

Queensland



# **EDUCATION (SENIOR SECONDARY SCHOOL STUDIES) ACT 1988**

**Reprinted as in force on 5 March 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 5 March 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 (s 37).

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 (SENIOR SECONDARY SCHOOL STUDIES) ACT 1988

[as amended by all amendments that commenced on or before 5 March 1997]

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

## PART 1—PRELIMINARY

### Short title

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

### Definitions

4. In this Act—

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

“**board**” means the Board of Senior Secondary School Studies constituted under this Act.

“**board registered subject**” means any subject, other than a board subject, for which a study area specification or work program has been approved by the board.

“**board subject**” means a subject for which a syllabus and a school’s work program have been approved by the board and the standards of assessment are moderated.

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

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

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**“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.

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

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

**“materials”** includes documents.

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

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

**“non-State school”** has the meaning given by the *Education (General Provisions) Act 1989*.

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

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

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

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

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

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



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(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.

**“recorded subject”** means a subject, other than a board subject or board registered subject, offered by a school, State college or other educational institution approved by the board, the results of which are recorded on board certificates.

**“secondary education”** means education offered in years 8 to 12.

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

**“State college”** has the meaning given by the *Vocational Education, Training and Employment Act 1991*.

**“State school”** has the meaning given by the *Education (General Provisions) Act 1989*.

**“student”** has the meaning given by the *Education (General Provisions) Act 1989*.

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

**“Tertiary Entrance Procedures Authority”** means the Tertiary Entrance Procedures Authority established under the *Education (Tertiary Entrance Procedures Authority) Act 1990*.

**“vocational education”** has the meaning given by the *Vocational Education, Training and Employment Act 1991*.

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

## **PART 2—BOARD OF SENIOR SECONDARY SCHOOL STUDIES**

### *Division 1—Constitution, functions and powers of the board*

#### **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

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- (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 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.

### **Functions and powers of the board**

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

- (a) to advise the Minister on senior secondary education;

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- (b) to issue senior certificates and such other certificates for senior secondary education as the Minister may approve from time to time, in accordance with the regulations;
- (d) to approve syllabuses for those subjects developed by schools, school systems, authorities, other institutions or the board itself which are designated, or are to be designated, board subjects on the senior certificate;
- (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;
- (e) to approve work programs for those subjects which are designated, or are to be designated, board or board registered subjects on the senior certificate;
- (ea) to approve study area specifications for subjects that are designated, or are to be designated, board registered subjects on the senior certificate;
- (f) to provide information to the Tertiary Entrance Procedures Authority in connection with the performance of that Authority's functions and the exercise of its powers;
- (g) to prepare or arrange the preparation of Core Skills Tests or such tests in their stead as the Minister may approve from time to time and, to make such arrangements as are considered by the board necessary for the administration of those tests to students in year 12 or to such other students as the board may approve;
- (h) to carry out accreditation, recognition and registration functions, delegated under the *Vocational Education, Training and Employment Act 1991*, section 26<sup>1</sup> for vocational education programs for students in years 11 and 12;
- (i) to develop and approve syllabuses for vocational education programs for students in years 11 and 12;

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<sup>1</sup> Section 26 (Power of delegation by Commission or standing committees)

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- (j) to determine procedures and undertake such arrangements as are deemed necessary for—
  - (i) the assessment of students in relation to board subjects for the award of senior certificates; and
  - (ii) the recording of results in board subjects, board registered subjects and recorded subjects on senior certificates issued to students; and
- (k) to appoint, pursuant to the provisions of this division, a moderation committee and subject advisory committees, and to appoint such other committees as it deems necessary from time to time to assist it to perform its functions;
- (l) to arrange with the department and with such schools, persons and authorities as it thinks fit for the services of suitable persons as moderators, or to carry out accreditation, recognition and registration functions for vocational education programs, for such periods and on such terms (including payment of salaries, fees and allowances (if any)) as the Governor in Council may from time to time determine;
- (m) to confer and collaborate with the department, school systems, authorities, schools and other institutions, as it sees fit, in the performance of its functions and the exercise of its powers;
- (q) to furnish to the Minister as soon as practicable, but not more than 4 months after 30 June in each year, a report of its work and activities during the year;
- (r) to advise the Minister on principles relating to tertiary entrance;
- (s) to undertake such procedures in relation to tertiary entrance, as the Minister may from time to time direct;
- (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.

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

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**(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 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.

**Board may make by-laws**

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

- (a) the approval of syllabuses;
- (b) the approval of work programs;
- (ba) the approval of study area specifications;
- (c) vocational education programs;
- (d) the assessment of student achievement;
- (e) examinations;
- (f) moderation;
- (g) committees appointed pursuant to this part;
- (h) the award of certificates;
- (ha) the issue of copies of certificates;
- (i) the determination of criteria for recorded subjects;
- (j) such other matters as may from time to time be necessary or convenient for the carrying into effect of the several provisions,

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objects and purposes of this part.

(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.

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

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

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

### **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.

### **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 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.

### **Disqualification from office**

12. A person who—

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

shall not be capable of being, or continuing to be, an appointed member of the board.

### **Vacation of office of members of the board**

13. An appointed member of the board shall be taken to have vacated office as such member if—

- (a) the member dies;
- (b) the member declines to act or to further act as such member;
- (c) the member resigns office as such member in writing delivered to the chairperson of the board;
- (d) the member is absent, without leave of the board first had and obtained, from 3 consecutive ordinary meetings of the board of which meetings a notice—
  - (i) has been served personally upon the member; or
  - (ii) has been sent by prepaid post letter addressed to the member at the member's place of business or place of residence last known to the chairperson of the board;

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- (e) the member ceases to be qualified to be a member of the board;
- (f) the member is removed from office as such member by the Governor in Council.

### **Removal of member**

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

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

### **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 entity or the Minister.<sup>2</sup>

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<sup>2</sup> 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.

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

### **Manner of exercising power**

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

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

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

### **Quorum and business of the board**

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

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

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

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

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

### **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

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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 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.

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(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 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.

### **Proceedings in relation to the board**

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

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

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

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

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### **Chairperson to sign agreements for the board**

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

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

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

### **Remuneration to members of the board and other committees**

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

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

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

### **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,

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experience or standing appropriate to exercise the power.

*Example of standing—*

A person's classification level in the public service.

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

**Accounts and audit**

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

**Funds of the board**

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

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

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

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

**Budget of the board**

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

- (a) the amount to be disbursed by the board from that fund during the year ending on 30 June in the year next following in the proper exercise by the board of its functions and powers under this Act and in giving effect to this Act;

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(b) the amount to be received from all sources by the board during the year ending on 30 June in the year next following.

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

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

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

### **Observance of budget**

**28.(1)** The board shall confine its disbursements from its general fund throughout a financial year within the total amount contained in its budget for that financial year as approved under section 27.

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

(a) by resolution, approve that such disbursement be made; and

(b) obtain approval of the Minister for an appropriate amendment to the budget.

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

(4) Such amount may be recovered from such members or any of them



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as moneys due and owing to the board by action at the suit of the Minister in any court of competent jurisdiction.

### **Fees**

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

### **Investments**

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

### **Temporary finance**

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

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

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

### **Power of the board to borrow**

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

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

**(3)** If the board borrows any money which it is not lawfully authorised under this Act to borrow, all the members of the board who have consented to the borrowing of such money shall be jointly and severally liable to repay the same and to pay all interest thereon to the person from whom the same was borrowed, and the same may be recovered from such members or any of them as money lent by such person to such members or, as the case may be, member by member by action at the suit of the Minister in any court of competent jurisdiction.

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

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

#### **Moderation committee**

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

#### **Functions and powers of the moderation committee**

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

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

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

### **Subject advisory committees**

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

### **Functions and powers of subject advisory committees**

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

- (a) to make recommendations to the board concerning the broad framework of the syllabus or syllabuses in the subject or the group of subjects for which the committee is appointed;
- (b) 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
- (c) where such matter is referred to it by the board, to make recommendations to the board with respect to the matter of syllabuses for those subjects developed by schools, school systems, authorities, other institutions or the board itself and which are designated, or are to be designated, board subjects on the senior certificate;
- (d) to make recommendations to the board on such other matters as

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the board refers to it.

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

### **PART 3—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 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*

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*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 10<sup>3</sup> 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.

### **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

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<sup>3</sup> Section 8 (Responsibility for strategic plan for P-12 syllabuses and revisions), section 9 (Minister to consider strategic plan and notify chairpersons) and section 10 (Minister’s power to give directions in the public interest)

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*Vocational Education, Training and Employment Act 1991*, section 26, for vocational education programs for students in year 11 or 12.<sup>4</sup>

### **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.

### **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.

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<sup>4</sup> See section 6(1)(h).

### **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 38 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.

## 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 5 March 1997. Future amendments of the Education (Senior Secondary School Studies) Act 1988 may be made in accordance with this reprint under the Reprints Act 1992, section 49.



### 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	13 January 1994
1A	to Act No. 58 of 1995	14 July 1996

### 5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed names and titles	1
Renumbered provisions	1

## **6 List of legislation**

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

date of assent 8 December 1988

ss 1–2 and 47 commenced on date of assent

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

as amended by—

### **Education (Tertiary Entrance Procedures Authority) Act 1990 No. 92 pt 5**

date of assent 7 December 1990

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

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

date of assent 5 June 1991

commenced 16 December 1994 (1994 SL No. 457)

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

date of assent 3 June 1993

commenced on date of assent

### **Education Legislation Amendment Act 1995 No. 20 pts 1, 3 s 7 sch 2 (as amd by Education (School Curriculum P—10) Act 1996 No. 65 ss 1–2, 52 sch 2 as from 9 December 1996 (see s 2(1)))**

date of assent 11 April 1995

s 9 never proclaimed into force and om 1996 No. 65 s 52 sch 2

ss 10(1)–(3), (6), (8)–(11), 11, 12 commenced 1 January 1996 (see s 2(1))

remaining provisions 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

### **Public Service Act 1996 No. 37 ss 1–2, 147 sch 2**

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

### **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)

### **Arrangement of Act**

s 3 om R1 (see RA s 36)

### **Definitions**

**prov hdg** sub 1995 No. 20 s 8(1)

s 4 def **“appointed members”** ins 1996 No. 65 s 52 sch 2  
 def **“board registered subject”** amd 1996 No. 65 s 52 sch 2  
 def **“board subject”** sub 1995 No. 20 s 8(2)  
 amd 1996 No. 65 s 52 sch 2  
 def **“committee”** ins 1996 No. 65 s 52 sch 2  
 def **“council”** ins 1995 No. 20 s 8(2)  
 sub 1996 No. 65 s 52 sch 2  
 def **“department”** om 1995 No. 20 s 8(2)  
 def **“director”** ins 1996 No. 65 s 52 sch 2  
 def **“Director-General”** om 1995 No. 58 s 4 sch 1  
 def **“eligible person”** ins 1996 No. 65 s 52 sch 2  
 def **“executive officer”** om 1996 No. 65 s 52 sch 2  
 def **“financial year”** amd 1990 No. 92 s 47(a)  
 om 1995 No. 58 s 4 sch 1  
 def **“foreign education document”** ins 1996 No. 65 s 52 sch 2  
 def **“Higher Education Forum”** sub 1996 No. 65 s 52 sch 2  
 def **“materials”** sub 1996 No. 65 s 52 sch 2  
 def **“Minister”** om 1995 No. 20 s 8(2)  
 def **“nominating entity”** ins 1996 No. 65 s 52 sch 2  
 def **“non-State school”** sub 1995 No. 20 s 8(2)  
 def **“office”** ins 1996 No. 65 s 52 sch 2  
 def **“P–12 syllabuses”** ins 1996 No. 65 s 52 sch 2  
 def **“practising secondary education teacher”** ins 1996 No. 65 s 52  
 sch 2  
 def **“practising teacher”** om 1996 No. 65 s 52 sch 2  
 def **“primary education”** ins 1996 No. 65 s 52 sch 2  
 def **“recorded subject”** sub 1995 No. 20 s 8(2)  
 def **“State college”** ins 1995 No. 20 s 8(2)  
 def **“State school”** sub 1995 No. 20 s 8(2)  
 def **“student”** sub 1995 No. 20 s 8(2)  
 def **“tertiary education”** amd 1990 No. 92 s 47(b)  
 def **“Tertiary Entrance Procedures Authority”** ins 1990 No. 92 s 47(c)  
 def **“vocational education”** ins 1995 No. 20 s 8(2)  
 def **“Vocational Education Minister”** ins 1995 No. 20 s 8(2)

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**Establishment and membership of board**

**s 5**           amd 1995 No. 20 s 9 (never proclaimed into force and om 1996 No. 65 s 52 sch 2); 1995 No. 58 s 4 sch 1  
                  sub 1996 No. 65 s 52 sch 2

**Functions and powers of board**

**s 6**           amd 1990 No. 92 s 48; 1995 No. 20 s 10; 1995 No. 58 s 4 sch 1; 1996 No. 65 s 52 sch 2

**Board may make by-laws**

**s 7**           amd 1993 No. 32 s 3 sch 2; 1995 No. 20 s 11; 1996 No. 65 s 52 sch 2

**Responsibility for strategic plan for P-12 syllabuses and revisions**

**s 8**           sub 1996 No. 65 s 52 sch 2

**Minister to consider strategic plan and notify chairpersons**

**s 9**           sub 1996 No. 65 s 52 sch 2

**Minister's power to give directions in the public interest**

**s 10**          amd 1995 No. 20 s 7 sch 2  
                  sub 1996 No. 65 s 52 sch 2

**Division 2—Administrative provisions relating to the board**

**div hdg**     (prev preceding s 9) sub 1996 No. 65 s 52 sch 2

**Member's term of appointment**

**s 11**          sub 1995 No. 20 s 7 sch 2; 1996 No. 65 s 52 sch 2

**Disqualification from office**

**s 12**          amd 1996 No. 65 s 52 sch 2

**Vacation of office of members of the board**

**s 13**          amd 1996 No. 65 s 52 sch 2

**Vacancy on the board from expiry of term of appointment**

**s 14**          om 1996 No. 65 s 52 sch 2

**Filling vacancies**

**s 16**          sub 1996 No. 65 s 52 sch 2

**Validity of proceedings**

**s 18**          amd 1995 No. 58 s 4 sch 1  
                  om 1996 No. 65 s 52 sch 2

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

**s 20**          sub 1996 No. 65 s 52 sch 2

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

**s 20A**       ins 1996 No. 65 s 52 sch 2

**Attendance of director of the office at meetings**

**s 20B**       ins 1996 No. 65 s 52 sch 2

**Chairperson to sign agreements for the board**

**s 22**          amd 1995 No. 58 s 4 sch 1

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**Remuneration to members of the board and other committees**

**s 23** amd 1990 No. 92 s 49; 1996 No. 65 s 52 sch 2

**Delegations**

**s 24** sub 1995 No. 20 s 7 sch 2; 1996 No. 65 s 52 sch 2

**Accounts and Audit**

**s 25** amd 1995 No. 58 s 4 sch 1

**Budget of the board**

**s 27** amd 1990 No. 92 s 50; 1995 No. 58 s 4 sch 1

**Observance of budget**

**s 28** amd 1995 No. 58 s 4 sch 1

**Investments**

**s 30** sub 1996 No. 54 s 9 sch

**Temporary finance**

**s 31** om 1996 No. 54 s 9 sch

**Power of the board to borrow**

**prov hdg** sub 1996 No. 54 s 9 sch

**s 32** amd 1996 No. 54 s 9 sch; 1996 No. 65 s 52 sch 2

**Division 4—Officers of the Board**

**div hdg** om 1996 No. 65 s 52 sch 2

**Appointment of officers**

**s 33** amd 1995 No. 20 s 7 sch 2; 1996 No. 37 s 147 sch 2  
om 1996 No. 65 s 52 sch 2

**Functions and powers of subject advisory committees**

**s 37** amd 1995 No. 20 s 12; 1996 No. 65 s 52 sch 2

**PART 3—OFFICE OF THE BOARD OF SENIOR SECONDARY SCHOOL STUDIES**

**pt hdg** sub 1996 No. 65 s 52 sch 2

**Office of the Board of Senior Secondary School Studies**

**s 38** sub 1995 No. 20 s 7 sch 2; 1996 No. 65 s 52 sch 2

**Office's function and powers**

**s 39** amd 1995 No. 58 s 4 sch 1  
sub 1996 No. 65 s 52 sch 2

**Director and staff of the office**

**s 40** sub 1995 No. 20 s 7 sch 2; 1996 No. 65 s 52 sch 2

**Control of the office**

**s 41** prev s 41 om 1995 No. 20 s 7 sch 2  
pres s 41 ins 1995 No. 20 s 13  
sub 1996 No. 65 s 52 sch 2

**PART 4—GENERAL PROVISIONS**

**pt hdg** sub 1995 No. 20 s 13; 1996 No. 65 s 52 sch 2

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**Delegation by Minister**

- s 42**            amd R1 (see RA s 38)  
                  sub 1996 No. 65 s 52 sch 2

**Administrative support for board and office**

- s 43**            amd R1 (see RA s 38)  
                  sub 1996 No. 65 s 52 sch 2

**Board's annual report**

- s 44**            prev s 44 om R1 (see RA s 38)  
                  pres s 44 ins 1996 No. 65 s 52 sch 2

**Regulations**

- s 45**            prev s 45 om R1 (see RA s 38)  
                  pres s 45 ins 1996 No. 65 s 52 sch 2

**PART 5—TRANSITIONAL**

- pt hdg**        prev pt 5 hdg om R1 (see RA s 40); 1991 No. 23 s 20 sch  
                  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 38)  
                  pres s 46 ins 1996 No. 65 s 52 sch 2

**Board to be re-constituted**

- s 47**            prev s 47 om R1 (see RA s 38)  
                  pres s 47 ins 1996 No. 65 s 52 sch 2

**Dissolution of former office**

- s 48**            prev s 48 om R1 (see RA s 40); 1991 No. 23 s 20 sch  
                  pres s 48 ins 1996 No. 65 s 52 sch 2

**Staff of the office**

- s 49**            prev s 49 om R1 (see RA s 40); 1991 No. 23 s 20 sch  
                  pres s 49 ins 1996 No. 65 s 52 sch 2

**Existing delegations**

- s 50**            prev s 50 om R1 (see RA s 40); 1991 No. 23 s 20 sch  
                  pres s 50 ins 1996 No. 65 s 52 sch 2  
                  exp 1 February 1998 (see s 50(3))

**Repeal of Part VI**

- s 51**            om R1 (see RA s 40); 1991 No. 23 s 20 sch

**Amendment of heading of Part VIII**

- s 52**            om R1 (see RA s 40); 1991 No. 23 s 20 sch

**Amendment of s. 53. Definition of terms**

- s 53**            om R1 (see RA s 40); 1991 No. 23 s 20 sch

**Repeal of s. 62. Attendance by proxy at meetings**

- s 54**            om R1 (see RA s 40); 1991 No. 23 s 20 sch

## **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 Arrangement Amendment Act 1996 No. 54 s 9** sch reads as follows—

### **1. Sections 30 and 31—**

*omit, insert—*

#### **‘Board is statutory body**

**‘30.(1)** Under the *Statutory Bodies Financial Arrangements Act 1982*, the Board is a statutory body.

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

### **2. Section 32, heading—**

*omit, insert—*

**‘Consequences if money borrowed other than under the Statutory Bodies Financial Arrangements Act 1982’.**

### **3. Section 32(1) and (2)—**

*omit.*

**4. Section 32(3), ‘this Act’—**

*omit, insert—*

*‘the Statutory Bodies Financial Arrangements Act 1982’.*