

EDUCATION AND PUBLIC INSTRUCTION (AMENDMENT) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to abolish the certificate of secondary education and to restore the school certificate;
- (b) to give the Director-General of Education, rather than the Minister, power to suspend or expel students from State schools; and
- (c) to allow the functions of the Director-General to be performed by delegates authorised under the Principal Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Clause 3 saves existing delegations under the Principal Act.

SCHEDULE 1—AMENDMENTS

Restoration of the school certificate

Schedule 1 (5) amends section 32 of the Principal Act so as to abolish the certificate of secondary education and restore the system of granting school certificates.

The amended section 32 will read as follows:

32. (1) [*Certificates of secondary education*] **School certificates** shall be granted by the Board to students—

- (a) who have attended, for a **prescribed period**, a State secondary or composite school, a school registered by the Board or a school outside New South Wales recognised by the Board;

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- (b) who have participated, to the Board's satisfaction, in courses of studies which the Board has determined or approved under section 30 (1) (a) as appropriate to be undertaken by candidates for the [*certificate of secondary education*] **school certificate**;
 - (c) who have been accepted by the Board as having satisfactorily completed those courses of studies [*or an approved stage of those courses*];
 - (d) who have, to the satisfaction of the Board, undertaken any requisite examinations or other forms of assessment; and
 - (e) who have complied with any prescribed requirements or any requirements imposed by the Minister or the Board.
- (2) The Board may refuse to grant a [*certificate of secondary education*] **school certificate** to a student whose attendance or application at school has been of such an unsatisfactory character that the grant of the certificate would not, in the opinion of the Board, be justified.

Matter to be omitted is shown in italics and matter to be inserted is shown in bold type.

The amendments made by Schedule 1 (1), (2), (4), (6) and (7) are consequential on the amendment made by Schedule 1 (5).

Student discipline

Schedule 1 (3) amends section 14 of the Principal Act so as to give the Director-General of Education, rather than the Minister, power to suspend or expel students from State schools.

The amended section 14 will read as follows:

14. (1) The Minister may control and regulate student discipline at State schools.

[(2) *Without limiting the generality of subsection (1), the Minister may suspend or expel from a State school a child of any age.*]

(2) The Director-General (but not the Minister) may suspend or expel a child of any age from a State school.

Delegation of functions of the Director-General

Schedule 1 (8) substitutes section 39 of the Principal Act. The new section allows the delegation of the functions of the Director-General of Education under the Principal Act, as well as those of the Minister and the Board of Secondary Education. It also omits certain provisions contained in the old section in relation to delegations, as these provisions are now contained in section 49 of the Interpretation Act 1987.
