

# Curriculum Council Amendment Bill 2011

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Western Australia

LEGISLATIVE ASSEMBLY

## **Curriculum Council Amendment Bill 2011**

**A Bill for**

**An Act to amend —**

- **the *Curriculum Council Act 1997*; and**
  - **certain other Acts as a consequence,**
- and for related purposes.**

The Parliament of Western Australia enacts as follows:

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**Part 1 — Preliminary**

**1. Short title**

This is the *Curriculum Council Amendment Act 2011*.

**2. Commencement**

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

1           **Part 2 — Curriculum Council Act 1997 amended**

2   **3.       Act amended**

3           This Part amends the *Curriculum Council Act 1997*.

4   **4.       Long title replaced**

5           Delete the long title and insert:

6

7           **An Act to establish a State agency with functions relating to**  
8           **the development and accreditation of courses and the**  
9           **standards, assessment and certification of student**  
10           **achievement, to provide for a database relating to**  
11           **participation in education, training or employment by**  
12           **students during their school years, and for related purposes.**

13

14   **5.       Section 1 (short title) amended**

15           In section 1 delete “*Curriculum Council*” and insert:

16

17           *School Curriculum and Standards Authority*

18

19   **6.       Section 3 amended**

20           (1) In section 3 delete the definitions of:

21           *appointed member*

22           *committee*

23           *Council*

24           *course of study*

25           *member of the Council*

26           *school system*

- 1 (2) In section 3 insert in alphabetical order:  
2  
3 *advisory committee* means the Curriculum and  
4 Assessment Committee or the Standards Committee;  
5 *Authority* means the School Curriculum and Standards  
6 Authority established by section 5;  
7 *Board* means the governing body of the Authority  
8 referred to in section 6;  
9 *committee* means an advisory committee or a  
10 committee appointed under section 7F;  
11 *community kindergarten* means a community  
12 kindergarten registered under the School Education Act  
13 Part 5;  
14 *course* means a course of study, subject or syllabus;  
15 *Curriculum and Assessment Committee* means the  
16 committee established under section 7D;  
17 *member* means a member of the Board and includes a  
18 person acting under Schedule 1 clause 4;  
19 *School Education Act* means the *School Education*  
20 *Act 1999*;  
21 *school system* means a school system that is declared  
22 to be a recognised school system under the School  
23 Education Act section 169;  
24 *school years* includes the pre-compulsory education  
25 period as defined in the School Education Act  
26 section 5;  
27 *Standards Committee* means the committee established  
28 under section 7B;  
29 *standards of student achievement* means the standards  
30 of student achievement that are expected to be attained  
31 at designated stages in a course or in the compulsory  
32 education period;  
33



- 1       (3) In section 3 in the definition of *chairperson* delete “Council;”  
2       and insert:  
3  
4       Board;  
5  
6       (4) In section 3 in the definition of *school* delete “kindergarten  
7       registered under Part 5 of that Act;” and insert:  
8  
9       kindergarten;  
10  
11       (5) In section 3 in the definitions of *compulsory education period*,  
12       *Education Department*, *education provider*, *governing body*,  
13       *home education* and *school* delete “*School Education*  
14       *Act 1999*” and insert:  
15  
16       School Education Act  
17

18       **7. Section 4 replaced**

19       Delete section 4 and insert:  
20

21       **4. Objects**

22       The main objects of this Act are —

- 23               (a) to establish the School Curriculum and  
24               Standards Authority; and  
25               (b) to provide for standards of student achievement  
26               and for the assessment and certification of  
27               student achievement according to those  
28               standards; and  
29               (c) to provide for the development of an outline of  
30               curriculum and assessment in schools that,  
31               taking account of the needs of students, sets out

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- 1 the knowledge, understanding, skills, values  
2 and attitudes that students are expected to  
3 acquire and guidelines for the assessment of  
4 student achievement; and
- 5 (d) to provide for the development and  
6 accreditation of courses for schooling; and
- 7 (e) to provide for the maintenance of a database of  
8 information relating to —
- 9 (i) the participation by students during their  
10 school years in education, training or  
11 employment as provided for by the  
12 School Education Act; and
- 13 (ii) the achievements of students during  
14 those years; and
- 15 (iii) records of assessment in respect of  
16 students.  
17

18 **8. Part 2 heading replaced and Part 2 Division 1 heading**  
19 **inserted**

20 Delete the heading to Part 2 and insert:  
21

22 **Part 2 — The School Curriculum and Standards**  
23 **Authority and committees**

24 **Division 1 — School Curriculum and Standards**  
25 **Authority**  
26

27 **9. Sections 5 and 6 replaced and section 7A and Part 2**  
28 **Division 2 inserted**

29 Delete sections 5 and 6 and insert:

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**5. School Curriculum and Standards Authority established**

- (1) A body called the School Curriculum and Standards Authority is established.
- (2) The Authority is a body corporate with perpetual succession.
- (3) Proceedings may be taken by or against the Authority in its corporate name.
- (4) The Authority is an agent of the State and has the status, immunities and privileges of the State.

**6. The Board**

- (1) The Authority is to have a governing body (the *Board*).
- (2) The Board, in the name of the Authority, is to perform the functions of the Authority under this Act or any other written law.

**7A. How Board is constituted**

- (1) The Minister is to appoint 7 people to be the members of the Board.
- (2) A person who is the chief executive officer or a member of staff is not eligible to be appointed as a member of the Board.
- (3) The Minister is to designate one of the members to be the chairperson.
- (4) The Minister is to ensure that the members of the Board have, between them, the knowledge, experience and expertise needed to enable the Authority's functions under this Act to be performed effectively.

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**Division 2 — Committees**

**7B. Standards Committee**

- (1) A committee called the Standards Committee is established.
- (2) The Standards Committee is to consist of —
  - (a) one person who is a member of, and appointed by, the Board; and
  - (b) 4 people appointed by the Board, with the approval of the Minister, who have between them, in the opinion of the Board, qualifications, experience and expertise in the development and measurement of standards of student achievement.
- (3) A person who is the chief executive officer or a member of staff is not eligible to be a member of the Standards Committee.
- (4) The person appointed in accordance with subsection (2)(a) is the chairperson of the Standards Committee.
- (5) A member of the Standards Committee holds office for the term determined by the Board and is eligible for reappointment.

**7C. Function and procedures of Standards Committee**

- (1) The function of the Standards Committee is to provide advice to the Board in relation to —
  - (a) the functions of the Authority referred to in section 9(1)(j) to (o); and
  - (b) any other matter on which the Board requests the Standards Committee to provide advice.

1           (2) To the extent that the procedures of the Standards  
2           Committee are not prescribed by the regulations, and  
3           subject to any direction given to it by the Board, the  
4           Standards Committee may determine its own  
5           procedures.

6           **7D. Curriculum and Assessment Committee**

7           (1) A committee called the Curriculum and Assessment  
8           Committee is established.

9           (2) The Curriculum and Assessment Committee is to  
10          consist of —

11                 (a) one person who is a member of, and appointed  
12                 by, the Board; and

13                 (b) 12 people appointed by the Board, with the  
14                 approval of the Minister, who have between  
15                 them, in the opinion of the Board,  
16                 qualifications, experience and expertise in —

17                         (i) the development and implementation of  
18                         courses in government schools or  
19                         non-government schools, as defined in  
20                         the School Education Act; and

21                         (ii) the options for employment or further  
22                         study available to students leaving  
23                         secondary school.

24           (3) A person who is the chief executive officer or a  
25           member of staff is not eligible to be a member of the  
26           Curriculum and Assessment Committee.

27           (4) The person appointed in accordance with  
28           subsection (2)(a) is the chairperson of the Curriculum  
29           and Assessment Committee.

30           (5) A member of the Curriculum and Assessment  
31           Committee holds office for the term determined by the  
32           Board and is eligible for reappointment.



- 1           **7G.     Support services for committees**
- 2                     The Authority is to provide a committee with any
- 3                     clerical or other support services that the Authority
- 4                     determines are appropriate.
- 5
- 6   **10.     Part 2 Division 3 heading inserted**
- 7                     Before section 7 insert:
- 8
- 9                                     **Division 3 — General**
- 10
- 11   **11.     Section 7 amended**
- 12                     In section 7 delete “Council” and insert:
- 13
- 14                     Board
- 15
- 16   **12.     Section 8A inserted**
- 17                     After section 7 insert:
- 18
- 19           **8A.     Chief executive officer or representative may attend**
- 20                     **meetings of Board and committees**
- 21                     (1) Unless the Board or committee, as the case requires —
- 22                                 (a) determines otherwise in respect of a particular
- 23                                 meeting; and
- 24                                 (b) informs the chief executive officer or member
- 25                                 of staff of the determination before the meeting
- 26                                 is held,
- 27                     the chief executive officer, or a member of staff
- 28                     representing the chief executive officer, may attend any

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1 meeting of the Board or a committee and, subject to  
2 subsection (2), may take part in the consideration and  
3 discussion of any matter before a meeting, but cannot  
4 vote on any matter.

5 (2) If so requested by the Board or a committee in relation  
6 to a particular matter, the chief executive officer, or a  
7 member of staff representing the chief executive  
8 officer, is not to attend a meeting while the matter is  
9 before the meeting.  
10

11 **13. Section 8 amended**

12 In section 8 delete “Council or a committee, other than the chief  
13 executive officer,” and insert:

14  
15 Board or a committee  
16

17 **14. Sections 9, 10, 11, 12 and 13 replaced**

18 Delete sections 9, 10, 11, 12 and 13 and insert:  
19

20 **9. Functions of Authority**

- 21 (1) The functions of the Authority are —
- 22 (a) to establish an outline of curriculum and  
23 assessment in schools; and
  - 24 (b) to issue guidelines for the development of  
25 courses and the assessment of student  
26 achievement in those courses; and
  - 27 (c) to develop courses, or to cause courses to be  
28 developed, in accordance with the guidelines  
29 issued under paragraph (b); and
  - 30 (d) to evaluate and, where appropriate, accredit  
31 courses developed by the Authority or other



- 1 persons in accordance with the guidelines  
2 issued under paragraph (b); and
- 3 (e) to recognise either wholly or in part or with  
4 modification —
- 5 (i) courses; and  
6 (ii) the assessment of student achievement;  
7 and  
8 (iii) the standards of student achievement  
9 that apply to that assessment,  
10 that are —
- 11 (iv) the subject of agreements or  
12 arrangements made between the State  
13 and the Commonwealth (whether or not  
14 those agreements or arrangements  
15 involve another State or a Territory); or  
16 (v) otherwise considered appropriate by the  
17 Authority;
- 18 and
- 19 (f) to determine courses —
- 20 (i) recognised or accredited by the  
21 Authority; or  
22 (ii) otherwise considered by the Authority  
23 to be appropriate for the purposes of this  
24 paragraph,  
25 in which students may be assessed, or caused to  
26 be assessed, by the Authority, whether for the  
27 purposes of certification or otherwise; and
- 28 (g) to establish the minimum requirements for  
29 graduation from secondary school and for the  
30 issue of a certificate of student achievement;  
31 and
- 32 (h) for the purposes of graduation from secondary  
33 school and the issue of a certificate of student

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- 1 achievement, to maintain a register of student  
2 achievements in courses and activities that are  
3 considered by the Authority to be relevant to  
4 those purposes and are —
- 5 (i) recognised or accredited by the  
6 Authority or by bodies other than the  
7 Authority; or
  - 8 (ii) otherwise considered by the Authority  
9 to be appropriate for those purposes;
- 10 and
- 11 (i) to evaluate and if appropriate recognise, for the  
12 purposes of certification or otherwise, the  
13 achievement of students, whether that  
14 achievement is attained in the State or  
15 elsewhere; and
  - 16 (j) to establish the standards of student  
17 achievement and other requirements that apply  
18 to the assessment of student achievement made,  
19 or caused to be made, by the Authority; and
  - 20 (k) to determine the eligibility of students and other  
21 people in relation to assessments made, or  
22 caused to be made, by the Authority; and
  - 23 (l) to assess student achievement, or cause student  
24 achievement to be assessed, at the times  
25 determined by the Authority; and
  - 26 (m) to provide, at the times and in the manner  
27 determined by the Authority, the results of, and  
28 reports on, the assessment of student  
29 achievement made, caused to be made or  
30 recognised by the Authority to governing  
31 bodies, principals of schools, students and  
32 parents of students; and
  - 33 (n) to the extent determined by the Authority, to  
34 provide for the comparability of assessments of

- 1 student achievement in the compulsory  
2 education period that are made, caused to be  
3 made or recognised by the Authority; and
- 4 (o) to consult with universities, and persons and  
5 bodies having functions relating to vocational  
6 education and training, with respect to  
7 standards of student achievement and other  
8 requirements and procedures for admission to  
9 university and vocational education and  
10 training, and to review from time to time the  
11 effects of those standards, requirements and  
12 procedures; and
- 13 (p) to provide information to universities, and  
14 persons and bodies having functions relating to  
15 vocational education and training, on the  
16 achievement of students seeking admission to  
17 university or to vocational education and  
18 training; and
- 19 (q) to establish, determine the criteria for, and  
20 administer exhibitions and awards to be granted  
21 in recognition of student achievement.
- 22 (2) The Authority has any other function given to it under  
23 this Act or another written law.
- 24 (3) The Authority is to ensure that —
- 25 (a) each school receives free of charge a copy of  
26 the most recent outline of curriculum and  
27 assessment in schools established by the  
28 Authority; and
- 29 (b) that outline of curriculum and assessment in  
30 schools is made available to the public in any  
31 manner the Authority thinks fit.

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- 1           (4) The Authority is to ensure that decisions of the  
2           Authority made in the performance of its functions  
3           under subsection (1) are notified to —  
4                 (a) education providers to whom or which the  
5                 decisions are relevant; and  
6                 (b) any other person or body to whom or which the  
7                 Authority considers the decisions should be  
8                 notified.
- 9           (5) Without limiting subsection (4), the Authority may  
10           comply with that subsection by publishing in the  
11           *Gazette*, or in another manner determined by the  
12           Authority, a notice of —  
13                 (a) a decision to which subsection (4) applies; and  
14                 (b) a variation or revocation of a decision of which  
15                 notice is published under this subsection.

16           **10. Advisory function**

17           It is a function of the Authority to advise the  
18           Minister —

- 19                 (a) on matters arising under this Act; and  
20                 (b) on any agreements or arrangements made, or  
21                 proposed to be made, between the State and the  
22                 Commonwealth (whether or not those  
23                 agreements or arrangements involve another  
24                 State or a Territory) that relate to any of the  
25                 Authority's other functions.

26           **11. Draft reports on standards of student achievement**

- 27           (1) The Authority may prepare reports on the standards of  
28           student achievement attained in schools in the State.
- 29           (2) A report under subsection (1) is to be prepared in draft  
30           form (a *draft report*).

- 1           (3) The Authority —
- 2               (a) is to give a copy of a draft report to any
- 3               governing body that the Authority considers
- 4               likely to want to make submissions to the
- 5               Authority in relation to the report; and
- 6               (b) is to notify the governing body that it has a
- 7               specified period (of not less than 28 days)
- 8               within which it may make written submissions
- 9               to the Authority in relation to the report.
- 10           (4) The governing body may make written submissions to
- 11           the Authority in relation to the draft report within the
- 12           period specified under subsection (3)(b).
- 13           (5) The Authority may, in a notice under subsection (3)(b),
- 14           request the governing body to provide specified
- 15           information to the Authority within a specified period
- 16           (of not less than 28 days) in relation to any matter
- 17           referred to in the draft report.
- 18           (6) A governing body is to comply with a request under
- 19           subsection (5).

20           **12. Reports to be given to Minister and governing**

21           **bodies**

- 22           (1) In this section —
- 23               *aggregated form* has the meaning given in
- 24               section 19A(1);
- 25               *draft report* means a report prepared under
- 26               section 11(2);
- 27               *relevant governing body* means a governing body to
- 28               which a copy of a draft report is given under
- 29               section 11(3).
- 30           (2) After considering in relation to a draft report —
- 31               (a) any submissions made to the Authority by a
- 32               governing body under section 11(4); and

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- 1 (b) any information provided to the Authority by a  
2 governing body under section 11(6); and  
3 (c) any other information available to the Authority  
4 under this Act that the Authority considers  
5 relevant,  
6 the Authority —  
7 (d) may finalise the report, including any  
8 modifications it considers appropriate; or  
9 (e) may decide not to proceed with the report.  
10 (3) If subsection (2)(d) applies, the Authority is to give a  
11 copy of the report to the Minister and to any relevant  
12 governing body.  
13 (4) If subsection (2)(e) applies and without limiting  
14 section 9(4), the Authority is to notify any relevant  
15 governing body of the decision made by the Authority  
16 not to proceed with the report.  
17 (5) Any information in a report finalised by the Authority  
18 under this section that relates to students is to be in  
19 aggregated form.  
20

21 **15. Section 14 amended**

- 22 (1) In section 14(1)(a):  
23 (a) in subparagraph (i) delete “made or recognized” and  
24 insert:  
25  
26 made, caused to be made or recognised  
27  
28 (b) in subparagraph (ii) delete “of study”.  
29 (2) Delete section 14(3).

1   **16.   Section 15 amended**

2           In section 15(2):

3           (a)   in paragraph (c) delete “property;” and insert:

4

5                   property; and

6

7           (b)   after paragraph (c) insert:

8

9                   (da)   with the approval of the Minister, provide funds  
10                           by way of grants, subsidies or otherwise to  
11                           governing bodies or other persons or bodies for  
12                           purposes related to —

13                           (i)   the development of courses and  
14                                       standards of student achievement; and

15                           (ii)  the assessment of student achievement;  
16                           and

17

18           (c)   after each of paragraphs (a), (b), (d) and (e) insert:

19

20                   and

21

22   **17.   Section 16 amended**

23           In section 16(3):

24           (a)   delete “The Council” and insert:

25

26                   The Authority

27

28           (b)   in paragraph (a) delete “Council” and insert:

29

30                   Authority

31

**s. 18**

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(c) delete paragraph (c) and insert:

(c) advise and confer with employers, organisations of employees and employers, and such other persons and bodies as the Authority thinks fit, with respect to recognition by those persons and bodies of courses in which students are assessed, or caused to be assessed, by the Authority, and advise those persons and bodies with respect to methods of assessment and methods of certification.

(d) delete paragraph (d).

**18. Section 17 amended**

In section 17(1):

(a) delete “The Council” and insert:

The Authority

(b) in paragraph (a) delete “members of the Council;” and insert:

members; or

(c) after paragraph (a) insert:

(ba) the chief executive officer; or

(d) after paragraph (b) insert:

or



1   **19.   Section 18 amended**

2           Delete section 18(2) and insert:

3

4           (2)   The text of a direction given under subsection (1) is to  
5           be —

6                   (a)   tabled in each House of Parliament not later  
7                   than 14 sitting days of that House after the day  
8                   on which the direction was given; and

9                   (b)   included in the annual report submitted by the  
10                  accountable authority of the Authority under  
11                  the *Financial Management Act 2006* Part 5.  
12

13   **20.   Section 19A amended**

14           (1)   In section 19A(1) delete the definition of *School Education*  
15           *Act*.

16           (2)   In section 19A(2) in the definition of *provider* in the Table:

17                   (a)   before item 1 insert:

18

1A.   A student enrolled at a                   The governing body.  
         community kindergarten.

19

20                   (b)   in item 1 delete “at a school.” and insert:

21

22                                   at a school (other than a community kindergarten).

23

24                   (c)   in item 2 delete “of study”.

**s. 21**

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- 1   **21.   Section 19C amended**
- 2       (1)   At the beginning of section 19C insert:
- 3
- 4       (1)   In this section —
- 5               *first year of the relevant education period* means —
- 6               (a)   for a student enrolled in a school during the
- 7                       pre-compulsory education period — the first
- 8                       year of that enrolment; or
- 9               (b)   otherwise, the first year of the compulsory
- 10                      education period.
- 11
- 12       (2)   In section 19C:
- 13           (a)   delete “A student” and insert:
- 14
- 15       (2)   A student
- 16
- 17           (b)   delete “8<sup>th</sup> year of the compulsory” and insert:
- 18
- 19                      first year of the relevant
- 20
- 21       (c)   after paragraph (a) insert:
- 22
- 23           (ba)   in the case of a student who at that time is
- 24                      enrolled in a community kindergarten — by the
- 25                      governing body of the community kindergarten;
- 26                      or
- 27

- 1           (3) At the end of section 19C insert:  
2
- 3           (3) The regulations may provide for the opening of a  
4           student record for students for whom —
- 5                   (a) on the commencement of the *Curriculum*  
6                   *Council Amendment Act 2011* section 21, a  
7                   student record has not been opened; and
- 8                   (b) a student record would not otherwise be  
9                   required to be opened under this section.  
10
- 11   **22. Section 19I amended**
- 12           (1) In section 19I(1):
- 13                   (a) delete “of the Council” and insert:  
14  
15                   of the Authority
- 16
- 17                   (b) delete paragraph (a) and insert:  
18
- 19                           (a) information relating to student records in the  
20                           possession of the former Council immediately  
21                           before the commencement of the *Curriculum*  
22                           *Council Amendment Act 2011* section 9; and  
23
- 24                   (c) in paragraph (c) after “received by” insert:  
25
- 26                           or otherwise available to  
27
- 28           (2) After section 19I(1) insert:  
29
- 30                   (2A) In subsection (1) —  
31                           *former Council* means the Curriculum Council  
32                           established under this Act as in force immediately

**s. 23**

---

1 before the commencement of the *Curriculum Council*  
2 *Amendment Act 2011* section 9.

3  
4 (3) In section 19I(5) delete “section 14(1)(c), (2) and (3).” and  
5 insert:

6  
7 sections 11(1), 12(2) and 14(1)(c) and (2).

8  
9 Note: The heading to amended section 19I is to read:

10 **Function of Authority to maintain database relating to student**  
11 **records**

12 **23. Section 19J amended**

13 (1) Before section 19J(1) insert:

14  
15 (1A) In this section —

16 *parent*, of a student, means a person who at law has  
17 responsibility for the day to day care, welfare and  
18 development of the student;

19 *student record* includes a record of assessment referred  
20 to in section 14(1)(a) that is kept in respect of a student  
21 on the database maintained under section 19I.

22  
23 (2) In section 19J(2) delete “concerned” and insert:

24  
25 concerned, a parent of the student

26  
27 Note: The heading to amended section 19J is to read:

28 **Provision of information to students and others**  
29

1   **24.    Section 20 amended**

2           In section 20(2):

3           (a)   delete “Council,” and insert:

4

5                     Board,

6

7           (b)   delete “Council.” and insert:

8

9                     Authority.

10

11   **25.    Section 22 amended**

12           In section 22(1)(a) delete “the Crown in right of”.

13   **26.    Section 23 amended**

14           In section 23:

15           (a)   in paragraph (c) delete “section 25 or 26; and” and  
16                     insert:

17

18                     section 26; and

19

20           (b)   after each of paragraphs (a) and (b) insert:

21

22                     and

23

24           Note: The heading to amended section 23 is to read:

25                     **Fund of Authority**

**s. 27**

---

1 **27. Section 24 amended**

2 (1) Delete section 24(1) and insert:

3

4 (1) An account called the School Curriculum and  
5 Standards Authority Account is to be established as an  
6 agency special purpose account under the *Financial*  
7 *Management Act 2006* section 16, to which the funds  
8 referred to in section 23 are to be credited.

9

10 (2) In section 24(2)(b) delete “section 25 or 26; and” and insert:

11

12 section 26; and

13

14 Note: The heading to amended section 24 is to read:

15 **School Curriculum and Standards Authority Account**

16 **28. Section 25 deleted**

17 Delete section 25.

18 **29. Section 26 amended**

19 In section 26(1) delete “In addition to its powers under  
20 section 25, the Council” and insert:

21

22 The Authority

23

24 Note: The heading to amended section 26 is to read:

25 **Borrowing**

26 **30. Sections 27 and 28 deleted**

27 Delete sections 27 and 28.

1   **31.     Section 30 amended**

2           In section 30(3) delete “Council or the Crown” and insert:

3

4           Authority or the State

5

6   **32.     Section 31 amended**

7       (1) In section 31(4):

8           (a) delete “Council” and insert:

9

10           Authority

11

12           (b) delete “Council,” and insert:

13

14           Board,

15

16       (2) In section 31(5):

17           (a) delete “Council” (first occurrence) and insert:

18

19           Authority

20

21           (b) delete “Council” (second occurrence) and insert:

22

23           Board

24

25           (c) delete “Council,” and insert:

26

27           Authority,

28

29           Note: The heading to amended section 31 is to read:

30                   **Execution of documents by Authority**

**s. 33**

---

1 **33. Section 32 amended**

2 (1) In section 32(2):

3 (a) in paragraph (a) delete “Council;” and insert:

4

5 Board; or

6

7 (b) after paragraph (b) insert:

8

9 (ca) the chief executive officer; or

10

11 (2) After section 32(2) insert:

12

13 (3A) Subsection (1) does not apply to information in a report  
14 referred to in section 11 or 12 to the extent to which the  
15 information is summary or statistical information that  
16 could not reasonably be expected to enable details  
17 relating to a person or a school to be ascertained.  
18

19 (3) In section 32(3) delete “*School Education Act 1999*,” and insert:

20

21 School Education Act,

22

23 **34. Section 33 amended**

24 In section 33(2):

25 (a) in paragraph (a)(i) delete “of study”;

26 (b) delete paragraph (b) and insert:

27

28 (b) procedures for the external assessment by the  
29 Authority of student achievement, including  
30 external assessment for the purposes of  
31 certification, and the proper conduct of that





**s. 35**

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- 1 (xi) the disqualification of, or other  
2 disciplinary action that the Authority  
3 may take in respect of, candidates who  
4 engage in fraud, collusion or other  
5 misconduct during external  
6 assessments; and  
7 (xii) appeals by candidates who are subject to  
8 disqualification or other disciplinary  
9 action taken by the Authority; and  
10 (xiii) protection of examination papers and  
11 related materials.  
12

13 **35. Section 34 deleted**

14 Delete section 34.

15 **36. Section 36 amended**

16 In section 36(1) delete “its commencement.” and insert:  
17

18 the commencement of the *Curriculum Council*  
19 *Amendment Act 2011* section 36.  
20

21 **37. Part 7 inserted**

22 After section 36 insert:  
23

24 **Part 7 — Transitional provisions**

25 **37. Terms used**

26 In this Part —

27 *assets* —

- 28 (a) means property of every kind whether tangible  
29 or intangible, real or personal, corporeal or  
30 incorporeal; and

1                   (b) without limiting paragraph (a), includes choses  
2                   in action, goodwill, rights, interests and claims  
3                   of every kind in or to property, whether arising  
4                   from, accruing under, created or evidenced by  
5                   or the subject of an instrument or otherwise and  
6                   whether liquidated or unliquidated, actual,  
7                   contingent or prospective;

8                   **commencement day** means the day on which the  
9                   *Curriculum Council Amendment Act 2011* section 37  
10                  comes into operation;

11                  **Council** means the Curriculum Council under this Act  
12                  as in force before the commencement day;

13                  **liability** means any liability, duty or obligation whether  
14                  actual, contingent or prospective, liquidated or  
15                  unliquidated, or whether owed alone or jointly or  
16                  jointly and severally with any other person;

17                  **right** means any right, power, privilege or immunity  
18                  whether actual, prospective or contingent.

19                  **38. Council abolished**

20                  At the beginning of the commencement day the  
21                  Council is abolished and its members go out of office.

22                  **39. Devolution of Council's assets, liabilities, etc.**

23                  (1) On the commencement day —

24                         (a) the assets and rights of the Council that were  
25                         immediately before that day vested in the  
26                         Council vest in the Authority by force of this  
27                         section; and

28                         (b) the liabilities of the Council immediately before  
29                         that day become, by force of this section, the  
30                         liabilities of the Authority.

31                  (2) On and after the commencement day, any proceedings  
32                  or remedy that, immediately before that day, might

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- 1                    have been brought or continued by or available against  
2                    or to the Council may be brought or continued by, and  
3                    are or is available against or to, the Authority.
- 4                    (3) As soon as is practicable after the commencement day,  
5                    all papers, documents, minutes, books of account and  
6                    other records (however compiled, recorded or stored)  
7                    relating to the operations of the Council are to be  
8                    delivered to the Authority.
- 9                    **40. Chief executive officer of Council continues in office**
- 10                    The person holding office as the chief executive officer  
11                    of the Council immediately before the commencement  
12                    day continues to hold office as if appointed as the chief  
13                    executive officer of the Authority in accordance with  
14                    section 20(1).
- 15                    **41. Transfer of members of staff to Authority**
- 16                    (1) A person engaged by the Council immediately before  
17                    the commencement day under section 21(2) is to be  
18                    taken to have been engaged by the Authority under that  
19                    provision on the same terms and conditions as the  
20                    person was engaged by the Council.
- 21                    (2) A person engaged under a contract for services or  
22                    appointed on a casual employment basis by the Council  
23                    under the *Public Sector Management Act 1994*  
24                    section 100 immediately before the commencement  
25                    day is to be taken to have been engaged or appointed  
26                    under that section by the Authority on the same terms  
27                    and conditions as the person was engaged or appointed  
28                    by the Council.
- 29                    (3) An arrangement on agreed terms between the Council  
30                    and an employer under section 21(6) or an employing  
31                    authority under section 22 that is in force immediately  
32                    before the commencement day is to be taken to be an  
33                    arrangement under the relevant provision on the same

1 terms between the Authority and the employer or  
2 employing authority.

3 (4) Nothing in this section prevents the exercise by the  
4 Authority on and after the commencement day of its  
5 powers in relation to the management of the members  
6 of staff of the Authority.

7 **42. Employees' rights preserved**

8 Except as otherwise agreed by an employee, the  
9 operation of section 41 does not —

- 10 (a) affect the employee's pay, as that term is  
11 defined in the *Public Sector Management*  
12 *(Redeployment and Redundancy)*  
13 *Regulations 1994* regulation 3; or  
14 (b) affect the employee's existing or accruing  
15 rights in respect of annual leave, long service  
16 leave, sick leave or any other leave; or  
17 (c) affect any rights under a superannuation  
18 scheme; or  
19 (d) interrupt the continuity of the employee's  
20 service.

21 **43. Curriculum Council Account**

22 The Curriculum Council Account established under  
23 section 24, as in force before the commencement day,  
24 continues to operate under that section as the School  
25 Curriculum and Standards Authority Account.

26 **44. Completion of things commenced**

27 Anything commenced to be done by the Council before  
28 the commencement day may be continued by the  
29 Authority so far as the doing of that thing is within the  
30 functions of the Authority.

- 1           **45. Continuing effect of things done**
- 2           Any act, matter or thing done or omitted to be done
- 3           before the commencement day by, to or in respect of
- 4           the Council, to the extent that the act, matter or
- 5           thing —
- 6           (a) has any force or significance; and
- 7           (b) is not governed by another provision of this
- 8           Part,
- 9           is to be taken to have been done or omitted by, to or in
- 10          respect of the Authority so far as the act, matter or
- 11          thing is relevant to the Authority.
- 12          **46. Exemption from State taxes**
- 13          (1) In this section —
- 14          *State tax* includes duty under the *Duties Act 2008* and
- 15          any other tax under a written law.
- 16          (2) State tax is not payable in relation to —
- 17          (a) anything that occurs by the operation of this
- 18          Part; or
- 19          (b) anything done (including a transaction entered
- 20          into or an instrument or document of any kind
- 21          made, executed, lodged or given) under this
- 22          Part, or to give effect to this Part, or for a
- 23          purpose connected with or arising out of giving
- 24          effect to this Part.
- 25          **47. Agreements and instruments generally**
- 26          Any agreement or instrument subsisting immediately
- 27          before the commencement day —
- 28          (a) to which the Council was a party; or

- 1                   (b) that contains a reference to the Council,  
2                   has effect on and after the commencement day as if —  
3                   (c) the Authority were substituted for the Council  
4                   as a party to the agreement or instrument; and  
5                   (d) any reference in the agreement or instrument to  
6                   the Council were (unless the context otherwise  
7                   requires) amended to be or include a reference  
8                   to the Authority.

9                   **48. Immunity continues**

10                   Despite the abolition of the Council under section 38, if  
11                   the Council had the benefit of any immunity in respect  
12                   of an act, matter or thing done or omitted before the  
13                   commencement day, that immunity continues in that  
14                   respect for the benefit of the Authority.

15                   **49. Duty of confidentiality continues to apply to**  
16                   **members of the Council**

17                   Despite the amendment of section 32(2)(a) by the  
18                   *Curriculum Council Amendment Act 2011* section 33,  
19                   section 32(1) continues to apply to a person who has  
20                   been a member of the Council.

21                   **50. Registration of documents**

22                   (1) In this section —

23                   *relevant officials* means —

- 24                   (a) the Registrar of Titles under the *Transfer of*  
25                   *Land Act 1893*; or  
26                   (b) the Registrar of Deeds and Transfers under the  
27                   *Registration of Deeds Act 1856*; or  
28                   (c) the Minister administering the *Land*  
29                   *Administration Act 1997*; or  
30                   (d) any other person authorised by a written law to  
31                   record and give effect to the registration of

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- 1 documents relating to transactions affecting any  
2 estate or interest in land or any other property.
- 3 (2) The relevant officials are to take notice of the  
4 provisions of this Part and are empowered to record  
5 and register in the appropriate manner the necessary  
6 documents and otherwise to give effect to this Part.
- 7 **51. Transitional regulations**
- 8 (1) If this Part does not provide sufficiently for a matter or  
9 issue of a transitional nature that arises as a result of  
10 the amendments made to this Act by the *Curriculum*  
11 *Council Amendment Act 2011*, the Governor may make  
12 regulations under section 33 (*transitional regulations*)  
13 prescribing all matters that are required, necessary or  
14 convenient to be prescribed for providing for the matter  
15 or issue.
- 16 (2) If the transitional regulations provide that a state of  
17 affairs specified or described in the regulations is taken  
18 to have existed, or not to have existed, on and from a  
19 day that is earlier than the day on which the regulations  
20 are published in the *Gazette* but not earlier than the  
21 commencement day, the regulations have effect  
22 according to their terms.
- 23 (3) If the transitional regulations contain a provision  
24 referred to in subsection (2), the provision does not  
25 operate so as —
- 26 (a) to affect in a manner prejudicial to any person  
27 (other than the State or an authority of the  
28 State) the rights of that person existing before  
29 the day of publication of those regulations; or
- 30 (b) to impose liabilities on any person (other than  
31 the State or an authority of the State) in respect  
32 of anything done or omitted to be done before  
33 the day of publication of those regulations.



- 1           **52.     Saving**
- 2                   The operation of any provision of this Part is not to be
- 3                   regarded —
- 4                   (a)    as a breach of contract or confidence or
- 5                          otherwise as a civil wrong; or
- 6                   (b)    as a breach of any contractual provision
- 7                          prohibiting, restricting or regulating the
- 8                          assignment or transfer of assets, rights or
- 9                          liabilities or the disclosure of information; or
- 10                  (c)    as giving rise to any remedy by a party to an
- 11                         instrument or as causing or permitting the
- 12                         termination of any instrument, because of a
- 13                         change in the beneficial or legal ownership of
- 14                         any asset, right or liability; or
- 15                  (d)    as causing any contract or instrument to be void
- 16                         or otherwise unenforceable; or
- 17                  (e)    as releasing or allowing the release of any
- 18                         surety.
- 19

- 20   **38.     Schedule 1 heading amended**
- 21                   In the heading to Schedule 1 delete “**Council**” and insert:
- 22

23                   **Board**

24

- 25   **39.     Schedule 1 Division 1 heading amended**
- 26                   In the heading to Schedule 1 Division 1 delete “**Council**” and
- 27                   insert:
- 28

29                   **Board**

30

**s. 40**

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1 **40. Schedule 1 clause 1 amended**

2 (1) Delete Schedule 1 clause 1(1) and insert:

3

4 (1) Subject to clause 2, a member holds office for the term that  
5 is specified in the member's instrument of appointment, and  
6 that term is not to exceed —

7 (a) 4 years; or

8 (b) in the case of the member who is the chairperson,  
9 5 years.

10 (2A) A person's eligibility for reappointment or the term for  
11 which a person may be reappointed is not affected by an  
12 earlier appointment.

13

14 (2) In Schedule 1 clause 1(2) delete "An appointed member" and  
15 insert:

16

17 A member

18

19 **41. Schedule 1 clause 2 amended**

20 (1) In Schedule 1 clause 2(1) and (2) delete "an appointed member"  
21 and insert:

22

23 a member

24

25 (2) After Schedule 1 clause 2(1)(b) insert:

26

27 (ca) has ceased to be eligible to be appointed as a  
28 member; or

29

1       (3) After Schedule 1 clause 2(1)(a) insert:

2

3               or

4

5       **42. Schedule 1 clause 3 amended**

6               In Schedule 1 clause 3:

7               (a) delete “The Council” and insert:

8

9                       The Board

10

11               (b) delete “of the Council”.

12       **43. Schedule 1 clause 4 amended**

13               In Schedule 1 clause 4(1):

14               (a) delete “an appointed member” and insert:

15

16                       a member

17

18               (b) delete “member of the Council.” and insert:

19

20                       member.

21

22       **44. Schedule 1 clause 5 deleted**

23               Delete Schedule 1 clause 5.

24       **45. Schedule 1 clause 6 amended**

25               In Schedule 1 clause 6 delete “clause 4, 5” and insert:

26

27               clause 4

28

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1 **46. Schedule 1 clause 9 amended**

2 In Schedule 1 clause 9 delete “Council is 7 members.” and insert:

3

4 Board is 5 members.

5

6 **47. Schedule 1 clause 10 amended**

7 In Schedule 1 clause 10(1) delete “appointed”.

8 **48. Schedule 1 clause 13 amended**

9 In Schedule 1 clause 13:

10 (a) delete “7 members of the Council” and insert:

11

12 5 members

13

14 (b) delete “Council if” and insert:

15

16 Board if

17

18 **49. Schedule 1 clause 14 deleted**

19 Delete Schedule 1 clause 14.

20 **50. Schedule 1 clause 16 amended**

21 In Schedule 1 clause 16(1):

22 (a) delete “member of the Council” and insert:

23

24 member

25

26 (b) delete “Council” (second occurrence) and insert:

27

28 Board

29

- 1           (c) delete “Council.” and insert:  
2  
3           Board.  
4  
5           (d) in the Penalty delete “\$1 000.” and insert:  
6  
7           a fine of \$10 000.  
8

9   **51.    Schedule 1 clause 17 amended**

- 10           In Schedule 1 clause 17:  
11           (a) delete “of the Council”;  
12           (b) delete “Council —” and insert:  
13  
14           Board —  
15

16   **52.    Schedule 1 clause 19 amended**

- 17           In Schedule 1 clause 19(1):  
18           (a) delete “of the Council”;  
19           (b) delete “3 members” and insert:  
20  
21           4 members  
22

23   **53.    Various references to “Council” amended**

- 24           (1) In the provisions listed in the Table delete “Council” (each  
25           occurrence) and insert:  
26  
27           Authority  
28

1

**Table**

|  |   |
|--|---|
| s. 3 def. of <i>member of staff</i><br>par. (c)          | s. 14(1) and (2)  |
| s. 15(1) and (2)   | s. 16(1) and (2)  |
| s. 17(2) and (4)   | s. 18(1)  |
| s. 19(1), (2), (3) and (4) def. of<br><i>information</i> | s. 19A(1) def. of <i>student record</i><br>par. (b) and (d) |
| s. 19D   | s. 19E  |
| s. 19F(2), (3), (4) and (5)                              | s. 19G  |
| s. 19H(1) and (3)  | s. 19I(1)(c), (2), (3), (4)<br>and (5)                      |
| s. 19J(1)  | s. 19K  |
| s. 19L   | s. 19M(2) and (3)   |
| s. 19P(1)  | s. 20(1)  |
| s. 21(1), (2), (3), (5) and (6)                          | s. 22(1) and (2)  |
| s. 23  | s. 24(2)  |
| s. 26(2)   | s. 29   |
| s. 30(1)   | s. 31(1), (2), (3) and (7)                                  |
| s. 33(2)(a) and (3)                                      | s. 36(2)  |

2

(2) In the provisions listed in the Table delete “Council” (each occurrence) and insert:

3

4

5

Board

1

2

**Table**

|                               |                  |
|-------------------------------|------------------|
| Sch. 1 cl. 7(1), (2) and (3)  | Sch. 1 cl. 8(1)  |
| Sch. 1 cl. 10(1), (2) and (3) | Sch. 1 cl. 11    |
| Sch. 1 cl. 12                 | Sch. 1 cl. 15    |
| Sch. 1 cl. 18                 | Sch. 1 cl. 19(2) |

3

**54. Schedules 2 and 3 deleted**

4

Delete Schedules 2 and 3.

1  
2  
3  
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**Part 3 — Other Acts amended**

**Division 1 — *Constitution Acts Amendment Act 1899* amended**

**55. *Constitution Acts Amendment Act 1899* amended**

- (1) This section amends the *Constitution Acts Amendment Act 1899*.
- (2) In Schedule V Part 3 delete “The Curriculum Council established under the *Curriculum Council Act 1997*.”.
- (3) In Schedule V Part 3 insert in alphabetical order:

The governing body of the School Curriculum and Standards Authority established by the *School Curriculum and Standards Authority Act 1997*.

**Division 2 — *Financial Management Act 2006* amended**

**56. *Financial Management Act 2006* amended**

- (1) This section amends the *Financial Management Act 2006*.
- (2) In Schedule 1 delete “Curriculum Council”.
- (3) In Schedule 1 insert in alphabetical order:

School Curriculum and Standards Authority

**Division 3 — *Public Sector Management Act 1994* amended**

**57. *Public Sector Management Act 1994* amended**

- (1) This section amends the *Public Sector Management Act 1994*.
- (2) In Schedule 2:
  - (a) delete item 5A;
  - (b) after item 41 insert:



1  
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17

42 School Curriculum and Standards Authority established  
under the *School Curriculum and Standards Authority  
Act 1997*

**Division 4 — School Education Act 1999 amended**

**58. School Education Act 1999 amended**

(1) This section amends the *School Education Act 1999*.

(2) Delete section 53(2)(a) and insert:

(a) the outline of curriculum and assessment in  
schools established under the *School  
Curriculum and Standards Authority Act 1997*;

(3) In the provisions listed in the Table delete “*Curriculum  
Council*” and insert:

*School Curriculum and Standards Authority*

**Table**

|                  |                  |
|------------------|------------------|
| s. 6(c)(ii)(II)  | s. 6(d)(ii)(II)  |
| s. 63(1)(d)(i)   | s. 67            |
| s. 167(1)(a)(ii) | s. 176(1)(b)     |
| s. 177(1)(a)(ii) | s. 200(1)(c)(ii) |

1 **Division 5 — *Western Australian College of Teaching Act 2004***  
2 **amended**

3 **59. *Western Australian College of Teaching Act 2004* amended**

4 (1) This section amends the *Western Australian College of*  
5 *Teaching Act 2004*.

6 (2) In section 3(1) in the definition of ***teaching*** paragraph (a) delete  
7 “curriculum framework approved under the *Curriculum Council*  
8 *Act 1997*” and insert:

9  
10 outline of curriculum and assessment in schools  
11 established under the *School Curriculum and*  
12 *Standards Authority Act 1997*  
13

=====