

Queensland



Subordinate Legislation 2002 No. 155

Education (Queensland Studies Authority) Act 2002

**EDUCATION (QUEENSLAND STUDIES
AUTHORITY) REGULATION 2002**

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DICTIONARY

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Education (Queensland Studies Authority) Regulation 2002*.

2 Commencement

This regulation commences on 1 July 2002.

3 Definitions

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

PART 2—EXTERNAL SENIOR EXAMINATIONS

Division 1—Available examinations

4 External senior examinations available

The authority must make an external senior examination, for an area of learning stated in a guideline for this section, available to be taken by persons each year.

Division 2—Eligibility to take examinations

5 Persons eligible to take examination

(1) A person is eligible to take an external senior examination for an area of learning if the person—

- (a) has not finished the year 12 year of schooling; and
- (b) has not obtained a senior certificate; and

(c) will be at least 19 years by the end of the year in which the person proposes to take the examination.

(2) Also, a person is eligible to take an external senior examination for an area of learning if the person has finished the year 12 year of schooling and has obtained a senior certificate.

(3) Also, a person is eligible to take an external senior examination for an area of learning if—

- (a) the person is undertaking senior secondary education at a school; and
- (b) the authority is satisfied—
 - (i) the person can not reasonably study the area of learning at the person's school; and
 - (ii) the person's education in the area of learning will be achieved other than by studying the area of learning at the school.

(4) A person can not reasonably study an area of learning at a school if, for example—

- (a) the area of learning is not taught at the school; or
- (b) the area of learning is taught at the school, but only at the same times as another area of learning being studied by the person at the school.

(5) In addition, a person is eligible to take an external senior examination for an area of learning if the authority declares the person to be eligible under section 6.

6 Application for declaration of eligibility

(1) A person may apply to the authority to be declared to be eligible to take an external senior examination for an area of learning in the year in which the application is made.

(2) The application must—

- (a) be in the approved form; and
- (b) accompany an application under section 9 to take the examination.

(3) The authority must consider the application and either grant, or refuse to grant, the application.

(4) The authority may grant the application only if it is reasonably satisfied exceptional circumstances exist that justify the decision.

(5) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.

(6) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(7) If the authority fails to decide the application within 14 days after the application was made—

- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 3—Number of areas of learning

7 Number of areas of learning in which examination may be taken

(1) An eligible person who is not undertaking senior secondary education at a school may not take external senior examinations in more than 3 areas of learning in 1 year if the person—

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

(2) An eligible person who is undertaking senior secondary education at a school may not take external senior examinations in more than 2 areas of learning in 1 year.

(3) Subsections (1) and (2) apply subject to section 8.

(4) Otherwise, an eligible person may take external senior examinations in the number of areas of learning the person wishes.

8 Examination may be taken in more areas of learning because of exceptional circumstances

(1) A person to whom section 7(1) or (2) applies may take external senior examinations in more than the number of areas of learning stated in the subsection if the person has the authority's approval.

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

(3) The application must—

- (a) be in the approved form; and
- (b) accompany an application under section 9 to take the examinations.

(4) The authority must consider the application and either grant, or refuse to grant, the application.

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

(6) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.

(7) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(8) If the authority fails to decide the application within 14 days after the application was made—

- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 4—Application to take examinations

9 Application

(1) A person who wishes to take an external senior examination for an area of learning must apply to the authority to take the examination.

(2) The application must—

- (a) be in the approved form; and
- (b) be accompanied by—
 - (i) if the application is made on or before the closing day—the application fee; or
 - (ii) if the application is made after the closing day—the late application fee.

(3) The application must be made on or before 31 August of the year in which the application is made.

(4) However, the authority may, at any time, extend the time for making the application.

10 Decision about application to take examination—application made on or before closing day

(1) This section applies if the application is made on or before the closing day.

(2) The authority must consider the application and either grant, or refuse to grant, the application.

(3) The authority may grant the application only if—

- (a) the applicant is an eligible person; and
- (b) the applicant has applied to take external senior examinations in the number of areas of learning the applicant may take—
 - (i) under section 7; or
 - (ii) because the authority has granted an application made by the applicant under section 8.

(4) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.

(5) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(6) If the authority fails to decide the application within 14 days after the application was made—

- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and

- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

11 Decision about application to take examination—application made after closing day

- (1) This section applies if the application is made after the closing day.
- (2) The authority must consider the application and either grant, or refuse to grant, the application.
- (3) The authority may grant the application only if—
 - (a) the applicant is an eligible person; and
 - (b) the applicant has applied to take external senior examinations in the number of areas of learning the applicant may take—
 - (i) under section 7; or
 - (ii) because the authority has granted an application made by the applicant under section 8; and
 - (c) the authority is satisfied the application was made after the closing day because of extenuating circumstances.
- (4) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.
- (5) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.
- (6) If the authority fails to decide the application within 14 days after the application was made—
 - (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
 - (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 5—Places to take examinations

12 Where examination can be taken

(1) The authority must decide the places at which an external senior examination for an area of learning can be taken.

(2) The places must be stated in a guideline.

(3) An eligible person for an external senior examination for an area of learning may only take the examination at—

- (a) a place decided under subsection (1); or
- (b) if the authority has granted an application, under section 13, by the person to take the examination at another place—the other place.

13 Application to take examination at another place

(1) An eligible person for an external senior examination for an area of learning may apply to the authority to take the examination at a place other than a place decided under section 12(1).

(2) The application must be in the approved form.

(3) The application must be made on or before 31 August of the year in which the application is made.

(4) However, the authority may, at any time, extend the time for making the application.

(5) The authority must consider the application and either grant, or refuse to grant, the application.

(6) The authority may grant the application only if it is satisfied—

- (a) there are extenuating circumstances for the applicant needing to take the examination at the other place; and
- (b) adequate supervisory arrangements can be provided, at the other place, for the conduct of the examination; and
- (c) adequate arrangements can be made, at the other place, for safeguarding—
 - (i) the examination papers before the examination is taken; and

(ii) the examination scripts.

(7) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of—

- (a) the decision; and
- (b) the local expenses fee payable by the applicant.

(8) The local expenses fee is the amount that—

- (a) the authority considers to be reasonable; and
- (b) is not more than the reasonable cost of providing for the examination to be taken at the other place.

(9) The applicant may only take the examination at the other place if the local expenses fee has been paid to the authority before the day of the examination.

(10) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(11) If the authority fails to decide the application within 14 days after the application was made—

- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 6—Special arrangements for taking examinations

14 Special consideration of person's disability or medical condition

(1) This section applies if a person has a disability or medical condition the person believes is likely to adversely affect the person's capacity to perform in an external senior examination for an area of learning.

(2) The person may apply to the authority to allow the person to take the examination under special arrangements that take account of the person's disability or medical condition.

(3) The application must be in the approved form.

(4) The application must be made on or before 31 August of the year in which the application is made.

(5) However, the authority may, at any time, extend the time for making the application.

(6) The authority must consider the application and either grant, or refuse to grant, the application.

(7) The authority may grant the application only if it is satisfied of the need for the special arrangements.

(8) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of—

- (a) the decision; and
- (b) the special arrangements fee payable by the applicant.

(9) The special arrangements fee is the amount that—

- (a) the authority considers to be reasonable; and
- (b) is not more than the reasonable cost of providing for the special arrangements.

(10) The applicant may only take the examination, under the special arrangements, if the special arrangements fee has been paid to the authority before the day of the examination.

(11) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(12) If the authority fails to decide the application within 14 days after the application was made—

- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 7—Refusal of entry to, or expulsion from, place of examination

15 Circumstances of refusal or expulsion

(1) The circumstances in which an eligible person for an external senior examination for an area of learning may, by an appointed official, be refused entry to a place at which the examination can be taken must be stated in a guideline.

(2) The circumstances in which an eligible person for an external senior examination for an area of learning may be expelled by an appointed official from a place at which the examination is being taken must be stated in a guideline.

(3) In this section—

“**appointed official**” means an official appointed, under section 22,¹ to ensure the proper conduct of the examination.

16 Application to sit another external senior examination

(1) This section applies to an eligible person for an external senior examination for an area of learning who—

- (a) under section 15(1), has been refused entry to a place at which the examination can be taken; or
- (b) under section 15(2), has been expelled from a place at which the examination is being taken.

(2) The person may apply to the authority for permission to sit another external senior examination for the area of learning on the basis that the refusal or expulsion was unjustified in the circumstances.

(3) The application must—

- (a) be in the approved form; and
- (b) state the grounds why the applicant believes the refusal or expulsion was unjustified in the circumstances.

(4) The application must be made within 7 days after the refusal or expulsion.

¹ Section 22 (Appointment of officials for examination)

(5) The authority may, by notice given to the applicant, require the applicant to give the authority, within a reasonable time of at least 14 days stated in the notice, further information or a document the authority reasonably requires to consider the application.

(6) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.

(7) The authority must consider the application and either grant, or refuse to grant, the application.

(8) The authority may grant the application only if it is satisfied the refusal or expulsion was unjustified in the circumstances.

(9) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.

(10) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(11) If the authority fails to decide the application within 28 days after the application was made—

- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 8—Deciding level of achievement in examinations

17 Grading of achievement in examination

(1) The authority must decide the level of achievement, in the study of an area of learning, of a person who took an external senior examination for the area of learning.

(2) Before making its decision, the authority must allow enough time for the person to give a notice under section 19.

(3) This section is subject to section 18.

18 Refusal to decide level of achievement

(1) The circumstances in which the authority may decide not to decide the level of achievement, in the study of an area of learning, of a person who took an external senior examination for the area of learning must be stated in a guideline.

(2) If the authority proposes to decide not to decide the level of achievement, in the study of an area of learning, of a person who took an external senior examination for the area of learning (the “**proposed decision**”), the authority must first give the person a 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.

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

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

(5) The authority must consider all written representations (the “**accepted representations**”) made under subsection (4) before making the proposed decision.

(6) If, after considering the accepted representations for the show cause notice, the authority no longer proposes to make the proposed decision, the authority must as soon as practicable—

- (a) give the person notice of its decision; and
- (b) decide the person’s level of achievement.

(7) If, after considering the accepted representations for the show cause notice, the authority still proposes to make the proposed decision, the authority must as soon as practicable give the person an information notice about the decision.

(8) Subsection (7) also applies if there are no accepted representations for the show cause notice.

19 Medical condition or circumstances adversely affecting person's performance in examination

(1) This section applies if a person who took an external senior examination for an area of learning believes the person's performance in the examination was adversely affected because of a medical condition of the person or circumstances beyond the person's control.

(2) The person may notify the authority of the condition or circumstances within 7 days after taking the examination.

(3) If the authority receives a notice under subsection (2), it must take the condition or circumstances into account when deciding the person's level of achievement in the study of the area of learning.

20 Revaluation of achievement in examination

(1) A person who has taken an external senior examination for an area of learning may ask the authority to revalue the person's level of achievement, in the study of the area of learning, stated in the senior certificate issued to the person for the study of the area of learning.

(2) The request must—

(a) be in the approved form; and

(b) be made—

(i) before the first Tuesday 7 weeks after the finishing day for the year in which the request is made; 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 for the year in which the request is made; or

(iii) if the day mentioned in subparagraph (i) is less than 20 days after the person is issued with the senior certificate—within 20 days after the person is issued with the senior certificate; and

(c) be accompanied by the revaluation fee.

(3) The authority must as soon as practicable revalue the person's level of achievement in the study of the area of learning.

(4) If, after revaluing the person's level of achievement, the authority decides to increase or decrease the level of achievement, the authority must as soon as practicable—

- (a) issue the person with 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 increased—give the person notice of the decision; and
- (d) if the level of achievement is decreased—give the person an information notice about the decision.

(5) If, after revaluing the person's level of achievement, the authority decides not to increase or decrease the level of achievement, the authority must as soon as practicable give the person an information notice about the decision.

(6) If the authority fails to revalue the person's level of achievement within 21 days after the request was made—

- (a) the failure is taken to be a decision of the authority not to increase or decrease the level of achievement; and
- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Division 9—Other matters

21 Inspection of graded examination script

(1) A person who has taken an external senior examination for an area of learning may ask the authority for permission to inspect the person's graded examination script.

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

- (a) be in the approved form; and
- (b) be made—
 - (i) before the first Tuesday 7 weeks after the finishing day for the year in which the request is made; 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 for the year in which the request is made; or
- (iii) if the day mentioned in subparagraph (i) is less than 20 days after the person is issued with a senior certificate for the area of learning—within 20 days after the person is issued with the certificate; and

(c) be accompanied by the script inspection fee.

(3) If the person makes a request under this section, the authority must make the person’s examination script available for inspection, within a reasonable time, at the office or another suitable place during normal business hours.

22 Appointment of officials for examination

(1) The authority may appoint appropriately qualified persons to ensure the proper conduct of an external senior examination for an area of learning.

(2) In this section—

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

PART 3—TESTS AND ASSESSMENTS

Division 1—Literacy and numeracy tests

23 Development of literacy and numeracy tests—Act, s 19(1)

For section 19(1) of the Act, the authority must develop the following tests—

- (a) a test, for administering in 2002 and each subsequent year, to assess the literacy or numeracy skills of students in the year 3 year of schooling;

- (b) a test, for administering in 2002 and each subsequent year, to assess the literacy or numeracy skills of students in the year 5 year of schooling;
- (c) a test, for administering in 2002 and each subsequent year, to assess the literacy or numeracy skills of students in the year 7 year of schooling.

Division 2—Core skills test

Subdivision 1—Core skills test to be developed

24 Development of test—Act, s 19(1)

For section 19(1) of the Act, the authority must develop a core skills test and make it available to be taken by persons each year.

Subdivision 2—Eligibility to take test

25 Persons eligible to take test

(1) A person is eligible to take a core skills test if the person will finish the year 12 year of schooling in the year in which the test is proposed to be taken.

(2) Also, a person is eligible to take a core skills test if the authority declares the person to be eligible under section 27 or 28.

26 Application for declaration of eligibility

(1) A person may apply to the authority to be declared to be eligible to take a core skills test in the year in which the application is made.

(2) The application must be made before 21 May of the year in which the application is made.

(3) However, the authority may, at any time, extend the time for making the application.

(4) The application must—

- (a) be in the approved form; and
- (b) be accompanied by—
 - (i) if the application is made on or before the closing day—the application fee; or
 - (ii) if the application is made after the closing day—the late application fee.

27 Decision about application for declaration of eligibility—application made on or before closing day

(1) This section applies if the application is made on or before the closing day.

(2) The authority must consider the application and either grant, or refuse to grant, the application.

(3) The authority may grant the application only if it is satisfied the applicant—

- (a) finished the year 12 year of schooling before the year in which the application is made; or
- (b) will be at least 18 years at the end of the year in which the application is made.

(4) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.

(5) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(6) If the authority fails to decide the application within 21 days after the application was made—

- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

28 Decision about application for declaration of eligibility—application made after closing day

(1) This section applies if the application is made after the closing day.

(2) The authority must consider the application and either grant, or refuse to grant, the application.

(3) The authority may grant the application only if it is satisfied—

(a) the applicant—

(i) finished the year 12 year of schooling before the year in which the application is made; or

(ii) will be at least 18 years at the end of the year in which the application is made; and

(b) the application was made after the closing day because of extenuating circumstances.

(4) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.

(5) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(6) If the authority fails to decide the application within 21 days after the application was made—

(a) the failure is taken to be a decision of the authority to refuse to grant the application; and

(b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Subdivision 3—Places to take tests

29 Where test can be taken

(1) The authority may decide the places at which a core skills test can be taken.

(2) The places must be stated in a guideline.

(3) An eligible person for a core skills test may only take the test at—

- (a) a place decided under subsection (1); or
- (b) if the authority has granted an application, under section 30, by the person to take the test at another place—the other place.

30 Application to take test at another place

(1) An eligible person for a core skills test may apply to the authority to take the test at a place other than a place decided under section 29(1).

(2) The application must be made before 21 May of the year in which the application is made.

(3) However, the authority may, at any time, extend the time for making the application.

(4) The application must be in the approved form.

(5) The authority must consider the application and either grant, or refuse to grant, the application.

(6) The authority may grant the application only if it is satisfied—

- (a) there are extenuating circumstances for the applicant needing to take the test at the other place; and
- (b) adequate supervisory arrangements can be provided, at the other place, for the conduct of the test; and
- (c) adequate arrangements can be made, at the other place, for safeguarding—
 - (i) the test papers before the test is taken; and
 - (ii) the test scripts.

(7) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of—

- (a) the decision; and
- (b) the local expenses fee payable by the applicant.

(8) The local expenses fee is the amount that—

- (a) the authority considers to be reasonable; and
- (b) is not more than the reasonable cost of providing for the test to be taken at the other place.

(9) The applicant may only take the test at the other place if the local expenses fee has been paid to the authority before the day of the test.

(10) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(11) If the authority fails to decide the application within 21 days after the application was made—

- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Subdivision 4—Special arrangements for taking tests

31 Special consideration of person's disability or medical condition

(1) This section applies if a person has a disability or medical condition the person believes is likely to adversely affect the person's capacity to perform in a core skills test.

(2) The person may apply to the authority to allow the person to take the test under special arrangements that take account of the person's disability or medical condition.

(3) The application must be in the approved form.

(4) The application must be made before 21 May of the year in which the application is made.

(5) However, the authority may, at any time, extend the time for making the application.

(6) The authority must consider the application and either grant, or refuse to grant, the application.

(7) The authority may grant the application only if it is satisfied of the need for the special arrangements.

(8) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.

(9) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(10) If the authority fails to decide the application within 42 days after the application was made—

- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

Subdivision 5—Refusal of entry to, or expulsion from, place of test

32 Circumstances of refusal or expulsion

(1) The circumstances in which an eligible person for a core skills test may, by an appointed official, be refused entry to a place at which the test can be taken must be stated in a guideline.

(2) The circumstances in which an eligible person for a core skills test may be expelled by an appointed official from a place at which the test is being taken must be stated in a guideline.

(3) In this section—

“**appointed official**” means an official appointed, under section 34, to ensure the proper conduct of the test.

33 Exemption from requirement to take core skills test

(1) This section applies to an eligible person for a core skills test who—

- (a) under section 32(1), has been refused entry to a place at which the test can be taken; or
- (b) under section 32(2), has been expelled from a place at which the test is being taken.

(2) The person may apply to the authority for an exemption from the requirement mentioned in section 52(c)² on the basis that the refusal or expulsion was unjustified in the circumstances.

(3) The application must—

- (a) be in the approved form; and
- (b) state the grounds why the applicant believes the refusal or expulsion was unjustified in the circumstances.

(4) The application must be made within 7 days after the refusal or expulsion.

(5) The authority may, by notice given to the applicant, require the applicant to give the authority, within a reasonable time of at least 14 days stated in the notice, further information or a document the authority reasonably requires to consider the application.

(6) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.

(7) The authority must consider the application and either grant, or refuse to grant, the application.

(8) The authority may grant the application only if it is satisfied the refusal or expulsion was unjustified in the circumstances.

(9) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.

(10) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(11) If the authority fails to decide the application within 28 days after the application was made—

- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

2 Section 52 (Eligibility for ranking of tertiary entrance)

Subdivision 6—Other matters

34 Appointment of officials for test

(1) The authority may appoint appropriately qualified persons to ensure the proper conduct of a core skills test.

(2) In this section—

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

35 Grading for test

(1) The authority must decide the grading of a person who took a core skills test.

(2) This section is subject to section 36.

36 Refusal to grade test

(1) The circumstances in which the authority may decide not to decide the grading of a person who took a core skills test must be stated in a guideline.

(2) If the authority proposes to decide not to decide the grading of a person who took a core skills test (the **“proposed decision”**), the authority must first give the person a 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.

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

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

(5) The authority must consider all written representations (the “**accepted representations**”) made under subsection (4) before making the proposed decision.

(6) If, after considering the accepted representations for the show cause notice, the authority no longer proposes to make the proposed decision, the authority must as soon as practicable—

- (a) give the person notice of its decision; and
- (b) decide the person’s grading in the test.

(7) If, after considering the accepted representations for the show cause notice, the authority still proposes to make the proposed decision, the authority must as soon as practicable give the person an information notice about the decision.

(8) Subsection (7) also applies if there are no accepted representations for the show cause notice.

Division 3—Assessments

37 Assessment—Act, s 11(2)

For section 11(2) of the Act, an assessment is the year 2 diagnostic net assessment.

PART 4—CERTIFICATES OF ACHIEVEMENT

Division 1—Senior certificates

38 Results in area of learning recordable on senior certificate

The authority may only record on a person’s senior certificate the results of the person in the study of a category A area of learning, category B area of learning or category C area of learning.

39 Approval of work programs for area of learning—Act, s 13(2)

For section 13(2) of the Act, a type of certificate of achievement is the senior certificate.

40 Principal to give assessment results to authority

(1) The principal of an assessing school must give the authority the results of the assessment of persons, undertaking senior secondary education at the school, for category A areas of learning, category B areas of learning and category C areas of learning.

(2) The authority may, by 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.

41 Issue of senior certificate to person finishing senior secondary education

(1) If section 43 does not apply, the authority must issue a senior certificate to a person who has finished senior secondary education at an assessing school.

(2) If section 43 applies, the authority must issue a senior certificate, for a person's enrolled area of learning, to the person if—

- (a) the person has finished senior secondary education at an assessing school; and
- (b) the authority decides, under the section, the person has substantially covered the area of learning and been adequately assessed on the area of learning.

(3) The person's senior certificate must be based on the following assessments given to the authority under section 40—

- (a) for a category A area of learning or category B area of learning—assessments of the person by the school at which the person finished the year 12 year of schooling;
- (b) for a category C area of learning—assessments of the person by the school through which the person undertook schooling or the educational institution responsible for assessment of the area of learning.

(4) The person's senior certificate must state, for each category A area of learning or category B area of learning studied by the person—

- (a) the name of the area of learning; and
- (b) the number of semester units for which the area of learning was studied by the person in the years 11 and 12 years of schooling; and
- (c) if the area of learning has vocational education components—the components; and
- (d) the level of achievement by the person in the area of learning.

(5) Also, the person's senior certificate must state for each category C area of learning studied by the person—

- (a) the name of the area of learning; and
- (b) the information, about the assessment of the person for the area of learning, the authority decides.

42 Notice about sufficiency of coverage and assessment

(1) This section applies if the principal of an assessing school attended by a person believes the person has not substantially covered an enrolled area of learning of the person and been adequately assessed on the area of learning.

(2) The principal must give the authority and person notice of the principal's belief on or before the first Friday after the finishing day for the person's final year of schooling.

43 Decisions about sufficiency of coverage and assessment

(1) This section applies if the principal of an assessing school attended by a person gives the authority a notice, under section 42, in relation to an enrolled area of learning of the person.

(2) The authority must decide whether or not the person has substantially covered the area of learning and been adequately assessed on the area of learning.

(3) If the authority proposes to decide that the person has not substantially covered the area of learning and been adequately assessed on

the area of learning (the **“proposed decision”**), the authority must first give the person a 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 notice must be given to the person within 7 days after the notice mentioned in subsection (1) is given to the authority.

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

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

(7) The authority must consider all written representations (the **“accepted representations”**) made under subsection (6) before making a decision under subsection (2).

(8) If, after considering the accepted representations for the show cause notice, the authority no longer proposes to decide that the person has not substantially covered the area of learning and been adequately assessed on the area of learning, the authority must as soon as practicable give the person notice of its decision.

(9) If, after considering the accepted representations for the show cause notice, the authority still proposes to decide that the person has not substantially covered the area of learning and been adequately assessed on the area of learning, the authority must as soon as practicable give the person an information notice about the decision.

(10) Subsection (9) also applies if there are no accepted representations for the show cause notice.

44 Issue of senior certificate to person taking external senior examination

(1) The authority must issue a senior certificate to a person who has taken an external senior examination for an area of learning.

(2) The certificate must state the person's level of achievement for the area of learning.

45 Verification of information in senior certificate

(1) A person who receives the person's senior certificate from the authority may apply to the authority for verification of information in the certificate.

(2) The application must—

(a) be in the approved form; and

(b) be made—

(i) before the first Tuesday 7 weeks after the finishing day for the applicant's final year of schooling; 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 for the applicant's final year of schooling; or

(iii) if the day mentioned in subparagraph (i) is less than 20 days after the applicant is given the applicant's senior certificate—within 20 days after the applicant is given the certificate; and

(c) be accompanied by the verification fee.

(3) The authority may, by notice given to the applicant, require the applicant to give the authority, within a reasonable time of at least 7 days stated in the notice, further information or a document the authority reasonably requires to consider the application.

(4) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.

(5) After making appropriate inquiries about the information in the applicant's senior certificate to be verified, the authority must decide whether the information is correct or incorrect.

(6) The authority must consider the application and, as soon as practicable, give the applicant notice of its decision on the application.

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

(8) If the authority decides the information is incorrect, the authority must—

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

Division 2—Certificates of post-compulsory school education

46 Issue of certificate of post-compulsory school education

(1) The authority must issue a certificate of post-compulsory school education for an area of learning to a person if—

- (a) the person has completed at least 24 semesters of schooling; and
- (b) the person is not eligible to be issued with a senior certificate under the Act; and
- (c) the principal of the school at which the person attended the person's final year of schooling has given the authority details of the person's achievement in the study of an area of learning as part of the person's post-compulsory period of schooling.

(2) In this section—

“post-compulsory period of schooling”, of a person, means the person's period of schooling after the person turned 15 years.

47 Verification of information in certificate of post-compulsory school education

(1) A person who receives the person's certificate of post-compulsory school education from the authority may apply to the authority for verification of information in the certificate.

(2) The application must—

- (a) be in the approved form; and
- (b) be made within 21 days after the applicant is given the certificate; and
- (c) be accompanied by the verification fee.

(3) The authority may, by notice given to the applicant, require the applicant to give the authority, within a reasonable time of at least 7 days stated in the notice, further information or a document the authority reasonably requires to consider the application.

(4) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.

(5) After making appropriate inquiries about the information in the applicant's certificate of post-compulsory school education to be verified, the authority must decide whether the information is correct or incorrect.

(6) The authority must consider the application and, as soon as practicable, give the applicant notice of its decision on the application.

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

(8) If the authority decides the information is incorrect, the authority must—

- (a) issue a replacement certificate of post-compulsory school education, containing the corrected information, to the applicant; and
- (b) refund the verification fee to the applicant.

PART 5—NON-AUTHORITY AREAS OF LEARNING

48 Application for recognition of non-authority area of learning as recordable non-authority area of learning

(1) The governing body of an educational institution may apply to the authority for the authority's recognition of a non-authority area of learning (the "**nominated area of learning**"), in which education is offered or to be offered by the institution, as a recordable non-authority area of learning.

(2) The application must state the first year (the "**nominated year**") in which the applicant is asking for the nominated area of learning to be recognised as a recordable non-authority area of learning.

(3) The application must be made at least 9 months before the nominated year.

(4) However, the authority may, at any time, extend the time for making the application.

(5) The application must be in the approved form.

(6) The authority must consider the application and either grant, or refuse to grant, the application.

(7) The authority may grant the application only if it is satisfied—

- (a) about the educational institution's capacity to provide education in the nominated area of learning; and
- (b) the syllabus for the nominated area of learning is appropriate to the level of schooling the subject of the application.

(8) A recognition of a nominated area of learning as a recordable non-authority area of learning takes effect from the start of the nominated year.

49 Capacity of educational institution to provide education in the nominated area of learning

In deciding whether the educational institution is capable of providing education in the nominated area of learning, the authority may have regard to each of the following—

- (a) whether the educational institution has access to adequate financial resources for its viable operation;
- (b) whether the educational institution has a sufficient number, and appropriate types, of staff necessary for the provision of the education;
- (c) whether the educational institution has the educational facilities and materials necessary for the provision of the education;
- (d) if the educational institution is already providing education in the nominated area of learning—its history of providing the education;
- (e) any other issue relevant to the educational institution's capacity to provide education in the nominated area of learning.

50 Publication of list of recordable areas of learning and educational institutions

The authority must, in a guideline, keep an up-to-date list stating—

- (a) each recordable non-authority area of learning; and
- (b) the educational institution that the authority is satisfied, under section 48(7)(a), is capable of providing education in the area of learning.

51 Steps to be taken after application decided

(1) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.

(2) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(3) If the authority fails to decide the application within 28 days after the application was made—

- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

PART 6—TERTIARY ENTRANCE

52 Eligibility for ranking for tertiary entrance

A person who is an Australian citizen or permanent resident is eligible to receive a ranking by the authority as a basis for tertiary entrance if—

- (a) the person has completed, or is taken under a guideline to have completed, 20 semester units in the study of category A areas of learning, including 4 semester units in each of 3 particular category A areas of learning; and
- (b) the person has finished senior secondary education at an assessing school; and

- (c) subject to sections 33 and 53—
 - (i) the person has taken the core skills test made available by the authority in the year the person finished senior secondary education; and
 - (ii) the person's grading in the test has been decided by the authority.

53 Exemption from requirement to take core skills test

(1) A person may apply to the authority for an exemption from the requirement mentioned in section 52(c).

(2) The application must be made before, or within 7 days after, the day of the core skills test the subject of the application.

(3) However, the authority may, at any time, extend the time for making the application.

(4) The application must—

- (a) be in the approved form; and
- (b) state the grounds why the applicant believes the exemption should be given.

(5) The authority may, by notice given to the applicant, require the applicant to give the authority, within a reasonable time of at least 14 days stated in the notice, further information or a document the authority reasonably requires to consider the application.

(6) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.

(7) The authority must consider the application and either grant, or refuse to grant, the application.

(8) The authority may grant the application only if it is satisfied the grounds stated in the application are reasonable grounds for giving the exemption.

(9) If the authority decides to grant the application, it must as soon as practicable give the applicant notice of the decision.

(10) If the authority decides to refuse to grant the application, it must as soon as practicable give the applicant an information notice about the decision.

(11) If the authority fails to decide the application within 28 days after the application was made—

- (a) the failure is taken to be a decision of the authority to refuse to grant the application; and
- (b) the authority must, as soon as practicable, give the applicant an information notice about the decision.

54 Issue of tertiary entrance statement

(1) The authority must issue a tertiary entrance statement to a person who is eligible to receive, under section 52, a ranking as a basis for tertiary entrance.

- (2) The statement must state the person's ranking.

55 List measuring comparative achievement

(1) The authority must prepare a list of information about persons who have finished senior secondary education in a year, ranking the comparative achievement of the persons in the study of category A areas of learning.

(2) The information to be included in the list must be stated in a guideline.

- (3) The authority may make the list available to an appropriate entity—
 - (a) on the conditions the authority decides; and
 - (b) on payment of a reasonable fee.

56 Review of information in tertiary entrance statement

(1) A person who receives the person's tertiary entrance statement from the authority may apply to the authority for the review of information in the statement.

- (2) The application must—
 - (a) be in the approved form; and
 - (b) be made—
 - (i) before the first Tuesday 7 weeks after the finishing day for the applicant's final year of schooling; 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 for the applicant’s final year of schooling; or
- (iii) if the day mentioned in subparagraph (i) is less than 20 days after the applicant is given the applicant’s tertiary entrance statement—within 20 days after the applicant is given the statement; and

(c) be accompanied by the review fee.

(4) The authority may, by notice given to the applicant, require the applicant to give the authority, within a reasonable time of at least 7 days stated in the notice, further information or a document the authority reasonably requires to consider the application.

(5) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.

(6) After making appropriate inquiries about the information in the applicant’s tertiary entrance statement to be reviewed, the authority must decide whether the information is fair or unfair.

(7) The authority must consider the application and, as soon as practicable, give the applicant notice of the decision.

(8) If the authority decides the information is fair, the notice must also state the reasons for the decision.

(9) If the authority decides the information is unfair, the authority must—

- (a) issue a replacement tertiary entrance statement, containing the corrected information, to the applicant; and
- (b) refund the review fee to the applicant; and
- (c) if the information the subject of the application was made available to an appropriate entity under section 55—notify the appropriate entity of the corrected information.

PART 7—COPIES OF CERTIFICATES

57 Issue of copy of certificate

(1) The authority must issue a copy of a certificate to a person if—

- (a) the certificate relates to the person; and
- (b) the authority 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 must be issued within 7 days after the request is made.

(3) In this section—

“certificate” means—

- (a) a certificate, about the completion of the person’s studies, under the *Education Act 1964* or the *Education (Senior Secondary School Studies) Act 1988*, or a certificate of achievement, issued to the person; or
- (b) a tertiary entrance statement issued to the person under the *Education (Tertiary Entrance Procedures Authority) Act 1990* or the Act; or
- (c) a core skills test statement of achievement issued to the person under the *Education (Senior Secondary School Studies) Act 1988* or the Act.

“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 8—EQUIVALENCE OF LEVEL OF SCHOOL EDUCATION OR QUALIFICATION

58 Application for authority’s decision on equivalence

(1) A person may apply to the authority for its decision on the equivalent level of school education, or school qualification, in the State of a level of education reached, or qualification obtained, by the person at an educational institution established outside the State.

(2) The application must—

- (a) be in the approved form; and
- (b) be accompanied by—
 - (i) the application fee; and
 - (ii) satisfactory evidence of the level of school education or school qualification; and
 - (iii) any other documents, identified in the approved form, the authority reasonably requires.

(3) Information in the application must, if the approved form requires, be verified by a statutory declaration.

(4) The authority may, by notice given to the applicant, require the applicant to give the authority, within a reasonable time of at least 7 days stated in the notice, further information or a document the authority reasonably requires to consider the application.

(5) The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with the requirement.

(6) The authority must consider the application and, as soon as practicable, give the applicant notice of its decision.

PART 9—REVIEWS AND APPEALS

Division 1—Review of decisions

59 Appeal process starts with internal review

(1) A person who is given, or is entitled to be given, an information notice for a decision (the “**original decision**”) and who is dissatisfied with the decision may appeal against the decision under this part.

(2) The appeal must be, in the first instance, by way of an application for internal review under section 60.

60 Applying for review

(1) The application must be made within 7 days after—

- (a) if the person is given an information notice about the decision—the day the person is given the information notice; or
- (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the decision.

(2) The authority may, at any time, extend the time for applying for the review.

(3) The application for review must be in writing and state fully the grounds of the application.

61 Internal review officer

(1) The application must initially be dealt with by a person appointed by the authority to conduct the review (the “**internal review officer**”).

(2) If practicable, the internal review officer must not—

- (a) have assisted the authority in making the decision; or
- (b) be a person in a less senior office than any person who assisted the authority in making the decision.

(3) Subsection (2) applies despite the *Acts Interpretation Act 1954*, section 27A.³

(4) The internal review officer must conduct the review on—

- (a) the material before the authority that led to the original decision; and
- (b) the reasons for the original decision; and
- (c) any other relevant material the internal review officer allows.

(5) For the review, the internal review officer must give the applicant a reasonable opportunity to make oral or written representations to the internal review officer.

(6) In conducting the review, the internal review officer must have regard to the time allowed for the authority to make a decision on the application.

(7) After reviewing the original decision, the internal review officer must make recommendations to the authority about the matter.

(8) The authority is not required to follow the internal review officer's recommendations under subsection (7).

62 Review decision

(1) The authority must make a further decision (the “**review decision**”) to—

- (a) confirm the original decision; or
- (b) amend the original decision; or
- (c) substitute another decision for the original decision.

(2) If the review decision confirms the original decision, for the purpose of an appeal, the original decision is taken to be the review decision.

(3) If the review decision amends the original decision, for the purpose of an appeal, the original decision as amended is taken to be the review decision.

(4) If the review decision substitutes another decision for the original decision, for the purpose of an appeal, the substituted decision is taken to be the review decision.

3 *Acts Interpretation Act 1954*, section 27A (Delegation of powers)

63 Notice of review decision

(1) The authority must, as soon as practicable, give the applicant notice (the “**review notice**”) of the review decision.

(2) If the review decision is not the decision sought by the applicant, the review notice must also state the following—

- (a) the reasons for the decision;
- (b) that the applicant may, within 28 days after the review notice is given, appeal against the decision to a Magistrates Court;
- (c) how to appeal.

(3) If the authority does not give the review notice within 14 days after the application is made, the authority is taken to have made a review decision confirming the original decision.

Division 2—Appeals

64 Who may appeal

A person who has applied for the review of an original decision under division 1 and is dissatisfied with the review decision may appeal to a Magistrates Court against the review decision.

65 Starting appeal

(1) An appeal is started by—

- (a) filing a notice of appeal with the clerk of a Magistrates Court; and
- (b) serving a copy of the notice on the authority; and
- (c) complying with rules of court applicable to the appeal.

(2) The notice of appeal must be filed within 28 days after—

- (a) if the person is given a review notice for the review decision—the day the person is given the notice; or
- (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the review decision.

(3) However, the court may, at any time, extend the time for filing the notice of appeal.

(4) The notice of appeal must state fully the grounds of appeal.

66 Hearing procedures

(1) In deciding an appeal, the Magistrates Court—

- (a) has the same powers as the authority in making the review decision; and
- (b) is not bound by the rules of evidence; and
- (c) must comply with natural justice.

(2) An appeal is by way of rehearing, unaffected by the review decision.

67 Court's powers on appeal

(1) In deciding an appeal, the Magistrates Court may—

- (a) confirm the review decision; or
- (b) amend the review decision; or
- (c) set aside the review decision and substitute another decision; or
- (d) set aside the review decision and return the matter to the authority with directions the court considers appropriate.

(2) The decision as varied or substituted may be any decision that the authority may make.

(3) If the court amends the review decision or substitutes another decision for the review decision, the amended or substituted decision is for this regulation, other than this part, taken to be the authority's decision.

68 Appeal to District Court on questions of law only

A party to an appeal dissatisfied by the decision of the Magistrates Court may appeal to the District Court, but only on a question of law.

PART 10—FEES

69 Fees in sch 1

The fees payable under this regulation are stated in schedule 1.

70 Service fee payable by person who is not an Australian citizen or permanent resident

(1) This section applies to a person who is—

- (a) undertaking senior secondary education at an assessing school;
and
- (b) not an Australian citizen or permanent resident.

(2) The person must pay the authority a service fee in consideration of the authority performing its functions, under section 8, 11(1) or 13⁴ of the Act, in relation to the person.

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

(4) The authority may waive payment of the 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.

71 Refund of application fee, or late application fee, for external senior examination in case of illness

(1) A person who was granted an application, under section 9,⁵ to take an external senior examination for an area of learning and failed to take the

4 Section 8 (Development functions), 11 (Assessment functions) or 13 (Certification functions) of the Act

5 Section 9 (Applications)

examination because of illness may apply to the authority for a refund of the application fee, or late application fee, for the application.

(2) The application for a refund must—

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

(3) The authority must consider the application and either grant, or refuse to grant, the application.

(4) The authority may grant the application only if it is reasonably satisfied the applicant failed to take the examination because of the illness.

(5) If the authority grants the application, it must refund to the applicant the following—

- (a) the application fee, or late application fee, less the administration fee;
- (b) any local expenses fee paid in relation to the examination, less the administration fee;
- (c) any special arrangements fee paid in relation to the examination, less the administration fee.

72 Refund of fees in case of cancellation of application to take external senior examination

(1) This section applies to a person whose application, under section 9, to take an external senior examination for an area of learning was granted and who cancels the application within 1 month after the closing day for the application.

(2) The authority must refund to the person the following—

- (a) the application fee, or late application fee, for the application, less the administration fee;
- (b) any local expenses fee paid in relation to the examination, less the administration fee;
- (c) any special arrangements fee paid in relation to the examination, less the administration fee.

73 Refund of local expenses fee or special arrangements fee for external senior examination or core skills test

(1) Subsection (2) applies if—

- (a) a person has paid the local expenses fee in relation to the taking of an external senior examination for an area of learning or core skills test; and
- (b) at least 1 month before the day of the examination or test, the person notifies the authority that the person no longer wishes to take the examination or test at another place.

(2) The authority must refund to the person the local expenses fee, less the administration fee.

(3) Subsection (4) applies if—

- (a) a person has paid a special arrangements fee in relation to the taking of an external senior examination for an area of learning; and
- (b) at least 1 month before the day of the examination, the person notifies the authority that the person no longer requires special arrangements for taking the examination.

(4) The authority must refund to the person the special arrangements fee, less the administration fee.

74 Refund of script inspection fee

(1) This section applies if a person who has made a request, under section 21,⁶ to inspect the person's graded examination script cancels the request.

(2) The authority must refund to the person the script inspection fee, less the administration fee.

6 Section 21 (Inspection of graded examination script)

75 Copy of approved syllabus, approved preschool guideline or guideline

(1) The authority must, on payment of the appropriate fee, give a person a copy of an approved syllabus, approved preschool guideline or guideline requested by the person.

(2) In this section—

“**appropriate fee**” means a fee, decided by the authority, that is not more than the reasonable cost to the authority of providing a copy of the syllabus, preschool guideline or guideline to the person.

PART 11—GUIDELINES

76 Notification, and giving school principals copy, of guideline

(1) The authority must, as soon as practicable after making a guideline—

- (a) notify the making of the guideline on the authority’s website; and
- (b) give a copy of the guideline to the principal of each school.

(2) In this section—

“**making**”, a guideline, includes amending a guideline.

77 Testing functions

The authority may make guidelines relevant to the performance of its functions under section 10 of the Act.

78 Assessment functions

The authority may make guidelines relevant to the performance of its functions under section 11 of the Act.

79 Certification functions

The authority may make guidelines relevant to the performance of its functions under section 13 of the Act.

80 Tertiary entrance functions

The authority may make guidelines relevant to the performance of its functions under section 15 of the Act.

81 Other functions

The authority may make guidelines relevant to the performance of its functions under section 17 of the Act.

PART 12—TRANSITIONAL PROVISIONS

Division 1—Preliminary

82 Definitions for pt 12

In this part—

“**commencement**” means the commencement of this section.

“**repealed by-law**” means the *Education (Senior Secondary School Studies) By-law 1999*.

Division 2—Tests

83 Test

(1) A test developed under the *Education (School Curriculum P-10) Regulation 1997*, section 11(a) for administering in 2002 is taken to be a test, developed by the authority under section 23(a),⁷ for administering in 2002.

(2) A test developed under the *Education (School Curriculum P-10) Regulation 1997*, section 11(b) for administering in 2002 is taken to be a

⁷ Section 23 (Development of literacy and numeracy tests—Act, s 19(1))

test, developed by the authority under section 23(b), for administering in 2002.

(3) A test developed under the *Education (School Curriculum P-10) Regulation 1997*, section 11(c) for administering in 2002 is taken to be a test, developed by the authority under section 23(c), for administering in 2002.

Division 3—External senior examinations

84 External senior examination

(1) An external senior examination for an area of learning made available to be taken in 2002 under section 3 of the repealed by-law is taken to be made available to be taken in 2002 under section 4.

(2) Despite section 5, a person who was eligible, immediately before the commencement, to take an external senior examination for an area of learning in 2002 under section 4 or 5 of the repealed by-law is taken to be an eligible person for an external senior examination for the area of learning in 2002.

(3) Despite section 7, a person who, immediately before the commencement, was entitled to take external senior examinations for a number of areas of learning under section 6 or 7 of the repealed by-law in 2002 is entitled to take external senior examinations for the same number of areas of learning in 2002.

(4) The places, decided under section 11(1) of the repealed by-law, at which an external senior examination for an area of learning may be taken in 2002 are taken to be the places decided under section 12(1) for 2002.

85 Outstanding application to take examination

(1) An application made under section 8(1) of the repealed by-law, and not decided before the commencement, must be decided under this regulation.

(2) The application is taken to be an application made under section 9.

(3) However, the provisions of this regulation dealing with making the application in the approved form and paying the application fee or late application fee, that would otherwise apply, do not apply to the application.

(4) Sections 10(6) and 11(6) apply to the application as if a reference to 14 days after the application was made were a reference to 1 month after the commencement.

86 Approval to take examination

If, immediately before the commencement, a person held an approval given under section 9 of the repealed by-law to take an external senior examination for an area of learning in 2002, the approval is taken to have been given under part 2, division 4.

87 Outstanding application to take examination at another place

(1) An application made under section 8(2)(a) of the repealed by-law, and not decided before the commencement, must be decided under this regulation.

(2) The application is taken to be an application made under section 13.

(3) However, the provision of this regulation dealing with making the application in the approved form, that would otherwise apply, does not apply to the application.

(4) Section 13(11) applies to the application as if a reference to 14 days after the application was made were a reference to 1 month after the commencement.

88 Approval to take examination at another place

If, immediately before the commencement, a person held an approval given under section 9 of the repealed by-law to take an external senior examination for an area of learning in 2002 at a place other than a place decided under section 11(1) of the repealed by-law, the approval is taken to have been given under section 13.

89 Outstanding application for special arrangements to be made for taking of examination

(1) An application made under section 8(2)(b) of the repealed by-law, and not decided before the commencement, must be decided under this regulation.

(2) The application is taken to be an application made under section 14.

(3) However, the provision of this regulation dealing with making the application in the approved form, that would otherwise apply, does not apply to the application.

(4) Section 14(12) applies to the application as if a reference to 14 days after the application was made were a reference to 1 month after the commencement.

90 Approval for special arrangements to be made for taking of examination

If, immediately before the commencement, a person held an approval given under section 9 of the repealed by-law for special arrangements to be made for the taking of an external senior examination for an area of learning in 2002, the approval is taken to have been given under section 14.

91 Outstanding application to take examinations for more than 3 areas of learning

(1) An application made under section 7(2) of the repealed by-law, and not decided before the commencement, must be decided under this regulation.

(2) The application is taken to be an application made under section 8.

(3) However, the provision of this regulation dealing with making the application in the approved form, that would otherwise apply, does not apply to the application.

(4) Section 8(8) applies to the application as if a reference to 14 days after the application was made were a reference to 1 month after the commencement.

Division 4—Core skills test

92 Outstanding application to take test

(1) An application made under section 19 of the repealed by-law, and not decided before the commencement, must be decided under this regulation.

(2) The application is taken to be an application made under section 26.

(3) However, the provisions of this regulation dealing with making the application in the approved form and paying the application fee or late application fee, that would otherwise apply, do not apply to the application.

(4) Sections 27(6) and 28(6) apply to the application as if a reference to 21 days after the application was made were a reference to 1 month after the commencement.

93 Approval to take test

If, immediately before the commencement, a person held an approval given under section 20 of the repealed by-law to take a core skills test in 2002, the approval is taken to have been given under this regulation.

Division 5—Subjects under repealed Act

94 Subjects

(1) An area of learning that, immediately before the commencement, was a board subject under the *Education (Senior Secondary School Studies) Act 1988* is taken to be a category A area of learning.

(2) An area of learning that, immediately before the commencement, was a board registered subject under the *Education (Senior Secondary School Studies) Act 1988* is taken to be a category B area of learning.

(3) An area of learning that, immediately before the commencement, was a recorded subject under the *Education (Senior Secondary School Studies) Act 1988* is taken to be a recordable non-authority area of learning.

Division 6—Outstanding appeals

95 Appeals

(1) Subsection (2) applies if—

- (a) a person has appealed to a Magistrates Court under the repealed section 45 before the commencement against a decision of the board; and
- (b) the appeal has not been decided before the commencement.

(2) The Magistrates Court may hear, or continue to hear, and decide the appeal under the repealed by-law as if the Act had not commenced.

(3) Subsection (4) applies if—

- (a) immediately before the commencement, a person could have appealed to a Magistrates Court under the repealed section 45 against a decision of the board; and
- (b) the person has not appealed before the commencement.

(4) The person may appeal, and the Magistrates Court may hear and decide the appeal, under the repealed by-law as if the Act had not commenced.

(5) For giving effect to its decision under subsection (2) or (4), the Magistrates Court may make the orders it considers necessary having regard to the provisions of the Act.

(6) In this section—

“**board**” means the Board of Senior Secondary School Studies under the *Education (Senior Secondary School Studies) Act 1988*.

“**repealed section 45**” means section 45 of the repealed by-law.

Division 7—References in senior certificates for 2002

96 Reference to board subject, board registered subject, recorded subject or vocational education program

For a senior certificate issued by the authority to a person for 2002—

- (a) any reference in the certificate to a board subject is taken to be a reference to a category A area of learning; and
- (b) any reference in the certificate to a board registered subject is taken to be a reference to a category B area of learning; and
- (c) any reference in the certificate to a recorded subject or vocational education program is taken to be a reference to a category C area of learning.

PART 13—CONSEQUENTIAL AMENDMENTS

97 Amendment of Education (Accreditation of Non-State Schools) Regulation 2001

(1) This section amends the *Education (Accreditation of Non-State Schools) Regulation 2001*.

(2) Section 7(4), definition “Queensland standards of learning”—
omit, insert—

‘ “Queensland standards of learning” means the standards of learning stated in—

- (a) an approved preschool guideline, or approved syllabus, under the *Education (Queensland Studies Authority) Act 2002*;⁸ or
- (b) a vocational education and training course accredited by the Queensland Studies Authority under the *Education (Queensland Studies Authority) Act 2001*, section 14(a).⁹.

98 Amendment of Freedom of Information Regulation 1992

(1) This section amends the *Freedom of Information Regulation 1992*.

(2) Section 5(1)(g) to (j)—

omit, insert—

‘(g) education agencies in relation to the following information—

- (i) information contained in a certificate of achievement;
- (ii) individual or systemic information about the performance of students in a test developed or revised under the *Education (School Curriculum P-10) Act 1996*, section 13 or the *Education (Queensland Studies Authority) Act 2002*, section 19;

8 Copies of the preschool guidelines or syllabuses may be purchased at the Office of the Queensland Studies Authority.

9 A list of the accredited courses may be obtained from the Office of the Queensland Studies Authority.

- (iii) individual or systemic information about the performance of students in a core skills test prepared under the *Education (Senior Secondary School Studies) Act 1988*, section 6(1)(g);
- (iv) individual or systemic student information relating to a year 2 diagnostic net assessment;
- (v) individual or systemic student information relating to another type of assessment prescribed under the *Education (Queensland Studies Authority) Act 2002*, section 11(2);
- (vi) information relating to the ranking of a person for tertiary entrance under the *Education (Tertiary Entrance Procedures Authority) Act 1990* or the *Education (Queensland Studies Authority) Act 2002*;
- (vii) assessment data within the meaning of the *Education (Queensland Studies Authority) Act 2002*.’.

(3) Section 5(2), definitions “student performance standards assessment”, “year 1–2 assessment” and “year 6 assessment”—

omit.

(4) Section 5(2)—

insert—

- ‘ **“certificate of achievement”** means a certificate, issued under the *Education (Senior Secondary School Studies) Act 1988* or the *Education (Queensland Studies Authority) Act 2002*, recording details of a person’s achievement in the study of an area of learning.

“education agencies” means—

- (a) the Queensland Studies Authority; and
- (b) the department in which the *Education (Queensland Studies Authority) Act 2002* is administered.

“year 2 diagnostic net assessment” means the process for the assessment of the literacy and numeracy development of students in the years of schooling up to and including the year 3 year of schooling.’.

99 Amendment of Public Service Regulation 1997

(1) This section amends the *Public Service Regulation 1997*.

(2) Schedule 3, items 3, 5 and 6—

omit.

100 Amendment of Training and Employment Regulation 2000

(1) This section amends the *Training and Employment Regulation 2000*.

(2) Section 30K(1)(b), ‘BSSSS subjects’—

omit, insert—

‘category A areas of learning, or category B areas of learning, within the meaning of the *Education (Queensland Studies Authority) Regulation 2002*’.

(3) Schedule 1, part 2, items 6 and 8, ‘BSSSS subjects or equivalent subjects’—

omit, insert—

‘category A areas of learning, or category B areas of learning, within the meaning of the *Education (Queensland Studies Authority) Regulation 2002*, or equivalent areas of learning.’

(4) Schedule 3, definition “BSSSS”—

omit.

SCHEDULE 1

FEES

| | | section 69 |
|-----|---|--------------------------------|
| | | \$ |
| 1. | Application fee for application to take an external senior examination for an area of learning—for each area of learning | 40.00 |
| 2. | Late application fee for application to take an external senior examination for an area of learning—for each area of learning | 44.00 |
| 3. | Local expenses fee | available on application |
| 4. | Special arrangements fee | available on application |
| 5. | Revaluation fee—for each area of learning | 16.50 |
| 6. | Script inspection fee | 11.00 |
| 7. | Application fee for application for declaration of eligibility to take a core skills test | 40.00 |
| 8. | Late application fee for application for declaration of eligibility to take a core skills test | 88.00 |
| 9. | Fee for copy of certificate | 20.00 |
| 10. | Review fee | 33.00 |
| 11. | Verification fee | 33.00 |
| 12. | Application fee for decision on equivalence of level of education or qualification— | |
| | (a) for interstate school education or qualification | 20.00 |
| | (b) for overseas school education or qualification | 35.00 |
| 13. | Service fee for 1 year | 275.00 |
| 14. | Administration fee | 11.00 |

SCHEDULE 2

DICTIONARY

section 3

“appropriate entity” means an entity with a legitimate interest in information about comparative results of assessment of persons in the study of category A areas of learning.

“approval”, of the authority, means the written approval of the authority.

“assessing school” means a school—

- (a) that provides senior secondary education to persons enrolled at the school; and
- (b) that assesses the persons for any of the following—
 - (i) category A areas of learning;
 - (ii) category B areas of learning; and
- (c) whose principal has agreed to comply with the authority’s requirements for the recording of the persons’ results, in the study of the areas of learning, on senior certificates.

“Australian citizen” means an Australian citizen under the *Australian Citizenship Act 1948* (Cwlth), part 3.

“category A area of learning” means an area of learning—

- (a) for which—
 - (i) there is an approved syllabus; and
 - (ii) a work program has been approved by the authority under the Act; and
- (b) in which a person’s results are subject to the authority’s procedures for moderation.

“category B area of learning” means an area of learning—

- (a) for which a work program has been approved by the authority under the Act; and

SCHEDULE 2 (continued)

- (b) in which a person's results are not subject to the authority's procedures for moderation.

“category C area of learning” means—

- (a) a recordable non-authority area of learning; or
(b) a vocational education program.

“closing day” means—

- (a) for an application to take an external senior examination for an area of learning—the second Friday of July of the year in which the application is made; or
(b) for an application to take a core skills test—the first Friday of April of the year in which the application is made or, if that day is a public holiday, the following Monday.

“commencement”, for part 12, see section 82.

“December student vacation”, in a year, means the student vacation, starting in December in the year, approved for State schools under the *Education (General Provisions) Regulation 2000*, section 73.

“eligible person” means—

- (a) for an external senior examination for an area of learning—a person eligible, under section 5, to take the examination for the area of learning; or
(b) for a core skills test—a person eligible to take the test under section 25.

“enrolled areas of learning”, of a person, means the areas of learning for which the person is enrolled at an assessing school.

“finishing”, of senior secondary education, means attending school in the year 12 year of schooling up to and including the finishing day for the year.

“finishing day”, for 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

SCHEDULE 2 (continued)

- (b) otherwise—the Friday of the fourth last week before the vacation starts.

“guideline” means a guideline made under section 78 of the Act.

“information notice”, for a decision made by the authority, is a notice stating each of the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the person to whom the notice is given may have the decision reviewed within 7 days;
- (d) the way the person may have the decision reviewed.

“nominated area of learning” see section 48(1).

“original decision” see section 59(1).

“permanent resident” means the holder of a permanent visa as defined by the *Migration Act 1958* (Cwlth), section 30(1).

“recordable non-authority area of learning” means a non-authority area of learning recognised, under section 48, as a recordable non-authority area of learning.

“repealed by-law”, for part 12, see section 82.

“review decision” see section 62(1).

“review notice” see section 63(1).

“senior secondary education” means secondary education offered in the years 11 and 12 years of schooling.

“year 2 diagnostic net assessment” means the process for the assessment of the literacy and numeracy development of students in the years of schooling up to and including the year 3 year of schooling.

ENDNOTES

1. Made by the Governor in Council on 27 June 2002.
2. Notified in the gazette on 28 June 2002.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Education.