

Queensland



ANNO TRICESIMO SEPTIMO
ELIZABETHAE SECUNDAE REGINAE

No. 95 of 1988

**An Act to establish a Board of Senior Secondary School
Studies to provide for its functions and powers to
amend the Education Act 1964-1988 in certain
particulars and for related purposes**

[ASSENTED TO 8TH DECEMBER, 1988]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Education (Senior Secondary School Studies) Act 1988*.

2. Commencement. (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.

3. Arrangement of Act. This Act is arranged into Parts and Divisions of Parts as follows:—

PART I—PRELIMINARY (ss. 1-4);

PART II—BOARD OF SENIOR SECONDARY SCHOOL STUDIES (ss. 5-37);

Division 1—Constitution, Functions and Powers of the Board (ss. 5-8);

Division 2—Administrative Provisions Relating to the Board (ss. 9-24);

Division 3—Financial and Accountability Provisions Relating to the Board (ss. 25-32);

Division 4—Officers of the Board (s. 33);

Division 5—Constitution, Functions and Powers of the Moderation and Subject Advisory Committees (ss. 34-37);

PART III—GENERAL PROVISIONS (ss. 38-41);

PART IV—TRANSITIONAL AND SPECIAL ARRANGEMENTS (ss. 42-47);

PART V—AMENDMENT OF EDUCATION ACT 1964-1988 (ss. 48-54).

4. Interpretation. In this Act, unless the contrary intention appears—

“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;

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- “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 31 December;
- “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 recognized 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 1964-1988*;
- “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, 9, 10, 11 and 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.

PART II—BOARD OF SENIOR SECONDARY SCHOOL STUDIES

Division 1—Constitution, Functions and Powers of the Board

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

- (a) one nominee of the Minister who shall, on appointment, be designated and shall be chairman;
- (b) three nominees of the Director-General;
- (c) two representatives of teachers’ unions, who shall be practising secondary education teachers with experience in senior secondary education, one each to be nominated by the Queensland Teachers’ Union and the Queensland Association of Teachers in Independent Schools;
- (d) one nominee of the Board of Teacher Registration, who shall be a practising secondary education teacher with experience in senior secondary education;
- (e) three 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, one 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) one 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) two representatives of institutions of higher education, nominated by the Higher Education Forum, one of whom shall be a practising teacher educator;
- (h) two representatives of the industry and commerce sectors, nominated by the Minister;
- (i) two representatives of non-State secondary schools, one to be nominated by the Queensland Catholic Education Commission and one 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) one 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 chairman of the Board and such person,

subject to this Act, shall be deputy chairman for such period, not exceeding the term for which that person is appointed as a member, as the Board determines.

6. Functions and powers of the Board. (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;
- (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;
 - (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 the provisions of section 7;
- (l) to direct and control the work of staff appointed to the Board in order to fulfill the Board's functions;
- (m) to furnish to the Minister as soon as practicable, but not more than four months after 31 December 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.

7. Board may make by-laws. (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 authorize 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 him to the Governor in Council.

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

(6) Section 28A of the *Acts Interpretation Act 1954-1985* shall apply with respect to by-laws made pursuant to this section and, for the purpose of such application, that section shall be read and construed as if references therein to regulations were references to by-laws made pursuant to this section.

8. Board subject to Minister. 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

9. Failure to nominate. 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.

10. Term of appointment. (1) The chairman of the Board shall, subject to this Act, hold office for a period of four years.

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

11. Eligibility for re-appointment. The members of the Board shall, if otherwise qualified, be eligible for re-appointment: Provided that a person shall not be eligible to be a member of the Board, in the same capacity, for more than two consecutive terms of appointment.

12. Disqualification from office. 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;
- (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 him 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 1974-1987*,

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

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

- (a) he dies;
- (b) he declines to act or to further act as such member;
- (c) he resigns his office as such member in writing delivered to the chairman of the Board;
- (d) he is absent, without leave of the Board first had and obtained, from three consecutive ordinary meetings of the Board of which meetings a notice—
 - (i) has been served personally upon him; or
 - (ii) has been sent by prepaid post letter addressed to him at his place of business or place of residence last known to the chairman of the Board;
- (e) he ceases to be qualified to be a member of the Board;
- (f) he is removed from office as such member by the Governor in Council.

14. Vacancy on the Board from expiry of term of appointment. (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.

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.

15. Removal of member. (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 his 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.

16. Casual vacancies on the Board. (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.

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) (a) 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.

(b) 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 his predecessor was appointed.

17. Manner of exercising power. 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.

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

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

18. Validity of proceedings. 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 authorized or that there is a defect in the qualification, membership or appointment

of any one or more members of such Board who joined in doing such act or taking such proceeding or in authorizing such act or proceeding.

19. Quorum and business of the Board. (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.

This subsection shall not be construed or applied to prejudice the operation of the provisions of section 13 (d).

(3) The chairman of the Board shall preside at every meeting of the Board at which he is present and, in his absence, the deputy chairman of the Board, if he is present, shall preside at every meeting of the Board.

Should both the chairman and the deputy chairman 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.

20. Attendance by proxy at meetings. 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 him.

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

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

(2) Every court of law shall take judicial notice of the signature of the chairman 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".

22. Chairman to sign agreements for the Board. (1) Subject to the provisions of this Act, the chairman of the Board is empowered to sign agreements for and on behalf of the Board: Provided that the Board has first passed a resolution to enter into such agreement.

(2) Upon the chairman'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.

23. Remuneration to members of the Board and other committees.

(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 his time to the duties of his office or prohibiting him from engaging in employment outside the duties of his office shall not operate to disqualify him 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 him pursuant to this section.

(4) A fee, allowance or amount by way of expenses shall not be paid to a member who is an officer of the Public Service of Queensland 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.

24. Delegation of powers and functions by chairman. (1) Subject to section 40, the chairman may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under his 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 chairman.

(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 chairman 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 he 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 chairman.

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

(a) affect the exercise or discharge of the power or function by the chairman;

or

(b) relieve the chairman from his obligation to ensure that the responsibility is properly discharged.

Division 3—Financial and Accountability Provisions Relating to the Board

25. Accounts and Audit. The provisions of the *Financial Administration and Audit Act 1977-1988* apply to and in respect of the Board to the extent provided by that Act.

26. Funds of the Board. (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.

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 connexion with the conduct of the activities for which it is constituted: Provided that 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 1977-1988*.

27. Budget of the Board. (1) Before 31 October in each year the Board shall, by resolution in that behalf, adopt and 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 31 December 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 31 December 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.

28. Observance of budget. (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 the provisions of 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.

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.

29. Fees. 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.

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

31. Temporary finance. (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 authorized, with the prior approval of the Governor in Council, to obtain from time to time advances—

- (a) by way of loan from the Treasurer;
- (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 authorizing 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.

32. Power of the Board to borrow. (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 authorized 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 twelve dollars per centum 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

33. Appointment of officers. (1) (a) 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 he shall hold his appointment subject to and in accordance with that Act.

(b) The executive officer of the Board may attend Board meetings at which he 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 of Queensland may, in addition to the position to which he 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

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

35. Functions and powers of the moderation committee. (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.

36. Subject advisory committees. 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.

37. Functions and powers of subject advisory committees. (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 III—GENERAL PROVISIONS

38. Regulations. 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.

39. Annual Report. 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 1977-1988*.

40. Power of delegation by the Minister. (1) The Minister may, either generally or otherwise as provided by the instrument of delegation, by writing signed by him, 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 his powers, authorities, functions or duties under this Act except this power of delegation and the powers assigned to him 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 him 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 he 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 him.

41. Publication and Tabling of Proclamations. 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 IV—TRANSITIONAL AND SPECIAL ARRANGEMENTS

42. Board of Secondary School Studies to cease to exist. (1) In this Part, “Board of Secondary School Studies” means the Board of Secondary School Studies formerly constituted under the provisions of the *Education Act 1964-1988*, and subsisting immediately prior to the commencement of section 5.

(2) The chairman and each other member of the Board of Secondary School Studies holding office as such immediately prior to the commencement of section 5 shall go out of office forthwith on such commencement and that Board shall thereupon cease to exist.

43. Provisions relating to Board of Secondary School Studies. (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 connexion therewith or for any other purpose whatsoever.

(2) All property which immediately prior to the commencement of section 42 is held by or vested in the Board of Secondary School Studies shall, on that commencement, be divested from that Board and shall vest in the Board of Senior Secondary School Studies.

(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.

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.

(4) All rights accruing or accrued to the Board of Secondary School Studies in respect of any property vested in the Board of Senior Secondary School Studies pursuant to subsection (2) are hereby vested in and may be enforced by the Board of Senior Secondary School Studies.

(5) All liabilities of the Board of Secondary School Studies in respect of any property vested in the Board of Senior Secondary School Studies pursuant to subsection (2) may be enforced against the Board of Senior Secondary School Studies.

(6) All suits, actions and proceedings and all causes of action pending or existing immediately prior to the commencement of section 42 by or against the Board of Secondary School Studies may be carried on and prosecuted by or against the Board of Senior Secondary School Studies and no such suit, action or proceeding shall abate or be prejudicially affected by this Act.

(7) All contracts, agreements and undertakings entered into with and all securities lawfully given to or by the Board of Secondary School Studies existing at the commencement of section 42 shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the Board of Senior Secondary School Studies and may be enforced by or against that Board accordingly.

(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.

44. Compliance with accounts and audit requirements. The Board of Senior Secondary School Studies shall comply in all respects with the provisions of the *Financial Administration and Audit Act 1977-1988* in the place of the Board of Secondary School Studies in respect of the financial year of the Board of Secondary School Studies ending 30 June 1988 (if such provisions have not been complied with prior to the commencement of section 42) and in respect of that part of the next financial year of the Board of Secondary School Studies that extends up to the commencement of section 42, and any statements of account prepared by the Board of Senior Secondary School Studies in respect of that period or those periods in the place of the Board of Secondary School Studies shall have the same force and effect as if they had been prepared by the Board of Secondary School Studies.

45. Compliance with annual reporting requirements. The Board of Senior Secondary School Studies shall comply in all respects with the provisions of the *Financial Administration and Audit Act 1977-1988* in the preparation of the annual report on its operations and the operations of the Board of Secondary School Studies in respect of the year ending 31 December 1988.

46. Savings. (1) Unless otherwise expressly prescribed, every approval, determination, authority, certificate, direction, notification, order, permission, appointment, arrangement, prohibition, refusal, registration or other act of authority made, granted, issued, done, or otherwise originated under Part VI of the *Education Act 1964-1988* prior to its repeal pursuant to section 51, or under any regulation, by-law or rule made under the *Education Act 1964-1988* in relation to the subject matter or operation of the said Part VI shall, subject as hereinafter provided, continue in force for the purposes of this Act as fully and effectually as if it had been granted, issued, done or otherwise originated under a corresponding provision of this Act including a corresponding regulation, by-law or rule (and shall, where necessary, be deemed to have so originated) until it expires by effluxion of time or is rescinded, repealed, revoked, cancelled, suspended, or otherwise determined under this Act: Provided that every such approval, determination, authority, certificate, direction, notification, order, permission, appointment, arrangement, prohibition, refusal, registration or other act of authority shall be read and construed subject to this Act.

(2) Nothing in this section limits the operation and effect of the *Acts Interpretation Act 1954-1985*.

47. Special provisions for first constitution of the Board. (1) For the purpose of the first constitution of the Board—

- (a) the Governor in Council, at any time after the commencement of this section, may make a regulation prescribing a procedure in accordance with which the Association of Independent Schools in Queensland and other non-State secondary schools are to nominate a representative pursuant to section 5 (1) (i);
- (b) the Minister, at any time after the commencement of this section, may require any person, body or group who or that

is to nominate a person or persons to be a member or members of the Board to do so within a period of time specified by him;

and

- (c) the Minister shall nominate the person specified in section 5 (1) (d) to be the nominee of the Board of Teacher Registration, and that person as nominated by the Minister shall, on appointment, be taken to be the nominee of the Board of Teacher Registration.

(2) If a person, body or group fails to make a nomination within the period of time specified by the Minister under subsection (1) (b), the Minister may nominate the person or persons in lieu of the person, body or group; and thereupon the person or persons shall be taken to have been nominated by the person, body or group in question.

PART V—AMENDMENT OF EDUCATION ACT 1964-1988

48. Citation. (1) In this Part the *Education Act 1964-1988* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Education Act 1964-1988*.

49. Amendment of s. 2. Parts and Divisions. Section 2 of the Principal Act is amended by—

(a) omitting all words from and including the words “PART VI—SECONDARY SCHOOL STUDIES” to and including the words “—By-laws of the Board of Secondary School Studies;”;

(b) omitting, where they refer to Part VIII, the words “THE BOARD OF SECONDARY SCHOOL STUDIES,”.

50. Amendment of s. 4. Interpretation. Section 4 of the Principal Act is amended by—

(a) omitting the definition “Board subject”;

(b) in paragraph (b) of the definition “Financial year” omitting the words “or the Board of Secondary School Studies”.

51. Repeal of Part VI. The Principal Act is amended by repealing Part VI.

52. Amendment of heading of Part VIII. The Principal Act is amended by omitting from the Part heading immediately preceding section 53, the words “THE BOARD OF SECONDARY SCHOOL STUDIES,”.

53. Amendment of s. 53. Definition of terms. Section 53 of the Principal Act is amended by omitting from the definition “Board” the words “Board of Secondary School Studies,”.

54. Repeal of s. 62. Attendance by proxy at meetings. The Principal Act is amended by repealing section 62.