

Queensland



ANNO TERTIO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 73 of 1964

**An Act to Consolidate and Amend the Law Relating to  
Education**

[ASSENTED TO 24TH DECEMBER, 1964]

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

PART I—PRELIMINARY

1. (1) **Short title.** This Act may be cited as "*The Education Act of 1964.*"

(2) **Commencement of Act.** Save as in this Act is otherwise provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

2. **Parts and Divisions.** This Act is divided into Parts and Divisions of Parts as follows:—

PART I—PRELIMINARY (ss. 1-4);

PART II—GENERAL PROVISIONS (ss. 5-13);

*Division I—General* (ss. 5-9);

*Division II—Parents' and Citizens' Associations* (ss. 10-13);

- PART III—STATE SCHOOLS (ss. 14–27);  
*Division I—General* (ss. 14–23);  
*Division II—Primary Education* (s. 24);  
*Division III—Secondary Education* (s. 25);  
*Division IV—Special Education* (ss. 26–27);
- PART IV—COMPULSORY EDUCATION (ss. 28–33);
- PART V—TECHNICAL AND AGRICULTURAL EDUCATION (ss. 34–41);  
*Division I—Technical and Agricultural Instruction* (ss. 34–35);  
*Division II—Technical Education Advisory Council* (ss. 36–38);  
*Division III—Agricultural Education Advisory Council* (ss. 39–41);
- PART VI—SECONDARY SCHOOL COURSES OF STUDY AND EXAMINATIONS (ss. 42–48);  
*Division I—Examination Certificates* (s. 42);  
*Division II—Board of Junior Secondary School Studies* (ss. 43–45);  
*Division III—Board of Senior Secondary School Studies* (ss. 46–48);
- PART VII—ADULT EDUCATION (ss. 49–51);
- PART VIII—PROVISIONS RELATING TO THE TECHNICAL EDUCATION ADVISORY COUNCIL, THE AGRICULTURAL EDUCATION ADVISORY COUNCIL, THE BOARD OF JUNIOR SECONDARY SCHOOL STUDIES, THE BOARD OF SENIOR SECONDARY SCHOOL STUDIES AND THE BOARD OF ADULT EDUCATION (ss. 52–62);
- PART IX—SCHOLARSHIPS AND ALLOWANCES TO SECONDARY SCHOOL STUDENTS (s. 63);
- PART X—TEACHER EDUCATION (s. 64);
- PART XI—OTHER EDUCATIONAL INSTITUTIONS (s. 65);
- SCHEDULE.

**3. Repeals and savings.** (1) The Acts mentioned in the Schedule to this Act are repealed to the extent therein indicated. The said Acts are, in this Act, referred to as the “repealed Acts”.

(2) Subject to this Act,—

- (a) all premises held by the Minister for Education of Queensland for the purposes of the repealed Acts or any of them immediately before such repeal shall, upon the commencement of this Act, continue to be held by the Corporation for the purposes of this Act;
- (b) a person appointed under or for the purposes of the repealed Acts or any of them and holding such appointment at the commencement of this Act shall continue to hold such appointment for the purposes of this Act until he vacates or is lawfully removed from such appointment and shall be deemed to have been so appointed under or, as the case may be, for the purposes of this Act;

- (c) all acts, matters or things done or brought into existence under or for the purposes of the repealed Acts or any of them and having effect or existing at the commencement of this Act shall continue to have effect and to exist as if the repealed Acts had not been repealed;
- (d) the repeal of the repealed Acts shall not affect the operation, effect or existence of any order, assignment, report, return, certificate, consent, agreement, fund or trust made, given, entered into or created under or for the purposes of the repealed Acts or any of them.

**4. Interpretation.** In this Act, unless the context otherwise indicates or requires, the following terms have the meanings set against them respectively, that is to say:—

- “Age of compulsory attendance”—Not less than six nor more than fifteen years of age;
- “Agricultural instruction”—Instruction in subjects pertaining to rural science and crafts;
- “Blind”—In the opinion of the Minister too blind or deficient in the power of sight to be able to read the ordinary school books used by children;
- “Corporation”—The corporation sole constituted under this Act by the Minister for the time being by the name of “The Minister for Education of Queensland”;
- “Deaf”—In the opinion of the Minister too deaf to be taught in a class of hearing children;
- “Department”—Department of Education;
- “Director-General”—The Director-General of Education under this Act;
- “Minister”—The Minister for Education or other Minister for the time being charged with the administration of this Act: The term includes any Minister performing temporarily the duties of the Minister administering this Act;
- “Other educational institution”—Any educational institution, not being a State school or college, conducted under this Act;
- “Parent”—The term includes a guardian and every person who is liable to maintain or has the actual custody of a child and any person with whom a child resides or who is the occupier of a house in which a child resides;
- “Parents’ and Citizens’ Association”—A Parents’ and Citizens’ Association formed as prescribed;
- “Premises”—Land and any building thereon;
- “Primary School”—Any school, not being a special school, providing primary education;
- “School day”—Any day on which a school is open as a school;
- “Secondary school”—Any school, not being a special school, providing secondary education;
- “Special school”—A State school providing special education;
- “State school”—Any school conducted under Part III of this Act;
- “Summoning Officer”—Summoning officer under this Act;
- “Teacher”—The term includes any person forming part of the educational staff of a school.

## PART II—GENERAL PROVISIONS

*Division I—General*

**5. Department of Education.** (1) This Act shall be administered by the Minister and subject to the Minister by the Director-General of Education.

(2) There shall be a Department of Education consisting of the Director-General of Education and of such professional officers, teachers and other officers as are appointed from time to time.

(3) For the purposes of "*The Public Service Acts, 1922 to 1963*," the Director-General of Education shall be the permanent head of the Department unless and until some other person is defined by the regulations under those Acts to be that permanent head.

**6. The corporation of the Minister.** (1) The corporation sole by the name of "The Minister for Education of Queensland" constituted under the repealed Acts is hereby preserved, continued in existence, and constituted under this Act and the Minister, including successively any and every Minister for the time being administering this Act, shall be such corporation sole by such name, and by such name shall have perpetual succession and an official seal, and shall be capable in law of suing and being sued in his corporate name, and, subject to and for the purposes of this Act, of acquiring, holding, taking on lease, leasing, exchanging and disposing of property, real and personal, movable and immovable, and of doing and suffering all such other acts, matters and things as bodies corporate may in law do and suffer.

(2) Save as otherwise prescribed by this Act, all moneys received by the Corporation in respect of transactions entered into by it with respect to property shall be paid into and form part of the Consolidated Revenue.

(3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Corporation affixed to any document or writing whatsoever, and, until the contrary is proved, shall presume that such seal was duly so affixed.

**7. Fees to be disposed of for the purposes of this Act as the Governor in Council shall direct.** All fees and other moneys received under the authority of this Act shall be disposed of for the purposes of this Act in such manner as the Governor in Council shall direct.

**8. Regulations.** (1) The Governor in Council may from time to time make regulations, not inconsistent with this Act, providing for all or any purposes whether general or to meet particular cases that may be convenient for the administration of this Act or that may be necessary or convenient to carry out the objects and purposes of this Act.

(2) A regulation may impose a penalty not exceeding fifty pounds for a contravention of or failure to comply with such regulation or any other regulation.

(3) Regulations may be made under this Act at any time after the passing hereof.

- (4) Every regulation made under this Act shall—
- (a) be published in the *Gazette*;
  - (b) upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein;
  - (c) subject to this Act, take effect from the date of such publication unless a later date is specified in that or any other regulation, when in such event it shall take effect from that later date;
  - (d) be laid before the Legislative Assembly within fourteen days after such publication if the Legislative Assembly is then in session and if not, then within fourteen days after the commencement of the next session.

(5) If the Legislative Assembly passes a resolution of which notice has been given at any time within fourteen sitting days after any regulation has been laid before it disallowing such regulation or part thereof, that regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further regulation.

**9. Annual Report.** The Minister shall in every year cause to be laid before the Legislative Assembly a report of the administration of this Act during the preceding year.

#### *Division II—Parents' and Citizens' Associations*

**10. (1) Formation of Parents' and Citizens' Association.** A Parents' and Citizens' Association may be formed as prescribed by the regulations for any State school.

Parents of children attending a State school and any other persons interested in the welfare of a State school shall be eligible to be members of such an association for that State school.

**(2) Temporary continuation of School committees.** A School Committee formed pursuant to "*The Education Acts, 1875 to 1957*," and subsisting at the commencement of this Act shall continue in being for the school for which it was formed until—

- (i) the date on which a Parents' and Citizens' Association is formed for that school pursuant to this Act; or
- (ii) the Thirty-first day of March one thousand nine hundred and sixty-five,

whichever date is the earlier.

Every School Committee continued in being by this paragraph shall be deemed to be a Parents' and Citizens' Association under this Act until the date it ceases to exist and each member of such a School Committee shall continue in his office as such member accordingly.

**11. Objects of association.** The objects of an association shall be to promote the interests of the State school for which it is formed, by endeavouring to bring about closer co-operation between the parents of the children attending the school, other citizens, the teachers at the school and such children and generally to endeavour to foster community interest in educational matters.

**12. Funds of association.** (1) Subject to defraying all expenditure lawfully incurred by it an association shall expend or invest all its funds for the benefit of the children who are attending the State school for which it is formed.

(2) All property whatsoever acquired by an association for the use of a State school whether acquired with or without any financial assistance from the Minister or the Department shall by force of this section be vested in the Corporation for the purposes of this Act.

**13. Association not to exercise authority over teachers.** An association shall not exercise any authority over the teaching staff, or interfere in any way with the control or management of any State school.

### PART III—STATE SCHOOLS

#### *Division I—General*

**14. Power to establish and maintain schools.** (1) The Minister may, subject to this Act,—

(a) continue, maintain and carry on any State school in existence at the commencement of this Act; and

(b) establish, maintain and carry on such other schools and such other means of instruction, as he deems necessary or convenient for public education and the purposes of this Act.

(2) All State schools established before the commencement of this Act and subsisting at the commencement of this Act under the control of the Department shall be deemed to be State schools established under this Act.

**15. State schools may be discontinued.** Any State school may be discontinued and the property used in connexion therewith sold or otherwise disposed of.

**16. Use of schools.** Nothing in this Act contained shall prevent State school buildings from being used for any purpose permitted by the regulations at such times (other than those set apart for giving instruction therein), and subject to such conditions as may be prescribed by the regulations.

**17. Inspection of schools.** The Minister shall cause every State school to be inspected at such intervals as appear to him to be appropriate.

**18. Instruction to be free.** In State schools, the cost of instruction of children whose parents are domiciled in the State shall be defrayed by the State.

**19. Hours of instruction.** In every State school four hours at the least in each school day shall be set apart for instruction.

**20. Religious instruction in school hours.** (1) Any minister of religion or accredited representative of a religious denomination which representative has been approved by the Minister for the purpose shall be entitled during school hours to give to the children in attendance at a State school who are members of the religious society or denomination of which he is a minister or the accredited representative religious instruction in accordance with regulations in that behalf during a period not exceeding one hour in each week on such day as the head teacher of that school appoints.

(2) Instruction in accordance with regulations in that behalf shall be given in State primary and special schools during school hours in selected Bible lessons. A separate reading book shall be provided for such purpose.

Such instruction shall not include any teaching in the distinctive tenets or doctrines of any religious denomination, society or sect.

(3) Notwithstanding anything in this section, any parent of a child in attendance at a State school may withdraw such child from all religious instruction in such school by notifying in writing the head teacher that he desires the child to be so withdrawn.

**21. Exclusion of pupils.** A child may be excluded from a State school in accordance with the regulations.

The regulations shall not authorize the exclusion of a child from a State School otherwise than by order of the Director-General given with the approval of the Minister.

Except as prescribed by regulation a child shall not be excluded from a State school.

**22. Wilful disturbance of school.** Any person who wilfully disturbs any school or who upbraids, insults or abuses any teacher, teacher on probation or teacher in training at any school in the presence or hearing of any pupil who is then in or about the school or who is, with others, then assembled for school purposes whether in school or not, commits an offence against this Act.

Penalty: Twenty-five pounds.

For the purposes of this section, "school" means any State school, State technical college, State agricultural college or any grammar school to which "*The Grammar School Acts, 1860 to 1962*" apply.

A person shall not be convicted of an offence against this section if it is shown that he was, at the time in question, a pupil at the school concerned.

**23. Provision of transport facilities.** The Minister may make such arrangements as he considers necessary to provide any of the following facilities in respect of pupils attending schools or other educational establishments—

- (a) their conveyance without charge for the whole or part of the journey between their homes and the schools or other educational establishments which they are attending and return;
- (b) payment of the whole or any part as he thinks fit of their reasonable travelling expenses,

and may in respect of any pupil make such an arrangement to provide more than one of the facilities prescribed in provisions (a) and (b) of this section.

#### *Division II—Primary Education*

**24. Provision of primary education.** For every child attending a State primary school there shall be provided primary education that is to say, having regard to the age, ability and aptitude of the child concerned, progressive elementary education in such subjects as the Minister approves.

*Division III—Secondary Education*

**25. Provision of secondary education.** For every child attending a State secondary school there shall be provided secondary education that is to say, having regard to the age, ability and aptitude of the child concerned and to the period for which he is expected to receive secondary education, progressive courses of instruction in such subjects and of such duration as the Minister approves.

*Division IV—Special Education*

**26. Provision of special education.** For children who require such education on account of a disability of mind or body there shall be provided special education that is to say education by special methods appropriate to the needs of such children.

Such special education as the Minister approves may be given—

- (a) in special schools;
- (b) in classes approved by the Minister for the purpose; or
- (c) by any other means approved by the Minister for the purpose.

**27. Parent of blind or deaf child to obtain suitable education for such child.** (1) Every parent of a blind or deaf child who is of the age of compulsory attendance shall cause such child to receive an education which, in the opinion of the Minister, is efficient and suitable.

In any proceeding against a person in respect of a non-compliance with this subsection, a certificate purporting to be signed by the Minister as to the efficiency or suitability of the system or method of education in issue shall be conclusive evidence of such efficiency or, as the case may be, suitability.

The Minister may authorize any person to inspect the system and method of education being provided for any such child and may receive a report thereon.

(2) The Minister may order, in writing, that a blind or deaf child of the age of compulsory attendance shall be sent to a special school.

(3) When the Minister makes an order pursuant to the last preceding subsection, he may by the same or a subsequent order in writing direct that each parent of a child who is required to attend a special school by virtue of such first-mentioned order and who so attends shall contribute towards the maintenance of such child at a special school in such amount and in such manner as the Minister from time to time directs.

A parent of such a child shall not, in any case, be directed or required to contribute towards the cost of the instruction of such child at a special school.

(4) A parent of a blind or a deaf child of the age of compulsory attendance who fails to comply with any provision of this section or of an order or direction of the Minister made pursuant to this section commits an offence against this Act.

Penalty: For a first offence, five pounds and for a second or subsequent offence, whether in relation to the same child or another child, twenty-five pounds.

(5) A person who wilfully obstructs a person authorized by the Minister to inspect any system or method of education commits an offence against this Act.

Penalty: Twenty-five pounds.



## PART IV—COMPULSORY EDUCATION

**28. Compulsory attendance at school.** Every parent of a child being of the age of compulsory attendance shall, unless some reasonable excuse exists, cause such child to attend a State school on each school day.

**29. New leaving age not to apply in certain cases.** Section twenty-eight of this Act does not apply to a parent of a child who was lawfully entitled to leave school before the commencement of this Act.

**30. Definition of reasonable excuse.** Any of the following reasons shall be deemed to be a reasonable excuse within the meaning of section twenty-eight of this Act:—

- (1) That the child concerned is receiving instruction in some other manner which, in the opinion of the Minister, is efficient;
- (2) That the child concerned has been prevented from attending school by—
  - (i) sickness;
  - (ii) temporary or permanent infirmity;
  - (iii) an unavoidable cause; or
  - (iv) fear of infection with disease, which, in the opinion of the Minister, is reasonable;
- (3) That the child has been prohibited or belongs to a class which has been prohibited by any Act, regulation or other rule of law from attending school on the ground that he or such class is suffering from an infectious or contagious disease or that his presence might be injurious to the health or welfare of other children attending school;
- (4) That—
  - (a) in the case of a child of the age of compulsory attendance who has not attained the age of ten years,—
    - (i) there is no State school which such child can attend within two miles, measured by the most practicable route, from the place of residence of such child; and
    - (ii) there does not exist within one mile, measured by the most practicable route, from the place of residence of such child a means of conveyance to a State school which means is, in the opinion of the Minister, satisfactory; or
  - (b) in the case of a child of the age of compulsory attendance who has attained the age of ten years,—
    - (i) there is no State school which such child can attend within three miles, measured by the most practicable route, from the place of residence of such child; and
    - (ii) there does not exist within two miles, measured by the most practicable route, from the place of residence of such child a means of conveyance to a State school which means is, in the opinion of the Minister, satisfactory;
- (5) That there is any other reason which, in the opinion of the Minister, affords reasonable excuse.

**31. Enrolment for correspondence course.** Every parent of a child being of the age of compulsory attendance who does not attend a State school because of an excuse prescribed in paragraph (4) of section thirty of this Act shall cause such child to be enrolled with the Department in a correspondence course approved by the Minister unless such child is receiving instruction in some other manner which, in the opinion of the Minister, is efficient.

**32. Penalty for non-compliance with this Part.** (1) A parent of a child being of the age of compulsory attendance who fails to comply with the provisions of section twenty-eight or of section thirty-one of this Act commits an offence against this Act.

Penalty: For a first offence, five pounds and for a second or subsequent offence, whether in relation to the same child or another child, twenty-five pounds.

(2) A proceeding for such an offence may be commenced upon the complaint of a member of the Police Force or a person authorized in writing in that behalf by the Minister.

(3) In a proceeding in respect of such an offence—

(a) it shall not be necessary to prove the authority of any person to commence such proceeding;

(b) an averment in a complaint that—

(i) any child is of the age of compulsory attendance; or

(ii) a parent of any child has failed to cause such child to attend a State school on any school day; or

(iii) a parent of any child has failed to cause such child to be enrolled with the Department in a correspondence course approved by the Minister,

shall be evidence of the fact or facts averred and, in the absence of evidence to the contrary, shall be conclusive evidence of such fact or facts;

(c) a certificate purporting to be signed by the head-teacher of the school concerned in such proceeding—

(i) that the child named therein is or is not enrolled in such school; or

(ii) wherein are specified the particulars of attendance of the child named therein at such school,

shall be evidence of the fact or facts so certified and, in the absence of proof to the contrary, shall be conclusive evidence of such fact or facts;

(d) a certificate purporting to be signed by the Minister—

(i) as to the reasonableness or otherwise of any excuse specified therein; or

(ii) as to the satisfactoriness or otherwise of any means of conveyance referred to therein; or

(iii) as to the efficiency or otherwise of a manner of instruction specified therein,

shall be conclusive evidence of the opinion of the Minister as to the fact or facts so certified.

**33. Employment of children of school age.** (1) A parent shall not employ or cause or permit to be employed during the hours from time to time prescribed for attendance at school his child who is of the age of compulsory attendance unless such child is exempt from attendance at school.

Penalty: Not less than five pounds nor more than fifty pounds.

A parent of a child who causes or permits such child to engage in any calling carried on by such parent by way of trade or for purposes of gain shall be deemed to employ such child in such calling.

(2) A parent of a child shall not give—

(a) to any person who is then employing such child; or

(b) to any person who thereafter employs such child; or

(c) to any person appointed under or for the purposes of this Act, any information which to his knowledge is false concerning the age of such child or touching any other matter to which the preceding subsection relates.

Penalty: Not less than five pounds nor more than fifty pounds.

#### PART V—TECHNICAL AND AGRICULTURAL EDUCATION

##### *Division I—Technical and Agricultural Instruction*

**34. Power to continue and establish colleges.** (1) Subject to this Act, the Minister may—

(a) continue and maintain all State technical colleges and the State agricultural college and other means of technical and agricultural instruction in existence at the commencement of this Act; and

(b) establish and maintain such State technical colleges, State agricultural colleges and other means of technical and agricultural instruction as he considers necessary or desirable for public education and for the purposes of this Act.

(2) All State technical colleges and the State agricultural college and other means of technical and agricultural instruction established before the commencement of this Act and subsisting at the commencement of this Act, under the control of the Department shall be deemed to have been established under this section.

**35. Minister to provide for running of colleges, &c.** In relation to State technical colleges, State agricultural colleges and other means of technical and agricultural instruction established under section thirty-four of this Act the Minister may provide for all or any of the following purposes (and to that end may make rules applicable to all or any of such colleges and other means of instruction):—

(a) the management and conduct of such colleges and means of instruction and defining the powers and duties of the persons conducting such colleges or means of instruction or any part thereof;

(b) the subjects to be taught therein;

(c) the conditions on which students may enrol for and obtain instruction;

(d) the fees payable for instruction and examination therein;

- (e) the attendance of students thereat and the exclusion and expulsion of such students or any other person;
- (f) the establishment of laboratories and technological libraries and museums and the conditions on which the same may be used;
- (g) the most effectual use of the property, apparatus and appliances of such colleges and means of instruction for the purpose of public education and instruction;
- (h) the conducting of examinations and the grant of certificates, diplomas and other academic awards;
- (i) disciplinary penalties for breaches of rules applicable to such colleges or means of instruction or any of them;
- (j) such other purposes as the Governor in Council by Order in Council prescribes.

*Division II—Technical Education Advisory Council*

**36. Constitution of Council.** (1) There shall be a Technical Education Advisory Council which shall consist of such members as the Governor in Council from time to time prescribes by Order in Council published in the *Gazette*.

(2) Until the Governor in Council otherwise prescribes, the members of the Council shall be as follows:—

- (i) two nominees of the Minister, one of whom shall, in his appointment, be designated and shall be chairman and the other of whom shall, in his appointment, be designated and shall be deputy chairman;
- (ii) the persons for the time being respectively holding the offices of Director of Technical Education, Director of Secondary Education and Director of Special Education Services, each of whom shall be an *ex officio* member;
- (iii) two members of the academic staff of the University of Queensland;
- (iv) an inspector of technical colleges;
- (v) four persons representing industry and commerce;
- (vi) four persons representing professional associations allied with industry and commerce;
- (vii) one nominee of the Minister representative, in the opinion of the Minister, of the Trade Union Movement.

(3) A member of the Council shall be appointed by the Governor in Council, upon the recommendation of the Minister, by notification published in the *Gazette*.

**37. (1) Functions of Council.** The functions of the Council shall be—

- (a) to advise the Minister on the courses of study to be followed by students in technical colleges and institutions and by candidates for diplomas, certificates or other academic awards regard being had to the needs of the community, industry and commerce and to the requirements of a sound general education;
- (b) to make recommendations to the Minister in relation to the conduct of examinations in technical colleges and institutions and in relation to the granting of diplomas, certificates and other academic awards;

- (c) to appoint in relation to subjects or courses or both offered for study in technical colleges and institutions special committees;
- (d) to advise the Minister on matters pertaining to technical education generally.

(2) **Powers of Council.** The Council shall have and may exercise such powers and authorities, as are incidental to the proper discharge by it of any of its aforesaid functions and shall have and may exercise such other powers and authorities and shall perform such other duties and functions as the Governor in Council prescribes.

**38. Functions of special committee.** A special committee appointed by the Council pursuant to this Act shall recommend to the Council—

- (a) on matters pertaining to the subject or course for which such committee was appointed;
- (b) on such other matters as are referred to it.

*Division III—Agricultural Education Advisory Council*

**39. Constitution of Council.** (1) There shall be an Agricultural Education Advisory Council which shall consist of such members as the Governor in Council from time to time prescribes by Order in Council published in the *Gazette*.

(2) Until the Governor in Council otherwise prescribes, the members of the Council shall be as follows:—

- (i) two nominees of the Minister, one of whom shall, in his appointment, be designated and shall be chairman and the other of whom shall, in his appointment, be designated and shall be deputy chairman;
- (ii) the persons for the time being respectively holding the offices of Deputy Director-General of Education and Director of Secondary Education, each of whom shall be an *ex officio* member;
- (iii) the principal of the Queensland Agricultural College who shall be an *ex officio* member;
- (iv) the person for the time being holding the office of Organizer, Agricultural Project Clubs, Department of Education who shall be an *ex officio* member;
- (v) two nominees of the Minister representing such departments of the University of Queensland as the Minister from time to time selects;
- (vi) two nominees of the Director-General of Primary Industries;
- (vii) five persons representing associations allied with primary industry;
- (viii) three nominees of the Minister.

(3) A member of the Council shall be appointed by the Governor in Council, upon the recommendation of the Minister, by notification published in the *Gazette*.

- 40. (1) Functions of Council.** The functions of the Council shall be—
- (a) to advise the Minister on the courses of study to be followed by students in agricultural colleges and institutions and by candidates for diplomas, certificates and other academic awards regard being had to the needs of the community and primary industry and to the requirements of a sound general education;
  - (b) to make recommendations to the Minister in relation to the conduct of examinations in agricultural colleges and institutions and in relation to the granting of diplomas, certificates and other academic awards;
  - (c) to appoint in relation to subjects or courses or both offered for study in agricultural colleges and institutions special committees;
  - (d) to advise the Minister on matters pertaining to agricultural education generally.

(2) **Powers of Council.** The Council shall have and may exercise such powers and authorities, as are incidental to the proper discharge by it of any of its aforesaid functions and shall have and may exercise such other powers and authorities and shall perform such other duties and functions as the Governor in Council prescribes.

**41. Functions of special committee.** A special committee appointed by the Council pursuant to this Act shall recommend to the Council—

- (a) on matters pertaining to the subject or course for which such committee was appointed;
- (b) on such other matters as are referred to it.

## PART VI—SECONDARY SCHOOL COURSES OF STUDY AND EXAMINATIONS

### *Division I—Examination Certificates*

**42. Issue of certificates.** (1) There shall be issued from the Department in accordance with regulations made in that regard—

- (a) Junior Examination Certificates; and
- (b) Senior Examination Certificates.

(2) (a) A Junior Examination Certificate shall be issued upon the recommendation of the Board of Junior Secondary School Studies.

(b) A Senior Examination Certificate shall be issued upon the recommendation of the Board of Senior Secondary School Studies.

### *Division II—Board of Junior Secondary School Studies*

**43. Constitution of Board.** (1) There shall be a Board of Junior Secondary School Studies which shall consist of such members as the Governor in Council from time to time prescribes by Order in Council published in the *Gazette*.

(2) Until the Governor in Council otherwise prescribes, the members of the Board shall be as follows:—

- (i) the persons for the time being respectively holding the offices of Director-General and Deputy Director-General of Education each of whom shall be an *ex officio* member and who shall be respectively the chairman and deputy chairman of such Board;

- (ii) the persons for the time being respectively holding the offices of Director of Secondary Education, Director of Technical Education, Director of Primary Education and Director of Special Education Services each of whom shall be an *ex officio* member;
  - (iii) a nominee of the Senate of the University of Queensland;
  - (iv) three nominees of the Director-General, one being an inspector of secondary schools and two being teachers in State secondary schools;
  - (v) two nominees of the Queensland Teachers' Union being teachers in State secondary schools;
  - (vi) a nominee of the Roman Catholic Church representing the secondary schools for boys conducted by or on behalf of that church and being a teacher in one of such schools;
  - (vii) a nominee of the Roman Catholic Church representing the secondary schools for girls conducted by or on behalf of that church and being a teacher in one of such schools;
  - (viii) a nominee of the schools to which "*The Grammar Schools Acts, 1860 to 1962*" apply representing such schools and being a teacher in one of such schools;
  - (ix) a nominee of the Church of England representing the secondary schools conducted by or on behalf of that church and being a teacher in one of such schools;
  - (x) a nominee of the secondary schools other than the schools hereinbefore in this subsection specified representing such other schools and being a teacher in one of such other schools.
- (3) A person appointed pursuant to the provisions of paragraphs (iv) to (x) both inclusive of the last preceding subsection shall not be, while such an appointee, a member of the Board of Senior Secondary School Studies.
- (4) A member of the Board shall be appointed by the Governor in Council, upon the recommendation of the Minister, by notification published in the *Gazette*.

**44. (1) Functions of the Board.** The functions of the Board of Junior Secondary School Studies shall be—

- (a) to advise the Minister on the courses of study to be followed by students during the first three years in secondary schools and by candidates for Junior Examination Certificates regard being had to the requirements of a sound general education and to the desirability of providing a variety of courses adequate to meet the aptitudes and abilities of students concerned;
- (b) to make recommendations to the Minister in relation to matters concerning the conduct of examinations for Junior Examination Certificates and the issue of such certificates;
- (c) to make such arrangements as are necessary for the conduct of examinations for Junior Examination Certificates and to regulate the conduct of those examinations;
- (d) to appoint for each subject included in the curriculum for the first three years in secondary schools a special committee.

(2) **Powers of Board.** The Board of Junior Secondary School Studies shall have and may exercise such powers and authorities as are incidental to the proper discharge by it of any of its aforesaid functions and shall have and may exercise such other powers and authorities and shall perform such other duties and functions as the Governor in Council prescribes.

**45. Functions of special committee.** A special committee appointed by the Board of Junior Secondary School Studies pursuant to this Act shall recommend to such Board—

- (a) on matters pertaining to the content of the course of study relevant to the subject for which such committee was appointed;
- (b) on such other matters as are referred to it.

*Division III—Board of Senior Secondary School Studies*

**46. Constitution of Board.** (1) There shall be a Board of Senior Secondary School Studies which shall consist of such members as the Governor in Council from time to time prescribes by Order in Council published in the *Gazette*.

(2) Until the Governor in Council otherwise prescribes, the members of the Board shall be as follows:—

- (i) the persons for the time being respectively holding the offices of Director-General and Deputy Director-General of Education each of whom shall be an *ex officio* member and who shall be respectively chairman and deputy chairman of such Board;
- (ii) the persons for the time being respectively holding the offices of Director of Secondary Education, Director of Technical Education, and Director of Special Education Services each of whom shall be an *ex officio* member;
- (iii) seven nominees of the Senate of the University of Queensland;
- (iv) four nominees of the Director-General one being a person concerned in the training of teachers, one being a inspector of secondary schools and two being teachers in State secondary schools;
- (v) two nominees of the Queensland Teachers' Union being teachers in State secondary schools;
- (vi) a nominee of the Roman Catholic Church representing the secondary schools for boys conducted by or on behalf of that church and being a teacher in one of such schools;
- (vii) a nominee of the Roman Catholic Church representing the secondary schools for girls conducted by or on behalf of that church and being a teacher in one of such schools;
- (viii) a nominee of the schools to which "*The Grammar School Acts, 1860 to 1962*" apply representing such schools and being a teacher in one of such schools;
- (ix) a nominee of the Church of England representing the secondary schools conducted by or on behalf of that church and being a teacher in one of such schools;
- (x) a nominee of the secondary schools other than the schools hereinbefore in this subsection specified representing such other schools and being a teacher in one of such other schools;



- (xi) a nominee of the secondary schools for girls other than State secondary schools and secondary schools conducted by or on behalf of the Roman Catholic Church representing such other schools and being a teacher in one of such other schools.

(3) A person appointed pursuant to paragraphs (iv) to (xi) both inclusive of the last preceding subsection shall not be, while such an appointee, a member of the Board of Junior Secondary School Studies.

(4) A member of the Board shall be appointed by the Governor in Council, upon the recommendation of the Minister, by notification published in the *Gazette*.

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

- (a) to advise the Minister on Post-Junior courses of study to be followed by students in secondary schools and by candidates for Senior Examination Certificates, regard being had to the requirements of a sound general education and to the desirability of providing a variety of courses adequate to meet the aptitudes and abilities of students concerned;
- (b) to make recommendations to the Minister in relation to matters concerning the conduct of examinations for Senior Examination Certificates and the issue of such certificates;
- (c) to make such arrangements as are necessary for the conduct of examinations for Senior Examination Certificates and to regulate the conduct of those examinations;
- (d) to appoint for each subject included in the Post-Junior secondary school curriculum a special committee.

**(2) Powers of Board.** The Board of Senior Secondary School Studies shall have and may exercise such powers and authorities as are incidental to the proper discharge by it of any of its aforesaid functions and shall have and may exercise such other powers and authorities and shall perform such other duties and functions as the Governor in Council prescribes.

**48. Functions of special committee.** A special committee appointed by the Board of Senior Secondary School Studies pursuant to this Act shall recommend to such Board—

- (a) on matters pertaining to the content of the course of study relevant to the subject for which such committee was appointed;
- (b) on such other matters as are referred to it.

#### PART VII—ADULT EDUCATION

**49. Constitution of Board.** (1) There shall be a Board of Adult Education which shall consist of such members as the Governor in Council from time to time prescribes by Order in Council published in the *Gazette*.

(2) Until the Governor in Council otherwise prescribes, the members of the Board shall be as follows:—

- (i) four officers of the Department one of whom shall, in his appointment, be designated and shall be chairman and another of whom shall, in his appointment, be designated and shall be deputy chairman;

- (ii) a nominee of the Senate of the University of Queensland;
- (iii) two persons representing secondary schools, technical colleges and other educational institutions within the State;
- (iv) three persons representing industrial unions of employees registered under "*The Industrial Conciliation and Arbitration Acts, 1961 to 1963*";
- (v) three persons representing industrial unions of employers registered under "*The Industrial Conciliation and Arbitration Acts, 1961 to 1963.*"

(3) A member of the Board shall be appointed by the Governor in Council, upon the recommendation of the Minister, by notification published in the *Gazette*.

(4) The Board of Adult Education constituted under "*The University of Queensland Acts, 1909 to 1960,*" and subsisting at the commencement of this Act shall continue in being and may exercise and perform the powers, functions and duties conferred and imposed upon it by those Acts until the Board of Adult Education is first constituted under this Act whereupon such first-mentioned Board shall cease to exist.

**50. Functions of Board.** (1) The functions of the Board shall be—

- (a) to recommend to the Minister on matters relating to the promotion and extension throughout the State of suitable and practicable forms of adult education and dissemination of knowledge throughout the State;
- (b) from time to time, to frame regulations concerning adult education for submission to the Governor in Council;
- (c) subject to the Minister, to organize, supervise and direct activities approved by the Minister for the purpose of adult education;
- (d) to recommend to the Minister concerning—
  - (i) the appointment of lecturers, teachers, tutors, broadcasters, and examiners for the purpose of adult education and the remuneration of such appointees;
  - (ii) the fees (if any) to be paid for tuition and examination;
  - (iii) the conduct of examinations;
  - (iv) the issue of certificates to students instructed under this Part;
- (e) to arrange for the periodical inspection of persons, classes, groups or other bodies of persons receiving instruction under this Part;
- (f) to establish, maintain and control a central library for the purposes of adult education and to arrange for the loan of books and other written material to persons, classes, groups or other bodies of persons within the State receiving instruction under this Part on such terms and conditions as the Minister approves;
- (g) to advise the Minister on the annual appropriation of money required for the purpose of adequately carrying on the activities of adult education;
- (h) subject to the Minister, to manage and regulate the expenditure of moneys from time to time allocated to the purposes of adult education.

(2) As soon as is practicable after the thirty-first day of December in each year, the Board shall furnish a report to the Minister concerning the provision of adult education within the State and the performance of the Board's functions during the last preceding year.

(3) **Powers of Board.** The Board of Adult Education shall have and may exercise such powers and authorities as are incidental to the proper discharge by it of any of its aforesaid functions and shall have and may exercise such other powers and authorities and shall perform such other duties and functions as the Governor in Council prescribes.

**51. Provision of adult education.** There shall be provided such instruction for the purpose of adult education in such manner and in such places as the Governor in Council prescribes and, in default of being so prescribed, as the Minister from time to time determines.

PART VIII—PROVISIONS RELATING TO THE TECHNICAL EDUCATION ADVISORY COUNCIL, THE AGRICULTURAL EDUCATION ADVISORY COUNCIL, THE BOARD OF JUNIOR SECONDARY SCHOOL STUDIES, THE BOARD OF SENIOR SECONDARY SCHOOL STUDIES AND THE BOARD OF ADULT EDUCATION

**52. Cessation of Board of Post-primary Studies and Examinations.** Upon the commencement of this Act the Board of Post-primary Studies and Examinations constituted under "*The University of Queensland Acts, 1909 to 1960*" and existing immediately prior to the commencement of this Act shall cease to exist.

**53. Definition of terms.** In this Part, unless the context otherwise indicates or requires, the following terms have the meanings set against them respectively, that is to say:—

"Board"—The Board of Junior Secondary School Studies, the Board of Senior Secondary School Studies and the Board of Adult Education constituted under this Act and each of them;

"Council"—The Technical Education Advisory Council and the Agricultural Education Advisory Council constituted under this Act and each of them.

**54. Time for constitution of Council and Board.** The Governor in Council shall, by notification published in the *Gazette*, appoint a date or dates on or before which the Council and the Board are to be first constituted under this Act.

Such date or dates shall be within three months after the commencement of this Act.

The Board and the Council shall be constituted in the manner prescribed on or before the date so appointed for its first constitution under this Act.

Upon the appointment of the total number of members of the Council or, as the case may be, a Board in the manner prescribed the Council or, as the case may be, the Board shall be duly constituted on and from the date notification of such appointment is published in the *Gazette* until the date of publication of the notification of the next ensuing such appointment.

**55. Failure to nominate.** If a person or body required by this Act to nominate a person or number of persons to be a member or members of a Board fails to nominate a sufficient number of such persons—

- (a) in the case of a first constitution of the Board, at least fourteen days prior to the date appointed for such constitution of the Board concerned;
- (b) in the case of a subsequent constitution of the Board, at least fourteen days prior to the expiration of the period for which the members of the Board concerned, as then constituted (other than *ex officio* members) were appointed,

the Minister may nominate a sufficient number of such persons who shall be deemed to have been nominated by the person or body who should have nominated him or them.

**56. Term of appointment.** (1) A member of the Council or a Board (other than an *ex officio* member) shall be appointed such a member for a term of four years and shall, if otherwise qualified, be eligible for re-appointment.

An *ex officio* member of the Council or a Board shall be appointed a member for so long as he holds the office which entitles him to membership of the Council or, as the case may be, the Board.

(2) The Governor in Council may at any time before the expiration of the period for which a member of the Council or a Board (other than an *ex officio* member) was appointed remove such member from his membership by notification published in the *Gazette*.

Upon publication of such notification in the *Gazette* the person so removed shall cease to be a member of the Council or, as the case may be, the Board concerned.

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

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

**58. Casual appointments to Council and Board.** (1) Upon the occurrence of a casual vacancy in the membership of the Council or the Board the Governor in Council shall, by notification published in the *Gazette*, appoint a date on or before which a person is to be appointed to fill such casual vacancy.

The appointment of a person to fill such a casual vacancy shall be made on or before the date so appointed as prescribed by this Act in relation to the membership of the Council or, as the case may be, the Board concerned.

(2) If the person or body required by this Act to nominate a person or number of persons to be a member or members of the Council or the Board concerned fails to nominate a person to fill such a casual vacancy at least fourteen days prior to the date appointed for the filling of such vacancy the Minister may nominate a person who shall be deemed to have been nominated by the person or body who should have nominated him.

(3) The person appointed to fill a casual vacancy in the membership of either the Council or the Board (other than such a vacancy in the office of an *ex officio* member thereof) shall be appointed for the balance of the term for which his predecessor was appointed and shall, if otherwise qualified, be eligible for re-appointment.

**59. Manner of exercising power of Council or Board.** The Council or the Board shall exercise a power or authority or perform a duty or function by majority vote of its members present and voting at the meeting at which such exercise or performance is to occur.

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

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

**60. Validity of proceedings.** An act or proceeding of the Council or the Board shall not be invalidated or in any way prejudiced by reason only of the fact that, at the time such act was done or proceeding taken, there were vacancies in the membership of such Council or Board not exceeding one third of the total number of members for the time being required to constitute such Council or Board or that all the members of such Council or Board were not present at the meeting at which such act or proceeding was done or authorized or that there is a defect in the qualification, membership or appointment of any one or more members of such Council or Board who joined in doing such act or taking such proceeding or in authorizing such act or proceeding.

**61. Quorum and business of Council and Board.** (1) The power to make regulations conferred upon the Governor in Council by section eight of this Act includes power to fix the quorum of members of the Council or, as the case may be, the Board required to constitute a meeting of the Council or such Board.

(2) Meetings of the Council and the Board shall be called and conducted in manner determined by the Council or, as the case may be, the Board.

This subsection shall not be construed or applied to prejudice the operation of the provisions of paragraph (d) of section fifty-seven of this Act.

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

Should both the chairman and deputy chairman of the Council or Board be absent from the meeting thereof a member of such Council or Board elected from among the members who are present shall preside at such meeting.

**62. Attendance by proxy at meetings.** A person who is a member of a Council by virtue of paragraph (ii) of subsection (2) of section thirty-six of this Act or of paragraph (ii) of subsection (2) of section thirty-nine of this Act or of a Board by virtue of paragraph (ii) of subsection (2) of section forty-three of this Act or of paragraph (ii) of subsection (2) of section forty-six of this Act or of paragraph (i) of subsection (4) of section forty-nine of this Act may attend a meeting of the Council or, as the case may be, a Board by a proxy nominated by him.

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

#### PART IX—SCHOLARSHIPS AND ALLOWANCES TO SECONDARY SCHOOL STUDENTS

**63. Provision of scholarships and allowances.** (1) Subject to appropriation by Parliament of money for the purpose, the Minister may, in accordance with regulations made in that behalf,—

- (a) provide scholarships to be competed for by students attending approved secondary schools;
- (b) pay allowances in respect of students attending approved secondary schools and whose parents are, in the opinion of the Minister, domiciled in the State.

(2) In this section the term “approved secondary school” means every State secondary school and every other secondary school providing, in the opinion of the Minister, satisfactory facilities and efficient and regular instruction in a range of secondary school subjects acceptable to the Minister.

(3) The Minister may from time to time cause to be inspected by a person authorized by him in that behalf any secondary school attended by a student in respect of whom moneys of the State are being or have been expended pursuant to this section.

#### PART X—TEACHER EDUCATION

**64. Continuation and establishment of colleges, &c.** (1) The Minister shall continue and maintain the colleges and other institutions established for the education of teachers prior to the commencement of this Act and maintained for that purpose at the commencement of this Act.

(2) Subject to the approval of the Governor in Council, the Minister may establish and maintain such colleges, institutions and other means (whether of a like nature or not) for the education of teachers as he considers necessary.

## PART XI—OTHER EDUCATIONAL INSTITUTIONS

65. Authority with respect to other educational institutions. The Governor in Council may, from time to time by Order in Council, authorize the Minister to establish and maintain such other educational institutions as the Minister considers necessary or desirable for the purposes of this Act.

The Governor in Council, may, in such Order in Council, specify terms and conditions on which the Minister may establish, maintain or conduct any such other educational institution.

The Minister, authorized as aforesaid, may establish and maintain such other educational institutions in accordance with such Order in Council.

## SCHEDULE

(Section 3)

Title of Act	Extent of Repeal
“ <i>The State Education Acts, 1875 to 1957</i> ” .. ..	The whole
“ <i>The Technical Instruction Acts, 1908 to 1957</i> ” .. ..	The whole
“ <i>The Agricultural Education Act of 1922</i> ” .. ..	The whole
“ <i>The Blind, Deaf and Dumb Children Instruction Act of 1924</i> ”	The whole
“ <i>The University of Queensland Acts, 1909 to 1960</i> ” ..	Section 23C and Section 23F