

Education (Queensland Curriculum and Assessment Authority) Amendment Regulation (No. 1) 2020

Explanatory notes for SL 2020 No. 46

made under the
Education (Queensland Curriculum and Assessment Authority) Act 2014

General Outline

Short title

Education (Queensland Curriculum and Assessment Authority) Amendment Regulation (No. 1) 2020

Authorising law

Section 92 of the *Education (Queensland Curriculum and Assessment Authority) Act 2014*.

Policy objectives and the reasons for them

The policy objective of the *Education (Queensland Curriculum and Assessment Authority) Amendment Regulation (No. 1) 2020* (Amendment Regulation) is to:

- amend section 159(2) of the *Education (Queensland Curriculum and Assessment Authority) Regulation 2014* (QCAA Regulation) to omit the reference to ‘an information notice’ and insert ‘a notice stating the authority’s decision’;
- amend section 62 of the QCAA Regulation to clarify which tests may be reassessed by the QCAA; and
- make a technical amendment to include a new division and heading in the QCAA Regulation that will ensure a relevant section is correctly categorised and separated from the previous sections.

The Queensland Curriculum and Assessment Authority (QCAA) is a statutory authority established under the *Education (Queensland Curriculum and Assessment Authority) Act 2014* (QCAA Act) and performs an important role in ensuring consistent and quality education in Queensland schools. The QCAA’s functions are set out under Part 2 of the QCAA Act and include developing and revising syllabuses for Queensland schools; testing and assessing

senior students; keeping of student accounts; and issuing certificates of achievement to senior students.

The QCAA Regulation prescribes a range of operational matters to support the QCAA in the performance of its functions including matters relating to: developing and conducting external senior assessments and examinations, endorsing and moderating senior school-based assessment; managing student accounts; and making guidelines.

On 1 July 2018, the QCAA Act was amended by the *Education (Overseas Students) Act 2018* to provide the QCAA with the function and powers to support the introduction of new senior assessment tertiary entrance systems (new SATE systems), which commenced for the 2019 Year 11 cohort of students.

On 9 August 2019, the *Education (Queensland Curriculum and Assessment Authority) Amendment Regulation 2019* (QCAA Amendment Regulation 2019) amended the QCAA Regulation to support new provisions in the QCAA Act and the QCAA to implement and operationalise the new SATE systems.

The new SATE systems involve a new senior assessment approach combining school-based assessment (that is, internal senior assessments (ISAs)), developed and marked by classroom teachers, with external senior assessment (ESA) set and marked by the QCAA. The QCAA will endorse ISAs prior to their use and moderate the results of ISAs to ensure quality and comparability. The Queensland Tertiary Admissions Centre will be responsible for the calculation and issuing of the Australian Tertiary Admission Rank for Queensland students in lieu of the Overall Position rank that was issued by the QCAA.

Under the new SATE systems, a school may ask for an internal review in relation to a moderation decision for ISAs and a student may request an external review to the Queensland Civil and Administrative Tribunal (QCAT) from a decision to reassess an ESA at a lower mark. For all other matters there is no right to an internal or external review (apart from judicial review for all QCAA decisions), including for all ISAs.

These review rights are considered appropriate given the technical nature of the assessments and existing reviews and checks already built into the systems. For example, several specialist confirmers will be involved in a QCAA moderation or assessment decision, each of them independent of the others and engaged by the QCAA as independent confirmers. Therefore, a reviewer is independent from the original decision-maker. A review by an external body, such as QCAT, would not be appropriate or of any benefit in relation to these technical and specialised decisions.

Section 157 of the QCAA Regulation allows a student to request QCAA undertake a verification of the accuracy of the information in their statement of results. Section 159(2) of the QCAA Regulation requires QCAA to issue an information notice of its decision, which will allow for both an internal QCAA review and external review to QCAT of this decision. The amendment to section 159(2) was inadvertently overlooked for inclusion in the QCAA Amendment Regulation 2019. The use of an information notice in section 159(2) provides unanticipated avenues of additional internal and external review beyond those which were identified as appropriate for the new assessment and examination processes.

The Amendment Regulation amends section 159(2) of the QCAA Regulation to reflect the intended review processes in the new SATE systems. This amendment is justified given the safeguards provided under the QCAA's quality assurance processes for 'endorsement' and 'confirmation' events for ISAs and ESAs; and because section 157 of the QCAA Regulation will continue to provide a student with the right to seek a verification of the accuracy of the information in their certificate or statement. Further, a student may seek reassessment of their ESA result under section 62 of the QCAA Regulation.

The Amendment Regulation also includes an amendment that clarifies which tests may be reassessed by the QCAA under section 62. The current wording may lead to some confusion as to whether the reassessment applies to both internal and external assessments. The section is intended to apply only to ESAs and external senior examinations (ESE). An ESE is administered by the QCAA for students in their final year of senior secondary schooling who are unable to access certain subjects at their school because of timetable clashes or subject availability.

In addition, a technical amendment is required to include a new division and heading in the QCAA Regulation that will ensure a relevant section is correctly categorised and separated from the previous sections.

Achievement of policy objectives

The Amendment Regulation achieves its policy objective by amending the QCAA Regulation to:

- omit the reference to an 'information notice' and insert a 'notice stating the authority's decision' under section 159(2);
- clarify the only relevant tests that may be reassessed by the QCAA under section 62; and
- adding a new Part 7, Division 4, to separate provisions relating to 'information authority may disclose' from provisions relating to 'closure of student accounts'.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the QCAA Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation supports the QCAA to implement the new SATE systems in accordance with the intended operation and correctly aligns students' review rights in relation to their assessments in the new SATE systems.

There will be no implementation costs associated with this Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles (FLPs).

Under the new SATE systems, after each confirmation event, in accordance with section 81E of the QCAA Regulation, schools have a set period of time to request either verification that the correct files were reviewed for one or more samples (that is, a check on accuracy of QCAA's process); or review of the confirmed result for one or more students (that is, check on the fairness of a result).

In addition, after students are issued with a statement of results, students seek either verification of the accuracy of the information in the statement (section 157 of the QCAA Regulation); or review the fairness of a final subject result for an ESA or ESE included in the statement (section 62 of the QCAA Regulation).

Under the new SATE systems, student rights of appeal on the QCAA's decision to adjust cohort results for ISAs based on a sample of results (Part 3A Moderation of results of the QCAA Regulation) are restricted. As noted above, a school will be able to ask that a confirmation decision be verified (checked for accuracy) and to have the results reassessed by another confirmer. After that review, the work in the school's sample will have been marked three times by specialist confirmers. This ensures it is a robust review process.

The QCAA's decisions involve technical issues and specialist confirmers are best placed to make these assessments. Several confirmers will be involved in a decision; each of them independent of the others and engaged by the QCAA as independent confirmers. As such, the reviewer is independent from the original decision-maker. Therefore a review by an external body would not be appropriate or of any benefit.

The student and school review rights in the new SATE systems are therefore appropriate and justifiable.

Consultation

The QCAA was consulted and provided support for the Amendment Regulation.

The Queensland Productivity Commission has been consulted in relation to the requirements under the Queensland Government Guide to Better Regulation (the guidelines), and considers the Amendment Regulation is unlikely to result in significant adverse impacts and it is therefore excluded from further regulatory impact analysis under the guidelines.