

**EDUCATION (AMENDMENT) ACT.**

**New South Wales**



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 55, 1975.**

**An Act to make further provisions relating to the grant of higher school certificates; for this and other purposes to amend the Education Act, 1961; and for purposes connected therewith. [Assented to, 9th October, 1975.]**

**BE**

*Education (Amendment).*

**No. 55, 1975** **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.** **1.** This Act may be cited as the "Education (Amendment) Act, 1975".

**Commencement.** **2.** (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall commence on 1st January, 1976.

**Principal Act.** **3.** The Education Act, 1961, is, in this Act, referred to as the Principal Act.

**Amendment of Act No. 47, 1961. Sec. 10A.** **4.** The Principal Act is amended by inserting after section 10 the following section:—

**Illness or misadventure.** **10A.** (1) In this section—

"Board" means the Board of Senior School Studies;

"examination" means an examination in the Higher School Certificate Examination held in 1975 or in any subsequent year.

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(2) Where the Board is satisfied that a candidate for the higher school certificate was unable, by reason of illness or misadventure, to attempt an examination, the Board may direct that he shall be treated, for the purposes of this Act, as having—

- (a) made an attempt at that examination; and
- (b) attained at that attempt a standard determined by the Board and specified in the direction.

(3) Where the Board is satisfied that the attempt made by a candidate for the higher school certificate at an examination was seriously affected by illness or misadventure, the Board may direct that he shall be treated, for the purposes of this Act, as having attained at that attempt a standard determined by the Board and specified in the direction.

(4) In determining a standard for the purposes of a direction under this section, the Board shall have regard to such evidence relating to the candidate's participation in the course of study to which the examination related as is available to the Board.

(5) The Board shall not give a direction under this section except on application that is made to it within such period as—

- (a) in the case of an examination held in 1975—the Minister approves; or
- (b) in the case of an examination held in any subsequent year—is prescribed by rules made under section 10B,

and that is supported by evidence acceptable to the Board.

(6) A direction under this section has effect according to its tenor.

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No. 55, 1975 **5.** The Principal Act, as amended by section 4, is amended—

Further  
amend-  
ment of  
Act No.  
47, 1961.

Sec. 5.  
(School  
and  
higher  
school  
certificates.)

(a) (i) by omitting section 5 (3) and by inserting instead the following subsections :—

(3) Higher school certificates shall be granted on the recommendation of the Board of Senior School Studies to—

(a) pupils who—

- (i) have been granted school certificates or have attained such qualifications as the Board considers are satisfactory ;
- (ii) have attended for a period of at least two years, or, where the Board in special circumstances so approves, for a period of at least one year, a secondary or composite school, or a school registered as prescribed under this Act, subsequent to the grant of their school certificates or attainment of the qualifications referred to in subparagraph (i) ;
- (iii) have participated at that school in courses of studies deemed by the Board to be appropriate in relation to the grant of higher school certificates ; and

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(iv) have been accepted by the Board as having been assessed, in accordance with rules made under section 10B, as having satisfactorily completed those courses of studies; or

**(b) pupils who—**

(i) have been granted school certificates or have attained such qualifications as the Board considers are satisfactory;

(ii) have not attended for the required period a school referred to in paragraph (a), but have attended some other school subsequent to the grant of their school certificates or attainment of the qualifications referred to in subparagraph (i);

(iii) have participated at that or any other school in courses of studies deemed by the Board to be appropriate in relation to the grant of higher school certificates; and

(iv) have been accepted by the Board as having satisfactorily completed those courses of studies,

and

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and who—

- (c) have attempted the Higher School Certificate Examination in the examinations relating to such courses of studies as satisfy the requirements of rules made in pursuance of section 10B (a); and
- (d) have complied with—
  - (i) such requirements as may be prescribed by the regulations;
  - (ii) such requirements as may be imposed by the Minister; and
  - (iii) such other requirements as may be imposed by the Board by rules made under section 10B.

(3A) An attempt made by a candidate in an examination shall be treated, for the purposes of this Act, as not having been made if—

- (a) the attempt is of a kind prescribed, for the purposes of this paragraph, by the rules made under section 10B; or
- (b) the Board of Senior School Studies (being satisfied that the attempt, although not of a kind referred to in paragraph (a), was so inadequate as to warrant the giving of a direction under this paragraph) directs that the attempt be so treated.

(ii)

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- (ii) by omitting from section 5 (4) the matter No. 55, 1975 "paragraph (b) of subsection (3)" and by inserting instead the matter "subsection (3) (a) or (b)";
- (iii) by omitting from section 5 (5) (b) the words "sat for" and by inserting instead the word "attempted";
- (b) by inserting in section 10 (1) (c) after the word "determine" the words "or approve"; Sec. 10.  
(Functions and duties of Board of Senior School Studies.)
- (c) by inserting after section 10A the following Sec. 10B. section :—
- 10B. The Board of Senior School Studies may Rules relating to grant of higher school certificates. make rules, not inconsistent with this Act or the regulations, or any by-laws made by it under section 20, for or with respect to any matter that by this Act is required or permitted to be prescribed by rules made under this section and, in particular, for or with respect to—
- (a) the number and combination of courses of studies that are to be undertaken by candidates for higher school certificates;
  - (b) the manner of assessing whether courses of studies have been satisfactorily completed by pupils referred to in section 5 (3) (a);
  - (c) the manner of assessing the standards at which those courses were completed and at which examinations relating to those courses were attempted; and
  - (d) any other requirements to be complied with by candidates for higher school certificates.

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 Transitional provision.

6. The Principal Act shall, after the commencement of section 5, apply to and in respect of the grant of higher school certificates consequent on the holding of the Higher School Certificate Examination for the year 1975, or any previous year, as if section 5 had not been enacted.

Further amendment of Act No. 47, 1961.

7. Each provision of the Principal Act specified in Column 1 of the Schedule is amended in the manner specified opposite that provision in Column 2 of the Schedule.

Sec. 7.

## SCHEDULE.

## AMENDMENT OF THE PRINCIPAL ACT.

Column 1.	Column 2.
Provision of Principal Act.	Amendment.
Long title .. ..	Omit “, as amended by subsequent Acts”.
Section 1 .. ..	Omit subsection (2).
Section 2 .. ..	(a) Omit “, AS AMENDED BY SUBSEQUENT ACTS”; (b) Omit the matter relating to Division 1 of Part IV.
Section 3 (2) .. ..	Omit “, as amended by subsequent Acts”.
Heading to Part II .. ..	Omit “, AS AMENDED BY SUBSEQUENT ACTS”.
Section 4 (1) .. ..	Omit “, as amended by subsequent Acts”.
Section 5 (5) (a) .. ..	Omit “paragraph (a) or (b) of subsection (2)”, insert instead “subsection (2) (a) or (b)”.
Part IV .. ..	Omit Division 1.
Section 7 (2) (k) .. ..	Omit “, as amended by subsequent Acts”.
Section 7 (5) .. ..	Omit “paragraph (a) of subsection (2)”, insert instead “subsection (2) (a)”.
Section 7 (5) (a) .. ..	Omit “constituted under section 16 of the Higher Education Act, 1969”.
Section 7 (5) (b) .. ..	Omit “so constituted”.
Section 8A (1) (a) .. ..	Omit “paragraph (a) of subsection (2) of section 5”, insert instead “section 5 (2) (a)”.
Section 9 (3) .. ..	(a) Omit “paragraph (b) of subsection (2)”, insert instead “subsection (2) (b)”; (b) Omit “paragraph (c) of subsection (2)”, insert instead “subsection (2) (c)”.

SCHEDULE



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SCHEDULE— <i>continued.</i>		No. 55, 1975
Column 1.	Column 2.	
Provision of Principal Act.	Amendment.	
Section 9 (5) .. ..	Omit "paragraph (a) of subsection (2)", insert instead "subsection (2) (a)".	
Section 9 (5) (a) .. ..	Omit "constituted under section 16 of the Higher Education Act, 1969".	
Section 9 (5) (b) .. ..	Omit "so constituted".	
Section 12 .. ..	(a) Omit "subsection (2) of section 7", insert instead "section 7 (2)"; (b) Omit "subsection (2) of section 9", insert instead "section 9 (2)".	
Section 19 .. ..	(a) Omit "or any Act amending that Act,"; (b) Omit "any such Act", insert instead "that Act".	
Section 20 .. ..	Omit subsection (2), insert instead the following subsections:— (2) A by-law made under this section shall be submitted to the Governor for his approval. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this section and approved by the Governor as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
Section 21 (1A) .. ..	Omit "subsection (5) of section 7 or subsection (5) of section 9", insert instead "section 7 (5) or section 9 (5)".	
Section 21 .. ..	Omit subsection (2), insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	