

Queensland



Subordinate Legislation 1999 No. 307

Education (Senior Secondary School Studies) Act 1988

EDUCATION (SENIOR SECONDARY SCHOOL STUDIES) BY-LAW 1999

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DICTIONARY

PART 1—PRELIMINARY

Short title

1. This by-law may be cited as the *Education (Senior Secondary School Studies) By-law 1999*.

Definitions

2. The dictionary in schedule 2 defines particular words used in this by-law.

PART 2—EXTERNAL SENIOR EXAMINATIONS

Examinations to be made available

3. The board must make an external senior examination available to be taken each year.

Persons eligible to take examination

4.(1) A person is eligible to take an external senior examination if the person is not a full-time student and—

- (a) if the person has finished year 10 or its equivalent, but not year 12, in full-time schooling and has not obtained a senior certificate—it is at least 2 years since the person finished year 10 or its equivalent; or
- (b) if the person has not finished year 10 or its equivalent in full-time schooling—the person is at least 19 by the end of the year in which the person proposes to take the examination; or
- (c) the person has finished year 12 in full-time schooling and has obtained a senior certificate.

(2) A person is also eligible to take an external senior examination in a subject if—

- (a) the person is a full-time student in year 12; and
- (b) the board is satisfied that—
 - (i) the person cannot reasonably study the subject at the person's school; and
 - (ii) the board is satisfied the person's education in the subject will be achieved other than by studying the subject at the school.

Example for paragraph (b)(i)—

A person is a full-time student at a school studying a subject. During year 12, the person transfers from the school to another school. The subject is not offered at the other school.

- (3) A person cannot reasonably study a subject at a school if, for example—
- (a) the subject is not taught at the school; or
 - (b) the subject is taught at the school, but only at the same times as another subject being studied by the person at the school.

Persons eligible to take examination because of exceptional circumstances

5.(1) A person is eligible to take an external senior examination if the board declares the person to be eligible under this section.

(2) The person may apply to the board to be declared to be eligible under this section.

(3) The application must—

- (a) be in the approved form; and
- (b) accompany an application under section 8 to take the examination.

(4) The board must consider the application and either grant or refuse the application.

(5) The board may grant the application only if the board is reasonably satisfied exceptional circumstances exist that justify the decision.

(6) The board must immediately give the applicant written notice of the decision.

(7) If the board decides to refuse the application, the notice must include reasons for the decision.

Number of subjects in which examination may be taken

6.(1) An eligible person who is not a full-time student may not take an external senior examination in more than 3 subjects if the person—

- (a) will be less than 19 at the end of the year in which the person proposes to take the examination; and
- (b) has not finished year 12 in full-time schooling; and
- (c) has not obtained a senior certificate.

(2) Subsection (1) applies subject to section 7.

(3) An eligible person who is a full-time student may not take an external senior examination in more than 2 subjects.

(4) Otherwise, an eligible person may take an external senior examination in the number of subjects the person wishes.

Examination may be taken in more subjects because of exceptional circumstances

7.(1) A person to whom section 6(1) applies may take an external senior examination in more than 3 subjects if the person has the board's approval.

(2) The person may apply to the board for its approval under this section.

(3) The application must—

- (a) be in the approved form; and
- (b) accompany an application under section 8 to take the examination.

(4) The board must consider the application and either grant or refuse the application.

(5) The board may grant the application only if the board is reasonably satisfied exceptional circumstances exist that justify the decision.

(6) The board must immediately give the applicant written notice of the decision.

(7) If the board decides to refuse the application, the notice must include reasons for the decision.

Application to take examination

8.(1) A person who wishes to take an external senior examination must apply to the board.

(2) The person may—

- (a) apply to take the examination at a place other than a place at which the board has decided the examination can be taken; or
- (b) apply for special arrangements to be made to enable the person to take the examination, including arrangements for—
 - (i) a private place for the person to take the examination; or
 - (ii) a person to write or type what the person taking the examination dictates.

(3) An application must—

- (a) be in the approved form; and
- (b) be accompanied by—
 - (i) the nomination fee for the application; and
 - (ii) if the application is received after a closing day—the late application fee.

(4) A person must also pay, in the way decided by the board—

- (a) if the person has made an application under subsection (2)(a)—a local expenses fee; and
- (b) if the person has made an application under subsection (2)(b)—a special arrangements fee.

(5) The local expenses fee and special arrangements fee are the amounts that—

- (a) the board considers to be reasonable; and
- (b) are not more than the reasonable cost of—
 - (i) for the local expenses fee—providing for the examination to be taken at the other place; or

- (ii) for the special arrangements fee—providing for the special arrangements.

Decision about application to take examination

9.(1) The board must consider the application and either grant or refuse the application.

(2) The board must grant the application if—

- (a) the person is an eligible person; and
- (b) the person has applied to take an external senior examination in the number of subjects the person may take—
 - (i) under section 6; or
 - (ii) because the board has granted an application made by the person under section 7.

(3) The board must immediately give the applicant a written notice of the decision.

(4) If the board decides to refuse the application, the notice must include reasons for the decision.

Numbers and cards for examinations

10.(1) This section applies if the board grants an application to take an external senior examination.

(2) The board must give the person whose application is granted—

- (a) an examination number; and
- (b) a card showing the number.

(3) The person must—

- (a) keep the card until the examination is finished; and
- (b) show the card to a supervisor of the examination on demand.

Where examinations can be taken

11.(1) The board may decide the places at which an external senior examination can be taken.

(2) The board must—

- (a) make a list of the places available for inspection at the board's office in Brisbane during normal business hours; and
- (b) give a copy of the list to a person who asks for the copy.

(3) A person may only take an external senior examination at—

- (a) a place decided under subsection (1); or
- (b) if the board has granted an application by the person to take the examination at another place—the other place.

Other arrangements for examinations

12.(1) The board may decide arrangements it will make for persons to take external senior examinations.

(2) The board must—

- (a) make a written notice stating the arrangements available for inspection at the board's office in Brisbane during normal business hours; and
- (b) give a copy of the notice to a person who asks for the copy.

(3) The board must make the following arrangements for persons taking the examinations—

- (a) for a person for whom an application for special arrangements has been granted under section 8—the special arrangements;
- (b) for other persons—the arrangements decided under subsection (1).

Appointment of officials for examinations

13.(1) The board may appoint appropriately qualified persons to ensure the proper conduct of an external senior examination and the proper evaluation of the results of the examination.

(2) The duties of a person appointed under this section are those directed by the board from time to time.

(3) In this section—

“appropriately qualified” includes having the qualifications, experience or standing appropriate to the exercise of the power.

Example of ‘standing’—

If the person is a staff member of the office, the person’s position in the office.

Methods of giving answers in examination

14. The board may make arrangements for answers to questions in an external senior examination to be given—

- (a) orally; or
- (b) in writing; or
- (c) both orally and in writing.

Grading of achievement in examinations

15. The person appointed by the board as chief examiner for an external senior examination must decide the level of achievement of each person who takes the examination.

Revaluation of achievement in examinations

16.(1) A person who has taken an external senior examination may ask the board to revalue the person’s level of achievement decided by the chief examiner for the examination and stated in the person’s senior certificate.

(2) A request under subsection (1) must—

- (a) be made to the board; and
- (b) be in the approved form; and
- (c) be made—
 - (i) before the first Tuesday 7 weeks after the finishing day; or

- (ii) if the Monday immediately before the day mentioned in subparagraph (i) is a public holiday—before the first Wednesday 7 weeks after the finishing day; or
 - (iii) if the day mentioned in subparagraph (i) is less than 20 days after the person is first given the person’s senior certificate—within 20 days after the person is first given the certificate; and
- (d) be accompanied by the revaluation fee.
- (3)** If a person makes a request under this section, the board must—
- (a) revalue the person’s level of achievement for the examination; and
 - (b) notify the person in writing of the board’s decision.
- (4)** If, after revaluing the person’s level of achievement, the board decides to increase or decrease the level of achievement, the board must—
- (a) award the person a replacement senior certificate that includes the increased or decreased level of achievement; and
 - (b) refund the revaluation fee to the person; and
 - (c) if the level of achievement is decreased, immediately give the person a written notice of the decision, including reasons for the decision.
- (5)** If, after revaluing the person’s level of achievement, the board decides not to increase or decrease the level of achievement, the board must immediately give the person a written notice of the decision, including reasons for the decision.

Inspection of scripts of examinations

17.(1) A person who has taken an external senior examination may ask the board for permission to inspect the person’s examination script.

- (2)** A request under subsection (1) must—
- (a) be made to the board; and
 - (b) be in the approved form; and
 - (c) be accompanied by the script inspection fee.

(3) If the person makes a request under this section, the board must make the person's examination script available for inspection at the board's office in Brisbane during normal business hours.

PART 3—CORE SKILLS TESTS

Persons other than full-time students may apply to take a core skills test

18. The following persons may apply to the board to take a core skills test—

- (a) a person who finished year 12 by full-time schooling in a year other than the year in which the person proposes to take the test;
- (b) a person who is not a full-time student and will be at least 18 by the end of the year in which the person proposes to take the test.

Applications to take a core skills test

19. An application to take a core skills test must—

- (a) be made in the way stated in the rules; and
- (b) be accompanied by—
 - (i) the nomination fee for the application; and
 - (ii) if the application is received after a closing day—the late application fee.

Decision about application for approval to take a core skills test

20.(1) The board must consider the application and either grant or refuse the application.

(2) The board must grant the application if the person is entitled, under section 18, to apply to take the test.

(3) The board must immediately give the applicant a written notice of its decision.

(4) If the board refuses the application, the notice must include reasons for the decision.

Appointment of officials for core skills tests

21.(1) The board may appoint appropriately qualified persons to ensure the proper conduct of a core skills test and the proper evaluation of the results of the test.

(2) The duties of a person appointed under this section are those directed by the board from time to time.

(3) In this section—

“appropriately qualified” includes having the qualifications, experience or standing appropriate to the exercise of the power.

Example of ‘standing’—

If the person is a staff member of the office, the person’s position in the office.

Grading of core skills tests

22. The board must give each person who takes a core skills test a grade for the test.

PART 4—RULES

Rule-making power

23. The board may make rules for the carrying into effect of all or any of the provisions and objects of this by-law, including, for example, the following matters—

- (a) the subjects to which an external senior examination relates;
- (b) the syllabus for each subject to which an external senior examination relates;

- (c) the books and other materials required or recommended for study by persons intending to take an external senior examination;
- (d) the content, length or format of a core skills test;
- (e) timetables about when and where an external senior examination or core skills test will be held;
- (f) the closing day;
- (g) other matters necessary or convenient for the proper conduct of an external senior examination or core skills test;
- (h) awarding senior certificates to persons who finish senior secondary education other than in full-time schooling.

Publication of rules

24.(1) As soon as practicable after making a rule under this part, the board must publish in the gazette notice of—

- (a) the making of the rule; and
- (b) where the rule is available for inspection.

(2) The board must make a copy of the rule available for inspection at the place notified under subsection (1)(b).

PART 5—AWARD OF SENIOR CERTIFICATES AND PREPARATION OF ACHIEVEMENT LISTS BY BOARD

Principal to give assessment results to board

25.(1) The principal of an assessing school must give the board the results of the school's assessment of persons undertaking senior secondary education at the school for—

- (a) board subjects assessed under procedures that have been decided by the board; and

- (b) board registered subjects for which there are work programs that have been approved by the board; and
- (c) recorded subjects.

(2) The board may, by written notice, require the principal to give it the results, at the time, and in the way, stated in the notice.

(3) The principal must comply with the requirement.

Award of senior certificates to persons finishing senior secondary education in full-time schooling

26.(1) If section 27 does not apply, the board must award a senior certificate to a person who has finished senior secondary education in full-time schooling at an assessing school.

(2) If section 27 applies, the board must award a senior certificate to a person—

- (a) who has finished senior secondary education in full-time schooling at an assessing school; and
- (b) who the board decides, under the section, has substantially covered the enrolled subjects and been adequately assessed on the subjects.

(3) The person's senior certificate must be based on the following assessments given to the board under section 25—

- (a) for a board subject or board registered subject—assessments of the person by the school at which the person finished year 12;
- (b) for a recorded subject—assessments of the person by the school through which the person undertook schooling or the educational institution responsible for assessment of the subject.

(4) The person's senior certificate must state, for each board subject or board registered subject studied by the person—

- (a) the number of semester units for which the subject was studied by the person in years 11 and 12; and
- (b) if the subject has vocational education components—the components; and

- (c) the level of achievement by the person in the subject; and
- (d) for a board registered subject in which separate strands of the subject are assessed—the level of achievement by the person in each strand studied by the person.

(5) Also, the person's senior certificate must state, for each recorded subject studied by the person—

- (a) the name of the subject; and
- (b) the information about the assessment of the person for the subject that the board decides.

Decisions about sufficiency of attendance

27.(1) This section applies if the principal of the assessing school attended by a person gives the board written notice of the principal's belief that the person's attendance has been insufficient for the person to substantially cover the enrolled subjects and be adequately assessed on the subjects.

(2) The board must decide whether or not the person has substantially covered the enrolled subjects and been adequately assessed on the subjects.

(3) Before making a decision under subsection (2), the board must first give the person a written notice (a "**show cause notice**") stating the following—

- (a) the proposed decision;
- (b) the grounds for the proposed decision;
- (c) an outline of the facts and circumstances forming the basis for the grounds;
- (d) an invitation to the person to show within a stated period (a "**show cause period**") why the proposed decision should not be made.

(4) The show cause period must be a period ending at least 14 days after the show cause notice is given to the person.

(5) The person may make written representations about the proposed decision to the board in the show cause period.

(6) The board must take the person's representations into account before making a decision under subsection (2).

(7) The board must immediately give the principal and the person a written notice stating the following—

- (a) the decision;
- (b) the grounds for the decision;
- (c) an outline of the facts and circumstances forming the basis for the grounds.

Award of senior certificates to persons finishing senior secondary education other than in full-time schooling

28.(1) The board may award a senior certificate to a person who has finished senior secondary education other than in full-time schooling.

(2) The person's senior certificate must be based on assessments of the person by an educational institution—

- (a) through which the person undertook the schooling; and
- (b) that assesses persons for board subjects under assessment procedures for the subjects decided by the board.

(3) The person's senior certificate must state, for each board subject or board registered subject studied by the person—

- (a) the number of semester units for which the subject was studied by the person; and
- (b) if the subject has vocational education components—the components; and
- (c) the level of achievement by the person in the subject; and
- (d) for a board registered subject in which separate strands of the subject are assessed—the level of achievement by the person in each strand studied by the person.

(4) Also, a person's senior certificate must state, for each recorded subject studied by the person—

- (a) the name of the subject; and

- (b) the information about the assessment of the person for the subject decided by the board.

Award of senior certificates to persons taking external senior examinations

29.(1) The board must award a senior certificate to a person who has taken an external senior examination.

(2) The certificate must state the level of achievement of the person for each subject to which the examination relates.

List measuring comparative achievement

30.(1) The board must prepare a list of information about persons who have finished senior secondary education in a year measuring the comparative achievement of the persons in board subjects studied by the persons.

(2) The board must decide the kind of information to be included in the list.

(3) The board may make the list available to an appropriate authority—

- (a) on the conditions the board decides; and
- (b) on payment of a reasonable fee.

PART 6—COPIES OF CERTIFICATES

Issue of copies of certificates

31.(1) The board must issue a copy of a certificate to a person if—

- (a) the certificate relates to the person; and
- (b) the board has received a written request for a copy of the certificate from the person; and
- (c) the request is accompanied by the fee for the copy.

(2) The copy may include a copy of the person's tertiary entrance statement.

(3) In this section—

“certificate” means—

- (a) a senior certificate; or
- (b) a core skills test statement of achievement.

“core skills test statement of achievement” means a document—

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

PART 7—REVIEWS AND VERIFICATIONS

Review of information in tertiary entrance statements

32. A person who receives a tertiary entrance statement and believes information in the statement is unfair may apply to the director for review of the information.

Verification of information in senior certificates

33. A person who receives a senior certificate may apply to the director for verification of information in the certificate.

Applying for review or verification

34. An application for review of information in a tertiary entrance statement or verification of information in a senior certificate must—

- (a) be made to the director; and
- (b) be in the approved form; and
- (c) be made—
 - (i) before the first Tuesday 7 weeks after the finishing day; or

- (ii) if the Monday immediately before the day mentioned in subparagraph (i) is a public holiday—before the first Wednesday 7 weeks after the finishing day; or
 - (iii) if the day mentioned in subparagraph (i) is less than 20 days after the person is first given the person’s tertiary entrance statement or senior certificate—within 20 days after the person is first given the statement or certificate; and
- (d) be accompanied by—
- (i) for an application for review—the review fee; or
 - (ii) for an application for verification—the verification fee; or
 - (iii) for an application for review and verification—the review and verification fee.

Decision about application for review of information in tertiary entrance statement

35.(1) After reviewing the information in the tertiary entrance statement the subject of the application for review, the director must decide whether, having regard to the applicant’s circumstances, the information is fair or unfair.

(2) The director must immediately give the applicant a written notice of the decision, including the reasons for the decision.

(3) If the director decides the information is unfair, the director must—

- (a) decide what information (the **“fair information”**) should be in the applicant’s tertiary entrance statement; and
- (b) if the information the subject of the application was made available to an appropriate authority under section 30—notify the appropriate authority of the fair information; and
- (c) ask the Tertiary Entrance Procedures Authority to issue a replacement tertiary entrance statement to the applicant containing the fair information; and
- (d) refund the review fee to the applicant.

Decision about application for verification of information in senior certificate

36.(1) After making appropriate inquiries about the information in the senior certificate the subject of the application for verification, the director must decide whether the information is correct or incorrect.

(2) The director must immediately give the applicant a written notice of the decision.

(3) If the director decides the information is correct, the notice must also state the reasons for the decision.

(4) If the director decides the information is incorrect, the director must—

- (a) ask the board to award a replacement senior certificate, containing the corrected information, to the applicant; and
- (b) refund the verification fee to the applicant.

(5) If the director makes a request under subsection (4)(a), the board must comply with the director's request.

PART 8—RECORDED SUBJECTS**List of recorded subjects**

37. The board must keep a list of subjects that may be identified on senior certificates as recorded subjects.

Adding to list of recorded subjects

38. In deciding whether or not to add a subject to the list, the board must consider representations made to the board by the educational institution offering the subject about—

- (a) the appropriateness of the subject for the education of persons undertaking senior secondary education; and
- (b) how long the institution has allocated for the study of the subject to be finished.

PART 9—FEES

Service fee payable by holders of visas

39.(1) This section applies to a person who—

- (a) is a full-time student; and
- (b) holds a student visa issued under the *Migration Act 1958* (Cwlth).

(2) The person must pay the board a service fee in consideration of the board performing its functions under section 6(1)(d) to (ea) and (j)¹ of the Act in relation to the person.

(3) The board may give the person a written notice requiring payment of the fee within a stated period of not less than 30 days after the notice is given.

Waiver of service fee

40. The board may waive payment of the service fee—

- (a) for a person undertaking senior secondary education at a State school—if the cost of the person's education at the school is being defrayed by the State; or
- (b) for a person undertaking senior secondary education at a non-State school—if the cost of the person's education would be defrayed by the State if the person were undertaking the education at a State school.

Refund of nomination fee in cases of illness

41.(1) A person who was granted an application to take an external senior examination and failed to attend the place for taking the examination may apply to the board for refund of the nomination fee.

(2) The application for refund must—

- (a) be made to the board; and

¹ Section 6 (Functions and powers of the board)

- (b) be in the approved form; and
- (c) be made within 1 month after the examination.

(3) The board must consider the application and either grant or refuse the application.

(4) The board must grant the application if the board is reasonably satisfied the person has failed to attend the place because of illness.

(5) If the board grants the application, it must refund to the applicant the nomination fee, less the administration fee.

Refund of nomination fee in cases of cancellation

42.(1) This section applies to a person whose application to take an external senior examination was granted and who cancelled the application at least 7 days before the examination.

(2) If the person cancelled the application within 1 month after the closing day for the application, the board must refund to the person the nomination fee, less the administration fee.

(3) Otherwise, the board must refund to the person half the nomination fee, less the administration fee.

(4) The board must make the refund immediately after the application is cancelled.

Fees in sch 1

43. The fees payable under this by-law are in schedule 1.

PART 10—REPEAL

Repeal of by-law

44. The *Education (Senior Secondary School Studies) By-law 1989* is repealed.

SCHEDULE 1**FEES**

	section 43
	\$
1. Nomination fee for an application to take an external senior examination (s 8(3)(c)(i))—for each subject	40.00
2. Late application fee for application to take an external senior examination (s 8(3)(c)(ii))—	
• if received after first closing day, but before second closing day	40.00
• if received after second closing day	80.00
3. Local expenses fee (s 8(4)(a))	available on application
4. Special arrangements fee (s 8(4)(b))	available on application
5. Revaluation fee—for each paper in the external senior examination (s 16(2)(d))	15.00
6. Script inspection fee (s 17(2)(c))—for each 20 minutes or part of 20 minutes	10.00
7. Nomination fee for application for approval to take a core skills test (s 19(b)(i))	40.00
8. Late application fee for application for approval to take a core skills test (s 19(b)(ii))	80.00
9. Fee for copy of certificate (s 31(1)(c))	20.00
10. Review fee (s 34(d)(i))	30.00
11. Verification fee (s 34(d)(ii))	30.00
12. Review and verification fee (s 34(d)(iii))	30.00
13. Service fee for 1 year (s 39(2))	250.00
14. Administration fee (s 41(5) and s 42(2) and (3))	10.00
15. Copy of syllabus—for each subject	5.00
16. External senior examination handbook	6.00

SCHEDULE 2

DICTIONARY

section 2

“appropriate authority” means an entity with a legitimate interest in information about comparative results of assessment of persons who studied board subjects, including—

- (a) an institution providing higher and tertiary education, whether or not the institution operates in Queensland; and
- (b) another institution involved in coordinating the admission of persons to an institution of a kind mentioned in paragraph (a).

“assessing school” means a school that—

- (a) provides senior secondary education to persons enrolled at the school; and
- (b) assesses the persons for either or both of the following—
 - (i) board subjects assessed under procedures decided by the board;
 - (ii) board registered subjects, if work programs for the subjects have been approved by the board.

“closing day” means a day prescribed under the rules as the day by which an application to take an external senior examination, or a core skills test, must be made.

“December student vacation”, in a year, means the student vacation starting in December in the year, to be kept in a State school under the *Education (General Provisions) Regulation 1989*, section 12.

“eligible person” means a person eligible to take an external senior examination under section 4 or 5.

“enrolled subjects”, of a person, means the subjects for which a person is enrolled to study at an assessing school.

SCHEDULE 2 (continued)

“finishing”, of senior secondary education in full-time schooling, means attending school in year 12 until, and including, the finishing day.

“finishing day”, in a year, means—

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

“full-time student” means a person undertaking senior secondary education by full-time schooling.

“grade”, for a core skills test, means a grade of ‘A’, ‘B’, ‘C’, ‘D’ or ‘E’.

“level of achievement” means any one of the following—

- very high achievement
- high achievement
- sound achievement
- limited achievement
- very limited achievement.

“principal” means the person in charge of a school.

“Tertiary Entrance Procedures Authority” means the Tertiary Entrance Procedures Authority established under the *Education (Tertiary Entrance Procedures Authority) Act 1990*, section 5.

“tertiary entrance statement” means a statement by that name issued under the *Education (Tertiary Entrance Procedures Authority) Act 1990*.

ENDNOTES

1. Made by the Board of Senior Secondary School Studies on 19 November 1999.
2. Approved by the Governor in Council on 2 December 1999.
3. Notified in the gazette on 3 December 1999.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Department of Education.