



Queensland

Education Legislation Amendment Regulation (No. 2) 2007

Subordinate Legislation 2007 No. 266

made under the

Education (General Provisions) Act 2006

Education (Queensland Studies Authority) Act 2002

Higher Education (General Provisions) Act 2003

Vocational Education, Training and Employment Act 2000

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Education Legislation Amendment Regulation (No. 2) 2007*.

2 Commencement

Section 21(2) and schedule 2 commence on 1 January 2008.

Part 2 Amendment of Education (Queensland Studies Authority) Regulation 2002

3 Regulation amended in pt 2

This part amends the *Education (Queensland Studies Authority) Regulation 2002*.

4 Insertion of new s 3AA

Part 1—

insert—

‘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 authority subject;
 - (b) an examination subject;
 - (c) an authority registered subject;
 - (d) vocational education and training;
 - (e) an apprenticeship or traineeship under the VETE Act undertaken by a person who is enrolled at a school;

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- (f) a departmental employment skills development program under the VETE Act;
- (g) a subject that is—
 - (i) provided by a university within the meaning of the *Higher Education (General Provisions) Act 2003*, schedule 2; and
 - (ii) undertaken by a person who is enrolled at a school;
- (h) a subject that is—
 - (i) provided by a non-university provider within the meaning of the *Higher Education (General Provisions) Act 2003*; and
 - (ii) part of an accredited course under that Act; and
 - (iii) undertaken by a person who is enrolled at a school;
- (i) non-Queensland studies that—
 - (i) contribute to the issue of an equivalent qualification; or
 - (ii) are listed in the recognised non-Queensland studies guideline;
- (j) 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.’

5 Amendment of s 17 (Grading of achievement in examination)

(1) Section 17—

insert—

‘(2A) 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.’.

(2) Section 17(2A) and (3)—

renumber as section 17(3) and (4).

6 Amendment of s 20 (Revaluation of achievement in examination)

(1) Section 20(1)—

omit, insert—

‘(1) A person who has taken an external senior examination for an examination subject may ask the authority to revalue the person’s level of achievement for the subject stated in the relevant statement of results.’.

(2) Section 20(2)(b)—

omit, insert—

‘(b) be made within 20 days after the person is issued with the relevant statement of results; and’.

(3) Section 20(3), ‘in the study of the area of learning’—

omit, insert—

‘for the examination subject’.

(4) Section 20(4)(a), ‘senior certificate’—

omit, insert—

‘statement of results’.

(5) Section 20—

insert—

‘(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.'

7 Amendment of s 21 (Inspection of graded examination script)

- (1) Section 21(1), 'area of learning'—
omit, insert—
'examination subject'.
- (2) Section 21(2)(b)—
omit, insert—
'(b) be made within 20 days after the person is issued with the relevant statement of results; and'.
- (3) Section 21—
insert—
- '(4) In this section—
relevant statement of results see section 20(7).'

8 Amendment of s 35 (Grading for test)

- (1) Section 35—
insert—
- '(1A) If there is a student account open for the person, the authority must record the grading in the account.'
- (2) Section 35(1A) and (2)—
renumber as section 35(2) and (3).

9 Replacement of pt 4, hdg and div 1

Part 4, heading, and division 1—
omit, insert—

‘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—

- (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;¹ 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.

¹ 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—
- (a) for 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—

- (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.²

‘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).

² 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) 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 21D³ 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.

3 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—

- (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,

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.

- ‘(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)⁴ 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.

⁴ 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)(j).

‘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;⁵ 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;

5 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 21M⁶ 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.

6 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.’.

10 Replacement of pt 4, div 2 hdg (Certificates of post-compulsory school education)

Part 4, division 2, heading as in force immediately before the commencement of this section—

omit, insert—

‘Part 4A Other certificates of achievement’.

11 Replacement of pt 5 (Non-authority areas of learning)

Part 5—

omit, insert—

‘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.

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), (c), (g) or (h)—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) 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.

'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, if the person is not also issued with a senior statement in the same month as a QCE 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 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;
- (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), (c), (g) or (h)—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) the name of any qualification issued to the person and recorded in the person's student account;
- (e) if the person has taken a core skills test—the person's results for the test;
- (f) 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)⁷ 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;

⁷ Sections 21F (How an account is opened) and 21I (How an account is opened) of the Act

- (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)⁸ of the Act, the following information is prescribed—

- (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

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

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)⁹ 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)¹⁰ 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.
- ‘(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.

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

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

- ‘(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 21W¹¹ 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.

‘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.’

12 Replacement of pt 7 hdg (Copies of certificates)

Part 7, heading—

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

omit, insert—

‘Part 7 Verification and copies of certificates and statements’.

13 Insertion of new s 56A

Part 7—

insert—

‘56A Verification of information in statement of results

- ‘(1) A person who is issued with a statement of results may apply to the authority for verification of information in the statement.
- ‘(2) The application must—
 - (a) be in the approved form; and
 - (b) be made within 28 days after the statement of results 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 statement of results 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 statement of results, containing the corrected information, to the applicant; and
 - (b) refund the verification fee to the applicant.’.

14 Amendment of s 57 (Issue of copy of certificate)

- (1) Section 57—

insert—

- ‘(2A) For section 17(b)(iii)¹² of the Act, a senior statement is a type of statement of results.’.

- (2) Section 57(3), definition *certificate*, paragraph (a)—

omit, insert—

- ‘(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’.

- (3) Section 57(2A) and (3)—

renumber as section 57(3) and (4).

15 Amendment of s 76 (Notification, and giving school principals copy, of guideline)

- (1) Section 76—

insert—

12 Section 17 (Other functions) of the Act

- ‘(1A) 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.’.
- (2) Section 76(1A) and (2)—
renumber as section 76(2) and (3).

16 Insertion of new s 76A

After section 76—

insert—

‘76A Requirement for particular QCE guidelines 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.
- ‘(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.’.

17 Amendment of s 79 (Certification functions)

Section 79—

insert—

- ‘(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.’.

18 Insertion of new pt 11A

After part 11—

insert—

‘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.’.

19 Insertion of new pt 12, div 3

Part 12—

insert—

‘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.

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 1,¹³ 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,¹⁴ 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).¹⁵
- ‘(6) In this section—
- transition period* means the period starting on the commencement and ending on 31 December 2009.

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

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

15 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.’.

20 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *authority area of learning*, *authority registered area of learning*, *commencement*, *enrolled areas of learning*, *nominated area of learning*, *recordable non-authority area of learning* and *recorded area of learning*—
omit.
- (2) Schedule 2—
insert—
‘*applicant*, for part 4, division 4, subdivision 3, see section 40F(1).
authority registered subject means a school subject—
(a) for which a work program has been approved by the authority under the Act; and

- (b) in which a person's results are not subject to the authority's procedures for moderation.

authority subject means a school subject—

- (a) for which there is an approved syllabus and a work program has been approved by the authority under the Act; and
- (b) in which a person's results are subject to the authority's procedures for moderation.

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.

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.

contributing studies see section 3AA.

core studies, for part 4, see section 38.

credit, for part 4, see section 38.

credit value, for part 4, see section 38.

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

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).

examination subject means a school subject for which—

- (a) there is an approved syllabus; and
- (b) an external senior examination is available under section 4.¹⁶

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

first banking period see section 39D(1).

further banking period see section 39E(1).

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.

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.

program proposal see section 44E(3).

project proposal see section 43D(3).

¹⁶ Section 4 (External senior examinations available)

provider see section 21B of the Act.

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.

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.

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

tailored training program see section 44C(1).

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

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).

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).'

- (3) Schedule 2, definition *repealed by-law*, after '12,'—
insert—
'division 1,'.

Part 3 Other amendments

21 Regulations amended in schedules

- (1) Schedule 1 amends the regulations mentioned in it.
- (2) Schedule 2 amends the *Education (Queensland Studies Authority) Regulation 2002*.

Schedule 1 Minor and consequential amendments commencing on notification

section 21(1)

Education (General Provisions) Regulation 2006

- 1 Part 8—**
omit.

Education (Queensland Studies Authority) Regulation 2002

- 1 Section 3C(2), definition *related approved syllabuses*,
paragraph (a)—**
omit, insert—
 ‘(a) providing for school studies equivalent, or at least relevant, to the school studies provided for in the syllabus under evaluation; and’.
- 2 Section 3G, ‘an area of learning that provides’—**
omit, insert—
 ‘school studies’.
- 3 Sections 3N(2), 3ZA(2) and 3ZR(3)(e), ‘area of learning’—**
omit, insert—
 ‘school studies’.

Schedule 1 (continued)

4 Section 4, ‘an area of learning’—*omit, insert—*

‘a school subject’.

5 Section 5—*omit, insert—***‘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 authority subject for the examination subject at the school.

Schedule 1 (continued)

- ‘(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 authority subject for the examination subject at the person’s school if, for example—
- (a) the authority subject is not taught at the school; or
 - (b) the authority subject is taught at the school, but only at the same times as another authority subject being studied by the person at the school.
- ‘(6) In this section—
corresponding authority subject, for an examination subject, means the authority subject that is substantially the same as the examination subject.’.

- 6 Sections 6(1), 9(1), 12(1) and (3), 13(1), 14(1), 15(1) and (2), 16(1) and (2), 19(1), 22(1), 71(1), 72(1), 73(1)(a) and (3)(a), schedule 1, items 1, 2 and 5, and schedule 2, definitions *closing day* and *eligible person*, ‘area of learning’—**

omit, insert—

‘examination subject’.

- 7 Part 2, division 3, heading—**

omit, insert—

- ‘Division 3 Number of examination subjects’.**

- 8 Sections 7, 8, 10(3)(b) and 11(3)(b), ‘areas of learning’—**

omit, insert—

‘examination subjects’.

Schedule 1 (continued)

- 9 Section 7(1)(c), after ‘obtained a’—**
insert—
‘QCE or’.
- 10 Sections 17(1) and 18(1) and (2), ‘in the study of an area of learning’—**
omit, insert—
‘for an examination subject’.
- 11 Sections 17(1) and 18(1) and (2), ‘the area of learning’—**
omit, insert—
‘the subject’.
- 12 Section 19(3), ‘in the study of the area of learning’—**
omit, insert—
‘for the examination subject’.
- 13 Section 46, heading, ‘Issue of’—**
omit, insert—
‘Eligibility requirements for, and issue of’.
- 14 Section 46(1), ‘for an area of learning’—**
omit.
- 15 Section 46(1)(a), after ‘schooling’—**
insert—
‘, other than schooling in the preparatory year’.

Schedule 1 (continued)

- 16 Section 46(1)(c), from ‘achievement’ to ‘part of’—**
omit, insert—
‘achievements in’.
- 17 Sections 52(a) and 55(1) and schedule 2, definitions *appropriate entity* and *assessing school*, paragraph (b), ‘areas of learning’—**
omit, insert—
‘subjects’.
- 18 Schedule 2, definition *assessing school*, paragraph (c)—**
omit.

Higher Education (General Provisions) Regulation 2004

- 1 Section 12(1) and (2)—**
omit, insert—
- ‘(1) For section 59(2) of the Act, the day is 31 March of each year.
- ‘(2) For the definition *course survey data*, paragraph (h) in section 59(3) of the Act, the following are other details—
- (a) the date of birth of each student who undertook the course;
 - (b) the number of students who undertook the course by distance education;
 - (c) the number of students who undertook the course who were Aboriginal persons or Torres Strait Islanders;
 - (d) the regions in which students who undertook the course lived.’.

Schedule 1 (continued)

**Vocational Education, Training and Employment
Regulation 2000**

- 1 Section 30K(1)(b) and schedule 1, items 12 and 14,
'category A areas of learning'—**
omit, insert—
'authority subjects'.
- 2 Section 30K(1)(b) and schedule 1, items 12 and 14,
'category B areas of learning'—**
omit, insert—
'authority registered subjects'.
- 3 Schedule 1, items 12 and 14, 'equivalent areas of
learning'—**
omit, insert—
'equivalent subjects'.

Schedule 2 Amendments commencing on 1 January 2008

section 21(2)

Education (Queensland Studies Authority) Regulation 2002

1 Sections 46 and 47—

omit, insert—

‘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

Schedule 2 (continued)

- (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.’.

2 Section 48A—

insert—

‘(da) 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;’.

3 Section 48A(da) to (g)—

renumber as section 48A(e) to (h).

Schedule 2 (continued)

- 4 Section 49(1)(a) and (2)(a), after ‘QCE’—**
insert—
‘or Queensland certificate of individual achievement’.
- 5 Section 49B—**
insert—
‘(ca) 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;’.
- 6 Section 49B(ca) to (f)—**
renumber as section 49B(d) to (g).
- 7 Section 56A, heading, after ‘information in’—**
insert—
‘Queensland certificate of individual achievement or’.
- 8 Section 56A(1), after ‘with a’—**
insert—
‘Queensland certificate of individual achievement or’.
- 9 Section 56A(1), after ‘in the’—**
insert—
‘certificate or’.

Schedule 2 (continued)

- 10 Section 56A(2)(b) and (5), ‘statement of results’—**
omit, insert—
‘certificate or statement’.
- 11 Section 56A(8)(a), after ‘replacement’—**
insert—
‘Queensland certificate of individual achievement or’.
- 12 Section 76A, heading, from ‘Requirement’ to ‘guidelines’—**
omit, insert—
‘Particular guidelines about QCE or Queensland certificate of individual achievement’.
- 13 Section 76A(1), after ‘45C’—**
insert—
‘, or the definition *achievement activity* in section 46A(2)’.
- 14 Schedule 2, definition *contributing studies*—**
omit, insert—
‘*contributing studies*—
(a) for a QCE—see section 3AA; or
(b) for a Queensland certificate of individual achievement—see section 46A.’.
- 15 Schedule 2—**
insert—
‘*Queensland certificate of individual achievement* means a certificate of achievement of that type provided for under part 4A.’.

ENDNOTES

- 1 Made by the Governor in Council on 1 November 2007.
- 2 Notified in the gazette on 2 November 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Education, Training and the Arts.