

Queensland



EDUCATION (SENIOR SECONDARY SCHOOL STUDIES) ACT 1988

**Reprinted as in force on 13 January 1994
(includes amendments up to Act No. 32 of 1993)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This Act is reprinted as at 13 January 1994. As required by section 5 of the Reprints Act 1992, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the Reprints Act 1992, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the Reprints Act 1992, to do the following—

- use citations and references permitted by Division 2 of that Act;
- use updated references permitted by Division 3 of that Act;
- express gender specific provisions in a way consistent with current legislative drafting practice as permitted by section 24 of that Act;
- use gender neutral office names as permitted by section 25 of that Act;
- use different spelling consistent with current legislative drafting practice, as permitted by section 26(2) of that Act;
- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- relocate marginal or cite notes as permitted by section 34 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit provisions that are no longer required as permitted by sections 36, 39 and 40 of that Act;
- omit unnecessary referential words as permitted by section 41 of that Act;
- omit the enacting words as permitted by section 42A of that Act;
- use the numbering and renumbering of provisions and references permitted by section 43 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

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EDUCATION (SENIOR SECONDARY SCHOOL STUDIES) ACT 1988

[as amended by all amendments that commenced on or before 13 January 1994²]

An Act to establish a Board of Senior Secondary School Studies to provide for its functions and powers and for related purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Education (Senior Secondary School Studies) Act 1988*³⁻⁶.

Commencement

2.(1) Section 1, this section and section 47 shall commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act or the provisions thereof specified in the proclamation shall commence on the day or days appointed by proclamation for the commencement of this Act or, as the case may be, those provisions.

Interpretation

4. In this Act—

“Board” means the Board of Senior Secondary School Studies constituted under this Act;

“Board registered subject” means any subject, other than a Board subject, for which a work program has been approved by the Board;

“Board subject” means any subject for which a syllabus has been approved by the Board;

“department” means the Department of Education;

“Director-General” means the Director-General of Education;

“executive officer” means the executive officer of the Board of Senior Secondary School Studies and includes a person who at any time performs the duties of executive officer;

“financial year” means the period of 12 months ending on 30 June;

“higher education” means tertiary education, other than technical and further education and includes those advanced education courses offered in technical and further education colleges which are specifically recognised by State and Commonwealth authorities as higher education courses;

“Higher Education Forum” means the Ministerial advisory committee of that name appointed pursuant to the *Education Act 1964*;

“materials” means any publication, written document, computer software, video, sound recording, film, photograph or other like works produced by the Board;

“Minister” includes any Minister of the Crown for the time being performing the duties of the Minister;

“moderation” means procedures which give effect to the Board’s policies directed to the maintenance of standards of assessments certified by the Board;

“non-State school” means any school, other than a State school, that provides preschool, primary, secondary, or special education;

“parent” includes a guardian and every person who is liable to maintain or has the actual custody of a child;

“practising teacher” means a registered teacher who is part of the educational staff of a school;

“recorded subject” means any subject, other than a Board subject or Board registered subject, offered by a school, college of technical and further education or other approved educational institution, and the results of which are recorded on Board certificates other than Junior Certificates;

- “secondary education”** means education offered in years 8 to 12;
- “senior secondary education”** means education offered in years 11 and 12;
- “State school”** means any preschool centre, primary school, secondary school or special school or such other means of educational instruction established by the Minister;
- “student”** means a person enrolled in a school;
- “tertiary education”** means education, other than primary or secondary education, offered wholly or primarily to students who have completed their primary and secondary education and who are above the age of compulsory attendance at school;
- “Tertiary Entrance Procedures Authority”** means the Tertiary Entrance Procedures Authority established under the *Education (Tertiary Entrance Procedures Authority) Act 1990*.

PART 2—BOARD OF SENIOR SECONDARY SCHOOL STUDIES

Division 1—Constitution, functions and powers of the Board

Constitution of the Board

5.(1) There shall be constituted a Board to be called the ‘Board of Senior Secondary School Studies’ which shall consist of—

- (a) 1 nominee of the Minister who shall, on appointment, be designated and shall be chairperson;
- (b) 3 nominees of the Director-General;
- (c) 2 representatives of teachers’ unions, who shall be practising secondary education teachers with experience in senior secondary education, 1 each to be nominated by the Queensland Teachers’ Union and the Queensland Association of Teachers in

Independent Schools;

- (d) 1 nominee of the Board of Teacher Registration, who shall be a practising secondary education teacher with experience in senior secondary education;
- (e) 3 representatives of community groups involved in education, all of whom, at the time of appointment as members of the Board, shall be parents of students currently attending Queensland schools and enrolled in either year 11 or 12, 1 each to be nominated by the Queensland Council of Parents and Citizens' Associations Incorporated, the Parents and Friends Federation, Queensland and the Independent Parents and Friends Council of Queensland;
- (f) 1 nominee of the Minister for Employment, Training and Industrial Affairs or other Minister of the Crown for the time being charged with the administration of the *Employment, Vocational Education and Training Act 1988*;
- (g) 2 representatives of institutions of higher education, nominated by the Higher Education Forum, 1 of whom shall be a practising teacher educator;
- (h) 2 representatives of the industry and commerce sectors, nominated by the Minister;
- (i) 2 representatives of non-State secondary schools, 1 to be nominated by the Queensland Catholic Education Commission and 1 to be nominated, in accordance with the procedure prescribed in the regulations, by the Association of Independent Schools in Queensland and other non-State secondary schools;
- (j) 1 person nominated by the Minister if, in the opinion of the Minister, additional representation is desirable.

(2) The members of the Board determined in accordance with this Act shall be appointed by the Governor in Council, on the recommendation of the Minister, by notification published in the Gazette.

(3) The members of the Board shall appoint from among their number a person to be deputy chairperson of the Board and such person, subject to this Act, shall be deputy chairperson for such period, not exceeding the term

for which that person is appointed as a member, as the Board determines.

Functions and powers of the Board

6.(1) The functions of the Board of Senior Secondary School Studies shall be—

- (a) to advise the Minister on senior secondary education;
- (b) to issue Senior Certificates and, until otherwise determined, Junior Certificates, and such other certificates for senior secondary education as the Minister may approve from time to time, in accordance with the regulations;
- (c) to maintain syllabuses for those subjects currently designated Board subjects on Junior Certificates until otherwise determined;
- (d) to approve syllabuses for those subjects developed by schools, school systems, authorities, other institutions or the Board itself which are designated, or are to be designated, Board subjects on the Senior Certificate;
- (e) to approve work programs for those subjects which are designated, or are to be designated, Board or Board registered subjects on the Senior Certificate and, until otherwise determined, for those subjects which are designated Board or Board registered subjects, on the Junior Certificate;
- (ea) to provide information to the Tertiary Entrance Procedures Authority in connection with the performance of that Authority's functions and the exercise of its powers;
- (eb) to prepare or arrange the preparation of Core Skills Tests or such tests in their stead as the Minister may approve from time to time and, to make such arrangements as are considered by the Board necessary for the administration of those tests to students in year 12 or to such other students as the Board may approve;
- (f) to determine procedures and undertake such arrangements as are deemed necessary for—
 - (i) the assessment of students in relation to Board subjects for the award of Senior Certificates and until otherwise

determined, Junior Certificates; and

- (ii) the recording of results in Board subjects, Board registered subjects and recorded subjects on Senior Certificates issued to students; and
 - (iii) until otherwise determined, the recording of results in Board subjects and Board registered subjects on Junior Certificates issued to students;
- (g) to appoint, pursuant to the provisions of this Division, a moderation committee and subject advisory committees, and to appoint such other committees as it deems necessary from time to time to assist it to perform its functions;
 - (h) to arrange with the department and with such schools, persons and authorities as it thinks fit for the services of suitable persons as moderators for such periods and on such terms (including payment of salaries, fees and allowances (if any)) as the Governor in Council may from time to time determine;
 - (i) to confer and collaborate with the department, school systems, authorities, schools and other institutions, as it sees fit, in the performance of its functions and the exercise of its powers;
 - (j) to make recommendations to the Minister with respect to the annual appropriation of funds required for the purpose of adequately performing its functions;
 - (k) to make by-laws pursuant to section 7;
 - (l) to direct and control the work of staff appointed to the Board in order to fulfil the Board's functions;
 - (m) to furnish to the Minister as soon as practicable, but not more than 4 months after 30 June in each year, a report of its work and activities during the year;
 - (n) to advise the Minister on principles relating to tertiary entrance;
 - (o) to undertake such procedures in relation to tertiary entrance, as the Minister may from time to time direct.

(2) The Board shall have and may exercise such powers and authorities as are incidental to the proper discharge by it of any of its functions under

this Act, including the powers and authorities to—

- (a) produce materials in the performance of its functions and, with the approval of the Minister first had and obtained, to enter into an agreement with any person or body to sell such materials;
- (b) impose and collect fees and charges for issuing Junior Certificates, Senior Certificates, and such other certificates for senior secondary education as are approved from time to time, or for any services associated with performance of its functions, such fees and charges being subject to the approval of the Governor in Council;
- (c) enter into, with the approval of the Minister first had and obtained, an agreement with any person or body for leasing premises as accommodation for the Board.

Board may make by-laws

7.(1) The Board may from time to time make by-laws not inconsistent with this Act or the regulations for or with respect to—

- (a) the approval of syllabuses;
- (b) the approval of work programs;
- (c) the assessment of student achievement;
- (d) examinations, including the fees (if any) charged in relation thereto;
- (e) moderation;
- (f) committees appointed pursuant to this Part;
- (g) the award of certificates;
- (h) the determination of criteria for recorded subjects;
- (i) such other matters as may from time to time be necessary or convenient for the carrying into effect of the several provisions, objects and purposes of this Part.

(2) The Board may by by-law repeal, rescind, revoke, alter, vary, amend or otherwise modify any by-law or part of a by-law.

(3) A by-law may authorise the Board to make rules for the carrying into effect of all or any of the provisions and objects of the by-laws.

(4) All rules made by the Board pursuant to any by-law shall be of full force and effect on and from the day on which they are promulgated in accordance with the by-law under which they are made or on and from such later date as may be specified in the rule, and the production of a copy of any such rule verified by the Board is sufficient evidence of the making and authenticity of the same in all courts and before all persons acting judicially.

(5) Every by-law made by the Board shall be submitted to the Minister and by the Minister to the Governor in Council.

(6) A by-law has no effect unless and until approved by the Governor in Council.

Board subject to Minister

8. The Board shall observe and give effect to directions issued by the Minister on matters of policy.

Division 2—Administrative provisions relating to the Board

Failure to nominate

9. Where a vacancy on the Board arises from the expiration of a member's term of appointment or because of a casual vacancy on the Board, and the person, body or group required as prescribed by this Act in relation to the membership of the Board to nominate a person to be a member of the Board to fill the vacancy fails to nominate such person at least 14 days prior to the date appointed for the filling of the vacancy, the Minister may nominate the person in lieu of the person, body or group and thereupon the person shall be taken to have been nominated by the person, body or group in question.

Term of appointment

10.(1) The chairperson of the Board shall, subject to this Act, hold office for a period of 4 years.

(2) All other members of the Board shall, subject to this Act, hold office for a period of 3 years.

Eligibility for reappointment

11.(1) The members of the Board shall, if otherwise qualified, be eligible for reappointment.

(2) However, a person shall not be eligible to be a member of the Board, in the same capacity, for more than 2 consecutive terms of appointment.

Disqualification from office

12. A person who—

- (a) is an undischarged bankrupt or takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors; or
- (b) has been convicted in Queensland of an indictable offence or has been convicted elsewhere than in Queensland in respect of an act or omission which if done or made by the person in Queensland would have constituted an indictable offence unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office; or
- (c) is a patient within the meaning of the *Mental Health Act 1974*;

shall not be capable of being, or continuing to be, a member of the Board.

Vacation of office of members of the Board

13. A member of the Board shall be taken to have vacated office as such member if—

- (a) the member dies;
- (b) the member declines to act or to further act as such member;
- (c) the member resigns office as such member in writing delivered to the chairperson of the Board;
- (d) the member is absent, without leave of the Board first had and

obtained, from 3 consecutive ordinary meetings of the Board of which meetings a notice—

- (i) has been served personally upon the member; or
 - (ii) has been sent by prepaid post letter addressed to the member at the member's place of business or place of residence last known to the chairperson of the Board;
- (e) the member ceases to be qualified to be a member of the Board;
- (f) the member is removed from office as such member by the Governor in Council.

Vacancy on the Board from expiry of term of appointment

14.(1) Where a vacancy in the membership of the Board occurs on the expiration of a member's term of appointment, the Governor in Council shall, by notification published in the Gazette, appoint a date on or before which a person is to be appointed to fill such vacancy.

(1A) The appointment of a person to fill such vacancy shall be made, as prescribed by this Act in relation to the membership of the Board, on or before the date so appointed.

(2) Subsection (1) does not apply in the case of a vacancy occurring in the membership of the Board in respect of a member nominated by the Minister.

(3) Where a vacancy occurs in respect of a member nominated by the Minister, the Minister shall, or, in the case of a member appointed pursuant to section 5(1)(j), may, nominate a person to fill such vacancy.

Removal of member

15.(1) The Governor in Council may at any time before the expiration of the period for which a member of the Board was appointed remove such member from membership by notification published in the Gazette.

(2) Upon publication of such notification in the Gazette the person so removed shall cease to be a member of the Board.

Casual vacancies on the Board

16.(1) Where a casual vacancy occurs in the membership of the Board the Governor in Council shall, by notification published in the Gazette, appoint a date on or before which a person is to be appointed to fill such casual vacancy.

(1A) The appointment of a person to fill such a casual vacancy shall be made, as prescribed by this Act in relation to the membership of the Board, on or before the date so appointed.

(2) Subsection (1) does not apply in the case of a casual vacancy occurring in the membership of the Board in respect of a member nominated by the Minister.

(2A) Where a casual vacancy occurs in respect of a member nominated by the Minister, the Minister shall nominate a person to fill such casual vacancy, and subsection (3) applies in respect of the appointment of the person so nominated.

(3) The person appointed to fill a casual vacancy in the membership of the Board shall be appointed for the balance of the term for which the person's predecessor was appointed.

Manner of exercising power

17.(1) The Board shall exercise a power or authority or perform a duty or function by majority vote of its members present and voting at the meeting at which such exercise or performance is to occur.

(2) A member who abstains from voting shall be deemed to have voted for the negative.

(3) The chairperson of the Board (including any person for the time being acting as such chairperson) shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

Validity of proceedings

18. An act or proceeding of the Board shall not be invalidated or in any way prejudiced by reason only of the fact that, at the time such act was done or proceeding taken, there were vacancies in the membership of the Board

not exceeding one-third of the total number of members for the time being required to constitute such Board or that all the members of such Board were not present at the meeting at which such act or proceeding was done or authorised or that there is a defect in the qualification, membership or appointment of any 1 or more members of such Board who joined in doing such act or taking such proceeding or in authorising such act or proceeding.

Quorum and business of the Board

19.(1) The power to make regulations conferred upon the Governor in Council by section 38 includes power to fix the quorum of members of the Board required to constitute a meeting of the Board.

(2) Meetings of the Board shall be called and conducted in the manner determined by the Board.

(2A) Subsection (2) shall not be construed or applied to prejudice the operation of section 13(d).

(3) The chairperson of the Board shall preside at every meeting of the Board at which the chairperson is present and, in the chairperson's absence, the deputy chairperson of the Board, if the deputy chairperson is present, shall preside at every meeting of the Board.

(4) Should both the chairperson and the deputy chairperson of the Board be absent from the meeting thereof a member of the Board elected from among the members who are present shall preside at such meeting.

Attendance by proxy at meetings

20.(1) A person who is a member of the Board by virtue of section 5(1)(b) may attend a meeting of the Board by a proxy nominated by the person.

(2) Such proxy shall, for so long as the person remains such proxy, be deemed to be a member of the Board in place of the member who nominated the person proxy but shall not, by virtue of such nomination, be entitled to preside at a meeting of the Board.

Proceedings in relation to the Board

21.(1) Proceedings in any court may be taken and prosecuted in the name of the Board through the chairperson or any person appointed in writing for the purpose by the chairperson.

(2) Every court of law shall take judicial notice of the signature of the chairperson to any such appointment.

(3) In any such proceedings it shall not be necessary to prove the authority of the person by or through whom the same are taken or prosecuted or the due appointment of any member of the Board.

(4) Proceedings in any court may be taken against the Board in its name, the 'Board of Senior Secondary School Studies'.

Chairperson to sign agreements for the Board

22.(1) Subject to the provisions of this Act, the chairperson of the Board is empowered to sign agreements for and on behalf of the Board.

(1A) However, the Board has first passed a resolution to enter into such agreement.

(2) Upon the chairperson's signature being affixed to any agreement, in accordance with the provisions of this Act, the Board shall be bound by the terms and conditions of that agreement.

Remuneration to members of the Board and other committees

23.(1) Members of the Board and other committees established or appointed under this Act shall be paid such fees, allowances and expenses (if any) as the Governor in Council from time to time determines.

(2) Fees, allowances and expenses may differ in respect of different members according to class of payment, rate or position held on the Board or, as the case may be, other committees.

(3) A provision in any Act requiring the holder of an office specified therein to devote the whole of the person's time to the duties of office or prohibiting the person from engaging in employment outside the duties of office shall not operate to disqualify the person from holding that office and

also the office of a member of the Board or other committee or from accepting and retaining any fees, allowances or expenses payable to the person pursuant to this section.

(4) A meeting fee or like fee howsoever called shall not be paid to a member who is an officer of the public service for attendance at a meeting of the Board or any other committee to which this section applies held during the ordinary office working hours of that member.

Delegation of powers and functions by chairperson

24.(1) Subject to section 40, the chairperson may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under the chairperson's hand, delegate to any officer of the Board who, for the time being holds or performs the duties of any office, or any other person all, or any of the powers or functions incidental in the discharge of the responsibilities of the chairperson.

(2) A delegation of a power or function may be made subject to conditions and limitations or absolutely and shall not prejudice the making by the chairperson of other delegations of the same power or function.

(3) A delegate to whom a power or function has been so delegated may, while the delegation subsists, do and suffer all such acts and things in accordance with the terms of the delegation as the delegate thinks necessary or expedient to the proper discharge of the power or function.

(4) An act or thing done or suffered by a delegate acting in accordance with a delegation has the same force and effect as if the act or thing had been done or suffered by the chairperson.

(5) A delegation of a power or function incidental in the discharge of a responsibility of the chairperson shall not—

- (a) affect the exercise or discharge of the power or function by the chairperson; or
- (b) relieve the chairperson from the chairperson's obligation to ensure that the responsibility is properly discharged.

Board

Accounts and Audit

25. The provisions of the *Financial Administration and Audit Act 1977* apply to and in respect of the Board to the extent provided by that Act.

Funds of the Board

26.(1) The Board shall keep a bank account for a general fund.

(2) There shall be paid into the general fund of the Board all moneys appropriated by Parliament in each year for the purpose and all other moneys paid to the Board.

(3) The Board shall pay from the moneys from time to time standing to the credit of the general fund liabilities incurred by it in or in connection with the conduct of the activities for which it is constituted.

(4) However, liability for expenditure for any purpose including purchase of goods and services shall only be incurred within expenditure limits established pursuant to the *Financial Administration and Audit Act 1977*.

Budget of the Board

27.(1) In each year the Board shall, by resolution in that behalf, adopt and, at a time determined from time to time by the Minister, lodge with the Minister a budget in respect of the fund maintained wherein the Board shall estimate as accurately as possible—

- (a)** the amount to be disbursed by the Board from that fund during the year ending on 30 June in the year next following in the proper exercise by the Board of its functions and powers under this Act and in giving effect to the provisions of this Act;
- (b)** the amount to be received from all sources by the Board during the year ending on 30 June in the year next following.

(2) A budget of the Board shall be of no force or effect until it is adopted by the Board and approved by the Minister.

(3) Upon approval by the Minister, the budget shall be binding upon the

Board.

(4) If the general fund of the Board contains a surplus or shows a deficit at the end of a financial year, the Board shall take such surplus or deficit into account in the preparation of its budget for the next succeeding financial year.

Observance of budget

28.(1) Subject to the provisions of this section, the Board shall confine its disbursements from its general fund throughout a financial year within the total amount contained in its budget for that financial year as approved under section 27.

(2) If, during any financial year, it appears to the Board that an extraordinary circumstance has arisen which requires that the Board make a disbursement from its general fund in that financial year that was not provided for in the budget (as approved) for that financial year, and if such disbursement is likely to cause the Board to exceed its approved budget, the Board shall, before making such disbursement—

- (a) by resolution, approve that such disbursement be made; and
- (b) obtain approval of the Minister for an appropriate amendment to the budget.

(3) If, in any financial year, the Board makes from its general fund a disbursement which was not provided for in the budget (as approved) of the Board for that financial year, and such disbursement causes the Board to exceed its total budget amount, all the members of the Board who voted for such disbursement shall be jointly and severally liable to repay to the Board the amount of such excess unless the Minister has approved as prescribed of the making of such disbursement.

(4) Such amount may be recovered from such members or any of them as moneys due and owing to the Board by action at the suit of the Minister in any court of competent jurisdiction.

Fees

29. All fees received by the Board under this Act shall be paid into the

general fund and applied solely for the purposes of the Board.

Investments

30. Any surplus moneys held by the Board in its general fund may be invested from time to time in any authorised trustee investment or with any authorised and approved dealer in the short term money market.

Temporary finance

31.(1) For the purpose of providing temporary financial accommodation to enable the Board to exercise and perform its functions, the Board may and is hereby authorised, with the prior approval of the Governor in Council, to obtain from time to time advances—

- (a) by way of loan from the Treasurer; or
- (b) by way of loan or overdraft from any bank; or
- (c) by way of loan from any other person, upon, at and subject to such security, rate of interest and other terms and conditions as the Board, subject to the approval of the Governor in Council, thinks fit.

(2) Before entering into negotiations with respect to the obtaining of any advance by way of loan or overdraft from any bank or other person, the Board, with the approval of the Minister first had and obtained, shall obtain the sanction of the Treasurer authorising it to enter into such negotiations and for the purpose of obtaining that sanction the Board shall submit to the Treasurer such information as the Treasurer may require.

Power of the Board to borrow

32.(1) Except as provided by section 31, the Board shall not have any power to borrow money.

(2) A person who lends money to the Board otherwise than in accordance with this Act shall have no remedy or right whatsoever to recover money from the Board in respect of that loan.

(3) If the Board borrows any money which it is not lawfully authorised

under this Act to borrow, all the members of the Board who have consented to the borrowing of such money shall be jointly and severally liable to repay the same and to pay all interest thereon to the person from whom the same was borrowed, and the same may be recovered from such members or any of them as money lent by such person to such members or, as the case may be, member by action at the suit of the Minister in any court of competent jurisdiction.

(4) If any moneys are appropriated from any fund for the purpose of repaying any money so borrowed or paying interest thereon, the members of the Board who have consented to the misappropriation of such moneys for that purpose shall be jointly and severally liable to refund the same with interest at the rate of 12% per annum, and the same may be recovered from such members or any of them by action in any court of competent jurisdiction at the suit of the Treasurer who, on recovery of the same, shall pay the amount recovered into the fund concerned, but shall be entitled to full costs of suit, including costs as between solicitor and client.

Division 4—Officers of the Board

Appointment of officers

33.(1) The executive officer of the Board of Senior Secondary School Studies shall be appointed by the Governor in Council under and in accordance with the *Public Service Management and Employment Act 1988* and the executive officer shall hold appointment subject to and in accordance with that Act.

(1A) The executive officer of the Board may attend Board meetings at which the executive officer shall have the right to speak but shall not be entitled to exercise any voting rights.

(2) The Minister or the Governor in Council, as the case may be, may appoint under and in accordance with the *Public Service Management and Employment Act 1988* such officers as may be deemed necessary for carrying out the provisions and objects of this Act.

(3) An officer of the public service may, in addition to the position to which the officer is appointed, be appointed to and hold concurrently with that position an office for the carrying out of the provisions and objects of

this Act.

Division 5—Constitution, functions and powers of the moderation and subject advisory committees

Moderation committee

34. The Board shall appoint a moderation committee as and in the manner prescribed in the regulations.

Functions and powers of the moderation committee

35.(1) The functions of the moderation committee shall be—

- (a) to perform on behalf of the Board such functions as are necessary to give effect to the Board's policies regarding procedures for moderation;
- (b) to keep the Board informed about current assessment practices in Queensland schools;
- (c) to advise the Board of persons qualified to act in various moderation capacities;
- (d) to advise the Board on such matters as the Board refers to it.

(2) The moderation committee shall have and may exercise such powers and authorities as are incidental to the proper discharge by it of any of its functions under this Act.

Subject advisory committees

36. The Board shall appoint, as and in the manner prescribed in the regulations, subject advisory committees for subjects or groups of subjects studied as Board subjects.

Functions and powers of subject advisory committees

37.(1) The functions of a subject advisory committee shall be—

- (a) to make recommendations to the Board concerning the broad framework of the syllabus or syllabuses in the subject or the group of subjects for which the committee is appointed;
- (b) until otherwise determined, and where such matter is referred to it by the Board, to make recommendations to the Board with respect to the matter of syllabuses for those subjects maintained by the Board and which are designated as Board subjects on Junior Certificates;
- (c) where such matter is referred to it by the Board, to make recommendations to the Board with respect to the matter of syllabuses for those subjects developed by schools, school systems, authorities, other institutions or the Board itself and which are designated, or are to be designated, Board subjects on the Senior Certificate;
- (d) to make recommendations to the Board on such other matters as the Board refers to it.

(2) A subject advisory committee shall have and may exercise such powers and authorities as are incidental to the proper discharge by it of any of its functions under this Act.

PART 3—GENERAL PROVISIONS

Regulations

38. The Governor in Council may from time to time make regulations not inconsistent with this Act providing for all or any purposes whether general or to meet particular cases that may be convenient for the administration of this Act or that may be necessary or convenient to carry out the objects and purposes of this Act.

Annual report

39. The Minister shall in every year cause to be laid before the Legislative

Assembly a report on the administration of this Act during the preceding year, prepared and tabled in accordance with the provisions of the *Financial Administration and Audit Act 1977*.

Power of delegation by the Minister

40.(1) The Minister may, either generally or otherwise as provided by the instrument of delegation, by writing signed by the Minister, delegate—

- (a) to any person;
- (b) to the holder of an office specifying its title but not the name of the holder for the time being;

all or any of the Minister's powers, authorities, functions or duties under this Act except this power of delegation and the powers assigned to the Minister under section 8.

(2) A power, authority, function or duty so delegated, if exercised or performed by the delegate, shall be exercised or performed in accordance with the instrument of delegation.

(3) A delegation may be made subject to such terms or limitations as the Minister thinks fit including a requirement that the delegate shall report to the Minister upon the exercise or performance of the delegated power, authority, function or duty.

(4) The Minister may make such and so many delegations of the same power, authority, function or duty and to such number of persons or holders of office as the Minister considers necessary or desirable.

(5) A delegation is revocable at the will of the Minister and does not prevent the exercise of a power or authority or the performance of a function or duty by the Minister.

Publication and tabling of proclamations

41. Every proclamation made under this Act shall—

- (a) be published in the Gazette;
- (b) be laid before the Legislative Assembly within 14 sitting days after such publication.

PART 4—TRANSITIONAL AND SPECIAL ARRANGEMENTS

Board of Secondary School Studies to cease to exist

42. In this Part—

“**Board of Secondary School Studies**” means the Board of Secondary School Studies formerly constituted under the provisions of the *Education Act 1964*, and subsisting immediately prior to the commencement of section 5.

Provisions relating to Board of Secondary School Studies

43.(1) Where, after the commencement of section 42, property would have passed by any testamentary disposition or otherwise to or for the benefit of the Board of Secondary School Studies, if it were still in existence, that property shall pass to or for the benefit of the Board of Senior Secondary School Studies, and shall vest in the Board, but without prejudice to any lawful claim of any person in relation to that property, and the Minister may create and administer any trust in connection therewith or for any other purpose whatsoever.

(3) If any property vested in the Board of Senior Secondary School Studies by subsection (2) is or shall be subject to any condition or trust, that property shall be held by or for the benefit of the Board of Senior Secondary School Studies subject to the conditions or trusts on which it was held immediately before that vesting.

(3A) Any reference in any such conditions or trusts to the Board of Secondary School Studies shall, on and from the commencement of section 42, be read and construed as a reference to the Board of Senior Secondary School Studies.

(8) All other matters commenced by the Board of Secondary School Studies pursuant to the performance of its functions and which remain incomplete at the commencement of section 42 shall be continued by the Board of Senior Secondary School Studies, provided such matters are not inconsistent with the functions of the Board of Senior Secondary School Studies under this Act.

ENDNOTES

1 Index to Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in section 5(c) of the Reprints Act 1992. Accordingly, this reprint includes all amendments that commenced operation on or before 13 January 1994. Future amendments of the Education (Senior Secondary School Studies) Act 1988 may be made in accordance with this reprint under section 49 of the Reprints Act 1992.

3 List of legislation

Education (Senior Secondary School Studies) Act 1988 No. 95

date of assent 8 December 1988

ss 1–2 and 47 commenced on date of assent

remaining provisions commenced 6 February 1989 (proc pubd Gaz 4 February 1989 p 728)

as amended by—

Education (Tertiary Entrance Procedures Authority) Act 1990 No. 92 Pt 5

date of assent 7 December 1990

commenced 20 April 1991 (proc pubd Gaz 20 April 1991 p 2558)

Griffith University and Queensland Conservatorium of Music Amalgamation and Miscellaneous Amendments Act 1991 No. 23 s 20 Sch

date of assent 5 June 1991

s 20 Sch not yet proclaimed into force

Statute Law (Miscellaneous Provisions) Act 1993 No. 32 s 3 Sch 2

date of assent 3 June 1993

commenced on date of assent

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Chap	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Long title amd (see s 39 RA)

Arrangement of Act

s 3 om (see s 36 RA)

Interpretation

s 4 def **“financial year”** amd 1990 No. 92 s 47(a)
 def **“tertiary education”** amd 1990 No. 92 s 47(b)
 def **“Tertiary Entrance Procedures Authority”** ins 1990 No. 92 s 47(c)

Functions and powers of Board

s 6 amd 1990 No. 92 s 48

Board may make by-laws

s 7 amd 1993 No. 32 s 3 Sch 2

Remuneration to members of the Board and other committees

s 23 amd 1990 No. 92 s 49

Budget of the Board

s 27 amd 1990 No. 92 s 50

Board of Secondary School Studies to cease to exist

s 42 amd (see s 38 RA)

Provisions relating to Board of Secondary School Studies

s 43 amd (see s 38 RA)

Compliance with accounts and audit requirements

s 44 om (see s 38 RA)

*Education (Senior Secondary School Studies)
Act 1988*

Compliance with annual reporting requirements

s 45 om (see s 38 RA)

Savings

s 46 om (see s 38 RA)

Special provisions for first constitution of the Board

s 47 om (see s 38 RA)

PART 5—AMENDMENT OF EDUCATION ACT 1964–1988

Pt 5 (ss 48–54) om 1991 No. 23 s 20 Sch (never proclaimed into force)
om (see s 40 RA)

5 Table of changed titles

TABLE OF CHANGED TITLES
under section 23A of the Reprints Act 1992

Old	New	Reference provision
Mental Health Services Act 1974	Mental Health Act 1974	s 9.1(2) Health Services Act 1991

6 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS
under section 43 of the Reprints Act 1992

Previous	Renumbered as
7(5) (2nd sentence)	7(6)
11 (1st sentence)	11(1)
11 (2nd sentence)	11(2)
14(1) (2nd sentence)	14(1A)
16(1) (2nd sentence)	16(1A)
16(2)(a)	16(2)
16(2)(b)	16(2A)
17 (1st sentence)	17(1)
17 (2nd sentence)	17(2)
17 (3rd sentence)	17(3)
19(2) (2nd sentence)	19(2A)
19(3) (2nd sentence)	19(4)
20 (1st sentence)	20(1)
20 (2nd sentence)	20(2)
22(1) (2nd sentence)	22(1A)

*Education (Senior Secondary School Studies)
Act 1988*

26(2) (2nd sentence)	26(3)
26(2) (3rd sentence)	26(4)
28(3) (2nd sentence)	28(4)
33(1)(a)	33(1)
33(1)(b)	33(1A)
42(1)	42
43(3) (2nd sentence)	43(3A)