What must be recorded on senior statement

For the definition *statement of results*, paragraph (b) in schedule 2 of the Act, a senior statement must record each of the following—

- (a) the name of the person to whom it is issued;
- (b) the date it is issued;
- (c) that the person has finished senior secondary education;
- (d) for contributing studies for a QCE for which the results of the person's assessment are recorded in the person's student account, each of the following—
 - (i) the name of the studies;
 - (ii) the results of the person's assessment;
 - (iii) the number of credits recorded under part 4 for the studies;
 - (iv) the name of the provider for the studies, if applicable;
 - (v) if the studies are non-Queensland studies—
 - (A) the name of the State or country in which the result issuer for the studies operates; and
 - (B) the name of the result issuer;

- (vi) if the studies are studies mentioned in section 3AA(1)(a), (e) or (f)—the number of semester units for which the studies were undertaken;
- (vii) if the studies are vocational education and training or a tailored training program—the names and identifying codes of the vocational education and training units of competency or modules of the studies;
- (viii) the year in which the person's results were achieved;
- (e) for contributing studies for a Queensland certificate of individual achievement for which the person's results are recorded in the person's student account—
 - (i) the person's results for the studies; and
 - (ii) the year in which the results were achieved;
- (f) the name of any qualification issued to the person and recorded in the person's student account;
- (g) if the person has taken a core skills test—the person's results for the test;
- (h) if the person meets the eligibility requirements for a QCE—that the person meets the eligibility requirements for a QCE.

Division 2 Record of results

49 Persons to whom a record of results must be issued

- (1) The authority must issue a record of results to a person who—
 - (a) is issued with a QCE or Queensland certificate of individual achievement, if the person is not also issued with a senior statement in the same month as a QCE or Queensland certificate of individual achievement is issued to the person; or
 - (b) takes an external senior examination for an examination subject, if—

- (i) the authority decides under section 17 the level of the person's achievement for the subject; and
 - (ii) the person is not issued with a senior statement in the year in which the person takes the examination.
- (2) The authority must issue a record of results to the person—
 - (a) for a person mentioned in subsection (1)(a)—when a QCE or Queensland certificate of individual achievement is issued to the person; or
 - (b) for a person mentioned in subsection (1)(b)—in December of the year in which the person takes the external senior examination.

49A Persons who may request a record of results

- (1) A person for whom a student account is open may request at any time that a record of results be issued to the person.
- (2) The request must be made to the authority in writing.
- (3) The authority must issue a record of results to the person within 7 days after the authority receives the request.

49B What must be recorded on record of results

For the definition *statement of results*, paragraph (b) in schedule 2 of the Act, a record of results must record each of the following—

- (a) the name of the person to whom it is issued;
- (b) the date it is issued;
- (c) for contributing studies for a QCE for which the results of the person's assessment are recorded in the person's student account, each of the following—
 - (i) the name of the studies;
 - (ii) the results of the person's assessment;
 - (iii) the number of credits recorded under part 4 for the studies;

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- (iv) the name of the provider for the studies, if applicable;
- (v) if the studies were undertaken in another State or a foreign country—
 - (A) the name of the State or country in which the result issuer for the studies operates; and
 - (B) the name of the result issuer;
- (vi) if the studies are studies mentioned in section 3AA(1)(a), (e) or (f)—the number of semester units for which the studies were undertaken;
- (vii) if the studies are vocational education and training or a tailored training program—the names and identifying codes of the vocational education and training units of competency or modules of the studies;
- (viii) the year in which the person's results were achieved;
- (d) for contributing studies for a Queensland certificate of individual achievement for which the person's results are recorded in the person's student account—
 - (i) the person's results for the studies; and
 - (ii) the year in which the results were achieved;
- (e) the name of any qualification issued to the person and recorded in the person's student account;
- (f) if the person has taken a core skills test—the person's results for the test;
- (g) if the person meets the eligibility requirements for a QCE—that the person meets the eligibility requirements for a QCE.

Part 5A General provisions for student accounts

50 Information to be provided for opening a student account—Act, ss 21F and 21I

- (1) For sections 21F(1)(m) and 21I(3)(d)¹⁸ of the Act, the information prescribed is, if the person has been issued with, or become eligible for the issue of, a relevant qualification, each of the following—
- (a) the name of the qualification;
 - (b) if the qualification has been issued—the date the qualification was issued to the person;
 - (c) the name of the entity that issued, or will issue, the qualification.

- (2) In this section—

relevant qualification means any of the following—

- (a) a senior certificate;
- (b) a certificate about the completion of the person's studies under the *Education Act 1964* or the *Education (Senior Secondary School Studies) Act 1988*;
- (c) an equivalent qualification;
- (d) a qualification, other than an equivalent qualification, issued or to be issued in a foreign country, if the person opening the student account reasonably believes the qualification relates to a level of schooling equivalent to senior secondary education.

50A Information to be stated in notice—Act, s 21J

- (1) For section 21J(1)(b)(iii)¹⁹ of the Act, the following information is prescribed—

18 Sections 21F (How an account is opened) and 21I (How an account is opened) of the Act

19 Section 21J (Authority to assign account number etc.) of the Act

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- (a) the date the person's first banking period started;
- (b) the date the person's student account was opened;
- (c) the eligibility requirements for a QCE;
- (d) that results for contributing studies for a QCE mentioned in section 3AA(1) completed, or partially completed, by the person during the person's pre-account period may be recorded in the person's student account only if the person gives the authority a results notice for the studies during the person's first banking period;
- (e) that results for non-Queensland studies completed, or partially completed, by the person during a banking period for the person may be recorded in the person's student account only if the person gives the authority a results notice for the studies—
 - (i) during the banking period during which the studies were completed or partially completed; or
 - (ii) if the person does not have all of the results information for the studies when the banking period during which the studies were completed or partially completed ends—within 1 month after the person has all of the results information for the studies;
- (f) that, if the person gives the authority a results notice for non-Queensland studies that do not contribute to the issue of an equivalent qualification and are not listed in the recognised non-Queensland studies guideline, the person's results for the studies will be recorded in the person's student account only if the authority decides to recognise the studies under part 4, division 4;
- (g) that if the person wishes to satisfy the school study eligibility requirement under section 38B(2)(b) for non-Queensland studies, the person must give the authority a results notice for the studies;
- (h) if the authority has decided the person is ineligible for the issue of a QCE under section 38C—that the person

is ineligible for the issue of a QCE and the reasons for the ineligibility;

- (i) if, under section 40A(2), the authority requests further information or a document for deciding whether the person is ineligible for the issue of a QCE under section 38C(1)(d)—the further information or document requested.
- (2) In this section—
results information see section 40C(3).

50B Notification of results—Act, s 21M

For section 21M(2)²⁰ of the Act, the result information must be given—

- (a) not later than the following days in each year—
 - (i) 30 June;
 - (ii) the first Thursday in December; and
- (b) in writing, or by email or other electronic means.

51 Notification of other matters by providers—Act, s 21N

- (1) For section 21N(2)(a)²¹ of the Act, notice that the name and address of the parent must be removed from the person's student account must be given as soon as practicable but not later than 5 days after the provider becomes satisfied it is inappropriate in the circumstances for the name and address of the parent to be recorded in the account.
- (2) For section 21N(2)(b) of the Act, notice of the name and address of the parent must be given within 7 days after the provider becomes satisfied it is appropriate in the circumstances for the name and address of the parent to be recorded in the account.

20 Section 21M (Obligation to notify results—certification studies) of the Act

21 Section 21N (Obligation to notify other matters) of the Act

- (3) For section 21N(2)(c) of the Act, notice of the new or correct information must be given within 3 months after the provider becomes aware of the new or correct information.
- (4) For section 21N(2)(d) of the Act, notice of the new or correct information must be given within 30 days after the provider becomes aware of the new or correct information.
- (5) For section 21N(2)(e) of the Act, notice of the date the person stopped being enrolled with the provider must be given within 30 days after the provider becomes aware the person stopped being enrolled with the provider.
- (6) For section 21N(4) of the Act, notice of the death must be given within 30 days after the provider becomes aware of the death.

51A Aggregated information—Act, s 21W

- (1) For section 21W²² of the Act—
 - (a) the aggregated information relating to each quarter must be given within 1 month after the end of the quarter; and
 - (b) the aggregated information relating to a relevant entity is the following—
 - (i) for AISQ—aggregated information about persons enrolled at the end of a quarter at a non-State school that is a member of AISQ;
 - (ii) for QCEC—aggregated information about persons enrolled at the end of a quarter at a non-State school represented by QCEC;
 - (iii) for the VETE chief executive—aggregated information about persons enrolled at the end of a quarter in vocational education and training.
- (2) In this section—

quarter means a 3 month period ending on 31 March, 30 June, 30 September or 31 December.

22 Section 21W (Disclosure of aggregated information to relevant entities) of the Act

51B Disclosure to VETE chief executive—Act, s 21X

For section 21X(1) of the Act, the relevant information for a year must be given—

- (a) not later than 1 March of the following year; and
- (b) by email or other electronic means.

Part 6 Tertiary entrance**52 Eligibility for ranking for tertiary entrance**

A person who is an Australian citizen or permanent resident is eligible to receive a ranking by the authority as a basis for tertiary entrance if—

- (a) the person has completed, or is taken under a guideline to have completed, 20 semester units in the study of tertiary entrance subjects, including 4 semester units in each of 3 particular tertiary entrance subjects; and
- (b) the person has finished senior secondary education at an assessing school; and
- (c) subject to sections 33 and 53—
 - (i) the person has taken the core skills test made available by the authority in the year the person finished senior secondary education; and
 - (ii) the person's grading in the test has been decided by the authority.

53 Exemption from requirement to take core skills test

- (1) A person may apply to the authority for an exemption from the requirement mentioned in section 52(c).
- (2) The application must be made before, or within 7 days after, the day of the core skills test the subject of the application.

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- (3) However, the authority may, at any time, extend the time for making the application.
- (4) The application must—
 - (a) be in the approved form; and
 - (b) state the grounds why the applicant believes the exemption should be given.
- (5) The authority may, by notice given to the applicant, require the applicant to give the authority, within a reasonable time of at least 14 days stated in the notice, further information or a document the authority reasonably requires to consider the application.
- (6) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.
- (7) The authority must consider the application and either grant, or refuse to grant, the application.
- (8) The authority may grant the application only if it is satisfied the grounds stated in the application are reasonable grounds for giving the exemption.
- (9) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (10) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (11) If the authority fails to decide the application within 28 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

54 Issue of tertiary entrance statement

- (1) The authority must issue a tertiary entrance statement to a person who is eligible to receive, under section 52, a ranking as a basis for tertiary entrance.
- (2) The statement must state the person's ranking.

55 List measuring comparative achievement

- (1) The authority must prepare a list of information about persons who have finished senior secondary education in a year, ranking the comparative achievement of the persons in the study of tertiary entrance subjects.
- (2) The information to be included in the list must be stated in a guideline.
- (3) The authority may make the list available to an appropriate entity—
 - (a) on the conditions the authority decides; and
 - (b) on payment of a reasonable fee.

56 Review of information in tertiary entrance statement

- (1) A person who receives the person's tertiary entrance statement from the authority may apply to the authority for the review of information in the statement.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be made—
 - (i) before the first Tuesday 7 weeks after the finishing day for the applicant's final year of schooling; or
 - (ii) if the Monday immediately before the day mentioned in subparagraph (i) is a public holiday—before the first Wednesday 7 weeks after the finishing day for the applicant's final year of schooling; or

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- (iii) if the day mentioned in subparagraph (i) is less than 20 days after the applicant is given the applicant's tertiary entrance statement—within 20 days after the applicant is given the statement; and
- (c) be accompanied by the review fee.
- (4) The authority may, by notice given to the applicant, require the applicant to give the authority, within a reasonable time of at least 7 days stated in the notice, further information or a document the authority reasonably requires to consider the application.
- (5) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.
- (6) After making appropriate inquiries about the information in the applicant's tertiary entrance statement to be reviewed, the authority must decide whether the information is fair or unfair.
- (7) The authority must consider the application and, as soon as practicable, give the applicant notice of the decision.
- (8) If the authority decides the information is fair, the notice must also state the reasons for the decision.
- (9) If the authority decides the information is unfair, the authority must—
 - (a) issue a replacement tertiary entrance statement, containing the corrected information, to the applicant; and
 - (b) refund the review fee to the applicant; and
 - (c) if the information the subject of the application was made available to an appropriate entity under section 55—notify the appropriate entity of the corrected information.

Part 7

Verification and copies of certificates and statements

56A Verification of information in Queensland certificate of individual achievement or statement of results

- (1) A person who is issued with a Queensland certificate of individual achievement or statement of results may apply to the authority for verification of information in the certificate or statement.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be made within 28 days after the certificate or statement is issued to the applicant; and
 - (c) be accompanied by the verification fee.
- (3) The authority may, by notice given to the applicant, require the applicant to give the authority, within a reasonable time of at least 7 days stated in the notice, further information or a document the authority reasonably requires to consider the application.
- (4) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.
- (5) After making appropriate inquiries about the information in the certificate or statement to be verified, the authority must decide whether the information is correct or incorrect.
- (6) The authority must consider the application and, as soon as practicable, give the applicant notice of its decision on the application.
- (7) If the authority decides the information is correct, the notice must also state the reasons for the decision.
- (8) If the authority decides the information is incorrect, the authority must—

- (a) issue a replacement Queensland certificate of individual achievement or statement of results, containing the corrected information, to the applicant; and
- (b) refund the verification fee to the applicant.

57 Issue of copy of certificate

- (1) The authority must issue a copy of a certificate to a person if—
 - (a) the certificate relates to the person; and
 - (b) the authority has received a written request for a copy of the certificate from the person; and
 - (c) the request is accompanied by the fee for the copy.
- (2) The copy must be issued within 7 days after the request is made.
- (3) For section 17(b)(iii)²³ of the Act, a senior statement is a type of statement of results.
- (4) In this section—

certificate means—

 - (a) any of the following issued to the person—
 - (i) a certificate of achievement;
 - (ii) a senior statement;
 - (iii) a certificate about the completion of the person's studies under the *Education Act 1964* or the *Education (Senior Secondary School Studies) Act 1988*;
 - (iv) a senior certificate; or
 - (b) a tertiary entrance statement issued to the person under the *Education (Tertiary Entrance Procedures Authority) Act 1990* or the Act; or

23 Section 17 (Other functions) of the Act

- (5) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.
- (6) The authority must consider the application and, as soon as practicable, give the applicant notice of its decision.

Part 9 Reviews and appeals

Division 1 Review of decisions

59 Appeal process starts with internal review

- (1) A person who is given, or is entitled to be given, an information notice for a decision (the *original decision*) and who is dissatisfied with the decision may appeal against the decision under this part.
- (2) The appeal must be, in the first instance, by way of an application for internal review under section 60.

60 Applying for review

- (1) The application must be made within 7 days after—
 - (a) if the person is given an information notice about the decision—the day the person is given the information notice; or
 - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the decision.
- (2) The authority may, at any time, extend the time for applying for the review.
- (3) The application for review must be in writing and state fully the grounds of the application.

61 Internal review officer

- (1) The application must initially be dealt with by a person appointed by the authority to conduct the review (the *internal review officer*).
- (2) If practicable, the internal review officer must not—
 - (a) have assisted the authority in making the decision; or
 - (b) be a person in a less senior office than any person who assisted the authority in making the decision.
- (3) Subsection (2) applies despite the *Acts Interpretation Act 1954*, section 27A.²⁴
- (4) The internal review officer must conduct the review on—
 - (a) the material before the authority that led to the original decision; and
 - (b) the reasons for the original decision; and
 - (c) any other relevant material the internal review officer allows.
- (5) For the review, the internal review officer must give the applicant a reasonable opportunity to make oral or written representations to the internal review officer.
- (6) In conducting the review, the internal review officer must have regard to the time allowed for the authority to make a decision on the application.
- (7) After reviewing the original decision, the internal review officer must make recommendations to the authority about the matter.
- (8) The authority is not required to follow the internal review officer's recommendations under subsection (7).

62 Review decision

- (1) The authority must make a further decision (the *review decision*) to—

²⁴ *Acts Interpretation Act 1954*, section 27A (Delegation of functions or powers)

- (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) If the review decision confirms the original decision, for the purpose of an appeal, the original decision is taken to be the review decision.
- (3) If the review decision amends the original decision, for the purpose of an appeal, the original decision as amended is taken to be the review decision.
- (4) If the review decision substitutes another decision for the original decision, for the purpose of an appeal, the substituted decision is taken to be the review decision.

63 Notice of review decision

- (1) The authority must, as soon as practicable, give the applicant notice (the *review notice*) of the review decision.
- (2) If the review decision is not the decision sought by the applicant, the review notice must also state the following—
- (a) the reasons for the decision;
 - (b) that the applicant may, within 28 days after the review notice is given, appeal against the decision to a Magistrates Court;
 - (c) how to appeal.
- (3) If the authority does not give the review notice within 14 days after the application is made, the authority is taken to have made a review decision confirming the original decision.

Division 2 Appeals

64 Who may appeal

A person who has applied for the review of an original decision under division 1 and is dissatisfied with the review

decision may appeal to a Magistrates Court against the review decision.

65 Starting appeal

- (1) An appeal is started by—
 - (a) filing a notice of appeal with the clerk of a Magistrates Court; and
 - (b) serving a copy of the notice on the authority; and
 - (c) complying with rules of court applicable to the appeal.
- (2) The notice of appeal must be filed within 28 days after—
 - (a) if the person is given a review notice for the review decision—the day the person is given the notice; or
 - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the review decision.
- (3) However, the court may, at any time, extend the time for filing the notice of appeal.
- (4) The notice of appeal must state fully the grounds of appeal.

66 Hearing procedures

- (1) In deciding an appeal, the Magistrates Court—
 - (a) has the same powers as the authority in making the review decision; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the review decision.

67 Court's powers on appeal

- (1) In deciding an appeal, the Magistrates Court may—
 - (a) confirm the review decision; or
 - (b) amend the review decision; or

- (c) set aside the review decision and substitute another decision; or
 - (d) set aside the review decision and return the matter to the authority with directions the court considers appropriate.
- (2) The decision as varied or substituted may be any decision that the authority may make.
- (3) If the court amends the review decision or substitutes another decision for the review decision, the amended or substituted decision is for this regulation, other than this part, taken to be the authority's decision.

68 Appeal to District Court on questions of law only

A party to an appeal dissatisfied by the decision of the Magistrates Court may appeal to the District Court, but only on a question of law.

Part 10 Fees

69 Fees in sch 1

The fees payable under this regulation are stated in schedule 1.

70 Service fee payable by person who is not an Australian citizen or permanent resident

- (1) This section applies to a person who is—
- (a) undertaking senior secondary education at an assessing school; and
 - (b) not an Australian citizen or permanent resident.

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- (2) The person must pay the authority a service fee in consideration of the authority performing its functions, under section 8, 11(1) or 13²⁵ of the Act, in relation to the person.
- (3) The authority must give the person a notice requiring payment of the fee within a stated period of not less than 30 days after the notice is given.
- (4) The authority may waive payment of the fee—
 - (a) for a person undertaking senior secondary education at a State school—if the cost of the person’s education at the school is being defrayed by the State; or
 - (b) for a person undertaking senior secondary education at a non-State school—if the cost of the person’s education would be defrayed by the State if the person were undertaking the education at a State school.

70A Refund of application fee for accreditation or renewal of accreditation

- (1) This section applies if—
 - (a) a person withdraws an application for accreditation, or renewal of accreditation, of a 1–12 syllabus or preparatory guideline; or
 - (b) the authority rejects an application for accreditation, or renewal of accreditation, of a 1–12 syllabus or preparatory guideline.
- (2) However, the section only applies if the authority has not started evaluation of the syllabus or guideline.
- (3) The authority must refund to the person the application fee less the administrative component of the fee.
- (4) In this section—

administrative component means \$1000.

25 Section 8 (Development and purchase functions), 11 (Assessment functions) or 13 (Certification functions) of the Act

71 Refund of application fee, or late application fee, for external senior examination in case of illness

- (1) A person who was granted an application, under section 9,²⁶ to take an external senior examination for an examination subject and failed to take the examination because of illness may apply to the authority for a refund of the application fee, or late application fee, for the application.
- (2) The application for a refund must—
 - (a) be in the approved form; and
 - (b) be made within 1 month after the day of the examination.
- (3) The authority must consider the application and either grant, or refuse to grant, the application.
- (4) The authority may grant the application only if it is reasonably satisfied the applicant failed to take the examination because of the illness.
- (5) If the authority grants the application, it must refund to the applicant the following—
 - (a) the application fee, or late application fee, less the administration fee;
 - (b) any local expenses fee paid in relation to the examination, less the administration fee;
 - (c) any special arrangements fee paid in relation to the examination, less the administration fee.

72 Refund of fees in case of cancellation of application to take external senior examination

- (1) This section applies to a person whose application, under section 9, to take an external senior examination for an examination subject was granted and who cancels the application within 1 month after the closing day for the application.
- (2) The authority must refund to the person the following—

- (a) the application fee, or late application fee, for the application, less the administration fee;
- (b) any local expenses fee paid in relation to the examination, less the administration fee;
- (c) any special arrangements fee paid in relation to the examination, less the administration fee.

73 Refund of local expenses fee or special arrangements fee for external senior examination or core skills test

- (1) Subsection (2) applies if—
 - (a) a person has paid the local expenses fee in relation to the taking of an external senior examination for an examination subject or core skills test; and
 - (b) at least 1 month before the day of the examination or test, the person notifies the authority that the person no longer wishes to take the examination or test at another place.
- (2) The authority must refund to the person the local expenses fee, less the administration fee.
- (3) Subsection (4) applies if—
 - (a) a person has paid a special arrangements fee in relation to the taking of an external senior examination for an examination subject; and
 - (b) at least 1 month before the day of the examination, the person notifies the authority that the person no longer requires special arrangements for taking the examination.
- (4) The authority must refund to the person the special arrangements fee, less the administration fee.

74 Refund of script inspection fee

- (1) This section applies if a person who has made a request, under section 21,²⁷ to inspect the person's graded examination script cancels the request.
- (2) The authority must refund to the person the script inspection fee, less the administration fee.

75 Copy of approved syllabus and certain other documents

- (1) The authority must, on payment of the appropriate fee, give a person a copy of an approved syllabus, approved preparatory guideline, guideline or a part of the accreditation register requested by the person.

- (2) In this section—

appropriate fee means a fee, decided by the authority, that is not more than the reasonable cost to the authority of providing a copy of the syllabus, preparatory guideline, guideline or the part of the accreditation register to the person.

Part 11 Guidelines

76 Notification, and giving school principals copy, of guideline

- (1) The authority must, as soon as practicable after making a guideline—
 - (a) notify the making of the guideline on the authority's website; and
 - (b) give a copy of the guideline to the principal of each school.

²⁷ Section 21 (Inspection of graded examination script)

- (2) Also, if the authority makes a guideline relevant to its functions under section 13 of the Act, the authority must give notice of the making of the guideline to the following—
 - (a) all providers;
 - (b) the chief executive;
 - (c) the relevant entities.
- (3) In this section—

making, a guideline, includes amending a guideline.

76A Particular guidelines about QCE or Queensland certificate of individual achievement to be available on authority's website

- (1) This section applies to a guideline mentioned in section 38B(1)(d), 38D(2) or (3)(b), 38F(2)(b), 39(1)(b), 39B(1), 39C(2), 40(4), 41B, 42D, 43C(1), 44D(1) or 45C, or the definition *achievement activity* in section 46A(2).
- (2) The authority must ensure the guideline is available to be viewed, in full, by the public on the authority's website.

Editor's note—

The authority's website can be found on the internet at <www.qsa.qld.edu.au>.

- (3) This section does not limit section 76.

76B Particular guidelines about tertiary entrance subjects to be available on authority's website

- (1) This section applies to a guideline mentioned in the definition *tertiary entrance subject* in schedule 2.
- (2) The authority must ensure the guideline is available to be viewed, in full, by the public on the authority's website.

Editor's note—

The authority's website can be found on the internet at <www.qsa.qld.edu.au>.

- (3) This section does not limit section 76.

77 Testing functions

The authority may make guidelines relevant to the performance of its functions under section 10 of the Act.

78 Assessment functions

The authority may make guidelines relevant to the performance of its functions under section 11 of the Act.

79 Certification functions

- (1) The authority may make guidelines relevant to the performance of its functions under section 13 of the Act.
- (2) However, the authority may make or amend a guideline mentioned in section 38B(1)(d), 38D(2), 38F(1), 39B(1) or 39C(2) only with the written approval of the Minister.

80 Tertiary entrance functions

- (1) The authority may make guidelines relevant to the performance of its functions under section 15 of the Act.
- (2) However, the authority may make or amend a guideline mentioned in the definition *tertiary entrance subject* in schedule 2 only with the written approval of the Minister.

81 Other functions

The authority may make guidelines relevant to the performance of its functions under section 17 of the Act.

Part 11A Miscellaneous provisions

81A Principal to give information to authority about students who finish senior secondary education

- (1) The principal of a school must give the authority notice of the names of the students enrolled at the school who finish senior secondary education.
- (2) The authority may, by notice, require the principal to give it the names at the time, and in the way, stated in the notice.
- (3) The principal must comply with the requirement.

Part 12 Transitional provisions

Division 1 Transitional provisions for Education (Queensland Studies Authority) Regulation 2002

Subdivision 1 Preliminary

82 Definitions for div 1

In this division—

commencement means the commencement of this section.

repealed by-law means the *Education (Senior Secondary School Studies) By-law 1999*.

Subdivision 2 Tests

83 Test

- (1) A test developed under the *Education (School Curriculum P-10) Regulation 1997*, section 11(a) for administering in 2002 is taken to be a test, developed by the authority under section 23(a),²⁸ for administering in 2002.
- (2) A test developed under the *Education (School Curriculum P-10) Regulation 1997*, section 11(b) for administering in 2002 is taken to be a test, developed by the authority under section 23(b), for administering in 2002.
- (3) A test developed under the *Education (School Curriculum P-10) Regulation 1997*, section 11(c) for administering in 2002 is taken to be a test, developed by the authority under section 23(c), for administering in 2002.

Subdivision 3 External senior examinations

84 External senior examination

- (1) An external senior examination for an area of learning made available to be taken in 2002 under section 3 of the repealed by-law is taken to be made available to be taken in 2002 under section 4.
- (2) Despite section 5, a person who was eligible, immediately before the commencement, to take an external senior examination for an area of learning in 2002 under section 4 or 5 of the repealed by-law is taken to be an eligible person for an external senior examination for the area of learning in 2002.
- (3) Despite section 7, a person who, immediately before the commencement, was entitled to take external senior examinations for a number of areas of learning under section 6 or 7 of the repealed by-law in 2002 is entitled to take

28 Section 23 (Development of literacy and numeracy tests—Act, s 19(1))

external senior examinations for the same number of areas of learning in 2002.

- (4) The places, decided under section 11(1) of the repealed by-law, at which an external senior examination for an area of learning may be taken in 2002 are taken to be the places decided under section 12(1) for 2002.

85 Outstanding application to take examination

- (1) An application made under section 8(1) of the repealed by-law, and not decided before the commencement, must be decided under this regulation.
- (2) The application is taken to be an application made under section 9.
- (3) However, the provisions of this regulation dealing with making the application in the approved form and paying the application fee or late application fee, that would otherwise apply, do not apply to the application.
- (4) Sections 10(6) and 11(6) apply to the application as if a reference to 14 days after the application was made were a reference to 1 month after the commencement.

86 Approval to take examination

If, immediately before the commencement, a person held an approval given under section 9 of the repealed by-law to take an external senior examination for an area of learning in 2002, the approval is taken to have been given under part 2, division 4.

87 Outstanding application to take examination at another place

- (1) An application made under section 8(2)(a) of the repealed by-law, and not decided before the commencement, must be decided under this regulation.
- (2) The application is taken to be an application made under section 13.

- (3) However, the provision of this regulation dealing with making the application in the approved form, that would otherwise apply, does not apply to the application.
- (4) Section 13(11) applies to the application as if a reference to 14 days after the application was made were a reference to 1 month after the commencement.

88 Approval to take examination at another place

If, immediately before the commencement, a person held an approval given under section 9 of the repealed by-law to take an external senior examination for an area of learning in 2002 at a place other than a place decided under section 11(1) of the repealed by-law, the approval is taken to have been given under section 13.

89 Outstanding application for special arrangements to be made for taking of examination

- (1) An application made under section 8(2)(b) of the repealed by-law, and not decided before the commencement, must be decided under this regulation.
- (2) The application is taken to be an application made under section 14.
- (3) However, the provision of this regulation dealing with making the application in the approved form, that would otherwise apply, does not apply to the application.
- (4) Section 14(12) applies to the application as if a reference to 14 days after the application was made were a reference to 1 month after the commencement.

90 Approval for special arrangements to be made for taking of examination

If, immediately before the commencement, a person held an approval given under section 9 of the repealed by-law for special arrangements to be made for the taking of an external senior examination for an area of learning in 2002, the approval is taken to have been given under section 14.

91 Outstanding application to take examinations for more than 3 areas of learning

- (1) An application made under section 7(2) of the repealed by-law, and not decided before the commencement, must be decided under this regulation.
- (2) The application is taken to be an application made under section 8.
- (3) However, the provision of this regulation dealing with making the application in the approved form, that would otherwise apply, does not apply to the application.
- (4) Section 8(8) applies to the application as if a reference to 14 days after the application was made were a reference to 1 month after the commencement.

Subdivision 4 Core skills test

92 Outstanding application to take test

- (1) An application made under section 19 of the repealed by-law, and not decided before the commencement, must be decided under this regulation.
- (2) The application is taken to be an application made under section 26.
- (3) However, the provisions of this regulation dealing with making the application in the approved form and paying the application fee or late application fee, that would otherwise apply, do not apply to the application.
- (4) Sections 27(6) and 28(6) apply to the application as if a reference to 21 days after the application was made were a reference to 1 month after the commencement.

93 Approval to take test

If, immediately before the commencement, a person held an approval given under section 20 of the repealed by-law to take a core skills test in 2002, the approval is taken to have been given under this regulation.

Subdivision 5 Subjects under repealed Act

94 Subjects

- (1) An area of learning that, immediately before the commencement, was a board subject under the *Education (Senior Secondary School Studies) Act 1988* is taken to be a category A area of learning.
- (2) An area of learning that, immediately before the commencement, was a board registered subject under the *Education (Senior Secondary School Studies) Act 1988* is taken to be a category B area of learning.
- (3) An area of learning that, immediately before the commencement, was a recorded subject under the *Education (Senior Secondary School Studies) Act 1988* is taken to be a recordable non-authority area of learning.

Subdivision 6 Outstanding appeals

95 Appeals

- (1) Subsection (2) applies if—
 - (a) a person has appealed to a Magistrates Court under the repealed section 45 before the commencement against a decision of the board; and
 - (b) the appeal has not been decided before the commencement.
- (2) The Magistrates Court may hear, or continue to hear, and decide the appeal under the repealed by-law as if the Act had not commenced.
- (3) Subsection (4) applies if—
 - (a) immediately before the commencement, a person could have appealed to a Magistrates Court under the repealed section 45 against a decision of the board; and
 - (b) the person has not appealed before the commencement.

- (4) The person may appeal, and the Magistrates Court may hear and decide the appeal, under the repealed by-law as if the Act had not commenced.
- (5) For giving effect to its decision under subsection (2) or (4), the Magistrates Court may make the orders it considers necessary having regard to the provisions of the Act.
- (6) In this section—

board means the Board of Senior Secondary School Studies under the *Education (Senior Secondary School Studies) Act 1988*.

repealed section 45 means section 45 of the repealed by-law.

Subdivision 7 References in senior certificates for 2002

96 Reference to board subject, board registered subject, recorded subject or vocational education program

For a senior certificate issued by the authority to a person for 2002—

- (a) any reference in the certificate to a board subject is taken to be a reference to a category A area of learning; and
- (b) any reference in the certificate to a board registered subject is taken to be a reference to a category B area of learning; and
- (c) any reference in the certificate to a recorded subject or vocational education program is taken to be a reference to a category C area of learning.

Division 2 Transitional provisions for Education (Queensland Studies Authority) Amendment Regulation (No. 1) 2002

Subdivision 1 Areas of learning

97 Changed descriptions of areas of learning

- (1) An area of learning that, immediately before the commencement of this section, was a category A area of learning is taken to be an authority area of learning.
- (2) An area of learning that, immediately before the commencement of this section, was a category B area of learning is taken to be an authority registered area of learning.
- (3) An area of learning that, immediately before the commencement of this section, was a category C area of learning is taken to be a recorded area of learning.

Subdivision 2 Continued syllabuses

98 Application of sdiv 2

- (1) This subdivision applies to a syllabus for a subject that is taken, under section 87(5)²⁹ of the Act, to be an accredited syllabus for the subject (a *continued syllabus*).
- (2) However, the subdivision does not apply to a continued syllabus—
 - (a) if no application for renewal of accreditation of the syllabus is made by 28 February in the year the accreditation expires (the *renewal day*)—after the accreditation expires; or

29 Section 87 (Syllabuses) of the Act

- (b) if application for renewal of accreditation of the syllabus is made by the renewal day—after the authority has decided the application.

99 Expiry of accreditation of a continued syllabus

- (1) The authority must, as soon as practicable after commencement of this section, decide the expiry day for accreditation of each continued syllabus.
- (2) In deciding the expiry day for accreditation of a continued syllabus the authority must have regard to—
 - (a) the nature of the area of learning and the standards of learning and assessment provided for in the syllabus; and
 - (b) the period in which the authority considers the syllabus will continue to be appropriate and current for the area of learning, taking into account advancement in the area of learning.
- (3) The authority must as soon as practicable give an information notice about the expiry day to—
 - (a) the registered nominee for the syllabus; or
 - (b) if there is not a registered nominee—the owner of the syllabus or a person authorised by the owner to receive the notice.
- (4) In this section—

expiry day means 31 December in a year from 2004 to 2008.

100 Application for renewal of accreditation of a continued syllabus

- (1) This section applies to an application for renewal of a continued syllabus if there is no registered nominee for the syllabus.

- (2) For the application, section 3S³⁰ applies as if a reference to the registered nominee for the syllabus were a reference to the owner of the syllabus or a person authorised to act for the owner.

101 Application for approval of a change to a continued syllabus

- (1) This section applies to an application for approval of a change to a continued syllabus if there is no registered nominee for the syllabus.
- (2) For the application, section 3ZG³¹ applies as if a reference to the registered nominee for the syllabus were a reference to the owner of the syllabus or a person authorised to act for the owner.

102 Continued syllabus may not be cancelled

Division 8³² does not apply to a continued syllabus.

Division 3 Transitional provisions for Education Legislation Amendment Regulation (No. 2) 2007

103 Definitions for div 3

In this division—

commencement means the commencement of this section.

non-authority area of learning means a non-authority area of learning under the pre-amended Act.

pre-amended Act means the Act as it was in force before the commencement of the *Education Legislation Amendment Act 2006*, section 35.

30 Section 3S (Renewal notice for accreditation)

31 Section 3ZG (Application for approval to change a syllabus or guideline)

32 Part 1A, division 8 (Cancellation of accreditation)

recordable non-authority area of learning has the meaning given under schedule 2 as it was in force immediately before the commencement.

104 Senior certificate may be issued to particular persons

- (1) This section applies to a person who started the year 10 year of schooling before 2006.
- (2) During the transition period, part 4, division 1,³³ as in force immediately before the commencement, continues to apply in relation to the person.
- (3) For subsection (2)—
 - (a) the pre-amended Act continues to apply; and
 - (b) a non-authority area of learning that was, immediately before the commencement, a recordable non-authority area of learning continues to be a recordable non-authority area of learning.
- (4) Subject to section 38C,³⁴ this section does not stop the person becoming eligible for the issue of a QCE during the transition period.
- (5) If a senior certificate is issued to the person during the transition period—
 - (a) the senior certificate is taken to be the relevant statement of results for sections 20 and 21, if the senior certificate states the person's level of achievement for an examination subject; and
 - (b) the senior certificate is taken to be a senior statement for section 49(1)(b)(ii).³⁵
- (6) In this section—

transition period means the period starting on the commencement and ending on 31 December 2009.

33 Part 4 (Certificates of achievement), division 1 (Senior certificates)

34 Section 38C (Persons ineligible for issue of QCE)

35 Section 49 (Persons to whom a record of results must be issued)

105 Authority not required to issue QCE before December 2008

- (1) This section applies if, under section 41C, the authority is required to issue a QCE to a person earlier than December 2008.
- (2) Despite section 41C, the authority must issue a QCE to the person in December 2008.

106 Recordable non-authority areas of learning

- (1) This section applies to a non-authority area of learning that is, immediately before the commencement, a recordable non-authority area of learning.
- (2) On the commencement, the non-authority area of learning is taken to be recognised as contributing studies for a QCE under part 4, division 6.
- (3) The authority must, within 1 month after the commencement, decide the review day for the studies for part 4, division 6.
- (4) As soon as practicable after deciding the review day for the studies, the authority must—
 - (a) give notice of the review day to the consenting entity for the studies; and
 - (b) include details of the studies in the guideline mentioned in section 42D.
- (5) For subsection (4)(a) and part 4, division 6, the entity that applied, under section 48 as it was in force before the commencement, for recognition of the non-authority area of learning as a recordable area of learning is taken to be the consenting entity for the studies.

107 Issue of senior statements

Despite section 48, a senior statement is not issuable to a person who finishes senior secondary education before 2008.

108 External senior examinations

- (1) This section applies to a person who takes an external senior examination for an examination subject in 2007.
- (2) Despite section 20(2)(b), a request by the person under section 20(1) for the revaluing of the person's level of achievement for the examination subject must be made within the period provided for under repealed section 20(2)(b).
- (3) Despite section 21(2)(b), a request by the person under section 21(1) for permission to inspect the person's graded examination script must be made within the period provided for under repealed section 21(2)(b).
- (4) For subsections (2) and (3), a reference in repealed section 20(2)(b)(iii) or 21(2)(b)(iii) to the senior certificate issued to the person for the area of learning is taken to be a reference to the relevant statement of results under section 20 or 21.
- (5) Subsection (4) does not limit section 104(5)(a).
- (6) In this section—
repealed, for a section, means the section as in force immediately before the commencement.

Division 4 Transitional provision for Education (Queensland Studies Authority) and Other Legislation Amendment Regulation (No. 1) 2008

109 Authority subjects

- (1) This section applies—
 - (a) if, on the commencement, a guideline mentioned in the definition *tertiary entrance subject* in schedule 2 has not been made; and
 - (b) until the guideline is made.
- (2) A school subject that, immediately before the commencement, was an authority subject is taken to be a tertiary entrance subject.

*Education (Queensland Studies Authority) Regulation
2002*

(3) In this section—

authority subject has the meaning given in schedule 2 as it was in force immediately before the commencement.

commencement means the commencement of this section.

Schedule 1 Fees

section 69

		\$
1	Application to take an external senior examination for an examination subject—for each examination subject	44.50
2	Late application to take an external senior examination for an examination subject—for each examination subject	49.50
3	Local expenses fee	available on application
4	Special arrangements fee—	
	(a) for a person with a disability	nil
	(b) for a person with a medical condition	available on application
5	Revaluation fee—for each examination subject	18.50
6	Script inspection fee	12.00
7	Application for declaration of eligibility to take a core skills test	44.50
8	Late application for declaration of eligibility to take a core skills test	99.50
9	Copy of certificate	22.50
10	Review fee	37.50
11	Verification fee	37.50
12	Application for decision on equivalence of level of education or qualification—	
	(a) for interstate school education or qualification	22.50
	(b) for overseas school education or qualification	39.50
13	Service fee for 1 year	310.50
14	Administration fee	12.00
15	Application for accreditation or renewal of accreditation of a 1–12 syllabus or preparatory guideline	3 389.00

Schedule 2 Dictionary

section 3

accreditation period, for implementation of an accredited syllabus or preparatory guideline, means a period—

- (a) of between 2 and 6 years, decided by the authority; and
- (b) that starts on 1 January first occurring after the day the authority decides to grant or renew accreditation of the syllabus or preparatory guideline.

accreditation register see section 3ZR(1).

accredited, for a syllabus or preparatory guideline, see section 3B.

agreed extended day—

- (a) for an application for accreditation of a syllabus or preparatory guideline—see section 3O(3); or
- (b) for an application for renewal of accreditation of a syllabus or preparatory guideline—see section 3ZB(2).

applicant, for part 4, division 4, subdivision 3, see section 40F(1).

application day, for an application for renewal of accreditation of a syllabus or preparatory guideline, see section 3U(1).

appropriate entity means an entity with a legitimate interest in information about comparative results of assessment of persons in the study of tertiary entrance subjects.

approval, of the authority, means the written approval of the authority.

approved subject means a school subject for which there is an approved syllabus.

assessing school means a school—

- (a) that provides senior secondary education to persons enrolled at the school; and

Schedule 2 (continued)

(b) that assesses the persons for any of approved subjects.

Australian citizen means an Australian citizen under the *Australian Citizenship Act 1948* (Cwlth), part 3.

banking period, for a person, means the first banking period, or a further banking period, for the person.

cancel, for part 4, division 6, see section 42.

category, for part 4, see section 38.

certificate of accreditation means a certificate stating the matters mentioned in section 3P(c)(i) to (iv).

closing day means—

- (a) for an application to take an external senior examination for an examination subject—the second Friday of July of the year in which the application is made; or
- (b) for an application to take a core skills test—the first Friday of April of the year in which the application is made or, if that day is a public holiday, the following Monday.

commencement—

- (a) for part 12, division 1, see section 82; or
- (b) for part 12, division 3, see section 103.

consenting entity, for part 4, division 6, see section 42.

continued syllabus see section 98(1).

contributing studies—

- (a) for a QCE—see section 3AA; or
- (b) for a Queensland certificate of individual achievement—see section 46A.

core studies, for part 4, see section 38.

credit, for part 4, see section 38.

credit value, for part 4, see section 38.

Schedule 2 (continued)

December student vacation, in a year, means the student vacation, starting in December in the year, approved for State schools under the *Education (General Provisions) Regulation 2006*, section 64.

decision day—

- (a) for an application for accreditation of a syllabus or preparatory guideline—see section 3O(1) and (2); or
- (b) for an application for renewal of accreditation of a syllabus or preparatory guideline—see section 3ZB(1); or
- (c) for an application for approval of a change to a syllabus or preparatory guideline—see section 3ZJ(3).

educational criteria, for evaluation of a syllabus or preparatory guideline, see section 3C.

eligibility requirements, for a QCE, means the requirements stated in section 38B(1).

eligible person means—

- (a) for an external senior examination for an examination subject—a person eligible, under section 5, to take the examination for the examination subject; or
- (b) for a core skills test—a person eligible to take the test under section 25.

equivalent qualification means—

- (a) a senior secondary certificate of education listed in the Australian Qualifications Framework; or

Editor's note—

A list of senior secondary certificates of education can be viewed on the website of the Australian Qualifications Framework at <<http://www.aqf.edu.au/senior.htm>>.

- (b) a qualification listed in the equivalent qualifications guideline.

equivalent qualifications guideline see section 40(4).

Schedule 2 (continued)

evaluation means—

- (a) for accreditation of a syllabus or preparatory guideline—evaluation under section 3L; or
- (b) for renewal of accreditation of a syllabus or preparatory guideline—an evaluation under section 3Y.

examination subject means an approved subject for which an external senior examination is available under section 4.

extended compliance day, for part 4, division 4, subdivision 3, see section 40F(2).

finishing, of senior secondary education, means attending school in the year 12 year of schooling up to and including the finishing day for the year.

finishing day, for a year, means—

- (a) if the first Monday of the December student vacation in the year is not more than 9 days before Christmas day—the Friday of the fifth last week before the vacation starts; or
- (b) otherwise—the Friday of the fourth last week before the vacation starts.

first banking period see section 39D(1).

further banking period see section 39E(1).

guideline—

- (a) for part 1A—see section 3A; or
- (b) otherwise—means a guideline made under section 78 of the Act.

information notice, for a decision made by the authority, is a notice stating each of the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the person to whom the notice is given may have the decision reviewed within 7 days;

Schedule 2 (continued)

(d) the way the person may have the decision reviewed.

interstate or overseas school means a school operating in another State or a foreign country that is—

- (a) operated by the government of that State or country; or
- (b) required to comply with education standards for the school decided by the government of that State or country.

learning project guideline see section 43C(1).

non-authority area of learning, for part 12, division 3, see section 103.

non-Queensland studies means studies for which the results of a person's assessment are issued by—

- (a) an interstate or overseas school; or
- (b) another entity operating in another State or a foreign country.

original decision see section 59(1).

permanent resident means the holder of a permanent visa as defined by the *Migration Act 1958* (Cwlth), section 30(1).

pre-account period, for a person for whom a student account is open, means the period—

- (a) starting on the first day of the person's first banking period; and
- (b) ending on the day the student account is opened.

pre-amended Act, for part 12, division 3, see section 103.

procedural requirement means—

- (a) for an application for accreditation of a syllabus or preparatory guideline—a requirement mentioned in section 3F; or
- (b) for an application for renewal of accreditation of a syllabus or preparatory guideline—a requirement mentioned in section 3V; or

Schedule 2 (continued)

- (c) for an application for approval of a proposed change to a syllabus or preparatory guideline—a requirement mentioned in section 3ZG(3) and (4).

program proposal see section 44E(3).

project proposal see section 43D(3).

provider see section 21B of the Act.

Queensland certificate of individual achievement means a certificate of achievement of that type provided for under part 4A.

reasonably believes means believes on grounds that are reasonable in the circumstances.

recognised, for part 4, division 6, see section 42.

recognised non-Queensland studies guideline see section 41B.

recognised studies guideline, for part 4, division 6, see section 42.

recordable non-authority area of learning, for part 12, division 3, see section 103.

record of results means a statement of results of that type provided for under part 5, division 2.

registered nominee, for an accredited syllabus or preparatory guideline, means the person entered, under section 3ZS, in the accreditation register as the nominee for the syllabus or preparatory guideline.

repealed by-law, for part 12, division 1, see section 82.

required pattern, for part 4, see section 38.

required standard of achievement, for part 4, see section 38.

result issuer, for non-Queensland studies, means the interstate or overseas school, or other entity, that issued the results of a person's assessment for the studies.

results notice see section 40C(1).

review day, for part 4, division 6, see section 42.

Schedule 2 (continued)

review decision see section 62(1).

review notice see section 63(1).

school study eligibility requirement see section 38B(2).

senior certificate means a senior certificate issued under part 4, division 1 as in force before its replacement under the *Education Legislation Amendment Regulation (No. 2) 2007*.

senior secondary education means secondary education offered in the years 11 and 12 years of schooling.

senior statement means a statement of results of that type provided for under part 5, division 1.

show cause notice, for cancellation of accreditation of a syllabus or preparatory guideline—see section 3ZN(1).

show cause period, for cancellation of accreditation of a syllabus or preparatory guideline—see section 3ZN(2)(d).

social responsibility criteria, for evaluation of a syllabus or preparatory guideline, see section 3D.

syllabus means a 1–12 syllabus.

tailored training program see section 44C(1).

tailored training program guideline see section 44D(1).

tertiary entrance subject means an approved subject stated in a guideline.

vocational education and training means—

- (a) a qualification by the name certificate I, certificate II, certificate III or certificate IV under the Australian Qualifications Framework; or
- (b) a qualification—
 - (i) by the name diploma or advanced diploma under the Australian Qualifications Framework; and
 - (ii) that is recorded in the National Training Information Service maintained by the Department of Education, Science and Training (Cwlth).

Schedule 2 (continued)

Editor's note—

The National Training Information Service can be viewed on the internet at <<http://www.ntis.gov.au>>.

vocational education and training unit of competency means a unit of competency within the meaning of the VETE Act, section 19.

WCS learning project see section 43D(1).

year 2 diagnostic net assessment means the process for the assessment of the literacy and numeracy development of students in the years of schooling up to and including the year 3 year of schooling.

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 1 August 2008. Future amendments of the Education (Queensland Studies Authority) Regulation 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	2002 SL No. 343	13 December 2002	
1B	2002 SL No. 343	1 January 2003	
1C	2004 SL No. 270	1 January 2005	
1D	2005 SL No. 286	1 January 2006	
1E	2006 SL No. 246	30 October 2006	
1F	2006 SL No. 245	1 January 2007	
	2006 SL No. 246		
1G	2007 SL No. 266	2 November 2007	
1H	2007 SL No. 247	1 January 2008	R1H withdrawn, see R2
	2007 SL No. 266		
2	—	1 January 2008	
2A	2008 SL No. 93	18 April 2008	
2B	2008 SL No. 241	1 August 2008	

5 List of legislation

Education (Queensland Studies Authority) Regulation 2002 SL No. 155

made by the Governor in Council on 27 June 2002

notfd gaz 28 June 2002 pp 876–83

ss 1–2 commenced on date of notification

remaining provisions commenced on 1 July 2002 (see s 2)

exp 1 September 2012 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Education (Queensland Studies Authority) Amendment Regulation (No. 1) 2002 SL No. 343

notfd gaz 13 December 2002 pp 1266–9

ss 1–2 commenced on date of notification

ss 4, 8–20 commenced 1 January 2003 (see s 2)

remaining provisions commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

Education (Queensland Studies Authority) Amendment Regulation (No. 1) 2004 SL No. 270

notfd gaz 10 December 2004 pp 1195–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2005 (see s 2)

Education Legislation Amendment Regulation (No. 2) 2005 SL No. 286 pts 1, 3

notfd gaz 2 December 2005 pp 1268–71
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2006 (see s 2)

Education Legislation Amendment Regulation (No. 1) 2006 SL No. 245 pts 1, 4

notfd gaz 6 October 2006 pp 577–80
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2007 (see s 2)

Education (General Provisions) Regulation 2006 SL No. 246 ss 1, 2(1), (3), 90(1)–(2) schs 1–2

notfd gaz 6 October 2006 pp 577–80
ss 1–2 commenced on date of notification
s 90(2) sch 2 commenced 1 January 2007 (see s 2(1))
remaining provisions commenced 30 October 2006 (see s 2(3))

Education Legislation Amendment Regulation (No. 1) 2007 SL No. 247 pts 1, 5

notfd gaz 12 October 2007 pp 841–2
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2008 (see s 2)

Education Legislation Amendment Regulation (No. 2) 2007 SL No. 266 pts 1–2, s 21 schs 1–2

notfd gaz 2 November 2007 pp 1224–5
ss 1–2 commenced on date of notification
s 21(2) sch 2 commenced 1 January 2008 (see s 2)
remaining provisions commenced on date of notification

Education (Queensland Studies Authority) and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 93 pts 1–2

notfd gaz 18 April 2008 pp 2085–8
commenced on date of notification

Higher Education (General Provisions) Regulation 2008 SL No. 241 ss 1–2, 19 sch 1

notfd gaz 25 July 2008 pp 1838–41
ss 1–2 commenced on date of notification
remaining provisions commenced 1 August 2008 (see s 2)

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amd 2008 SL No. 93 s 3; 2008 SL No. 241 s 19 sch 1

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amd 2008 SL No. 93 s 5

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div hdg ins 2007 SL No. 266 s 11

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s 49 sub 2007 SL No. 266 s 11
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