



New South Wales

Education Amendment Bill 2009

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

Overview of Bill

The object of this Bill is to change the current school leaving age of 15 years by requiring children:

- (a) to complete Year 10 of secondary education (unless they have reached the age of 17 years), and
- (b) if they have completed Year 10 but have not reached the age of 17 years:
 - (i) to continue with their school education, or
 - (ii) to participate on a full-time basis in approved education or training or, if they have reached the age of 15 years, in paid work.

Participation in approved education or training includes an apprenticeship, a TAFE or other vocational course or a university course.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 January 2010.

* Amended in committee—see table at end of volume.

Schedule 1 Amendment of Education Act 1990 No 8

Schedule 1 [2] gives effect to the changes described above in the Overview by inserting proposed section 21B into the *Education Act 1990*. **Schedule 1 [1], [3] and [5]** make consequential amendments.

Schedule 1 [4] provides parents with a defence to a prosecution for failure to send a child of compulsory school-age to school if the child is of or above the age of 16 years and is no longer living with the parent (provided that the child's absence was not due to any default of the parent).

Schedule 1 [8] enables the Director-General or a prescribed officer to provide a certificate in relation to whether or not a child has completed Year 10 of secondary education in this State and whether or not specified education completed outside of the State is the equivalent of Year 10 of secondary education in this State. Such a certificate is admissible in evidence in any proceedings under the *Education Act 1990* for an offence against section 23 (1) (Offence to fail to send child to school or register child for home schooling) and is prima facie evidence of the matters stated in the certificate. **Schedule 1 [6]** extends the matters that may be included in a similar certificate that is signed by the principal of a school to include a statement of whether or not the child has completed Year 10 at that school. **Schedule 1 [7]** makes it clear that the certificate that may currently be provided by the Director-General in relation to enrolment at school and registration for home schooling may also be signed by any prescribed officer.

Schedule 1 [9] enables the making of regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [10] provides that the amendments made by the proposed Act do not apply in respect of children who have reached the age of 15 years before 1 January 2010.