

I hereby certify that this PUBLIC BILL has finally passed the  
Legislative Assembly of Queensland.



Legislative Assembly Chamber,  
Brisbane,

*M. Ries*  
The Clerk of the Parliament.

*19 February 2014*

In the name and on behalf of the Queen, I assent to this Bill.

*Penelope Wendy*  
Government House,

Brisbane, *19th February,* 2014



Queensland

**No. 3 of 2014**

**A BILL for**

**An Act to establish the Queensland Curriculum and Assessment Authority,  
to confer particular functions and powers on the authority and to make  
related minor and consequential amendments to this Act and the other Acts  
mentioned in schedule 1**





Queensland

# Education (Queensland Curriculum and Assessment Authority) Bill 2014

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# 2014

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## A Bill

for

**An Act to establish the Queensland Curriculum and Assessment Authority, to confer particular functions and powers on the authority and to make related minor and consequential amendments to this Act and the other Acts mentioned in schedule 1**

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[s 1]

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## **The Parliament of Queensland enacts—**

# **Part 1 Preliminary**

## **1 Short title**

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

## **2 Commencement**

This Act commences on a day to be fixed by proclamation.

## **3 Objects**

The objects of this Act are—

- (a) to help schools to achieve quality learning outcomes for their students; and
- (b) to help approved providers of education and care services to achieve quality learning outcomes for children who attend the services; and
- (c) to provide accurate and informative records of student achievement, including through the production of certificates of achievements and statements of results; and
- (d) to maintain public confidence in certificates of achievement and statements of results developed and administered by the authority.

## **4 Dictionary**

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

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## **Part 2**                      **Queensland Curriculum and Assessment Authority**

### **Division 1**                **Establishment and status**

#### **5**            **Establishment**

- (1) The Queensland Curriculum and Assessment Authority (the *authority*) is established.
- (2) The authority—
  - (a) is a body corporate; and
  - (b) has a common seal; and
  - (c) may sue and be sued in its corporate name.

#### **6**            **Authority represents the State**

- (1) The authority represents the State.
- (2) Without limiting subsection (1), the authority has the status, privileges and immunities of the State.

#### **7**            **Application of particular Acts**

- (1) The authority is—
  - (a) a statutory body under the FA Act; and
  - (b) a statutory body under the SBFA Act.
- (2) The SBFA Act, part 2B sets out the way in which the authority's powers under this Act are affected by the SBFA Act.

#### **8**            **Extraterritoriality**

The authority may perform its functions inside or outside Queensland including outside Australia.

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## **Division 2                      Functions**

### **9                      Syllabuses for senior subjects**

- (1) The authority has the following functions relating to syllabuses for senior subjects—
  - (a) developing and revising syllabuses;
  - (b) purchasing and revising syllabuses developed by another entity.

*Note—*

If the authority performs a function under this provision, it must give notice under section 88(1)(a).

- (2) In developing a syllabus for a senior subject for which there is an Australian curriculum, the authority must adopt the Australian curriculum content and standards of achievement for the subject as the basis for developing the syllabus.

### **10                      Syllabuses for P–10 subjects**

The authority has the following functions relating to syllabuses for P–10 subjects for which there are no Australian curricula—

- (a) developing and revising syllabuses;
- (b) purchasing and revising syllabuses developed by another entity.

*Note—*

If the authority performs a function under this provision, it must give notice under section 88(1)(a).

### **11                      Kindergarten guidelines**

The authority has the following functions relating to kindergarten guidelines—

- (a) developing and revising guidelines;

- (b) purchasing and revising guidelines developed by another entity;
- (c) accrediting, for implementation in education and care services, guidelines developed by another entity.

*Note—*

If the authority performs a function under this provision, it must give notice under section 88(3).

## **12 Supporting schools and approved providers of education and care services**

- (1) The authority has the function of supporting schools and approved providers of education and care services in implementing—
  - (a) a syllabus the authority develops, purchases or substantially revises; or
  - (b) an Australian curriculum; or
  - (c) a kindergarten guideline the authority accredits, develops, purchases or substantially revises.
- (2) The function mentioned in subsection (1)—
  - (a) is performed primarily by the authority giving school authorities and approved providers, or their nominees, information about the content and purpose of the syllabus, Australian curriculum or kindergarten guideline; and
  - (b) may be performed by the authority—
    - (i) providing resources to support the implementation of the syllabus, Australian curriculum or kindergarten guideline; or
    - (ii) developing resources and providing services for the professional development of teachers or education and care services staff.
- (3) The authority has the function mentioned in subsection (1)(a) and (b) for recognised schools.

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(4) In this section—

*school authority* means—

- (a) for a recognised school—the governing body of the recognised school; or
- (b) for a State school—the chief executive; or
- (c) for a non-State school—the governing body of the school.

### 13 Testing

(1) The authority has the following functions relating to testing—

- (a) developing and revising tests prescribed under a regulation;

*Note—*

If the authority performs a function under this provision, it must give notice under section 88(1)(b).

- (b) purchasing and revising tests developed by another entity and prescribed under a regulation;

*Note—*

If the authority performs a function under this provision, it must give notice under section 88(1)(b).

- (c) developing procedures for schools, or the authority, to administer tests mentioned in paragraphs (a) and (b);
- (d) participating in the development and revision of common national tests;

*Note—*

If the authority performs a function under this provision, it must give notice under section 88(1)(c).

- (e) implementing procedures for schools, or the authority, to administer common national tests;
- (f) marking tests mentioned in paragraphs (a) and (b) and common national tests and giving the individual test results of each student undertaking the tests to—

- (i) the student; and
- (ii) the principal of the school at which the student is enrolled;

*Note—*

Under section 87, the principal of a school that administers a test mentioned in subsection (1)(a) or (b), or a common national test, must give the authority the test script of each student of the school.

- (g) analysing systemic information about the performance of persons who undertake tests mentioned in paragraphs (a) and (b) or common national tests and reporting the results of the analysis to the Minister, the chief executive, ISQ and QCEC.
- (2) The authority has the functions mentioned in subsection (1) for recognised schools.

## **14 Moderation**

- (1) The authority has the following functions relating to moderation—
- (a) developing moderation procedures;
  - (b) arranging for moderation of student assessment.
- (2) The authority has the functions mentioned in subsection (1) for recognised schools.

## **15 Certification**

- (1) The authority has the following functions relating to certification—
- (a) reviewing, and making recommendations to the Minister about, the requirements for issuing certificates of achievement, and statements of results, prescribed under a regulation;
  - (b) deciding procedures, and carrying out arrangements, for the assessment of persons in school subjects that are certification studies;

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- (c) approving work programs for school subjects that are certification studies, for use in the schools that developed the programs;
  - (d) issuing certificates of achievement, and statements of results, prescribed under a regulation;
  - (e) giving a person, on request, a copy of any of the following documents previously issued for the person—
    - (i) 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*;
    - (ii) a certificate of achievement;
    - (iii) a statement of results;
  - (f) recognising the results of a person in certification studies, prescribed under a regulation, that are not school subjects.
- (2) The authority has the functions mentioned in subsection (1) for recognised schools.

## **16 Student accounts**

- (1) The authority has the following functions relating to student accounts—
- (a) keeping student accounts under part 3;
  - (b) dealing with information recorded in student accounts in the way permitted or required under part 3.
- (2) The authority has the functions mentioned in subsection (1) for recognised schools.

## **17 Tertiary entrance**

- (1) The authority has the following functions relating to tertiary entrance—



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- (a) developing, in consultation with the Minister, processes for use in ranking students as a basis for tertiary entrance;
  - (b) ranking students as a basis for tertiary entrance, using the processes mentioned in paragraph (a);
  - (c) issuing documents to students advising them of their tertiary entrance ranking.
- (2) The authority has the functions mentioned in subsection (1) for recognised schools.

## 18 Commercial exploitation

- (1) The authority has the function of commercially exploiting a product or service—
- (a) developed by it in the course of performing its functions; or
  - (b) licensed to it.
- (2) In this section—  
*commercially exploit* includes sell.

## 19 Other functions

The authority has the following functions—

- (a) advising the Minister about matters relevant to the performance of its functions;
- (b) conducting research to support the efficient and effective operation of its functions;
- (c) deciding the equivalent level of school education, or school qualification, in the State of a level of education reached, or qualification obtained, by a person at an educational institution established outside the State;
- (d) exercising a power delegated to it under the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 224;

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- (e) giving information obtained in the performance of its functions to the Commonwealth, a State or an entity of the Commonwealth or a State;
- (f) informing the public about matters relevant to the performance of its functions;
- (g) a function given to it under this or another Act.

## **Division 3 Powers**

### **20 Powers of the authority**

- (1) The authority has all the powers of an individual and may, for example—
  - (a) enter into contracts; and
  - (b) acquire, hold, dispose of and deal with property; and
  - (c) appoint agents and attorneys; and
  - (d) engage consultants and researchers; and
  - (e) fix charges and other terms for services and facilities it supplies; and
  - (f) do anything else necessary or convenient to be done in performing its functions.
- (2) However, the authority must not enter into an agreement about real property including, for example, leasing premises for its accommodation, without the written approval of the Minister.

## **Division 4 Delegation**

### **21 Authority may delegate functions and powers**

- (1) The authority may delegate the performance of any of its functions, or the exercise of any of its powers, under this or another Act to an appropriately qualified entity, including—
  - (a) a member; or

- (b) a committee of the authority; or
  - (c) the chief executive officer; or
  - (d) an employee of the authority.
- (2) An entity to which the authority delegates a function or power may subdelegate it only if the delegation permits the subdelegation.

## **Division 5                      Membership**

### **22            Members**

The authority is comprised of the following members—

- (a) the chief executive, or a nominee of the chief executive;
- (b) the following persons (each, an *appointed member*) appointed as members by the Governor in Council—
  - (i) the executive director, or nominee, of the ISQ;
  - (ii) the executive director, or nominee, of the QCEC;
  - (iii) 1 nominee of the Minister having relevant corporate, governance or financial qualifications or experience;
  - (iv) 3 other nominees of the Minister having the qualifications, experience or standing the Minister considers relevant to the functions of the authority.

### **23            Eligibility**

The following persons are ineligible for nomination or appointment as a member—

- (a) a member of the Legislative Assembly;
- (b) a councillor of a local government;
- (c) the chief executive officer.

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## **24 Nomination**

- (1) This section applies to the nomination of a person for membership of the authority by an entity mentioned in section 22(b)(i) or (ii).
- (2) The Minister must give the entity a notice stating a reasonable time (the *stated period*) within which the entity may nominate a person for membership.
- (3) If the entity does not nominate a person within the stated period, the executive director of the entity is taken to be the entity's nominee.

## **25 Term of appointment**

An appointed member is appointed for the term, of not more than 4 years, stated in the appointed member's instrument of appointment.

## **26 Conditions of appointment**

- (1) An appointed member is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) For matters not provided for in this Act, an appointed member holds office on the terms and conditions decided by the Governor in Council.

## **27 Chair**

- (1) The Minister must nominate 1 of the persons mentioned in section 22(b)(iv) to be the chair of the authority.
- (2) The Governor in Council must appoint the person nominated by the Minister as the chair.
- (3) The person may be appointed as the chair at the same time the person is appointed as a member.
- (4) The chair holds office for the term of the person's appointment as chair.

- 
- (5) However, the term mentioned in subsection (4) can not be longer than the term of the person's appointment as a member.
  - (6) A vacancy occurs in the office of chair if the person holding office—
    - (a) resigns from office by giving the Minister a notice of resignation; or
    - (b) stops being a member.
  - (7) However, a person may continue to be a member after resigning the office of chair.

## **28 Deputy chair**

- (1) The authority must appoint a member, other than the chair, as its deputy chair.
- (2) The deputy chair holds office for the term decided by the authority.
- (3) A vacancy occurs in the office of deputy chair if the person holding office—
  - (a) resigns from office by giving the authority a notice of resignation; or
  - (b) stops being a member.
- (4) However, a person may continue to be a member after resigning the office of deputy chair.
- (5) The deputy chair is to act as chair—
  - (a) during a vacancy in the office of chair; and
  - (b) during all periods when the chair is absent from duty or, for another reason, can not perform the functions of the office.

## **29 Disqualification**

- (1) A person is disqualified from becoming, or continuing as, a member if the person—

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- (a) has a conviction, other than a spent conviction, for an indictable offence, unless the Minister has taken action under subsection (4) for the conviction; or
  - (b) is an insolvent under administration, unless the Minister has taken action under subsection (4) for the insolvency; or
  - (c) is not able to manage a corporation because of the Corporations Act, part 2D.6.
- (2) A person is also disqualified from—
- (a) becoming a member if the person does not consent to the Minister requesting a report about the person's criminal history under section 42; or
  - (b) continuing as a member if the person is absent from 3 consecutive meetings of the authority, of which proper notice has been given, unless—
    - (i) the authority has given permission for the person to be absent from the meetings; or
    - (ii) the meetings occurred during the period of a leave of absence approved for the member by the Minister under section 30.
- (3) The Minister may act under subsection (4) if the Minister considers it would be reasonable to do so, having regard to—
- (a) the circumstances of an offence of which a person has been convicted; or
  - (b) the circumstances under which a person became an insolvent under administration.
- (4) The Minister may—
- (a) if the person was a member when the person was convicted or became an insolvent under administration, and the term of the person's appointment as a member has not since ended, give the chair and the person notice (the *approval notice*) that—
    - (i) the person is restored as a member; and

- 
- (ii) the person may be later reappointed, despite the conviction or being an insolvent under administration; or
  - (b) otherwise—give written approval for the person to become a member despite the conviction or being an insolvent under administration.
- (5) The person is restored as a member on the day the chair receives the approval notice.
  - (6) The restored member's term of appointment as a member ends when it would have ended if the member had not been convicted of the offence or become an insolvent under administration.
  - (7) In this section—  
*insolvent under administration* has the meaning given by the Corporations Act, section 9.

### **30 Leave of absence**

- (1) The Minister may approve a leave of absence for a member.
- (2) The Minister may appoint another person to act in the office of the member during the leave of absence.
- (3) Subsection (2) does not limit the power of the Governor in Council, under the *Acts Interpretation Act 1954*, section 25(1)(b)(v) to appoint a person to act in the office during the leave of absence.
- (4) If the Minister approves a leave of absence for the deputy chair, the authority may appoint another member to be the deputy chair during the leave of absence.

### **31 Resignation**

- (1) A member may resign by signed notice given to the Minister.
- (2) The resignation takes effect on—
  - (a) the day the notice is given; or

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- (b) if a later day is stated in the notice—the later day.

## **Division 6                    Chief executive officer**

### **32        Appointment**

- (1) The authority must have a chief executive officer.
- (2) The chief executive officer is appointed by the Governor in Council, on recommendation from the Minister after consultation with the authority.

### **33        Term of appointment**

The chief executive officer is appointed for the term, of not more than 5 years, stated in the chief executive officer's instrument of appointment.

### **34        Conditions of appointment**

- (1) The chief executive officer is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) For matters not provided for in this Act, the chief executive officer holds office on the terms and conditions of appointment decided by the Governor in Council.

### **35        Preservation of existing rights and entitlements**

- (1) The *Public Service Act 2008* does not apply to the chief executive officer's appointment.
- (2) However, if a person appointed as chief executive officer was, immediately before taking up the appointment, a public service employee—
  - (a) the person is entitled to retain all existing and accruing rights as if service as the chief executive officer were a continuation of service as a public service employee; and



- (b) if the person was, immediately before taking up the appointment, a member of the State Public Sector Superannuation Scheme under the *Superannuation (State Public Sector) Act 1990*—the person retains all existing and accruing rights relating to superannuation.
- (3) If a person is appointed as a public service employee and was, immediately before taking up the appointment, the chief executive officer of the authority, the person's service as chief executive officer must be regarded as service as a public service employee.

### **36 Responsibilities**

- (1) The chief executive officer is, subject to direction of the authority through its chair, responsible for the effective and efficient administration and operation of the authority.
- (2) Without limiting subsection (1), the chief executive officer's responsibilities include managing staff of the authority in accordance with the requirements of—
  - (a) this Act; and
  - (b) for staff employed by the authority under the *Public Service Act 2008*—that Act.

### **37 Delegation of responsibilities**

The chief executive officer may delegate a function, power or responsibility of the office to an appropriately qualified employee of the authority.

### **38 Acting chief executive officer**

- (1) The Minister may appoint a person to act as the chief executive officer—
  - (a) during a vacancy in the office of chief executive officer;  
or

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- (b) during any period when the chief executive officer is absent from duty or can not, for another reason, perform the functions of the office.
- (2) Subsection (1) does not limit the power of the Governor in Council, under the *Acts Interpretation Act 1954*, section 25(1)(b)(v) to appoint a person to act in the office.

### **39 Resignation**

- (1) The chief executive officer may resign by signed notice given to the Minister.
- (2) The resignation takes effect on—
  - (a) the day the notice is given; or
  - (b) if a later day is stated in the notice—the later day.

## **Division 7 Staff**

### **40 Employment of staff under Public Service Act 2008**

- (1) The authority may employ staff as it considers appropriate to perform its functions or exercise its powers.
- (2) Subject to section 41, staff of the authority are appointed under the *Public Service Act 2008*.

### **41 Employment of staff on casual basis**

- (1) The authority may employ staff on a casual basis under this section to help the authority perform its functions under division 2.
- (2) Staff employed by the authority under this section are—
  - (a) entitled to be paid the remuneration and allowances decided by the Governor in Council; and
  - (b) not subject to any industrial instrument or any determination or rule of an industrial tribunal; and

- 
- (c) subject to the direction and control of the chief executive officer.
  - (3) To remove any doubt, it is declared that a person employed under this section may be simultaneously employed in another capacity under the *Public Service Act 2008*.
  - (4) In this section—  
*industrial instrument* see the *Industrial Relations Act 1999*, schedule 5.

## **Division 8                      Criminal history**

### **42            Criminal history report**

- (1) The Minister may investigate—
  - (a) a member, or prospective member, to decide if the person is disqualified under section 29 from being, or becoming, a member; or
  - (b) a prospective chief executive officer, to decide if the person is an appropriate person for performing the functions, exercising the powers or carrying out the responsibilities, of the chief executive officer; or
  - (c) the chief executive officer, to decide whether to terminate the person's appointment as chief executive officer under section 32.
- (2) Without limiting subsection (1), the Minister may ask the commissioner of police for—
  - (a) a written report about the criminal history of a person mentioned in subsection (1)(a) to (c); and
  - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (3) However, the Minister may make the request only if the person about whom the report will be created has given the Minister written consent for the request.

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- (4) The commissioner of police must comply with the request.
- (5) However, the duty to comply applies only to information in the commissioner's possession or to which the commissioner has access.
- (6) The Minister must ensure the report is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.

### **43 Criminal history reports confidential**

- (1) This section applies to a person who possesses a report, or information contained in a report, given under section 42, because the person is or was an officer, employee or agent of the department or the authority.
- (2) The person must not, directly or indirectly, disclose the report or information to any other person unless the disclosure is permitted under subsection (3).

Maximum penalty—100 penalty units.

- (3) The person is permitted to disclose the report or information to another person—
  - (a) to the extent necessary to perform the person's functions under this Act; or
  - (b) if the disclosure is authorised under an Act; or
  - (c) if the disclosure is otherwise required or permitted by law; or
  - (d) if the person to whom the disclosure relates consents to the disclosure; or
  - (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
  - (f) if the information is, or has been, lawfully accessible to the public.

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#### **44 Changes in criminal history must be disclosed**

- (1) If there is a change in the criminal history of a person who is a member or the chief executive officer, the person must, unless the person has a reasonable excuse, immediately give notice (the *notice*) of the change to the Minister.

Maximum penalty—100 penalty units.

- (2) The notice must include all of the following—
  - (a) the existence of the conviction;
  - (b) when the offence was committed;
  - (c) details adequate to identify the offence;
  - (d) the sentence imposed on the person.
- (3) If a person does not have a criminal history, there is taken to be a change in the person's criminal history if the person acquires one.

### **Division 9 Reporting**

#### **45 Financial reporting**

- (1) For each financial year, the authority must develop and adopt a budget and give it to the Minister by the required day.
- (2) During a financial year, the authority may develop, adopt and give the Minister amendments of the approved budget for the year.
- (3) A budget or budget amendment has no effect until the Minister approves it.
- (4) The authority must comply with its approved budget, as amended by any approved budget amendment, for the financial year.
- (5) In this section—

*required day* means the day directed by the Minister.

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## **46 Annual report**

The authority's annual report, under the FA Act, must include details of—

- (a) each request made by the chief executive under section 66 during the year; and
- (b) each request made by the Minister under section 70 during the year to which the report relates; and
- (c) each direction given by the Minister under section 72 or 73 during the year; and
- (d) each statement of expectations issued during the year; and
- (e) each notice given by the Minister under section 75 during the year; and
- (f) a document or information given by the authority under section 75 during the year; and
- (g) each delegation of power to the authority under the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 224 during the year.

# **Part 3 Student accounts**

## **Division 1 Preliminary**

### **47 Definitions for pt 3**

In this part—

*authorised agent*, of a provider, see section 59(1).

*eligible option* see the E(GP) Act, section 232.

*exempt provider* means an entity that—

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- (a) provides certification studies that are not a component of an eligible option; and
  - (b) does not provide educational instruction in the certification studies in Queensland.

***planning activities*** means—

- (a) planning activities under the E(GP) Act, section 6; and
- (b) monitoring by the chief executive of the effectiveness of education provided in Queensland for enabling persons to obtain a certificate of achievement.

***provider*** means each of the following—

- (a) a provider for an eligible option within the meaning of the E(GP) Act, section 232;
- (b) an entity that, in Queensland—
  - (i) provides educational instruction in, or carries out assessment of persons for, certification studies that are not a component of an eligible option; and
  - (ii) issues persons' results in the certification studies;
- (c) an exempt provider.

***re-engagement activities*** see the E(GP) Act, section 6.

#### **48 Meaning of *student account***

A ***student account*** is a record kept for a person to record information about—

- (a) the person's results in certification studies; and
- (b) for a person in the compulsory participation phase—the person's participation in eligible options during the compulsory participation phase.

#### **49 Meaning of *student account phase***

A young person is in the ***student account phase*** if—

- (a) the person is in the compulsory participation phase; or

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- (b) the person is not yet in the compulsory participation phase but a student account has been opened for the person.

## **50 Purposes for which student accounts kept**

Student accounts are kept for the following purposes—

- (a) supporting the authority in performing its functions under section 15;
- (b) making information available to the chief executive to enable the chief executive to carry on planning activities;
- (c) for student accounts kept for young persons in the compulsory participation phase—making information available to the chief executive to enable the chief executive to carry on re-engagement activities.

## **Division 2 Opening student accounts**

### **51 Obligation to open student account for young persons entering compulsory participation phase**

- (1) A student account must be opened for a young person within 1 year before the start of the person's compulsory participation phase.
- (2) The student account must be opened for the young person by—
  - (a) if the person is enrolled with a school—the school's principal; or
  - (b) otherwise—the chief executive.
- (3) The principal or chief executive opens the student account for the young person by giving the authority the information about the person prescribed under a regulation.



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**52 Obligation to open student account for particular young persons**

- (1) This section applies if—
  - (a) the authority receives information from a provider under section 56(1) about a young person who is in the compulsory participation phase; and
  - (b) no student account is open for the person.
- (2) The authority must—
  - (a) request the provider give it further information prescribed under a regulation; and
  - (b) as soon as practicable after the provider gives the further information to the authority—open a student account for the young person.

**53 Student accounts may be opened for students of recognised schools**

- (1) A student account may be opened for a person who is enrolled to undertake certification studies at a recognised school.
- (2) The recognised school, or the chief executive, opens the student account for the person by giving the authority the information about the person prescribed under a regulation.

**54 Student accounts may be opened for other persons in particular circumstances**

- (1) This section applies if a person wishes to have a student account opened for the person but is not—
  - (a) in the student account phase; or
  - (b) of compulsory school age or younger.
- (2) The person may give the information about the person prescribed under a regulation to—
  - (a) the chief executive; or

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- (b) if the person is enrolled in certification studies with a provider other than an exempt provider—the provider.
- (3) When the person gives the chief executive, or the provider, information under subsection (2) the person may ask the chief executive or provider to open the account for the person.
- (4) The chief executive or the provider opens the account for the person by giving the authority the information given by the person under subsection (2).
- (5) In this section—  
*compulsory school age* see the E(GP) Act, section 9.

#### **55 Authority must assign account number etc.**

After a student account is opened for a person, the authority must—

- (a) assign a number (the *account number*) for the student account; and
- (b) give the entity that opened the account a notice stating the account number and that the account has been opened for the person.

### **Division 3 Provision of student account information to authority**

#### **56 Obligation to notify enrolments**

- (1) If a young person in the student account phase enrolls with a provider in a program or course that is a component of an eligible option, the provider must give the authority the information about the person prescribed under a regulation.
- (2) Subsection (3) applies if—
  - (a) a person for whom a student account is open enrolls with a provider, other than an exempt provider, in certification studies; and

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- (b) the provider has the account number for the person's student account; and
  - (c) the provider is not required to give the authority information under subsection (1).
- (3) The provider must give the authority the information about the person prescribed under a regulation.
- (4) If a person for whom a student account is open enrolls in certification studies at a recognised school and the recognised school has the account number for the person's student account, the recognised school must give the authority the information about the person prescribed under a regulation.

## **57 Obligation to notify result information**

- (1) This section applies if a person is, or was, enrolled in certification studies with a provider or a recognised school.
- (2) The provider or recognised school must give the authority, at the time and in the way prescribed under a regulation, result information about the person if—
- (a) for a provider—either—
    - (i) the person is in the student account phase; or
    - (ii) a student account is open for the person and the provider has the account number for the person's student account; or
  - (b) for a recognised school—a student account is open for the person and the recognised school has the account number for the person's student account.
- (3) In this section—
- result information***, about a person, means—
- (a) the results of the assessment of the person, carried out by a provider or recognised school for certification studies; and
  - (b) when the results were achieved; and

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- (c) the qualifications the provider or recognised school conferred on the person and when the qualifications were conferred; and
- (d) if the information is being given by a recognised school—
  - (i) any qualifications for certification studies that have been conferred on the person by another entity; and
  - (ii) when the qualifications were conferred.

## **58 Obligation to notify other matters**

- (1) This section applies if—
  - (a) a person in the student account phase is, or was, enrolled with a provider; or
  - (b) a person is, or was, enrolled in certification studies with a provider or recognised school and—
    - (i) a student account is open for the person; and
    - (ii) the provider or recognised school has the account number for the person's student account; and
    - (iii) for a provider—the person is not in the student account phase.
- (2) The provider or recognised school must, at the time and in the way prescribed under a regulation—
  - (a) if the provider or recognised school is aware that information about the person recorded in the person's student account was, or has become, incorrect—give the authority the correct information; and
  - (b) if the provider or recognised school is aware that information it previously gave the authority about the person's enrolment or results in certification studies was incorrect or has been incorrectly recorded in the person's student account—give the authority the correct information about the enrolment or results; and

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- (c) if the person stops being enrolled with the provider or recognised school—inform the authority as to when the person stopped being enrolled; and
  - (d) if the person is in the student account phase and the provider or recognised school becomes aware the person has died—inform the authority that the person has died.
- (3) The recognised school must also give the authority, at the time and in the way prescribed under a regulation, a notice stating the person’s name, sex, date of birth, address and telephone number.

## **59 Authorised agent may give notice on behalf of provider**

- (1) A provider may enter into a written agreement with another entity (the *authorised agent*) under which the other entity is authorised to act as the provider’s agent for complying with the provider’s obligations to give the authority information (the *required information*) under this part.
- (2) If the authorised agent gives the authority the required information on the provider’s behalf—
  - (a) the provider is taken to have complied with its obligation to give the required information under this part; and
  - (b) the required information is taken to have been given by the provider.

## **Division 4 Authority to record information in student accounts**

### **60 Authority must record information**

The authority must record in a person’s student account information about the person received by the authority—

- (a) under division 2 or 3; or
- (b) from the person.

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## **Division 5                    Use of student account information by authority**

### **61            Authority may use student account information**

The authority may use information recorded in a student account to perform its functions under section 15.

## **Division 6                    Authority must allow access to student account information**

### **62            Access to information—providers**

- (1) This section applies to a provider with which a person (the *person*), for whom a student account is open, is enrolled in certification studies.
- (2) If the provider is a school, the authority must give the provider access to all information recorded in the person's student account, to help the provider—
  - (a) comply with section 58; and
  - (b) manage the education program provided to the person.
- (3) If the provider is not a school, the authority must give the provider access to—
  - (a) information about the person, prescribed under a regulation, that is recorded in the person's student account; and
  - (b) information about certification studies in which the person is, or was, enrolled with the provider.
- (4) The purpose of giving access to a provider under subsection (3) is to—
  - (a) help the provider comply with section 58; and
  - (b) enable the provider to verify information, prescribed under a regulation, that it holds about the person, for ensuring information it provides to the authority under

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this part relates to the correct person for whom a student account is kept.

- (5) The authority must give the authorised agent of a provider access to information about the person, prescribed under a regulation, that is recorded in the student account.
- (6) The purpose of giving access to the authorised agent of a provider under subsection (5) is to enable the agent to verify information about the person, prescribed under a regulation, that the agent has been given by the provider, for ensuring the information notified to the authority under this part relates to the correct person for whom a student account is kept.

### **63 Access to information—recognised schools**

- (1) The authority must give a recognised school access to all information recorded in a student account kept for a person enrolled at the recognised school in certification studies.
- (2) The purpose of giving the access to the recognised school under subsection (1) is to—
  - (a) help the recognised school comply with section 58; and
  - (b) manage the education program provided for the person.

### **64 Access to information by person for whom student account kept**

The authority must give a person access to information recorded in a student account kept for the person.

## **Division 7 Disclosure of student account information by authority**

### **65 Disclosure to providers and recognised schools**

- (1) The authority may disclose information kept in a student account, prescribed under a regulation, to the following

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entities, to the extent necessary for the authority to ensure the accuracy of the information—

- (a) a provider the authority reasonably believes is able to confirm the accuracy of the information;
  - (b) for a student account for a person enrolled in certification studies at a recognised school—the recognised school.
- (2) However, the authority may disclose information about the enrolment or results, in certification studies, of the person for whom the student account is kept only to the provider or recognised school for the studies.
- (3) If the authority discloses information under subsection (2), the provider or recognised school must, as soon as practicable—
- (a) determine whether the disclosed information is correct; and
  - (b) if the disclosed information is incorrect—
    - (i) change the information in the student account so that it is correct; and
    - (ii) give the person for whom the student account is kept a notice about the change.

## **66 Disclosure to chief executive**

- (1) To enable the chief executive to carry on planning activities, the authority must give the chief executive, on request, aggregated student account information.
- (2) To enable the chief executive to carry on re-engagement activities, the authority must give the chief executive, on request, information prescribed under a regulation about a stated young person or all young persons who, according to the person's or persons' student accounts—
  - (a) is or are in the compulsory participation phase; and
  - (b) has or have stopped being enrolled with a provider in a course or program that is a component of an eligible option; and



- (c) has or have not re-enrolled with a provider in a course or program that is a component of an eligible option within 30 days after stopping the enrolment mentioned in paragraph (b).

## **67 Disclosure to particular entities**

- (1) The authority must give a relevant entity the aggregated student account information prescribed under a regulation relating to the entity.
- (2) The authority must give the relevant entity the information under subsection (1) at the time prescribed under a regulation.
- (3) In this section—  
*relevant entity* means any of the following—
  - (a) ISQ;
  - (b) QCEC;
  - (c) the VETE chief executive.

## **68 Disclosure to VETE chief executive**

- (1) The authority must give the VETE chief executive information prescribed under a regulation, to enable the VETE department to comply with its reporting obligations under an agreement, prescribed under a regulation, between the State and the Commonwealth.
- (2) The authority must give the VETE chief executive the information at the time and in the way prescribed under a regulation.

## **Division 8 Miscellaneous**

### **69 Chief executive may delegate functions**

- (1) The chief executive may delegate the chief executive's functions and powers under this part to an appropriately

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qualified officer or employee of the department or the VETE department.

- (2) A delegation of a function or power may permit the subdelegation of the function or power to an appropriately qualified officer or employee of the department or the VETE department.

## **Part 4                      Minister's powers**

### **70      Minister may request authority report on its performance**

- (1) The Minister may request the authority report to the Minister about the efficiency, effectiveness, economy and timeliness of the authority and its systems and processes, including its operational processes.
- (2) The authority must—
  - (a) comply with a request made by the Minister under subsection (1); and
  - (b) give its report to the Minister in the way, and at the time, required by the Minister.

### **71      Minister may refer matter for investigation**

- (1) If the Minister considers it appropriate, the Minister may refer a matter relevant to the authority's functions to the authority for investigation.
- (2) The authority must—
  - (a) investigate the matter; and
  - (b) after completing its investigation—give the Minister a written report about the matter.
- (3) The authority's report may include a recommendation about the amendment of, or addition to, its functions.

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## **72 Minister may give direction in the public interest**

- (1) The Minister may give the authority a written direction about a matter relevant to the performance of its functions, if the Minister is satisfied it is necessary, in the public interest, to give the direction.
- (2) The authority must comply with a direction given by the Minister under subsection (1).
- (3) Without limiting subsection (1), the direction may be that the authority must—
  - (a) develop or purchase—
    - (i) a syllabus for stated school subjects; or
    - (ii) a stated type of kindergarten guideline; or
  - (b) comply with a policy, standard or other instrument applying to a public sector unit; or
  - (c) comply with another document including, for example, another policy, standard or instrument.
- (4) However, the Minister can not give a direction to the authority about any of the following matters—
  - (a) the content of syllabuses or kindergarten guidelines;
  - (b) the accreditation of kindergarten guidelines;
  - (c) the recording of a particular person's results in certification studies on a certificate of achievement or a statement of results;
  - (d) the issue of a certificate of achievement prescribed under a regulation to a particular person.

## **73 Minister may give directions about intellectual property**

- (1) The Minister may give the authority a written direction about either of the following—
  - (a) a product—
    - (i) containing intellectual property held by the authority; or

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- (ii) for which the authority holds a licence;
- (b) a service provided by the authority that relates to a product mentioned in paragraph (a).
- (2) Without limiting subsection (1), the direction may be about any of the following—
  - (a) the commercial exploitation of a product or service mentioned in subsection (1);
  - (b) the granting of a licence to the State;
  - (c) the conditions on which a licence is to be granted to the State, including a condition that no fee is payable by the State for the licence;
  - (d) that a licence not be granted to an entity other than the State;
  - (e) the receipt or payment of monies.
- (3) The authority must comply with a direction given by the Minister under subsection (1).
- (4) In this section—  
*commercially exploit* includes sell.

#### **74 Minister may issue statement of expectations**

- (1) The Minister may issue a written statement (a *statement of expectations*) to the authority stating the Minister's expectations for the performance by the authority of its functions.
- (2) A statement of expectations may—
  - (a) apply for a particular period stated in the statement; and
  - (b) include provisions about any of the following—
    - (i) the authority's strategic or operational activities;
    - (ii) the key priorities for the authority;
    - (iii) the authority's reporting to the Minister about its strategic or operational activities;

- (iv) the way in which the authority performs its functions or exercises its powers.
- (3) The authority must have regard to a statement of expectations in performing its functions or exercising its powers.

## **75 Minister may require authority to give documents or information**

- (1) The Minister may, by notice, require the authority to give the Minister documents or information stated in the notice that are relevant to the authority's functions.
- (2) The authority must comply with a requirement of the Minister under subsection (1).

## **76 Delegation**

- (1) The Minister may delegate a function or power of the Minister under this Act to an appropriately qualified entity.
- (2) However, the Minister can not delegate the following functions or powers under this Act—
  - (a) the power to give a direction to the authority;
  - (b) the power to refer a matter to the authority for investigation;
  - (c) the power to require the authority, or a committee of the authority, to give documents or information;
  - (d) the responsibility for monitoring the authority's performance.

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## **Part 5                      Review of decisions**

### **Division 1                Preliminary**

#### **77            Who may apply for review**

A person who is given, or is entitled to be given, an information notice for a reviewable decision may apply for a review of the decision.

#### **78            Review process starts with internal review**

The review must, in the first instance, be by way of an internal review.

### **Division 2                Internal review**

#### **79            Internal review application**

- (1) An internal review application must—
  - (a) be in writing; and
  - (b) state fully the grounds of the application; and
  - (c) be made within 14 days after—
    - (i) the day the applicant receives the information notice for the reviewable decision; or
    - (ii) if the applicant does not receive the information notice—the day the applicant becomes aware of the decision.
- (2) Despite subsection (1)(c), the authority may at any time extend the time within which a person may apply for an internal review of a reviewable decision.

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**80 Internal review officer**

- (1) The authority must, as soon as reasonably practicable after receiving an internal review application, appoint an internal review officer to review the reviewable decision.
- (2) The internal review officer must not be the person who assisted the authority in making the reviewable decision.
- (3) In reviewing the reviewable decision, the internal review officer must—
  - (a) have regard to documents or information the officer reasonably considers relevant to the decision, including the reasons for the decision and the documents or information on which it was based; and
  - (b) give the applicant a reasonable opportunity to make oral or written submissions to the officer.
- (4) The internal review officer must, within 7 days after the authority receives the internal review application, make a written recommendation to the authority about the reviewable decision.

**81 Internal review decision**

- (1) Within 7 days after receiving the written recommendation mentioned in section 80(4), the authority must make a decision under this section (an *internal review decision*).
- (2) However, the authority is not required to follow the written recommendation.
- (3) The internal review decision must—
  - (a) confirm the reviewable decision; or
  - (b) amend the reviewable decision; or
  - (c) substitute another decision for the reviewable decision.
- (4) Within 7 days after making the internal review decision, the authority must give the applicant notice (the *review notice*) of the decision.

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- (5) The review notice must comply with the QCAT Act, section 157(2).
- (6) If the authority does not give the review notice within 7 days after making the internal review decision, it is taken to have confirmed the reviewable decision.

## **Division 3                      External review**

### **82            Who may apply for external review**

A person who is dissatisfied with an internal review decision under division 2 may apply to QCAT for an external review.

### **83            Application for external review**

An application to QCAT under section 82 must be made in the way provided under the QCAT Act.

## **Part 6                              Miscellaneous**

### **84            Protection from civil liability**

- (1) The following persons are not civilly liable for an act done, or omission made, honestly and without negligence under this Act—
  - (a) the Minister;
  - (b) a member;
  - (c) if a member of a committee of the authority is not a member of the authority—the committee member;
  - (d) the chief executive officer;
  - (e) an employee of the authority.



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- (2) If subsection (1) prevents a civil liability attaching to a person, the liability attaches instead to the State.

## **85 Confidentiality**

- (1) This section applies to a person who acquires information about another person (the *other person*)—
- (a) in performing a function or exercising a power under this Act; or
  - (b) because of an opportunity provided by the performance of the person's function, or the exercise of the person's power, under this Act.
- (2) The person must not make a record of, or disclose, the information other than—
- (a) for a purpose of this Act; or
  - (b) with the consent of the other person; or
  - (c) in compliance with lawful process requiring production of documents to, or giving evidence before, a court or tribunal; or
  - (d) as permitted or required by another Act.

Maximum penalty—50 penalty units.

- (3) In this section—
- disclose*, for information, includes give access to the information.

## **86 Approved forms**

The authority may approve forms for use under this Act.

## **87 Principals must give particular test scripts to authority**

- (1) This section applies if a school or a recognised school administers—
- (a) a test mentioned in section 13(1)(a) or (b); or

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- (b) a common national test.
- (2) The principal of the school or recognised school must give the authority the test script of each student of the school or recognised school who undertook the test.

## **88 Authority must give notice of performance of particular functions**

- (1) The authority must give the Minister and the governing body of each non-State school a notice about—
  - (a) a syllabus for a senior subject or P-10 subject that it purchases, develops or revises under section 9 or 10; or
  - (b) a test that it develops, purchases or revises under section 13(1)(a) or (b); or
  - (c) a common national test that it participates in developing or revising under section 13.
- (2) However, if a governing body of a non-State school makes a written request to the authority that a notice mentioned in subsection (1) be given to a nominated body instead of the governing body, the authority—
  - (a) must comply with the request; and
  - (b) if it complies with the request—is taken to have complied with its obligation under subsection (1) to give the notice to the governing body.
- (3) The authority must give a notice about a kindergarten guideline it purchases, develops, revises or accredits under section 11 to—
  - (a) the Minister; and
  - (b) each approved provider of an education and care service other than a service that provides education and care only to children of preparatory year age or older.
- (4) In this section—

*preparatory year age*, for a child, means the age at which the child is eligible for the preparatory year under the E(GP) Act.

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## 89 Disclosure of information

- (1) The authority may—
  - (a) require schools to give it information about the implementation of a common national test; and
  - (b) disclose the information to ACARA to enable ACARA to prepare and publish its annual statement about common national test results and information.
- (2) In this section—

***implement***, for a common national test, means implement the test under a regulation made under the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004* (Cwlth).

***information***, about the implementation of a common national test, includes the following information—

- (a) the number of students who undertook the test;
- (b) the number of complaints received about the test and when the complaints were received;
- (c) an investigation into the complaints and the outcome of the investigation.

## 90 Change in requirements for certification

If the authority changes the requirements for issuing a certificate of achievement, or a statement of results, prescribed under a regulation, the authority must ensure that a person who was subject to the previous requirements and has become subject to the changed requirements is not disadvantaged by the change.

## 91 Guidelines

- (1) The authority may make guidelines about its functions.
- (2) However, a regulation may provide for particular matters about which a guideline may be made.

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- (3) Also, a regulation may provide that the authority may make a guideline only with the approval of the Minister.
- (4) If a guideline is inconsistent with this Act, the guideline is invalid to the extent of the inconsistency.
- (5) A guideline—
  - (a) must be notified in the way provided under a regulation; and
  - (b) takes effect on the day it is notified or, if a later day is stated in the guideline, on the later day.
- (6) On the day a guideline is notified under subsection (5)(a), or as soon as practicable after that day, copies of the guideline must be available to be purchased or otherwise obtained at each place stated in the notice as a place where a copy of the guideline may be obtained.
- (7) Failure to comply with subsection (6) does not affect the validity of the notification under subsection (5)(a).

## **92 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may be made about any of the following—
  - (a) the issuing of certificates of achievement and statements of results, including eligibility requirements for the issue of the certificates and statements;
  - (b) the accreditation by the authority of kindergarten guidelines for implementation in education and care services;
  - (c) the testing of persons;
  - (d) procedures and arrangements for moderation;
  - (e) deciding the equivalence, in the State, of a level of school education reached, or a school qualification obtained, by a person at an educational institution established outside the State;

- (f) the ranking of persons as a basis for tertiary entrance, including the giving of information about ranking to entities with a legitimate interest in the information;
  - (g) the issuing of tertiary entrance statements;
  - (h) the review by the authority of information contained in a tertiary entrance statement issued to a person under this Act;
  - (i) the verification of information contained in a certificate of achievement or a statement of results issued to a person;
  - (j) the opening, closing and recording of information in a student account for a person;
  - (k) the obligation of entities to provide information to the authority for recording in a student account;
  - (l) the disclosure of information recorded in a student account for a person or aggregated student account information;
  - (m) fees, including the refunding of fees, under this Act.
- (3) Before recommending to the Governor in Council the making of a regulation about a matter mentioned in subsection (2)(k), (l) or (m), the Minister must consult—
- (a) ISQ; and
  - (b) QCEC; and
  - (c) the VETE chief executive.

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## **Part 7                      Repeal and transitional provisions**

### **Division 1                Repeal**

#### **93        Repeal**

The Education (Queensland Studies Authority) Act 2002 No. 1 is repealed.

### **Division 2                Transitional provisions**

#### **Subdivision 1        Preliminary**

#### **94        Definitions for div 2**

In this division—

*commencement* means the commencement of this section.

*QSA* means the Queensland Studies Authority under the repealed Act.

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

#### **Subdivision 2        Authority is successor in law of QSA**

#### **95        Dissolution of QSA**

On the commencement, the QSA is dissolved and its members cease to hold office.

**96 Authority is successor of QSA**

The authority is the successor in law of the QSA.

**97 Transfer of assets and liabilities of QSA**

- (1) This section applies to the assets and liabilities of the QSA immediately before the commencement.
- (2) On the commencement, the assets become the assets of the authority and the authority assumes the liabilities.

**98 Records**

- (1) This section applies to the records held or controlled by the QSA immediately before the commencement.
- (2) On the commencement, the records become the records of the authority.

**99 Director to be chief executive officer**

- (1) This section applies to the person who, immediately before the commencement, held the office of director of the office of the QSA.
- (2) The person is taken to hold office as chief executive officer of the authority, on the same terms and conditions on which the person held office as the director immediately before the commencement.
- (3) The person's existing and accruing entitlements continue as if service as the chief executive officer were service as the director.
- (4) The person holds office as the chief executive officer of the authority until the Governor in Council makes an appointment under section 32.

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## **100 Casual staff**

- (1) This section applies to a person who was, immediately before the commencement, employed by the QSA on a casual basis under section 69A of the repealed Act.
- (2) The person is taken to have been employed by the authority under section 41, on the same terms and conditions on which the person was employed by the QSA.

## **101 Proceedings**

- (1) The authority may continue and finish an existing proceeding.
- (2) A proceeding that could have been started by or against the QSA before the commencement may be started by or against the authority.
- (3) In this section—  
*existing proceeding* means a proceeding that was—
  - (a) started by or against the QSA before the commencement; and
  - (b) not finished immediately before the commencement.

## **102 References to QSA**

In an Act or document, a reference to the QSA is taken, to the extent necessary and if the context permits, to be a reference to the authority.

## **Subdivision 3 Existing matters**

### **103 Existing 1–12 syllabuses**

- (1) This section applies to a 1–12 syllabus for which, immediately before the commencement, either of the following was in force—
  - (a) a QSA approval under section 8(1)(c) of the repealed Act;



- (b) a QSA accreditation under section 9(a) of the repealed Act.
- (2) To the extent the 1–12 syllabus relates to a senior subject, it continues in force as a syllabus developed, purchased or revised by the authority under section 9, until it is repealed or replaced by the authority under that section.
- (3) To the extent the 1–12 syllabus relates to a P–10 subject, it continues in force as a syllabus developed, purchased or revised by the authority under section 10 until it is repealed or replaced by the authority under that section.

#### **104 Existing preparatory guidelines**

- (1) This section applies to a preparatory guideline for which, immediately before the commencement, either of the following was in force—
  - (a) a QSA approval under section 8(1)(c) of the repealed Act;
  - (b) a QSA accreditation under section 9(a) of the repealed Act.
- (2) The preparatory guideline continues in force as a syllabus developed, purchased or revised by the authority under section 10 until it is repealed or replaced by the authority under that section.

#### **105 Existing kindergarten guidelines**

- (1) This section applies to a kindergarten guideline for which, immediately before the commencement, either of the following was in force—
  - (a) a QSA approval under section 8(1)(d) of the repealed Act;
  - (b) a QSA accreditation under section 9(b) of the repealed Act.
- (2) The kindergarten guideline continues in force as a guideline developed, purchased or accredited by the authority under

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section 11 until it is repealed or replaced by the authority under that section.

### **106 Existing approved work programs**

- (1) This section applies to a work program for which a QSA approval under section 13(2) of the repealed Act was in force immediately before the commencement.
- (2) The work program continues in force as a work program approved by the authority under section 15(1)(c) until the approval is repealed by the authority under that section.

### **107 Existing student accounts**

- (1) A student account kept by the QSA for a person immediately before the commencement is taken to be a student account kept for the person by the authority under part 3.
- (2) Notices and information given to the QSA under part 2A of the repealed Act before the commencement are taken to have been given to the authority under part 3.
- (3) If, immediately before the commencement, an entity was required to give, but had not given, the QSA a notice or information under part 2A of the repealed Act, the entity must give the notice or information to the authority as soon as reasonably practicable.

### **108 Existing guidelines**

- (1) This section applies to a QSA guideline in force under section 78 of the repealed Act immediately before the commencement.
- (2) The guideline continues in force as a guideline of the authority under section 91 until it is repealed under that section.
- (3) If the guideline was approved by the Minister before the commencement and continues in force under this section, it is taken to have been approved by the Minister under this Act.

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## **109 Existing entitlement to apply for internal review**

- (1) This section applies if—
  - (a) before the commencement, a person was entitled under the repealed Act to apply for an internal review of a decision (the *decision*) of the QSA; and
  - (b) under the repealed Act, the period within which the person could make the application would have ended after the commencement; and
  - (c) immediately before the commencement, the person has not made the application.
- (2) The person may apply for an internal review of the decision within 7 days after the last day on which the person was entitled to apply under the repealed Act.
- (3) The provisions of part 5 of this Act apply to an application mentioned in subsection (2) as if the decision of the QSA were a reviewable decision.

## **110 Existing internal review applications**

An application for an internal review of a decision of the QSA that has not been finally dealt with immediately before the commencement is taken to be an internal review application made under part 5 of this Act.

## **111 Accreditation of particular schools**

- (1) This section applies to a school if, immediately before the commencement, it—
  - (a) was an accredited school under the Accreditation Act, section 27 or a provisionally accredited school under the Accreditation Act, section 18; and
  - (b) had a QSA curriculum model as 1 of its attributes (the *attribute*) of accreditation or provisional accreditation under that Act.

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- (2) If the school implements a syllabus developed, purchased or revised by the authority under this Act, or an Australian curriculum—
  - (a) the school is taken to have applied under the Accreditation Act, section 49 to change the attribute of its accreditation or provisional accreditation, as applicable; and
  - (b) the board is taken to have granted the application under the Accreditation Act, section 52.
- (3) If the school has returned its certificate of accreditation, or certificate of provisional accreditation, as applicable, to the board as a result of implementing the syllabus or Australian curriculum mentioned in subsection (2), the board may issue a replacement certificate stating the details of the additional curriculum models.
- (4) If, before the commencement, the school had been granted eligibility for Government funding for a QSA curriculum model as a relevant operational aspect under the Accreditation Act, section 52—
  - (a) the committee is taken to have recommended, under the Accreditation Act, section 54, that the school is eligible for Government funding for the syllabus developed, purchased or revised by the authority under this Act, or an Australian curriculum deemed by the board under section 111(2)(b) to be an attribute of accreditation, or provisional accreditation, as applicable; and
  - (b) the Minister is taken to have decided, under the Accreditation Act, section 55, that the school is eligible for Government funding for the syllabus or Australian curriculum.
- (5) In this section—

**Accreditation Act** means the *Education (Accreditation of Non-State Schools) Act 2001*.

**board** means the Non-State Schools Accreditation Board under the Accreditation Act.

*certificate of accreditation* see the Accreditation Act, schedule 3.

*certificate of provisional accreditation* see the Accreditation Act, schedule 3.

*committee* means the Non-State Schools Eligibility for Government Funding Committee under the Accreditation Act.

*Government funding* see the Accreditation Act, schedule 3.

*QSA curriculum model* means a Queensland Studies Authority curriculum model.

## 112 Recognised schools

- (1) This section applies to an entity if, immediately before the commencement—
  - (a) the entity was a recognised school within the meaning of the pre-amended E(GP) Act, section 47A; and
  - (b) the agreement between the governing body of the recognised school and the State under the pre-amended E(GP) Act, section 47E(2)(d) was in force and would have continued after the commencement if that section had not been repealed.
- (2) The entity is taken to be a recognised school under this Act for the period during which the agreement mentioned in subsection (1)(b) continues in force.
- (3) In this section—

*pre-amended E(GP) Act* means the E(GP) Act as in force immediately before its amendment by this Act.

## Subdivision 4 Other transitional provision

### 113 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature for which—

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- (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition of provisions of the repealed Act; and
  - (b) this Act does not make provision or sufficient provision.
- (2) A transitional regulation may have retrospective operation to a day that is not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the commencement.

## **Part 8**                      **Minor and consequential amendments**

### **114 Acts amended in sch 1**

Schedule 1 amends the Acts it mentions.

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## **Schedule 1            Minor and consequential amendments**

section 114

### **Part 1                    Amendment of this Act**

**1            Long title, from ‘, to confer’—**

*omit, insert—*

**and to confer particular functions and powers on the authority**

**2            Section 4, ‘schedule 2’—**

*omit, insert—*

schedule 1

**3            Schedule 2—**

*renumber* as schedule 1.

### **Part 2                    Amendment of other Acts**

#### **Education (General Provisions) Act 2006**

**1            Section 4(3), ‘The QSA Act’—**

*omit, insert—*

The E(QCAA) Act

**2 Section 6, note—**

*omit, insert—*

*Note—*

To help the chief executive carry on planning and re-engagement activities, the E(QCAA) Act, section 66 provides for information to be made available to the chief executive from student accounts kept by the QCAA for young persons in the compulsory participation phase.

**3 Sections 22 and 23—**

*omit.*

**4 Section 24(2), definition *approved test*, ‘the QSA under the QSA Act’—**

*omit, insert—*

the QCAA under the E(QCAA) Act

**5 Chapter 2A—**

*omit.*

**6 Section 239(1), note—**

*omit.*

**7 Section 251D(4), definition *employee*, ‘the QSA’—**

*omit, insert—*

the QCAA

**8 Section 251D(4), definition *student account phase***

*omit, insert—*

*student account phase* see the E(QCAA) Act, schedule 1.



**9 Section 426(5)—**

*insert—*

*recognised school* see the E(QCAA) Act, schedule 1.

**10 Schedule 4, definitions, *approved syllabus, minimum eligibility criteria and recognised school***

*omit.*

**11 Schedule 4, definitions, *certificate of achievement, QSA, QSA Act, school studies and senior statement—***

*omit, insert—*

*certificate of achievement* see the E(QCAA) Act, schedule 1.

*E(QCAA) Act* means the *Education (Queensland Curriculum and Assessment Authority) Act 2014*.

*QCAA* means the Queensland Curriculum and Assessment Authority established under the E(QCAA) Act, section 5(1).

*school studies* see the E(QCAA) Act, schedule 1.

*senior statement* means a statement of results of that type issued under the E(QCAA) Act.

**12 Schedule 4, definitions, *accepted representations, show cause notice and show cause period, paragraph (aa)—***

*omit.*

## **Education (Queensland College of Teachers) Act 2005**

### **1 Section 74(1)(b), from ‘on a syllabus’ to ‘2002.’—**

*omit, insert—*

on—

- (i) the national curriculum developed and administered by the Australian Curriculum, Assessment and Reporting Authority under the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Cwlth); or
- (ii) a syllabus developed, revised or purchased for a senior subject or P–10 subject by the Queensland Curriculum and Assessment Authority under the *Education (Queensland Curriculum and Assessment Authority) Act 2014*.

## **Integrity Act 2009**

### **1 Schedule 1, entry for *Education (Queensland Studies Authority) Act 2002*—**

*omit, insert—*

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

- the chief executive officer of the Queensland Curriculum and Assessment Authority

## **Public Service Act 2008**

**1 Schedule 1, entry for ‘Office of the Queensland Studies Authority under the *Education (Queensland Studies Authority) Act 2002*’—**

*omit, insert—*

Queensland Curriculum and Assessment Authority under the *Education (Queensland Curriculum and Assessment Authority) Act 2014* chief executive officer

## Schedule 2 Dictionary

### section 4

**ACARA** means the Australian Curriculum, Assessment and Reporting Authority established under the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Cwlth).

**account number**, for a student account, see section 55.

**aggregated student account information** means information about persons for whom student accounts are kept that—

- (a) comprises, includes or is derived from information given to the authority under part 3; and
- (b) could not reasonably be expected to result in the identification of any person to whom it relates.

**appointed member**, of the authority, see section 22(b).

**approved provider**, for an education and care service, means—

- (a) for a Queensland approved education and care service—see the *Education and Care Services Act 2013*, schedule 1; and
- (b) otherwise—see the Education and Care Services National Law (Queensland), section 5.

**Australian curriculum** means the national curriculum as agreed by the Ministerial Council and administered by ACARA under the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Cwlth).

**authorised agent**, of a provider, for part 3, see section 59(1).

**authority** means the Queensland Curriculum and Assessment Authority established under section 5(1).

**certificate of achievement** means a certificate that may be issued under this Act to a person who meets the eligibility requirements under this Act for the issue of the certificate.

**certification studies** means studies prescribed under a regulation to be contributing studies for a certificate of achievement.

**chair** means the chair of the authority holding office under section 27.

**chief executive officer** means the chief executive officer of the authority holding office under section 32.

**commencement**, for part 7, division 2, see section 94.

**common national test** means a test for literacy or numeracy specified in a regulation made under the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004* (Cwlth).

**compulsory participation phase** see the E(GP) Act, section 231.

**criminal history**, for a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

**deputy chair** means the deputy chair of the authority holding office under section 28.

**education and care service** means—

- (a) an approved education and care service under the Education and Care Services National Law (Queensland); or
- (b) a Queensland approved education and care service within the meaning of the *Education and Care Services Act 2013*, schedule 1.

**E(GP) Act** means the *Education (General Provisions) Act 2006*.

**eligible option**, for part 3, see section 47.

**exempt provider**, for part 3, see section 47.

**external review** means a review of an internal review decision by QCAT.

**FA Act** means the *Financial Accountability Act 2009*.

**information notice**, for a reviewable decision, means a notice stating each of the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the person to whom the information notice is given may apply under part 5, division 2 for an internal review of the decision;
- (d) that the person must apply for an internal review of the decision within—
  - (i) 14 days after the person is given the information notice; or
  - (ii) if a longer period is stated in the information notice—the longer period.

**internal review**, of a reviewable decision, means a review of the decision under part 5, division 2.

**internal review application** means an application for internal review of a reviewable decision.

**internal review decision** see section 81.

**internal review officer** means a person appointed by the authority under section 80 to conduct an internal review of a reviewable decision.

**ISQ** means The Association of Independent Schools of Queensland Inc.

**kindergarten guideline** means a guideline about learning and age-appropriate teaching and assessment practices, in education and care services, for the years before the preparatory year.

**member** means a member of the authority.

**Ministerial Council** means the Council of Commonwealth, State and Territories Ministers with responsibility for school education, as it exists from time to time.

**moderation** means the process under which student assessment is moderated to ensure comparability across the

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State and at recognised schools, of the assessing teachers' judgments in deciding results.

***non-State school*** means a school that is accredited, or provisionally accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*.

***notice*** means written notice.

***P-10 subject*** means a school subject offered in 1 or more of the following years of schooling—

- (a) the preparatory year;
- (b) years 1 to 10.

***planning activities***, for part 3, see section 47.

***preparatory year*** see the E(GP) Act, schedule 4.

***principal***, of a school, means the individual in charge of the school.

***provider***, for part 3, see section 47.

***QCEC*** means the Queensland Catholic Education Commission.

***QSA***, for part 7, division 2, see section 94.

***recognised school*** means an entity—

- (a) that provides educational instruction to students; and
- (b) that does not operate in Australia; and
- (c) the governing body of which has an agreement with the State under which the governing body is authorised to implement, for the students, the authority's syllabuses for senior subjects.

***re-engagement activities***, for part 3, see section 47.

***repealed Act***, for part 7, division 2, see section 94.

***reviewable decision*** means a decision of the authority under this Act for which the authority is required under a regulation to give an information notice to a person affected by the decision.

***SBFA Act*** means the *Statutory Bodies Financial Arrangements Act 1982*.

***school***—

- (a) means—
  - (i) a State instructional institution within the meaning of the E(GP) Act, schedule 4; or
  - (ii) a non-State school; but
- (b) does not include a recognised school.

***school-based assessment*** means a process in which teachers are responsible for the assessment of student achievement.

***school studies*** means a school subject studied in a school or recognised school.

***sector of education*** means any of the following—

- (a) primary education within the meaning of the E(GP) Act, schedule 4;
- (b) secondary education within the meaning of the E(GP) Act, schedule 4;
- (c) special education within the meaning of the E(GP) Act, schedule 4;
- (d) tertiary education.

***senior subject*** means a school subject offered in years 11 or 12 of schooling.

***spent conviction*** means a conviction for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired and is not revived under section 11 of that Act.

***statement of expectations*** see section 74(1).

***statement of results*** means a statement that may be issued under this Act and that records information—

- (a) recorded in a person's student account; and
- (b) prescribed under a regulation for the statement.



**student** means a person studying school studies within a sector of education.

**student account** see section 48.

**student account phase** see section 49.

**student assessment** means the results of school-based assessment of persons' achievement in school studies.

**syllabus** includes—

- (a) a statement of content; and
- (b) standards of achievement; and
- (c) assessment processes.

**teacher** means a person who—

- (a) is registered as a teacher under the *Education (Queensland College of Teachers) Act 2005* and is a member of the educational staff of a school; or
- (b) for a recognised school—provides educational instruction in, or assessment of, certification studies at the school.

**tertiary entrance** means the entrance by persons to tertiary education in Queensland.

**VETE Act** means the *Vocational Education, Training and Employment Act 2000*.

**VETE chief executive** means the chief executive of the VETE department.

**VETE department** means the department in which the VETE Act is administered.