

EDUCATION (TERTIARY ENTRANCE PROCEDURES AUTHORITY) ACT

No. 92 of 1990

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Queensland



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ELIZABETHAE SECUNDAE REGINAE

No. 92 of 1990

**An Act to establish a Tertiary Entrance Procedures Authority
to provide for its functions and powers to amend the
Education (Senior Secondary School Studies) Act 1988
in certain particulars and for related purposes**

[ASSENTED TO 7TH DECEMBER, 1990]

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

PART I—PRELIMINARY

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

2. **Commencement.** (1) Section 1, this section and section 3 commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) The remaining provisions, or such of them as are specified, commence on a day or days appointed by Proclamation.

3. **Objects.** The objects of this Act are—

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

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

“Advisory Council” means the Tertiary Entrance Procedures Authority Advisory Council constituted under this Act;

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

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

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

“financial year” means the period of 12 months ending on 30 June;

“higher education” means tertiary education which is specifically recognized by State and Commonwealth authorities as higher education;

“materials” means any publication, written document, computer software, video, sound recording, film, photograph or other like works produced by the Authority;

“Minister” means the Minister of the Crown for the time being charged with the administration of this Act and includes any Minister performing temporarily the duties of the Minister;

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

“practising teacher” means a person—

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

and

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

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

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

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

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

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

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

PART II—TERTIARY ENTRANCE PROCEDURES AUTHORITY

Division 1—Constitution, Functions and Powers of the Authority

5. Constitution of the Authority. (1) There shall be constituted an Authority to be called the “Tertiary Entrance Procedures Authority” consisting of—

- (a) one nominee of the Minister who shall, on appointment, be designated and shall be chairmember;
- (b) three representatives of higher education institutions, nominated by the Minister after consultation with and having regard to the views of the vice-chancellors of higher education institutions;
- (c) three representatives of senior secondary education, one of whom shall be nominated by the Board of Senior Secondary School Studies, one of whom shall be a practising teacher in a State school and one of whom shall be a practising teacher in a non-State school, nominated by the Minister after consultation with and having regard to the views of the Board of Senior Secondary School Studies;
- (d) one representative of technical and further education, nominated by the Minister of the Crown for the time being charged with the administration of the *Employment, Vocational Education and Training Act 1988*;

- (e) two persons, at least one of whom in the opinion of the Minister, shall represent the interest of the general community, nominated by the Minister;
- (f) one person nominated by the Minister if, in the opinion of the Minister, additional representation is desirable.

(2) The members of the Authority determined in accordance with this Act shall be appointed by the Governor in Council, upon the recommendation of the Minister, by notification published in the *Gazette*.

(3) The members of the Authority shall appoint from among their number a person to be deputy chairmember of the Authority and such person, subject to this Act, shall be deputy chairmember for such period, not exceeding the term for which that person is appointed as a member, as the Authority determines.

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

- (a) to keep tertiary entrance under continuous review and make reports and recommendations to the Minister thereon and, to advise the Minister on other matters which in its opinion are related to tertiary entrance;
- (b) to undertake such procedures in relation to tertiary entrance as the Minister may from time to time direct;
- (c) to issue Tertiary Entrance Statements and such other statements and like documents, howsoever called, as the Minister may prescribe, from time to time, in the regulations;
- (d) to monitor, review, negotiate and recommend adjustments as necessary to tertiary entrance procedures and like matters;
- (e) to monitor the supply and demand for student places in tertiary education;
- (f) to confer and collaborate with—
 - (i) any university, university college, college or like institution offering tertiary education;
 - (ii) the Board of Senior Secondary School Studies;
 - (iii) the Queensland Tertiary Admissions Centre;
 - (iv) the department of government of Queensland within which the *Education (General Provisions) Act 1989* is administered;
 - (v) the department of government of Queensland within which the *Employment, Vocational Education and Training Act 1988* is administered;
 - (vi) any person or group of persons or, any school system, authority, school and other like institution, centre, committee and like group howsoever called;
 as it sees fit, in the performance of its functions and the exercise of its powers;

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- (g) to refer to the Tertiary Entrance Procedures Authority Advisory Council matters which, in the opinion of the Authority or in the opinion of the Minister should be so referred, for advice, comment or recommendation;
 - (h) to consult with the Tertiary Entrance Procedures Authority Advisory Council and to keep that Council systematically informed concerning developments and proposed developments in relation to tertiary entrance procedures;
 - (i) to provide students and other members of the community with information in respect of tertiary entrance;
 - (j) to undertake or commission review and research projects;
 - (k) to appoint such advisory groups and committees as it thinks fit to assist and advise it in the performance of its functions and the exercise of its powers;
 - (l) to nominate a person to become and be a member of, or to have observer status on, appeals committees of universities or any committee, group or body concerned with tertiary entrance;
 - (m) to make by-laws pursuant to the provisions of section 7;
 - (n) to make recommendations to the Minister with respect to the annual appropriation of funds required for the purpose of adequately performing its functions;
 - (o) to direct and control the work of staff assigned to the Authority in order to fulfil the Authority's functions;
 - (p) to furnish to the Minister as soon as practicable, but not later than four months after 30 June in each year, a report of its work and activities during the year.
- (2) The Authority shall have and may exercise such powers and authorities as are incidental to the proper discharge by it of any of its functions under this Act, including the powers and authorities to—
- (a) produce materials in the performance of its functions and, with the prior approval of the Minister, to enter into an agreement with any person or body to sell such materials;
 - (b) impose and collect fees and charges for issuing Tertiary Entrance Statements and such other statements and like documents howsoever called as are prescribed from time to time pursuant to section 6 (1) (c), or for any services associated with performance of its functions, including power to impose and collect different fees and charges (including no fee or charge) for issuing different types of statements to different classes of persons, such fees and charges being subject to the approval of the Governor in Council;
 - (c) enter into, with the prior approval of the Minister, an agreement with any person or body for leasing premises as accommodation for the Authority.

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

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

(2) The Authority may by by-law repeal, rescind, revoke, alter, vary, amend or otherwise modify any by-law or part of a by-law.

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

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

(5) Every by-law made by the Authority shall be submitted to the Minister and by the Minister to the Governor in Council.

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

(6) Section 28A of the *Acts Interpretation Act 1954-1989* shall apply with respect to by-laws made pursuant to this section and, for the purpose of such application, that section shall be read and construed as if references therein to regulations were references to by-laws made pursuant to this section.

8. Authority subject to Minister. The Authority shall observe and give effect to directions issued by the Minister on matters of policy.

Division 2—Administrative Provisions Relating to the Authority

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

the person shall be taken to have been nominated by the person, body or group in question.

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

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

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

12. Disqualification from office. A person who—

(a) is an undischarged bankrupt or takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors;

or

(b) has been convicted in Queensland of an indictable offence (whether on indictment or summarily) or has been convicted elsewhere than in Queensland in respect of an act or omission which if done or made by the person in Queensland would have constituted an indictable offence unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office;

or

(c) is a patient within the meaning of the *Mental Health Services Act 1974-1989*;

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

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

(a) dies;

(b) declines to act or to further act as such member;

(c) resigns office as such member in writing delivered to the chairmember of the Authority;

(d) is absent, without prior leave of the Authority, from three consecutive ordinary meetings of the Authority of which meetings a notice—

(i) has been served personally upon the member;

or

(ii) has been sent by prepaid post letter addressed to the member at the member's place of business or place of residence last known to the chairmember of the Authority;

(e) ceases to be qualified to be a member of the Authority;

(f) is removed from office as such member by the Governor in Council.

14. Vacancy on the Authority from expiry of term of appointment.

(1) Where a vacancy in the membership of the Authority occurs on the expiration of a member's term of appointment, the Governor in Council, by notification published in the *Gazette*, is to appoint a date on or before which a person is to be appointed to fill that vacancy.

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

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

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

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

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

16. Casual vacancies on the Authority. (1) Where a casual vacancy occurs in the membership of the Authority the Governor in Council, by notification published in the *Gazette*, is to 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 is to be made, as prescribed by this Act in relation to the membership of the Authority, on or before the date so appointed.

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

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

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

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

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

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

18. Validity of proceedings. An act or proceeding of the Authority shall not be invalidated or in any way prejudiced by reason only of the fact that, at the time such act was done or proceeding taken, there were vacancies in the membership of the Authority not exceeding one third of the total number of members for the time being required to constitute such Authority or that all the members of such Authority 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 Authority who joined in doing such act or taking such proceeding or in authorizing such act or proceeding.

19. Quorum and business of the Authority. (1) The power to make regulations conferred upon the Governor in Council by section 42 includes power to fix the quorum of members of the Authority required to constitute a meeting of the Authority.

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

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

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

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

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

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

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

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

21. Chairmember to sign agreements for the Authority. (1) Subject to the provisions of this Act, the chairmember of the Authority is

empowered to sign any agreement for and on behalf of the Authority, provided that the Authority has first passed a resolution to enter into such agreement.

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

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

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

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

(4) A meeting fee or like fee howsoever called shall not be paid to a member who is an officer of the Public Service of Queensland for attendance at a meeting of the Authority, advisory group or any other committee to which this section applies held during the ordinary office working hours of that member.

(5) The provisions of this section do not apply to the Tertiary Entrance Procedures Authority Advisory Council.

23. Delegation of powers and functions by chairmember. (1) Subject to section 44, the chairmember may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under the chairmember's hand, delegate to any of the staff assigned to the Authority who for the time being holds or performs the duties of any office, or any other person, all or any of the powers or functions incidental in the discharge of the responsibilities of the chairmember.

(2) A delegation of a power or function may be made subject to conditions and limitations or absolutely and shall not prejudice the making by the chairmember of other delegations of the same power or function.

(3) A delegate to whom a power or function has been so delegated may, while the delegation subsists, do and suffer all such acts and things in accordance with the terms of the delegation as the delegate thinks necessary or expedient to the proper discharge of the power or function.

(4) An act or thing done or suffered by a delegate acting in accordance with a delegation has the same force and effect as if the act or thing had been done or suffered by the chairmember.

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

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

or

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

*Division 3—Financial and Accountability Provisions Relating to the
Authority*

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

25. Funds of the Authority. (1) The Authority is to keep a bank account for a general fund.

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

The Authority is to pay from the moneys from time to time standing to the credit of the general fund liabilities incurred by it in or in connexion with—

(a) the conduct of the activities for which it is constituted;

(b) the operation of and, the conduct of the activities of, the Tertiary Entrance Procedures Authority Advisory Council.

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

(a) the amount of moneys to be available in that fund on 1 July in the year next following;

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

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

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

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

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

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

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

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

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

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

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

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

29. Investments. Any surplus moneys held by the Authority in its general fund may be invested by the Authority from time to time in any investment of a kind that can be made under section 41 (3) of the *Financial Administration and Audit Act 1977-1988*.

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

- (2) For the purposes of subsection (1)—
- (a) the provisions of Part IV of the *Statutory Bodies Financial Arrangements Act 1982-1989* other than sections 25A, 25B, 33 to 38 (both inclusive) and 47 (1) and (2) apply;
 - (b) for the purposes of the application of the provisions as prescribed by paragraph (a), the Authority is taken to be a statutory body within the meaning of that lastmentioned Act.

Division 4—Staff of the Authority

31. Minister to provide staff. (1) The Minister may provide to the Authority, out of the resources available to the Minister, such secretariat, administrative, and other assistance as, in the Minister's opinion, is necessary and desirable and one such staff member shall be designated executive officer.

(2) The executive officer of the Authority may attend Authority meetings at which the executive officer has the right to speak but is not entitled to exercise any voting rights.

**PART III—TERTIARY ENTRANCE PROCEDURES AUTHORITY
ADVISORY COUNCIL**

Division 1—Constitution and Functions of the Advisory Council

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

33. Functions of the Advisory Council. (1) The functions of the Advisory Council are—

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

(2) The Advisory Council shall not at any time have control of funds.

*Division 2—Administrative Provisions Relating to the Advisory
Council*

34. Presiding officer. (1) The Advisory Council is to have a presiding officer.

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

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

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

37. Disqualifications for appointment as member. A person who—

(a) is an undischarged bankrupt or is taking advantage of the laws in force for the time being relating to bankrupt or insolvent debtors;

or

(b) has been convicted in Queensland of an indictable offence (whether on indictment or summarily) or has been convicted elsewhere than in Queensland in respect of an act or omission which if done or made by that person in Queensland would have constituted an indictable offence unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office;

or

(c) is a patient within the meaning of the *Mental Health Services Act 1974-1989*;

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

38. Vacation of office. (1) The office of a member of the Advisory Council becomes vacant if the member—

(a) dies;

or

(b) resigns office by writing signed by the member and given to the Minister;

or

(c) is absent from three consecutive meetings of the Advisory Council of which reasonable notice has been given to the member personally or in the ordinary course of post except on leave granted by the Advisory Council, and is not, before the expiration of four weeks from the last of those meetings,

excused by the Advisory Council for being absent from those meetings;

or

(d) ceases to be qualified to continue as a member;

or

(e) ceases to hold the office or position necessary for appointment as a member.

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

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

39. Procedures, etc. of the Advisory Council. (1) The quorum of the Advisory Council and the practices and procedures of the Advisory Council generally, subject to this Act and to the prior approval of the Authority, are to be as determined by the Advisory Council.

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

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

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

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

(4) A meeting fee or like fee howsoever called shall not be paid to a member who is an officer of the Public Service of Queensland for attendance at a meeting of the Advisory Council to which this section applies held during the ordinary office working hours of that member.

41. Advisory Council not to be statutory body. The Advisory Council is not a statutory body within the meaning of that term in the *Financial Administration and Audit Act 1977-1988*.

PART IV—GENERAL PROVISIONS

42. 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) The power to regulate conferred by this section includes the power to prohibit.

43. Annual Report. The Minister shall in every year cause to be laid before the Legislative Assembly a report on the administration of this Act during the preceding year, prepared and tabled in accordance with the provisions of the *Financial Administration and Audit Act 1977-1988*.

44. Power of delegation by the Minister. (1) The Minister may, either generally or otherwise as provided by the instrument of delegation, by writing signed by the Minister, delegate—

(a) to any person;

(b) to the holder of an office specifying its title but not the name of the holder for the time being;

all or any of the Minister's powers, authorities, functions or duties under this Act except this power of delegation and the powers assigned to the Minister under section 8.

(2) A power, authority, function or duty so delegated, if exercised or performed by the delegate, shall be exercised or performed in accordance with the instrument of delegation.

(3) A delegation may be made subject to such terms or limitations as the Minister thinks fit including a requirement that the delegate shall report to the Minister upon the exercise or performance of the delegated power, authority, function or duty.

(4) The Minister may make such and so many delegations of the same power, authority, function or duty and to such number of persons or holders of office as the Minister considers necessary or desirable.

(5) A delegation is revocable at the will of the Minister and does not prevent the exercise of a power or authority or the performance of a function or duty by the Minister.

45. Publication and Tabling of Proclamations. Every Proclamation made under this Act shall—

(a) be published in the *Gazette*;

(b) be laid before the Legislative Assembly within 14 sitting days after such publication.

**PART V—AMENDMENT OF EDUCATION (SENIOR
SECONDARY SCHOOL STUDIES) ACT 1988**

46. Citation. (1) In this Part the *Education (Senior Secondary School Studies) Act 1988* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Education (Senior Secondary School Studies) Act 1988-1990*.

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

- (a) in the definition “financial year” omitting the expression “31 December” and substituting the expression “30 June”;
- (b) in the definition “tertiary education” omitting the expression “.” and substituting the expression“;”;
- (c) inserting after the definition “tertiary education” the following definition:—
 ““Tertiary Entrance Procedures Authority” means the Tertiary Entrance Procedures Authority established under the *Education (Tertiary Entrance Procedures Authority) Act 1990*.”.

48. Amendment of s.6. Functions and powers of the Board. Section 6 (1) of the Principal Act is amended by—

- (a) inserting following paragraph (e) the following paragraphs:—
 - “(ea) to provide information to the Tertiary Entrance Procedures Authority in connexion with the performance of that Authority’s functions and the exercise of its powers;
 - (eb) 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;”;
- (b) omitting from paragraph (m) the expression “31 December” and substituting the expression “30 June”.

49. Amendment of s.23. Remuneration to members of the Board and other committees. Section 23 (4) of the Principal Act is amended by omitting the words “A fee, allowance or amount by way of expenses” and substituting the words “A meeting fee or like fee howsoever called”.

50. Amendment of s.27. Budget of the Board. Section 27 (1) of the Principal Act is amended by—

- (a) omitting all words from and including “Before 31 October” to and including “accurately as possible—” and substituting the following:—

“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—”;

- (b) omitting the expression “31 December” where it twice occurs and substituting the expression “30 June”.