

Queensland



**EDUCATION (SCHOOL
CURRICULUM P-10) ACT
1996**

Act No. 65 of 1996

Queensland



EDUCATION (SCHOOL CURRICULUM P-10) ACT 1996

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	6
2	Commencement	6
3	Purpose	7
4	Dictionary	7
PART 2—QUEENSLAND SCHOOL CURRICULUM COUNCIL (P-10)		
<i>Division 1—Establishment, functions and powers</i>		
5	Establishment of council	8
6	Council's functions	8
7	Council's powers	9
8	Dealings with the council	10
9	By-law making power	10
<i>Division 2—Strategic plan, syllabuses and tests</i>		
10	Responsibility for strategic plan for P-12 syllabuses and revisions	10
11	Minister to consider strategic plan and notify chairpersons	11
12	Approved syllabuses	11
13	Regulation may require council to develop tests	12
<i>Division 3—Powers of Minister</i>		
14	Reference of curriculum matters to council	12
15	Minister's power to give directions in the public interest	13
<i>Division 4—Membership</i>		
16	Membership of council	13

17	Appointment not affected by other laws restricting employment	15
18	Members' term of office	15
19	Disqualification on conviction of indictable offence	16
20	Filling vacancies	16
21	Leave of absence	17
22	Remuneration	18
23	Disclosure of interests by members of council, members of committees and director	18

Division 5—Council business

24	Conduct of business	19
25	Time and place of meetings	19
26	Conduct of meetings	19
27	Attendance by appointed member's proxy or chief executive's nominee . .	20
28	Attendance of director at meetings	21

Division 6—Committees

29	Executive committee	21
30	Syllabus advisory committees	21
31	Other committees	22
32	Remuneration and other matters	22

Division 7—Administrative provisions

33	Application of financial legislation	22
34	Budget	22
35	Compliance with budget	23

**PART 3—OFFICE OF THE QUEENSLAND SCHOOL
CURRICULUM COUNCIL**

36	Office of the Queensland School Curriculum Council	23
37	Office's function and powers	23
38	Director and staff of the office	23
39	Control of the office	23

PART 4—MISCELLANEOUS

40	Delegations	24
41	Administrative support for council and office	24
42	Regulation-making power	25

PART 5—TRANSITIONAL*Division 1—Preliminary*

43	Definitions for pt 5	25
----	--------------------------------	----

Division 2—Council

44	Dissolution of former council	26
45	Agreements and pending legal proceedings	26
46	Assets and liabilities	26

Division 3—Office

47	Dissolution of former office	27
48	Staff of the office	27
49	Repeal	27

Division 4—Syllabuses

50	Syllabuses previously approved or maintained	27
----	--	----

Division 5—Expiry

51	Expiry	28
----	------------------	----

PART 6—AMENDMENTS

52	Acts amended	28
----	------------------------	----

SCHEDULE 1 29**CURRENT APPROVED SYLLABUSES**

1	Primary syllabuses	29
2	Secondary syllabuses	29
3	Secondary syllabuses—maintained by Board of Senior Secondary School Studies	29

SCHEDULE 2 32**AMENDMENTS**

CENTRAL QUEENSLAND UNIVERSITY ACT 1989	32
EDUCATION (GENERAL PROVISIONS) ACT 1989	33
EDUCATION LEGISLATION AMENDMENT ACT 1995	34
EDUCATION (SENIOR SECONDARY SCHOOL STUDIES) ACT 1988	34
EDUCATION (TEACHER REGISTRATION) ACT 1988	50
EDUCATION (TERTIARY ENTRANCE PROCEDURES AUTHORITY) ACT 1990	58

EDUCATION (WORK EXPERIENCE) ACT 1996	67
GRAMMAR SCHOOLS ACT 1975	67
GRIFFITH UNIVERSITY ACT 1971	68
HIGHER EDUCATION (GENERAL PROVISIONS) ACT 1993	68
JAMES COOK UNIVERSITY OF NORTH QUEENSLAND ACT 1970 ..	69
QUEENSLAND UNIVERSITY OF TECHNOLOGY ACT 1988	70
SUNSHINE COAST UNIVERSITY COLLEGE ACT 1994	70
UNIVERSITY OF QUEENSLAND ACT 1965	71
UNIVERSITY OF SOUTHERN QUEENSLAND ACT 1989	72
VOCATIONAL EDUCATION, TRAINING AND EMPLOYMENT ACT 1991	73
SCHEDULE 3	76
DICTIONARY	

Queensland



Education (School Curriculum P-10) Act 1996

Act No. 65 of 1996

An Act to establish a council with functions about guidelines for the preschool year and syllabuses for years 1 to 10 and related matters, and for other purposes

[Assented to 9 December 1996]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Education (School Curriculum P-10) Act 1996*.

Commencement

2.(1) Part 6 and schedule 2, so far as the part and schedule relate to the following Acts commence on the date of assent—

- *Central Queensland University Act 1989*
- *Education Legislation Amendment Act 1995*
- *Education (Work Experience) Act 1996*
- *Grammar Schools Act 1975*
- *Griffith University Act 1971*
- *Higher Education (General Provisions) Act 1993*
- *James Cook University of North Queensland Act 1970*
- *Queensland University of Technology Act 1988*
- *Sunshine Coast University College Act 1994*
- *University of Queensland Act 1965*
- *University of Southern Queensland Act 1989*
- *Vocational Education, Training and Employment Act 1991*.

(2) The remaining provisions of this Act commence on a day to be fixed by proclamation.

Purpose

3.(1) The main purpose of this Act is to provide for the development of high quality curricula for Queensland schools.

(2) The purpose is to be achieved by—

- (a) establishing the Queensland School Curriculum Council (P-10);
and
- (b) giving the council functions relating to—
 - (i) the development of P-10 syllabuses; and
 - (ii) initial in-service materials and source books for years 1 to 10; and
 - (iii) strategic planning with the board for the development of P-12 syllabuses;¹ and
 - (iv) other curriculum matters; and
- (c) establishing the Office of the Queensland School Curriculum Council to assist the council.

Dictionary

4.(1) The dictionary in schedule 3 defines particular words used in this Act.²

¹ The Board of Senior Secondary School Studies has functions relating to curriculum for years 11 and 12. See the *Education (Senior Secondary School Studies) Act 1988*, section 6.

² In some Acts, definitions are contained in a dictionary that appears as the last schedule and forms part of the Act—*Acts Interpretation Act 1954*, section 14(4).

(2) Definitions found elsewhere in the Act are signposted³ in the dictionary.⁴

PART 2—QUEENSLAND SCHOOL CURRICULUM COUNCIL (P-10)

Division 1—Establishment, functions and powers

Establishment of council

5. The Queensland School Curriculum Council (P-10) is established.

Council's functions

6.(1) The council's main functions are as follows—

- (a) to develop P-10 syllabuses;⁵
- (b) to develop initial in-service materials and source books for years 1 to 10;
- (c) to advise the Minister on the development of P-10 syllabuses;
- (d) with the board⁶—
 - (i) to develop and, from time to time, revise a strategic plan for

³ Words defined elsewhere in the Act are generally signposted by entries in the dictionary. However, if a section has a definition applying only to the section, or a part of the section, it is generally not signposted by an entry in the dictionary and is generally set out in the last subsection of the section.

⁴ The signpost definitions in the dictionary alert the reader to the terms defined elsewhere in the Act and tell the reader where the definitions can be found. For example, the definition ‘ “appointed members” see section 16.’ tells the reader there is a definition of appointed members in section 16.

⁵ See section 12 (Approved syllabuses).

⁶ The “board” as defined in the dictionary, is the Board of Senior Secondary School Studies.

- the development of P-12 syllabuses; and
- (ii) to recommend the strategic plan to the Minister;
- (e) for tests required under a regulation⁷—
- (i) to develop the tests; and
 - (ii) to collect and analyse systemic information about the performance of students in the approved tests and report the results of the analyses to the Minister.
- (2) The council also has the following functions—
- (a) to hold at least 2 forums each year to ensure distance education, early childhood education, industry, open learning and other relevant issues are taken into account in developing P-10 syllabuses;
 - (b) to undertake research or review projects about developing P-10 syllabuses;
 - (c) to examine and review matters referred to it under section 14.⁸

Council's powers

7.(1) The council has power to do anything necessary or convenient in relation to its functions.

(2) Without limiting subsection (1), the council has the powers given to it under this or another Act and, in particular, has power to—

- (a) enter into contracts; and
- (b) appoint agents and attorneys; and
- (c) engage consultants; and
- (d) produce materials in performing its functions; and
- (e) charge for advertising in the materials; and
- (f) sell the materials or enter into an agreement with someone else to sell the materials.

⁷ See section 13 (Regulation may require council to develop tests).

⁸ Section 14 (Reference of curriculum matters to council)

(3) However, the council must not enter into an agreement about real property, including, for example, leasing premises for its accommodation, unless the Minister has approved the council entering into the agreement.

Dealings with the council

8.(1) The council may execute an agreement or other document by having the chairperson, or another person authorised in writing by the council for the purpose, sign the document on its behalf.

(2) The council may sue and be sued under its name.

By-law making power

9.(1) The council may make by-laws about matters relating to its functions and powers.

(2) Without limiting subsection (1), a by-law may be made about—

- (a) developing P-10 syllabuses; and
- (b) developing initial in-service materials and source books for years 1 to 10; and
- (c) developing tests; and
- (d) the way in which approved tests are to be administered, and systemic information is to be given to the council about the performance of students in the tests.

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

Division 2—Strategic plan, syllabuses and tests

Responsibility for strategic plan for P-12 syllabuses and revisions

10.(1) This section applies in relation to the council's function, with the board—

- (a) to develop and, from time to time, revise a strategic plan for the development of P-12 syllabuses; and
- (b) to recommend the strategic plan to the Minister.

(2) The chairperson of the council must take primary responsibility for the process by which the council and the board must work together in developing the strategic plan, and revising it from time to time.

(3) However, the chairperson of the council must consult with the chairperson of the board about the way in which the council and the board are to work together, including, for example, calling and chairing meetings and establishing committees.

(4) The recommendation to the Minister about the strategic plan, or subsequent revisions, must be signed by both chairpersons.

(5) A revision may take the form of developing a further plan.

Minister to consider strategic plan and notify chairpersons

11.(1) The Minister must consider a strategic plan, or a revision, recommended under section 10(4) and notify the chairperson of the council and chairperson of the board that—

- (a) the strategic plan or revision is approved with or without changes; or
- (b) the strategic plan or revision requires further development, including the particular areas for development.

(2) The council has not discharged its functions about developing a strategic plan or a revision until the Minister has given notice to the council that the plan or revision is approved.

Approved syllabuses

12.(1) The council must perform its function to develop P-10 syllabuses in accordance with the strategic plan as approved by the Minister.

(2) When the council develops a guideline for the preschool year, or a syllabus for a subject for a year from 1 to 10, the council must give written notice to the chief executive about the approved syllabus.

(3) The chief executive must fully consider the implementation of the approved syllabus and develop a plan (the **“implementation plan”**) to effectively and efficiently implement the approved syllabus into State educational institutions providing education for the subject in the year to

which the approved syllabus relates, including, for example, the timing for the implementation.

(4) The chief executive must ensure each State educational institution providing education for the subject in the year to which the approved syllabus relates complies with the implementation plan.

Regulation may require council to develop tests

13.(1) A regulation may require the council to develop tests for the assessment of particular skills or knowledge of students in a particular year.

Example of a test—

A test to assess the literacy skills of students in year 6.

(2) When the council develops a test (an “**approved test**”) under the regulation, it must give written notice about the approved test to the chief executive.

(3) The chief executive must—

- (a) ensure the approved test is administered by each State educational institution providing education to students in the year to which the test relates; and
- (b) give to the council the systemic information it requires about the performance of students in the test.

(4) If a school, other than a State educational institution, administers an approved test, the entity employing the school’s teaching staff must give the council the systemic information it requires about the performance of students in the test.

Division 3—Powers of Minister

Reference of curriculum matters to council

14. If the Minister considers there is a matter about curriculums for the preschool year or years 1 to 10 that the council should examine and review, the Minister may, by written notice, refer the matter to the council for its examination and review.

Minister's power to give directions in the public interest

15.(1) The Minister may give the council a written direction if the Minister is satisfied it is necessary to give the direction in the public interest.

(2) Without limiting subsection (1), a direction may be that the council must comply with—

- (a) a policy, standard or other instrument of a public sector unit; or
- (b) another document, including, for example, another policy, standard or instrument.

(3) The council must comply with the direction.

(4) In the council's annual report for a financial year, under the *Financial Administration and Audit Act 1977*, the council must include copies of all directions given to it during the financial year.

Division 4—Membership**Membership of council**

16.(1) The council consists of the following members—

- (a) the chief executive;
- (b) the persons appointed under subsection (2) (the “**appointed members**”).

(2) The Governor in Council must appoint the following persons as members of the council—

- (a) 2 persons nominated by the Minister, 1 of whom is to be appointed as chairperson;
- (b) 2 public service officers employed in the department and nominated by the chief executive;
- (c) 1 person nominated by the Queensland Catholic Education Commission;
- (d) 1 person nominated by the Association of Independent Schools of Queensland Inc.;
- (e) 1 person nominated by the Board of Senior Secondary School

Studies;

- (f) 2 practising teachers, of whom—
 - (i) 1 is to be nominated by the Queensland Teachers' Union; and
 - (ii) 1 is to be nominated by the Queensland Association of Teachers in Independent Schools;
- (g) 1 member of the Vocational Education, Training and Employment Commission nominated by the Vocational Education Minister;
- (h) 3 persons who, at the time of appointment, are parents of students currently attending a year from preschool to year 10 at a State educational institution or other school in Queensland, of whom—
 - (i) 1 is to be nominated by the Queensland Council of Parents and Citizens' Associations Incorporated; and
 - (ii) 1 is to be nominated by the Federation of Parents and Friends Associations Queensland; and
 - (iii) 1 is to be nominated by the Independent Parents and Friends Council of Queensland;
- (i) 1 person nominated by the Higher Education Forum.

(3) The Minister must, by written notice to each of the nominating entities, ask each entity to nominate a person who is, for the entity, an eligible person for appointment to the council.

(4) If a nominating entity does not, within the time stated in the notice, nominate a person who is, for the entity, an eligible person—

- (a) the Minister may nominate someone who is, for the entity, an eligible person; and
- (b) the person nominated by the Minister is taken to have been nominated by the entity that failed to nominate within the time stated in the notice.

(5) The council may appoint a member to be deputy chairperson of the council for the term, not longer than his or her term of office as a member,

decided by the council.

- (6) The director may not be appointed as a member.

Appointment not affected by other laws restricting employment

17. If another Act prohibits or regulates a person's employment, or other engagement in activities, outside of a stated office or position, the Act does not prevent the person from—

- (a) being appointed to the council or a committee; or
- (b) carrying out the person's functions as a member of the council or a committee; or
- (c) being paid a fee or allowance to which the person is entitled because of the appointment.

Members' term of office

18.(1) The member appointed as the chairperson of the council holds office for the term, not longer than 4 years, stated in the member's appointment.

(2) Each other appointed member holds office for the term, not longer than 3 years, stated in the member's appointment.

(3) The office of an appointed member becomes vacant if the member—

- (a) dies; or
- (b) resigns by signed notice—
 - (i) for the chairperson—given to the Minister; or
 - (ii) for another member—given to the chairperson; or
- (c) is absent from 3 consecutive meetings of the council, of which the member has been given notice as prescribed under a regulation, without the council's leave and without reasonable excuse; or
- (d) is convicted of an indictable offence; or
- (e) stops being an eligible person for the entity that nominated the person.

Disqualification on conviction of indictable offence

19.(1) A person may not be appointed as a member if the person has been convicted of an indictable offence.

(2) However, despite subsection (1) and section 18(3)(d), if the Minister considers it would be reasonable, having regard to the circumstances of the indictable offence of which a person has been convicted, the Minister may—

- (a) if the person was a member when convicted—give written notice to the chairperson and the person that the person is restored as a member, and may be subsequently reappointed, despite the conviction; or
- (b) otherwise—give written approval for the person to be appointed as a member despite the conviction.

(3) On the day the chairperson receives a notice under subsection (2)(a)—

- (a) the person is restored as a member; and
- (b) if another person has been appointed to fill the vacancy, the other person's appointment ends.

(4) If a person is restored as a member under subsection (3), the person's term of office as a member ends at the time it would have ended if the person had not been convicted of the offence.

Filling vacancies

20.(1) This section applies if there is a vacancy in the office of an appointed member (the “**previous member**”).

(2) If the previous member was a member mentioned in section 16(2)(b) to (i), the Minister must, by written notice to the nominating entity of the previous member, ask the entity to nominate a person who is, for the entity, an eligible person for appointment to the vacancy.

(3) If the nominating entity does not, within the time stated in the notice, nominate a person who is, for the entity, an eligible person—

- (a) the Minister may nominate someone who is, for the entity, an eligible person; and

(b) the person nominated by the Minister is taken to have been nominated by the entity.

(4) The Governor in Council's appointment of a person to fill the vacancy may only be made after the person's nomination by the nominating entity or the Minister.⁹

(5) The term of the appointment must end not later than the end of the previous member's term.

Leave of absence

21.(1) The Minister may approve a leave of absence for an appointed member (the **"approved absent member"**).

(2) The Minister may appoint someone else to act in the office of the approved absent member while the member is absent on the approved leave.

(3) The person appointed to act in the office of the approved absent member need not be an eligible person for the nominating entity for which the approved absent member is an eligible person.

(4) However, the Minister must have regard to the council's membership requirements under section 16 when appointing someone to act in the office of the approved absent member.

(5) A person is taken to be an appointed member during the term of the person's appointment to act in the office of an approved absent member.

(6) The Minister's power to appoint a person to act in the office of an approved absent member does not limit the Governor in Council's powers as stated in the *Acts Interpretation Act 1954*, section 25(1)(b)(v).¹⁰

⁹ Under the *Acts Interpretation Act 1954*, section 25(1)(b), the Governor in Council's power to appoint a member includes a power to appoint someone else if the member's office becomes vacant.

¹⁰ *Acts Interpretation Act 1954*, section 25(1)(b)(v), (Powers of appointment imply certain incidental powers)

Remuneration

22. Each member of the council is entitled to be paid the fees and allowances that may be decided by the Governor in Council.

Disclosure of interests by members of council, members of committees and director

23.(1) This section applies to a member of the council, a member of a committee or the director (the “**interested person**”) if—

- (a) the interested person has a direct or indirect financial interest in an issue being considered, or about to be considered, by the council or the committee; and
- (b) the interest could conflict with the proper performance of the person’s duties about the consideration of the issue.

(2) As soon as practicable after the relevant facts come to the interested person’s knowledge, the person must disclose the nature of the interest to a meeting of the council or the committee.

(3) Unless the council or committee otherwise directs, the interested person must not—

- (a) be present when the council or committee considers the issue; or
- (b) take part in a decision of the council or committee about the issue.

(4) The interested person must not be present when the council or committee is considering whether to give a direction under subsection (3).

(5) If there is another person who must, under subsection (2), also disclose an interest in the issue, the other person must not—

- (a) be present when the council or committee is considering whether to give a direction under subsection (3); or
- (b) take part in making the decision about giving the direction.

(6) If, because of this section, a member of the council or a committee is not present at a council or committee meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3), but there would be a quorum if the member were present, the remaining members present are a quorum of the council or committee for considering or deciding the issue at the meeting.

(7) A disclosure under subsection (2) must be recorded in the council's or committee's minutes.

Division 5—Council business

Conduct of business

24.(1) The council may conduct its business, including its meetings, in the way it considers appropriate.

(2) However, the council may only make decisions about how it will carry out its functions or exercise its powers if it does so at a council meeting at which a quorum is present.

(3) This section is subject to this Act, including, for example, section 26(9).¹¹

Time and place of meetings

25.(1) Council meetings are to be held at the times and places it decides.

(2) However, the council must meet at least 6 times a year.

(3) The chairperson—

(a) may call a meeting at any time; and

(b) must call a meeting if asked, in writing, to do so by at least two-thirds of the members or the Minister.

Conduct of meetings

26.(1) The chairperson of the council is to preside at all council meetings at which the chairperson is present.

(2) If the chairperson is absent, the deputy chairperson of the council is to preside.

(3) If the chairperson and deputy chairperson are absent, another member chosen by the members present is to preside.

¹¹ Section 26 (Conduct of meetings)

(4) A question at a meeting is decided by a majority of the votes of the members present.

(5) Each member present at the meeting has a vote on each question to be decided and, if the votes are equal, the member presiding has a casting vote.

(6) A member present at the meeting who abstains from voting is taken to have voted for the negative.

(7) The council may hold meetings, or permit members to take part in meetings, by telephone, closed circuit television or another form of communication.

(8) A member who takes part in a meeting under a permission under subsection (7) is taken to be present at the meeting.

(9) A resolution is validly made by the council, even if it is not passed at a council meeting, if—

- (a) at least half the members give written agreement to the resolution; and
- (b) notice of the resolution is given under procedures approved by the council.

Attendance by appointed member's proxy or chief executive's nominee

27.(1) An appointed member may attend a council meeting by proxy.

(2) However, the appointed member may not—

- (a) appoint a member of the office's staff as the proxyholder; or
- (b) attend more than 2 meetings each year by proxy.

(3) A member is not entitled to preside at a meeting merely because the member is the proxyholder for another member who, if present, would be entitled to preside.

(4) The chief executive may, by written notice to the chairperson, nominate a public service officer employed in the department to attend a meeting or meetings for the chief executive.

(5) In subsection (2)(b)—

“**year**” means a period of 12 months starting on the first day of the term of office of the member concerned or an anniversary of that day.

Attendance of director at meetings

28.(1) The director may attend council meetings.

(2) The director may speak at a meeting but is not entitled to vote.

Division 6—Committees

Executive committee

29.(1) There is an executive committee of the council.

(2) The members of the executive committee are as follows—

(a) the chairperson of the council;

(b) the chief executive;

(c) the appointed members mentioned in section 16(2)(c), (d) and (e).

(3) The executive committee must perform functions referred to the committee by the council and report to the council as it requires.

Syllabus advisory committees

30.(1) To the extent the council considers it necessary or convenient for effectively and efficiently performing its functions in relation to P-10 syllabuses, the council may establish syllabus advisory committees.

(2) The council may appoint persons to be members of the syllabus advisory committees, subject to any requirements prescribed under a regulation.

(3) The function of a syllabus advisory committee is to make recommendations to the council about—

(a) particular subjects for which it is established; and

(b) any other matters referred to it by the council.

Other committees

31.(1) The council may establish other committees for effectively and efficiently performing its functions.

(2) The council may appoint persons to be members of the committees.

(3) The function of each other committee is to make recommendations to the council about matters referred by the council to the committee.

Remuneration and other matters

32.(1) Each member of a committee is entitled to be paid the fees and allowances that may be decided by the Governor in Council.

(2) The council may decide matters about a committee that are not provided for under this Act, including, for example, the way a committee must conduct meetings.

Division 7—Administrative provisions**Application of financial legislation**

33. The council is a statutory body under the following Acts—

- *Financial Administration and Audit Act 1977*
- *Statutory Bodies Financial Arrangements Act 1982.*

Budget

34.(1) For each financial year, the council must develop, adopt and submit to the Minister a budget not later than the day the Minister directs.

(2) A budget has no effect until approved by the Minister.

(3) During a financial year the council may develop, adopt and submit to the Minister amendments to its budget.

(4) An amendment has no effect until approved by the Minister.

Compliance with budget

35.(1) The council must comply with its budget.

(2) If the council makes a disbursement in a financial year that is not provided for in its budget for the financial year, the members who knowingly agreed to the disbursement are jointly and severally liable to repay the amount of the disbursement to the council.

(3) The amount may be recovered in a court of competent jurisdiction, as a debt payable to the council, by a person appointed in writing by the Minister for the purpose.

PART 3—OFFICE OF THE QUEENSLAND SCHOOL CURRICULUM COUNCIL**Office of the Queensland School Curriculum Council**

36. The Office of the Queensland School Curriculum Council is established.

Office's function and powers

37.(1) The office's function is to assist the council.

(2) The office has power to do anything necessary or convenient in relation to its function.

Director and staff of the office

38.(1) The office consists of the director and other staff of the office.

(2) The director and other staff are to be appointed under the *Public Service Act 1996*.

Control of the office

39.(1) The director is to control the office.

(2) The director has all the functions and powers of the chief executive of a department, so far as the functions and powers relate to the organisational unit comprising the staff of the office, as if—

- (a) the unit were a department within the meaning of the *Public Service Act 1996*; and
- (b) the director were the chief executive of the department.

PART 4—MISCELLANEOUS

Delegations

40.(1) The Minister may delegate the Minister’s powers under this Act, other than under section 15,¹² to an appropriately qualified person.

(2) In this section—

“**appropriately qualified person**” means a person with the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

A person’s classification level in the public service.

Administrative support for council and office

41.(1) The council may make arrangements for administrative support services for the council and the office.

(2) If the council makes arrangements with the chief executive for the department to provide 1 or more services for the council or the office, the arrangement must include a provision about the council paying the department a reasonable amount for the service.

¹² Section 15 (Minister’s power to give directions in the public interest)

Regulation-making power

42.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may make provision about any of the following matters—

- (a) the way the council carries out its functions or exercises its powers;
- (b) council meetings, including—
 - (i) notice of meetings; and
 - (ii) the number of members required to constitute a quorum; and
 - (iii) meeting procedures;
- (c) committees including, for example, the membership of syllabus advisory committees;
- (d) financial matters, including the council's budget and its keeping of an account with a financial institution.

PART 5—TRANSITIONAL*Division 1—Preliminary***Definitions for pt 5**

43. In this part—

“commencement day” means the day this part commences.

“former council” means the Queensland Curriculum Council established under the *Education (General Provisions) Act 1989*, part 6A, as in force immediately before the commencement day.

“former office” means the Queensland School Curriculum Office established, under the *Public Service Management (Creation of Part of*

*Department) Order (No. 1) 1995,*¹³ as a part of the department.

“**new council**” means the council.

“**new office**” means the office.

“**transferring officer**” means a person who, immediately before the commencement day, was a public service officer within the former office.

Division 2—Council

Dissolution of former council

44. The former council is dissolved and its members go out of office.

Agreements and pending legal proceedings

45.(1) An agreement or arrangement in force immediately before the commencement day, between the former council and another entity, is taken to be an agreement or arrangement between the new council and the entity.

(2) A legal proceeding started, but not finally disposed of, before the commencement day, by or against the former council, may be continued and finished by or against the new council.

(3) In this section, a reference to the former council includes a reference to another entity acting for the former council.

Assets and liabilities

46. On the commencement day, an asset or liability of the former council immediately before the commencement day becomes an asset or liability of the new council.

¹³ The order was published in the gazette on 31 March 1995 at page 1439.

Division 3—Office**Dissolution of former office**

47. The former office is dissolved.

Staff of the office

48.(1) Each transferring officer is a public service officer within the new office.

(2) Each transferring officer keeps—

(a) the salary and conditions of employment; and

(b) the entitlements with respect to leave and superannuation;

that applied to the officer immediately before the commencement day.

(3) To remove any doubt, it is declared that a transferring officer's continuity of service is not interrupted merely because of the end of the officer's appointment within the former office and the start of the officer's appointment within the new office.

Repeal

49. The *Public Service Management (Creation of Part of Department) Order (No. 1) 1995* is repealed.

Division 4—Syllabuses**Syllabuses previously approved or maintained**

50.(1) On the commencement of this section, the following syllabuses are taken to be approved syllabuses—

(a) the syllabuses for years 1 to 7 approved by the chief executive for the subjects stated in schedule 1, section 1;

(b) the syllabuses for years 8 to 10 approved by the chief executive for the subjects stated in schedule 1, section 2;

- (c) the syllabuses for years 8 to 10 for the subjects stated in schedule 1, section 3—
- (i) approved by the Board of Secondary School Studies; and
 - (ii) maintained by the Board of Senior Secondary School Studies immediately before the commencement of the *Education Legislation Amendment Act 1995*.
- (2) A syllabus mentioned in subsection (1) that relates to years 1 to 10 is taken to be approved—
- (a) for years 1 to 7, so far as it relates to those years; and
 - (b) for years 8 to 10, so far as it relates to those years.

Division 5—Expiry

Expiry

51. This part expires on 31 December 1997.

PART 6—AMENDMENTS

Acts amended

52. Schedule 2 amends the Acts mentioned in it.

SCHEDULE 1

CURRENT APPROVED SYLLABUSES

section 50

Primary syllabuses

1. The following are the subjects for which, under section 50(1)(a), syllabuses for years 1 to 7 are taken to be approved syllabuses—

- art
- English for years 1 to 10
- health and physical education
- health education
- mathematics for years 1 to 10
- music
- science
- social studies.

Secondary syllabuses

2. The following are the subjects for which, under section 50(1)(b), syllabuses for years 8 to 10 are taken to be approved syllabuses—

- English for years 1 to 10
- mathematics for years 1 to 10.

Secondary syllabuses—maintained by Board of Senior Secondary School Studies

3. The following are the subjects for which, under section 50(1)(c), syllabuses for years 8 to 10 are taken to be approved syllabuses—

- advanced mathematics

SCHEDULE 1 (continued)

- agricultural mechanics
- agricultural science
- agriculture
- animal husbandry
- art
- business principles and practice
- Chinese
- citizenship education
- commercial studies
- English
- French
- general mathematics
- general shop A
- general shop B
- geography
- German
- graphics
- health and physical education
- history
- home economics
- Indonesian/Malaysian
- Italian
- Japanese
- Latin
- mathematics
- modern Greek

SCHEDULE 1 (continued)

- music
- ordinary mathematics
- science
- shorthand
- social science
- social studies
- Spanish
- speech and drama
- study of society
- typewriting.

SCHEDULE 2**AMENDMENTS**

section 52

CENTRAL QUEENSLAND UNIVERSITY ACT 1989**Amendment****1. Section 20(1)(c)—***omit.***2. Section 28(2), ‘subsections (4) and (5)’—***omit, insert—**‘subsection (5)’.***3. Section 28(3), ‘Subject to subsection (4), the’—***omit, insert—**‘The’.***4. Section 28(4)—***omit.*

SCHEDULE 2 (continued)

EDUCATION (GENERAL PROVISIONS) ACT 1989**Amendment**

1. Section 3(1), definitions “council”, “early childhood education”, “materials”, “open learning”, “practising teacher”, “tertiary education” and “Vocational Education Minister”—

omit.

2. Section 3(1)—

insert—

‘**“materials”** includes documents.’.

3. Section 47(4)—

omit, insert—

‘**(4)** An agreement entered into by an association must contain any conditions required by the Minister by notice—

- (a) given to the association; or
- (b) published in the Education Office Gazette.

‘**(5)** The conditions may relate to a stated agreement or agreements of a stated class.’.

4. Part 6A—

omit.

5. Section 78(2)(c) and (3)—

omit.

SCHEDULE 2 (continued)

**EDUCATION LEGISLATION AMENDMENT ACT
1995****Amendment****1. Section 9—**

omit.

**EDUCATION (SENIOR SECONDARY SCHOOL
STUDIES) ACT 1988****Amendment****1. Section 4, definitions “Council”, “executive officer”, “Higher Education Forum”, “materials” and “practising teacher”—**

omit.

2. Section 4—

insert—

“**appointed members**” see section 5.

“**committee**” means a committee mentioned in section 6(1)(k).

“**council**” means the Queensland School Curriculum Council (P-10).

“**director**” means the director of the office.

“**eligible person**”, for a nominating entity, means a person whom the entity may nominate for membership of the board as stated in section 5(3).

“**foreign education document**” means a document stating an educational qualification, or a level of education attained, from an educational institution outside the State.

SCHEDULE 2 (continued)

“Higher Education Forum” means the committee of that name established under the *Education (General Provisions) Act 1989*.

“materials” includes documents.

“nominating entity” means an entity that, under section 5(3)(b) to (i), may nominate a person to be a member of the board.

“office” means the Office of the Board of Senior Secondary School Studies.

“P-12 syllabuses” means either or both of the following—

- (a) guidelines for the preschool year;
- (b) the syllabuses for the subjects in years 1 to 12.

“practising secondary education teacher” means a person who is—

- (a) registered as a teacher under the *Education (Teacher Registration) Act 1988*; and
- (b) is a member of the educational staff of a school to provide secondary education.

“primary education” means education offered in years 1 to 7.’.

3. Section 4, definition “Board registered subject”, ‘work program’—

omit, insert—

‘study area specification or work program’.

4. Section 4, definition “Board subject”, ‘, other than a Board registered subject or recorded subject,’—

omit.

5. Section 5—

omit, insert—

SCHEDULE 2 (continued)

‘Establishment and membership of board

‘5.(1) The Board of Senior Secondary School Studies is established.

‘(2) The board consists of the following members—

- (a) the chief executive;
- (b) the persons appointed under subsection (3) (the **“appointed members”**).

‘(3) The Governor in Council must appoint the following persons as members of the board—

- (a) 1 person nominated by the Minister, who is to be appointed as chairperson;
- (b) 2 public service officers employed in the department and nominated by the chief executive;
- (c) 1 person nominated by the Council;
- (d) 1 member of the Vocational Education, Training and Employment Commission nominated by the Vocational Education Minister;
- (e) 1 person nominated by the Higher Education Forum;
- (f) 1 person nominated by the Queensland Catholic Education Commission;
- (g) 1 person nominated by the Association of Independent Schools of Queensland Inc.;
- (h) 2 practising secondary education teachers, with experience in senior secondary education, of whom—
 - (i) 1 is to be nominated by the Queensland Teachers’ Union; and
 - (ii) 1 is to be nominated by the Queensland Association of Teachers in Independent Schools;
- (i) 3 persons who, at the time of appointment, are parents of students currently attending year 11 or 12 at a State educational institution

SCHEDULE 2 (continued)

or other school in Queensland, of whom—

- (i) 1 is to be nominated by the Queensland Council of Parents and Citizens' Associations Incorporated; and
- (ii) 1 is to be nominated by the Federation of Parents and Friends Associations Queensland; and
- (iii) 1 is to be nominated by the Independent Parents and Friends Council of Queensland;
- (j) if the Minister considers it appropriate for there to be another member—another person nominated by the Minister.

‘(4) The Minister must, by written notice to each of the nominating entities, ask each entity to nominate a person who is, for the entity, an eligible person for appointment to the board.

‘(5) If a nominating entity does not, within the time stated in the notice, nominate a person who is, for the entity, an eligible person—

- (a) the Minister may nominate someone who is, for the entity, an eligible person; and
- (b) the Minister's nominee is taken to have been nominated by the entity that failed to nominate within the time stated in the notice.

‘(6) The board may appoint a member to be deputy chairperson of the board for the term, not longer than his or her term of office as a member, decided by the board.

‘(7) The director may not be appointed as a member.’.

6. After section 6(1)(d)—

insert—

‘(da)with the council—

- (i) to develop and, from time to time, revise a strategic plan for the development of P-12 syllabuses; and
- (ii) to recommend the strategic plan to the Minister;’.

SCHEDULE 2 (continued)

7. After section 6(1)(e)—*insert—*

‘(ea) to approve study area specifications for subjects that are designated, or are to be designated, Board registered subjects on the senior certificate;’.

8. Section 6(1)(n) to (p)—*omit.***9. Section 6(1)—***insert—*

‘(t) to assess and decide the levels of education evidenced by foreign education documents, compared with the levels of primary and secondary education provided by educational institutions in the State.’.

10. Section 6(2) and (3)—*omit, insert—*

‘(2) The board has power to do anything necessary or convenient in relation to its functions.

‘(3) Without limiting subsection (2), the board has the powers given to it under this or another Act and, in particular, has power to—

- (a) enter into contracts; and
- (b) appoint agents and attorneys; and
- (c) engage consultants; and
- (d) produce materials in performing its functions; and
- (e) charge for advertising in the materials; and
- (f) sell the materials or enter into an agreement with someone else to

SCHEDULE 2 (continued)

sell the materials.

‘(4) However, the board must not enter into an agreement about real property, including, for example, leasing premises for its accommodation, unless the Minister has approved the board entering into the agreement.’.

11. After section 7(1)(b)—

insert—

‘(ba)the approval of study area specifications;’.

12. Section 7(1)(e)—

omit, insert—

‘(e) examinations;’.

13. After section 7(1)(h)—

insert—

‘(ha)the issue of copies of certificates;’.

14. Section 7(2)—

omit, insert—

‘(2) A by-law may prescribe fees payable to the board—

- (a) in relation to examinations or tests; or
- (b) for the issue of certificates or other documents, or copies of certificates or other documents; or
- (c) for other services provided in relation to the board’s functions.’.

15. Section 7(5)—

omit.

SCHEDULE 2 (continued)

16. Section 8—*omit, insert—***‘Responsibility for strategic plan for P-12 syllabuses and revisions**

‘8.(1) This section applies in relation to the board’s function, with the council—

- (a) to develop and, from time to time, revise a strategic plan for the development of P-12 syllabuses; and
- (b) to recommend the strategic plan to the Minister.

‘(2) The chairperson of the council has primary responsibility for the process by which the council and the board must work together in developing the strategic plan, and revising it from time to time.

‘(3) However, the chairperson of the board must ensure the board works together with the council, including, for example, establishing committees.

‘(4) The recommendation to the Minister about the strategic plan, or subsequent revisions, must be signed by both chairpersons.

‘(5) A revision may take the form of developing a further plan.’.

17. Part 2, division 2, heading and sections 9 to 11—*omit, insert—***‘Minister to consider strategic plan and notify chairpersons**

‘9.(1) The Minister must consider a strategic plan, or a revision, recommended under section 8(4) and notify the chairperson of the board and chairperson of the council that—

- (a) the strategic plan or revision is approved with or without changes;
or
- (b) the strategic plan or revision requires further development, including the particular areas for development.

‘(2) The board has not discharged its functions about developing a

SCHEDULE 2 (continued)

strategic plan or a revision until the Minister has given notice to the board that the plan or revision is approved.

‘Minister’s power to give directions in the public interest

‘**10.(1)** The Minister may give the board a written direction if the Minister is satisfied it is necessary to give the direction in the public interest.

‘**(2)** Without limiting subsection (1), a direction may be that the board must comply with—

- (a) a policy, standard or other instrument of a public sector unit; or
- (b) another document, including, for example, another policy, standard or instrument.

‘**(3)** The board must comply with the direction.

‘**(4)** In the board’s annual report for a financial year, under the *Financial Administration and Audit Act 1977*, the board must include copies of all directions given to it during the financial year.

Division 2—Administrative provisions relating to the board**‘Members’ term of appointment**

‘**11.(1)** The member appointed as the chairperson of the board holds office for the term, not longer than 4 years, stated in the member’s appointment.

‘**(2)** Each other appointed member holds office for the term, not longer than 3 years, stated in the member’s appointment.’

18. Section 12(c)—

omit.

SCHEDULE 2 (continued)

19. Section 12, ‘a member’—

omit, insert—

‘an appointed member’.

20. Section 13, ‘A member’—

omit, insert—

‘An appointed member’.

21. Section 14—

omit.

22. Section 16—

omit, insert—

‘Filling vacancies

‘**16.(1)** This section applies if there is a vacancy in the office of an appointed member (the “**previous member**”).

‘**(2)** If the previous member was a member mentioned in section 5(3)(b) to (i), the Minister must, by written notice to the nominating entity of the previous member, ask the entity to nominate a person who is, for the entity, an eligible person for appointment to the vacancy.

‘**(3)** If the nominating entity does not, within the time stated in the notice, nominate a person who is, for the entity, an eligible person—

- (a) the Minister may nominate someone who is, for the entity, an eligible person; and
- (b) the person nominated by the Minister is taken to have been nominated by the entity.

‘**(4)** The Governor in Council’s appointment of a person to fill the vacancy may only be made after the person’s nomination by the nominating

SCHEDULE 2 (continued)

entity or the Minister.¹⁴

‘(5) The term of the appointment must end not later than the end of the previous member’s term.’.

23. Section 18—

omit.

24. Section 20—

omit, insert—

‘Disclosure of interests by members of board, members of committees and director

‘**20.(1)** This section applies to a member of the board, a member of a committee or the director (the “**interested person**”) if—

- (a) the interested person has a direct or indirect financial interest in an issue being considered, or about to be considered, by the board or the committee; and
- (b) the interest could conflict with the proper performance of the person’s duties about the consideration of the issue.

‘(2) As soon as practicable after the relevant facts come to the interested person’s knowledge, the person must disclose the nature of the interest to a meeting of the board or the committee.

‘(3) Unless the board or committee otherwise directs, the interested person must not—

- (a) be present when the board or committee considers the issue; or
- (b) take part in a decision of the board or committee about the issue.

‘(4) The interested person must not be present when the board or

¹⁴ Under the *Acts Interpretation Act 1954*, section 25(1)(b), the Governor in Council’s power to appoint a member includes a power to appoint someone else if the member’s office becomes vacant.

SCHEDULE 2 (continued)

committee is considering whether to give a direction under subsection (3).

‘(5) If there is another person who must, under subsection (2), also disclose an interest in the issue, the other person must not—

- (a) be present when the board or committee is considering whether to give a direction under subsection (3); or
- (b) take part in making the decision about giving the direction.

‘(6) If, because of this section, a member of the board or a committee is not present at a board or committee meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3), but there would be a quorum if the member were present, the remaining members present are a quorum of the board or committee for considering or deciding the issue at the meeting.

‘(7) A disclosure under subsection (2) must be recorded in the board’s or committee’s minutes.

‘Attendance by appointed member’s proxy or chief executive’s nominee

‘20A.(1) An appointed member may attend a board meeting by proxy.

‘(2) However, the appointed member may not—

- (a) appoint a member of the office’s staff as the proxyholder; or
- (b) attend more than 2 meetings each year by proxy.

‘(3) A member is not entitled to preside at a meeting merely because the member is the proxyholder for another member who, if present, would be entitled to preside.

‘(4) The chief executive may, by written notice to the chairperson, nominate a public service officer employed in the department to attend a meeting or meetings for the chief executive.

‘(5) In subsection (2)(b)—

“**year**” means a period of 12 months starting on the first day of the term of office of the member concerned or an anniversary of that day.

SCHEDULE 2 (continued)

‘Attendance of director of the office at meetings

‘20B.(1) The director may attend board meetings.

‘(2) The director may speak at a meeting but is not entitled to vote.’.

25. Section 23(4)—

omit.

26. Section 24—

omit, insert—

‘Delegations

‘24.(1) The chairperson may delegate the chairperson’s powers under this Act to an appropriately qualified person.

‘(2) The board may, by resolution, delegate, to an appropriately qualified person, its power to assess and decide the levels of education evidenced by foreign education documents.

‘(3) In this section—

“appropriately qualified person” means a person with the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

A person’s classification level in the public service.’.

27. Section 32(4), ‘\$12%’—

omit, insert—

‘12%’.

28. Part 2, division 4—

omit.

SCHEDULE 2 (continued)

29. Section 37(1)—*insert—*

‘(b) to make recommendations to the board about study area specifications developed by the board for subjects designated, or to be designated, as board registered subjects; and’.

30. Parts 3 and 4—*omit, insert—***‘PART 3—OFFICE OF THE BOARD OF SENIOR
SECONDARY SCHOOL STUDIES****‘Office of the Board of Senior Secondary School Studies**

‘38. The Office of the Board of Senior Secondary School Studies is established.

‘Office’s function and powers

‘39.(1) The office’s function is to assist the board.

‘(2) The office has power to do anything necessary or convenient in relation to its function.

‘Director and staff of the office

‘40.(1) The office consists of the director and other staff of the office.

‘(2) The director and other staff of the office are to be appointed under the *Public Service Act 1996*.

‘Control of the office

‘41.(1) The director is to control the office.

‘(2) The director has all the functions and powers of the chief executive

SCHEDULE 2 (continued)

of a department, so far as the functions and powers relate to the organisational unit comprising the staff of the office, as if—

- (a) the unit were a department within the meaning of the *Public Service Act 1996*; and
- (b) the director were the chief executive of the department.

‘PART 4—GENERAL PROVISIONS

‘Delegation by Minister

‘**42.(1)** The Minister may delegate the Minister’s powers under this Act, other than under sections 8, 9 and 10¹⁵ to an appropriately qualified person.

‘**(2)** In subsection (1)—

“**appropriately qualified person**” means a person with the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

A person’s classification level in the public service.

‘Administrative support for board and office

‘**43.(1)** The board may make arrangements for administrative support services for the board and the office.

‘**(2)** If the board makes arrangements with the chief executive for the department to provide 1 or more services for the board or the office, the arrangement must include a provision about the board paying the department a reasonable amount for the service.

¹⁵ Section 8 (Responsibility for strategic plan and revisions for P-12 syllabuses), section 9 (Minister to consider strategic plan and notify chairpersons) and section 10 (Minister’s power to give directions in the public interest)

SCHEDULE 2 (continued)

‘Board’s annual report

‘44. The board’s annual report for a financial year, under the *Financial Administration and Audit Act 1977*, must include any accreditation, recognition or registration functions delegated to the board under the *Vocational Education, Training and Employment Act 1991*, section 26, for vocational education programs for students in year 11 or 12.¹⁶

‘Regulations

‘45. The Governor in Council may make regulations under this Act.

‘PART 5—TRANSITIONAL**‘Definitions for pt 5**

‘46. In this part—

“**commencement day**” means the day this part commences.

“**former office**” means the part of the department that, immediately before the commencement day, was known as the Office of the Board of Senior Secondary School Studies.

“**new office**” means the Office of the Board of Senior Secondary School Studies established under this Act.

“**transferring officer**” means a person who, immediately before the commencement day, was a public service officer within the former office.

¹⁶ See section 6(1)(h).

SCHEDULE 2 (continued)

‘Board to be re-constituted

‘47. The members of the board immediately before the commencement day go out of office.

‘Dissolution of former office

‘48. The former office is dissolved.

‘Staff of the office

‘49.(1) Each transferring officer is taken to have been appointed as a public service officer within the new office.

‘(2) Each transferring officer keeps—

- (a) the salary and conditions of employment; and
- (b) the entitlements with respect to leave and superannuation;

that applied to the officer immediately before the commencement day.

‘(3) To remove any doubt, it is declared that a transferring officer’s continuity of service is not interrupted merely because of the end of the officer’s appointment within the former office and the start of the officer’s appointment within the new office.

‘Existing delegations

‘50.(1) This section applies to a delegation—

- (a) made under section 24 or 38¹⁷ before the commencement of this section; and
- (b) in force immediately before the commencement.

‘(2) The delegation continues to have effect for 1 year after the

¹⁷ Section 24 (Delegation by chairperson) or section 38 (Delegation by Minister)

SCHEDULE 2 (continued)

commencement, unless the delegation sooner expires or is revoked.

‘(3) This section expires 1 year after the commencement.’.

EDUCATION (TEACHER REGISTRATION) ACT 1988**Amendment****1. Section 4, definitions “executive officer”, “Higher Education Forum” and “materials”—**

omit.

2. Section 4—

insert—

‘**“director”** means the director of the office.

“Higher Education Forum” means the committee of that name established under the *Education (General Provisions) Act 1989*.

“materials” includes documents.

“office” means the Office of the Board of Teacher Registration.’.

3. Section 5—

insert—

‘(4) The director may not be appointed as a member.’.

4. Section 6(1)(h) to (j) and (l)—

omit.

SCHEDULE 2 (continued)

5. Part 2, division 1, after section 7—

insert—

‘Minister’s power to give directions in the public interest

‘7A.(1) The Minister may give the board a written direction if the Minister is satisfied it is necessary to give the direction in the public interest.

‘(2) Without limiting subsection (1), a direction may be that the board must comply with—

- (a) a policy, standard or other instrument of a public sector unit; or
- (b) another document, including, for example, another policy, standard or instrument.

‘(3) The board must comply with the direction.

‘(4) In the board’s annual report for a financial year, under the *Financial Administration and Audit Act 1977*, the board must include copies of all directions given to it during the financial year.’.

6. Section 9—

omit, insert—

‘Members’ term of appointment

‘9.(1) The member appointed as the chairperson of the board holds office for the term, not longer than 4 years, stated in the member’s appointment.

‘(2) A member, other than the chairperson, holds office for the term, not longer than 3 years, stated in the member’s appointment.’.

7. Section 17—

omit, insert—

‘Disclosure of interests by members of board, members of committees and director

‘17.(1) This section applies to a member of the board, a member of a

SCHEDULE 2 (continued)

committee or the director (the “**interested person**”) if—

- (a) the interested person has a direct or indirect interest in an issue being considered, or about to be considered, by the board or the committee; and
- (b) the interest could conflict with the proper performance of the person’s duties about the consideration of the issue.

‘(2) As soon as practicable after the relevant facts come to the interested person’s knowledge, the person must disclose the nature of the interest to a meeting of the board or committee.

‘(3) Unless the board or committee otherwise directs, the interested person must not—

- (a) be present when the board or committee considers the issue; or
- (b) take part in a decision of the board or committee about the issue.

‘(4) The interested person must not be present when the board or committee is considering whether to give a direction under subsection (3).

‘(5) If there is another person who must, under subsection (2), also disclose an interest in the issue, the other person must not—

- (a) be present when the board or committee is considering whether to give a direction under subsection (3); or
- (b) take part in making the decision about giving the direction.

‘(6) If, because of this section, a member of the board or a committee is not present at a board or committee meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3), but there would be a quorum if the member were present, the remaining members present are a quorum of the board or committee for considering or deciding the issue at the meeting.

‘(7) A disclosure under subsection (2) must be recorded in the board’s or committee’s minutes.’.

SCHEDULE 2 (continued)

8. After section 18—*insert—***‘Attendance of director at meetings****‘18A.(1)** The director may attend board meetings.**‘(2)** The director may speak at a meeting but is not entitled to vote.’.**9. Part 2, division 4—***omit.***10. After part 2—***insert—***‘PART 2A—OFFICE OF THE BOARD OF TEACHER
REGISTRATION****‘Office of the Board of Teacher Registration****‘31.** The Office of the Board of Teacher Registration is established.**‘Office’s function and powers****‘31A.(1)** The office’s function is to assist the board.**‘(2)** The office has power to do anything necessary or convenient in relation to its function.**‘Director and staff of the office****‘31B.(1)** The office consists of the director and other staff of the office.**‘(2)** The director and other staff of the office are to be appointed under the *Public Service Act 1996*.

SCHEDULE 2 (continued)

‘Control of the office

‘31C.(1) The director is to control the office.

‘(2) The director has all the functions and powers of the chief executive of a department, so far as the functions and powers relate to the organisational unit comprising the staff of the office, as if—

- (a) the unit were a department within the meaning of the *Public Service Act 1996*; and
- (b) the director were the chief executive of the department.’.

11. Section 32A, ‘executive officer’—

omit, insert—

‘director’.

12. Section 35(1), ‘executive officer’—

omit, insert—

‘director’.

13. Section 40(2), ‘executive officer’—

omit, insert—

‘director’.

14. Section 45R(7), ‘executive officer’—

omit, insert—

‘director’.

SCHEDULE 2 (continued)

15. Section 45S(1), ‘executive officer’—

omit, insert—

‘director’.

16. Section 50(a), (b), (c) and (f), after ‘executive officer’—

insert—

‘or director’.

17. Section 50—

insert—

‘(2) In subsection (1)—

“**executive officer**” means a person who was the executive officer of the board before the commencement of the *Education (School Curriculum P-10) Act 1996*.’.

18. Sections 52 and 53—

omit, insert—

‘Administrative support for board and office

‘**52.(1)** The board may make arrangements for administrative support services for the board and the office.

‘**(2)** If the board makes arrangements with the chief executive for the department to provide 1 or more services for the board or the office, the arrangement must include a provision about the board paying the department a reasonable amount for the service.

‘Delegation by Minister

‘**53.(1)** The Minister may delegate the Minister’s powers under this Act,

SCHEDULE 2 (continued)

other than under section 7A,¹⁸ to an appropriately qualified person.

‘(2) In subsection (1)—

“appropriately qualified person” means a person with the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

A person’s classification level in the public service.’.

19. Part 5, before section 56—

insert—

‘Division 1—Board of Teacher Education’.

20. Before section 62—

insert—

‘Division 2—Board of Teacher Registration and related matters’.

21. After section 71—

insert—

‘Division 3—Office of the Board of Teacher Registration

‘Definitions for div 3

‘72. In this division—

“commencement day” means the day this division commences.

“former office” means the part of the department that, immediately before the commencement day, was known as the Office of the Board of Teacher Registration.

¹⁸ Section 7A (Minister’s power to give directions in the public interest)

SCHEDULE 2 (continued)

“new office” means the Office of the Board of Teacher Registration established under this Act.

“transferring officer” means a person who, immediately before the commencement day, was a public service officer within the former office.

‘Dissolution of former office

‘73. The former office is dissolved.

‘Staff of the office

‘74.(1) Each transferring officer is taken to have been appointed as a public service officer within the new office.

‘(2) Each transferring officer keeps—

- (a) the salary and conditions of employment; and
- (b) the entitlements with respect to leave and superannuation;

that applied to the officer immediately before the commencement day.

‘(3) To remove any doubt, it is declared that a transferring officer’s continuity of service is not interrupted merely because of the end of the officer’s appointment within the former office and the start of the officer’s appointment within the new office.

‘Existing delegations

‘75.(1) This section applies to a delegation—

- (a) made under section 53¹⁹ before the commencement of this section; and
- (b) in force immediately before the commencement.

‘(2) The delegation continues to have effect for 1 year after the

¹⁹ Section 53 (Delegation by Minister)

SCHEDULE 2 (continued)

commencement, unless the delegation sooner expires or is revoked.

‘(3) This section expires 1 year after the commencement.’.

EDUCATION (TERTIARY ENTRANCE PROCEDURES AUTHORITY) ACT 1990

Amendment

1. Section 4, definition “materials”—

omit.

2. Section 4—

insert—

‘“**executive director**” means the executive director of the office.

“**materials**” includes documents.

“**office**” means the Office of the Tertiary Entrance Procedures Authority.’.

3. Section 5(2)—

omit, insert—

‘(2) The Governor in Council must appoint the members of the Authority.’.

4. Section 5—

insert—

‘(4) The executive director may not be appointed as a member of the Authority.’.

SCHEDULE 2 (continued)

5. Section 6(1)(m) to (o)—

omit.

6. Section 6(2)—

omit, insert—

‘(2) The Authority has power to do anything necessary or convenient in relation to its functions.

‘(3) Without limiting subsection (2), the Authority has the powers given to it under this or another Act and, in particular, has power to—

- (a) enter into contracts; and
- (b) appoint agents and attorneys; and
- (c) engage consultants; and
- (d) produce materials in performing its functions; and
- (e) charge for advertising in the materials; and
- (f) sell the materials or enter into an agreement with someone else to sell the materials.

‘(4) However, the Authority must not enter into an agreement about real property, including, for example, leasing premises for its accommodation, unless the Minister has approved the Authority entering into the agreement.’.

7. Section 7(2)—

omit, insert—

‘(2) A by-law may prescribe fees payable to the Authority—

- (a) for the issue of tertiary entrance statements or other documents, or copies of statements or other documents; or
- (b) for other services provided in relation to the Authority’s functions.’.

SCHEDULE 2 (continued)

8. Section 7(5)—

omit.

9. Section 8—

omit, insert—

‘Minister’s power to give directions in the public interest

‘**8.(1)** The Minister may give the Authority a written direction if the Minister is satisfied it is necessary to give the direction in the public interest.

‘**(2)** Without limiting subsection (1), a direction may be that the Authority must comply with—

- (a) a policy, standard or other instrument of a public sector unit; or
- (b) another document, including for example, another policy, standard or instrument.

‘**(3)** The Authority must comply with the direction.

‘**(4)** In the Authority’s annual report for a financial year, under the *Financial Administration and Audit Act 1977*, the Authority must include copies of all directions given to it during the financial year.’.

10. Section 10—

omit, insert—

‘Members’ term of appointment

‘**10.(1)** The member appointed as the chairmember of the Authority holds office for the term, not longer than 4 years, stated in the member’s appointment.

‘**(2)** Each other member holds office for the term, not longer than 3 years, stated in the member’s appointment.’.

SCHEDULE 2 (continued)

11. Section 12(c)—

omit.

12. Sections 14(1) and 16(1), ‘the Governor in Council, by notification published in the Gazette, is to’—

omit, insert—

‘the Minister must, by written notice,’.

13. Section 18—

omit, insert—

‘Disclosure of interests by members of Authority, Advisory Council, advisory groups and committees and executive director

‘18.(1) This section applies to an interested person if—

- (a) the interested person has a direct or indirect financial interest in an issue being considered, or about to be considered, by an entity; and
- (b) the interest could conflict with the proper performance of the person’s duties about the consideration of the issue.

‘(2) As soon as practicable after the relevant facts come to the interested person’s knowledge, the person must disclose the nature of the interest to a meeting of the entity.

‘(3) Unless the entity otherwise directs, the interested person must not—

- (a) be present when the entity considers the issue; or
- (b) take part in a decision of the entity about the issue.

‘(4) The interested person must not be present when the entity is considering whether to give a direction under subsection (3).

‘(5) If there is another person who must, under subsection (2), also disclose an interest in the issue, the other person must not—

SCHEDULE 2 (continued)

- (a) be present when the entity is considering whether to give a direction under subsection (3); or
- (b) take part in making the decision about giving the direction.

‘(6) If, because of this section, a member of an entity is not present at a meeting of the entity for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3), but there would be a quorum if the member were present, the remaining members present are a quorum of the entity for considering or deciding the issue at the meeting.

‘(7) A disclosure under subsection (2) must be recorded in the entity’s minutes.

‘(8) In this section—

“**entity**”, in relation to an interested person, means the Authority, the Advisory Council, an advisory group or a committee.

“**interested person**” means a member of an entity or the executive director.

‘Attendance by member’s proxy

‘**18A.(1)** A member of the Authority may attend an Authority meeting by proxy.

‘(2) However, the member may not—

- (a) appoint a member of the office’s staff as the proxyholder; or
- (b) attend more than 2 meetings each year by proxy.

‘(3) A member is not entitled to preside at a meeting merely because the member is the proxyholder for another member who, if present, would be entitled to preside.

‘(4) In subsection (2)(b)—

“**year**” means a period of 12 months starting on the first day of the term of office of the member concerned or an anniversary of that day.’.

SCHEDULE 2 (continued)

14. After section 19—

insert—

‘Attendance of executive director of the office at meetings

‘**19A.(1)** The executive director of the office may attend Authority meetings.

‘**(2)** The executive director may speak at a meeting but is not entitled to vote.’.

15. Section 22(4)—

omit.

16. Part 2, division 4—

omit.

17. After part 2—

insert—

‘PART 2A—OFFICE OF THE TERTIARY ENTRANCE PROCEDURES AUTHORITY**‘Office of the Tertiary Entrance Procedures Authority**

‘**31A.** The Office of the Tertiary Entrance Procedures Authority is established.

‘Function and powers

‘**31B.(1)** The office’s function is to assist the Authority.

‘**(2)** The office has power to do anything necessary or convenient to be done in relation to its function.

SCHEDULE 2 (continued)

‘Executive director and staff of the office

‘**31C.(1)** The office consists of the executive director and other staff of the office.

‘**(2)** The executive director and other staff of the office are to be appointed under the *Public Service Act 1996*.

‘Control of the office

‘**31D.(1)** The executive director is to control the office.

‘**(2)** The executive director has all the functions and powers of the chief executive of a department, so far as the functions and powers relate to the organisational unit comprising the staff of the office, as if—

- (a) the unit were a department within the meaning of the *Public Service Act 1996*; and
- (b) the executive director were the chief executive of the department.’.

18. Section 37(c)—

omit.

19. Section 40(4)—

omit.

20. Sections 43 and 44—

omit, insert—

‘Administrative support for Authority and office

‘**43.(1)** The Authority may make arrangements for administrative support services for the Authority and the office.

‘**(2)** If the Authority makes arrangements with the chief executive for the department to provide 1 or more services for the Authority or the office, the

SCHEDULE 2 (continued)

arrangement must include a provision about the Authority paying the department a reasonable amount for the service.

‘Delegation by Minister

‘44.(1) The Minister may delegate the Minister’s powers under this Act, other than under section 8,²⁰ to an appropriately qualified person.

‘(2) In subsection (1)—

“appropriately qualified person” means a person with the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

A person’s classification level in the public service.’.

21. After part 4—

insert—

‘PART 5—TRANSITIONAL**‘Definitions for pt 5**

‘46. In this part—

“1992 order in council” means the *Office of the Tertiary Entrance Procedures Authority Order 1992*, published in the Gazette on 18 January 1992 at page 156.

“commencement day” means the day this part commences.

“former office” means the Office of the Tertiary Entrance Procedures Authority established, under the 1992 order in council, as a part of the department.

“new office” means the office.

²⁰ Section 8 (Minister’s power to give directions in the public interest)

SCHEDULE 2 (continued)

“transferring officer” means a person who, immediately before the commencement day, was a public service officer within the former office.

‘Dissolution of former office

‘47. The former office is dissolved.

‘Staff of the office

‘48.(1) Each transferring officer is taken to have been appointed as a public service officer within the new office.

‘(2) Each transferring officer keeps—

- (a) the salary and conditions of employment; and
- (b) the entitlements with respect to leave and superannuation;

that applied to the officer immediately before the commencement day.

‘(3) To remove any doubt, it is declared that a transferring officer’s continuity of service is not interrupted merely because of the end of the officer’s appointment within the former office and the start of the officer’s appointment within the new office.

‘Existing delegation

‘49.(1) This section applies to a delegation—

- (a) made under section 44²¹ before the commencement of this section; and
- (b) in force immediately before the commencement.

‘(2) The delegation continues to have effect for 1 year after the commencement, unless the delegation sooner expires or is revoked.

‘(3) This section expires 1 year after the commencement.

²¹ Section 44 (Delegation by Minister)

SCHEDULE 2 (continued)

‘Repeal

‘50. The 1992 order in council is repealed.’.

EDUCATION (WORK EXPERIENCE) ACT 1996**Amendment****1. Section 4—**

insert—

‘(2) However, an arrangement made by a university or university college is not a work experience arrangement if—

- (a) it is for the provision of experience to a student enrolled in a course at the university or university college; and
- (b) the experience is a mandatory or assessable part of the course.’.

GRAMMAR SCHOOLS ACT 1975**Amendment****1. Section 9(c)—**

omit.

SCHEDULE 2 (continued)

GRIFFITH UNIVERSITY ACT 1971**Amendment****1. Section 9(1)(c)—**

omit.

2. Section 14(2), ‘(4) to (4B)’—

omit, insert—

‘(4A) and (4B)’.

3. Section 14(3), ‘Subject to subsection (4), the’—

omit, insert—

‘The’.

4. Section 14(4)—

omit.

**HIGHER EDUCATION (GENERAL PROVISIONS)
ACT 1993****Amendment****1. Section 13, ‘and accompanied by the fees prescribed by regulation’—**

omit.

SCHEDULE 2 (continued)

2. Section 13—*insert—***‘(2) An applicant must pay the fee—**

- (a) prescribed under a regulation; and
- (b) at the time prescribed under a regulation.’.

**JAMES COOK UNIVERSITY OF NORTH
QUEENSLAND ACT 1970****Amendment****1. Section 8(1)(d)—***omit.***2. Section 13(2), ‘, subject to subsection (4),’—***omit.***3. Section 13(3), ‘Subject to subsection (4), the’—***omit, insert—***‘The’.****4. Section 13(4)—***omit.*

SCHEDULE 2 (continued)

**QUEENSLAND UNIVERSITY OF TECHNOLOGY
ACT 1988****Amendment****1. Section 20(1)(c)—**

omit.

2. Section 28(2), ‘subsections (4) and (5)’—

omit, insert—

‘subsection (5)’.

3. Section 28(3), ‘Subject to subsection (4), the’—

omit, insert—

‘The’.

4. Section 28(4)—

omit.

**SUNSHINE COAST UNIVERSITY COLLEGE ACT
1994****Amendment****1. Section 33(4)—**

omit.

SCHEDULE 2 (continued)

UNIVERSITY OF QUEENSLAND ACT 1965**Amendment****1. Section 9(1)(c)—***omit.***2. Section 14(1A) and (2), ‘Subject to this section, the’—***omit, insert—*

‘The’.

3. Section 14(3) and (4)—*omit.***4. Section 15(2)(b)—***omit.***5. Part 3, heading—***omit, insert—***‘PART 3—DEGREES AND OTHER AWARDS’.****6. Sections 21 and 22—***omit.***7. Section 23(2) to (4)—***omit.*

SCHEDULE 2 (continued)

8. Sections 24 to 26—

omit.

**UNIVERSITY OF SOUTHERN QUEENSLAND ACT
1989****Amendment****1. Section 20(1)(c)—**

omit.

2. Section 28(2), ‘subsections (4) and (5)’—

omit, insert—

‘subsection (5)’.

3. Section 28(3), ‘Subject to subsection (4), the’—

omit, insert—

‘The’.

4. Section 28(4)—

omit.

SCHEDULE 2 (continued)

**VOCATIONAL EDUCATION, TRAINING AND
EMPLOYMENT ACT 1991****Amendment****1. Section 4, definition “registration”, ‘of a person’ to ‘the person’—**

omit, insert—

‘, of an entity providing a course, training program or short course, means confirmation that the entity’.

2. Section 13(1)(d), ‘persons’—

omit, insert—

‘entities’.

3. Section 20(1)(a)(iii), ‘persons’—

omit, insert—

‘entities’.

4. Section 26(1), ‘person’—

omit, insert—

‘appropriately qualified person or other appropriate entity’.

5. Section 26—

insert—

‘(3) In subsection (1)—

“**appropriate entity**” means an entity that is constituted by, or employs, appropriately qualified persons.

“**appropriately qualified person**” means a person with the qualifications,

SCHEDULE 2 (continued)

experience or standing appropriate to exercise the power.

Example of standing—

A person's classification level in the public service.'

6. Section 67(1), definition "prescribed words", paragraph (b), 'person'—

omit, insert—

'entity'.

7. Section 67(2)—

omit, insert—

(2) A person conducting a vocational education and training establishment is authorised to confer an award if—

- (a) the award is for a course accredited by the Accreditation Council and the person—
 - (i) provides, and is registered by the Accreditation Council to provide, the course; or
 - (ii) is authorised to confer the award by the entity that provides, and is registered by the Accreditation Council to provide, the course; or
- (b) the person is authorised by a law of the Commonwealth, another State or a Territory to confer the award.'

8. Part 4, after section 126—

insert—

'Validation of delegation under s 26

126A.(1) The delegation of powers by the Accreditation Council to the Board of Senior Secondary School Studies, of which the board was given written notice dated 23 January 1996, is taken to have been validly made

SCHEDULE 2 (continued)

under section 26²² as if the board were a person.

‘(2) This section expires on the day it commences.’.

9. After section 128—

insert—

‘Transitional provision about existing delegations

‘129.(1) This section applies to a delegation —

- (a) made under section 26 before the commencement of this section;
and
- (b) in force immediately before the commencement.

‘(2) The delegation continues to have effect for 1 year after the commencement, unless the delegation sooner expires or is revoked.

‘(3) This section expires 1 year after the commencement.’.

²² Section 26 (Power of delegation by Commission or standing committees).

SCHEDULE 3

DICTIONARY

section 4

“appointed members” see section 16.

“approved syllabus” means—

- (a) a guideline developed by the council for the preschool year; or
- (b) a syllabus developed by the council for a subject for a year from 1 to 10.

“approved test” see section 13.

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

“committee” means—

- (a) the executive committee; or
- (b) a committee established by the council under section 30 or 31.²³

“convicted” means found guilty, or having a plea of guilty accepted, in a court, whether or not a conviction was recorded.

“council” means the Queensland School Curriculum Council (P-10).

“director” means the director of the office.

“eligible person”, for a nominating entity, means a person whom the entity may nominate for membership of the council as stated in section 16(2).

“Higher Education Forum” means the committee of that name established under the *Education (General Provisions) Act 1989*.

“initial in-service materials” means materials to facilitate the initial implementation of an approved syllabus.

²³ Section 30 (Syllabus advisory committees) or section 31 (Other committees)

SCHEDULE 3 (continued)

“**materials**” includes documents.

“**nominating entity**” means an entity that, under section 16(2)(b) to (i), may nominate a person to be a member of the council.

“**office**” means the Office of the Queensland School Curriculum Council.

“**P-10 syllabuses**” means either or both of the following—

- (a) guidelines for the preschool year;
- (b) the syllabuses for the subjects in years 1 to 10.

“**P-12 syllabuses**” means either or both of the following—

- (a) guidelines for the preschool year;
- (b) the syllabuses for the subjects in years 1 to 12.

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

- (a) is registered as a teacher under the *Education (Teacher Registration) Act 1988*; and
- (b) is a member of the educational staff of a State educational institution or another school.

“**source books**” means materials to facilitate the on-going implementation of an approved syllabus.

“**State educational institution**” see *Education (General Provisions) Act 1989*, section 3.

“**strategic plan**” means the plan mentioned in section 10 as revised from time to time.

“**syllabus**” includes criteria for levels of student achievement for the subjects included in the syllabus.

“**systemic information**”, about the performance of students in a test, does not include information about the performance of individual students in the test.

“**test**” includes a diagnostic measure.

“**Vocational Education Minister**” means the Minister administering the *Vocational Education, Training and Employment Act 1991*.

