

TASMANIA

**EDUCATION AMENDMENT (PUBLICATION
OF SCHOOL RESULTS) BILL 2009**

CONTENTS

1. Short Title
2. Commencement
3. Principal Act
4. Act to Bind Crown
5. Amendment to Principal Act - Interpretation
6. New Section 33A inserted

[Bill No. 52]

(blank for printing purposes)

EDUCATION AMENDMENT (PUBLICATION OF SCHOOL RESULTS) BILL 2009

(Brought in by Nicholas James McKim MP)

A BILL FOR

An Act to prohibit the publication of Tasmania's school results in a way that ranks or otherwise compares the results of particular schools.

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short Title

This Act may be cited as the *Education Amendment (Publication of School Results) Act 2009*.

2. Commencement

This Act commences on the day on which it receives the Royal Assent.

3. Principal Act

In this Act, the *Education Act 1994* is referred to as the Principal Act.*

4. Act to bind Crown

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

* No. 86 of 1994

5. Amendment to Principal Act - Interpretation

Section 3 of the Principal Act is amended by:

(1) inserting the following definition after the definition of “relevant record”-

“*relevant national agreement*” means an agreement between the State and the Commonwealth that gives effect to a national protocol or arrangement for the provision and publication of school results.

(2) inserting the following definition after the definition of “school association” -

“*school results*” means the following results (whether they are the results of individuals or of schools or any other results):

- (a) results of national basic skills testing (including testing under section 18),
- (b) results of school examinations and related assessments,
- (c) results of annual or other periodic assessments of the academic performance of students contained in reports to parents on student achievement.

The regulations may determine whether particular results are or are not results referred to in paragraphs (a)–(c).

6. New Section 33A inserted (Publication of School Results)

Insert new Section 33A below:

Publication of School Results

33A (1) School results may, in accordance with a relevant national agreement, be provided by the State to the Commonwealth or to an authority established by the Commonwealth.

(2) School results must not be publicly revealed in a way that ranks or otherwise compares the results of particular schools, except as authorised by or under a relevant national agreement.

(3) A person must not, in a newspaper or other document that is publicly available in this State:

(a) publish any ranking or other comparison of particular schools according to school results, except with the permission of the principals of the schools involved, or

(b) identify a school as being in a percentile of less than 90 per cent in relation to school results, except with the permission of the principal of the school.

Maximum penalty: 50 penalty units in the case of an individual and 500 penalty units in any other case.

(4) Nothing in subsection (3) prohibits:

(a) anything authorised to be done by or under a relevant national agreement, or

(b) the publication of the ranking of the schools in the top 10 per cent in relation to the results of school examinations and related assessments so long as the information used to determine that ranking is information as to the results of students that may be publicly revealed under subsection (5)(c).

(5) School results must not be publicly revealed if the results of an identified student are revealed, except as follows:

(a) to the student or to the student's parents, or to anyone with the student's or parent's consent,

(b) to the principal of a school (including a school in another State or Territory) at which the student is enrolling, is enrolled or was previously enrolled,

(c) in the case of results of school examinations and related assessments—by or with the approval of the governing body,

by way of the publication of the results of students who the governing body considers have achieved outstanding results.

(6) The functions of the State under this section may be exercised by the Secretary or, if authorised by a relevant national agreement, by a State educational authority that arranges the testing, examinations or assessments concerned.

(7) This section has effect despite any other Act or law or the decision of any tribunal.