

**TO: MINISTER FOR EDUCATION AND CHILD DEVELOPMENT**  
**FOR NOTING**

**RE: REVIEW OF GOVERNMENT BOARDS AND COMMITTEES**

## **1. ISSUE**

In July 2014, the Premier wrote to all Government boards and committees advising them of a series of reforms undertaken by the State Government as part of its *Building a Stronger South Australia: A Modern Public Service* policy. One of these reforms is the proposal to abolish any board or committee that cannot demonstrate that it serves an essential purpose that cannot be met through other means.

This briefing outlines why the SACE Board (and its committees), as the governing body of the SACE Board of South Australia, should be exempt from abolition on the basis that it serves an essential purpose not met by any other means.

## **2. DEFINITIONS**

### **2.1 "SACE Board" or "the Board"**

The SACE Board is the governing authority established by the *SACE Board of South Australia Act 1983* (the Act) with functions and powers defined in the Act.

The SACE Board comprises 11 members appointed by the Governor on the recommendation of the Minister, on terms and conditions determined by the Governor.

The Chief Executive Officer of the SACE Board of South Australia is an *ex officio* member of the SACE Board, and is responsible to the Board for the conduct of the business of the Board. The Chief Executive Officer is the employing authority of the SACE Board of South Australia, empowered to employ staff to undertake activities related to the functions of the SACE Board.

The SACE Board, through the *SACE Board of South Australia Act 1983*, is able to establish sub-committees whose function is to advise the Board. There are two sub-committees of the SACE Board: the Accreditation, Recognition and Certification Committee and the Planning, Finance and Performance Committee (refer 2.3 and 2.4 below).

## **2.2 "SACE Board of South Australia"**

The SACE Board of South Australia is a statutory authority, subject to the governance of the SACE Board, which exists to carry out the legislative principles and functions specified in its enacting legislation, the *SACE Board of South Australia Act 1983*.

The SACE Board of South Australia is responsible for certifying student achievement in the South Australian Certificate of Education (SACE), accrediting subjects for the SACE and recognising learning towards the SACE.

As a statutory authority it is independent of the government, but remains accountable to the government, and reports to parliament through the Minister for Education and Child Development.

The SACE Board of South Australia provides services to organisations offering the South Australian Certificate of Education (SACE), including:

- Government, Catholic and Independent schools in South Australia;
- Government, Catholic and Independent schools in the Northern Territory;
- Universities and Colleges in Malaysia and China; and
- Other approved organisations offering one or more accredited SACE subjects.

## **2.3 "Accreditation, Recognition and Certification Committee"**

The Accreditation, Recognition and Certification Committee is a standing committee (sub-committee) of the SACE Board. Its primary role is to recommend to the Board the accreditation of subject outlines and the recognition of courses, that contribute towards the completion of the SACE, that are delivered and quality assured by schools, institutions and other authorities and organisations. The committee also considers a range of other issues in regard to assessing and quality assuring student work.

## **2.4 "Planning, Finance and Performance Committee"**

The Planning, Finance and Performance Committee is a standing committee (sub-committee) of the SACE Board, with responsibility for three main areas: budget, financial performance of the SACE Board of South Australia, and risk management (internal and external). The Committee also has oversight of the audit functions of the organisation.

As sub-committees of the Board, the Accreditation, Recognition and Certification Committee and the Planning, Finance and Performance Committee are part of the governing body.

### 3. CONTEXT

#### 3.1 How the Board is constituted

The Board comprises 11 members nominated by the Minister and appointed by the Governor of South Australia, and the Chief Executive (*ex officio*). The Board must include a nomination from each of the three school sectors, i.e. the Association of Independent Schools of SA (AISSA); Catholic Education South Australia (CESA) and the Department for Education and Child Development (DECD).

Nominations are put forward by the Designated Entities (ref. Schedule 1 of the Act) and from a public 'expression of interest'. Membership of the Board must comprise persons who:

- (a) together provide a broad range of backgrounds that are relevant to the activities and interests of the Board; and
- (b) together have the abilities, knowledge and experience necessary to enable the Board to carry out its functions effectively.

*(the Act, Part 2, Division 1, Section 8, (2))*

The standing committees are appointed by the Board, and nominations are received from the Board itself and from the Designated Entities.

#### 3.2 Functions of the Board and Its Standing Committees

##### The Board

The *SACE Board of South Australia Act 1983*, sets out the following functions of the Board:

15 (1) *The Board has the following functions:*

- (a) *to establish a qualification (to be called the South Australian Certificate of Education or SACE) to be awarded by the Board after taking into account any requirements prescribed by the regulations;*
- (b) *to determine the requirements for the achievement of the SACE;*
- (c) *to commission the development and review of courses and subjects;*
- (d) *to accredit subjects and courses (whether prepared at the direction of the Board or submitted to it by a school, institution or other authority or organisation) that will be recognised by the Board as being suitable for the purposes of the SACE;*
- (e) *to approve learning frameworks in order to provide the structures within which subjects and courses may be developed;*
- (f) *to assess, in such manner and to such extent as the Board thinks fit, achievements in or satisfactory completion of subjects, courses or other requirements determined by the Board for the purposes of the SACE;*
- (g) *to recognise, in such manner and to such extent as the Board thinks fit—*

- (i) assessments of students made by schools, institutions or other authorities or organisations;
  - (ii) the achievements of a student in or towards completion of any activities or requirements recognised by the Board for the purposes of the SACE;
- (h) to assure the quality and suitability of processes and standards used to assess the achievements of students for the purposes of the SACE;
- (i) to prepare and maintain records of assessments or achievements made or recognised by the Board and to provide, on request, a copy or extract of those records to a student or former student or to such other person as the student or former student may direct;
- (j) to certify the successful completion by a student of any studies or other activities that contribute to qualifying for the SACE and, if or when the SACE has been achieved, to award the SACE;
- (k) to prepare and publish—
  - (i) information on the requirements determined by the Board under paragraph (b); and
  - (ii) guidelines relating to the operation of paragraph (c); and
  - (iii) criteria to apply in connection with the accreditation of subjects or courses under paragraph (d) or the approval of learning frameworks under paragraph (e); and
  - (iv) information on the assessment processes established under paragraph (f); and
  - (v) advice on the assessments and achievements that will be recognised for the purposes of paragraph (g); and
  - (vi) information on the quality assurance processes established under paragraph (h); and
  - (vii) information on the method for gaining access to records under paragraph (i) and notifying achievements under paragraph (j);
- (l) to undertake or commission research related to any matter for which the Board is responsible and to publish the results or such research as the Board thinks fit;
- (m) to the extent determined by the Minister or the Board, to collect, record and collate information that is directly related to the participation (or non-participation) of children of compulsory education age in secondary education, or training or development programs or opportunities, and, in relation to any such information—
  - (i) to provide the information to the Minister, or other authorities or organisations determined by the Minister; and
  - (ii) to publish the information in such other manner as the Board thinks fit;

- (n) to keep under review the operation of this Act and the policies and processes of the Board;
- (o) to perform other functions assigned to the Board under this or any other Act

## **The Board's Standing Committees**

### **Accreditation, Recognition and Certification Committee**

The Accreditation, Recognition and Certification Committee is a standing committee of the Board and provides recommendations and advice to the Board on the completion requirements for the achievement of the SACE and the associated learning and assessment policies, learning frameworks and recognition arrangements by which these certification requirements will be met.

The Accreditation, Recognition and Certification Committee operates on behalf of the Board to oversee and assure the Board on the Chief Executive's management of the organisation's accreditation and recognition policies and procedures, its assessment and quality assurance systems, and its certification systems. The Committee's interaction with the organisation about these matters is always through the Chief Executive.

The Accreditation, Recognition and Certification Committee oversees the SACE Board's engagement of key partners and other stakeholders in the accreditation of SACE subjects, the recognition of other learning and determination of the requirements for the achievement of the SACE.

The Board has approved the following terms of reference for the Accreditation, Recognition and Certification Committee:

1. To advise the Board of the requirements for the achievement of the SACE.
2. To monitor and advise the Board on the effectiveness of the SACE Board's management of the production and delivery of the SACE certificate.
3. To recommend to the Board the accreditation of learning frameworks and subjects, prepared at the direction of the Board, or submitted to it by a school, institution or other authority or organisation.
4. To recommend to the Board the recognition of courses (delivered and quality assured by schools, institutions, and other authorities and organisations) that contribute towards the SACE.
5. To advise the Board on the accreditation and recognition of learning towards the SACE that:
  - assures the Board that the quality of learning and assessment in subjects and courses, both individually and collectively, is congruent with the legislative principles of the Board.
  - assures the Board that the level and number of credits towards the SACE is appropriate.
  - assures the Board that due process has been followed in the application of the accreditation and recognition policies and procedures for subjects and courses.

- assures the Board that the subjects and courses to be accredited are operationally manageable for both the Office of the SACE Board and the providers of the subjects and courses.
  - reports the outcomes of consultation processes with the three school sectors and other key partners and stakeholders.
  - monitors and recommend the implementation of any changes to the accredited subjects and recognition of courses.
  - develops a plan of curriculum review which identifies areas for future/potential development.
6. To advise the Board on the preparation and publication of:
- information on the SACE requirements as determined by the Board;
  - guidelines relating to the commission for the development and review of courses and subjects;
  - criteria to apply in connection with the accreditation of subjects or courses or the approval of learning;
  - information on assessment processes;
  - advice on the assessments and achievements;
  - information on quality assurance processes; and
  - information on the method for gaining access to records and notifying achievements.
7. To liaise with the Planning, Finance and Performance Committee on:
- identifying potential areas of research for the SACE Board;
  - planning and performance matters, including potential risks to the SACE and/or the SACE Board, that relate to the above functions.

### **Planning, Finance and Performance Committee**

The Planning, Finance and Performance Committee is a standing committee of the Board and provides recommendations and advice to the Board on the SACE Board of South Australia's strategic plan, budget, organisational quality systems and organisational performance.

The Planning, Finance and Performance Committee operates on behalf of the Board to oversee and assure the Board on the Chief Executive's management of the organisation's financial, human and physical resources, its quality management systems and its planning, monitoring and reporting systems. The Committee's interaction with the organisation about these matters is always through the Chief Executive.

The Board has approved the following terms of reference for the Planning, Finance and Performance Committee

1. The assist the Board in identifying and reviewing the SACE Board's strategic directions and targets and preparing the SACE Board Strategic Plan.
2. To review, endorse and recommend to the Board the annual budget for the SACE Board of South Australia.

3. To review and endorse a three-year financial strategy so that each annual budget for the SACE Board of South Australia is aligned with its Strategic Plan.
4. To analyse the financial reports of the organisation each quarter and to report them to the Board.
5. To oversee the SACE Board of South Australia's strategies for the identification and addressing levels of risk from internal and external sources.
6. To approve the internal audit plan and ensure it is in accordance with the risks facing the SACE Board of South Australia.
7. To oversee the SACE Board of South Australia's course of action arising from internal and external audits.
8. To review annually the operation of the Code of Practice for Board members and Code of Conduct for staff and to recommend any action or changes to the Board.
9. To oversee the SACE Board of South Australia's framework and strategies for the evaluation, review and research of its performance and outcomes, in close liaison with the Accreditation, Recognition and Certification Committee and the Communication and Engagement Committee.
10. To monitor the effectiveness of the SACE Board of South Australia in fulfilling its legislative and government functions and to oversee the reporting on these matters through the Annual Report.
11. To recommend to the Board delegations to the Chief Executive and to monitor the operation of delegations in the Officer of the SACE Board of South Australia.
12. To recommend to the Board an appropriate mechanism for the review of its own performance.

### 3.3 Funding

The statutory authority, the SACE Board of South Australia, has an allocation from the State Government of \$19.679m for the 2014-15 financial year. From this, the governing body, the SACE Board, is allocated a total budget of \$236,000. This allocation includes provision for: Board and Standing Committee fees (details provided below); hospitality, courier and printing costs etc; and one full time position, the Secretary to the Board (ASO-4: salary \$65,709), who provides executive support and administration for the Board, its standing committees and working groups.

The Board of the SACE Board of South Australia has been classified as a Level 1, Category 5 Board as recommended by the Department of Premier and Cabinet.

The fees for the Board have been set as follows:

Presiding Member:	\$18,574- per annum
Deputy Presiding Member:	\$12,383- per annum
Members:	\$12,383- per annum
Deputy Members:	\$516 per meeting (when acting for an absent Board member)

In accordance with government policy, government employees (e.g. a Principal of a government school) do not attract remuneration as a member of a State Government board.

The fees for the Board Standing Committees have been determined at 15% of the parent board fee by the Department of Premier and Cabinet.

The fees for the Board Standing Committees have been set as follows:

Members: \$1857 per annum

It should further be noted that the Board has determined that its full members do not receive additional payments for membership of its standing committees. The Chairs of each of standing committee are Board members.

#### **4. RATIONALE FOR THE CONTINUED EXISTENCE OF THE SACE BOARD**

##### **4.1 Continuation of the SACE Board in its current form**

The SACE Board is constituted under the *SACE Board of South Australia Act 1983* to carry out certain functions prescribed by the Act. The Act also confers specific powers to the Board, and allows for the functions and legislative responsibilities of the Board to be carried out by persons employed by the employing authority (the Chief Executive) through the agency of the SACE Board of South Australia.

Any change to these governance arrangements would require new legislation. The current legislation requires the Board to comprise nominees from each of the three sectors. There is no equivalent authority or body with cross-sector representation that carries out the legislative functions of the Board.

The Act states, under the Legislative Principles, that '*cooperation and collaboration between the Board, the school education sectors and the Minister are to be recognised as fundamental elements to achieving the best outcomes for students seeking to qualify for the SACE*'. (The Act, Part 1, Section 5, (4)).

The specific powers and functions of the Board are not replicated by any other South Australian body or authority. If the present Board were abolished, its functions would need to be undertaken by another body or authority in order that South Australian, Northern Territory, Malaysian and Chinese students were able to have their senior secondary studies recognised and/or certified, however there is no other body or authority in existence in South Australia (with cross-sector representation) able to carry out these functions.

##### **4.2 Community engagement**

The *SACE Board of South Australia Act 1983* stipulates the constitution of the Board in order to ensure that representation of each of the three schooling sector perspectives informs the decisions of the Board.

In addition, the Act prescribes the Board's Designated Entities, those organisations and entities that have specific and explicit interest in the outcomes of the Board's decision-making. The Act, therefore, enshrines community engagement in its legislative principles. The Board's Designated Entities are, as listed in Schedule 1 of the Act:



- (a) *the Chief Executive of the Department primarily responsible for assisting the Minister responsible for the administration of the Education and Early Childhood Services (Registration and Standards) Act 2011;*
- (b) *the Chief Executive of the Department primarily responsible for assisting the Minister responsible for the administration of the Technical and Further Education Act 1975;*
- (c) *The University of Adelaide;*
- (d) *The Flinders University of South Australia;*
- (e) *the University of South Australia;*
- (f) *the Training and Skills Commission;*
- (g) *the Pitjantjatjara Yankunytjatjara Education Committee;*
- (h) *the Association of Independent Schools of South Australia—Secondary/Combined Heads Committee;*
- (i) *the South Australian Commission for Catholic Schools Inc.;*
- (j) *the Non-Government Schools Registration Board;*
- (k) *the South Australian Secondary Principals Association;*
- (l) *the South Australian Special Schools Principals' Association;*
- (m) *the Association of Principals of Catholic Secondary Schools;*
- (n) *the Australian Education Union (SA Branch);*
- (o) *the Independent Education Union (SA);*
- (p) *the South Australian Employers' Chamber of Commerce and Industry Inc. (Business SA);*
- (q) *the United Trades and Labor Council;*
- (r) *the South Australian Association of State Schools Organisation Incorporated;*
- (s) *the South Australian Association of School Parents' Clubs Incorporated;*
- (t) *the Federation of Catholic School Parent Communities;*
- (u) *the SA Isolated Children's Parents' Association Incorporated;*
- (v) *the Minister's Youth Council;*
- (w) *the Association of Independent Schools of South Australia Incorporated.*

Furthermore, the Act requires that the SACE Board "take into account the views of-

- (i) *relevant schools, institutions or authorities;*
- (ii) *teachers, instructors, trainers and counsellors;*
- (iii) *the 3 school sectors;*
- (iv) *bodies within the tertiary and higher education sectors;*
- (v) *employer and employee associations;*
- (vi) *other relevant accreditation and regulation bodies;*

(vii) *any body or authority that represents the Government of another jurisdiction that has a working relationship with the Board".*

(The Act, Division 2, Section 15, (3),(c))

This again ensures that the SACE Board engages with the community as part of its legislative remit.

#### **4.3 Business and community confidence**

On the basis that the Board is legislatively required to engage with its key stakeholders (Designated Entities) and to seek their views in order that its decisions inform policy development, if the Board were abolished it is likely that business and community confidence would be significantly diminished.

This is because there is no other body with the responsibility and authority for developing curriculum for senior secondary students in South Australia, which also has the legislative imperative to take into account the views of stakeholders (including business organisations and community groups) when developing that curriculum.

#### **4.4 Risks of abolishing the Board**

If the Board were abolished, its functions and powers, as well as the legislative principles enshrined in its enacting legislation, would also be abolished. This means that the following could not occur:

- The accreditation of senior secondary subjects and courses.
- The recognition of learning, including vocational education and training, community learning and other forms of learning (e.g. IB) towards a senior secondary qualification.
- The certification of student achievement towards a senior secondary qualification.
- The assessment and quality assurance of students' learning that is fair, rigorous, has integrity and consistent.
- The development, integration and implementation of the senior secondary Australian Curriculum into the SACE.
- The opportunity for all students to achieve a senior secondary qualification regardless of their circumstances, abilities or aspirations.
- The provision of high quality learning and education that informs and underpins achievement and life-long learning as required by government policy

#### 4.5 Independence

- The SACE Board, as an independent statutory authority of the South Australian Government, provides the Minister with a mechanism for ensuring objectivity and transparency in relation to the accreditation of subjects and the assessment of student learning for all three school sectors (Government, Catholic and Independent).
- The SACE Board provides the Minister with the benefit of being at arm's-length from the issuing of student results, and of maintaining community confidence in the integrity of those results.
- The SACE Board provides the Government with a statutory authority for issuing a senior secondary certificate that is comparable with other states and territories. All states in Australia have an independent certification and assessment Board.
- The SACE Board provides the Government with a statutory authority that is able to assess the achievement of students in the Northern Territory and centres in South East Asia.
- The current governance arrangements ensure that the SACE Board (governing body) operates in the context of the Government's policy directions through:
  - Government reviews of the Standing Council for School, Education and Early Childhood;
  - The Minister's power to direct the Board; and
  - The capacity to put into effect approved outcomes of Ministerial Councils

#### 4.6 Efficiency

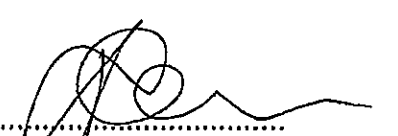
- The SACE Board policies and operations are already based on extensive consultations as prescribed in the *SACE Board of South Australia Act 1983*.
- The SACE Board organisation already uses website and on-line mechanisms for extensive consultation regarding policies, subject accreditation and VET recognition.
- A change to governance arrangements (i.e. Board and Standing Committees) would require duplication of consultation mechanisms for policy approval and accreditation of subjects, and additional resourcing.
- The Board regularly reviews its own performance, and the performance of its Standing Committees, which includes reviewing the value, relevance and functions of its Standing Committees.

At its last review the Board decided to close a third Standing Committee, the Communication and Engagement Committee. This Committee had been established primarily to provide oversight and advice on communication strategies for, and public consultation on the development and implementation of the (new) SACE. The Committee continued to provide the Board with advice through the first years of operation of the (new) SACE and the First Year Evaluation of the (new) SACE.

The Board has monitored the use and need for the continuation of this Committee and has determined that the functions of this Committee can now return to the SACE Board of SA (organisation).

**RECOMMENDATION:**

That the "SACE Board" (governing body) and its Standing Committees should be exempt from being abolished.

<p><b>Contact Officer:</b> Dr Neil McGoran Chief Executive Phone: 8372 7430 Date: 14/08/2014</p>	 ----- <b>Ms Jane Danvers</b> <b>Presiding Member</b> 14/08/2014
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<p><b>Minister's Office use: Comments</b></p>	
<p><b>Comments:</b></p>	<p><b>APPROVED / NOTED</b></p>  ----- <b>Hon Jennifer Rankine MP</b> / / 2014