



Western Australia

School Curriculum and Standards Authority Act 1997

School Curriculum and Standards Authority Regulations 2005

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Western Australia

School Curriculum and Standards Authority Regulations 2005

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Defined Terms

Western Australia

School Curriculum and Standards Authority Act 1997

School Curriculum and Standards Authority Regulations 2005

Part 1 — Preliminary

[Heading inserted in Gazette 7 Dec 2012 p. 5984.]

1. Citation

These regulations are the *School Curriculum and Standards Authority Regulations 2005*¹.

[Regulation 1 amended in Gazette 14 Aug 2012 p. 3832.]

2. Commencement

These regulations come into operation on 1 January 2006.

3. Terms used

In these regulations except in regulation 9(2)(c) to (i) —
Australian resident means a person who —

- (a) is an Australian citizen as defined in the *Australian Citizenship Act 1948* of the Commonwealth²; or
- (b) holds —
 - (i) a permanent visa; or
 - (ii) a visa of subclass 309, 310, 785, 820 or 826,
as defined in the *Migration Act 1958* of the
Commonwealth;

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first year of the relevant education period has the meaning given in section 19C(1);

section means a section of the Act.

*[Regulation 3 amended in Gazette 18 Oct 2006 p. 4453;
7 Dec 2012 p. 5984.]*

Part 2 — General

[Heading inserted in Gazette 7 Dec 2012 p. 5984.]

4. **Student records, unique reference number for each student and information prescribed (Act s. 19E)**

- (1) The Authority is to establish administrative arrangements for the allocation of unique reference numbers to students for whom student records are to be opened under Part 3A of the Act.
- (2) A person who is required by section 19C or 19D to open a student record for a student must, in accordance with the arrangements referred to in subregulation (1), allocate a unique reference number to the student.
- (3) The number allocated to a student under subregulation (2) is prescribed for the purposes of section 19E(c).

[Regulation 4 amended in Gazette 14 Aug 2012 p. 3833.]

5. **Information to be given to Authority (Act s. 19G)**

- (1) This regulation applies to a student in any school year from the first year of the relevant education period to the final year of the compulsory education period.
- (2) The principal of a school at which a student was enrolled at the end of the school year for the school, whether for full-time or part-time studies, must, for the purposes of section 19G, inform the Authority of the results achieved by the student, in accordance with the requirements established by the Authority under the Act, for the educational programme or courses in which the student was enrolled during that year.

[Regulation 5 inserted in Gazette 7 Dec 2012 p. 5984.]

6. **Information prescribed to be given by providers other than schools (Act s. 19G)**

- (1) In this regulation —

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student, apprentice or trainee means a person of that description mentioned in the first column of the Table to the definition of *provider* in section 19A(2), other than in item 1 of that Table.

- (2) A person who is a provider in relation to a student, apprentice or trainee when the final result achieved by the student, apprentice or trainee for a year is assessed must, for the purposes of section 19G, give to the Authority particulars of that final result.
- (3) A person who is on 1 December in a year an employer of an employee (not being an apprentice or trainee) mentioned in item 5 in the first column of the Table to the definition of *provider* in section 19A(2) must, for the purposes of section 19G, inform the Authority that the employee was employed by the employer on that day.

[Regulation 6 amended in Gazette 14 Aug 2012 p. 3833.]

7. When student record to be opened (Act s. 19C); when information to be given to Authority for Act Part 3A

- (1) A student record is to be opened under section 19C not later than the end of the first term of the relevant school year.
- (2) The information referred to in regulations 5 and 6 is to be given to the Authority not later than 31 December in the year to which the information relates.
- (3) Except where subregulation (4) or (5) applies, a provider mentioned in section 19F(2)(b) or (3) is to give to the Authority the information referred to in that subsection not later than 14 days after the student is enrolled with or becomes employed by the provider.
- (4) If a provider, in relation to a student in any school year from the first year of the relevant education period to the final year of the compulsory education period, becomes aware, on or before 31 March in a year, that information previously given in respect of the student under Part 3A of the Act has changed or is

incorrect, the new or correct information referred to in section 19F(4) is to be given to the Authority not later than 30 April in that year.

- (5) If a provider, in relation to certification for a student in the final year of the compulsory education period, becomes aware, after 31 March and on or before 23 November in a year, that information previously given in respect of the student under Part 3A of the Act has changed or is incorrect, the new or correct information referred to in section 19F(4) is to be given to the Authority not later than 1 December in that year.
- (6) Except where subregulation (4) or (5) applies, a provider mentioned in section 19F(5) is to inform the Authority —
- (a) that a student ceased to be enrolled with or employed by the provider; and
 - (b) of the day of that cessation,
- not later than 7 days after that day.
- (7) Where a provider is required to comply with a provision of this regulation in a particular case, the Authority may extend the time for compliance in that case if requested by the provider to do so.

*[Regulation 7 amended in Gazette 14 Aug 2012 p. 3833;
7 Dec 2012 p. 5985.]*

[8. Deleted in Gazette 7 Dec 2012 p. 5985.]

9. Information and times for giving it prescribed (Act s. 19P)

- (1) This regulation prescribes the information to be provided to —
- (a) the Director of Catholic Education in Western Australia; and
 - (b) the Association of Independent Schools of Western Australia (Inc.),

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for the purposes of section 19P, and when it is to be so provided.

- (2A) The following information, as recorded in the database referred to in section 19I as at 31 December in each year, is to be provided in respect of children in the State in each school year from the first year of the relevant education period to the year before the final 2 years of the compulsory education period —
- (a) the total number of children enrolled for full-time studies at all schools;
 - (b) the total number of children enrolled for part-time studies at all schools;
 - (c) the number of children undertaking an educational programme applicable to the relevant school year;
 - (d) the number of children who come within both paragraphs (b) and (c);
 - (e) the number of children of each age who come within paragraph (b) or (c).
- (2) The following information, as recorded in the database referred to in section 19I as at 31 December in each year, is to be provided in respect of children in the State in either of the final 2 years of the compulsory education period —
- (a) the total number of children enrolled for full-time studies at all schools;
 - (b) the total number of children enrolled for part-time studies at all schools;
 - (c) the number of children undertaking a course referred to in section 11B(1)(a) of the School Education Act (the **SE Act**);
 - (d) the number of children undertaking a course or skills training programme referred to in section 11B(1)(b) of the SE Act;
 - (e) the number of children undertaking a course referred to in section 11B(1)(e) of the SE Act;

- (f) the number of children who are apprentices or trainees as mentioned in section 11B(1)(c) of the SE Act;
 - (g) the number of children who are employed as mentioned in section 11B(1)(d) of the SE Act;
 - (h) the number of children who come within more than one of paragraphs (b), (c), (d), (e), (f) or (g);
 - (i) for children referred to in paragraph (h), a description of each combination of options under section 11B(1) of the SE Act in which any child is participating;
 - (j) the number of children of each age who —
 - (i) come within paragraph (b), (c), (d), (e), (f) or (g);
or
 - (ii) are participating in a combination of options referred to in paragraph (i).
- (3) Information under this regulation as at 31 December in a year is to be provided not later than 28 February in the following year.

[Regulation 9 amended in Gazette 7 Dec 2012 p. 5985-6.]

Part 3 — Fees and charges

[Heading inserted in Gazette 7 Dec 2012 p. 5986.]

10. Certification, assessment and examination fees and charges for students who are Australian residents (Sch.1)

The fees and charges for certification, assessment and examination of a student who is an Australian resident are those set out in Schedule 1.

[Regulation 10 inserted in Gazette 18 Oct 2006 p. 4454; amended in Gazette 7 Dec 2012 p. 5986.]

11. Certification, assessment and examination fees and charges for students who are not Australian residents

- (1) The fees and charges for certification, assessment and examination of a student who is not an Australian resident are —
 - (a) if there is a relevant determination in force under this regulation, the fees and charges specified in that determination; or
 - (b) otherwise, the fees and charges set out in Schedule 1.
- (2) The Minister may by instrument published in the *Gazette* determine the fees and charges for certification, assessment and examination of a student who is not an Australian resident.
- (3) The Minister may determine different fees and charges for different courses or different students based on —
 - (a) the categories of the course; or
 - (b) the subject matter of the course; or
 - (c) which school provides the course; or
 - (d) the country of origin of the student; or
 - (e) the level and extent of the student's previous education; or

- (f) any other criteria the Minister considers relevant to the cost of providing the course,

or any combination of those criteria.

*[Regulation 11 inserted in Gazette 18 Oct 2006 p. 4454;
amended in Gazette 7 Dec 2012 p. 5986.]*

12. Publications supplied by Authority, charges for

- (1) In this regulation —
publications does not include certificates or records.
- (2) The charges for publications supplied by the Authority are the charges specified in a relevant determination in force under this regulation, if any.
- (3) The Minister may by instrument published in the *Gazette* determine the charges for publications supplied by the Authority.

*[Regulation 12 inserted in Gazette 18 Oct 2006 p. 4454;
amended in Gazette 14 Aug 2012 p. 3833.]*

Part 4 — Examinations

[Heading inserted in Gazette 7 Dec 2012 p. 5986.]

13. Terms used

In this Part —

candidate means a person taking or proposing to take an examination;

examination means an examination taken for the purposes of external assessment by the Authority;

examination centre means a place designated by the Authority as an examination centre and includes a place inside an examination centre, such as an office or classroom, in which candidates take an examination;

private candidate means a person who may take an examination under regulation 14(3);

stage, in relation to a unit, refers to the level of difficulty of the unit;

supervisor, in relation to an examination, means a person appointed as a supervisor under regulation 17(1) to supervise the conduct of the examination;

unique reference number means the unique reference number allocated to a student under regulation 4.

[Regulation 13 inserted in Gazette 7 Dec 2012 p. 5986-7.]

14. Requirements relating to enrolment

- (1) A student may take an examination in a course if the student is enrolled in the course.
- (2) Unless given a written exemption by the Authority, a student in the final year of the compulsory education period must take an examination in a course if the student is enrolled in —
 - (a) a pair of units at stage 2 in the course; or
 - (b) a pair of units at stage 3 in the course.

- (3) A person who is not enrolled in a course at a school may take an examination in the course as a private candidate if the person —
- (a) is a resident of the State; and
 - (b) makes a written application to the Authority within the period approved by the Authority; and
 - (c) pays the fee prescribed in Schedule 1 item 8.

[Regulation 14 inserted in Gazette 7 Dec 2012 p. 5987.]

15. Examination centres

- (1) The Authority is to give written notice to a candidate proposing to take an examination of —
- (a) the examination centre where the candidate is required to take the examination; and
 - (b) the date of the examination; and
 - (c) the time no later than which the candidate is required to attend the examination centre to take the examination.

- (2) The person nominated by the Authority as the manager of an examination centre is to ensure that any examination papers or related materials provided to the examination centre by the Authority are kept secure as directed by the Authority.

[Regulation 15 inserted in Gazette 7 Dec 2012 p. 5987.]

16. Identification documents

- (1) The Authority is to issue to each candidate an identification document that sets out —
- (a) the candidate's unique reference number; and
 - (b) any other information the Authority considers appropriate to identify the candidate.
- (2) A candidate taking an examination must produce his or her identification document if requested to do so by a supervisor.

[Regulation 16 inserted in Gazette 7 Dec 2012 p. 5988.]

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17. Supervisors

- (1) The Authority may appoint a person as a supervisor to supervise one or more examinations.
- (2) A supervisor is to ensure that any examination papers or related materials provided to the supervisor by the Authority are kept secure as directed by the Authority.

[Regulation 17 inserted in Gazette 7 Dec 2012 p. 5988.]

18. Conduct of examinations

- (1) A supervisor may exclude a candidate from an examination centre if the candidate attends the examination centre later than the time notified by the Authority under regulation 15(1)(c).
- (2) A candidate must not bring into an examination centre any materials other than those materials (if any) approved by the Authority for the examination the candidate is taking.
- (3) A supervisor may inspect any materials that a candidate brings into an examination centre.
- (4) A candidate must comply with —
 - (a) a supervisor's request to inspect any materials brought into an examination centre by the candidate; and
 - (b) any reasonable direction given to the candidate by a supervisor or by any other person authorised by the Authority to participate in the supervision of an examination.

[Regulation 18 inserted in Gazette 7 Dec 2012 p. 5988.]

19. Examinations to be answered in English

Unless the Authority approves or requires otherwise in respect of a particular examination, a candidate must answer questions in an examination in the English language.

[Regulation 19 inserted in Gazette 7 Dec 2012 p. 5988.]

20. Consumption of food and drinks

- (1) A candidate must not consume any food or drinks during an examination other than water from a container of a kind approved by the Authority.
- (2) Subregulation (1) does not apply to a candidate who —
 - (a) is given a written exemption by the Authority; and
 - (b) complies with any conditions subject to which the exemption is given.

[Regulation 20 inserted in Gazette 7 Dec 2012 p. 5988-9.]

21. Communicating with other candidates etc.

- (1) In this regulation —
supervisor includes a person authorised as described in regulation 18(4)(b).
- (2) Unless given approval by a supervisor to do so, a candidate must not talk to, or otherwise communicate with, another candidate or any other person, other than a supervisor, during an examination.

[Regulation 21 inserted in Gazette 7 Dec 2012 p. 5989.]

22. Removal of examination materials from examination centre

Unless given approval by a supervisor to do so, a candidate must not remove any examination materials from the examination centre.

[Regulation 22 inserted in Gazette 7 Dec 2012 p. 5989.]

23. Leaving examination centre during an examination

Unless given approval by a supervisor to do so, a candidate must not leave the examination centre during an examination.

[Regulation 23 inserted in Gazette 7 Dec 2012 p. 5989.]

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24. Practical examinations

- (1) In this regulation —
practical examination means an examination, or a discrete part of an examination, that does not consist of written answers to questions.
- (2) A candidate taking a practical examination, and any material submitted by the candidate to the Authority for the purposes of that examination, may be identified only by means of his or her unique reference number.
- (3) A student who submits any material to the Authority for the purposes of a practical examination must include with that material a written statement that —
 - (a) declares that the material submitted to the Authority is the result of work carried out solely by the student; and
 - (b) is signed by the student; and
 - (c) is witnessed by a teacher who supervised the student's work and by the principal of the student's school.
- (4) A private candidate who submits any material to the Authority for the purposes of a practical examination must include with that material a written statement, verified by statutory declaration, that the material submitted to the Authority is the result of work carried out solely by the candidate.

[Regulation 24 inserted in Gazette 7 Dec 2012 p. 5989-90.]

25. Disability and illness, injury or other impairment

- (1) The Authority may make special arrangements for a candidate if the Authority is satisfied that it is appropriate to do so because the candidate has a disability or is suffering illness, injury or other impairment.

- (2) A candidate who wants special arrangements to be made under subregulation (1) for the purpose of taking an examination must —
- (a) make a written application to the Authority a reasonable period before the day of the examination; and
 - (b) provide the Authority with any evidence in support of the application that the Authority reasonably requires, which may include a medical certificate or another form of medical evidence.
- (3) If a candidate has an acute disability or acute illness, injury or other impairment on the day of the examination, the candidate may ask the Authority for special consideration in relation to the marks to be awarded for the examination.
- (4) A candidate who wants special consideration under subregulation (3) must —
- (a) make a written application to the Authority on or before 28 November in the relevant year; and
 - (b) provide the Authority with any evidence in support of the application that the Authority reasonably requires, which may include a medical certificate or another form of medical evidence.
- (5) An application that is to be made, or any evidence that is to be provided, to the Authority under subregulation (2) by a candidate who is a student is to be submitted to the Authority by the principal of the student's school.

[Regulation 25 inserted in Gazette 7 Dec 2012 p. 5990.]

26. Fraud, collusion and other misconduct

- (1) In this regulation —
- misconduct***, engaged in by a candidate, includes the candidate's failure to comply with regulation 16(2), 18(2) or (4), 19, 20(1), 21(2), 22, 23 or 24(3) or (4);

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relevant committee means a committee appointed by the Authority of 2 or more people the Authority considers suitably qualified for the purposes of this regulation.

- (2) If the relevant committee is satisfied that a candidate has engaged in fraud, collusion or other misconduct during an examination, the Authority may reduce the marks awarded to the candidate (including a reduction to zero) in respect of the whole, or any part, of the examination.
- (3) A candidate who is the subject of a reduction in marks under subregulation (2) may appeal to the Authority within 7 days after being notified of the reduction.
- (4) An appeal is to be in writing and is to set out the grounds of the appeal.
- (5) A candidate must provide to the Authority any evidence in support of the appeal that the Authority reasonably requires.

[Regulation 26 inserted in Gazette 7 Dec 2012 p. 5991.]

27. Appeals committee

- (1) If an appeal is made to the Authority under regulation 26, the Authority is to appoint a committee of 2 or more people the Authority considers suitably qualified to decide the appeal (an *appeals committee*).
- (2) An appeals committee is to be appointed —
 - (a) within 5 days after the appeal is received by the Authority; or
 - (b) if the Authority requires evidence to be provided under regulation 26(5) — within 5 days after the evidence is received by the Authority.
- (3) The appeals committee is to have regard to the grounds of the appeal and any evidence provided by the candidate in support of the appeal.

- (4) In deciding the appeal, the appeals committee may —
- (a) confirm the candidate's reduction in marks; or
 - (b) increase, to any extent the committee considers appropriate, the marks awarded to the candidate, but not so as to be greater than they were before their reduction under regulation 26(2).
- (4) The appeals committee is to decide the appeal and give the candidate written notification of that decision before the day on which the results of the relevant examination are to be published.

[Regulation 27 inserted in Gazette 7 Dec 2012 p. 5991-2.]

28. Committee procedures

Subject to the directions of the Authority, a committee appointed under regulation 26 or 27 is to determine its own procedures.

[Regulation 28 inserted in Gazette 7 Dec 2012 p. 5992.]

**Schedule 1 — Fees and charges for certification,
assessment and examination**

[r. 10]

[Heading inserted in Gazette 7 Dec 2012 p. 5992.]

Item	Description	Fee/Charge
<i>Certification</i>		
1.	Copy of student record (s. 19J(1))	\$30.00
2.	Change of entry in application for certification	\$36.00
3.	Secondary education equivalence statement	\$31.00
<i>Assessment</i>		
4.	Enrolment (late entry)	\$72.00
5.	Appeal from school assessment	\$15.00
<i>Examination</i>		
6.	Private candidate	\$36.00
7.	Private candidate (late entry)	\$72.00
8.	Private candidate (taking examination without enrolment)	\$108.00
9.	School candidate (taking examination without enrolment)	\$108.00
10.	Candidate taking examination in Australia but outside the State	\$51.00
11.	Candidate taking examination outside Australia	\$206.00
12.	Check of results	\$30.00 (for each course)
13.	Statement of raw marks	\$9.00 (for each course)

14. Copy of examination script (obtainable only during the period of 21 days after publication of the examination results) ... \$21.00
(for each script)

[Schedule 1 inserted in Gazette 7 Dec 2012 p. 5992-3.]

Notes

- ¹ This is a compilation of the *School Curriculum and Standards Authority Regulations 2005* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Curriculum Council Regulations 2005</i> ³	23 Dec 2005 p. 6250-3	1 Jan 2006 (see r. 2)
<i>Curriculum Council Amendment Regulations 2006</i>	18 Oct 2006 p. 4453-6	18 Oct 2006
<i>Curriculum Council Amendment Regulations 2009</i>	6 Mar 2009 p. 683-4	r. 1 and 2: 6 Mar 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Mar 2009 (see r. 2(b))
<i>Curriculum Council Amendment Regulations 2012</i>	14 Aug 2012 p. 3832-3	r. 1 and 2: 14 Aug 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Aug 2012 (see r. 2(b))
Reprint 1: The <i>School Curriculum and Standards Authority Regulations 2005</i> as at 19 Oct 2012 (includes amendments listed above)		
<i>School Curriculum and Standards Authority Amendment Regulations 2012</i>	7 Dec 2012 p. 5983-93	r. 1 and 2: 7 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Dec 2012 (see r. 2(b))

- ² Repealed by the *Australian Citizenship (Transitionals and Consequentials) Act 2007* Sch. 1 Pt. 2 (Cwlth). Now see the *Australian Citizenship Act 2007* (Cwlth).

- ³ Now known as the *School Curriculum and Standards Authority Regulations 2005*; citation changed (see note under r. 1).

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
appeals committee.....	27(1)
Australian resident	3
candidate	13
examination.....	13
examination centre	13
first year of the relevant education period.....	3
misconduct	26(1)
relevant committee.....	26(1)
practical examination	24(1)
private candidate	13
publications	12(1)
SE Act.....	9(2)(c)
section	3
stage	13
student, apprentice or trainee	6(1)
supervisor.....	13, 21(1)
unique reference number.....	13