

Queensland



EDUCATION LEGISLATION AMENDMENT BILL 1995

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**EDUCATION LEGISLATION
AMENDMENT BILL 1995**

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1995

A BILL

FOR

An Act to amend certain legislation about education

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Education Legislation Amendment Act 1995*.

4

5

Commencement

6

Clause **2.(1)** Sections 10(1), (2), (3), (6) and (8) to (11), 11 and 12 commence on 1 January 1996.

7

8

(2) Section 9 and schedule 1, item 2 commence on a day to be fixed by proclamation.

9

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PART 2—AMENDMENT OF EDUCATION (GENERAL PROVISIONS) ACT 1989

11

12

Amended Act

13

Clause **3.** This part and schedule 1 amend the *Education (General Provisions) Act 1989*.

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Amendment of s 3 (Interpretation)

16

Clause **4.** Section 3(1)—

17

insert—

18

‘ **“Council”** means the Queensland Curriculum Council established under part 6A.

19

20

“early childhood education” means education for children from preschool

21

| | | |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| | to year 3. | 1 |
| | “open learning” is an approach to learning in which the learner can— | 2 |
| | (a) study at a time, pace and place of the learner’s choosing using a variety of instructional methods and technologies ranging from face to face learning to learning through independent study; and | 3 4 5 |
| | (b) progress through levels of education building on the skills and knowledge already acquired. | 6 7 |
| | “practising teacher” has the meaning given by the <i>Education (Senior Secondary School Studies) Act 1988</i> . | 8 9 |
| | “tertiary education” has the meaning given by the <i>Education (Senior Secondary School Studies) Act 1988</i> . | 10 11 |
| | “Vocational Education Minister” means the Minister administering the <i>Vocational Education, Training and Employment Act 1991</i> . | 12 13 |
| | Insertion of new Part 6A | 14 |
| Clause | 5. After part 6— | 15 |
| | <i>insert—</i> | 16 |
| | PART 6A—CURRICULUM MANAGEMENT | 17 |
| | ‘Establishment of Queensland Curriculum Council | 18 |
| | ‘67A. The Queensland Curriculum Council is established. | 19 |
| | ‘Council’s functions | 20 |
| | ‘67B. The functions of the Council are— | 21 |
| | (a) to advise the Minister on preschool to year 12 curriculum development; and | 22 23 |
| | (b) to develop, endorse and recommend to the Minister a strategic plan for preschool to year 12 curriculum development; and | 24 25 |
| | (c) to undertake an annual forum to consider major school and industry curriculum issues; and | 26 27 |

- (d) to undertake an annual forum to ensure open learning and distance education issues are included in curriculum development. 1
2

‘Membership of Council 3

‘67C.(1) The Council consists of— 4

- (a) 6 official members; and 5
(b) 15 members appointed by the Governor in Council (“**appointed members**”). 6
7

‘(2) The Minister may appoint additional members. 8

‘Official members 9

‘67D. The official members are— 10

- (a) the General Manager, Queensland School Curriculum Office; and 11
(b) the chief executive and 1 other departmental officer nominated by the Minister; and 12
13
(c) 1 nominee of the Queensland Catholic Education Commission; 14
and 15
(d) 1 nominee of the Association of Independent Schools of Queensland; and 16
17
(e) the executive officer of the Board of Senior Secondary School Studies. 18
19

‘Appointed members 20

‘67E. The appointed members are— 21

- (a) 1 nominee of the Queensland Teachers’ Union; and 22
(b) 1 nominee of the Queensland Association of Teachers in Independent Schools; and 23
24
(c) 1 nominee of the Queensland Council of Parents and Citizens Associations; and 25
26
(d) 1 person from the non-State school sector jointly nominated by 27

Education Legislation Amendment

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| the Independent Parents and Friends Council of Queensland and the Federation of Parents and Friends Associations of Queensland; and | 1 2 3 |
| (e) 1 member of the Vocational Education, Training and Employment Commission nominated by the Vocational Education Minister; and | 4 5 6 |
| (f) 1 employer representative nominated by the Vocational Education Minister; and | 7 8 |
| (g) 1 nominee of the Australian Council of Trade Unions (Queensland); and | 9 10 |
| (h) 1 person from the tertiary education sector nominated by the Minister; and | 11 12 |
| (i) 1 person from the early childhood education sector nominated by the Minister; and | 13 14 |
| (j) 1 person from the distance education and open learning sector nominated by the Minister; and | 15 16 |
| (k) 3 practising teachers, 2 from the State sector nominated by the Minister and 1 from the non-State sector jointly nominated by the Queensland Catholic Education Commission and the Association of Independent Schools of Queensland; and | 17 18 19 20 |
| (l) 2 nominees of the Minister. | 21 |
| ‘Members’ term of office | 22 |
| ‘67F.(1) An appointed member or an additional member must not be appointed for a term of longer than 18 months. | 23 24 |
| ‘(2) If a person is appointed to fill a casual vacancy, the appointment is for the balance of the term of office for which the person’s predecessor was appointed. | 25 26 27 |
| ‘Members’ fees and allowances | 28 |
| ‘67G. Each member of the Council may be paid the fees and allowances decided by the Governor in Council. | 29 30 |

‘Council not a statutory body

1

‘**67H.** To remove any doubt, it is declared that the Council is not a statutory body under the *Statutory Bodies Financial Arrangements Act 1982* or the *Financial Administration and Audit Act 1977.*’.

2

3

4

Amendment of s 78 (Regulations)

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Clause

6.(1) Section 78(2)(c)—

6

renumber as section 78(2)(d).

7

(2) Section 78(2)—

8

insert—

9

‘(c) the management, administration and control of the operations, practices and procedures of the Council;’.

10

11

(3) Section 78—

12

insert—

13

‘**(3)** If a matter mentioned in subsection (2)(c) has not been prescribed, the Council may decide the matter.’.

14

15

**PART 3—AMENDMENT OF EDUCATION (SENIOR
SECONDARY SCHOOL STUDIES) ACT 1988**

16

17

Amended Act

18

Clause

7. This part and schedule 2 amend the *Education (Senior Secondary School Studies) Act 1988*.

19

20

Amendment of s 4 (Interpretation)

21

Clause

8.(1) Section 4, heading—

22

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| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <i>omit, insert—</i> | 1 |
| ‘Definitions’. | 2 |
| (2) Section 4, definitions “Board subject” , “department” , “Minister” , “non-State school” , “recorded subject” , “State school” and “student” — | 3 4 5 |
| <i>omit, insert—</i> | 6 |
| ‘ “Board subject” ’ means a subject, other than a Board registered subject or recorded subject, for which a syllabus and a school’s work program have been approved by the Board and the standards of assessment are moderated. | 7 8 9 10 |
| “Council” means the Queensland Curriculum Council established under part 6A of the <i>Education (General Provisions) Act 1989</i> . | 11 12 |
| “non-State school” has the meaning given by the <i>Education (General Provisions) Act 1989</i> . | 13 14 |
| “recorded subject” means a subject, other than a Board subject or Board registered subject, offered by a school, State college or other educational institution approved by the Board, the results of which are recorded on Board certificates. | 15 16 17 18 |
| “State college” has the meaning given by the <i>Vocational Education, Training and Employment Act 1991</i> . | 19 20 |
| “State school” has the meaning given by the <i>Education (General Provisions) Act 1989</i> . | 21 22 |
| “student” has the meaning given by the <i>Education (General Provisions) Act 1989</i> . | 23 24 |
| “vocational education” has the meaning given by the <i>Vocational Education, Training and Employment Act 1991</i> . | 25 26 |
| “Vocational Education Minister” means the Minister administering the <i>Vocational Education, Training and Employment Act 1991</i> .’. | 27 28 |
| Amendment of s 5 (Constitution of the Board) | 29 |
| Clause 9.(1) Section 5(1)(d)— | 30 |
| <i>omit, insert—</i> | 31 |

Education Legislation Amendment

‘(d) 1 member of the Vocational Education, Training and Employment Commission nominated by the Vocational Education Minister;’.

(2) Section 5(1)(i), after ‘non-State secondary schools’—

insert—

‘providing senior secondary education’.

Amendment of s 6 (Functions and powers of the Board)

Clause 10.(1) Section 6(1)(b), ‘and, until otherwise determined, Junior Certificates,’—

omit.

(2) Section 6(1)(c)—

omit.

(3) Section 6(1)(e), ‘and, until’ to ‘Junior Certificate’—

omit.

(4) Section 6(1)(f) to (o)—

renumber as section 6(1)(j) to (s).

(5) Section 6(1)(ea) and (eb)—

renumber as section 6(1)(f) and (g).

(6) Section 6(1)—

insert—

‘(h) to carry out accreditation, recognition and registration functions, delegated under section 26 of the *Vocational Education, Training and Employment Act 1991*,¹ for vocational education programs for students in years 11 and 12;’.

(7) Section 6(1)—

insert—

‘(i) to develop and approve syllabuses for vocational education

¹ Section 26 (Power of delegation by Commissioner or standing committees)

Education Legislation Amendment

programs for students in years 11 and 12;’.

(8) Section 6(1)(j)(i), as renumbered, ‘and until otherwise determined, Junior Certificates’—

omit.

(9) Section 6(1)(j)(iii), as renumbered—

omit.

(10) Section 6(1)(l), as renumbered, after ‘moderators’—

insert—

‘, or to carry out accreditation, recognition and registration functions for vocational education programs,’.

(11) Section 6(2)(b), ‘Junior Certificates,’—

omit.

(12) Section 6—

insert—

‘(3) The Board must submit its program for curriculum development in years 11 and 12 to the Council for endorsement and inclusion in the Council’s strategic plan for preschool to year 12 curriculum development.’.

Amendment of s 7 (Board may make by-laws)

Clause 11.(1) Section 7(1)(c) to (i)—

renumber as section 7(1)(d) to (j).

(2) Section 7(1)—

insert—

‘(c) vocational education programs;’.

Amendment of s 37 (Functions and powers of subject advisory committees)

Clause 12. Section 37(1)(b)—

omit.

| | | |
|--------|----------------------------------------------------------------------------------------|---|
| | Replacement of pt 4 (Transitional and special arrangements) | 1 |
| Clause | 13. Part 4— | 2 |
| | <i>omit insert—</i> | 3 |
| | ‘PART 4—TRANSITIONAL | 4 |
| | ‘Board to be re-constituted | 5 |
| | ‘41. The existing members of the Board go out of office when section 9 | 6 |
| | of the <i>Education Legislation Amendment Act 1995</i>² commences.’. | 7 |

² Section 9 (Amendment of section 5 (Constitution of the Board))

SCHEDULE 1

1

**AMENDMENT OF EDUCATION (GENERAL
PROVISIONS) ACT 1989**

2

3

section 3 of the Act

4

1. Section 10, ‘sections 3(2), 6(1)(a)(ii), 58(2)(a) and 58(2)(e)’—

5

6

omit, insert—

7

‘sections 3(2) and 6(1)(a)(ii)’.

8

2. Section 30(2), ‘regulations prescribed in that behalf shall’—

9

omit, insert—

10

‘a regulation may’.

11

3. Section 60—

12

insert—

13

‘(2) In this section—

14

- ‘**“to be enrolled”** includes to return completed teaching and learning materials regularly to the educational institution.’.

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16

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SCHEDULE 2
**AMENDMENT OF EDUCATION (SENIOR
SECONDARY SCHOOL STUDIES) ACT 1988**

section 7 of the Act

1. Section 10(2), ‘a period of 3 years’—
omit, insert—

‘no longer than 3 years’.

2. Section 11—
omit, insert—
‘Limit on consecutive terms of appointment

‘**11.** A person may not, without the Minister’s approval, be appointed a member of the Board, in the same capacity, for more than 2 consecutive terms of appointment.’.

3. Section 24—
omit, insert—
‘Delegation by chairperson

‘**24.** The chairperson may delegate the chairperson’s powers under this Act, except this power of delegation to—

(a) an officer of the Board; or

(b) another person.’.

4. Section 33(1) and (2)—
omit, insert—

‘**33.(1)** There is an executive officer of the Board of Senior Secondary

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| School Studies. | 1 |
| ‘(2) The executive officer and the other officers of the Board are to be appointed under the <i>Public Service Management and Employment Act 1988</i> .’. | 2 3 4 |
| 5. Section 38— | 5 |
| <i>omit, insert—</i> | 6 |
| ‘Delegation by Minister | 7 |
| ‘ 38. The Minister may delegate the Minister’s powers under this Act, except the power under section 8, ³ to any person.’. | 8 9 |
| 6. Sections 40 and 41— | 10 |
| <i>omit, insert—</i> | 11 |
| ‘Regulations | 12 |
| ‘ 40. The Governor in Council may make regulations under this Act.’. | 13 14 |

³ Section 8 (Board subject to Minister)