

SCHOOL EDUCATION AMENDMENT BILL 2012

CLAUSE NOTES

INTRODUCTION

Objective

The objective of this Bill is to make what is generally known as the pre-primary year of schooling compulsory.

CLAUSE NOTES

Part 1 - Preliminary

Long title

An Act to amend the *School Education Act 1999* and to make consequential amendments to the *School Curriculum and Standards Authority Act 1997*.

Clause 1 Short title

Sets out the name of the Act, which is the *School Education Amendment Act 2012*.

Clause 2 Commencement

Provides for the commencement of the Act: sections 1, 2, 3, and 4 on a day on which the Act receives Royal Assent and the rest of the Act on 1 January 2013.

Part 2 – *School Education Act 1999* amended

Clause 3 Act amended

Names the Act being amended by this Part of the bill: the *School Education Act 1999*.

Clause 4 Section 4 amended

Clauses 4(1) and (2) respectively delete the definition of “year 11” and “year 12” in section 4 (Terms used in this Act) and insert a new term “final years of compulsory education” which means the final 2 years of the compulsory education period for a child.

These amendments are needed because clause 6 extends the compulsory education period by one year. That in turn means that because year 11 and year 12 respectively mean the 11th and 12th years of the period, the references to these terms elsewhere in the Act will no longer be to the intended years. For children who progress through the years at the normal rate, the 11th year of their compulsory education period in future will be the year we now know as year 10 and the 12th year the year we know as year 11.

In deleting references to year 11 and year 12 in the Act it is not intended that people should stop using those terms in everyday discourse about the final two years of school. People will probably continue to refer to first compulsory year as “pre-primary”, at least for the time being. In due course the term “Foundation” will probably be adopted as that is the term being used by the Australian Curriculum Assessment and Reporting Authority (ACARA) in the development of the Australian Curriculum.

Clause 4(3) deletes a semi colon and replaces it with a full stop.

Clause 5 Sections 5 and 6 replaced

Clause 5 deletes sections 5 and 6 and replaces them with amended formulations of the pre-compulsory education period and the compulsory education period. The effect of the amendments is (a), through new section 5, to reduce the pre-compulsory period from two years to one and (b), through new section 6(1) to commence the compulsory period one year earlier than is presently the case.

Clause 6(2) provides for those children who progress through schooling faster than their age peers. Their compulsory education period will conclude when they complete all the requirements for secondary graduation, which could, for example, be when they are as young as 15 or 16.

Clause 6 Part 2 Division 1 heading replaced

Clause 6 replaces the heading to the Division with one that instead of referring to year 11 and year 11 refers to the final years of compulsory education, in keeping with the amendments proposed by clause 4.

Clause 7 Section 10 amended

Clause 7 amends section 10 to take account of the amendment proposed at clause 4 by replacing reference to years 11 and 12 with reference to “either of the final years of compulsory education”.

Clause 8 Part 2 Division 1 Subdivision 1A replaced

Clause 8 replaces the heading to the Subdivision with one that instead of referring to year 11 and year 12 refers to “the final years of compulsory education”, in keeping with the amendments proposed by clause 4.

Clause 9 Section 11B amended

Clause 9 amends section 11B to take account of the amendment proposed at clause 4 by replacing reference to years 11 and 12 with reference to “the final years of compulsory education”.

Clause 10 Section 11M amended

Clause 10(1) amends section 11M(1)(b) to take account of the amendment proposed at clause 4: replacing reference to years 11 and 12 with reference to “the final years of compulsory education”.

Clause 10(2) amends section 11M(2)(a) to take account of the amendment proposed at clause 4: replacing reference to years 11 and 12 with reference to “either of the final years of compulsory education”.

Clause 11 Section 192 amended

Clause 11 deletes in section 192(a) the words “the first year of” as the phrase becomes redundant following the amendment to section 5 – there will now be only one year in the pre-compulsory education period.

Clause 12 Section 199 amended

Clause 12 deletes in section 199(1)(a) the words “the first year of” as the phrase becomes redundant following the amendment to section 5 – there will now be only one year in the pre-compulsory education period.

Part 3 - *School Curriculum and Standards Authority Act 1997* amended

Clause 13 Act amended

Sets out the name of the Act being amended by this Part of the bill: *School Curriculum and Standards Authority Act 1997*

Clause 14 Section 3 amended

Clause 14 replaces the definition of “compulsory education period” with one that gives the term the same meaning as it will have in the School Education Act as amended by clause 6(1) of this bill.

Clause 15 Section 19A amended

Clause 15(1) inserts in section 19A(1) a definition of “final years of compulsory education”, which will have the same meaning as this term will have in the School Education Act as amended by clause 4(2) of this bill.

Clause 15(2) amends the definition of “student” in section 19A(1) by deleting reference to the 11th and 12th years of the compulsory education period and inserting instead reference to “either of the final years of compulsory education” in keeping with the amendment proposed at clause 4 of this bill.

Clause 16 Section 19M amended

Clause 16 amends section 19M(5)(i) by deleting reference to the 11th and 12th years of the compulsory education period and inserting instead reference to “either of the final years of compulsory education” in keeping with the amendment proposed at clause 4 of this bill.