



New South Wales

Education Reform Amendment (Publication of Results) Regulation 1997

under the

Education Reform Act 1990

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Education Reform Act 1990*.

JOHN AQUILINA, M.P.,

Minister for Education and Training

Explanatory note

The object of this Regulation is to prevent the results of School Certificate and Higher School Certificate examinations and related assessments and basic skills testing being publicly revealed. The prohibition will be subject to exceptions to permit results to be revealed in the following circumstances:

- (a) to or with the consent of the student concerned, to the student's parents and to school principals,
- (b) where the results are results of students who have achieved outstanding results in School Certificate or Higher School Certificate examinations and related assessments and the results are released by or with the approval of the Board of Studies.

The prohibition will not prevent the public release of results where the school concerned has not published an annual report of school performance by the required date.

The new provision replaces an existing provision that prevents the public release of the results of basic skills testing only.

This Regulation is made under the *Education Reform Act 1990*, including section 18A (Publication of results of certain tests) and section 130 (the general regulation making power).

1997 No 684

Clause 1 Education Reform Amendment (Publication of Results) Regulation 1997

Education Reform Amendment (Publication of Results) Regulation 1997

1 Name of Regulation

This Regulation is the *Education Reform Amendment (Publication of Results) Regulation 1997*.

2 Amendment of Education Reform Regulation 1996

The *Education Reform Regulation 1996* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Clause 5

Omit the clause. Insert instead:

5 Publication of results: section 18A

- (1) This clause applies to the following results:
 - (a) results of basic skills testing under section 18 of the Act (including the English Language and Literacy Assessment (Ella) Test),
 - (b) results of School Certificate and Higher School Certificate examinations and related assessments.
- (2) Results to which this clause applies must not be publicly revealed if the results relating to particular students are revealed.
- (3) Results relating to a particular student may however be revealed as follows:
 - (a) to the student or to anyone with the student's consent,
 - (b) to the student's parents,
 - (c) to the principal of a school at which the student is enrolled or at which the student was previously enrolled,
 - (d) in the case of results of School Certificate or Higher School Certificate examinations and related assessments—by or with the approval of the Board of Studies, by way of the publication of the results of students who the Board considers have achieved outstanding results.
- (4) Results to which this clause applies must not be publicly revealed in a way that ranks or otherwise compares the results of particular schools.

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Schedule 1 Amendment

- (5) If a school is required (by the appropriate authority for the school) to publish an annual report of school performance but fails to do so by the due date for publication, this clause does not prevent the public release of any results that were required to be the subject of that report.
- (6) The *appropriate authority* for the purposes of subclause (5) is:
 - (a) in the case of a government school—the Department of Education and Training,
 - (b) in the case of a non-government school registered as a member of a system of non-government schools—the approved authority for the system,
 - (c) in the case of a non-government school registered as an individual school—the proprietor of the school.