

**Department of Education, Training and Employment response to submissions received on Education (Queensland Curriculum and Assessment Authority) Bill 2013**

	<b>Submission</b>	<b>Support</b>	<b>Issues Raised</b>	<b>Departmental response</b>
<b>1</b>	Australian Skills Quality Authority (ASQA)	<b>Yes</b>	No issues raised. Supports the inclusion of clause 19 for the Queensland Curriculum and Assessment Authority to accept a delegation from ASQA for certain vocational education and training functions.	
<b>2</b>	Mrs Merilyn (Lyn) Carter	<b>Yes subject to comments</b>	<p>The provision of data, resources and information to schools and teachers on National Assessment Program Literacy and Numeracy (NAPLAN) testing must be maintained.</p> <p>For example, the Queensland Studies Authority provides the raw data in an electronic form to enable schools to analyse the data in any way they choose. It also provides a NAPLAN Test Reporting Handbook to schools and the annual NAPLAN question analysis.</p>	<p>Section 10A of the <i>Education (Queensland Studies Authority) Act 2002</i> sets out a number of statutory functions relating to common national tests i.e. NAPLAN. These functions are continued under clause 13 of the Bill.</p> <p>This includes the Queensland Curriculum and Assessment Authority (QCAA) providing individual test results of each student undertaking the test to the principal of the school at which the student is enrolled; and analysing systemic information about the performance of persons who undertake the tests.</p> <p>It is expected that the QCAA will continue to provide a similar level of data and resource to Queensland schools.</p>

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			<p>A similar level of data, information and resources should continue to be provided if these NAPLAN reporting and analysis functions were to be privatised.</p>	<p>As noted above, clause 13 of the Bill specifically provides the authority with the function to provide individual test results and the analysis of systemic information on test performance to principals.</p> <p>This function is a continuation of the function of the Queensland Studies Authority under section 10A of the QSA Act.</p> <p>If the QCAA delegated the exercise of its functions to an appropriately qualified entity, the QCAA would still be ultimately responsible for the exercise of these functions.</p>
<b>3</b>	Independent Schools Queensland (ISQ)	<b>Yes</b>	<p>The Bill prescribes under clause 12 that the QCAA may provide support to schools and approved providers of education and care services in implementing syllabuses.</p> <p>While consideration could be given to including provisions in the Bill which make it clear that the QCAA must consult with schooling sectors in the development and delivery of support services under clause 12, ISQ is confident that through the governance arrangements, the Authority will work closely with schools</p>	<p>As acknowledged in ISQ's submission, the inclusion of schooling sector nominees in the membership of the QCAA will ensure that the needs and requirements of schooling sectors are taken into account in the exercise of the QCAA function to support schools and providers of education and care service in implementing syllabuses, kindergarten guidelines and the Australian Curriculum.</p>

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			<p>Clause 73 currently limits the granting of license to the State in relation to intellectual property held by the QCAA.</p> <p>The Bill could provide the Minister with power to grant a licence to use intellectual property of the QCAA to entities other than the State, or could make it clear that the State may subsequently grant a licence to an entity other than the State.</p>	<p>Clause 73 enables the Minister to give the QCAA a written direction about a product containing intellectual property held by, or licenced, to the QCAA or a service about such a product.</p> <p>The Bill does not need to be amended as clause 73 does not prevent the QCAA from granting a licence to use its intellectual property to entities other than the State. Subsection (2) merely clarifies that the Ministerial direction <i>may</i> be that a licence be granted to the State and not to any other entity. It is discretionary. The Ministerial direction will determine who a licence can or cannot be granted to.</p>
			<p>Consider clarifying the interaction of the <i>Education (Accreditation of Non-State Schools) Act 2002</i> and the curriculum provisions of the Bill.</p>	<p>Currently, section 7 of the <i>Education (Accreditation of Non-State Schools) Regulation 2002</i> (ANSS Regulation) provides that an accredited school must have an educational program that enables students to at least achieve the Queensland standards of learning. Queensland standards of learning are defined as the standards of learning stated in an <i>approved syllabus</i> under the QSA Act.</p> <p>The Bill does not provide for the QCAA to approve syllabuses. As such, a consequential amendment is required to ANSS Regulation. This amendment will be progressed as part of the making of Education (Queensland Curriculum and Assessment) Authority Regulation.</p>

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			<p>The inclusion of a process whereby curriculum other than the Australian Curriculum, or syllabuses developed or purchased by the Queensland Curriculum and Assessment Authority (QCAA), may be recognised as allowing comparable outcomes to the Australian Curriculum.</p> <p>The provision for such a process, either in the Bill or the ANSS Act, would be relevant to ensuring that choice and diversity is available to non-state schools in the provision of their educational programs.</p>	<p>The majority of non-state schools offer a curriculum developed by the QSA or the Australian Curriculum. However, a non-state school may offer subjects not covered by a QSA syllabus or the Australian Curriculum.</p> <p>As mentioned above, section 7 of the ANSS Regulation provides that an accredited school must have an educational program that enables students to at least achieve the Queensland standards of learning.</p> <p>The Bill does not provide for the QCAA to approve syllabuses as this function is no longer required. This was a function of the QSA as section 23 of the <i>Education (General Provisions) Act 2006</i> provides that a State instructional institution may only implement a QSA approved or accredited syllabus or a vocational education and training (VET) course for a registered training organisation.</p> <p>As curriculum requirements for state schools are already determined as a matter of departmental policy section 23 is omitted by the Bill and the provisions requiring a syllabus to be approved or accredited are omitted from the QSA Act.</p> <p>As this is a non-state school issue only, i.e. the ANSS Regulation requires an accredited school to have an educational program that enables students</p>

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				<p>to at least achieve the Queensland standards of learning, the appropriate place for such a process is the ANSS Regulation.</p> <p>Consequential amendments to the ANSS Regulation will be progressed as part of the making of Education (Queensland Curriculum and Assessment) Authority Regulation. The non-state school peak bodies, including the ISQ will be consulted during the drafting of the consequential amendments.</p>
4	Griffith University		The objects of the Bill should include the development of syllabuses, and to provide implementation guidelines and resources for the Australian Curriculum and other subject areas.	<p>The objects of the Bill are not intended to specify all the functions of the QCAA but are broad statements of the objectives of the Bill. The functions of the QCAA are outlined in Part 2, Division 2 of the Bill and include the development of syllabuses (clauses 9 and 10) and supporting schools and approved providers of education and care services in implementing QCAA syllabuses and the Australian curriculum.</p> <p>The object in clause 3(a) “to help schools to achieve quality learning outcomes for their students” covers syllabus development and supporting implementation</p>
			It is difficult to relate the stated object “to maintain public confidence in certificates of achievement and	This object relates directly to the exercise of the QCAA’s certification function (clause 15), as well as a range of additional functions relating to the

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			statements of results developed and administered by the authority” to the role of the QCAA and the content of what is taught in schools.	assessment and recording of student achievement for inclusion in certificates of achievement and statements of results. This includes testing (clause 13), moderation (clause 14) and student accounts (clause 16).
			The Bill should include a definition of “work programs”.	The key aspects of work programs are included in clause 15(1)(c), i.e. work programs are developed by schools for school subjects that are certification studies. The term work program is well understood in Queensland schools and has been operating under the QSA Act since its initial commencement in 2002. As such, a further statutory definition is not considered necessary.
			Schools in remote, rural and/or low socio-economic environments may not have equal access to products or services to support the implementation of syllabuses, kindergarten guidelines or the Australian Curriculum. Making products available does not equate to ensuring equity of access for all schooling contexts.	The QCAA has a statutory function to support schools in implementing syllabuses, kindergarten guidelines and the Australian Curriculum (clause 15). This will require the QCAA to take account of whether support is being provided to rural, remote and low socio-economic schools in an accessible manner.
<b>5</b>	Queensland Teachers’ Union / Independent Education Union (Queensland and Northern	<b>Qualified support</b>	The QCAA should retain a role in syllabus development for Australian Curriculum subjects in Years P-10.	The QCAA is responsible for the development of senior syllabus documents (Years 11-12), which will align curriculum content, standards of achievement and assessment processes as a

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	Territory Branch)			<p>basis for senior certification and tertiary entrance ranking.</p> <p>The policy intent is that Queensland schools will access Australian Curriculum content and achievement standards for Years P-10, with school authorities able to determine their own assessment processes.</p> <p>This approach has been supported in consultation with the three Queensland schooling sectors.</p>
			It is essential that Australian Curriculum resource materials continue to be provided and that these resources be developed for subjects yet to be implemented.	Whilst the QCAA will not have a syllabus development role for Years P-10 subjects covered by the Australian Curriculum, it does have a specific function to support schools in the implementation of the Australian Curriculum. This includes the implementation of P-10 Australian Curriculum subjects.
			Strong concern with the inclusion of a specific function under which the QCAA may commercially exploit a product or service developed by it or licenced to it. The intellectual property of teachers who contribute to support materials should not be commercially exploited for profit. Commercialisation of products such as professional development will lead to an increase in costs for schools accessing these	<p>This provision is intended to clarify the commercialisation powers of the QCAA, and does not carry any expectation regarding the level of user charges that will apply to schools.</p> <p>Section 18 of the QSA Act already enables the QSA to fix charges for services it provides, and a similar power is included in the Bill. The nature and extent of these charges will continue to be a matter for determination by the QCAA.</p>

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			services.	<p>The QSA currently provides a range of full day and half day syllabus implementation workshops on a fee for service basis.</p> <p>This commercialisation function is to facilitate a broad range of activities, including the licenced use of QCAA material in third-party publications, and the provision of QCAA products and services to overseas recognised schools.</p>
			The QCAA should ensure that test markers are proficient and experienced, and should continue to utilise the services of teachers.	<p>The Bill, like section 67A of the QSA Act, includes specific provision of the employment of casual staff (clause 41). This will support the continued engagement of test markers.</p> <p>The Bill transitions casual staff employed immediately before commencement under section 69A of the QSA Act to be employed on the same terms and conditions on which the person was employed by the QSA. These casual staff are teachers.</p>
			Concern that school resources and budgets will be negatively impacted if schools are required to utilise private providers to access professional development in new syllabuses and guidelines.	The Bill provides QCAA with a clear function to support schools in implementing syllabuses, kindergarten guidelines and the Australian Curriculum, and provides that this function may be performed by the QCAA developing resources and services for the professional development of teachers.



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				The nature and extent of professional development services provided will be a matter for determination by the QCAA, taking account of individual school authority requirements, available resources and priorities outlined in the Ministerial statement of expectations.
			Oppose the formation of a governing body with no direct representation from teachers, principals, teacher unions and parents.	The Government has determined that a streamlined seven member governing body, with members selected on the basis of relevant expertise, will support effective corporate governance and clear strategic direction.
			While there will be a continuation of committees, with representatives from a range of stakeholder groups, there are no representatives from the key teachers unions that have coverage of members in state and non-state schools. It is essential the Authority receives advice from current classroom practitioners with relevant experience and expertise.	The establishment and composition of committees will be a matter for determination by the QCAA.
			It is noted that future provision has already been made for the assessment of year 11 and 12 students by external senior examinations. It is disappointing that the government has pre-empted the outcome of the	The Bill does not specifically include a provision for external senior examinations but includes a general function for the QCAA to develop and administer tests prescribed by regulation (clause 13). A similar testing function currently operates under section 10 of the QSA Act. This may apply to

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			<p>Australian Council for Educational Research review.</p>	<p>a range of testing instruments, including the existing Queensland Core Skills Test.</p> <p>Accordingly, the Bill does not pre-empt the outcome of the ACER review of senior assessment and tertiary entrance processes.</p>
			<p>Concern that the provision of OP rankings for overseas students will have negative consequences for domestic students. Seeking assurance from the Minister that the number of university places offered to domestic students will not be decreased in order to allow for greater numbers of overseas enrolments.</p>	<p>The Bill will enable the QCAA to exercise its testing and tertiary entrance functions in relation to recognised schools – international schools that are authorised to use Queensland senior syllabuses.</p> <p>The policy intent is that the QCAA may, in appropriate circumstances, allow international students attending recognised schools to sit the Queensland Core Skills Test and gain an Overall Position (OP) <u>Equivalent</u> ranking.</p> <p>The OP Equivalent is currently available to international students studying in Queensland secondary schools on an overseas visa, if they meet the educational requirements for an OP, including completing the required subjects and sitting the Queensland Core Skills Test.</p> <p>The OP Equivalent provides an estimate of the international student’s achievement against Queensland students who receive an OP. However, international students receiving an OP Equivalent are <u>not</u> included in the number of</p>

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				<p>Queensland students allocated to each of the OP bands. They do <u>not</u> compete with Queensland students for an OP ranking.</p> <p>The Queensland Government does not determine the number of Queensland university places that are offered to domestic and international students. This is a matter for determination by individual tertiary institutions.</p>
			The expectations outlined in the statement of expectations must be realistic, achievable and sufficiently resourced, particularly given the budget and staffing cuts imposed on the QCAA.	The Bill provides for the Minister to issue a statement of expectations to the QCAA stating the Minister's expectations for the performance of the authority of its functions (clause 74). The Bill provides that the statement of expectations may include provision about the key priorities for the authority. In determining the key priorities consideration will need to be given to the resources of the QCAA.
<b>6</b>	Together	<b>Qualified support</b>	It is important that any new proposal continue the existing flexibility in syllabus implementation that allows remote schools and those with small subject enrolments to offer subjects in various modes such as distance education or composite classes	Similar to the QSA Act, the Bill does not determine how schools are to deliver syllabus. School authorities will continue to have flexibility in determining how their educational programs are structured and delivered.
			Concern with sections of the Bill which give the new authority, under direction	This provision is intended to clarify the commercialisation powers of the QCAA, and does

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			<p>from the Minister, the power to develop and sell products to end users in schools.</p>	<p>not carry any expectation regarding the level of user charges that will apply to schools.</p> <p>Refer to the response to similar concerns raised by the Queensland Teachers' Union / Independent Education Union (Queensland and Northern Territory Branch).</p>
			<p>There is a great risk in contracting out the development of materials to profit-driven external parties.</p>	<p>The Bill provides that the QCAA may purchase and revise syllabuses and tests developed by another entity.</p> <p>A similar power to purchase syllabuses, preparatory guidelines or kindergarten guidelines developed by another entity is included in section 9 of the QSA Act.</p> <p>The inclusion of a power to purchase syllabuses and tests developed by other entities would enable the QCAA to utilise syllabus or testing products developed by curriculum authorities in other Australian jurisdictions, as well private providers. This is considered to be appropriate in an environment where all jurisdictions are committed to the implementation of a common Australian Curriculum.</p> <p>The QCAA would continue to be accountable for the effective operation of any syllabus or testing products, whether developed by the QCAA or</p>

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				purchased from another entity.
			Concern with statements in the Minister's introductory speech that ongoing support could be provided on a user-pays basis. Together members cannot support a system that charges schools and students for access to core syllabus and curriculum materials.	<p>This commercialisation function is to facilitate a broad range of activities, including the licenced use of QCAA material in third-party publications, and the provision of QCAA products and services to overseas recognised schools.</p> <p>The QSA currently provides a range of full day and half day syllabus implementation workshops on a fee for service basis. It does not charge for core syllabus and curriculum materials and there is no expectation that the QCAA would change this practice by charging for these.</p> <p>Refer to the response to similar concerns raised by the Queensland Teachers' Union / Independent Education Union (Queensland and Northern Territory Branch).</p>
			It is disappointing the Bill has pre-empted the outcome of the ACER review of tertiary entrance procedures. Together supports the existing system of school-based, externally moderated, criterion-based, standards-references assessment.	<p>The Bill does not specifically include a provision for external senior examinations but includes a general function for the QCAA to develop and administer tests prescribed by regulation (clause 13).</p> <p>A similar testing function currently operates under section 10 of the QSA Act. This may apply to a range of testing instruments, including the existing Queensland Core Skills Test.</p>

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				Accordingly, the Bill does not pre-empt the outcome of the ACER review of senior assessment and tertiary entrance processes.
<b>7</b>	Non-State Schools Accreditation Board	<b>Yes, subject to comments</b>	The Board proposes that the QCAA retain the function to accredit Years P - 12 syllabuses which have been developed by entities other than the QCAA.	<p>The Department does not consider that a QCAA syllabus accreditation function is required. As acknowledged in the Board's submission, the QSA's syllabus accreditation function has not been widely utilised, with only one syllabus accredited to date.</p> <p>Currently state schools are limited to implementing syllabuses approved or accredited by the QSA (s.23 of the <i>Education (General Provisions) Act 2006</i>). A key original intent of the accreditation function was that the QSA could accredit syllabus documents developed by other entities, including the Department at the request of the Minister under section 22 of the <i>Education (General Provisions) Act 2006</i> (EGPA).</p> <p>The Bill will remove the requirement for state schools to use only syllabuses approved or accredited by the QSA. The Bill will remove section 22 of the EGPA as it is no longer intended that the Minister will duplicate the syllabus development role of state and national curriculum bodies.</p> <p>Accordingly, there is no longer a need for the syllabus development body to have an</p>

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				accreditation function.
			<p>The Board notes that Australian Curriculum and Assessment Authority (ACARA) is currently responsible for determining whether an alternative curriculum framework meets the requirements of the Australian Curriculum. This process will, however, only cover learning areas across year levels for which ACARA has developed and approved an Australian Curriculum.</p> <p>In this environment, the Board considers that allowing other entities to develop syllabuses, and /or courses seeking credit towards a Queensland Certificate of Education (QCE), may be necessary.</p>	<p>As noted by the Board, the ACARA alternative curriculum recognition process will recognise alternative curriculum frameworks that will allow students to meet educational outcomes that are comparable to the Australian Curriculum.</p> <p>ACARA has stated that the Australian Curriculum will cover all key learning areas outlined in the Melbourne Declaration on Educational Goals for Young Australians from the Foundation Year (equivalent to Queensland Preparatory Year) to Year 12.</p> <p>Given the broad intended coverage of the Australian Curriculum, the Department does not consider that a further State syllabus accreditation process is also required.</p> <p>A wide range of private developers of educational have sought recognition for their programs to be included as part of the QCE. The QCAA, like the QSA, will be responsible for determining whether an educational program is eligible to be recognised as part of the QCE. This process does not require the syllabus to be accredited.</p>
			The Board considers it should not be required to act as an evaluator of curriculum comparability in the event	Non-state school accreditation certificates issued under the <i>Education (Accreditation of Non-State Schools) Act 2001</i> (the ANSS Act) lists a number

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			<p>that a non-State school governing body submits a privately-developed curriculum to the Board for approval as a school's curriculum model.</p>	<p>of accreditation attributes. These attributes include the curriculum model the school is to follow (as per section 16(3)(c) of the ANSS Act).</p> <p>The current ANSS Act does not require the Non-State Schools Accreditation Board to make a determination on the appropriateness of a curriculum model listed on a non-state school's certificate of accreditation.</p> <p>As noted above, accreditation decisions relating to non-state school's educational program are based on section 7 of ANSS Regulation.</p> <p>Consequential amendments to the ANSS Regulation will be progressed as part of the making of Education (Queensland Curriculum and Assessment) Authority Regulation. The Non-State Schools Accreditation Board will be consulted during the drafting of the consequential amendments.</p>
			<p>The Board recommends making it mandatory for all schools (including those that provide distance education) to offer an educational program that leads towards the issuing of a QCE or another certificate of achievement that is recognised as an equivalent qualification.</p>	<p>As noted above, non-state schools are currently required to satisfy the educational program accreditation criteria set out in section 7 of the ANSS Regulation. Beyond this, the Department considers that the range of curriculum offerings provided by Queensland schools is a matter for determination by individual schools and school authorities.</p>



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			The QCAA's obligations to conduct investigations should be accompanied by specific investigatory powers, including the appointment of suitably qualified individuals as its agents with sufficient powers (e.g. the right to require a school's governing body to give information or produce documents).	<p>Clause 71 of the Bill enables the Minister to refer a matter relevant to the authority's functions to the authority for investigation. This provision is intended to cover the full range of functional responsibilities of the QCAA and is not specifically intended to cover the administration of QSA processes within schools.</p> <p>There are some instances in which the QSA may refer potential issues with the administration of testing or assessment processes to school authorities for further investigation, e.g. investigation of anomalies revealed as part of sample-based statistical verification process associated with senior assessment results. It is intended that a similar approach will be adopted by the QCAA. The Bill does not need to be amended to enable this to occur.</p>
			The QCAA should be expressly authorised to share information with the Board.	Clause 19(e) of the Bill enables the QCAA to provide information obtained in the performance of its functions to the State or an entity of the State, This would include the provision of information to the Board.
8	Australian Family Association	<b>Issues with P-10 assessment</b>	In light of recommendations outlined in the Parliamentary Committee inquiry report into senior assessment in mathematics, chemistry and physics subjects, the QCAA Bill should be	The QSA currently provides a range of Years P-10 assessment guidelines and resources which available for use by Queensland schools. However, these guidelines and resources do not form part of an approved QSA syllabus, and their

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			amended to allow all Queensland schools to determine their own assessment methods for Years P-10 Australian Curriculum subjects from 1 January 2014.	use is a matter for consideration by individual schools and school authorities. As schools currently determine their own assessment methods for Years P – 10 an amendment to the Bill is not necessary.
<b>9</b>	University of Queensland	<b>Qualified support</b>	The proposed legislation removes the requirement for universities and the Queensland Tertiary Admissions Centre (QTAC) to be consulted regarding tertiary entrance matters.	<p>Consistent with other functional responsibilities administered by the QCAA, stakeholder engagement in tertiary entrance processes will be accommodated through the establishment of committees by the governing body.</p> <p>Clause 13 of the Bill requires that processes for use in the ranking of students as a basis for tertiary entrance are to be developed in consultation with the Minister. It would generally be expected that the Minister would require assurance that the development of these processes has involved an appropriate level of stakeholder consultation.</p>
			Unlike the QSA, the proposed new governing body no longer includes a specific higher education representative.	As noted above, the Government has determined that a streamlined seven member governing body, with members selected on the basis of relevant expertise, will support effective corporate governance and clear strategic direction.