

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to transfer to the Education Act 1990, and to amend, provisions that are currently contained in the regulations under that Act relating to the prohibition on the public release of school results (including results of national basic skills testing and of School and Higher School Certificate examinations) that disclose the results of particular students or rank particular schools. The amendments will authorise the State to provide school results to the Commonwealth or an authority established by the Commonwealth in accordance with any national agreement to which NSW is a party and for the publication of results relating to particular schools in accordance with any such agreement.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Explanatory note page 2

Education Amendment (Publication of School Results) Bill 2009

Explanatory note

Schedule 1 Amendment of Education Act 1990 No 8

Schedule 1 [1] substitutes section 18A. The substituted section sets out provisions relating to the publication of school results rather than authorising regulations on the matter. The substituted section authorises the provision by the State of school results to the Commonwealth or a Commonwealth authority (such as the proposed Australian Curriculum, Assessment and Reporting Authority) in accordance with an agreement between the Commonwealth and the State. The prohibition on the ranking of schools is transferred to new section 18A, subject to any publication of school results authorised by the Commonwealth/State agreement. The provisions transferred from the regulations also preserve the existing prohibition on the publication of results of particular students, except publication to the students or their parents, to relevant school principals or as approved by the Board of Studies in relation to students who have achieved outstanding results. The new provisions apply despite any other Act or law or decision of any tribunal.

Schedule 1 [2] enables regulations of a savings or transitional nature to be made consequent on the enactment of the proposed Act.

Schedule 1 [3] enacts the following savings and transitional provisions:

(a) provision to ensure that the new arrangements for publication of school results extend to school results for testing, examinations or assessments held before the commencement of the proposed Act,

(b) provision to preserve an existing freedom of information exemption about school results pending the replacement of the Freedom of Information Act by the proposed Government Information (Public Access) Act 2009,

(c) provision to terminate the effect of provisions in the Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2009 that relate to the application of 1997 protocols concerning the publication of school results and the negotiation of changes to those protocols.

Schedule 2 Amendment of Education Regulation

2007

Schedule 2 repeals clause 4 that contains the provisions authorised by current section 18A of the Act relating to the prohibition of the publication of school results as a consequence of the transfer of provisions on the matter to section 18A by Schedule 1 [1].