Education (Compulsory Education Age) Amendment Bill 2007

The amendments to the Education Act relating to the above Bill have been passed through both Houses of Parliament.

The current structure for 15 year olds is maintained. i.e. they need to be engaged in full time school based programs. However 16 year olds will need to be engaged in the strategy of Learning and/or Earning.

Yet to be finalized Regulations will specify how students would be determined to be full time by their curriculum load or the accreditation, or workload of their program in comparison to a full time curriculum load.

A student who is of compulsory education age (16-17 years of age) is likely to be considered to be full time when he or she is enrolled in an Approved Learning Program (ALP) that is deemed by the provider to be full time or a combination of programs where the sum of the parts is equal to full time (as deemed by the providers) and is participating for such parts of every day that instruction is provided in relation to the ALPs.

Students may engage in a full time learning program in a school. This is currently determined by the number of SACE subject that are studied. (Currently 6 subjects in Stage 1 and 5 subjects in Stage 2). This would need to be adjusted for the future SACE, based on the expectations of a full-time program. This would then provide a point of comparison to other Learning and/or Earning options. A student who is part-time at school and part-time VET or new apprenticeship would have their status resolved by the components of SACE and VET that they were studying compared to a full-time SACE load.

The legislation requires that children of compulsory education age (16-17 years of age) participate full-time in an approved learning program or in a combination of approved learning programs. Approved learning programs are described in the legislation (75D). If a student is engaged in work part-time which impinges on their ability to participate full-time in an approved learning program, they will need to seek a (partial) exemption to allow them to participate part-time in their approved learning program.

Those 16 year old students wishing to participate in full-time work would need to seek an exemption. The regulations will identify which authorities will be granted the power to grant this exemption.

A child of compulsory school age (less than 16 years of age) must be enrolled at a primary school or secondary school.

The legislation also outlines restrictions on employment of children of compulsory school age or compulsory education age. A person must not employ a child in either category during the hours at which a child is required to attend school to participate in an approved learning program or in any labour or occupation that renders or is likely to render the child unfit to attend school or participate in an approved learning program.

Further clarification is also required of arrangements for home schooling.

The AISSA was successful in obtaining a change in one section of the legislation to protect the right of parents to choose a non-Government school as follows:

The Governor may by regulation-

Prescribe rules or criteria that will be applied for the purpose of determining at which school a child must be enrolled unless the child is enrolled at a non-Government school.

There are a number of issues yet to be resolved about which authorities will be responsible for the granting of exemptions for students attending Independent schools and what will be the legal responsibilities of schools or the exempting agency for tracking students who are in receipt of an exemption.

The legislation will empower the government to collect, record and collate information on any matter relating to the administration or enforcement of Part 6 of the Act and the provision of information to the Minister or other body determined by the Minister.