

Queensland



EDUCATION (TERTIARY ENTRANCE PROCEDURES AUTHORITY) ACT 1990

**Reprinted as in force on 4 October 1994
(includes amendments up to Act No. 32 of 1993)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 3 October 1994. The reprint—

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

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- update references (Pt 4, Div 3)
- use expressions consistent with current legislative drafting practice (s 29)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (ss 39 and 40)
- number and renumber certain provisions and references (s 43).

Also see Endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in the reprint, including—**
 - **Table of changed citations and remade laws**
 - **Table of obsolete and redundant provisions**
 - **Table of renumbered provisions.**

Queensland



EDUCATION (TERTIARY ENTRANCE PROCEDURES AUTHORITY) ACT 1990

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	5
2	Commencement	5
3	Objects	5
4	Interpretation	6
PART 2—TERTIARY ENTRANCE PROCEDURES AUTHORITY		
<i>Division 1—Constitution, functions and powers of the Authority</i>		
5	Constitution of the Authority	7
6	Functions and powers of the Authority	8
7	Authority may make by-laws	10
8	Authority subject to Minister	11
<i>Division 2—Administrative provisions relating to the Authority</i>		
9	Failure to nominate	11
10	Term of appointment	12
11	Eligibility for re-appointment	12
12	Disqualification from office	12
13	Vacation of office of members of the Authority	12
14	Vacancy on the Authority from expiry of term of appointment	13
15	Removal of member	13
16	Casual vacancies on the Authority	14
17	Manner of exercising power	14
18	Validity of proceedings	15
19	Quorum and business of the Authority	15

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

20	Proceedings in relation to the Authority	15
21	Chairmember to sign agreements for the Authority	16
22	Remuneration to members of the Authority, advisory groups and other committees	16
23	Delegation of powers and functions by chairmember	17
	<i>Division 3—Financial and accountability provisions relating to the Authority</i>	
24	Accounts and audit	18
25	Funds of the Authority	18
26	Budget of the Authority	18
27	Observance of budget	19
28	Fees	20
29	Investments	20
30	Financial arrangements	20
	<i>Division 4—Staff of the Authority</i>	
31	Minister to provide staff	20
	PART 3—TERTIARY ENTRANCE PROCEDURES AUTHORITY ADVISORY COUNCIL	
	<i>Division 1—Constitution and functions of the Advisory Council</i>	
32	Constitution of the Advisory Council	21
33	Functions of the Advisory Council	21
	<i>Division 2—Administrative provisions relating to the Advisory Council</i>	
34	Presiding officer	22
35	Failure to nominate	22
36	Term of office	22
37	Disqualifications for appointment as member	22
38	Vacation of office	23
39	Procedures, etc. of the Advisory Council	23
40	Remuneration to members of the Advisory Council	24
41	Advisory Council not to be statutory body	24

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

PART 4—GENERAL PROVISIONS

42	Regulations	24
43	Annual Report	25
44	Power of delegation by the Minister	25
45	Publication and tabling of proclamations	26

ENDNOTES

1	Index to Endnotes	27
2	Date to which amendments incorporated	27
3	List of legislation	27
4	List of annotations	28
5	Table of changed citations and remade laws	29
6	Table of obsolete and redundant provisions	29
7	Table of renumbered provisions	30

EDUCATION (TERTIARY ENTRANCE PROCEDURES AUTHORITY) ACT 1990

[as amended by all amendments that commenced on or before 4 October 1994²]

**An Act to establish a Tertiary Entrance Procedures Authority 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 (Tertiary Entrance Procedures Authority) Act 1990*³⁻⁷.

Commencement

2.(1) Section 1, this section and section 3 commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) The remaining provisions, or such of them as are specified, commence on a day or days appointed by proclamation.

Objects

3. The objects of this Act are—

- (a) to establish a Tertiary Entrance Procedures Authority and to provide for its functions and powers;
- (b) to provide for the establishment of a Tertiary Entrance Procedures Authority Advisory Council and to provide for its functions.

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

Interpretation

4. In this Act—

“**Advisory Council**” means the Tertiary Entrance Procedures Authority Advisory Council constituted under this Act.

“**Authority**” means the Tertiary Entrance Procedures Authority constituted under this Act.

“**Board of Senior Secondary School Studies**” means the Board of Senior Secondary School Studies established under the *Education (Senior Secondary School Studies) Act 1988*.

“**chairmember**” means the chairmember of the Authority constituted by this Act and includes any member performing the duties of the chairmember.

“**higher education**” means tertiary education which is specifically recognised by State and Commonwealth authorities as higher education.

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

“**non-State school**” means a non-State school within the meaning of that term in the *Education (General Provisions) Act 1989*.

“**practising teacher**” means a person—

- (a) who is registered as a teacher under the *Education (Teacher Registration) Act 1988*; and
- (b) who is part of the educational staff of a school;

but does not include a person who has provisional registration as a teacher under the *Education (Teacher Registration) Act 1988*.

“**senior secondary education**” means education offered in years 11 and 12.

“**State school**” means a State school within the meaning of that term in the *Education (General Provisions) Act 1989*.

“**technical and further education**” means tertiary education other than higher education.

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

“**tertiary education**” means higher education, and technical and further 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**” means the entrance by persons to tertiary education in Queensland.

PART 2—TERTIARY ENTRANCE PROCEDURES AUTHORITY

Division 1—Constitution, functions and powers of the Authority

Constitution of the Authority

5.(1) There shall be constituted an Authority to be called the ‘Tertiary Entrance Procedures Authority’ consisting of—

- (a) 1 nominee of the Minister who shall, on appointment, be designated and shall be chairmember;
- (b) 3 representatives of higher education institutions, nominated by the Minister after consultation with and having regard to the views of the vice-chancellors of higher education institutions;
- (c) 3 representatives of senior secondary education, 1 of whom shall be nominated by the Board of Senior Secondary School Studies, 1 of whom shall be a practising teacher in a State school and 1 of whom shall be a practising teacher in a non-State school, nominated by the Minister after consultation with and having regard to the views of the Board of Senior Secondary School Studies;
- (d) 1 representative of technical and further education, nominated by the Minister for the time being charged with the administration of the *Vocational Education, Training and Employment Act 1991*;
- (e) 2 persons, at least 1 of whom in the opinion of the Minister, shall

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

represent the interest of the general community, nominated by the Minister;

- (f) 1 person nominated by the Minister if, in the opinion of the Minister, additional representation is desirable.

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

(3) The members of the Authority shall appoint from among their number a person to be deputy chairmember of the Authority and such person, subject to this Act, shall be deputy chairmember for such period, not exceeding the term for which that person is appointed as a member, as the Authority determines.

Functions and powers of the Authority

6.(1) The functions of the Tertiary Entrance Procedures Authority shall be—

- (a) to keep tertiary entrance under continuous review and make reports and recommendations to the Minister thereon and, to advise the Minister on other matters which in its opinion are related to tertiary entrance;
- (b) to undertake such procedures in relation to tertiary entrance as the Minister may from time to time direct;
- (c) to issue—
- (i) tertiary entrance statements; and
 - (ii) other statements and documents under a regulation;
- (d) to monitor, review, negotiate and recommend adjustments as necessary to tertiary entrance procedures and like matters;
- (e) to monitor the supply and demand for student places in tertiary education;
- (f) to confer and collaborate with—
- (i) any university, university college, college or like institution offering tertiary education;

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

- (ii) the Board of Senior Secondary School Studies;
- (iii) the Queensland Tertiary Admissions Centre;
- (iv) the department of government within which the *Education (General Provisions) Act 1989* is administered;
- (v) the department of government within which the *Vocational Education, Training and Employment Act 1991* is administered;
- (vi) any person or group of persons or, any school system, authority, school and other like institution, centre, committee and like group howsoever called;

as it sees fit, in the performance of its functions and the exercise of its powers;

- (g) to refer to the Tertiary Entrance Procedures Authority Advisory Council matters which, in the opinion of the Authority or in the opinion of the Minister should be so referred, for advice, comment or recommendation;
- (h) to consult with the Tertiary Entrance Procedures Authority Advisory Council and to keep that Council systematically informed concerning developments and proposed developments in relation to tertiary entrance procedures;
- (i) to provide students and other members of the community with information in respect of tertiary entrance;
- (j) to undertake or commission review and research projects;
- (k) to appoint such advisory groups and committees as it thinks fit to assist and advise it in the performance of its functions and the exercise of its powers;
- (l) to nominate a person to become and be a member of, or to have observer status on, appeals committees of universities or any committee, group or body concerned with tertiary entrance;
- (m) to make by-laws pursuant to the provisions of section 7;
- (n) to make recommendations to the Minister with respect to the annual appropriation of funds required for the purpose of

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

adequately performing its functions;

- (o) to direct and control the work of staff assigned to the Authority in order to fulfil the Authority's functions;
- (p) to furnish to the Minister as soon as practicable, but not later than 4 months after 30 June in each year, a report of its work and activities during the year.

(2) The Authority 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 prior approval of the Minister, to enter into an agreement with any person or body to sell such materials;
- (b) impose and collect fees and charges for issuing tertiary entrance statements and such other statements and like documents howsoever called as are prescribed from time to time pursuant to section 6(1)(c), or for any services associated with performance of its functions, including power to impose and collect different fees and charges (including no fee or charge) for issuing different types of statements to different classes of persons, such fees and charges being subject to the approval of the Governor in Council;
- (c) enter into, with the prior approval of the Minister, an agreement with any person or body for leasing premises as accommodation for the Authority.

Authority may make by-laws

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

- (a) the issue of tertiary entrance statements and, such other statements and like documents as are approved from time to time;
- (b) advisory groups and committees appointed pursuant to this Part;
- (c) such other matters as by this Act are required or permitted to be prescribed or as may from time to time be necessary, convenient or desirable for the carrying into effect of the several provisions,

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

objects and purposes of this Act.

(2) The Authority 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 Authority 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 Authority 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 Authority 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 Authority 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.

Authority subject to Minister

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

Division 2—Administrative provisions relating to the Authority

Failure to nominate

9. Where a vacancy on the Authority arises from the expiration of a member's term of appointment or because of a casual vacancy on the Authority, and the person, body or group required as prescribed by this Act in relation to the membership of the Authority to nominate a person to be a member of the Authority 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.

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

Term of appointment

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

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

Eligibility for re-appointment

11. The members of the Authority shall, if otherwise qualified, be eligible for re-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 (whether on indictment or summarily) 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 Services Act 1974*;

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

Vacation of office of members of the Authority

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

- (a) dies;

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

- (b) declines to act or to further act as such member;
- (c) resigns office as such member in writing delivered to the chairmember of the Authority;
- (d) is absent, without prior leave of the Authority, from 3 consecutive ordinary meetings of the Authority 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 chairmember of the Authority;
- (e) ceases to be qualified to be a member of the Authority;
- (f) is removed from office as such member by the Governor in Council.

Vacancy on the Authority from expiry of term of appointment

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

(1A) The appointment of a person to fill that vacancy is to be made, as prescribed by this Act in relation to the membership of the Authority, 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 Authority 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 is to 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 Authority was appointed remove such member from membership by notification published in the Gazette.

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

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

Casual vacancies on the Authority

16.(1) Where a casual vacancy occurs in the membership of the Authority the Governor in Council, by notification published in the Gazette, is to 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 is to be made, as prescribed by this Act in relation to the membership of the Authority, on or before the date so appointed.

(2) Subsections (1) and (1A) do not apply in the case of a casual vacancy occurring in the membership of the Authority 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 is to 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 Authority shall be appointed for the balance of the term for which that person's predecessor was appointed.

Manner of exercising power

17.(1) The Authority 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 is to be taken to have voted for the negative.

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

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

Validity of proceedings

18. An act or proceeding of the Authority 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 Authority not exceeding $\frac{1}{3}$ of the total number of members for the time being required to constitute such Authority or that all the members of such Authority 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 Authority who joined in doing such act or taking such proceeding or in authorising such act or proceeding.

Quorum and business of the Authority

19.(1) The power to make regulations conferred upon the Governor in Council by section 42 includes power to fix the quorum of members of the Authority required to constitute a meeting of the Authority.

(2) Meetings of the Authority are to be called and conducted in the manner determined by the Authority.

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

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

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

Proceedings in relation to the Authority

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

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

(2) Every court of law shall take judicial notice of the signature of the chairmember 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 Authority.

(4) Proceedings in any court may be taken against the Authority in its name, the 'Tertiary Entrance Procedures Authority'.

Chairmember to sign agreements for the Authority

21.(1) Subject to the provisions of this Act, the chairmember of the Authority is empowered to sign any agreement for and on behalf of the Authority, provided that the Authority has first passed a resolution to enter into such agreement.

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

Remuneration to members of the Authority, advisory groups and other committees

22.(1) Members of the Authority, advisory groups and other committees established or appointed under this Act are to 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 Authority or, as the case may be, advisory groups or 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 Authority, advisory group or other committee or from accepting and retaining any fees, allowances or expenses payable to the person pursuant to this section.

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

(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 Authority, advisory group or any other committee to which this section applies held during the ordinary office working hours of that member.

(5) The provisions of this section do not apply to the Tertiary Entrance Procedures Authority Advisory Council.

Delegation of powers and functions by chairmember

23.(1) Subject to section 44, the chairmember may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under the chairmember's hand, delegate to any of the staff assigned to the Authority 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 chairmember.

(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 chairmember 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 chairmember.

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

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

***Division 3—Financial and accountability provisions relating to the
Authority***

Accounts and audit

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

Funds of the Authority

25.(1) The Authority is to keep a bank account for a general fund.

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

(3) The Authority is to 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—

- (a) the conduct of the activities for which it is constituted;
- (b) the operation of and, the conduct of the activities of, the Tertiary Entrance Procedures Authority Advisory Council.

Budget of the Authority

26.(1) In each year the Authority, by resolution in that behalf, is to 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 Authority is to estimate as accurately as possible—

- (a) the amount of moneys to be available in that fund on 1 July in the year next following;
- (b) the amount to be disbursed by the Authority from that fund during the year ending on 30 June in the year next following in the proper exercise by the Authority of its functions and powers under this Act and in giving effect to the provisions of this Act;
- (c) the amount to be received from all sources by the Authority during the year ending on 30 June in the year next following.

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

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

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

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

Observance of budget

27.(1) Subject to the provisions of this section, the Authority is to 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 the provisions of section 26.

(2) If, during any financial year, it appears to the Authority that an extraordinary circumstance has arisen which requires that the Authority 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 Authority to exceed its approved budget, the Authority 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 Authority makes from its general fund a disbursement which was not provided for in the budget (as approved) of the Authority for that financial year, and such disbursement causes the Authority to exceed its total budget amount, all the members of the Authority who voted for such disbursement shall be jointly and severally liable to repay to the Authority 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 Authority by action at the suit of the Minister in any court of competent jurisdiction.

Fees

28. All fees received by the Authority under this Act shall be paid into the general fund and applied solely for the purposes of the Authority.

Investments

29. Any surplus moneys held by the Authority in its general fund may be invested by the Authority from time to time in any investment of a kind that can be made under section 41(3) of the *Financial Administration and Audit Act 1977*.

Financial arrangements

30.(1) The Authority may borrow or raise money or enter into other arrangements for obtaining money to enable the Authority to discharge its functions and exercise its powers.

(2) For the purposes of subsection (1)—

- (a) the provisions of Part 4 of the *Statutory Bodies Financial Arrangements Act 1982* other than sections 25A, 25B, 33 to 38 and 47(1) and (2) apply;
- (b) for the purposes of the application of the provisions as prescribed by paragraph (a), the Authority is taken to be a statutory body within the meaning of that last mentioned Act.

Division 4—Staff of the Authority

Minister to provide staff

31.(1) The Minister may provide to the Authority, out of the resources available to the Minister, such secretariat, administrative, and other assistance as, in the Minister's opinion, is necessary and desirable and one such staff member shall be designated executive officer.

(2) The executive officer of the Authority may attend Authority meetings at which the executive officer has the right to speak but is not entitled to exercise any voting rights.

PART 3—TERTIARY ENTRANCE PROCEDURES AUTHORITY ADVISORY COUNCIL

Division 1—Constitution and functions of the Advisory Council

Constitution of the Advisory Council

32. There shall be constituted an Advisory Council to be called the ‘Tertiary Entrance Procedures Authority Advisory Council’ which is to consist of members appointed by the Minister after consultation with and having regard to the views of groups that, in the opinion of the Minister, represent the interests of students, parents, teachers, schools, tertiary educators, tertiary institutions and employers.

Functions of the Advisory Council

33.(1) The functions of the Advisory Council are—

- (a) to report to the Authority on matters referred to it by the Authority for advice, comment or recommendation;
- (b) to report to the Minister on matters referred to it by the Minister for advice, comment or recommendation;
- (c) to refer to the Authority or the Minister or both, matters relating to tertiary entrance which, in its opinion, should be so referred;
- (d) to do such supplemental, incidental and consequential acts as may be necessary or expedient for the exercise of its functions or its operations.

(2) The Advisory Council shall not at any time have control of funds.

Division 2—Administrative provisions relating to the Advisory Council

Presiding officer

- 34.(1)** The Advisory Council is to have a presiding officer.
- (2)** The chairmember of the Authority is to be the presiding officer.

Failure to nominate

35. If a person or body is requested by the Minister to nominate a person for appointment as a member of the Advisory Council and such nomination is not made within the time or in the manner specified by the Minister when the Minister requests the nomination, the Minister may appoint any person to be a member instead of the person required to be appointed on the nomination.

Term of office

36. A member of the Advisory Council, subject to this Act, is to hold office for such term, not exceeding 3 years, as is specified in the instrument of appointment of the member but is eligible for reappointment.

Disqualifications for appointment as member

- 37.** A person who—
- (a) is an undischarged bankrupt or is taking 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 (whether on indictment or summarily) or has been convicted elsewhere than in Queensland in respect of an act or omission which if done or made by that 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

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

- (c) is a patient within the meaning of the *Mental Health Services Act 1974*;

is not qualified to be or to continue as a member.

Vacation of office

38.(1) The office of a member of the Advisory Council becomes vacant if the member —

- (a) dies; or
- (b) resigns office by writing signed by the member and given to the Minister; or
- (c) is absent from 3 consecutive meetings of the Advisory Council of which reasonable notice has been given to the member personally or in the ordinary course of post except on leave granted by the Advisory Council, and is not, before the expiration of 4 weeks from the last of those meetings, excused by the Advisory Council for being absent from those meetings; or
- (d) ceases to be qualified to continue as a member; or
- (e) ceases to hold the office or position necessary for appointment as a member.

(2) The Minister may, for any cause that appears to the Minister sufficient, remove any member of the Advisory Council from office.

(3) On the occurrence of a vacancy in the office of a member of the Advisory Council, the Minister may appoint a person to the vacant office so that the Advisory Council is constituted in accordance with section 32.

Procedures, etc. of the Advisory Council

39.(1) The quorum of the Advisory Council and the practices and procedures of the Advisory Council generally, subject to this Act and to the prior approval of the Authority, are to be as determined by the Advisory Council.

(2) The presiding officer of the Advisory Council or, in the absence of the presiding officer, the member chosen by the members present at the

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

meeting to act as presiding officer may preside at any meeting of the Advisory Council.

Remuneration to members of the Advisory Council

40.(1) Members of the Advisory Council established 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 Advisory Council.

(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 Advisory Council 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 Advisory Council to which this section applies held during the ordinary office working hours of that member.

Advisory Council not to be statutory body

41. The Advisory Council is not a statutory body within the meaning of that term in the *Financial Administration and Audit Act 1977*.

PART 4—GENERAL PROVISIONS

Regulations

42.(1) The Governor in Council may from time to time make regulations not inconsistent with this Act providing for all or any purposes whether

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

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.

(2) The power to regulate conferred by this section includes the power to prohibit.

Annual Report

43. 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

44.(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

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

prevent the exercise of a power or authority or the performance of a function or duty by the Minister.

Publication and tabling of proclamations

45. 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.

ENDNOTES

1 Index to Endnotes

		Page
2	Date to which amendments incorporated	27
3	List of legislation	27
4	List of annotations	28
5	Table of changed citations and remade laws	29
6	Table of obsolete and redundant provisions	29
7	Table of renumbered provisions	30

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 4 October 1994. Future amendments of the Education (Tertiary Entrance Procedures Authority) Act 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation

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

ss 1–3 commenced on date of assent

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

as amended by—

Statute Law (Miscellaneous Provisions) Act 1991 No. 97 s 3 Sch 1

date of assent 17 December 1991

commenced on date of assent

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
Ch	=	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
R1	=	Reprint No. 1
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

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

Long title

amd R1 (see RA s 39)

Interpretation

s 4 def “**financial year**” om 1991 No. 97 s 3 Sch 1
def “**Minister**” om 1991 No. 97 s 3 Sch 1

Functions and powers of the Authority

s 6 amd 1991 No. 97 s 3 Sch 1

Authority may make by-laws

s 7 amd 1993 No. 32 s 3 Sch 2

PART 5—AMENDMENT OF EDUCATION (SENIOR SECONDARY SCHOOL STUDIES) ACT 1988

Pt 5 (ss 46–50) om R1 (see RA s 40)

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

5 Table of changed citations and remade laws

TABLE OF CHANGED CITATIONS AND REMADE LAWS
under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Employment, Vocational Education and Training Act 1988	Vocational Education, Training and Employment Act 1991	—

6 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
references to Minister	Acts Interpretation Act 1954 s 33(1)(a)
references to Queensland implied	Acts Interpretation Act 1954 s 35
reference to provisions of a law is inclusive	Acts Interpretation Act 1954 s 35D

7 Table of renumbered provisions

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

Original	Renumbered as
7(5), 2nd sentence	7(6)
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)
25(2), 2nd sentence	25(3)
27(3), 2nd sentence	27(4)