

EDUCATION LEGISLATION AMENDMENT BILL 1995

EXPLANATORY NOTES

OBJECTIVES OF THE BILL

Queensland Curriculum Council

The main objective of the Bill is to provide for the establishment and operation of a new curriculum management structure to be known as the Queensland Curriculum Council.

The Council will be an intersystemic Ministerial advisory body comprising representatives from major stakeholders. Its primary role will be to advise the Minister for Education on preschool to year 12 curriculum development.

Although the Council will have a statutory basis it will not be a statutory body within the meaning of the *Financial Administration and Audit Act 1977* or the *Statutory Bodies Financial Arrangements Act 1982*.

The Bill provides for the required legislative provisions to be inserted into the *Education (General Provisions) Act 1989* and for the more detailed operations of the Council such as meeting procedures and similar matters of an administrative nature to be prescribed in the *Education (General Provisions) Regulation 1989* or if not prescribed to be decided by the Council.

Board of Senior Secondary School Studies

The other objective of the Bill is to amend the *Education (Senior Secondary School Studies) Act 1988* to provide for a revamped Board of Senior Secondary School Studies.

The Bill provides for the Board to perform an additional function as from 1 January 1996 and that is to undertake accreditation, recognition and registration functions for vocational education programs for senior secondary education (years 11 and 12) that are delegated to the Board under the *Vocational Education, Training and Employment Act 1991*. In light of this change the Bill provides for the membership composition of the Board to be amended to include a member from the Vocational Education, Training and Employment Commission.

The Bill also provides for the abolition of the current Junior Certificate issued by the Board as from 1 January 1996.

The changes to the Board's responsibilities will mean that the Board will cease to have a direct role in junior secondary curriculum (years 8 to 10).

In light of this change and in consideration of the Board's new responsibility for vocational education programs for senior secondary education, the Bill provides for the current members of the Board (including the chair) to go out of office to allow for the reconstitution of the Board.

The Bill clarifies the relationship between the new Queensland Curriculum Council and the Board by providing that the Board's program for curriculum development in years 11 and 12 must be submitted to the Council for endorsement and inclusion in the Council's strategic plan for preschool to year 12 curriculum development.

Other amendments

The Bill also provides for miscellaneous amendments, to the *Education (General Provisions) Act 1989* and the *Education (Senior Secondary School Studies) Act 1988*, that are not connected with the Report of the Review of the Queensland School Curriculum (*Shaping the Future*).

REASONS FOR THE BILL

The main reason for the Bill is to implement certain decisions made by Cabinet, in relation to the Report of the Review of the Queensland School Curriculum, which will require amendments to two Acts.

The other reason for the Bill is to provide for miscellaneous amendments, to both Acts, that are not connected with that Report.

ALTERNATIVE TO LEGISLATION

The Queensland Curriculum Council could be established by the Minister for Education as an advisory committee under section 9 (Appointment of advisory committees) of the *Education (General Provisions) Act 1989*.

However, it has been decided to enshrine the establishment and operations of the Council in legislation to highlight its strategic importance in preschool to year 12 curriculum development issues. In addition, the Council will be an integral part of the Government's long-term commitment to the provision of quality curriculum in Queensland schools.

ADMINISTRATIVE COSTS

The costs associated with the establishment and operation of the Queensland Curriculum Council will be minimal. It is expected that additional resources will be required by the Board of Senior Secondary School Studies to enable the Board to carry out its new functions.

FUNDAMENTAL LEGISLATIVE PRINCIPLES

The Bill is consistent with fundamental legislative principles.

(The term "fundamental legislative principles" has the meaning given by section 4 of the *Legislative Standards Act 1992*)

CONSULTATION

Extensive public consultation occurred throughout the Queensland Curriculum Review and the curriculum management structures model, upon which the legislation is based, has been discussed with major stakeholders.

Consultation has also occurred with the Department of Business, Industry and Regional Development; Department of Employment, Vocational Education, Training and Industrial Relations; Department of Family Services and Aboriginal and Islander Affairs; Department of Tourism, Sport and Racing (Youth Bureau); Treasury Department; the Office of the Cabinet; the Queensland Audit Office; the Office of the Board

of Senior Secondary School Studies; the Office of the Board of Teacher Registration and the Minister's Parliamentary Legislation Committee for Education.

NOTES ON CLAUSES

PART 1 PRELIMINARY

Short title

Clause 1 sets out the short title of the proposed legislation.

Commencement

Clause 2(1) provides for sections 10(6), (10) and 11 of the proposed legislation that relate to the Board of Senior Secondary School Studies undertaking accreditation, recognition and registration responsibilities for vocational education programs for students in years 11 and 12, to commence on 1 January 1996.

The clause also provides for sections 10(1), (2), (3), (8), (9), (11) and 12 of the proposed legislation that provide for references to the current Junior Certificate issued by the Board in the *Education (Senior Secondary School Studies) Act 1988* to be removed, to commence on 1 January 1996.

Clause 2(2) provides for section 9 of the proposed legislation that provides for changes to the membership composition of the Board, to commence on a day to be fixed by proclamation. In addition the clause provides for item 2 of the Bill's Schedule 1, which provides for an amendment to section 30 (Religious instruction in school hours) of the *Education (General Provisions) Act 1989*, to commence on a day to be fixed by proclamation.

PART 2 AMENDMENT OF EDUCATION (GENERAL PROVISIONS) ACT 1989

Clause 3 identifies the Act being amended.

Clause 4 provides for definitions of certain terms used in the proposed legislation to be inserted into the Act.

Clause 5 provides for a new Part relating to Curriculum Management to be inserted into the Act.

New Part 6A Curriculum Management

Section 67A provides for the establishment of the Queensland Curriculum Council.

Section 67B specifies the functions that the Council is to perform.

Section 67C provides that the Council's membership consists of 6 official members and 15 appointed members (appointed by the Governor in Council) and provides that the Minister for Education may appoint additional members.

Section 67D specifies the members of the Council who are **official** members (members by virtue of the office they hold).

Section 67E specifies the members of the Council who are appointed members.

Section 67F provides that an additional or appointed member of the Council must not be appointed for a **term** of more than 18 months (This does not preclude a member from being reappointed). This section also provides that a person appointed to fill a casual vacancy on the Council is appointed for the balance of the term of office of the member's predecessor.

Section 67G provides that members of the Council **may** be paid fees and allowances that are approved by the Governor in Council.

Section 67H. Although the Council has a statutory basis it is not a statutory body within the meaning of the *Financial Administration and Audit Act 1977* or the *Statutory Bodies Financial Arrangements Act 1982*. To remove any doubt in relation to this matter the section provides for the Act to declare this fact.

Clause 6 provides for section 78 of the Act to be amended to provide that the Governor in Council may make a regulation with respect to matters of an administrative nature relating to the Council, specifically the management, administration and control of its operations, practices and procedures. The clause also provides that if such a matter has not been prescribed in a regulation the Council may decide the matter.

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

Clause 7 identifies the Act being amended.

Clause 8 provides for definitions of certain terms used in the proposed legislation to be inserted into the Act. The clause also provides for certain terms used in the existing Act to have the same meaning as they have in the *Education (General Provisions) Act 1989*.

Clause 9 provides for the composition of the Board to be amended by replacing the section that provides for 1 nominee of the Board of Teacher Registration to be a member of the Board with a new section that provides for 1 member of the Vocational Education, Training and Employment Commission to be a member of the Board.

The clause also provides for the composition of the Board to be amended by providing for membership of the Board to include 2 representatives of non-State secondary schools **providing senior secondary education** (years 11 and 12) in light of the fact that the Board will be responsible for curriculum development and other functions that apply to years 11 and 12 only.

Clause 10 includes provision for the existing functions of the Board to be amended by removing any references to Junior Certificates as the Junior Certificate issued by the Board is to be abolished as from 1 January 1996.

Clause 10(6) provides for the Board to undertake a new function and that is to carry out accreditation, recognition and registration functions delegated under the *Vocational Education, Training and Employment Act 1991* for vocational education programs for students in years 11 and 12.

Clause 10(7) provides for the Board to undertake a new function and that is to develop and approve syllabuses for vocational education programs for students in years 11 and 12.

Clause 10(10) provides for the existing functions of the Board to be amended to provide for the Board to arrange for the services of suitable persons to carry out accreditation, recognition and registration functions for vocational education programs.

Clause 10(12) provides for an additional subsection to be inserted into section 6 of the Act to provide that 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.

Clause 11 provides that the Board may make by-laws in respect of vocational education programs.

Clause 12 provides for section 37(1)(b) of the Act, which refers to subject advisory committees making recommendations to the Board in relation to Junior Certificates, to be removed.

Clause 13 provides for the existing transitional provisions (relating to the former Board of Secondary School Studies) which are no longer required, to be removed and to be replaced with a transitional provision that provides for the existing members of the Board to go out of office when section 9 of the proposed legislation commences. (The Bill provides for section 9 of the proposed legislation to commence on a day to be fixed by proclamation).

SCHEDULE 1

AMENDMENT OF EDUCATION (GENERAL PROVISIONS) ACT 1989

Item 1. Section 10 of the existing Act does not permit the Minister for Education to delegate certain powers relating to granting dispensation from compulsory enrolment and attendance provisions with respect to "Home Schooling" and enrolment in schools of distance education. The

amendment provides for these restrictions to be removed.

Item 2. Section 30(2) of the existing Act provides that instruction in accordance with regulations **shall** be given in State primary and special schools during school hours in selected Bible lessons. The Act is being amended to replace “shall” with “may” and has been supported by all major religions and the majority of smaller religious groups.

Item 3. Section 60 of the existing Act provides that every parent of a child of the age of compulsory attendance who does not attend a State or non-State school because of a reason prescribed in section 58(2)(d) must cause that child **to be enrolled** with the School of Distance Education or any other State educational institution offering distance education. The amendment provides for the term “**to be enrolled**” to be defined to close a loophole in the Act.

SCHEDULE 2

AMENDMENT OF EDUCATION (SENIOR SECONDARY SCHOOL STUDIES) ACT 1988

Item 1. Section 10(2) of the existing Act provides that members of the Board (other than the chairperson) hold office for three years. The amendment provides for the members to hold office for no longer than 3 years thus ensuring uniformity of expiry dates. (This amendment does not preclude a member from being reappointed).

Item 2. Section 11 of the existing Act provides that a person is not eligible to be a member of the Board, in the same capacity, for more than 2 consecutive terms of appointment. The amendment provides for the Minister to have discretion in this matter.

Item 3 provides for the existing provisions relating to the chairperson’s powers of delegation to be replaced with provisions that are in accordance with current legislative drafting practices.

Item 4 provides for the existing provisions relating to the appointment of officers of the Board to be replaced with provisions that are in accordance

with current legislative drafting practices.

Item 5 provides for the existing provisions relating to the Minister's powers of delegation to be replaced with provisions that are in accordance with current legislative drafting practices.

Item 6 provides for the existing provisions relating to publication and tabling of proclamations to be removed as these requirements are provided for under the *Statutory Instruments Act 1992*. This item also provides for the existing regulation making powers to be replaced with provisions that are in accordance with current legislative drafting practices.