



New South Wales

Education Reform Amendment Act 1997 No 27

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Education Reform Act 1990 No 8	2
4 Amendment of Freedom of Information Act 1989 No 5	2

Schedules

1 Amendments to Education Reform Act 1990 relating to SC and HSC	3
2 Amendments to Education Reform Act 1990 relating to Board of Studies	6
3 Miscellaneous amendments to Education Reform Act 1990	9
4 Amendment of Freedom of Information Act 1989	11



New South Wales

Education Reform Amendment Act 1997 No 127

Act No 127, 1997

An Act to amend the *Education Reform Act 1990* with respect to the curriculum for the Higher School Certificate, School Certificate examinations and assessments, the Board of Studies and the publication of the results of the School Certificate and Higher School Certificate; and to amend the *Freedom of Information Act 1989* to exempt certain documents relating to tests and examinations carried out in schools. [Assented to 15 December 1997]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Education Reform Amendment Act 1997*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Education Reform Act 1990 No 8

The *Education Reform Act 1990* is amended as set out in Schedules 1–3.

4 Amendment of Freedom of Information Act 1989 No 5

The *Freedom of Information Act 1989* is amended as set out in Schedule 4.

Schedule 1 Amendments to Education Reform Act 1990 relating to SC and HSC

(Section 3)

[1] Section 6 Objects for administration of this Act or of education

Insert after section 6 (1):

- (1A) It is the intention of Parliament that the provision of courses of study required by this Act for the Higher School Certificate has the following objects:
- (a) to provide a curriculum structure that encourages students to complete secondary education,
 - (b) to foster the intellectual, social and moral development of students, in particular by developing:
 - (i) their knowledge, skills, understanding and attitudes in the fields of study they choose, and
 - (ii) their capacity to manage their own learning, and
 - (iii) their desire to continue learning in formal or informal settings after school, and
 - (iv) their capacity to work with others, and
 - (v) their respect for the cultural diversity of Australian society,
 - (c) to provide a flexible structure within which students can prepare for:
 - (i) further education and training, and
 - (ii) employment, and
 - (iii) full and active participation as members of the community,
 - (d) to provide formal assessment and certification of students' achievements,
 - (e) to provide a context within which schools also have the opportunity to foster the physical and spiritual development of students.

[2] Section 9 Key learning areas for secondary education (Years 7 to 10)

Insert “in Years 7 to 10” after “secondary education”.

[3] Section 11 Curriculum for School Certificate candidates

Omit section 11 (2).

[4] Section 12

Omit the section. Insert instead:

12 Curriculum for Higher School Certificate candidates

- (1) The curriculum during Year 11 and Year 12 for students who are candidates for the Higher School Certificate must meet the following requirements:
 - (a) courses of study of a general description determined by the Minister on the recommendation of the Board are to be provided for each student in each Year,
 - (b) those courses of study are to include a course of study in English,
 - (c) those courses of study are to comply with a pattern of study determined by the Minister on the recommendation of the Board,
 - (d) those courses of study are to be taught in accordance with a syllabus developed or endorsed by the Board and approved by the Minister.
- (2) In making a recommendation to the Minister under this section with respect to a course of study to be provided for students, the Board is, in accordance with criteria specified by the Minister:
 - (a) to establish the need for the course, and
 - (b) to provide an assurance of its quality, and
 - (c) to identify assessment procedures for the course, and
 - (d) to identify other implications for educational institutions on the implementation of the course.

- (3) A pattern of study determined under this section may include (but is not limited to) the number of courses to be studied, the sequence in which particular courses are to be taught and the number of units of study that a course is to contain.
- (4) The Minister is to ensure that the courses of study required to be undertaken by students who are candidates for the Higher School Certificate cover a broad range of study and in doing so is to obtain and have regard to the advice of the Board.
- (5) This section does not limit any requirement imposed under section 95 (Higher School Certificate).

[5] Section 13 Courses of study in key learning areas

Insert “for students in Kindergarten to Year 10” after “study”.

[6] Section 94 School Certificate

Omit section 94 (2) and (3). Insert instead:

- (2) The requisite examination or other assessment may be conducted on a school-basis, but must include tests conducted on a State-wide basis in the following areas:
 - (a) English-literacy,
 - (b) Mathematics,
 - (c) Science,
 - (d) Australian History, Australian Geography and Civics and Citizenship.
- (3) The requirements of subsection (2) do not apply in relation to a particular area referred to in subsection (2) (a)–(c) until a date determined by the Minister after consultation with the Board.
- (4) The requirements of subsection (2) do not apply in relation to the particular areas referred to in subsection (2) (d) until 1 January 2002 or, if before that date the Minister after consultation with the Board determines a later date, until that later date.

Schedule 2 Amendments to Education Reform Act 1990 relating to Board of Studies

(Section 3)

[1] Section 101A

Insert after section 101:

101A Acting President of Board

- (1) The Minister may, from time to time, appoint a person to act in the office of President during the illness or absence of the President or during a vacancy in the office of President. The person, while so acting, has all the functions of the President and is taken to be the President.
- (2) The Minister may, at any time, remove a person from the office to which the person was appointed under this section.
- (3) A person while acting under this section is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine.

[2] Section 103

Omit the section. Insert instead:

103 Committees of Board

- (1) The Board may, with the approval of the Minister, appoint such committees and members of committees as the Board considers appropriate to assist the Board in the exercise of its functions.
- (2) The Board is not to appoint a person as a member of a committee of the Board unless the Board is of the opinion that the person has appropriate expertise to make a valuable contribution to the committee.
- (3) It does not matter if any or all of the members of a committee are not members of the Board.

- (4) The procedure of a committee of the Board is to be determined by the Board or (subject to any determination of the Board) by the committee.

[3] Schedule 1 Provisions relating to members and procedure of Board of Studies

Omit “appointed by the Minister” from clause 1.
Insert instead “referred to in section 100 (1) (c)”.

[4] Schedule 1, clause 2 (3)

Omit “the education of girls”.
Insert instead “gender issues in education”.

[5] Schedule 1, clause 3 (a)

Omit the paragraph. Insert instead:

- (a) members who have professional experience or demonstrated interest in gender issues in education, and

[6] Schedule 1, clause 5

Omit “4”. Insert instead “3”.

[7] Schedule 1, clause 6 (l)

Insert “for an appointed member” after “member”.

[8] Schedule 3, Part 4

Insert after clause 9:

10 Existing members of Board

- (1) The amendment made by Schedule 2 [6] to the *Education Reform Amendment Act 1997* does not affect the term of office being served by a person holding office as a member of the Board immediately before the commencement of that amendment.
- (2) A person holding office as President immediately before the commencement of this clause is taken to have been appointed under section 101 as President on a full-time basis for the balance of the term for which he or she was originally appointed as President.

Schedule 3 Miscellaneous amendments to Education Reform Act 1990

(Section 3)

[1] Section 1 Name of Act

Omit “Reform”.

[2] Section 18 Basic skills testing

Omit section 18 (4) and (5).

[3] Section 18A

Insert after section 18:

18A Publication of results of certain tests

- (1) The regulations may make provision for or with respect to the extent to which the results of:
 - (a) basic skills testing under section 18, and
 - (b) School Certificate and Higher School Certificate examinations or other assessments,may be publicly revealed or must be kept confidential.
- (2) The Minister is required to recommend to the Governor that regulations be made under this section and, in making any such recommendation, is to have regard to the privacy of students and the potentially adverse effects of any inappropriate public disclosure of the results.
- (3) Despite anything else in this section, the Minister is to report to Parliament detailed information about the results so as to allow meaningful and substantial analysis of the effectiveness of schooling in achieving the aims of this Act and the government. The information should allow analysis of the effectiveness of all categories of schools and of government education provision for all students, including categories of students identified as in need of special provision.

- (4) A report must be made each year on the results of the previous calendar year. The information provided should allow a valid comparison to be made of standards from year to year.
- (5) Clause 12 of Schedule 1 to the *Freedom of Information Act 1989* applies to a breach of the confidentiality provisions of regulations made under this section in the same way as it applies to an offence against an Act.
- (6) In this section, results means results of individuals or schools, or any other results.

[4] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 2 (1):

Education Reform Amendment Act 1997

[5] Schedule 3, Part 4

Insert after Part 3:

**Part 4 Provisions consequent on enactment of
Education Reform Amendment Act 1997**

9 Regulations relating to basic skills testing

Regulations made under section 18 and in force immediately before its amendment by the *Education Reform Amendment Act 1997* are taken to have been made under section 18A.

Schedule 4 Amendment of Freedom of Information Act 1989

(Section 4)

Schedule 2 Exempt bodies and offices

Insert at the end of the Schedule:

The Department of Training and Education
Co-ordination—functions relating to the storing of,
reporting on or analysis of information with respect to
the ranking or assessment of students who have
completed the Higher School Certificate for entrance
into tertiary institutions

Universities—functions relating to dealing with
information with respect to the ranking or assessment of
students who have completed the Higher School
Certificate for entrance into tertiary institutions

[Minister's second reading speech made in—
Legislative Assembly on 22 October 1997
Legislative Council on 25 November 1997]