

Queensland



EDUCATION (TERTIARY ENTRANCE PROCEDURES AUTHORITY) ACT 1990

**Reprinted as in force on 3 February 1997
(includes amendments up to Act No. 65 of 1996)**

Warning—see last endnote for uncommenced amendments

Reprint No. 2

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Information about this reprint

This Act is reprinted as at 3 February 1997. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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

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

- use standard punctuation consistent with current drafting practice (s 27)
- reorder provisions consistent with current drafting practice (s 30A)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 37 and 40).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**

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EDUCATION (TERTIARY ENTRANCE PROCEDURES AUTHORITY) ACT 1990

[as amended by all amendments that commenced on or before 3 February 1997]

**An Act to establish a Tertiary Entrance Procedures Authority to
provide for its functions and powers and for related purposes**

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Education (Tertiary Entrance Procedures Authority) Act 1990*.

Objects

3. The objects of this Act are—

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

Definitions

4. In this Act—

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

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

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

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

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

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

“materials” includes documents.

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

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

“practising teacher” means a person—

(a) who is registered as a teacher under the *Education (Teacher Registration) Act 1988*; and

(b) who is part of the educational staff of a school;

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

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

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

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

“tertiary education” means higher education, and technical and further education, offered wholly or primarily to students who have completed their primary and secondary education and who are above the age of compulsory attendance at school.

“tertiary entrance” means the entrance by persons to tertiary education in Queensland.

PART 2—TERTIARY ENTRANCE PROCEDURES AUTHORITY

Division 1—Constitution, functions and powers of the authority

Constitution of the authority

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

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

(2) The Governor in Council must appoint the members of the authority.

(3) The members of the authority shall appoint from among their number a person to be deputy chairmember of the authority and such person, subject to this Act, shall be deputy chairmember for such period,

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not exceeding the term for which that person is appointed as a member, as the authority determines.

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

Functions and powers of the authority

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

- (a) to keep tertiary entrance under continuous review and make reports and recommendations to the Minister thereon and, to advise the Minister on other matters which in its opinion are related to tertiary entrance;
- (b) to undertake such procedures in relation to tertiary entrance as the Minister may from time to time direct;
- (c) to issue—
 - (i) tertiary entrance statements; and
 - (ii) other statements and documents under a regulation;
- (d) to monitor, review, negotiate and recommend adjustments as necessary to tertiary entrance procedures and like matters;
- (e) to monitor the supply and demand for student places in tertiary education;
- (f) to confer and collaborate with—
 - (i) any university, university college, college or like institution offering tertiary education;
 - (ii) the Board of Senior Secondary School Studies;
 - (iii) the Queensland Tertiary Admissions Centre;
 - (iv) the department of government within which the *Education (General Provisions) Act 1989* is administered;
 - (v) the department of government within which the *Vocational Education, Training and Employment Act 1991* is administered;

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(vi) any person or group of persons or, any school system, authority, school and other like institution, centre, committee and like group howsoever called;

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

- (g) to refer to the Tertiary Entrance Procedures Authority Advisory Council matters which, in the opinion of the authority or in the opinion of the Minister should be so referred, for advice, comment or recommendation;
- (h) to consult with the Tertiary Entrance Procedures Authority Advisory Council and to keep that council systematically informed concerning developments and proposed developments in relation to tertiary entrance procedures;
- (i) to provide students and other members of the community with information in respect of tertiary entrance;
- (j) to undertake or commission review and research projects;
- (k) to appoint such advisory groups and committees as it thinks fit to assist and advise it in the performance of its functions and the exercise of its powers;
- (l) to nominate a person to become and be a member of, or to have observer status on, appeals committees of universities or any committee, group or body concerned with tertiary entrance;
- (p) to furnish to the Minister as soon as practicable, but not later than 4 months after 30 June in each year, a report of its work and activities during the year.

(2) The authority 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

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- (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.

Authority may make by-laws

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

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

(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.

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

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

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

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.

Division 2—Administrative provisions relating to the authority

Failure to nominate

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

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.

Eligibility for re-appointment

11. The members of the authority shall, if otherwise qualified, be eligible for re-appointment.

Disqualification from office

12. A person who—

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

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

Vacation of office of members of the authority

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

- (a) dies;
- (b) declines to act or to further act as such member;
- (c) resigns office as such member in writing delivered to the chairmember of the authority;
- (d) is absent, without prior leave of the authority, from 3 consecutive

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ordinary meetings of the authority of which meetings a notice—

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

Vacancy on the authority from expiry of term of appointment

14.(1) Where a vacancy in the membership of the authority occurs on the expiration of a member's term of appointment, the Minister must, by written notice, appoint a date on or before which a person is to be appointed to fill that vacancy.

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

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

(3) Where a vacancy occurs in respect of a member nominated by the Minister, the Minister is to nominate a person to fill such vacancy.

Removal of member

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

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

Casual vacancies on the authority

16.(1) Where a casual vacancy occurs in the membership of the authority the Minister must, by written notice, appoint a date on or before which a person is to be appointed to fill such casual vacancy.

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

(2) Subsections (1) and (1A) do not apply in the case of a casual vacancy occurring in the membership of the authority in respect of a member nominated by the Minister.

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

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

Manner of exercising power

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

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

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

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

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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—

- (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.

Quorum and business of the authority

19.(1) The power to make regulations conferred upon the Governor in Council by section 45 includes power to fix the quorum of members of the authority required to constitute a meeting of the authority.

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

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

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

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

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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.

Proceedings in relation to the authority

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

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

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

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

Chairmember to sign agreements for the authority

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

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

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

22.(1) Members of the authority, advisory groups and other committees established or appointed under this Act are to be paid such fees, allowances and expenses (if any) as the Governor in Council from time to time

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determines.

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

(3) A provision in any Act requiring the holder of an office specified therein to devote the whole of the person's time to the duties of office or prohibiting the person from engaging in employment outside the duties of office shall not operate to disqualify the person from holding that office and also the office of a member of the authority, advisory group or other committee or from accepting and retaining any fees, allowances or expenses payable to the person pursuant to this section.

(5) This section does not apply to the Tertiary Entrance Procedures Authority Advisory Council.

Delegation by chairmember of authority

23. The chairmember may delegate the chairmember's powers under this Act to any person.

Division 3—Financial and accountability provisions relating to the authority

Accounts and audit

24. The *Financial Administration and Audit Act 1977* applies to the authority to the extent provided by that Act.

Funds of the authority

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

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

(3) The authority is to pay from the moneys from time to time standing to the credit of the general fund liabilities incurred by it in or in connection

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with—

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

Budget of the authority

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

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

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

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

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

Observance of budget

27.(1) Subject to this section, the authority is to confine its disbursements from its general fund throughout a financial year within the total amount contained in its budget for that financial year as approved under section 26.

(2) If, during any financial year, it appears to the authority that an

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

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

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

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

Fees

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

Investments

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

Financial arrangements

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

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

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

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.

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

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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.

PART 3—TERTIARY ENTRANCE PROCEDURES AUTHORITY ADVISORY COUNCIL

Division 1—Constitution and functions of the advisory council

Constitution of the advisory council

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

Functions of the advisory council

33.(1) The functions of the advisory council are—

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

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be necessary or expedient for the exercise of its functions or its operations.

(2) The advisory council shall not at any time have control of funds.

Division 2—Administrative provisions relating to the advisory council

Presiding officer

34.(1) The advisory council is to have a presiding officer.

(2) The chairmember of the authority is to be the presiding officer.

Failure to nominate

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

Term of office

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

Disqualifications for appointment as member

37. A person who—

- (a) is an undischarged bankrupt or is taking advantage of the laws in force for the time being relating to bankrupt or insolvent debtors; or
- (b) has been convicted in Queensland of an indictable offence (whether on indictment or summarily) or has been convicted elsewhere than in Queensland in respect of an act or omission

which if done or made by that person in Queensland would have constituted an indictable offence unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office;

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

Vacation of office

38.(1) The office of a member of the advisory council becomes vacant if the member —

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

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

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

Procedures, etc. of the advisory council

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

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(2) The presiding officer of the advisory council or, in the absence of the presiding officer, the member chosen by the members present at the meeting to act as presiding officer may preside at any meeting of the advisory council.

Remuneration to members of the advisory council

40.(1) Members of the advisory council established under this Act shall be paid such fees, allowances and expenses (if any) as the Governor in Council from time to time determines.

(2) Fees, allowances and expenses may differ in respect of different members according to class of payment, rate or position held on the advisory council.

(3) A provision in any Act requiring the holder of an office specified therein to devote the whole of the person's time to the duties of office or prohibiting the person from engaging in employment outside the duties of office shall not operate to disqualify the person from holding that office and also the office of a member of the advisory council or from accepting and retaining any fees, allowances or expenses payable to the person pursuant to this section.

Advisory council not to be statutory body

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

PART 4—GENERAL PROVISIONS

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

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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 8,¹ 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.

Regulation-making power

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

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.

¹ Section 8 (Minister’s powers to give directions in the public interest)

“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.

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 44² 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.

² Section 44 (Delegation by Minister)

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 3 February 1997. Future amendments of the Education (Tertiary Entrance Procedures Authority) Act 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only]

Reprint No.	Amendments included	Reprint date
1	to Act No. 32 of 1993	4 October 1994
1A	to Act No. 58 of 1995	27 September 1996

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

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

date of assent 7 December 1990

ss 1–3 commenced on date of assent

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

as amended by—

Statute Law (Miscellaneous Provisions) Act 1991 No. 97 ss 1–3 sch 1

date of assent 17 December 1991

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1993 No. 32 ss 1–3 sch 2

date of assent 3 June 1993

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions not yet proclaimed into force

Education (School Curriculum P–10) Act 1996 No. 65 ss 1–2, 52 sch 2

date of assent 9 December 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 1997 (1997 SL No. 5)

7 List of annotations

Long title

amd R1 (see RA s 39)

Commencement

s 2 om R2 (see RA s 37)

Definitions

prov hdg sub 1995 No. 58 s 4 sch 1

def “**executive director**” ins 1996 No. 65 s 52 sch 2

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

def “**materials**” sub 1996 No. 65 s 52 sch 2

def “**Minister**” om 1991 No. 97 s 3 sch 1

def “**office**” ins 1996 No. 65 s 52 sch 2

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Constitution of the authority

s 5 amd 1996 No. 65 s 52 sch 2

Functions and powers of the authority

s 6 amd 1991 No. 97 s 3 sch 1; 1995 No. 58 s 4 sch 1; 1996 No. 65 s 52 sch 2

Authority may make by-laws

s 7 amd 1993 No. 32 s 3 sch 2; 1996 No. 65 s 52 sch 2

Minister's power to give directions in the public interest

s 8 sub 1996 No. 65 s 52 sch 2

Members' term of appointment

s 10 sub 1996 No. 65 s 52 sch 2

Disqualification from office

s 12 amd 1996 No. 65 s 52 sch 2

Vacancy on the authority from expiry of term of appointment

s 14 amd 1996 No. 65 s 52 sch 2

Casual vacancies on the authority

s 16 amd 1996 No. 65 s 52 sch 2

Disclosure of interests by members of authority, advisory council, advisory groups and committees and executive director

s 18 sub 1996 No. 65 s 52 sch 2

Attendance by member's proxy

s 18A ins 1996 No. 65 s 52 sch 2

Quorum and business of the authority

s 19 amd 1995 No. 58 s 4 sch 1

Attendance of executive director of the office at meetings

s 19A ins 1996 No. 65 s 52 sch 2

Chairmember to sign agreements for the authority

s 21 amd 1995 No. 58 s 4 sch 1

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

s 22 amd 1995 No. 58 s 4 sch 1; 1996 No. 65 s 52 sch 2

Delegation by chairmember of authority

s 23 sub 1995 No. 58 s 4 sch 1

Accounts and audit

s 24 amd 1995 No. 58 s 4 sch 1

Budget of the authority

s 26 amd 1995 No. 58 s 4 sch 1

Observance of budget

s 27 amd 1995 No. 58 s 4 sch 1

*Education (Tertiary Entrance Procedures
Authority) Act 1990*

Investments

s 29 sub 1996 No. 54 s 9 sch

Financial arrangements

s 30 amd 1995 No. 58 s 4 sch 1; 1995 No. 58 s 4 sch 1
 om 1996 No. 54 s 9 sch

Division 4—Staff of the Authority

div hdg om 1996 No. 65 s 52 sch 2

Minister to provide staff

s 31 om 1996 No. 65 s 52 sch 2

**PART 2A—OFFICE OF THE TERTIARY ENTRANCE PROCEDURES
AUTHORITY**

pt hdg ins 1996 No. 65 s 52 sch 2

ss 31A–31D ins 1996 No. 65 s 52 sch 2

Disqualifications for appointment as member

s 37 amd 1996 No. 65 s 52 sch 2

Remuneration to members of the advisory council

s 40 amd 1996 No. 65 s 52 sch 2

Regulations

s 42 om 1995 No. 58 s 4 sch 1

Administrative support for authority and office

s 43 amd 1995 No. 58 s 4 sch 1
 sub 1996 No. 65 s 52 sch 2

Delegation by Minister

s 44 sub 1995 No. 58 s 4 sch 1; 1996 No. 65 s 52 sch 2

Regulation-making power

s 45 sub 1995 No. 58 s 4 sch 1

PART 5—TRANSITIONAL

pt hdg prev pt 5 hdg om R1 (see RA s 40)
 pres pt 5 hdg ins 1996 No. 65 s 52 sch 2

Definitions for pt 5

s 46 prev s 46 om R1 (see RA s 40)
 pres s 46 ins 1996 No. 65 s 52 sch 2

Dissolution of former office

s 47 prev s 47 om R1 (see RA s 40)
 pres s 47 ins 1996 No. 65 s 52 sch 2

Staff of the office

s 48 prev s 48 om R1 (see RA s 40)
 pres s 48 ins 1996 No. 65 s 52 sch 2

Existing delegation

s 49 prev s 49 om R1 (see RA s 40)
pres s 49 ins 1996 No. 65 s 52 sch 2
exp 1 February 1998 (see s 49(3))

Repeal

s 50 prev s 50 om R1 (see RA s 40)
pres s 50 ins 1996 No. 65 s 52 sch 2
om R2 (see RA s 40)

8 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 s 9 sch reads as follows—

1. Sections 29 and 30—

omit, insert—

‘Authority is statutory body

29.(1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the Authority is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the Authority’s powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.’.