



Queensland

*Education (Queensland Curriculum and Assessment Authority)
Act 2014*

Education (Queensland Curriculum and Assessment Authority) Regulation 2014

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Education (Queensland Curriculum and Assessment Authority) Regulation 2014

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Education (Queensland Curriculum and Assessment Authority) Regulation 2014

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Education (Queensland Curriculum and Assessment Authority) Regulation 2014*.

2 Commencement

This regulation commences on 1 July 2014.

3 Definitions

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

4 Meaning of *contributing studies* for QCE

For the Act, schedule 2, definition *certification studies*, the following studies are *contributing studies* for a QCE—

- (a) a syllabus developed, purchased or revised by the authority under the Act, or an Australian curriculum;
- (b) vocational education and training;
- (c) an apprenticeship or traineeship under the training Act undertaken by a person who is enrolled at a school;
- (d) a departmental employment skills development program under the training Act;
- (e) a subject that is—
 - (i) provided by a registered higher education provider under the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth); and

-
- (f) the kindergarten guideline promotes a balance, depth, quality and range (the *characteristics*) of learning experiences of a standard that achieves or exceeds the standard for the characteristics of learning experiences under related accredited kindergarten guidelines;
 - (g) the kindergarten guideline provides advice on, and a format for, monitoring and assessing children's learning to support reporting to parents and the transition into school;
 - (h) the kindergarten guideline does not encourage or condone discrimination on the basis of an attribute mentioned in the *Anti-Discrimination Act 1991*, section 7;
 - (i) the kindergarten guideline is based on the document called 'Belonging, Being and Becoming: The Early Years Learning Framework for Australia', published by the Department of Education, Employment and Workplace Relations of the Commonwealth for the Council of Australian Governments in 2009;
 - (j) the kindergarten guideline is based on another document detailing matters that the chief executive considers are equivalent to the matters contained in the document mentioned in paragraph (i).
- (2) In this section—

discrimination on the basis of an attribute see the *Anti-Discrimination Act 1991*, section 8.

related accredited kindergarten guidelines, for a kindergarten guideline under evaluation, means accredited kindergarten guidelines equivalent, or at least relevant, to the kindergarten guideline under evaluation.

relevant kindergarten year means any of the years immediately before the preparatory year provided for in a kindergarten guideline.

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6 Social responsibility criteria for evaluation of a kindergarten guideline

- (1) The *social responsibility criteria* for evaluation of a kindergarten guideline are the following—
- (a) implementation of the guideline will not encourage or condone contravention of—
 - (i) a law of the State or the Commonwealth; or
 - (ii) an international treaty to which the Commonwealth is a party;
 - (b) implementation of the guideline will not be inconsistent with an agreement between the State or a representative of the State and another State or the Commonwealth or a representative of another State or the Commonwealth;
 - (c) implementation of the guideline will not be contrary to the public interest.

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

a kindergarten guideline that would promote racial discrimination in play and everyday situations

- (2) In this section—

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

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

treaty includes a convention, protocol, agreement or arrangement.

Division 2 Applications for accreditation of guidelines

7 Application of div 2

This division applies to the accreditation of a kindergarten guideline.

8 Who may apply for accreditation

The following persons may apply for accreditation of the guideline—

- (a) a person (the *applicant*) who owns a kindergarten guideline;
- (b) someone else authorised by the person (also the *applicant*).

9 Procedural requirements

- (1) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by—
 - (i) the guideline; and
 - (ii) evidence that the applicant is eligible to apply under section 8; and
 - (iii) the prescribed application fee; and
 - (iv) documents identified in the approved form that the authority reasonably requires.
- (2) The authority may approve a form that specifies information that must be given and verified by statutory declaration.

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10 Agreed change to guideline before accreditation

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

11 Withdrawal of an application

The applicant may withdraw the application by giving a notice to the authority.

12 Authority must ensure compliance with procedural requirements

- (1) If the authority considers the application does not comply with a procedural requirement, the authority must give the applicant a notice stating that the applicant must comply with the requirement within a specified period of at least 28 days.
- (2) However, the authority and the applicant may, within the period stated in the notice, agree to extend the period to a day (the *agreed compliance day*) after the end of the period.
- (3) If the applicant does not comply with the requirement within the period stated in the notice or by the agreed compliance day, the authority may reject the application.
- (4) If the authority decides to reject the application, the authority must give the applicant an information notice about the decision.

13 Authority may request further information or documents

- (1) If the authority considers further information or a document is required for deciding the application, the authority may give the applicant a notice requesting information or a document be given to the authority within a specified period of at least 28 days.

- (2) However, the authority and the applicant may, within the period stated in the notice, agree to extend the period to a day (the *agreed compliance day*) after the end of the period.
- (3) The authority may also require the information or document to be verified by statutory declaration.
- (4) If the applicant does not comply with a request for further information or a document within the period stated in the notice or by the agreed compliance day, the authority may reject the application.
- (5) If the authority decides to reject the application, the authority must give the applicant an information notice about the decision.

14 Evaluation of a guideline for accreditation

- (1) Before deciding to grant, or to refuse to grant, accreditation of a guideline, the authority must conduct an evaluation of the guideline.
- (2) However, the authority must not start the evaluation unless the applicant has complied with—
 - (a) all procedural requirements for the application; and
 - (b) if the authority has given the applicant a notice under section 13(1)—all requests for further information or any document under the notice.
- (3) For evaluating a guideline, the authority must consider whether or not the guideline satisfies each of the educational criteria and social responsibility criteria.
- (4) The authority may require the applicant to give the authority further information or a document under section 13 after evaluation has started.
- (5) However, the authority may not reject the application only because the applicant does not comply with the requirement under subsection (4).

15 Deciding an application for accreditation

- (1) The authority must consider the application and decide to grant, or to refuse to grant, accreditation of the guideline.
- (2) The authority must decide to grant accreditation of the guideline if the authority considers the guideline satisfies each of the educational criteria and the social responsibility criteria.

16 Deciding accreditation period

- (1) If the authority decides to grant accreditation of the guideline, it must also decide the accreditation period for implementation of the guideline in an education and care service.
- (2) In deciding the accreditation period, the authority must have regard to the period for which the authority considers the guideline will continue to be appropriate and current, taking into account advancement in the area of learning.

17 When the authority must decide an application

- (1) If the application is made on or before 28 February in a year, the authority must decide the application as soon as practicable after evaluation of the guideline and not after 31 August in the year (the *decision day*).
- (2) If the application is made after 28 February in a year, the authority must decide the application as soon as practicable after evaluation of the guideline and not after 31 August in the next year (also the *decision day*).
- (3) Before the decision day, the authority and the applicant may agree in writing on a day (the *agreed extended day*), not more than 90 days after the decision day, by which the authority is to make the decision.

18 Accreditation of a guideline

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

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

19 Refusal of accreditation

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

20 Authority does not decide an application

If the authority does not decide the application by the decision day, or the agreed extended day—

- (a) the authority is taken to have decided to refuse to grant the application; and
- (b) the authority must as soon as practicable give the applicant an information notice about the decision.

Division 3 Applications for renewal of accreditation

21 Application of div 3

This division applies to the renewal of accreditation of a kindergarten guideline.

22 Renewal notice for accreditation

- (1) The authority must give the person registered under section 49 as the nominee for a guideline (the *registered nominee*) a notice (a *renewal notice*) stating—
 - (a) when accreditation of the guideline will end; and
 - (b) that an application for renewal of accreditation may be made by the application day.
- (2) The authority must give the registered nominee the renewal notice by 1 December in the year before the year in which accreditation of the guideline ends.

23 Who may apply for renewal of accreditation

The following persons (each an *applicant*) may apply for renewal of accreditation of the guideline—

- (a) the owner of the guideline;
- (b) the registered nominee of the guideline;
- (c) someone else authorised by the owner.

24 When an application for renewal must be made

- (1) The application for renewal must be made to the authority by 28 February (the *application day*) in the year the accreditation ends.

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

25 Procedural requirements

- (1) The application must—
- (a) be in the approved form; and
 - (b) be accompanied by—
 - (i) if the applicant proposes a change to the guideline—the guideline showing the change; and
 - (ii) evidence that the applicant is eligible to apply under section 23; and
 - (iii) the prescribed application fee; and
 - (iv) documents identified in the approved form that the authority reasonably requires.
- (2) The approved form may specify information that must be given and verified by statutory declaration.

26 Authority must ensure compliance with procedural requirements

- (1) If the authority considers the application does not comply with a procedural requirement, the authority must give the applicant a notice stating that the applicant must comply with the requirement within a specified period of at least 28 days.
- (2) However, the authority and the applicant may, within the period stated in the notice, agree to extend the period to a day (the *agreed compliance day*) after the end of the period.
- (3) If the applicant does not comply with the requirement within the period stated in the notice or by the agreed compliance day, the authority may reject the application.
- (4) If the authority decides to reject the application, the authority must give the applicant an information notice about the decision.

27 Authority may request further information or documents

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

28 Evaluation of a guideline for renewal of accreditation

- (1) Before deciding to renew, or to refuse to renew, accreditation of the guideline, the authority must conduct an evaluation of the guideline.
- (2) However, the authority must not start the evaluation unless the applicant has complied with—
 - (a) all procedural requirements for the application; and
 - (b) if the authority has given the applicant a notice under section 27(1)—all requests for further information or any document under the notice.
- (3) For evaluating the guideline, the authority must consider whether or not the guideline satisfies each of the educational criteria and social responsibility criteria.

- (4) The authority may require the applicant to give the authority further information or a document under section 27 after evaluation has started.
- (5) However, the authority may not reject the application only because the applicant does not comply with the requirement under subsection (4).

29 Deciding an application for renewal of accreditation

- (1) The authority must consider the application and decide to renew, or to refuse to renew, accreditation of the guideline.
- (2) The authority must decide to renew accreditation of a guideline if the authority considers the guideline satisfies each of the educational criteria and the social responsibility criteria.

30 Deciding accreditation period for renewal

- (1) If the authority decides to renew accreditation of the guideline, it must also decide the accreditation period for implementation of the guideline in an education and care service.
- (2) In deciding the accreditation period, the authority must have regard to the period for which the authority considers the guideline will continue to be appropriate and current, taking into account advancement in the area of learning.

31 When the authority must decide an application for renewal of accreditation

- (1) The authority must decide to renew, or to refuse to renew, accreditation of the guideline as soon as practicable after evaluation and not after 31 August in the year the accreditation ends (the *decision day*).
- (2) Before the decision day, the authority and the applicant may agree in writing on a day (the *agreed extended day*), not more

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than 90 days after the decision day, by which the authority is to make the decision.

32 Renewal of accreditation of a guideline

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

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

33 Refusal to renew accreditation

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

34 Authority does not decide an application

If the authority does not decide the application by the decision day, or the agreed extended day, the authority is taken to have decided to refuse to renew accreditation of the guideline.

35 Application of certain provisions to renewal of accreditation

Sections 10 and 11 apply to an application for renewal of accreditation of a guideline as if a reference to an application for accreditation were a reference to an application for renewal of accreditation.

Division 4 Approval of changes to accredited guidelines

36 Application of div 4

This division applies to changes to a kindergarten guideline that is accredited under this part.

37 Application for approval to change a guideline

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

38 Authority must ensure compliance with procedural requirements

- (1) If the authority considers the application does not comply with a procedural requirement, the authority must give the applicant a notice stating that the applicant must comply with the requirement within a specified period of at least 28 days.
- (2) However, the authority and the applicant may, within the period stated in the notice, agree to extend the period to a day (the *agreed compliance day*) after the end of the period.
- (3) If the applicant does not comply with the requirement within the period stated in the notice or by the agreed compliance day, the authority may reject the application.
- (4) If the authority decides to reject the application, the authority must give the applicant an information notice about the decision.

39 Authority may request further information or documents

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

40 Deciding an application for approval of a change

- (1) If the applicant has complied with all procedural requirements and any request for further information or a document under section 39(1), the authority must consider the application and decide—
 - (a) to approve the proposed change to the guideline; or
 - (b) to refuse to approve the proposed change.
- (2) The authority must refuse to approve the proposed change if the authority considers the change requires the guideline to be evaluated for accreditation.
- (3) The authority must make the decision as soon as practicable and not after 1 December in the year before the year in which accreditation of the guideline ends (the *decision day*).

41 Notices of decision and information notices

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

42 Authority does not decide an application

If the authority does not decide the application for approval of a proposed change to a guideline by the decision day, the authority is taken to have decided to refuse to approve the change.

Division 5 Cancellation of accreditation

43 Grounds for cancellation

The authority may cancel accreditation of a guideline if—

[s 44]

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

44 Show cause notice for cancellation

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

45 Representations about show cause notices

- (1) The registered nominee may make written representations about the show cause notice to the authority in the show cause period.

- (2) The authority must consider all written representations made under subsection (1).

46 Ending show cause process without further action

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

47 Cancellation

- (1) This section applies if, after considering any written representations by the registered nominee, the authority—
 - (a) still considers the ground exists to cancel the accreditation; and
 - (b) considers cancellation of the accreditation is warranted.
- (2) The authority may decide to cancel the accreditation.
- (3) If the authority decides to cancel the accreditation, it must as soon as practicable give the registered nominee an information notice about the decision.
- (4) The decision takes effect on the day the information notice is given to the registered nominee.
- (5) The registered nominee must return the certificate of accreditation to the authority within 14 days after receiving the information notice.

Division 6 Registration and records

48 Accreditation register to be kept

- (1) The authority must keep a register about accredited guidelines (the *accreditation register*).
- (2) The register may be kept in the way the authority considers appropriate, including, for example, in an electronic form.
- (3) The register must contain the following details for each kindergarten guideline accredited under this part—
 - (a) the title and a short description of the guideline;
 - (b) the name of the nominee for the guideline;
 - (c) the business address of the nominee for the guideline;
 - (d) the name of the owner of the guideline;
 - (e) the areas of learning and development provided for in the guideline;
 - (f) the relevant years before the preparatory year provided for in the guideline;
 - (g) the day the current accreditation period for the guideline ends.
- (4) The authority must enter in the register the details mentioned in subsection (3) for an accredited guideline within 14 days of deciding to grant or renew accreditation of the guideline.
- (5) The authority must enter in the register the details of a change of the business address of the registered nominee for an accredited guideline within 14 days of receiving notice of the change from the nominee.
- (6) If the authority cancels accreditation of a guideline, the authority must immediately enter in the register a statement of the cancellation, including the day the cancellation took effect.

- (7) The authority must keep the register open for inspection by members of the public, free of charge, at its office during ordinary office hours.

Editor's note—

The address of the authority is 154 Melbourne Street, South Brisbane.

49 Registration of the nominee for a guideline

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

50 Registration of the owner of a guideline

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

51 Copies of guidelines to be kept

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

Part 3 External senior examinations and external senior assessments

Division 1 External senior examinations

Subdivision 1 Available examinations

52 External senior examinations available

- (1) The authority may make an external senior examination, for a syllabus (an *examination subject*) developed, purchased or revised by the authority under the Act, available to be taken by persons each year.
- (2) The authority must publish on the authority's website an examination subject mentioned in subsection (1).

Subdivision 2 Eligibility to take examinations

53 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 17 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) Further, 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 a corresponding subject for the examination subject at the school.
 - (4) For subsection (3)(b), a person can not reasonably study the corresponding subject for the examination subject at the school if, for example—
 - (a) the corresponding subject is not taught at the school; or
 - (b) the corresponding subject is taught at the school, but only at the same times as another subject being studied by the person at the school.
 - (5) In this section—

corresponding subject, for an examination subject, means a syllabus developed, purchased or revised by the authority under the Act or an Australian curriculum that is substantially the same as the examination subject.

54 Application for declaration of eligibility—external senior examination

- (1) Despite section 53, a person may apply to the authority to be declared to be eligible to take an external senior examination for an examination subject in the year in which the application is made.
- (2) The application must—
 - (a) be in the approved form; and

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- (b) accompany an application under section 57 to take the examination.
- (3) The authority must consider the application and either grant, or refuse to grant, the application.
- (4) The authority may grant the application only if it is reasonably satisfied exceptional circumstances exist that justify the decision.
- (5) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (6) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (7) If the authority does not decide the application within 14 days after the application was made—
 - (a) the authority is taken to have decided to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Subdivision 3 Number of examination subjects

55 Number of examination subjects

- (1) An eligible person not mentioned in subsections (2) or (3) may take external senior examinations in the number of examination subjects the person wishes.
- (2) An eligible person who is not undertaking senior secondary education at a school may not take external senior examinations in more than 3 examination subjects in 1 year if the person—
 - (a) will be less than 17 years at the end of the year in which the person proposes to take the examinations; and
 - (b) has not finished the year 12 year of schooling; and

- (c) has not obtained a QCE or senior certificate.
- (3) An eligible person who is undertaking senior secondary education at a school may not take external senior examinations—
 - (a) before the year 12 year of schooling; or
 - (b) in more than 2 examination subjects in the year 12 year of schooling.

56 Examination may be taken in more examination subjects

- (1) Despite section 55(2) or (3), an eligible person may take external senior examinations in more than the number of examination subjects stated in that section if the person has the authority's approval.
- (2) The person may apply to the authority for its approval under this section.
- (3) The application must—
 - (a) be in the approved form; and
 - (b) accompany an application under section 57 to take the examinations.
- (4) The authority must consider the application and either grant, or refuse to grant, the application.
- (5) The authority may grant the application only if it is reasonably satisfied exceptional circumstances exist that justify the decision.
- (6) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (7) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (8) If the authority does not decide the application within 14 days after the application was made—
 - (a) the authority is taken to have decided to refuse to grant the application; and

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

Subdivision 4 Application to take examinations

57 Application

- (1) A person who wishes to take an external senior examination for an examination subject must apply to the authority to take the examination.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by—
 - (i) if the application is made on or before the relevant day—the application fee; or
 - (ii) if the application is made after the relevant day—the late application fee.
- (3) In this section—

relevant day means—

 - (a) for an application made by an eligible person undertaking senior secondary education at a school—30 April in the year in which the application is made; or
 - (b) for any other application—30 June in the year in which the application is made.

58 Decision about application to take examination

- (1) The authority must consider the application and either grant, or refuse to grant, the application.
- (2) The authority may grant the application only if—
 - (a) the applicant is an eligible person; and
 - (b) the applicant has—

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- (i) applied to take external senior examinations for a number of examination subjects permitted under section 55; or
 - (ii) applied for or been granted an application under section 56.
- (3) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
 - (4) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
 - (5) If the authority does not decide the application within 14 days after the application was made—
 - (a) the authority is taken to have decided to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 1A External senior assessments

58A Authority must make external senior assessments available

The authority must make available, to be taken each year, the external assessments for senior subjects—

- (a) developed and revised under section 13A(1)(b) of the Act; or
- (b) purchased and revised under section 13A(1)(c) of the Act.

58B Persons eligible to take external senior assessments

A person is eligible to take an external senior assessment for a relevant subject if—

[s 58C]

- (a) the person is undertaking senior secondary education for the subject at a school; or
- (b) the person is declared, under section 58C, to be eligible to take the assessment.

58C Application for declaration of eligibility—external senior assessment

- (1) A person may apply to the authority to be declared to be eligible to take an external senior assessment for a senior subject in the year in which the application is made.
- (2) The authority must consider the application and either grant, or refuse to grant, the application.
- (3) The authority may grant the application only if the authority is reasonably satisfied—
 - (a) the applicant is a student; and
 - (b) exceptional circumstances exist to justify granting the application.
- (4) If the authority decides to grant the application, the authority must, as soon as practicable after making the decision, give the applicant notice of the decision.
- (5) If the authority decides to refuse to grant the application, the authority must, as soon as practicable after making the decision, give the applicant an information notice for the decision.
- (6) If the authority does not decide the application within 14 days after receiving the application, the authority—
 - (a) is taken to have decided to refuse to grant the application; and
 - (b) must, as soon as practicable, give the applicant an information notice for the decision.

Division 1B Deciding result for relevant test

59 Refusal to decide result

- (1) The authority may refuse to decide to give a person who took a relevant test for a relevant subject a result for the test if it is satisfied—
 - (a) the person engaged in academic misconduct in relation to the test; or
 - (b) the person was refused entry to a place where the test was held; or
 - (c) the person was expelled from a place where the test was held; or
 - (d) there are exceptional circumstances for not deciding the grading of the person.
- (2) For subsection (1)(a), a person engages in *academic misconduct* in relation to a relevant test if the person does any of the following—
 - (a) before the test is taken, discloses or receives information directly related to the content of the test;
 - (b) cheats during the test;
 - (c) colludes with another person during the test;
 - (d) copies another person's work during the test;
 - (e) impersonates another person for the purpose of taking the test;
 - (f) plagiarises or does not adequately reference work when taking the test;
 - (g) receives assistance from, or gives assistance to, another person during the test;
 - (h) otherwise acts in a fraudulent or dishonest manner in relation to taking the test.
- (3) If the authority proposes to refuse to decide to give the person a result for the relevant test (the *proposed decision*), the

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authority must first give the person a notice (a *show cause notice*) stating the following—

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

60 Deciding result for relevant test

- (1) The authority must decide the result for a relevant test of a person who took the test for a relevant subject.
- (2) Before making its decision, the authority must allow enough time for the person to give a notice under section 61.

- (3) If there is a student account open for the person, the authority must record the result in the account.
- (4) This section is subject to section 59.

61 Special consideration for adverse circumstances

- (1) This section applies if a person who took a relevant test for a relevant subject believes the person's performance in the test was adversely affected by any of the following circumstances (each an *adverse circumstance*)—
 - (a) a medical condition of the person;
 - (b) an illness of the person;
 - (c) a physical or psychological trauma to the person;
 - (d) a circumstance beyond the person's control;
 - (e) an irregularity associated with the test.
- (2) The person may, within 7 days after taking the relevant test, give the authority a notice about the adverse circumstance that states the nature of the circumstance.
- (3) If the authority receives a notice under subsection (2), it must have regard to the adverse circumstance when deciding the person's result for the relevant test.
- (4) However, if the person took the relevant test under special arrangements granted under section 76 for a personal capacity circumstance, subsection (3) applies for deciding the person's result for the relevant test only if the notice given under subsection (2) includes information indicating that—
 - (a) after the special arrangements were granted, the person's personal capacity circumstance deteriorated or was otherwise materially affected by matters beyond the person's control; and
 - (b) the person's performance in the relevant test was adversely affected by the deterioration or the effect of the matter.

62 Reassessment of result for relevant test

- (1) A person who has taken a relevant test for a relevant subject may ask the authority to reassess the person's result for the subject stated in the relevant statement of results.
- (2) The request must—
 - (a) be in the approved form; and
 - (b) be made within 28 days after the person is issued with the relevant statement of results; and
 - (c) be accompanied by the reassessment fee.
- (3) The authority must as soon as practicable reassess the person's result for the relevant subject.
- (4) If, after reassessing the person's result, the authority decides to increase or decrease the result, the authority must—
 - (a) issue the person with a replacement statement of results that includes the increased or decreased result; and
 - (b) refund the reassessment fee to the person; and
 - (c) if the result is increased—give the person notice of the decision; and
 - (d) if the result is decreased—give the person an information notice about the decision.
- (5) If, after reassessing the person's result, the authority decides not to increase or decrease the result, the authority must as soon as practicable give the person notice of the decision.
- (6) If the authority does not reassess the person's result within 28 days after the request was made—
 - (a) the authority is taken to have decided not to increase or decrease the result; and
 - (b) the authority must, as soon as practicable, give the applicant notice of the decision.

63 Inspection of graded test script

- (1) A person who has taken a relevant test for a relevant subject may ask the authority for permission to inspect the person's test script for the relevant subject, as graded under section 60 (the *graded test script*).
- (2) A request under subsection (1) must—
 - (a) be in the approved form; and
 - (b) be made within 28 days after the person is issued with the relevant statement of results for the relevant subject; and
 - (c) be accompanied by the fee (the *script inspection fee*) stated in schedule 1.
- (3) The authority must, within a reasonable period after receiving a request under subsection (1), make the person's graded test script, or a copy of the graded test script, available for inspection during normal business hours at the authority's office or another suitable place.

Division 3 Other provisions for external examinations and external assessments

Subdivision 1 Places to take relevant tests—general

71 Application of sdiv 1

This subdivision does not apply to a student at a recognised school.

72 Where relevant test may be taken

- (1) The authority must decide the places at which a relevant test may be taken.

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- (2) Subject to section 73, an eligible person may take a relevant test only at a place decided under subsection (1) for the test.

73 Application to take relevant test at another place

- (1) An eligible person may apply to the authority to take a relevant test at a place other than a place decided under section 72(1) for the test.
- (2) The application must be in the approved form.
- (3) The application must be made—
 - (a) for an external senior examination—on or before 31 August of the year in which the application is made; and
 - (b) for an external senior assessment—on or before 30 June of the year in which the application is made.
- (4) However, the authority may at any time extend the time for making the application.
- (5) The authority must consider the application and either grant, or refuse to grant, the application.
- (6) The authority may grant the application only if it is satisfied—
 - (a) there are extenuating circumstances for the applicant needing to take the relevant test at the other place; and
 - (b) adequate supervisory arrangements can be provided, at the other place, for the conduct of the relevant test; and
 - (c) adequate arrangements can be made, at the other place, for safeguarding—
 - (i) before the relevant test is taken, the papers for the test; and
 - (ii) the test scripts for the relevant test.
- (7) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of—
 - (a) the decision; and
 - (b) the local expenses fee payable by the applicant.

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- (8) The local expenses fee is the amount that—
 - (a) the authority considers to be reasonable; and
 - (b) is not more than the reasonable cost of providing for the relevant test to be taken at the other place.
 - (9) The applicant may only take the relevant test at the other place if the local expenses fee has been paid to the authority before the day of the relevant test.
 - (10) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
 - (11) If the authority does not decide the application within 28 days after the application was made—
 - (a) the authority is taken to have decided to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Subdivision 2 Places to take examinations— recognised school students

74 Application of sdiv 2

This subdivision applies to students (*recognised school students*) of a recognised school.

75 Application to take examination—recognised school students

- (1) The governing body or nominee of a recognised school may apply to the authority for its recognised school students to take an external senior examination at a place.
- (2) The authority must consider the application and either grant, or refuse to grant, the application.
- (3) The authority may grant the application only if it is satisfied—

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- (a) adequate supervisory arrangements can be provided, at the place, for the conduct of the examination or test; and
 - (b) adequate arrangements can be made, at the place, for safeguarding—
 - (i) before the relevant test is taken, the papers for the test; and
 - (ii) the test scripts for the relevant test.
 - (c) the agreement between the governing body of the recognised school and the State allows for the taking of the examination by recognised school students.
- (4) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (5) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant a notice about the decision.

Subdivision 3 Special arrangements for taking relevant tests

76 Special arrangements for personal capacity circumstances

- (1) This section applies if a person reasonably believes the person's capacity to perform in a relevant test may be adversely affected by any of the following circumstances (each a *personal capacity circumstance*)—
- (a) a disability of the person;
 - (b) an impairment of the person;
 - (c) a medical condition of the person;
 - (d) another circumstance.
- (2) The person may apply to the authority to allow the person to take the relevant test under special arrangements that take account of the personal capacity circumstance.

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- (3) The application must be in the approved form.
 - (4) The application must be made—
 - (a) for an external senior examination—on or before 30 June of the year in which the application is made; and
 - (b) for an external senior assessment—on or before 31 March of the year in which the application is made.
 - (5) However, the authority may at any time extend the time for making the application.
 - (6) The authority must consider the application and either grant, or refuse to grant, the application.
 - (7) The authority may grant the application only if it is satisfied of the need for the special arrangements.
 - (8) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
 - (9) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
 - (10) If the authority does not decide the application within 42 days after the application was made—
 - (a) the authority is taken to have decided to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

76A Special arrangements guidelines

The authority must make a guideline stating the following matters for an application under section 76(2)—

- (a) the way the application must be made;
- (b) the way the authority is to consider and assess the application;
- (c) the criteria to be applied by the authority to decide the application;

[s 77]

- (d) any other requirements relating to the application and the authority's consideration of the application that the authority considers appropriate.

Subdivision 4 Refusal of entry to, or expulsion from, places for taking relevant tests

77 Refusal of entry to, or expulsion from, places where relevant test may be taken

- (1) An appointed official may refuse an eligible person entry to a place at which a relevant test may be taken if—
 - (a) the official considers that the eligible person had an opportunity for cheating while outside the place; or
 - (b) the eligible person is not listed on the attendance roll for the place; or
 - (c) the eligible person attempts to bring unauthorised material into the place or refuses to leave his or her personal belongings and unauthorised material in the area designated by the official; or
 - (d) the eligible person arrives—
 - (i) for an external senior examination—1 hour after the start of the examination; or
 - (ii) for an external senior assessment—40 minutes after the start of the assessment; or
 - (e) the eligible person had prior access to test content.
- (2) An appointed official may expel a person from a place at which a relevant test is being taken if the person—
 - (a) gains prior access to the test content; or
 - (b) copies from or communicates with another eligible person; or
 - (c) brings unauthorised material into the place; or

- (d) disturbs other eligible persons; or
 - (e) impersonates an eligible person; or
 - (f) acts in a way that prevents the test from being conducted fairly.
- (3) In this section—

appointed official, in relation to a relevant test, means an official appointed under section 81 to ensure the proper conduct of the test.

81 Appointment of officials for relevant test

The authority may appoint appropriately qualified persons to ensure the proper conduct of a relevant test.

Part 3A Moderation of results

81A Definitions for part

In this part—

confirmed student result means the result for a student for a school-based assessment confirmed by the authority under section 81D.

moderation guideline see section 81B.

81B Moderation guideline

The authority must make a guideline (the *moderation guideline*) stating the following matters—

- (a) the criteria to be applied by the authority to moderate a school-based assessment for a student;
- (b) how the authority is to decide the number, type or selection of samples that must be submitted to the authority under section 81C;
- (c) the way a review may be requested under section 81E;

[s 81C]

- (d) the way the authority is to advise a school of the following—
 - (i) the confirmed student result;
 - (ii) the outcome of a review under section 81E;
 - (iii) any other requirements relating to the conduct of the moderation that the authority considers appropriate.

81C Submission of samples for moderation

The principal of a school must submit samples of completed school-based assessments to the authority for moderation in compliance with the moderation guideline.

81D Moderation and confirmation of student results

The authority must, in compliance with the moderation guideline—

- (a) review the samples provided under section 81C; and
- (b) if necessary, moderate the result for the school-based assessment; and
- (c) advise the school of the confirmed student result.

81E Review of confirmed student result

- (1) The principal of a school may, in the way stated in the moderation guideline, request a review of the confirmed student result.
- (2) If a request is made under subsection (1), the authority must review the confirmed student result, and advise the principal of the outcome of the review, in compliance with the moderation guideline.

Part 4 Queensland certificate of education

Division 1 Preliminary

82 Definitions for pt 4

In this part—

category see section 90(5).

core studies means contributing studies belonging to the category known as core studies under section 90(5).

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

required standard of achievement see section 93(1).

83 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

84 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; and

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- (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)(b)(i), credits recorded in a person's student account are in the ***required pattern*** if at least 12 of the credits are for completed core studies.
- (3) 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 an assessing school; or
 - (ii) while the person was provisionally registered, or registered, for home education under the E(GP) Act, chapter 9, part 5; or
 - (b) non-Queensland studies that are core studies undertaken by the person at an interstate or overseas school.

85 Persons ineligible for issue of QCE

- (1) Despite section 84, a person is not eligible for the issue of a QCE if the authority reasonably believes the person has been issued with, or becomes 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 repealed *Education Act 1964* or the repealed *Education (Senior Secondary School Studies) Act 1988*;
 - (d) an equivalent qualification, other than an excluded qualification.
- (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 88(3) in relation to the qualification that is the basis for the ineligibility.

(4) In this section—

excluded qualification means an International Baccalaureate diploma authorised by the International Baccalaureate Organization and completed at an assessing school, other than a recognised school.

86 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 51(3) 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 repealed *Education Act 1964* or the repealed *Education (Senior Secondary School Studies) Act 1988*;

(iii) an equivalent qualification other than an excluded qualification.

(2) For deciding whether the person is ineligible for the issue of a QCE under section 85(1)(d), the authority may give the applicant a notice requesting information or a document be given to the authority within a specified period of at least 28 days.

(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).

[s 87]

- (4) Despite subsection (2), the authority and the person may, within 28 days, agree to extend the period for complying with the request to a day after the end of the 28-day period.

Division 3 Equivalent qualifications

87 Deciding whether a qualification is equivalent

- (1) The authority may decide that a qualification issued in another State or in a foreign country is equivalent to the QCE if it is satisfied that—
 - (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.
- (2) The authority may publish on the authority's website the qualifications it considers to be equivalent to the QCE.

88 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 51(3) 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 87 whether the qualification is equivalent to the QCE.
- (3) If the authority decides the qualification is equivalent to the QCE, the authority must give the person an information notice about the decision.

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- (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 85(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 86(2)—the last day of the 28-day period under the notice or, if the period is extended under section 86(4), the day to which the period is extended.

89 Authority may request further information or documents

- (1) If the authority considers further information or a document is required for deciding an application under section 88, the authority may give the applicant a notice requesting information or a document be given to the authority within a specified period of at least 28 days.
- (2) A notice given by the authority must be given to the person within 7 days after the authority receives the information mentioned in section 88(1)(b).

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- (3) Despite subsection (2), the authority and the person may, within 28 days, agree to extend the period for complying with the request to a day after the end of the 28-day period.

Division 4 Contributing studies and credits

90 Categories of contributing studies

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

91 Requirement to record credits for contributing studies in 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) are satisfied.
- (2) The requirements are—
 - (a) for a relevant subject, each of the following—

-
- (i) the person has taken a relevant test for the subject;
 - (ii) the authority has decided, under section 60, the person's result for the subject;
 - (iii) the person's result is recorded in the person's student account;
 - (iv) the person's result 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 part 7, division 2;
 - (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 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 (c)(ii), the **completion requirement** for the studies is satisfied if—
- (a) the person has completed the studies as required under section 94; or
 - (b) for the studies that are core studies—the person has partially completed the studies as required under section 95(2).
- (4) If credits for contributing studies must be recorded in a person's student account under this section, the authority must

[s 92]

record in the student account the number of credits equivalent to the credit value for the studies.

- (5) This section applies subject to section 104.

92 Credit value for contributing studies

- (1) The authority must make a guideline (the *criteria guideline*) stating the criteria to be applied by the authority for deciding the credit value for contributing studies.
- (2) Also, the authority must apply the criteria stated in the criteria guideline and decide the credit value for contributing studies, including partially completed core studies.
- (3) The authority must publish on the authority's website the number of credits for contributing studies, including partially completed core studies.

93 Required standard of achievement for contributing studies

- (1) The authority must 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.
- (2) The authority must make a guideline stating the required standard of achievement for contributing studies.

94 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 or recognised school 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 in relation to contributing studies that are examination subjects.

95 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).

Division 5 Recognition of particular studies as contributing studies

96 Purpose of div 5

The purpose of this division is to enable the authority to recognise studies as contributing studies for section 4(g).

97 Criteria for recognising particular studies as contributing studies

The authority must publish in a guideline the criteria that must be met in order for the authority to decide to recognise, or continue to recognise, studies under this division.

98 Definitions for div 5

In this division—

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

consenting entity see section 99(2).

[s 99]

recognised, in relation to studies, means the studies are published on the authority's website under this division.

recognised studies list means a list published under section 101.

review day see section 100(a) or 102(4)(a).

99 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 under section 97; and
 - (c) a relevant entity for the studies has given the authority written consent to the studies being recognised under this division.
- (2) The entity that issues results to persons who undertake the studies and gives the consent mentioned in subsection (1)(c) is the *consenting entity* for the studies.

100 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 on the authority's website.

101 Recognised studies

The authority must publish on the authority's website a current 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;
- (d) the credit value for the studies;
- (e) the next review day for the studies.

102 Conduct of review

- (1) The authority must review the recognition of studies recognised under this division not earlier than 6 months before the review day, and not later than the review day, for the studies.
- (2) The purpose of the review is for the authority to decide whether to continue recognition of the studies.
- (3) 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 published in the guideline under section 97; and
 - (c) the consenting entity for the studies has not revoked its consent to the studies being recognised under this division.
- (4) 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—

[s 103]

- (i) that the authority has decided to continue to recognise the studies under this division; and
 - (ii) the next review day for the studies.
- (5) If the authority decides not to continue recognition of the studies—
 - (a) the authority must give the consenting entity for the studies an information notice that also states the day on which the recognition will be cancelled; and
 - (b) the authority must give any school providing the studies a notice that states the day on which the recognition will be cancelled.
- (6) The authority must not cancel the recognition of the studies before the day stated in the notice given under subsection (5).

103 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 published in the guideline under section 97.
- (2) If the authority decides to cancel recognition of studies under this section, the authority—
 - (a) must give the consenting entity for the studies an information notice, at least 1 month before the day on which the recognition is cancelled, that also states 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 the consenting entity for the studies gives the authority a written request.

104 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 102 or 103, 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 57 of the Act and this part apply as if the studies were recognised when the person's results for the studies are achieved.

105 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 or recognised school for studies recognised under this division; and
 - (b) before the person's results in the studies are issued, the provider or recognised school stops issuing results for the studies; and
 - (c) the provider or recognised school 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 6 Recognising non-Queensland studies

106 Application of div 6

This division applies if the authority receives a results notice for non-Queensland studies that are not listed on the authority's website under section 107 as studies the authority has decided to recognise.

107 Authority may decide to recognise studies

- (1) The authority may decide to recognise non-Queensland studies as contributing studies if the authority is satisfied the studies relate to a level of schooling that is equivalent to senior secondary education.
- (2) If the authority decides to recognise studies under this section, the authority must list the studies on its website.

108 Authority may request further information or documents

- (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 by the extended compliance day.

109 Deciding whether to recognise non-Queensland studies

- (1) Within 60 days after the relevant day, the authority must decide whether to recognise the non-Queensland studies as contributing studies.
- (2) 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 84(3)(b) in relation to the studies; and
 - (c) amend the list of studies the authority has decided to recognise that is published on the authority's website.
- (3) Subsection (2)(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.
- (4) 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.
- (5) In this section—

relevant day means—

 - (a) the day the authority received the applicant's results notice; or

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- (b) if the authority gives the applicant a notice under section 108(1)—the last day of the 28-day period under the notice or the extended compliance day.

110 Notice of decisions about credits

- (1) This section applies if—
 - (a) the authority decides under section 109 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 91.
- (2) The authority must, as soon as practicable after deciding the matters mentioned in sections 90(3) and 92(2) for the studies, give the applicant an information notice about the decisions.

Division 8 Issuing of QCE

115 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
 - (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.

116 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 9 Miscellaneous

117 Day on which credits must take effect

- (1) This section applies if the authority is required under section 91 to record credits for contributing studies in a person's student account.
- (2) The authority must ensure the credits are recorded with effect from the day the person's results for the contributing studies were achieved.

Part 5 Other certificates of achievement

118 Eligibility for Queensland certificate of individual achievement

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

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- (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.

119 Certification studies—contributing studies for Queensland certificate of individual achievement

- (1) For the Act, schedule 2, definition *certification studies*, an activity that complies with the requirements stated in subsection (2) is prescribed as contributing studies.
- (2) The requirements for the activity are—
 - (a) the activity is published on the authority’s website as an achievement activity for the Queensland certificate of individual achievement; and
 - (b) the activity is 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.

120 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.

121 What must be stated on Queensland certificate of individual achievement

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

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

Part 6 Statements of results

Division 1 Senior statement

122 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 unless the person does not have credits recorded in the person's student account.
- (2) If a person does not have credits recorded under part 4 in the person's student account, the authority may refuse to issue a senior statement to the person.
- (3) If the authority issues a senior statement under this section, the senior statement must be issued in December of the year in which the person finishes senior secondary education.

123 What must be recorded on senior statement

For the Act, schedule 2, definition *statement of results*, paragraph (b), 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—
 - (i) the name of the studies; and
 - (ii) the results of the person's assessment; and

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- (iii) the number of credits recorded under part 4 for the studies; and
 - (iv) the name of the provider for the studies if relevant; and
 - (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; and
 - (vi) if the studies are studies mentioned in section 4(a) or (e)—the number of semester units for which the studies were undertaken; and
 - (vii) the year in which the person's results were achieved;
- (e) for contributing studies for a Queensland certificate of individual achievement for which the person's results are recorded in the person's student account—
- (i) the person's results for the studies; and
 - (ii) the year in which the results were achieved;
- (f) the name of any qualification issued to the person and recorded in the person's student account;
- (g) if the person meets the eligibility requirements for a QCE—that the person meets the eligibility requirements for a QCE.

Division 2 Record of results

124 Persons to whom a record of results must be issued

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

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- Queensland certificate of individual achievement is issued to the person; or
- (b) takes an external senior examination for an examination subject, if—
 - (i) the authority decides under section 60 the person's result for the subject; and
 - (ii) the person is not issued with a senior statement in the year in which the person takes the examination.
- (2) The authority must issue a record of results to the person—
- (a) for a person mentioned in subsection (1)(a)—when a QCE or Queensland certificate of individual achievement is issued to the person; or
 - (b) for a person mentioned in subsection (1)(b)—in December of the year in which the person takes the external senior examination.

125 Persons who may request record of results

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

126 What must be recorded on record of results

- (1) For the Act, schedule 2, definition *statement of results*, paragraph (b), 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—

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- (i) the name of the studies; and
 - (ii) the results of the person's assessment; and
 - (iii) the number of credits recorded under part 4 for the studies; and
 - (iv) the name of the provider or recognised school for the studies if relevant; and
 - (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; and
 - (vi) if the studies are studies mentioned in section 4(a) or (e)—the number of semester units for which the studies were undertaken; and
 - (vii) the year in which the person's results were achieved;
- (d) for contributing studies for a Queensland certificate of individual achievement for which the person's results are recorded in the person's student account—
- (i) the person's results for the studies; and
 - (ii) the year in which the results were achieved;
- (e) the name of any qualification issued to the person and recorded in the person's student account;
- (f) if the person took a core skills test in 2019 or an earlier year—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.
- (2) In this section—

core skills test means a core skills test developed under section 64 as in force from time to time before the commencement of the *Education (Queensland Curriculum and Assessment Authority) Amendment Regulation 2019*.

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- (2) If the person has been issued with, or becomes eligible for the issue of, a relevant qualification, each of the following is prescribed—
- (a) the name of the qualification;
 - (b) if the qualification has been issued—the date the qualification was issued to the person;
 - (c) the name of the entity that issued, or will issue, the qualification.
- (3) 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 repealed *Education Act 1964* or the repealed *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.

student visa holder means a person who holds a student visa issued under the *Migration Act 1985* (Cwlth).

128 Prescribed information to open student accounts—particular young persons

For section 52(2)(a) of the Act, the following information is prescribed—

- (a) the information mentioned in section 127(1)(a) to (j) and (2);
- (b) the eligible option of the provider in which the person is participating or proposes to participate;
- (c) whether the person's participation in the eligible option is, or will be, full-time;

- (d) any other eligible options in which the person is participating, or has participated, since starting the compulsory participation phase of which the provider is aware.

129 Prescribed information to open student accounts—recognised schools

For section 53(2) of the Act, the following information is prescribed—

- (a) the information mentioned in section 127(1)(a) to (e) and (2);
- (b) details of the certification studies in which the person is enrolled when the notice is given to the authority.

130 Prescribed information for student accounts—other persons

For section 54(2) of the Act, the following information is prescribed—

- (a) the information mentioned in section 127(1)(a) to (f), (j) and (2);
- (b) 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.

131 Prescribed information for obligation to notify enrolments

- (1) For section 56(1) of the Act, the following information is prescribed—
 - (a) the information mentioned in section 127(1)(a) to (d);
 - (b) if a student account is open for the person and the provider has the account number for the account—the account number;

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- (c) the eligible option in which the person is participating, or proposes to participate, by enrolling in the program or course;
 - (d) the components of the eligible option being undertaken, or proposed to be undertaken, by the person;
 - (e) the date of enrolment in the program or course;
 - (f) the date the person started, or proposes to start, to comply with the provider's attendance requirements for the program or course;
 - (g) whether the person's participation in the eligible option is, or will be, full-time;
 - (h) the name and type of the provider.
- (2) For section 56(3) of the Act, the following information is prescribed—
- (a) the information mentioned in subsection (1)(a);
 - (b) the account number for the person's student account;
 - (c) the certification studies in which the person is enrolled;
 - (d) the date of the person's enrolment in the studies;
 - (e) the name and type of the provider.
- (3) For section 56(4) of the Act, the information mentioned in subsection (2)(a) to (e) is prescribed.

132 Notification of results

For section 57(2) of the Act, the result information must be given—

- (a) within the following days in each year—
 - (i) 30 June;
 - (ii) the first Thursday in December; and
- (b) by written notice, email or other electronic means.

133 Notification of other matters

- (1) For section 58(2)(a) of the Act, the prescribed time is within 3 months after the provider or recognised school becomes aware of the new or correct information.
- (2) For section 58(2)(b) of the Act, the prescribed time is within 30 days after the provider or recognised school becomes aware of the new or correct information.
- (3) For section 58(2)(c) of the Act, the prescribed time is within 30 days after the provider or recognised school becomes aware the person stopped being enrolled with the provider or recognised school.
- (4) For section 58(2)(d) of the Act, the prescribed time is within 30 days after the provider or recognised school becomes aware of the death.

134 Prescribed information for access by providers

For section 62(3)(a) and (5) of the Act, the following information is prescribed—

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

135 Prescribed information for disclosure to providers and recognised schools

For section 65(1) of the Act, the following information for a student account is prescribed—

- (a) if the student account is kept for a young person in the student account phase—the account number for the account and the information recorded in the account;
- (b) otherwise—the account number for the student account and the following information recorded in the account—

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- (i) the person's name;
- (ii) the person's address;
- (iii) information about the person's enrolment or results in certification studies.

Division 2 Notice of results for QCE

136 Person for whom student account is open may give results notice

- (1) A person for whom a student account is open may give notice (a **results notice**) to the authority of results information from the first account day to the day the student account is open for—
- (a) contributing studies mentioned in section 4 completed, or partially completed, by the person; or
 - (b) non-Queensland studies completed, or partially completed, by the person.
- (2) In this section—

first account day see section 141(6).

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 or recognised school;
- (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;
- (e) if the person partially completed the studies—the number of semesters completed by the person;
- (f) the results of the person’s assessment for the studies;
- (g) when the results were achieved;
- (h) any qualifications conferred on the person to which the studies contributed;
- (i) for qualifications mentioned in paragraph (h)—
 - (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.

137 Authority must record results for contributing studies mentioned in s 4 etc.

- (1) This section applies if the authority receives from a person under section 136 a results notice for contributing studies mentioned in section 4.
- (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 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 84(3)(b).
- (4) The notice must state whether or not the person satisfies the school study eligibility requirement under section 84(3)(b) in relation to the non-Queensland studies.

Division 3 Information authority may disclose

138 Information for disclosure to chief executive

For section 66(2) of the Act, the following information recorded in the person's student account is prescribed—

- (a) the account number;
- (b) name and any previous names;
- (c) address and telephone number;
- (d) date of birth;
- (e) the date the person stopped being enrolled with the provider in the course or program;
- (f) 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;
- (g) the name and type of the provider for an eligible option mentioned in paragraph (f);
- (h) any eligible option in which the person is participating and the components of the eligible option being undertaken by the person;
- (i) the name and type of the provider for an eligible option mentioned in paragraph (h).

139 Aggregated student account information

For section 67(1) and (2) of the Act—

- (a) the prescribed time is within 1 month of receiving a request from a relevant entity; and
- (b) the prescribed information is the following—
 - (i) for ISQ—aggregated information about persons enrolled annually at a non-State school that is a member of ISQ;

- (ii) for QCEC—aggregated student account information about persons enrolled annually at a non-State school represented by QCEC;
- (iii) for the training chief executive—aggregated student account information about persons enrolled annually in vocational education and training.

140 Disclosure to training chief executive

- (1) For section 68(1) of the Act, the following agreements in force between the Commonwealth and the State are prescribed—
 - (a) an agreement under the *Skilling Australia's Workforce Act 2005* (Cwlth), section 7(1);
 - (b) an agreement under the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004* (Cwlth), section 14(1)(b).
- (2) Also, for section 68(1) of the Act, the following information for a student account is prescribed—
 - (a) the student's name;
 - (b) the account number for the student account;
 - (c) the student's sex;
 - (d) the student's date of birth;
 - (e) the student's address;
 - (f) whether the student is an Aboriginal person or Torres Strait Islander;
 - (g) whether the student is from a non-English speaking background;
 - (h) each vocational education and training 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;

[s 141]

- (i) the date of the student's enrolment in the vocational education and training course;
 - (j) the name and type of the provider for the vocational education and training course;
 - (k) if the student stopped being enrolled in the vocational education and training course during the year and the date the student stopped being enrolled is recorded in the account—the date the student stopped being enrolled in the course;
 - (l) any results of the student for the vocational education and training course or a unit of competency that is a component of the course.
- (3) For section 68(2) of the Act, the prescribed way and time for information given on the request made by the training chief executive is—
- (a) by 1 March of the following year; and
 - (b) by email or other electronic means.

141 Closure of student accounts

- (1) The authority must close a person's student account—
- (a) if the authority issues a QCE to the person; or
 - (b) within 9 years of the first account day; or
 - (c) if a provider or recognised school informs the authority about the person's death under section 58(2)(d) of the Act.
- (2) However, the person may give the authority a notice stating that the person wishes to continue his or her student account before the account is closed.
- (3) If the person's student account is closed, the person may give the authority a notice stating the person wishes to open his or her student account.
- (4) If the authority receives a notice under subsection (2)—

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- (a) the person's student account continues for a period of 9 years from the date the authority received the notice from the person; and
- (b) any credits recorded in the student account continue to be recorded in the account for the period mentioned in paragraph (a).
- (5) If the authority receives a notice under subsection (3)—
- (a) the authority must open the person's student account for a period of 9 years from the date the authority received the notice from the person; and
- (b) the authority must record any credits previously recorded in the student account in the opened account.

- (6) In this section—

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

first account day means 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.

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—

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- (2) If the applicant does not comply with a request within the period stated in the notice, the applicant is taken to have withdrawn the application.

159 Deciding an application

- (1) After making appropriate inquiries about the information in the certificate or statement to be verified, the authority must decide whether the information is correct or incorrect.
- (2) The authority must consider the application and as soon as practicable give the applicant an information notice.
- (3) If the authority decides the information is correct, the notice must also state the reasons for the decision.
- (4) If the authority decides the information is incorrect, the authority must—
 - (a) issue a replacement Queensland certificate of individual achievement or statement of results, containing the corrected information, to the applicant; and
 - (b) refund the verification fee to the applicant.

160 Issue of copy of certificate

- (1) A person may request a copy of a certificate.
- (2) The request must—
 - (a) be in the approved form; and
 - (b) be accompanied by—
 - (i) if the authority has previously issued a hard copy of the certificate to the person—the fee stated in schedule 1 for the copy; and
 - (ii) documents identified in the approved form that the authority reasonably requires.
- (3) The authority must issue the copy of the certificate to the person within 7 days after the request is made if the certificate relates to the person.

(4) In this section—

certificate means—

- (a) any of the following issued to the person—
 - (i) a certificate of achievement;
 - (ii) a senior statement;
 - (iii) a certificate about the completion of the person's studies under the repealed *Education Act 1964* or the repealed *Education (Senior Secondary School Studies) Act 1988*;
 - (iv) a senior certificate; or
- (b) a tertiary entrance statement issued to the person under the repealed *Education (Tertiary Entrance Procedures Authority) Act 1990*; or
- (c) a core skills test statement of achievement issued to the person under the repealed *Education (Senior Secondary School Studies) Act 1988*; or
- (d) a certificate of achievement, senior statement or tertiary entrance statement issued under the repealed *Education (Queensland Studies Authority) Act 2002*.

core skills test statement of achievement means a document—

- (a) certifying that a person has taken a core skills test; and
- (b) stating the person's grade for the test.

161 Authority may request further information or documents

- (1) If the authority considers further information or documents are required for deciding the request, the authority may give the person a notice requesting information or a document be given to the authority within a specified period of at least 7 days.
- (2) If the person does not comply with a request within the period stated in the notice, the person is taken to have withdrawn the request.

Part 10 **Equivalence of level of school education or qualification**

162 **Application for authority’s decision on equivalence**

- (1) A person may apply to the authority for its decision on the equivalent level of school education, or school qualification, in the State of a level of education reached, or qualification obtained, by the person at an educational institution established outside the State.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by—
 - (i) the prescribed fee; and
 - (ii) satisfactory evidence of the level of school education or school qualification; and
 - (iii) documents identified in the approved form that the authority reasonably requires.
- (3) The approved form may specify information that must be given and verified by statutory declaration.
- (4) The authority must consider the application and as soon as practicable give the applicant an information notice.

163 **Authority may request further information or documents**

- (1) If the authority considers further information or documents are required for deciding the application, the authority may give the applicant a notice requesting information or a document be given to the authority within a specified period of at least 7 days.
- (2) If the applicant does not comply with a request within the period stated in the notice, the applicant is taken to have withdrawn the application.

Part 11 Fees

164 Fees in sch 1

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

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

- (1) This section applies to a person who is—
 - (a) undertaking senior secondary education at an assessing school other than a recognised school; and
 - (b) not an Australian citizen or permanent resident.
- (2) The person must pay the authority the service fee mentioned in schedule 1 in consideration of the authority performing its functions, under section 9, 13, 13A, 14, 15 or 16 of the Act, in relation to the person.
- (3) The authority may waive payment of the fee—
 - (a) for a person undertaking senior secondary education at a State school—if the cost of the person’s education at the school is being defrayed by the State; or
 - (b) for a person undertaking senior secondary education at a non-State school—if the cost of the person’s education would be defrayed by the State if the person were undertaking the education at a State school.

166 Refund of application fee for accreditation or renewal of accreditation

- (1) This section applies if—
 - (a) a person withdraws an application for accreditation, or renewal of accreditation, of a kindergarten guideline; or
 - (b) the authority rejects an application for accreditation, or renewal of accreditation, of a kindergarten guideline.

- (2) However, the section only applies if the authority has not started evaluation of the guideline.
- (3) The authority must refund to the person the application fee, less the administrative component mentioned in schedule 1.

167 Refund of application fee, or late application fee, for external senior examination because of illness

- (1) A person who was granted an application, under section 58, to take an external senior examination for an examination subject and failed to take the examination because of illness may apply to the authority for a refund of the application fee, or late application fee, for the application.
- (2) The application for a refund must—
 - (a) be in the approved form; and
 - (b) be made within 1 month after the day of the examination.
- (3) The authority must consider the application and either grant, or refuse to grant, the application.
- (4) The authority may grant the application only if it is reasonably satisfied the applicant failed to take the examination because of the illness.
- (5) If the authority grants the application, it must refund to the applicant the following—
 - (a) the application fee, or late application fee, less the administration fee mentioned in schedule 1;
 - (b) any local expenses fee paid in relation to the examination, less the administration fee mentioned in schedule 1.

168 Refund of fees because of cancellation of application to take external senior examination

- (1) This section applies if—

[s 169]

- (a) a person was granted an application under section 58 to take an external senior examination for an examination subject; and
 - (b) the person has cancelled the application within 1 month after the relevant day for the application.
- (2) The authority must refund to the person the following—
- (a) the application fee, or late application fee, for the application, less the administration fee mentioned in schedule 1;
 - (b) any local expenses fee paid in relation to the examination, less the administration fee mentioned in schedule 1.

169 Refund of local expenses fee for relevant test

- (1) This section applies if—
- (a) a person has paid the local expenses fee in relation to the taking of a relevant test for a relevant subject; and
 - (b) the person has notified the authority that the person no longer wishes to take the relevant test at another place—
 - (i) for a relevant test to be taken in Australia—at least 1 month before the day of the relevant test; or
 - (ii) otherwise—at least 3 months before the day of the relevant test.
- (2) The authority must refund to the person the local expenses fee, less the administration fee mentioned in schedule 1.

170 Refund of reassessment fee

- (1) This section applies if—
- (a) a person has made a request, under section 62, to reassess the person's result for a subject; and
 - (b) the person has cancelled the request.

-
- (2) The authority must refund to the person the reassessment fee, less the administration fee mentioned in schedule 1.

171 Refund of script inspection fee

- (1) This section applies if—
- (a) a person has made a request, under section 63, to inspect the person's graded test script; and
 - (b) the person has cancelled the request.
- (2) The authority must refund to the person the script inspection fee.

172 Copy of approved syllabus and certain other documents

- (1) A person may give the authority a request for a copy of—
- (a) a syllabus developed, revised or purchased by the authority under sections 9 and 10 of the Act; or
 - (b) a kindergarten guideline accredited under section 15; or
 - (c) a part of the accreditation register.
- (2) The authority must, on payment of the appropriate fee, give a person a copy of a document requested by the person under subsection (1).
- (3) In this section—

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

Part 12 Guidelines

173 Notification of guidelines

- (1) The authority must as soon as practicable after making a guideline publish the guideline on the authority's website.

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(2) If the authority makes a guideline, the authority must notify any relevant entity about the making of the guideline.

(3) In this section—

making, a guideline, includes amending a guideline.

relevant entity means an entity that may be affected by the guideline.

Examples of a relevant entity—

the chief executive or a provider

174 Guidelines for certification

The authority may make or amend a guideline mentioned in sections 90(2) and (4), 92(1), 93(2) and 95(1) only with the written approval of the Minister.

Part 13 Miscellaneous provisions

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

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

Part 14 Transitional provisions

Division 1 Transitional provisions for SL No. 126 of 2014

176 Definitions for division

In this division—

commencement means the commencement of this section.

QSA means the Queensland Studies Authority under the repealed *Education (Queensland Studies Authority) Act 2002*.

repealed regulation means the *Education (Queensland Studies Authority) Regulation 2002*.

177 Existing accreditation register

- (1) The authority must register the details about kindergarten guidelines kept in the accreditation register under the repealed regulation, section 3ZR, in the accreditation register under section 48.
- (2) The authority must register a person as a nominee of a kindergarten guideline if, before the commencement—
 - (a) the owner of the guideline gave the authority a notice under the repealed regulation, section 3ZS; and
 - (b) the person had not been registered as the nominee.
- (3) The authority must register a person as an owner of a kindergarten guideline if, before the commencement—
 - (a) an owner of the guideline gave the authority a notice under the repealed regulation, section 3ZT stating the owner had transferred the ownership of the guideline to the person; and
 - (b) the person had not been registered as the owner.

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178 Decisions of QSA taken to be decisions of the authority

A decision made by the QSA for an application or request under the section of the repealed regulation mentioned in column 1 of the following table is taken to be a decision of the authority for an application or request under the section of this regulation shown opposite in column 2 of the table—

Table

	Column 1	Column 2
1	section 6 (Application for declaration of eligibility)	section 54
2	section 8 (Examination may be taken in more examination subjects because of exceptional circumstances)	section 56
3	section 9 (Application)	section 57
4	section 13 (Application to take examination at another place)	section 73
5	section 14 (Special consideration of person's disability or medical condition)	section 76
6	section 20 (Reassessment of achievement in examination)	section 62
7	section 21 (Inspection of graded examination script)	section 63
8	section 26 (Application for declaration of eligibility)	section 66
9	section 30 (Application to take test at another place)	section 73
10	section 31 (Special consideration of person's disability or medical condition)	section 76
11	section 33 (Exemption from requirement to take core skills test)	section 78
12	section 43D (Application for recognition of project as contributing studies)	section 111

	Column 1	Column 2
13	section 53 (Exemption from requirement to take core skills test)	section 143
14	section 56 (Review of information in tertiary entrance statement)	section 149
15	section 56A (Verification of information in Queensland certificate of individual achievement or statement of results)	section 157
16	section 58 (Application for authority's decision on equivalence)	section 162

179 QCE relevant requests

A relevant request given to the QSA under the repealed regulation, section 41C, is taken to be a relevant request given to the authority under section 115.

180 Existing recognition of particular studies as contributing studies

- (1) This section applies to studies if, before the commencement—
 - (a) the studies were recognised under the repealed regulation, part 4, division 6; and
 - (b) the recognition of the studies was not cancelled by the QSA.
- (2) The studies are taken to be recognised by the authority under part 4, division 5 until the authority publishes a list of studies recognised under that division.

181 Existing recognition of non-Queensland studies

- (1) This section applies to studies if, before the commencement, the studies were recognised under the repealed regulation, part 4, division 4, subdivision 3.

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- (2) The studies are taken to be recognised by the authority under part 4, division 6.

182 Existing recognition of WCS learning projects as contributing studies

- (1) This section applies to studies if, before the commencement, the studies were recognised under the repealed regulation, part 4, division 7.
- (2) The studies are taken to be recognised by the authority under part 4, division 7.

183 Issue of copy of certificate

- (1) This section applies to studies if, before the commencement—
 - (a) the QSA received a written request from a person under the repealed regulation, section 57; and
 - (b) the copy was not issued to the person.
- (2) The written request is taken to be a written request given to the authority under section 160.

Division 2 Transitional provisions for Education (Queensland Curriculum and Assessment Authority) Amendment Regulation 2019

184 Definitions for division

In this division—

amending regulation means the *Education (Queensland Curriculum and Assessment Authority) Amendment Regulation 2019*.

core skills test means a core skills test developed under section 64 as in force from time to time before the commencement.

former, in relation to a provision of this regulation, means as in force immediately before the commencement.

WCS learning project means a WCS learning project within the meaning of this regulation as in force from time to time before the commencement.

185 Meaning of *contributing studies* for QCE

- (1) This section applies if, before 1 January 2019, a WCS learning project was recognised as contributing studies for a person under part 4, division 7 as in force from time to time before that day.
- (2) Despite the repeal of former section 4(2), the WCS learning project continues to be contributing studies for a QCE for the person.

186 Persons eligible to take core skills test in 2019

Despite the repeal of former section 65, the following persons are eligible to take a core skills test in 2019—

- (a) a person who, immediately before the commencement, was eligible under former section 65 to take a core skills test in 2019;
- (b) a person who, on or after the commencement, is declared under former section 67 or former section 68, as applied under section 187, to be eligible to take a core skills test in 2019.

187 Declaration of eligibility to take core skills test

- (1) Despite its repeal, former section 66 continues to apply, from the commencement—
 - (a) for extending the time for making a relevant application; and
 - (b) for making a relevant application, whether the time for making the application—

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- (i) was extended before the commencement under former section 66(3); or
 - (ii) is extended on or after the commencement under former section 66(3) as applied under paragraph (a).
- (2) The late application fee for former section 66(4)(b)(ii), as applied under subsection (1)(b), is the fee provided for under former schedule 1, item 7.
- (3) Despite its repeal, former section 67 continues to apply to the authority from the commencement for deciding a relevant application made on or before 5 April 2019.
- (4) Despite its repeal, former section 68 continues to apply to the authority from the commencement for deciding a relevant application made after 5 April 2019, including an application made on or after the commencement under an extension of time granted under former section 66(3) as applied under subsection (1)(a).
- (5) For applying former section 66, former section 67 or former section 68 under this section, a reference in the provision to the closing day is taken to be a reference to 5 April 2019.
- (6) In this section—
relevant application means an application to the authority to be declared to be eligible to take a core skills test in 2019.

188 Deciding level of achievement in core skills test

Despite their repeal, former sections 69 and 70 continue to apply to the authority from the commencement for deciding the grading of a person who takes a core skills test in 2019.

189 Places for taking core skills test

- (1) Despite its amendment by the amending regulation, former part 3, division 3, subdivisions 1 and 2 continues to apply from the commencement for deciding, and providing for, the places at which a core skills test can be taken in 2019.

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- (2) For applying former part 3, division 3, subdivision 1 under subsection (1), a reference in the subdivision to an eligible person is a reference to a person who is eligible under section 186 to take the core skills test.

190 Special arrangements for taking core skills test

Despite its amendment by the amending regulation, former section 76 continues to apply from the commencement in relation to the taking of a core skills test in 2019.

191 Refusal of entry to, or expulsion from, places for taking core skills test

- (1) Despite its amendment by the amendment regulation, former section 77 continues to apply to an appointed official from the commencement in relation to a place at which a core skills test can be taken, or is being taken, in 2019.
- (2) Despite their repeal, sections 78 to 80 continue to apply from the commencement in relation to a person who, under former section 77(1) or (2), as applied under subsection (1)—
- (a) is refused entry to a place at which a core skills test can be taken; or
 - (b) is expelled from a place at which a core skills test may be taken.
- (3) For applying former section 77 or former section 78 under subsection (1) or (2)—
- (a) a reference in the provision to an eligible person is a reference to a person who is eligible under section 186 to take the core skills test; and
 - (b) a reference in former section 77 to an appointed official is a reference to a person—
 - (i) whose appointment under former section 81 is continued under subsection (4); or
 - (ii) who is appointed under former section 81 as applied under subsection (5);

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- (c) a reference in former section 78(2) to section 142(d) is a reference to former section 142(d) as applied under section 197(1).
- (4) A person who, immediately before the commencement, held an appointment under former section 81 in relation to a core skills test continues to hold the appointment from the commencement on the same conditions.
- (5) Despite its amendment by the amending regulation, former section 81 continues to apply to the authority in relation to the conduct of a core skills test in 2019.

192 Contributing studies and credits

- (1) Part 4, division 4, as amended by the amending regulation, applies as if a reference in the division, other than section 93 or 94, to contributing studies includes a reference to a WCS learning project that is contributing studies under section 185.
- (2) Also, the requirements stated in section 91(2) are taken to include, for a WCS learning project that is contributing studies under section 185, the requirements stated in former section 114(2) as applied under section 193.

193 WCS learning projects

Despite their repeal, former sections 113 and 114 continue to apply from the commencement in relation to a WCS learning project that is contributing studies under section 185.

194 Day credits must take effect

Despite its amendment by the amendment regulation, former section 117 continues to apply from the commencement in relation to a WCS learning project for the recording of credits.

195 Senior statement

Section 123 as amended by the amending regulation applies as if—

- (a) the reference in paragraph (d) to contributing studies for a QCE included a reference to a WCS learning project that is contributing studies under section 185; and
- (b) the provision required a senior statement to record, for a person who has taken a core skills test in 2019, the person's results for the test.

196 Record of results

Section 126 as amended by the amending regulation applies as if the reference in subsection (1)(c) to contributing studies for a QCE included a reference to a WCS learning project that is contributing studies under section 185.

197 Tertiary entrance

- (1) Despite its repeal, former part 8 continues to apply from the commencement in relation to a person who is a student enrolled at a school or recognised school for the year 12 year of schooling in 2019.
- (2) The review fee for former section 149(2)(c), as applied under subsection (1), is the fee provided for under former schedule 1, item 8.

198 Refund of local expenses fee for core skills test

- (1) Despite its amendment by the amending regulation, former section 169 continues to apply from the commencement in relation to a local expenses fee paid in relation to the taking of a core skills test in 2019, whether the fee was paid before or after the commencement.
- (2) For applying former section 169 under subsection (1), former section 169(2) applies as if the reference in the provision to the administration fee mentioned in schedule 1 were a

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reference to the administration fee mentioned in former schedule 1.

Schedule 1 Fees

section 164

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1 Application fee for accreditation or renewal of accreditation of a kindergarten guideline (ss 9(1)(b)(iii) and 25(1)(b)(iii))	5,063.80
2 Application fee to take an external senior examination for an examination subject (s 57(2)(b)(i))	66.95
3 Late application fee to take an external senior examination for an examination subject (s 57(2)(b)(ii))	109.40
4 Reassessment fee for a relevant subject (s 62(2)(c))	63.85
5 Script inspection fee for a relevant subject (s 63(2)(c))	18.25
6 Fee for verification of certificate or statement (s 157(2)(c))	56.60
7 Fee for a copy of a certificate (s 160(2)(b)(i))	33.80
8 Application fee for decision on equivalence of level of school education or school qualification (s 162(2)(b)(i))—	
(a) for an interstate school education or school qualification	33.80
(b) for an overseas school education or school qualification	59.20
9 Service fee for 1 year (s 165(2))	779.75
10 Administrative component (s 166(3))	1,256.85
11 Administration fee (ss 167(5), 168(2), 169(2) and 170(2))	18.25

Schedule 2 Dictionary

section 3

accreditation period, for implementation of an accredited kindergarten guideline, means a period—

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

accreditation register see section 48(1).

agreed extended day—

- (a) for an application for accreditation of a kindergarten guideline—see section 17(3); or
- (b) for an application for renewal of accreditation of a kindergarten guideline—see section 31(2).

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

assessing school means a school or a recognised school—

- (a) that provides senior secondary education to a person enrolled at the school; and
- (b) that assesses the person for any syllabus developed, purchased or revised by the authority under the Act or an Australian curriculum.

Australian citizen means an Australian citizen under the *Australian Citizenship Act 2007* (Cwlth), section 4.

Australian Qualifications framework means the Australian Qualifications Framework within the meaning of the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

cancel, for part 4, division 5, see section 98.

category, for part 4, see section 82.

certificate of accreditation means a certificate stating the matters mentioned in section 18(c)(i) to (iv).

confirmed student result, for part 3A, see section 81A.

consenting entity, for part 4, division 5, see section 98.

contributing studies—

- (a) for a QCE—see section 4; or
- (b) for a Queensland certificate of individual achievement—see section 119.

core studies, for part 4, see section 82.

credit, for part 4, see section 82.

December student vacation, in a year, means any student vacation, starting in December in the year, the days for which have been approved for State schools under the *Education (General Provisions) Regulation 2017*, section 64.

decision day—

- (a) for an application for accreditation of a kindergarten guideline—see section 17(1) and (2); or
- (b) for an application for renewal of accreditation of a kindergarten guideline—see section 31(1); or
- (c) for an application for approval of a change to a kindergarten guideline—see section 40(3).

educational criteria, for evaluation of a kindergarten guideline, section 5.

eligibility requirements, for a QCE, means the requirements stated in section 84(1).

eligible person, for part 3, means—

- (a) for an external senior examination for an examination subject—
 - (i) a person eligible, under section 53, to take the examination for the subject; or
 - (ii) a person declared to be eligible, under section 54, to take the examination for the subject; or

- (b) for an external senior assessment for a senior subject—a person eligible, under section 58B, to take the assessment for the subject.

equivalent qualification means an equivalent qualification published on the authority's website under section 87(2).

evaluation means—

- (a) for accreditation of a kindergarten guideline—an evaluation under section 14; or
- (b) for renewal of accreditation of a kindergarten guideline—an evaluation under section 28.

examination subject means a syllabus developed, purchased or revised by the authority under the Act for which an external senior examination is available under section 52.

external senior assessment means the external assessment for senior subjects made available under section 58A.

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

finishing day, for a year, means—

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

guideline—

- (a) for part 2—means a kindergarten guideline; or
- (b) otherwise—means a guideline made under section 91 of the Act.

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.

local expense fee means the fee payable under section 73(8).

moderation guideline, for part 3A, see section 81B.

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.

permanent resident means—

- (a) the holder of a permanent visa as defined by the *Migration Act 1958* (Cwlth), section 30(1); or
(b) a New Zealand citizen who is the holder of a special category visa as defined by the *Migration Act 1958* (Cwlth), section 32.

personal capacity circumstance see section 76(1).

procedural requirement means—

- (a) for an application for accreditation of a kindergarten guideline—a requirement mentioned in section 9; or
(b) for an application for renewal of accreditation of a kindergarten guideline—a requirement mentioned in section 25; or
(c) for an application for approval of a proposed change to a kindergarten guideline—a requirement mentioned in section 37(3) and (4).

QCE means a certificate issuable to a person who meets the eligibility requirements provided for the issue of the certificate.

Queensland certificate of individual achievement means a certificate of achievement of that type provided for under part 5.

recognised, for part 4, division 5, see section 98.

record of results means a statement of results of that type provided for under part 6, division 2.

registered nominee, for an accredited kindergarten guideline, means the person entered, under section 48, in the accreditation register as the nominee for the kindergarten guideline.

relevant statement of results, for a relevant subject, means the first statement of results issued to a person on which the person's result for the subject is stated.

relevant subject means—

- (a) for an external senior examination—the examination subject to which the examination relates; or
- (b) for an external senior assessment—the senior subject to which the assessment relates.

relevant test means—

- (a) an external senior examination; or
- (b) an external senior assessment.

required standard of achievement, for part 4, see section 82.

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 136(1).

review day, for part 4, division 5, see section 98.

school-based assessment see section 13A(3) of the Act.

script inspection fee see section 63(2)(c).

school study eligibility requirement see section 84(3).

senior certificate means a senior certificate issued under the repealed *Education (Queensland Studies Authority) Regulation 2002*, part 4, division 1 as in force before its replacement under the *Education Legislation Amendment Regulation (No. 2) 2007*.

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

senior statement means a statement of results of that type provided for under part 6, division 1.

show cause notice, for part 2, division 5, see section 44(1).

show cause period, for part 2, division 5, see section 44(2)(d).

social responsibility criteria, for evaluation of a kindergarten guideline, see section 6.

test script, for a relevant test, means—

- (a) for an external senior examination—a person’s written response to the examination; or
- (b) for an external senior assessment—a person’s written response to the assessment.

vocational education and training means a qualification by the name certificate I, certificate II, certificate III, certificate IV, diploma or advanced diploma under the Australian Qualifications framework that is recorded in the national register on vocational education and training by the Department of Industry (Cwlth).