

Explanatory Memorandum and Clause Notes to accompany *Acts Amendment (Higher School Leaving Age and Related Provisions) Bill 2005*

The *Acts Amendment (Higher School Leaving Age and Related Provisions) Bill 2005* gives effect to the Government's decision to raise the school leaving age and, at the same time, ensures that there is legislative provision for the broadest possible range of participation options for the young people affected by the raised age. The Bill also provides for a database of student records which will ensure that accurate information on young people's participation in education, training and employment is maintained from the eight to the twelfth years of the extended compulsory education period. The Bill seeks to achieve these three objectives through amendments to the *School Education Act 1999* and the *Curriculum Council Act 1997*.

The actual raising of the school leaving age is achieved in clause 4 of the Bill through amendments to the School Education Act's definitions of "compulsory education period" and "post-compulsory education period". The intention, firstly, is that the compulsory education period be extended by one year from 1 January 2006, meaning that the 11th year of schooling, in addition to the first 10, is now compulsory from that date. That is, all children turning 15 years of age this year (2005) must participate in 2006 in the 11th year of the compulsory period in accordance with the Bill's requirements.

The second aspect of the clause 4 amendments is that they extend the compulsory education period by a further year from 1 January 2008. That is, all children turning 16 years of age in 2007 must participate in 2008 in the 12th year of the compulsory period in accordance with the Bill's requirements.

As these amendments will be obliging more young people than would otherwise be the case to continue to participate for a further year from 2006 and a further two years from 2007, the Bill makes provision for a range of participation options that are flexible in their structure and capable of being matched to the needs of young people. The structural components of these options are schooling, training and employment, with each option consisting of one, two or all three of these components.

Normally, young people will be enrolled at a school for the two additional years. While most will undertake all of their studies at the school as they do now, others will pursue options involving, for example, school-based study combined with training and structured workplace

learning (SWL) with non-school providers in off-site arrangements. The School Education Act (sections 22 to 24, and additionally, in the case of non-government schools, section 154 coupled with regulation 128) already enables a range of such arrangements, at the discretion of school principals.

However, instead of enrolment at a school or in home education, the Bill now seeks to enable, at the discretion of parents of year 11 and year 12 children, other enrolments in options that include: study at a registered training organisation (including a TAFE College) or university; being an apprentice or trainee; or undertaking a combination of any of part-time school, training and employment, including (say) the option of two days a week of school, two days a week of TAFE and a day of employment. These new options are enabled in the Bill through a new Division 4, Subdivision 1A, to be inserted in the School Education Act. This new Subdivision also contains provision for a child to be employed full-time.

The Bill also seeks to amend the Curriculum Council Act, primarily to provide for a database that will contain records of students' participation and achievement (the latter's extent subject to regulation), commencing with all students in their eighth year of schooling. This database will enable the Minister to keep track of all children subject to the requirements of the eight to twelfth years of the compulsory education period: who they are, where they are, what they are doing and what they have achieved. Through the Minister, the Curriculum Council will be able to provide information to relevant authorities about, for example, the choices of school and program young people are making as they move through the compulsory years. This information will support schools and school systems in monitoring and planning for effective participation by the cohort. As well as providing aggregated information, the Curriculum Council will also be able to identify those young people who cease to participate, and provide their details to the Minister to assist her/him to carry out re-engagement activities.

Home Education will remain an option for parents of children enrolled under section 9 of the School Education Act throughout the extended compulsory education period. The Bill does not amend the existing home education provisions at Part 2 Division 6 of the School Education Act. Parents who wish to home school their 16 and 17 year old children will continue to rely on section 10(b) and will not have to take any steps under proposed Subdivision 1A of this Bill. That Subdivision does not need to deal with home education as the School Education Act treats home education as a standard way of complying with section 9 for children of all ages, including those in years 11 and 12.

Clause notes

Part 1 - Preliminary

- Clause 1** Contains the short title of the Bill.
- Clause 2** Clause 2(1) provides that subject to 2(2) and 2(3) below, the Act will come into operation on assent.
- Clause 2(2) provides that Part 2 Division 3 comes into operation on 1 January 2008. That is, the 12th year of schooling will not become compulsory until this date.
- Clause 2(3) provides that Part 2 Division 4 and Part 3 come into operation on 1 January 2006. The 11th year becomes compulsory on that date.

Part 2 – Amendments to the *School Education Act 1999*

Division 1 - Preliminary

- Clause 3** Provides that the amendments in this Part are to the *School Education Act 1999* (“SE Act”)

Division 2 – Amendments to change the school leaving age

- Clause 4** Provides for sections 6 and 7 of the SE Act to be repealed and for new sections 6 and 7 to be inserted.
- New section 6(b) increases the length of the “compulsory education period” by one year and takes effect from 1 January 2006. The new 6(c) increases the length of the period by a further year and takes effect from 1 January

2008. This subsection also provides at 6(c)(ii)(II) for the eventuality that a child might complete his/her secondary education at a younger than usual age. New section 6(d) provides for the 'half cohort' of children currently progressing through school and for the older cohorts following the 'half cohort'. The 'half cohort' is currently in Year 3¹. This subsection also provides at 6(c)(ii)(III) that the compulsory period shall not extend to adults, 18 years and over.

New section 7 provides for the definition of "post-compulsory education period" to be adjusted in accordance with the changing definition of "compulsory education period" in new section 6. "Post-compulsory education period" will cease to exist as a defined term in the SE Act from 1 January 2008.

Division 3 – Amendments consequential on those in Division 2

(Amendments consequential to the proposed amendments at clause 4 to sections 6 and 7 of the SE Act, which shall not commence until 1 January 2008)

Clause 5 Provides for the deletion of "post-compulsory education period" in section 4 (*Definitions*).

Clause 6 Provides for the repeal of section 7 (*Definition of "post-compulsory education period"*), as a consequence of the acceptance of clause 4(1) (above).

¹ The 'half cohort' was created when the school entry age was raised, commencing with the entry of children to kindergarten in 2001. It consists only of children whose birth dates are from 1 January to 30 June, all of whom will attain the age of 17 years and 6 months during the 12th year of school. The full cohorts following the 'half cohort' (currently in year 2, year 1, pre-primary, and kindergarten) consist of children with the full range of birth dates, i.e. from 1 January to 31 December inclusive. The children born with birth dates from 1 July through to 31 will turn 18 years during the 12th year of the compulsory period (unless they have 'skipped a year' along the way).

- Clause 7** Provides for the repeal of section 80 (*Enrolment of children in post-compulsory education period*), because the “post-compulsory education period”, as currently defined, will not exist as at 1 January 2008.
- Clause 8** Provides for an amendment to section 81(1) – (*Enrolment of persons beyond their post-compulsory years*) – to replace “post-compulsory” with “compulsory”.
- Clause 9** Provides for an amendment to section 82(2) (*Issues arising on certain applications under this Division for enrolment*) to replace “, 79 or 80” with “or 79”.
- Clause 10** Provides for an amendment to section 95(1)(a) (*Principal may exclude students above compulsory age*) to delete “80 or”.
- Clause 11** Provides for two amendments to section 97 (*Definitions*), both consequential to the acceptance of clause 4 (above).
- Clause 11(1) is to amend the definition of “adult student” by deleting “post compulsory” and inserting instead “compulsory”.
- Clause 11(2) is to delete the definition of “extra cost optional component” and replace it with a new definition of this term.
- Clause 12** Provides for three amendments to section 154(1) (*Offence of carrying on unregistered schools*), as follows:
- inserting “or” after paragraph (a)
 - deleting “, or” in paragraph (b) and inserting a comma instead
 - deleting paragraph (c).
- These three amendments are consequential to the acceptance of clause 4 (above).

Clause 13 Provides for the repeal of section 156(3) (*Scheme of registration*) and the insertion of a different subsection.

This amendment is consequential to the acceptance of clause 4 (above).

Division 4 – Amendments to allow non-school options in years 11 and 12

(To commence from 1 January 2006)

Clause 14 Provides for an amendment to the long title of the S E Act.

Clause 15 Provides for an amendment to the *Objects* of the SE Act by inserting after subsection 3(1)(c) a new Object:

- (ca): “to provide for education, training and employment alternatives at the senior secondary level”

to reflect the thrust of the proposed new Part 2 Division 1 Subdivision 1A of the Act.

Clause 16 Provides for certain amendments to the *Definitions* in section 4 of the Act.

The definition of “child of compulsory school age” would now be “a child who under section 9(1) is required to be enrolled in an educational programme and includes a child to whom section 10(2) applies” [Please note that section 10(2) is to be inserted at clause 19 below].

A semicolon is inserted at the end of the last current definition in section 4 and an additional definition for “year 11” and “year 12” is now inserted, as per lines 20-29 of this clause.

Clause 17 Provides for the amendment of the heading to Part 2 Division 1 (*Compulsory education*) by the insertion of “**with alternatives in year 11 and year 12**”

Clause 18 Provides for an amendment to section 9 (*When enrolment compulsory*). The clause inserts a new subsection 9(1a) accompanied by an explanatory note. In essence, this means that while a child could in future ‘leave school’ (in the literal sense) during the 11th and/or 12th years of the extended compulsory period, the obligation remains on him/her to continue to participate full-time in one or other of the alternatives set out in subsequent clauses of the Bill.

When considering Clause 18 it is important to note that it is expected that from 2006 onwards, the majority of enrolments in the 11th and 12th years will be done under the unamended section 9(1). That is, children in their 11th and 12th years will enrol full-time at schools and participate in programs arranged by the schools on the school sites, as they do now. In addition, children enrolled under section 9(1) will continue to have access, through their school principals to the flexibility already available through section 24 (*Arrangements alternative to attendance*). Children enrolled at non-government schools, moreover, may gain access to further flexibility through section 154(2)(c) in conjunction with regulation 128 of the SE Act.

It is expected that only a small, but nevertheless significant, proportion of children will avail themselves, through their parents, of the alternatives available to them under the proposed new 9(1a).

Clause 19 Provides for the amendment of section 10 (*Ways in which section 9 is satisfied*) by the proposed inclusion of a new subsection 10(2), which says, in effect, that the option of the part-time enrolment of a compulsory-aged child at a school is permissible, provided it is “topped up” to full-time participation with one or more of the options available through proposed

new Subdivision 1A (see clause 20, proposed sections 11B and 11C below). This amendment is necessary to enable, for example, a child to undertake a program of two days a week of school, two days of TAFE and one day of work, a combination that was endorsed in public consultations led by the then Minister, throughout 2004.

Clause 20 Clause 20 inserts in Part 2 (*Enrolment and Attendance*) Division 1 (*Compulsory education*), an extensive new **Subdivision 1A – Alternatives to the operation of section 9 for children in year 11 and year 12**

Proposed section 11A This provision defines certain terms to be used in Subdivision 1A. The term “parent” is defined in such a way as to cover possible eventualities in relation to subsequent sections of the Bill where, for example, notice of a choice of option/s must be given. Please also note that there is provision for the Minister to designate a child to be an “independent child” in proposed section 11L (below).

The term “provider” at 11A(2) is important to subsequent sections of Subdivision 1A, and also particularly so in relation to the proposed new Part 3A – *Student records* – of the Curriculum Council Act (see for example, clause 47, proposed subsections 19A(1) and (2) of this Bill).

Proposed section 11B This section sets out the options available to children in year 11 and year 12, despite section 9(1). In brief, these options are:

- A higher education course
- A course of skills training at a TAFE College or other Registered Training Organisation (RTO)
- Being an apprentice or trainee
- Being employed under a contract of employment

- Undertaking a course prescribed by the Minister under an order published in the *Gazette*, a flexible option for those children for whom it is most difficult for schools to cater, for whatever reason.

This list of options, read in conjunction with sections 22 to 24 of the SE Act, shows that children have access to a broad range of possible activities during the 11th and 12th years. The only option not available to them is “doing nothing”.

**Proposed
section 11C**

A child’s participation in the options set out in 11B not only is compulsory, but it must also under this provision be on a full-time basis.

This clause has two other notable features. The first is that a child may participate in a combination of two or more of the specified options. The second is that a child’s part-time enrolment at a school under the new section 10(2) may form one of the components of a combination of options. *[Again, the example of two days at school, two days at TAFE and one day of work is apt here].*

Given the variety of possibilities available through 11B, 10(2) and 11C, the Minister and his/her delegates will have, through regulation, a degree of discretion in the determination of what combinations are permissible in practice and what is or is not “full-time” for the purposes of the provision.

**Proposed
section 11D**

This section requires parents (as defined above in clause 11A(1)) or independent children (see proposed section 11L) to give notice to the Minister (or delegate) that a child has entered a permissible arrangement under 11B(1). A notice must include particulars of the arrangement. To cancel a notice, further notice must be given. Variations, except as provided by the regulations, must also be notified, and if the variation relates to an arrangement that involves a combination of courses, notice must be given before the variation takes place.

Please note that enrolments in combinations of courses are subject to further provision at proposed section 11E (below).

**Proposed
section 11E**

This proposed section makes special provision for enrolment in a combination of courses. It says, in relation to a notice of enrolment in a combination of courses:

- The notice must include the particulars of any part-time enrolment at a school
- The notice does not come into force unless the Minister gives a formal written acknowledgement
- Except as may be provided by the regulations, any subsequent notice of variation has no effect unless the Minister gives formal written acknowledgement
- In giving acknowledgement, the Minister must be satisfied that 11C is satisfied and take into account any part-time school enrolment and any part-time employment that has been approved under 11G (below).

**Proposed
section 11F**

Provides that a notice given under proposed sections 11D or 11E remains in force until such time as the child ceases to participate in the approved option/s. For as long as a notice remains in force, section 9(1) of the SE Act does not apply.

**Proposed
section 11G**

Provides for the conditions that must be satisfied for the Minister to approve either full-time or part-time employment, whether or not the employment is in combination with any other option. A written application by the parent must be approved by written notice from the Minister. If the application is for part-time employment, the Minister must be satisfied that the employment is part of a combination of options that satisfy the requirements of 11C (above). The Minister's approval may be subject to conditions, which may be subsequently varied or revoked.

Proposed section 11H Provides for the conditions that must be met following a ministerial approval for employment. The parent must give notice as soon as practicable after the employment starts. Such notice remains in force unless the employment ceases, in which case the parent must give further notice, or the approval is revoked by the Minister.

Proposed section 11I Basically, this proposed provision is saying that if the child has the correct approvals under 11D, 10(2) or 11H, then he/she is required to participate in the notified option/s. And, as the drafter's note says at the end of the section, if the child ceases to participate, then section 9(1a) no longer applies and therefore the child must now become enrolled at a school as a full-time student or be provided with home education.

Please note that in the case of a combination of options, the child is required to participate as required in each component of the combination.

Proposed section 11J Having established the requirement to participate at 11I, proposed section 11J now sets out exactly what constitutes 'participation'.

Basically, this section says that participation means that the child is complying with the particular requirements of the provider/s, including absences allowed under these requirements.

Please note that different providers may have different participation requirements. For example, the provider's requirements for full-time study at a TAFE College will differ from the requirements for an apprenticeship.

In the event of any suspension, exclusion or dismissal under the provider's requirements, participation is deemed to continue, but only for so long as it is reasonable to take to become re-engaged as required either under section 9 or section 11C (in relation to section 11B).

The section also makes provision for the making of regulations for acts, matters and circumstances that are to be taken to constitute participation or are to be taken not to interrupt participation.

**Proposed
section 11K**

This section relates to “*Dealings with parents*” and deals with questions that could arise about who is or is not a “parent” for the purposes of:

- giving notice to the Minister under 11D or 11H or making an application under 11G
- to whom the Minister gives formal acknowledgement under 11E or a notice under 11G.

Under 11K(3) the Minister may require that a person who gives notice meet the definition of “parent” in 11A(1).

11K(4) states that nothing in this section affects the operation of a Family Court Order.

**Proposed
section 11L**

Provides for the eventuality that a child may be an “independent child” and therefore able to make his/her own decisions in respect of the relevant sections of Subdivision 1A. The conditions for the designation by the Minister of an “independent child” are set out in 11L(2).

**Proposed
section 11M**

This clause sets out the functions of the Minister in relation to proposed Subdivision 1A. In summary, they are to:

- Monitor and carry out planning in relation to the effectiveness of this Subdivision
- Develop strategies to better provide for children in year 11 and year 12
- Identify children in year 11 and year 12 who are not engaged full-time and give them information about what options are available to them
- Encourage and assist parents

11M(3) says that the Minister is to consult with the Director of Catholic Education and AISWA in relation to the first two of these functions.

- Proposed section 11N** Provides for the making of regulations on incidental or supplementary matters in relation to the Subdivision.
- Clause 21** This clause provides for a transitional provision for the giving of notices.
- Clause 22** Provides for the amendment of the heading to Part 2 (*Enrolment and Attendance*) Division 1 (*Compulsory education*) Subdivision 2 (*Inquiries to check compliance with section 9*), by deleting “section 9” and inserting instead “sections 9 and 11I”
- Clause 23** Provides for the repeal and replacement of section 13(2) (*Powers of authorized person*) in relation to the powers of an authorized person to take account of new Subdivision 1A.
- Clause 24** Provides for an amendment to section 23 (*Attendance*) by the insertion of a new subsection (1a), which says that a student who is enrolled at a school under new section 10(2), may attend or participate for the purposes of subsection 23(1) or section 24 (*Arrangements alternative to attendance*) on a part-time basis, and that the principal is to facilitate the student doing so.
- Clause 25** Provides for two amendments to section 29 (*Employment during school hours*). The first inserts a new subsection (1a). The second deletes 29(3)(b) and inserts an alternative paragraph. These amendments are required to ensure that section 29 is not inconsistent with provisions elsewhere in the Bill that allow full-time and part-time employment during the extended compulsory period.

- Clause 26** Provides for an amendment to the heading of Part 2 (*Enrolment and Attendance*) Division 5 (*Absentee students*), by inserting after “students” the words “**and non-participating children**”.
- Clause 27** Provides for the amendment of section 32 (*Definitions*) to insert a definition of “provider” and to delete the word “School” from “school attendance officer” and “School Attendance Panel”. This reflects the fact that in future an absentee student may not have a “school” as her/his “provider”.
- Clause 28** Provides for a minor amendment consequential upon clause 27. The heading of Part 2 Division 5 Subdivision 2 (*School attendance officers*) is amended by deleting “school” and inserting instead “**Attendance**”.
- Clause 29** Provides for a minor amendment consequential upon clause 27. The heading of Part 2 Division 5 Subdivision 3 (*Powers of school attendance officers*) is amended by deleting “school”.
- Clause 30** Provides for several minor amendments to section 36 (*Powers of school attendance officers to inquire*) consequential upon clause 27.
- Clause 31** Provides for two minor amendments consequential upon clause 27. The heading of Part 2 Division 5 Subdivision 4 (Dealing with non-attendance and enforcing attendance) is amended by inserting:
- “and non participation” after “non-attendance”
 - “and participation” after “attendance”

Clause 32 Provides for two minor amendments to section 38 (*Breaches of section 23*) to make it clear that section 38 only applies to school-aged children who are enrolled at a school. That is, the section does not include school-aged children who are participating in options under Subdivision 1A that do not involve a school enrolment.

Clause 33 Provides for some amendments to section 40 (Referral to ~~School~~ [deleted at Clause 27 above] Attendance Panel of persistent breaches of section 23).

The proposed new subsection 40(1)(1a) provides that the case of a child who should be, but is not, attending an arrangement made under the new Subdivision 1A, may be referred to an Attendance Panel by:

- A relevant provider;
- An attendance officer; or
- The relevant chief executive officer

Under proposed new subsection 40(1)(1b), the cases of apprentices and trainees who are failing to participate as required are not referred to Attendance Panels because this would duplicate procedures already in place under the Industrial Training Act.

Clause 33(2) inserts “11I or” into section 40(2)(a) in order to have this subsection now include the participation requirements related to the options in new Subdivision 1A.

Clause 33(3)(b) inserts a new paragraph 40(5)(b)(fa), the effect of which would be to ensure that an Attendance Panel’s report can be given to the child’s relevant provider/s.

Clause 34 Provides for two amendments to section 41 (*No prosecution unless non-compliance with advice or assistance offered by a ~~School~~ Attendance Panel*).

The first amendment at clause 34(1) deletes “26 or 40” in section 41(1), the effect of which is to align the section with the amendments made at clause 33(1) above.

The effect of the second amendment at clause 34(2) is that a prosecution against a child referred to in new section 40(1)(1a) is not to be commenced unless the child/parent has failed to follow up the advice or accept the assistance that the Attendance panel is required to give under existing section 40(2)(b).

Clause 35 Provides for amendments to be made to section 42 (*No prosecution without certificate of Panel or chief executive officer and report of Panel*).

These amendments are needed to line up the wording of section 42 with the possible emergence of cases of children who are not meeting the participation requirements of new Subdivision 1A.

Clause 36 Provides for two amendments to section 43 (*Parent to bring child before court*).

These amendments are needed to align the wording of the section with the possible emergence of cases of children who are not meeting the participation requirements of new Subdivision 1A.

Clause 37 Provides for amendments to section 44 (*Proof of certain matters*).

These amendments are needed to align the wording of the section with the possible emergence of cases of children who are not meeting the participation requirements of new Subdivision 1A.

Clause 38 Provides for an amendment to section 45 (*Conduct of prosecutions*).

This amendment is needed to align the wording of the section with the possible emergence of cases of children who are not meeting the participation requirements of new Subdivision 1A.

Clause 39 Provides for several minor amendments consequential to the acceptance of clause 27.

Clause 40 Provides for several minor amendments consequential to the acceptance of clause 27.

**Part 3 – Amendments to provide for the keeping of student records
by the Curriculum Council**

To come into operation from 1 January 2006

Clause 41 Refers to the Act to be amended: - the *Curriculum Council Act 1997* (“the CC Act”)

Clause 42 Provides for an amendment to the long title of the CC Act that reflects the proposed amendments.

Clause 43 Provides for an amendment to section 3 (*Interpretation*) by the insertion of a definition of “compulsory education period” that is consistent with the proposed new provisions of the SE Act

- Clause 44** Provides for an amendment to section 4 (*Objects*) that reflects that year 11 and 12 students will not be “post-compulsory” in the future. The term “senior secondary” is used instead. This clause also inserts a new Object, related to the proposed database of information (see proposed new Part 3A at clause 47 below for details of this database).
- Clause 45** Provides for amendments to section 12 (*Post-compulsory schooling*) consequential upon the change from “post-compulsory” to “senior secondary” at clause 44.
- Clause 46** Provides for an amendment to section 19 (*Minister to have access to information*) in relation to the definition of “information” for the purposes of that section.

Part 3A – Student records

- Clause 47** Provides for the insertion of an extensive new Part 3A, dealing with the establishment of a database that will hold information on the participation and achievement, subject to regulation, of children from their 8th to 12th years of the compulsory period.
- Proposed section 19A** Provides for the definition of terms that apply in proposed new Part3A.
- Proposed section 19B** Provides for “overseas students” in relation to the opening of a student record. A record shall not be opened unless the overseas student consents.

Proposed section 19C Provides for when a student record must be opened at the Curriculum Council and by whom. A record must be opened in the 8th year. Generally, the school principal will open the record. In the case of an exempt child or a child receiving home education, the chief executive officer referred to in section 229 of the SE Act will open the record.

Proposed section 19D Provides that if the Council receives information from a provider that a record has not yet been opened for a student, the Council may request the provider to open one. A penalty is attached if the provider does not comply with such request.

Proposed section 19E Provides that a student record is opened through the provision of the information specified in this section.

Proposed section 19F Provides for the notification of changes and corrections to a student record after it has been opened.

Clause 19F(1) provides for the definition of terms to be used in this section.

Clause 19F(2) provides that when a child moves from a school to another school or to one of the options permissible in Subdivision 1A, the new provider must inform the Council, in accordance with proposed section 19H (below).

Clause 19F(3) provides that where a student is enrolled with or becomes employed by a provider other than as mentioned in 19F(2) above, the provider is to inform the Council in accordance with 19H (below).

Clause 19F(4) provides that a provider must give the Council new and correct information if that provider becomes aware that the information held by the Council has changed or is incorrect.

Clause 19F(5) provides that where a student ceases to be enrolled or employed, the provider is to inform the Council of the cessation and when it occurred.

Proposed section 19G Provides for the keeping of information by the Council of the achievements of children, as prescribed by regulation.

Proposed section 19H Proposes the inclusion of further provisions relating to information.

Clause 19H(1) relates to the form and means of providing information.

Clause 19H(2) provides for any further requirements that might be specified in regulations, related to the form, means and times for providing information.

Clause 19H(3) is included to allow the Curriculum Council not to have to conduct quality assurance on all the information provided. This does not compromise in any way the Council's rigorous quality assurance of achievement information related to senior secondary studies that lead to the WA Certificate of Education and which is used in the calculation of a Tertiary Entrance Rank (TER).

Proposed section 19I Provides for the maintenance of a database of student records, what this database may contain, and for what Council-related purposes the information may be used.

Proposed section 19J Relates to the provision of a copy of a particular student record. It says that a student record may only be provided to the student concerned or to a person authorised in writing by the student concerned. This accords with the current practice of the Council.

Proposed section 19K	Provides that the Council may disclose information it has in a student record to a provider for the purpose of checking the accuracy of the information.
Proposed section 19L	Provides that the Minister may request information from the database, in aggregated form, for planning purposes.
Proposed section 19M	Relates to the provision by the Council of information to the Minister for the purpose of monitoring and assisting the compliance and participation requirements of the (amended) School Education Act.
Proposed section 19N	<p>Provides for the disclosure to others of information obtained by the Minister under proposed section 19M.</p> <p>Clause 19N(3) states specifically that such disclosure may only be for a purpose specified in 19M(5).</p> <p>19M(5)(a) states that one such purpose is “monitoring or investigating compliance with section 9 of the School Education Act or assisting or securing such compliance”</p> <p>19M(5)(b) states three further purposes:</p> <ul style="list-style-type: none"> • Identifying children in the 11th and 12th years of the compulsory period who are not engaged full-time • Giving such children information about what options are available to them • Encouraging and helping parents in relation to their children’s participation. <p>19N(4) provides for the protection of the information disclosed by the Minister (a significant penalty is attached).</p>

- Proposed section 19O** Provides for ministerial delegations in relation to proposed sections 19L, 19M and 19N.
- Proposed section 19P** Provides for the provision of aggregated information, as prescribed in regulation, to the Director of Catholic Education and to AISWA.
- Clause 48** Provides for an amendment to section 32 (*Confidentiality*). The proposed insertion of new subsection 32(3) extends the range of persons to whom the confidentiality provision at section 32(1) already applies.
- Clause 49** Provides that the Minister is to consult with the Director of Catholic Education and AISWA before the Minister recommends the making or amendment of a regulation for the purposes of proposed sections 19E(c), 19G, 19H(2) or 19P.