



Queensland

Education Legislation Amendment Bill 2006



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2006

A Bill

for

**An Act to amend Acts administered by the Minister for
Education and Training and Minister for the Arts, and for other
purposes**

The Parliament of Queensland enacts—	1
Part 1	Preliminary
	2
Clause 1	Short title
	3
	This Act may be cited as the <i>Education Legislation</i>
	<i>Amendment Act 2006.</i>
	4
	5
Clause 2	Commencement
	6
	The following provisions commence on a day to be fixed by
	proclamation—
	7
	8
	(a) parts 2 and 4, other than sections 20, 30, 31, 32(2), 33,
	40, 42(1) and (3) and 51(2), to the extent it inserts the
	definition <i>purchase</i> , and (5);
	9
	10
	11
	(b) the schedule, amendments to the <i>Education</i>
	<i>(Queensland Studies Authority) Act 2002</i> and the
	<i>Freedom of Information Act 1992.</i>
	12
	13
	14
Part 2	Amendment of Education
	(General Provisions) Act 2006
	15
	16
Clause 3	Act amended in pt 2
	17
	This part amends the <i>Education (General Provisions) Act</i>
	<i>2006.</i>
	18
	19
Clause 4	Amendment of s 4 (Interaction with other legislation)
	20
	Section 4(1)(b), ‘senior certificate,’—
	21
	<i>omit, insert—</i>
	22
	‘certificate of achievement, senior statement,’.
	23

Clause 5	Amendment of s 5 (Objects of Act)	1
	(1) Section 5(1)(c), ‘chapters 10 and 11’—	2
	<i>omit, insert—</i>	3
	‘chapter 10’.	4
	(2) Section 5(1)(c)(iii)—	5
	<i>omit.</i>	6
Clause 6	Amendment of s 6 (Activities to achieve objects of chs 10 and 11)	7
	(1) Section 6, heading, ‘chs 10 and 11’—	8
	<i>omit, insert—</i>	9
	‘ ch 10 ’.	10
	(2) Section 6(a)(i) to (iii), ‘chapters 10 and 11’—	11
	<i>omit, insert—</i>	12
	‘chapter 10’.	13
	(3) Section 6—	14
	<i>insert—</i>	15
	‘ <i>Note—</i>	16
	To help the chief executive carry on planning and re-engagement	17
	activities, the QSA Act, part 2A provides for information to be made	18
	available to the chief executive from student accounts kept by the QSA	19
	for young persons in the compulsory participation phase.’.	20
		21
Clause 7	Amendment of s 7 (Guiding principles)	22
	Section 7(e), ‘chapters 10 and 11’—	23
	<i>omit, insert—</i>	24
	‘chapter 10’.	25
Clause 8	Amendment of s 22 (Development and revision of 1–12 syllabuses and preschool guidelines)	26
	Section 22(2), definitions <i>1-12 syllabuses</i> and <i>area of learning—</i>	27
		28
		29

omit, insert— 1
 ‘**1–12 syllabuses** means syllabuses for school studies in 1 or 2
 more of the years 1 to 12 years of schooling.’. 3

Clause 9	Amendment of s 23 (Implementation of syllabus, course or preschool guideline at State instructional institutions)	4 5
	(1) Section 23(1) and (3), ‘an area of learning’—	6
	<i>omit, insert—</i>	7
	‘school studies’.	8
	(2) Section 23(1)(a) and (3)(a), ‘the area of learning’—	9
	<i>omit, insert—</i>	10
	‘the studies’.	11
	(3) Section 23(2), ‘a stated area of learning’—	12
	<i>omit, insert—</i>	13
	‘stated school studies’.	14
	(4) Section 23(5), definitions <i>accredited syllabus</i> , <i>approved syllabus</i> and <i>area of learning—</i>	15 16
	<i>omit.</i>	17
	(5) Section 23(5)—	18
	<i>insert—</i>	19
	‘ accredited syllabus , for school studies, means a 1–12 syllabus accredited by the QSA under the QSA Act for the studies.’	20 21 22
	‘ approved syllabus , for school studies, means a 1–12 syllabus developed, purchased or revised, and approved, by the QSA under the QSA Act for the studies.’.	23 24 25
Clause 10	Amendment of s 231 (Compulsory participation phase)	26
	Section 231(b)(i), ‘senior certificate,’—	27
	<i>omit, insert—</i>	28
	‘certificate of achievement, senior statement.’.	29

Clause 11	Amendment of s 239 (Obligation to ensure participation)	1
	Section 239(1)—	2
	<i>insert</i> —	3
	<i>Note</i> —	4
	To help parents comply with this obligation, the QSA Act, section 21V gives parents access to information held by the QSA about a young person's participation in eligible options.'	5 6 7
Clause 12	Insertion of new ch 10, pt 6 hdg	8
	Chapter 10, after section 251—	9
	<i>insert</i> —	10
	'Part 6 Miscellaneous'	11
Clause 13	Relocation and renumbering of s 264 (Disclosure by chief executive to appropriate entities)	12 13
	Section 264—	14
	<i>relocate</i> and <i>renumber</i> , in chapter 10, part 6, as section 251A.	15
Clause 14	Amendment, relocation and renumbering of s 266 (Consultation about planning)	16 17
	(1) Section 266, from 'the entities'—	18
	<i>omit, insert</i> —	19
	'the following entities for the purpose of carrying on planning activities—	20 21
	(a) the Association of Independent Schools of Queensland Inc.;	22 23
	(b) the Queensland Catholic Education Commission;	24
	(c) the VETE chief executive.'	25
	(2) Section 266—	26
	<i>relocate</i> and <i>renumber</i> , in chapter 10, part 6, as section 251B.	27

Clause 15	Relocation and renumbering of s 271 (Transitional)	1
	Section 271—	2
	<i>relocate</i> and <i>renumber</i> , in chapter 10, part 6, as section 251C.	3
Clause 16	Amendment, relocation and renumbering of s 272 (Confidentiality)	4
	(1) Section 272(1)(a)(ii) to (iv)—	5
	<i>omit, insert—</i>	6
	‘(ii) an entity, or an employee of an entity, to whom the	7
	chief executive has given information under	8
	section 251A; ¹ and’.	9
	(2) Section 272(1)(b) and (2)(a), ‘chapter 10 or’—	10
	<i>omit.</i>	11
	(3) Section 272(4)—	12
	<i>insert—</i>	13
	‘ <i>student account phase</i> see the QSA Act, section 21C.’.	14
	(4) Section 272—	15
	<i>relocate</i> and <i>renumber</i> , in chapter 10, part 6, as section 251D.	16
Clause 17	Amendment, relocation and renumbering of s 273 (Delegation by chief executive)	17
	(1) Section 273(1), ‘chapter 10 or’—	18
	<i>omit.</i>	19
	(2) Section 273—	20
	<i>relocate</i> and <i>renumber</i> , in chapter 10, part 6, as section 251E.	21
Clause 18	Omission of ch 11 (Student accounts)	22
	Chapter 11—	23
	<i>omit.</i>	24
		25
		26

1 Section 251A (Disclosure by chief executive to appropriate entities)

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Clause 19	Amendment of s 384 (Meaning of <i>transfer note</i>)	1
	Section 384(2)(a), ‘an area of learning’—	2
	<i>omit, insert</i> —	3
	‘school studies’.	4
Clause 20	Amendment of sch 2 (Amendments commencing on 1 January 2007)	5 6
	Schedule 2, amendment 3 of the <i>Education (Queensland Studies Authority) Act 2002</i> , ‘Section 8(a) to (d)’—	7 8
	<i>omit, insert</i> —	9
	‘Section 8’.	10
Clause 21	Amendment of sch 4 (Dictionary)	11
	(1) Schedule 4, definitions <i>aggregated information, senior certificate, student account</i> and <i>student account phase</i> —	12 13
	<i>omit.</i>	14
	(2) Schedule 4—	15
	<i>insert</i> —	16
	‘certificate of achievement see the QSA Act, schedule 2.	17
	school studies see the QSA Act, schedule 2.	18
	senior statement means a statement of results of that type issued under the QSA Act.’.	19 20
	(3) Schedule 4, definition <i>provider</i> , paragraph (a), ‘chapters 10 and 11’—	21 22
	<i>omit, insert</i> —	23
	‘chapter 10’.	24

Part 3	Amendment of Education (Queensland College of Teachers) Act 2005	1 2 3
Clause 22	Act amended in pt 3	4
	This part amends the <i>Education (Queensland College of Teachers) Act 2005</i> .	5 6
Clause 23	Amendment of s 125 (Members of Teachers Disciplinary Committee)	7 8
	(1) Section 125(3)— <i>omit.</i>	9 10
	(2) Section 125(5)(c), ‘(6)’— <i>omit, insert—</i> ‘(5)’.	11 12 13
	(3) Section 125(5)— <i>insert—</i> ‘(d) can not continue as a member of the committee under section 126A.’.	14 15 16 17
	(4) Section 125(4) to (6)— <i>renumber</i> as section 125(3) to (5).	18 19
Clause 24	Insertion of new ss 126A–126C	20
	After section 126— <i>insert—</i>	21 22
	‘126A Disqualification from membership	23
	‘(1) A person can not become, or continue as, a member of the Teachers Disciplinary Committee if the person—	24 25
	(a) is or becomes a member of the board; or	26
	(b) is, or has been, convicted of an indictable offence and the conviction is not a spent conviction, unless the	27 28

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Minister has given a notice or approval under subsection (4) in relation to the conviction.	1 2
‘(2) Also, a person can not become a member of the committee if the person does not consent to the Minister requesting a report about the person’s criminal history under section 126B.	3 4 5
‘(3) The Minister may act under subsection (4) if the Minister considers it would be reasonable to do so having regard to—	6 7
(a) primarily, the welfare and best interests of children; and	8
(b) the circumstances of the indictable offence of which a person has been convicted.	9 10
‘(4) The Minister may—	11
(a) if the person was a member when convicted and the term of the person’s appointment as a member of the committee has not since ended—give notice to the chairperson of the committee and the person that the person is restored as a member of the committee, and may be later reappointed, despite the conviction; or	12 13 14 15 16 17
(b) otherwise—give written approval for the person to become a member of the committee despite the conviction.	18 19 20
‘(5) On the day the chairperson of the committee receives a notice under subsection (4)(a)—	21 22
(a) the person is restored as a member; and	23
(b) if another person has been appointed to fill the vacancy—the other person’s appointment ends.	24 25
‘(6) If a person is restored as a member under subsection (5), the person’s term of appointment as a member ends when it would have ended if the person had not been convicted of the offence.	26 27 28 29
‘126B Report about person’s criminal history	30
‘(1) To decide whether a person is disqualified from membership of the Teachers Disciplinary Committee under section 126A(1)(b), the Minister may ask the commissioner of police for—	31 32 33 34

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- (a) a written report about the person’s criminal history; and 1
- (b) a brief description of the circumstances of a conviction 2
mentioned in the criminal history. 3
- ‘(2) The commissioner of police must comply with the request. 4
- ‘(3) However, the Minister may make a request under subsection 5
(1) about a person who is not a member of the committee only 6
if the person has given the Minister written consent for the 7
request. 8
- ‘(4) The duty imposed on the commissioner of police to comply 9
with the request applies only to information in the 10
commissioner’s possession or to which the commissioner has 11
access. 12
- ‘(5) The Minister must ensure a report given to the Minister under 13
this section is destroyed as soon as practicable after it is no 14
longer needed for the purpose for which it was requested. 15
- ‘(6) In this section— 16
- criminal history*, of a person, means the person’s criminal 17
history as defined under the *Criminal Law (Rehabilitation of 18
Offenders) Act 1986* to the extent the criminal history relates 19
to indictable offences, other than spent convictions. 20
- ‘126C Requirement for committee members to disclose 21
changes in criminal history 22**
- ‘(1) If there is a change in the criminal history of a member of the 23
Teachers Disciplinary Committee, the member must, unless 24
the member has a reasonable excuse, immediately disclose the 25
change to the Minister. 26
- Maximum penalty—100 penalty units. 27
- ‘(2) For a member who does not have a criminal history, there is 28
taken to be a change in the member’s criminal history if the 29
member acquires a criminal history. 30
- ‘(3) To comply with subsection (1), the information disclosed by 31
the member about a conviction for an offence in the member’s 32
criminal history must include the following— 33
- (a) the existence of the conviction; 34

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- (b) when the offence was committed; 1
- (c) details adequate to identify the offence; 2
- (d) whether or not a conviction was recorded; 3
- (e) the sentence imposed on the member. 4

‘(4) In this section— 5

criminal history, of a person, means the person’s criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986* to the extent the criminal history relates to indictable offences, other than spent convictions.’. 6
7
8
9

Clause 25 Amendment of s 136 (Committee may require health assessment) 10
11

Section 136(4), after ‘each’— 12

insert— 13

‘of the’. 14

Clause 26 Amendment of s 246 (Disqualification from membership) 15

(1) Section 246(1)(a), after ‘spent conviction’— 16

insert— 17

‘, unless the Minister has given a notice or approval under subsection (4) in relation to the conviction’. 18
19

(2) Section 246(1)(b), after ‘*administration*’— 20

insert— 21

‘, unless the Minister has given a notice or approval under subsection (4) in relation to the person being an insolvent under administration’. 22
23
24

(3) Section 246(2), ‘refuses to’— 25

omit, insert— 26

‘does not’. 27

(4) Section 246(4)(a), after ‘becoming an insolvent under administration’— 28
29

insert— 30

‘, and the term of the person’s appointment as a member of the board has not since ended’.

		1
		2
Clause 27	Amendment of s 247 (Report about person’s criminal history)	3
		4
	Section 247(6), definition <i>criminal history</i> , after ‘1986’—	5
	<i>insert</i> —	6
	‘to the extent the criminal history relates to indictable offences’.	7
		8
Clause 28	Amendment of s 249 (Requirement for board members to disclose changes in criminal history)	9
		10
	Section 249(4), definition <i>criminal history</i> , after ‘1986’—	11
	<i>insert</i> —	12
	‘to the extent the criminal history relates to indictable offences’.	13
		14
Clause 29	Amendment of s 285 (College may give information about teachers to commissioner for children in particular circumstances)	15
		16
		17
	(1) Section 285(1)(a), ‘suspends’—	18
	<i>omit, insert</i> —	19
	‘decides to suspend’.	20
	(2) Section 285(3)(d)—	21
	<i>omit, insert</i> —	22
	‘(d) either—	23
	(i) for a decision about a suspension—when the conduct giving rise to the suspension happened; or	24
		25
	(ii) for a decision about disciplinary proceedings—when the grounds for disciplinary action arose;’.	26
		27
		28

- (3) Section 285(3)(e), after ‘conduct’— 1
insert— 2
‘or grounds for disciplinary action’. 3

Part 4 **Amendment of Education** 4
(Queensland Studies Authority) 5
Act 2002 6

- Clause 30** **Act amended in pt 4** 7
This part amends the *Education (Queensland Studies* 8
Authority) Act 2002. 9
- Clause 31** **Amendment of long title** 10
Long title, after ‘developing’— 11
insert— 12
‘, purchasing’. 13
- Clause 32** **Amendment of s 3 (Objects of Act)** 14
(1) Section 3(1)(c) and (2)(b)(v), after ‘achievement’— 15
insert— 16
‘and statements of results’. 17
(2) Section 3(2)(b)(i), after ‘development’— 18
insert— 19
‘or purchase’. 20
- Clause 33** **Amendment of s 8 (Development functions)** 21
(1) Section 8, heading, after ‘Development’— 22
insert— 23
‘and purchase’. 24

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- (2) Section 8, after paragraph (a)— 1
insert— 2
 ‘(aa) to purchase and revise 1–12 syllabuses and preschool 3
 guidelines developed by entities other than the 4
 authority;’ 5
- (3) Section 8(b), after ‘developed’— 6
insert— 7
 ‘, purchased’. 8
- (4) Section 8(aa) to (d)— 9
renumber as section 8(b) to (e). 10
- (5) Section 8— 11
insert— 12
- ‘(2) In performing its function to revise 1–12 syllabuses or 13
 preschool guidelines under subsection (1)(b), the authority 14
 must exercise its powers subject to the terms on which the 15
 syllabuses or guidelines were purchased. 16
- ‘(3) In this section— 17
purchase a 1–12 syllabus or preschool guideline includes 18
 enter into an agreement allowing the authority to approve the 19
 syllabus or guideline for implementation at schools.’. 20

- Clause 34 Amendment of s 11 (Assessment functions)** 21
 Section 11(1), from ‘an area of learning’— 22
omit, insert— 23
 ‘school subjects that are certification studies.’. 24

- Clause 35 Replacement of s 13 (Certification functions)** 25
 Section 13— 26
omit, insert— 27

- ‘13 Certification functions** 28
- ‘(1) The authority has the following functions— 29
 (a) to issue— 30

- | | | |
|------|---|----------------|
| (i) | the QCE and other certificates of achievement of the types provided for under a regulation; and | 1
2 |
| (ii) | statements of results of the types provided for under a regulation; | 3
4 |
| (b) | to review, and make recommendations to the Minister about, the requirements for issuing the certificates and statements mentioned in paragraph (a); | 5
6
7 |
| (c) | to inform the public about— | 8 |
| (i) | the certificates and statements mentioned in paragraph (a); and | 9
10 |
| (ii) | the requirements for issuing the certificates and statements mentioned in paragraph (a). | 11
12 |
| ‘(2) | Also, the authority has the function to approve work programs, for use by the schools that developed the work programs, for school subjects that are certification studies. | 13
14
15 |
| ‘(3) | In addition, the authority has the function to recognise the results of a person in certification studies, other than school subjects for which— | 16
17
18 |
| (a) | there is an approved syllabus; or | 19 |
| (b) | a work program has been approved under subsection (2).’. | 20
21 |

Clause 36 Replacement of s 14A (Participation functions) 22

Section 14A— 23

omit, insert— 24

‘14A Student account functions 25

‘The authority has the following functions— 26

(a) to keep student accounts under part 2A for— 27

(i) young persons in the student account phase; and 28

(ii) other persons for whom student accounts are opened under part 2A, division 2, subdivision 2;² 29
30

² Part 2A (Student accounts), division 2 (Opening student accounts), subdivision 2 (Accounts for other persons)

- (b) to deal with information recorded in the accounts in the way permitted or required under that part.’. 1
2

Clause 37	Amendment of s 17 (Other functions)	3
	Section 17(b)—	4
	<i>omit, insert</i> —	5
	‘(b) to give a person, on request, a copy of any of the following that was issued to the person—	6 7
	(i) a certificate, about the completion of the person’s studies, under the <i>Education Act 1964</i> or the <i>Education (Senior Secondary School Studies) Act 1988</i> ;	8 9 10 11
	(ii) a certificate of achievement;	12
	(iii) a statement of results of a type prescribed under a regulation;’.	13 14
Clause 38	Amendment of pt 2, div 4 hdg (Results, tests and notifications of syllabuses and preschool guidelines)	15 16
	Part 2, division 4 heading, ‘Results, tests’—	17
	<i>omit, insert</i> —	18
	‘ Tests ’.	19
Clause 39	Omission of ss 18A and 18B	20
	Sections 18A and 18B—	21
	<i>omit</i> .	22
Clause 40	Amendment of s 20 (Notification of approved or accredited syllabus or preschool guideline)	23 24
	Section 20(1)(a), after ‘developed’—	25
	<i>insert</i> —	26
	‘, purchased’.	27

Clause 41	Insertion of new pt 2A	1
	After section 21—	2
	<i>insert—</i>	3
‘Part 2A	Student accounts	4
‘Division 1	Preliminary	5
‘21A	Explanation and purposes	6
	‘(1) This part provides for the keeping of a record (a <i>student account</i>) for a person—	7
		8
	(a) about the person’s participation in eligible options during the compulsory participation phase, if the person is in the compulsory participation phase; and	9
		10
		11
	(b) of the person’s results in certification studies.	12
	‘(2) The purposes for which student accounts are kept are—	13
	(a) supporting the authority in performing its certification functions under section 13; and	14
		15
	(b) making information available to the chief executive to enable the chief executive to carry on planning activities; and	16
		17
		18
	(c) for student accounts kept for young persons in the compulsory participation phase—making information available to the chief executive to enable the chief executive to carry on re-engagement activities.	19
		20
		21
		22
‘21B	Definitions for pt 2A	23
	‘In this part—	24
	<i>aggregated information</i> means information, about persons for whom student accounts are kept, that—	25
		26
	(a) comprises or includes, or is derived from, information given to the authority under this part; and	27
		28
	(b) could not reasonably be expected to result in the identification of any of the persons to whom it relates.	29
		30

- eligible option*** see the E(GP) Act, section 232. 1
- exempt provider*** means a provider for certification studies that 2
are not a component of an eligible option, if the provider does 3
not provide educational instruction in the studies in 4
Queensland. 5
- planning activities*** means— 6
- (a) planning activities under the E(GP) Act, section 6; and 7
- (b) education planning activities. 8
- provider***— 9
- (a) generally, means a provider for— 10
- (i) an eligible option; or 11
- (ii) certification studies that are not a component of an 12
eligible option; or 13
- (b) for an eligible option, see the E(GP) Act, section 232; or 14
- (c) for certification studies that are not a component of an 15
eligible option, means an entity that— 16
- (i) provides educational instruction in the studies, or 17
carries out the assessment of persons for the 18
studies, in Queensland; and 19
- (ii) issues persons' results in the studies. 20
- re-engagement activities*** see the E(GP) Act, section 6. 21
- student visa holder*** means a person who holds a student visa 22
issued under the *Migration Act 1958* (Cwlth). 23

- '21C Meaning of *student account phase*** 24
- 'A young person is in the ***student account phase*** if— 25
- (a) the person is in the compulsory participation phase; or 26
- (b) the person is not yet in the compulsory participation 27
phase but a student account has been opened for the 28
person. 29

‘Division 2	Opening student accounts	1
‘Subdivision 1	Accounts for young persons about to enter, or in, the compulsory participation phase	2
		3
		4
‘21D	When an account must be opened	5
	‘A student account must be opened for a young person within 1 year before the start of the person’s compulsory participation phase.	6
		7
		8
‘21E	Who must open an account	9
	‘The following person is responsible for opening a student account for a young person—	10
		11
	(a) if the young person is enrolled with a school—the principal of the school;	12
		13
	(b) otherwise—the chief executive.	14
‘21F	How an account is opened	15
	‘(1) A student account is opened for a young person by giving notice to the authority of each of the following—	16
		17
	(a) the person’s name and any previous names of the person;	18
		19
	(b) the person’s sex;	20
	(c) the person’s date of birth;	21
	(d) the person’s address;	22
	(e) the person’s phone number, if the person consents to it being given to the authority;	23
		24
	(f) if the person has a parent—the parent’s name and address;	25
		26
	(g) whether the person is an Aboriginal person or Torres Strait Islander;	27
		28

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(h) whether the person is a person from a non-English speaking background;	1 2
(i) each eligible option in which the person proposes to participate when the person starts the compulsory participation phase;	3 4 5
(j) whether the person’s participation in each eligible option will be full-time;	6 7
(k) whether the person is a student visa holder;	8
(l) if the person is enrolled with a school—which year of schooling the person is in;	9 10
(m) other information prescribed under a regulation.	11
‘(2) However, subsection (1)(f) does not apply if the person opening the student account is satisfied it would be inappropriate in the circumstances to give notice of the name and address of a parent of the young person.	12 13 14 15
<i>Example—</i>	16
It may be inappropriate to give notice of the name and address of a parent of the young person if the young person is living independently of his or her parents.	17 18 19
‘21G Obligation to open an account for young persons in other circumstances	20 21
‘(1) This section applies if—	22
(a) the authority receives a notice under section 21K ³ about a young person who is in the compulsory participation phase; and	23 24 25
(b) there is no student account open for the person.	26
‘(2) The authority must give the provider a notice asking it to open a student account for the young person.	27 28
‘(3) On receiving the request, the provider must open a student account for the young person by giving notice to the authority of the following information relating to the person—	29 30 31

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

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- (a) the information mentioned in section 21F(1)(a) to (h), (k) and (m); 1
2
- (b) the eligible option of the provider in which the person is participating or proposes to participate; 3
4
- (c) whether the person’s participation in the eligible option is, or will be, full-time; 5
6
- (d) any other eligible options in which the person is participating, or has participated, since starting the compulsory participation phase of which the provider is aware. 7
8
9
10
- ‘(4) However, the provider is not required to give notice of the information mentioned in section 21F(1)(f) if the provider is satisfied it would be inappropriate in the circumstances to give notice of the name and address of a parent of the young person. 11
12
13
14
15
- Example—* 16
- It may be inappropriate to give notice of the name and address of a parent of the young person if the young person is living independently of his or her parents. 17
18
19

‘Subdivision 2 Accounts for other persons 20

‘21H Who may have an account opened under sdiv 2 21

- ‘Any person may have a student account opened under this subdivision, other than a person who— 22
23
- (a) is in the student account phase; or 24
- (b) is of compulsory school age or younger. 25

‘21I How an account is opened 26

- ‘(1) A person who wishes to have a student account opened under this subdivision may either— 27
28
- (a) if the person is enrolled with a provider, other than an exempt provider, in certification studies—give the provider the required information and ask the provider to open the account for the person; or 29
30
31
32

(b)	give the chief executive the required information and ask the chief executive to open the account for the person.	1 2 3
‘(2)	The provider or chief executive must open the account by giving notice to the authority of the required information.	4 5
‘(3)	The <i>required information</i> is each of the following—	6
(a)	the information mentioned in section 21F(1)(a) to (e), (g), (h) and (k);	7 8
(b)	if the person is under 18 years and has a parent—the parent’s name and address;	9 10
(c)	details of each of the certification studies in which the person is enrolled when the required information is given to the provider or chief executive, including the name and type of the provider for the studies, of which the provider or chief executive is aware;	11 12 13 14 15
(d)	other information prescribed under a regulation.	16
‘(4)	However, the information mentioned in subsection (3)(b) is not required information if the provider or chief executive is satisfied it would be inappropriate in the circumstances to give notice of the name and address of a parent of the person.	17 18 19 20
	<i>Example—</i>	21
	It may be inappropriate to give notice of the name and address of a parent of the person if the person is living independently of his or her parents.	22 23 24
‘Subdivision 3	Account numbers for student accounts	25 26
‘21J	Authority to assign account number etc.	27
‘(1)	After a student account is opened for a person, the authority must—	28 29
(a)	assign a number to the account (the <i>account number</i>); and	30 31
(b)	give notice to the person stating—	32
(i)	that the account has been opened; and	33

	(ii) the account number; and	1
	(iii) other information prescribed under a regulation; and	2 3
	(c) if the name and address of a parent of the person are recorded in the account—give notice to the parent stating—	4 5 6
	(i) that a student account has been opened for the person; and	7 8
	(ii) the account number; and	9
	(d) give notice to the person who opened the account stating—	10 11
	(i) that a student account has been opened for the person; and	12 13
	(ii) the account number.	14
	‘(2) The authority complies with a requirement under subsection (1) to give a notice if an agent of the authority gives the notice on the authority’s behalf.	15 16 17
‘Division 3	Provision of account information to the authority	18 19
‘Subdivision 1	Providers’ obligations to give information	20 21
‘21K	Obligation to notify enrolment—eligible option	22
	‘If a young person in the student account phase enrolls with a provider in a program or course that is a component of an eligible option, the provider must give notice to the authority of the following information—	23 24 25 26
	(a) the person’s name and any previous names of the person;	27 28
	(b) the person’s address;	29
	(c) the person’s date of birth;	30

(d)	if a student account is open for the person and the provider has the account number for the account—the account number;	1 2 3
(e)	the eligible option in which the person is participating, or proposes to participate, by enrolling in the program or course;	4 5 6
(f)	the components of the eligible option being undertaken, or proposed to be undertaken, by the person;	7 8
(g)	the date of enrolment in the program or course;	9
(h)	the date the person started, or proposes to start, to comply with the provider’s attendance requirements for the program or course;	10 11 12
(i)	whether the person’s participation in the eligible option is, or will be, full-time;	13 14
(j)	the name and type of the provider.	15
‘21L	Obligation to notify enrolment—certification studies	16
‘(1)	This section applies if—	17
(a)	a person enrolls with a provider, other than an exempt provider, in certification studies; and	18 19
(b)	a student account is open for the person; and	20
(c)	the provider has the account number for the person’s student account; and	21 22
(d)	the provider is not required to notify the authority about the enrolment under section 21K.	23 24
‘(2)	The provider must give notice to the authority of the following information—	25 26
(a)	the person’s name;	27
(b)	the account number for the person’s student account;	28
(c)	the person’s address;	29
(d)	the person’s date of birth;	30
(e)	the certification studies in which the person is enrolled;	31

(f)	the date of the person’s enrolment in the studies;	1
(g)	the name and type of the provider.	2
‘21M	Obligation to notify results—certification studies	3
‘(1)	A provider must give the authority result information about a person who is or was enrolled with the provider in certification studies if—	4 5 6
(a)	the person is in the student account phase; or	7
(b)	the person is not in the student account phase but—	8
(i)	a student account is open for the person; and	9
(ii)	the provider has the account number for the person’s student account.	10 11
‘(2)	The information must be given at the times, and in the ways, prescribed under a regulation.	12 13
‘(3)	In this section—	14
	<i>result information</i> , about a person, means each of the following—	15 16
(a)	the results of the assessment, carried out by the provider, of the person for certification studies;	17 18
(b)	when the results were achieved;	19
(c)	qualifications conferred on the person by the provider;	20
(d)	when the qualifications were conferred.	21
‘21N	Obligation to notify other matters	22
‘(1)	This section applies to a provider with which a person is or was enrolled if—	23 24
(a)	the person is in the student account phase; or	25
(b)	the person is not in the student account phase but—	26
(i)	the person is or was enrolled in certification studies; and	27 28
(ii)	a student account is kept for the person; and	29

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- 1
2
- (iii) the provider has the account number for the person's student account.
- '(2) The provider must give notice to the authority of the following matters— 3
4
- (a) if the provider becomes satisfied it is inappropriate in the circumstances for the name and address of a parent of the person to be recorded in the account—that the name and address of the parent must be removed from the account; 5
6
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8
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- Example—* 10
- It may be inappropriate for the name and address of a parent of the person to be recorded in the person's student account if the person is living independently of his or her parents. 11
12
13
- (b) if the provider becomes satisfied it is appropriate in the circumstances for the name and address of a parent of the person to be recorded in the account—the name and address of the parent; 14
15
16
17
- (c) if the provider is aware that prescribed information has changed or is incorrect—the new or correct information; 18
19
- (d) if the provider is aware that information about the person's enrolment or results in certification studies, previously notified by the provider to the authority under this part, has changed, is incorrect or is incorrectly recorded in the person's student account—the new or correct information; 20
21
22
23
24
25
- (e) if the person stops being enrolled with the provider—the date the person stopped being enrolled with the provider. 26
27
28
- '(3) Subsection (2)(a) and (b) do not apply if the person is 18 years or more. 29
30
- '(4) If the person is in the student account phase and the person dies, the provider must, if the provider is aware of the death, give notice of the death to the authority. 31
32
33
- '(5) Notices required to be given under this section must be given at the times prescribed under a regulation. 34
35
- '(6) In this section— 36

<i>prescribed information</i> means any of the following recorded in the person's student account—	1 2
(a) the person's name;	3
(b) the person's sex;	4
(c) the person's date of birth;	5
(d) the person's address;	6
(e) the person's phone number;	7
(f) whether the person is an Aboriginal person or Torres Strait Islander;	8 9
(g) whether the person is from a non-English speaking background;	10 11
(h) whether the person is a student visa holder.	12
'210 Authority to record information in account	13
'(1) This section applies if the authority receives information—	14
(a) under division 2 about a person for whom a student account is opened; or	15 16
(b) under this subdivision about a person for whom a student account is open.	17 18
'(2) The authority must ensure information is recorded in the student account in accordance with the information received.	19 20
'Subdivision 2 Persons who may give information on behalf of providers	21 22
'21P VETE chief executive	23
'(1) This section applies to a provider that is a TAFE institute or registered training organisation.	24 25
'(2) The provider complies with a requirement under this part to give notice to the authority if, with the written agreement of the VETE chief executive, it gives the relevant information to the VETE chief executive and asks the VETE chief executive to give the notice on its behalf.	26 27 28 29 30

‘(3)	Notice given by the VETE chief executive on behalf of the provider is taken to have been given by the provider.	1 2
‘(4)	In this section—	3
	<i>registered training organisation</i> see the VETE Act, section 14.	4 5
	<i>TAFE institute</i> see the VETE Act, section 191.	6
‘21Q	Authorised agent	7
‘(1)	This section applies to a provider to which section 21P does not apply.	8 9
‘(2)	The provider may enter into a written agreement with an entity (an <i>authorised agent</i>) authorising the entity to act as the provider’s agent for complying with the provider’s obligations to give notices under this part.	10 11 12 13
‘(3)	A provider complies with a requirement under this part to give notice to the authority if an authorised agent for the provider gives the notice to the authority on the provider’s behalf.	14 15 16
‘(4)	Notice given by an authorised agent on behalf of a provider is taken to have been given by the provider.	17 18
‘Subdivision 3	Information not given by a provider under subdivision 1	19 20
‘21R	Circumstances in which information must be recorded in account	21 22
‘(1)	This section applies to information, about a person for whom a student account is open, held or obtained by the authority, other than information obtained from a provider under subdivision 1.	23 24 25 26
‘(2)	The authority must record the information in the person’s student account in the circumstances prescribed under a regulation.	27 28 29

‘Division 4	Use and disclosure of account information by authority	1 2
‘21S	Use by authority and disclosure to providers for verification	3 4
‘(1)	The authority may use information recorded in a student account to perform its certification functions under section 13.	5 6
‘(2)	The authority may disclose prescribed information for a student account to a relevant provider to the extent necessary for the authority to ensure the accuracy of the information.	7 8 9
‘(3)	However, the authority may disclose information about the enrolment or results, in certification studies, of the person for whom the student account is kept, only to the provider for the studies.	10 11 12 13
‘(4)	If the authority discloses information under subsection (2), the provider must, as soon as practicable, give notice to the authority stating—	14 15 16
	(a) whether the disclosed information is correct; and	17
	(b) if the disclosed information is incorrect—the correct information.	18 19
‘(5)	If the authority is notified under subsection (4) that the disclosed information is incorrect, the authority must—	20 21
	(a) ensure the incorrect information is corrected or removed from the account; and	22 23
	(b) give the person for whom the student account is kept notice of the changes made to information recorded in the account.	24 25 26
‘(6)	In this section—	27
	<i>prescribed information</i> , for a student account, means—	28
	(a) if the student account is kept for a young person in the student account phase—the account number for the account and any of the information recorded in the account; or	29 30 31 32

	(b) otherwise—the account number for the student account and any of the following information recorded in the account—	1 2 3
	(i) the person’s name;	4
	(ii) the person’s address;	5
	(iii) information about the person’s enrolment or results in certification studies.	6 7
	<i>relevant provider</i> means a provider the authority reasonably believes will be able to confirm the accuracy of the prescribed information.	8 9 10
‘21T	Disclosure to providers, or their agents, for other purposes	11 12
	‘(1) This section prescribes, for a provider or a prescribed agent for a provider—	13 14
	(a) the information recorded in the student account kept for a person to which the authority must give the provider or agent access (the <i>accessible information</i>); and	15 16 17
	(b) the purpose of the access.	18
	‘(2) For a relevant provider for the person, if the provider is a school—	19 20
	(a) the accessible information is all of the information; and	21
	(b) the purpose of the access is to help the provider—	22
	(i) comply with section 21N; and	23
	(ii) manage the educational program provided to the person.	24 25
	‘(3) For a relevant provider for the person, other than a school—	26
	(a) the accessible information is—	27
	(i) identifying information about the person; and	28
	(ii) information about certification studies in which the person is or was enrolled with the provider; and	29 30
	(b) the purpose of the access is to—	31

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- (i) enable the provider to verify identifying information about the person held by the provider for ensuring information notified by the provider to the authority under division 3 relates to the correct person for whom a student account is kept; and 1
2
3
4
5
- (ii) help the provider comply with section 21N. 6
- ‘(4) For a prescribed agent for a relevant provider for the person— 7
- (a) the accessible information is identifying information about the person; and 8
9
- (b) the purpose of the access is to enable the agent to verify identifying information about the person given to the agent by the provider for ensuring information notified for the provider to the authority under division 3 relates to the correct person for whom a student account is kept. 10
11
12
13
14
- ‘(5) In this section— 15
- identifying information***, about a person, means the following information— 16
17
- (a) the person’s name; 18
- (b) the person’s sex; 19
- (c) the account number for the person’s student account; 20
- (d) the person’s date of birth. 21
- prescribed agent***, for a provider, means— 22
- (a) for a TAFE institute or registered training organisation under section 21P that has entered into an agreement mentioned in section 21P(2)—the VETE chief executive, to the extent the accessible information is covered by the agreement; or 23
24
25
26
27
- (b) for a provider other than a TAFE institute or registered training organisation under section 21P—an authorised agent for the provider. 28
29
30
- relevant provider***, for a person, means a provider with whom the person is enrolled in certification studies. 31
32

'21U Disclosure to the chief executive	1
'(1) To enable the chief executive to carry on planning activities, the authority must give the chief executive the aggregated information the chief executive asks for.	2 3 4
'(2) The authority must include, in its annual report for a financial year under the <i>Financial Administration and Audit Act 1977</i> , the details of each request under subsection (1) received during the financial year.	5 6 7 8
'(3) To enable the chief executive to carry on re-engagement activities, the authority must give the chief executive any of the prescribed information the chief executive asks for about a stated young person or all young persons who, according to the person's student account or the persons' student accounts—	9 10 11 12 13 14
(a) is or are in the compulsory participation phase; and	15
(b) has or have stopped being enrolled with a provider in a course or program that is a component of an eligible option; and	16 17 18
(c) after a period of at least 3 months, has or have not re-enrolled with a provider in a course or program that is a component of an eligible option.	19 20 21
'(4) In this section—	22
<i>prescribed information</i> , about a young person mentioned in subsection (3), means the account number for the person's student account and the following information recorded in the person's student account—	23 24 25 26
(a) name and any previous names;	27
(b) address and telephone number;	28
(c) date of birth;	29
(d) the date the person stopped being enrolled with the provider in the course or program;	30 31
(e) any eligible option in which the person was participating immediately before the person stopped being enrolled with the provider in the course or program and the components of the eligible option that were being undertaken by the person;	32 33 34 35 36

(f)	the name and type of the provider for an eligible option mentioned in paragraph (e);	1 2
(g)	any eligible option in which the person is participating and the components of the eligible option being undertaken by the person;	3 4 5
(h)	the name and type of the provider for an eligible option mentioned in paragraph (g).	6 7
'21V	Disclosure to person for whom account is kept and the person's parents	8 9
'(1)	If a student account is kept for a person, the authority must give the person access to information recorded in the account.	10 11
'(2)	Also, subsection (3) applies if—	12
(a)	a student account is kept for—	13
(i)	a young person in the compulsory participation phase; or	14 15
(ii)	a person who is under 18 years and is not in the compulsory participation phase; and	16 17
(b)	the name and address of a parent of the person are recorded in the account.	18 19
'(3)	To help the parent—	20
(a)	support the person's progress towards obtaining a certificate of achievement or statement of results; and	21 22
(b)	if the person is in the compulsory participation phase— comply with the E(GP) Act, section 239(1); ⁴	23 24
	the authority must give the parent access to information recorded in the account.	25 26
'(4)	Section 75 ⁵ does not apply to the authority giving access to information under this section.	27 28

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

5 Section 75 (Privacy)

'21W Disclosure of aggregated information to relevant entities	1
	2
'The authority must give each of the relevant entities, at the times prescribed under a regulation, the aggregated information prescribed under a regulation relating to the entity.	3
	4
	5
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'21X Disclosure to VETE chief executive	7
'(1) To enable the VETE department to comply with its reporting obligations under the Commonwealth agreements, the authority must give the VETE chief executive, at the time and in the way prescribed under a regulation, the relevant information for a year.	8
	9
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'(2) In this section—	13
<i>Commonwealth agreements</i> means—	14
(a) the Commonwealth-State Agreement for Skilling Australia's Workforce, within the meaning of the <i>Skilling Australia's Workforce Act 2005</i> (Cwlth), section 7(1), in force between the Commonwealth and Queensland; and	15
	16
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	19
(b) any agreement made between the Commonwealth and Queensland for the <i>Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004</i> (Cwlth), section 14(1)(b).	20
	21
	22
	23
<i>relevant information</i> means the following information recorded in the student account kept for a relevant student—	24
	25
(a) the student's name;	26
(b) the account number for the student account;	27
(c) the student's sex;	28
(d) the student's date of birth;	29
(e) the student's address;	30
(f) whether the student is an Aboriginal person or Torres Strait Islander;	31
	32
(g) whether the student is from a non-English speaking background;	33
	34

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- (h) each VET course, and, if recorded in the account, each unit of competency that is a component of the course, in which the student was enrolled during the year to which the relevant information relates; 1
2
3
4
- (i) the date of the student's enrolment in the VET course; 5
- (j) the name and type of the provider for the VET course; 6
- (k) if the student stopped being enrolled in the VET course during the year and the date the student stopped being enrolled is recorded in the account—the date the student stopped being enrolled in the course; 7
8
9
10
- (l) any results of the student for the VET course or a unit of competency that is a component of the course. 11
12
- relevant student*** means a person for whom a student account is kept who was, at any time during the year to which the relevant information relates— 13
14
15
- (a) enrolled with a school; and 16
- (b) undertaking the year 11 or 12 year of schooling; and 17
- (c) enrolled in a VET course. 18
- unit of competency*** has the meaning given under the VETE Act, section 19. 19
20
- VET course*** means a course of vocational education and training provided under the VETE Act that is certification studies. 21
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'Division 5 Miscellaneous 24

'21Y Student visa holder 25

- '(1) This section applies despite divisions 2 and 3. 26
- '(2) An entity must not open a student account for a student visa holder, or give notice to the authority of the enrolment of a student visa holder, without the holder's written agreement. 27
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29

'21Z Closing student account 30

- '(1) This section applies if— 31

(a)	a student account is opened for a person; and	1
(b)	a provider notifies the authority, under section 21N(4), of the person's death.	2 3
(2)	The authority must close the account.	4
'21ZA	Consultation about proposed regulations	5
	'Before recommending to the Governor in Council the making of a regulation under section 21F(1)(m), 21N(5), or 21W, ⁶ the Minister must consult the relevant entities.	6 7 8
'21ZB	Confidentiality	9
(1)	This section applies to a person—	10
(a)	who is or has been—	11
(i)	the chief executive or a public service employee in the department; or	12 13
(ii)	a provider or an employee of a provider; or	14
(iii)	an authorised agent of a provider or an employee of an authorised agent; or	15 16
(iv)	an employee of the authority; and	17
(b)	who, in the course of the administration of this part, or because of opportunity provided by the administration, has gained or has access to information recorded in a student account.	18 19 20 21
(2)	The person must not make a record of the information or disclose the information to anyone else, other than—	22 23
(a)	for a purpose of this Act; or	24
(b)	with the consent of the person to whom the information relates; or	25 26
(c)	in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or	27 28 29

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

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(d) as permitted or required by another Act. 1

Maximum penalty—50 penalty units. 2

‘(3) In this section— 3

disclose information includes give access to the information. 4

employee, of a provider, the authority or another entity, 5

includes— 6

(a) a person appointed to a position with the entity; and 7

(b) a person engaged by the entity under a contract for 8

services; and 9

(c) an unpaid employee of the entity. 10

‘21ZC Delegation by chief executive 11

‘(1) The chief executive may delegate the chief executive’s 12

functions under this part to an appropriately qualified officer 13

or employee of the department or the VETE department. 14

‘(2) A delegation of a function may permit the subdelegation of 15

the function to an appropriately qualified officer or employee 16

of the department or the VETE department. 17

‘(3) In this section— 18

appropriately qualified includes having qualifications, 19

experience or standing appropriate for the function. 20

Example of standing— 21

a person’s classification level in the public service 22

functions includes powers.’. 23

Clause 42 Amendment of s 23 (Minister’s power to give directions in 24
the public interest) 25

(1) Section 23(2), after ‘develop’— 26

insert— 27

‘or purchase’. 28

(2) Section 23(2), ‘a stated area of learning’— 29

omit, insert— 30

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‘stated school studies’. 1

(3) Section 23(5)(b), after ‘developed’— 2

insert— 3

‘, purchased’. 4

(4) Section 23(5)(d), ‘an area of learning’— 5

omit, insert— 6

‘a school subject’. 7

(5) Section 23(5)(e)— 8

omit, insert— 9

‘(e) the recording of a particular person’s results in 10

certification studies on a certificate of achievement or 11

statement of results; or 12

(f) the issue to a particular person of a QCE, another 13

certificate of achievement or a statement of results.’. 14

Clause 43 Amendment of s 25 (Membership of authority) 15

Section 25(2)(e), ‘or guardians’— 16

omit. 17

Clause 44 Amendment of s 54 (Change in requirements for 18
certification) 19

Section 54, after ‘achievement’— 20

insert— 21

‘or statement of results’. 22

Clause 45 Amendment of s 69A (Employment of casual staff to help 23
authority to perform its functions under s 10, 11 or 12) 24

(1) Section 69A, heading, ‘or 12’— 25

omit, insert— 26

‘, 12 or 13’. 27

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- (2) Section 69A(1), ‘or 12.’— 1
 omit, insert— 2
 ‘, 12 or 13.’⁷. 3

Clause 46	Insertion of new s 72A	4
	After section 72—	5
	<i>insert—</i>	6
‘72A	Chief executive may carry on education planning activities	7
	‘The chief executive may carry on the following activities (<i>education planning activities</i>)—	8
	(a) monitoring the effectiveness of education provided in Queensland for enabling people to obtain a certificate of achievement;	9
	(b) monitoring the operation and effectiveness of part 2A for—	10
	(i) helping to ensure a person who is in the compulsory participation phase participates in education or training as required under the E(GP) Act, chapter 10; and	11
	(ii) recording the person’s participation and learning achievements.’.	12
		13
		14
		15
		16
		17
		18
		19
		20
		21

Clause 47	Amendment of s 78 (Guidelines)	22
	(1) Section 78—	23
	<i>insert—</i>	24
	‘(1A) A regulation may provide that the authority may make a guideline only with the approval of the Minister.’.	25
		26
	(2) Section 78(4) and (5), ‘(3)(a)’—	27
	<i>omit, insert—</i>	28

⁷ Section 10 (Testing functions), 11 (Assessment functions), 12 (Moderation function) or 13 (Certification functions)

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‘(4)(a)’.

(3) Section 78(5), ‘(4)’—

omit, insert—

‘(5)’.

(4) Section 78(1A) to (5)—

renumber as section 78(2) to (6).

Clause 48 Amendment of s 79 (Regulation-making power)

(1) Section 79(2)(b) to (d)—

omit, insert—

‘(b) the approval by the authority of work programs for school subjects;

(c) the recognition of a person’s results in certification studies, other than school subjects for which—

(i) there is an approved syllabus; or

(ii) a work program has been approved under section 13(2);

(d) the issuing of QCEs, other certificates of achievement, and statements of results, including eligibility requirements for the issue of the certificates and statements;’.

(2) Section 79(2)(k), after ‘achievement’—

insert—

‘, other than a QCE, or a statement of results’.

Clause 49 Amendment of s 88 (Work program)

Section 88—

insert—

‘*Note—*

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

Clause 50	Insertion of new pt 7, div 4	1
	After section 90—	2
	<i>insert—</i>	3
‘Division 4	Transitional provisions for Education Legislation Amendment Act 2006	4 5 6
‘91	Definitions for div 4	7
	‘In this division—	8
	<i>area of learning</i> means an area of learning under the pre-amended Act.	9 10
	<i>commencement</i> means the commencement of the <i>Education Legislation Amendment Act 2006</i> , section 35. ⁸	11 12
	<i>pre-amended Act</i> means this Act as in force before the commencement.	13 14
	<i>repealed chapter 11</i> , of the E(GP) Act, means chapter 11 of that Act as in force before the commencement of the <i>Education Legislation Amendment Act 2006</i> , section 18.	15 16 17
‘92	Approved and accredited syllabuses	18
	‘(1) This section applies to a 1–12 syllabus that is, immediately before the commencement, an approved syllabus or accredited syllabus for an area of learning.	19 20 21
	‘(2) On the commencement, the syllabus is taken to be an approved syllabus or accredited syllabus for the corresponding school studies.	22 23 24
	‘(3) In this section—	25
	<i>1–12 syllabus</i> means a 1–12 syllabus under the pre-amended Act.	26 27

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

‘93	Work programs	1
‘(1)	This section applies to a work program for an area of learning that is, immediately before the commencement, approved by the authority under section 13(2).	2 3 4
‘(2)	On the commencement, the work program is taken to have been approved by the authority for the corresponding school subject.	5 6 7
‘94	Student accounts	8
‘(1)	A student account open under the E(GP) Act, repealed chapter 11, immediately before the commencement is taken to be a student account opened under part 2A.	9 10 11
‘(2)	For section 21B, definition <i>aggregated information</i> , information recorded in the account that was given to the authority under the E(GP) Act, repealed chapter 11, is taken to have been given to the authority under part 2A.	12 13 14 15
‘(3)	Subsection (4) applies if—	16
	(a) information was notified to the authority under the repealed <i>Youth Participation in Education and Training Act 2003</i> , section 42, or the E(GP) Act, repealed section 258, about a person’s enrolment in a course or program; and	17 18 19 20 21
	(b) the course or program is certification studies under part 2A.	22 23
‘(4)	For section 21N(2)(d), the information mentioned in subsection (3)(a) is taken to have been notified to the authority under part 2A.	24 25 26
‘(5)	Subsection (6) applies if a provider becomes aware, after the commencement, that the provider—	27 28
	(a) was required, under a repealed provision, to give notice to the authority before the commencement; and	29 30
	(b) did not give notice.	31
‘(6)	The provider must give the notice as soon as practicable after becoming aware the notice was not given.	32 33

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-
- ‘(7) For subsection (6), the repealed provision continues to apply to the extent it provided for the information to be included in the notice. 1
2
3
- ‘(8) Section 21ZB(2) is taken to apply to a person— 4
- (a) mentioned in section 21ZB(1)(a); and 5
- (b) who, in the course of the administration of the E(GP) Act, repealed chapter 11, or because of the opportunity provided by the administration, had gained or had access to information recorded in a student account opened under the repealed chapter. 6
7
8
9
10
- ‘(9) In this section— 11
- provider* see section 21B. 12
- repealed provision* means— 13
- (a) the repealed *Youth Participation in Education and Training Act 2003*, part 4; or 14
15
- (b) the E(GP) Act, repealed chapter 11. 16
- ‘95 Transitional regulation-making power 17**
- ‘(1) A regulation (a *transitional regulation*) may make provision for any matter for which— 18
19
- (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the E(GP) Act, repealed chapter 11, to the operation of this Act as amended by the *Education Legislation Amendment Act 2006*; and 20
21
22
23
24
- (b) this Act does not make provision or sufficient provision. 25
- ‘(2) A transitional regulation may have retrospective operation to a day not earlier than the commencement. 26
27
- ‘(3) A transitional regulation must declare that it is a transitional regulation. 28
29
- ‘(4) This section and any transitional regulation expire 1 year after the commencement.’. 30
31

Clause 51	Amendment of sch 2 (Dictionary)	1
	(1) Schedule 2, definitions <i>1–12 syllabus</i> , <i>area of learning</i> , <i>certificate of achievement</i> , <i>guardian</i> , <i>non-authority area of learning</i> , <i>parent</i> and <i>vocational education and training department</i> —	2 3 4 5
	<i>omit.</i>	6
	(2) Schedule 2—	7
	<i>insert</i> —	8
	<i>‘1–12 syllabus</i> means a syllabus for school studies in 1 or more of the years 1 to 12 years of schooling.	9 10
	<i>account number</i> , for part 2A, see section 21J(1)(a).	11
	<i>aggregated information</i> , for part 2A, see section 21B.	12
	<i>area of learning</i> , for part 7, division 4, see section 91.	13
	<i>authorised agent</i> , for part 2A, see section 21Q(2).	14
	<i>certificate of achievement</i> means—	15
	(a) a QCE; or	16
	(b) another certificate issuable under this Act to a person who meets the eligibility requirements provided for under this Act for the issue of the certificate.	17 18 19
	<i>certification studies</i> means studies prescribed under a regulation to be contributing studies for a certificate of achievement.	20 21 22
	<i>commencement</i> —	23
	(a) for part 7, division 2, see section 81; and	24
	(b) for part 7, division 4, see section 91.	25
	<i>compulsory participation phase</i> see the E(GP) Act, section 231.	26 27
	<i>compulsory school age</i> see the E(GP) Act, section 9.	28
	<i>education planning activities</i> see section 72A.	29
	<i>E(GP) Act</i> means the <i>Education (General Provisions) Act 2006</i> .	30 31
	<i>eligible option</i> , for part 2A, see section 21B.	32

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<i>exempt provider</i> , for part 2A, see section 21B.	1
<i>former body</i> , for part 7, division 2, see section 81.	2
<i>parent</i> see the E(GP) Act, section 10.	3
<i>planning activities</i> , for part 2A, see section 21B.	4
<i>pre-amended Act</i> , for part 7, division 4, see section 91.	5
<i>provider</i> , for part 2A, see section 21B.	6
<i>purchase</i> see section 8(3).	7
<i>QCE</i> means Queensland certificate of education.	8
<i>Queensland certificate of education</i> means a certificate issuable under this Act to a person who meets the eligibility requirements provided for under this Act for the issue of the certificate.	9 10 11 12
<i>re-engagement activities</i> , for part 2A, see section 21B.	13
<i>relevant entities</i> means the following entities—	14
(a) AISQ;	15
(b) QCEC;	16
(c) the VETE chief executive.	17
<i>repealed Act</i> , for part 7, division 2, see section 81.	18
<i>repealed chapter 11</i> , for part 7, division 4, see section 91.	19
<i>school studies</i> means—	20
(a) the 8 key learning areas provided for under the Adelaide Declaration on National Goals for Schooling in the Twenty-first Century; or	21 22 23
<i>Note</i> —	24
The declaration was made at the 10th Ministerial Council on Education, Employment, Training and Youth Affairs held on 22 and 23 April 1999.	25 26 27
<i>Editor's note</i> —	28
The declaration may be viewed on the website of the Department of Education, Science and Training (Cwlth) at <www.dest.gov.au>.	29 30 31
(b) school subjects.	32

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- statement of results** means a statement, issuable under this Act, recording information that is—
- (a) recorded in a person’s student account; and
- (b) prescribed under a regulation for the statement.
- student account** see section 21A(1).
- student account phase** see section 21C.
- student visa holder**, for part 2A, see section 21B.
- VETE Act** means the *Vocational Education, Training and Employment Act 2000*.
- VETE chief executive** means the chief executive of the VETE department.
- VETE department** means the department in which the VETE Act is administered.’.
- (3) Schedule 2, definitions *accredited syllabus* and *approved syllabus*, ‘an area of learning’—
- omit, insert—*
- ‘school studies’.
- (4) Schedule 2, definitions *accredited syllabus* and *approved syllabus*, ‘the area of learning’—
- omit, insert—*
- ‘the studies’.
- (5) Schedule 2, definitions *approved preschool guideline* and *approved syllabus*, after ‘developed’—
- insert—*
- ‘, purchased’.
- (6) Schedule 2, definition *approved preparatory guideline*, after ‘developed’—
- insert—*
- ‘, purchased’.

Schedule	Minor and consequential amendments	1 2
	section 52	3
	Education (Accreditation of Non-State Schools) Act 2001	4 5
1	Sections 98A(1), 186(4) and 187(6), ‘93(a)’— <i>omit, insert—</i> ‘93(1)(a)’.	6 7 8
2	Section 224(2), ‘93(f)’— <i>omit, insert—</i> ‘93(1)(f)’.	9 10 11
	Education (Queensland Studies Authority) Act 2002	12
1	Sections 14(a), 15(f) and 74, ‘Vocational Education, Training and Employment Act 2000’— <i>omit, insert—</i> ‘VETE Act’.	13 14 15 16
2	Sections 14(c), 15(f)(vii), 25(1)(b) and (2)(j) and 76 and schedule 2, definition <i>Higher Education Forum</i>, paragraph (c), ‘vocational education and training department’— <i>omit, insert—</i> ‘VETE department’.	17 18 19 20 21 22

Schedule (continued)

Freedom of Information Act 1992	1
1 Section 11(1)(y)(i), after ‘achievement’—	2
<i>insert—</i>	3
‘or statement of results’.	4
2 Section 11(1)(y)(viii)—	5
<i>omit, insert—</i>	6
‘(viii)aggregated information as defined under the	7
<i>Education (Queensland Studies Authority) Act</i>	8
2002, section 21B.’.	9
3 Section 11(4), definition <i>certificate of achievement</i>—	10
<i>omit.</i>	11
4 Section 11(4)—	12
<i>insert—</i>	13
‘ <i>certificate of achievement</i> means—	14
(a) a certificate issued under the repealed <i>Education (Senior</i>	15
<i>Secondary School Studies) Act 1988</i> recording details of	16
a person’s achievement in the study of an area of	17
learning; or	18
(b) a certificate of achievement issued under the <i>Education</i>	19
(<i>Queensland Studies Authority) Act 2002.</i>	20
<i>statement of results</i> means a statement of results issued under	21
the <i>Education (Queensland Studies Authority) Act 2002.</i> ’.	22

Schedule (continued)

Higher Education (General Provisions) Act 2003		1
1	Section 59(1), from ‘the day prescribed’—	2
	<i>omit, insert—</i>	3
	‘the most recently ended year.’.	4
2	Section 59(2), from ‘within’—	5
	<i>omit, insert—</i>	6
	‘not later than the day prescribed under a regulation.’.	7
3	Section 59(3), definition <i>course survey data</i>, paragraphs (a), (b), and (d) to (f), ‘undertaking’—	8
	<i>omit, insert—</i>	9
	‘who undertook’.	10
4	Section 59(3), definition <i>course survey data</i>, paragraph (g)—	12
	<i>omit.</i>	13
5	Section 59(3), definition <i>course survey data</i>, paragraphs (h) and (i)—	15
	<i>renumber</i> as paragraphs (g) and (h).	16
		17