

Education Legislation Amendment Bill 2007

Explanatory Notes

General Outline

Short Title

The short title of the Bill is the Education Legislation Amendment Bill 2007 (the Bill).

Policy Objectives of the Legislation

The objectives of the Bill are to amend:

- the *Education (Queensland College of Teachers) Act 2005* to replace the term “professional learning” with the term “professional development”; and
- the *Education (Queensland Studies Authority) Act 2002* to give the Queensland Studies Authority functions in relation to the administration of common national tests in literacy and numeracy.

Reasons for the Bill

Change in terminology to “professional development”

The *Education (Queensland College of Teachers) Act 2005* (the QCT Act) requires the Queensland College of Teachers (the college) to develop a continuing professional learning framework (the CPL framework) for the continuing professional learning of registered teachers.

This framework is used by the college when making a decision about an application for the renewal of full registration under section 29 of the QCT Act, and when cancelling a condition imposed on a person’s registration or permission to teach.

The term “professional learning”, as it is used in “continuing professional learning” and “professional learning program”, is no longer considered to accurately reflect the type of activities and learning that teachers are

required to achieve under the QCT Act. As such, it is proposed to change the terminology from “professional learning” to “professional development”. The term “professional development”, which is used widely in other professions, more accurately describes the types of skills enhancement activities that are undertaken by teachers under the CPL framework.

Functions of Queensland Studies Authority in relation to common national tests

As part of its National Assessment Program, the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) has agreed that common national tests in literacy and numeracy will take place for the first time across Australia on 13, 14 and 15 May 2008 for students in Years 3, 5, 7 and 9. Prior to this occurring, the Australian Government will make a regulation specifying common testing standards, which will include the common national tests.

The results from the national literacy and numeracy tests will provide a useful measure of how Australian schools and students are performing in the areas of reading, writing, spelling and numeracy. The results will be used for individual student reporting to parents, school reporting to their communities, and aggregate reporting by States and Territories against national standards.

The Queensland Studies Authority (the authority), which is established under the *Education (Queensland Studies Authority) Act 2002* (the QSA Act), will be involved in the development of the common national tests at the national level. It will also have a role in the administration and delivery of the tests in Queensland.

The functions of the authority, as outlined in the QSA Act, do not currently cover these proposed roles. The Bill will amend the QSA Act to allow the authority the authority to fulfil its role in relation to common national tests.

Achieving the Objectives

The Bill achieves the objectives by:

- replacing all references to “professional learning” in the QCT Act with “professional development”; and
- amending the functions of the authority under the QSA Act to cover the development and administration of common national tests in literacy and numeracy.

Administrative costs

There are no administrative costs associated with the amendments to the QCT Act.

In relation to the proposed amendments to the QSA Act, the Australian Government is providing additional funding for the tests in 2008. The funds to be advanced from the Australian Government will be applied to cover the duplicate costs incurred in the delivery of two tests in the 2007-08 financial year – August 2007 (state-based tests) and May 2008 (national common tests).

Fundamental Legislative Principles

The Bill does not infringe fundamental legislative principles.

Consultation

A consultation draft of relevant parts of the Bill was provided to the authority (Part 3), the college (Part 2) and the Queensland Teachers Union (Part 2).

The following Government agencies were consulted about the Bill:

- the Department of the Premier and Cabinet;
- Queensland Treasury; and
- the Department of Justice and the Attorney-General.

Notes on Provisions**Part 1 Preliminary****Short title**

Clause 1 establishes the short title of the Act as the *Education Legislation Amendment Act 2007*.

Part 2 Amendment of Education (Queensland College of Teachers) Act 2005

Act amended in pt 3

Clause 2 provides that part 3 amends the *Education (Queensland College of Teachers) Act 2005*.

Amendment of s 29 (Requirements for renewal – full registration)

Section 29 of the QCT Act applies to a person who makes an application to renew their full registration.

Clause 3 amends section 29(2)(d) to remove the references to “professional learning” and “CPL” and replace them with the new terminology of “professional development” and “CPD” respectively.

Amendment of s 30 (Development or recognition of CPL framework by college)

Section 30 of the QCT Act outlines the framework that must be developed or recognised by the college for the continued professional learning of registered teachers.

Clause 4 amends section 30 to remove all references to “professional learning” and “CPL” and replace them with the new terminology of “professional development” and “CPD” respectively

Amendment of s 43 (Cancellation of conditions)

Section 43 of the QCT Act stipulates the circumstances when the college may cancel a condition imposed on a person’s registration or permission to teach.

Clause 5 amends section 43(2) to remove the reference to “professional learning” and replace it with the new terminology of “professional development”.

Amendment of s 74 (Meaning of prescribed school)

Clause 6 makes a minor technical amendment to correct a numbering error in section 74(3).

Insertion of new ch 12, pt 8

Clause 7 inserts a proposed new section 329 which is a transitional provision to cater for the introduction of the new terminology.

Section 329(1) provides that on commencement:

- an existing “CPL framework” under the QCT Act is taken to be a “CPD framework”;
- an existing reference in an Act or document to “continuing professional learning” in relation to a CPL framework may, if the context permits, be taken to be a reference to “continuing professional development”; and
- an existing reference in an Act or document to a “professional learning program” for returning to teaching may, if the context permits, be taken to be a reference to a “professional development program”.

This ensures existing arrangements are not disturbed by the change in terminology.

Section 329(2) defines the term “pre-amended Act”, which is used in section 329(1), to mean the QCT Act as in force immediately before the commencement of the amendments contained in this Bill.

Amendment of sch 3 (Dictionary)

Clause 8 amends the Dictionary contained in Schedule 3 of the QCT Act. The defined term “CPL Framework” is replaced with “CPD Framework”, and a reference to “professional learning” in the definition of “returning to teaching condition” is replaced with the new terminology of “professional development”.

Part 3 Amendment of Education (Queensland Studies Authority) Act 2002

Act amended in pt 4

Clause 9 provides that part 4 amends the *Education (Queensland Studies Authority) Act 2002*.

Insertion of new s 10A

Clause 10 inserts a proposed new section 10A. Section 10A expands the authority's functions to enable it to perform a number functions related to common national tests in literacy and numeracy. The new functions are:

- participating in the development or revision of the tests;
- implementing procedures for administering the tests by schools or authorities;
- marking the tests;
- analysing systemic information about the performance of persons who undertake the tests and reporting the results of this analysis to the Minister, the chief executive, AISQ and QCEC;
- giving the principal of a school individual results of the school's students who undertake the tests; and
- giving a person who undertakes the tests their results in the tests.

The new functions, which are in addition to any other functions the authority already has under the QSA Act, are not intended to make any changes to the authority's existing functions in sections 10 and 19 of the Act. These functions must remain in place to enable the authority to undertake activities for State based tests such as the core skills test. However, given the authority's proposed function in relation to the common national tests will replace its current function in relation to state-based literacy and numeracy tests for Years 3, 5 and 7, section 23 of the *Education (Queensland Studies) Authority Regulation 2002* will be amended in due course.

Insertion of new s 19A

Clause 11 inserts a proposed new section 19A.

Section 19A(1) requires the authority to give the Minister and the governing body of each non-State school a notice when it participates in the development or revision of that test. This notice, which is to state the type of test developed or the test that has been revised, is to be given as soon as practicable after the authority has participated in the development or revision of the test.

This section is subject to section 21. The effect of section 21 is that where a non-State school's governing body has given notice to the authority that any notices to the governing body should be given to a nominated body instead of the governing body, the notice required under section 19A(1) must be given to the nominated body rather than the governing body.

Section 19A(2) requires a school principal of a school that administers a common national test to provide the authority with the test script for each of the school's students who undertakes the test.

Amendment of sch 2 (Dictionary)

Clause 12 inserts new definitions required for sections 10A and 19A.

The term "common national tests" is defined to mean a test in literacy or numeracy specified in the regulations made under:

- for a State school, section 19 of the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Act 2004* (Cwlth); or
- for a non-State school, section 36(4) of the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Act 2004* (Cwlth).

The definitions of "Commonwealth Act" and "regulation made under the Commonwealth Act" are required to give effect to the definition of "common national test".

The term "implementing", in relation to common national tests, is defined to mean implementing the tests under a regulation made under the Commonwealth Act. This will ensure that the authority complies with the common testing standards specified in a regulation made under the Commonwealth Act.