

EDUCATION (SCHOOL CURRICULUM P-10) BILL 1996

EXPLANATORY NOTES

SHORT TITLE OF THE BILL

The short title of the Bill is the *Education (School Curriculum P-10) Bill 1996*.

POLICY OBJECTIVES OF THE BILL AND REASONS FOR THOSE OBJECTIVES

The primary policy objective of the legislation is to provide for a strategic and coordinated approach to the development of high quality curriculum for Queensland schools.

It is the Government's intention to establish a curriculum body, *viz.* the Queensland School Curriculum Council (P-10), as a largely independent and autonomous body that will have the charter to, amongst other things, develop and approve guidelines available for use in the preschool year and syllabuses available for use in the school years 1 to 10. The Queensland School Curriculum Council (P-10) will be established in the stead of the advisory body known now as the Queensland Curriculum Council.

Further, the Government intends to enhance the independence of the existing Board of Senior Secondary School Studies, the existing Board of Teacher Registration and the existing Tertiary Entrance Procedures Authority.

The Government considers that these initiatives will create a framework to facilitate, amongst other things:

- (a) the improvement of strategic planning and coordination for the development of guidelines for the preschool year and for the development of syllabuses for years 1 to 12; and

- (b) the development of quality syllabuses for use in Queensland State and non-State schools for the preschool year through to year 12; and
- (c) the provision of quality advice to the Minister on preschool to year 10 curriculum matters.

THE WAY THESE POLICY OBJECTIVES WILL BE ACHIEVED AND WHY THIS WAY OF ACHIEVING THE OBJECTIVES IS REASONABLE AND APPROPRIATE

The primary policy objective of the legislation is to be achieved mainly by:

- (a) establishing the Queensland School Curriculum Council (P-10), “the council”; and
- (b) giving the council functions relating to:
 - (i) the development and approval of guidelines for the preschool year and syllabuses for years 1 to 10;
 - (ii) strategic planning for the development of guidelines for the preschool year and syllabuses for years 1 to 12;
 - (iii) other curriculum matters; and
- (c) establishing the Office of the Queensland School Curriculum Council to assist the council.

The legislation makes certain associated provisions for:

- (a) the Board of Senior Secondary School Studies;
- (b) the Office of the Board of Senior Secondary School Studies;
- (c) the Board of Teacher Registration;
- (d) the Office of the Board of Teacher Registration;
- (e) the Tertiary Entrance Procedures Authority; and
- (f) the Office of the Tertiary Entrance Procedures Authority.

The Government believes that this way of achieving the policy objectives is reasonable and appropriate as it strikes the right balance of independence and autonomy for the Queensland School Curriculum Council (P-10), the Board of Senior Secondary School Studies, the Board of Teacher

Registration, the Tertiary Entrance Procedures Authority, and the respective offices that are established to assist those bodies. The council, the boards and the authority will have the legal character of statutory bodies to which are attached the appropriate checks and balances on their operations without unnecessary intrusions by Government. Further, the respective offices and staff will not be part of the Department of Education.

ALTERNATIVE WAY OF ACHIEVING THE POLICY OBJECTIVES

There are no appropriate or reasonable alternative ways of achieving this balance of independence/autonomy with accountability.

ADMINISTRATIVE COSTS FOR GOVERNMENT IMPLEMENTATION OF THE BILL

Administrative costs for implementation of the Bill will arise mainly as a result of:

- (a) the development of guidelines for the preschool year and syllabuses for the years 1 to 10, and the development of tests of skills and knowledge (e.g. Year 2 diagnostic net and the Year 6 test), will be the responsibility of the proposed Queensland School Curriculum Council (P-10) utilising a new Office of the Queensland School Curriculum Council (rather than the Department of Education's Education Services Directorate and the existing Queensland School Curriculum Office within the Department of Education, which is the case now); and
- (b) achieving independence for the various offices, *viz.*: the Office of the Queensland School Curriculum Council, the Office of the Board of Senior Secondary School Studies, the Office of the Tertiary Entrance Procedures Authority and the Office of the Board of Teacher Registration.

It is estimated, however, that on balance any costs to the various statutory bodies (and their offices) flowing from the Bill will be offset by savings to the Department of Education mainly as a consequence of functions currently performed by the department being taken up in the future by the new Queensland School Curriculum Council (P-10) and the new Office of the Queensland School Curriculum Council.

CONSISTENCY WITH FUNDAMENTAL LEGISLATIVE PRINCIPLES

Care has been taken in the drafting of the Bill to ensure that no aspects of the Bill infringe upon fundamental legislative principles.

CONSULTATION

Extensive Government, public and stakeholder consultation on the proposed curriculum framework was conducted utilising the *Preliminary Legislative Proposal for an Education (P-10 School Curriculum) Bill 1996*.

A large number of submissions was received responsive to that *Preliminary Legislative Proposal*. Key concerns of those submissions have been accommodated in the Bill. Generally, there was no opposition to the curriculum reforms contained in the *Preliminary Legislative Proposal*.

Further consultation on the Bill was carried out with key stakeholders including the following:

- (a) the Queensland Catholic Education Commission;
- (b) the Association of Independent Schools of Queensland Inc.;
- (c) the Board of Senior Secondary School Studies;
- (d) the Board of Teacher Registration;
- (e) the Tertiary Entrance Procedures Authority;
- (f) the Queensland Council of Parents and Citizens' Associations Incorporated;
- (g) the Queensland Teachers' Union;
- (h) the Office of the Board of Senior Secondary School Studies;
- (i) the Office of the Board of Teacher Registration;
- (j) the Office of the Tertiary Entrance Procedures Authority; and
- (k) the Queensland School Curriculum Office.

PURPOSE AND INTENDED OPERATION OF EACH CLAUSE OF THE BILL

PART 1—PRELIMINARY

Clause 1 sets out the short title of the proposed Act.

Clause 2 provides for the commencement of the various provisions of the proposed Act.

Clause 3 sets out the main purpose of the proposed Act and the key ways in which the purpose is to be achieved.

Clause 4 provides for a dictionary of particular words used in the proposed Act.

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

Division 1—Establishment, functions and powers

Clause 5 establishes the Queensland School Curriculum Council (P-10), “hereinafter in this part and in parts 3 and 4 referred to as the council”.

Clause 6 sets out the functions of the council. The main functions of the council are:

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

of P-12 syllabuses, and to recommend the strategic plan to the Minister;

- (e) for tests required under a regulation—to develop and approve the tests, and to collect and analyse systemic information about performance of students in the tests and report the results of the analyses to the Minister.

In addition, the clause requires the council to hold at least 2 forums each year to ensure distance education, early childhood education, industry, open learning and other relevant issues are taken into account in developing P-10 syllabuses.

Clause 7 provides for the council's powers. The council is to be authorised to do anything necessary or convenient to be done for, or in connection with, its functions. Further, this clause restricts the council's dealings with real property to dealings having the prior approval of the Minister.

Clause 8 authorises the council to execute an agreement or other document. The clause specifies that the council's chairperson, or another person authorised in writing by the council, may sign the agreement or other document on its behalf. The clause specifies, too, that the council may sue and be sued under its name.

Clause 9 provides for the council to make by-laws about matters relating to its functions and powers. A by-law must be approved by the Governor in Council.

Division 2—Strategic plan, syllabuses and tests

Clause 10 places responsibility on the chairperson of the council to take primary responsibility for the processes by which the council and the Board of Senior Secondary School Studies work together in developing a strategic plan for the development of P-12 syllabuses. The clause requires also that any recommendation to the Minister about a strategic plan must be signed by both the chairperson of the council and the chairperson of the Board of Senior Secondary School Studies.

Clause 11 requires that the Minister consider a strategic plan or a revision of a strategic plan for the development of P-12 syllabuses and to either

approve that plan in its recommended form, or approve the plan with changes. If the Minister does not approve the plan, the Minister must notify the chairperson of the council and the chairperson of the Board of Senior Secondary School Studies that the plan requires further development and the particulars of the areas for development.

Clause 12 provides that the council must perform its function about developing guidelines and syllabuses in accordance with the strategic plan approved by the Minister. Further, the clause requires that when the council approves a guideline or syllabus, the council must notify the chief executive [i.e. the Director-General of the Department of Education—section 33 (References to Ministers, departments and chief executives) of the *Acts Interpretation Act 1954* refers]. The clause requires the chief executive to develop a plan for the effective and efficient implementation of the approved guideline or syllabus in State educational institutions providing education for the subject in the relevant year. The chief executive must ensure that the institutions comply with the implementation plan.

Clause 13 provides that a regulation may require the council to develop tests for the assessment of particular skills or knowledge in a particular year. The clause provides that when the council develops a test, the council must notify the chief executive [i.e. the Director-General of the Department of Education—section 33 (References to Ministers, departments and chief executives) of the *Acts Interpretation Act 1954* refers]. The clause requires the chief executive to ensure that any such test is implemented in State educational institutions and to give to the council the systemic information it requires about performance of students in the test. In addition, the clause requires that if a school, other than a State educational institution, implements a test, its employing authority must give to the council the systemic information it requires about performance of students in the test. Such systemic information does not include information about the performance of individual students in the test.

Division 3—Powers of Minister

Clause 14 provides that, if the Minister considers there is a matter about curriculums for the preschool year or years 1 to 10 that the council should

examine and review, the Minister may refer in writing the matter to the council for examination and review.

Clause 15 provides that the Minister may give the council a written direction that is to apply to it if the Minister is satisfied that it is necessary to give the direction in the public interest. The clause requires the council to ensure the direction is carried out. Further, the clause requires the council's annual report (prepared and laid before the Legislative Assembly under the *Financial Administration and Audit Act 1977*) to include a copy of each direction.

Division 4—Membership

Clause 16 provides for the membership of the council. The clause provides also for the appointment of a chairperson of the council and a member to be deputy chairperson.

The clause precludes the director of the Office of the Queensland School Curriculum Council (an entity established elsewhere in the proposed Act to assist the council) from being appointed a member of the council.

Clause 17 provides that if an Act prohibits or regulates a person's employment or other engagement in activities, the Act does not prevent the person from being appointed to the council or a committee established by the council, or prevent the person from carrying out his or her functions as a member or prevent the person being paid a fee or allowance to which he or she is entitled because of the appointment.

Clause 18 provides that:

- (a) the member appointed as chairperson of the council is to hold office for the period of time stated in the member's appointment and that the period may be up to 4 years; and
- (b) all other members of the council are to hold office for the period of time stated in each member's appointment and that the period may be up to 3 years.

The clause also specifies when the office of an appointed member becomes vacant.

Clause 19 provides that a person may not be appointed as a member of the council if the person has been convicted of an indictable offence. The

Bill specifies, however, that if the Minister considers it reasonable after having regard to the circumstances of an indictable offence of which the person has been convicted, the Minister may permit the person to be a member despite the conviction.

Clause 20 provides for the filling of vacancies in the membership of the council. If there is a vacancy in the office of an appointed member of the council and the Minister asks by written notice the relevant entity to nominate an eligible person for appointment to the vacancy within a stated time and the entity does not comply with the Minister's request, the Minister may nominate an eligible person in the stead of the entity. The clause provides that in that case the person is taken to have been nominated by the relevant entity.

Clause 21 provides that the Minister may approve a leave of absence for an appointed member of the council and in that case the Minister may appoint a person to be an acting member of the council.

Clause 22 provides that each member of the council is to be paid the fees and allowances decided by the Governor in Council.

Clause 23 provides that a member of the council, or any member of a committee or the director of the Officer of the Queensland School Curriculum Council must disclose a direct or indirect financial interest in an issue being considered or about to be considered. The clause also prescribes how such interests are to be recorded. Where the member's absence affects the quorum, the provision states that the remaining members present are a quorum.

Division 5—Council business

Clause 24 provides for the way in which the council is to conduct its business.

Clause 25 provides for council meetings to be held at the times and places it decides. The clause states that the council must meet at least 6 times a year.

The clause provides also that the chairperson may call a meeting at any time, and the chairperson must call a meeting on receiving a written request from the Minister or from at least two-thirds of the council's members.

Clause 26 provides for the conduct of the council's proceedings. Specifically, the clause provides for the member who is to preside at council meetings, the deciding of questions at council meetings, the conducting of meetings other than by face-to-face arrangements, and the way in which a resolution is decided even if not passed at a council meeting.

Clause 27 provides for an appointed member to attend a council meeting by proxy. A member, however, may not attend more than 2 meetings each year in this way. The clause precludes a member from presiding at a meeting of the council merely because the member holds a proxy for another member who, if present, would be entitled to preside. For this purpose, a year is defined as a period of 12 months starting from the first day of the term of office of the member concerned or the anniversary of that day. The clause also provides for a nominee to attend a meeting or meetings for the chief executive [i.e. the Director-General of the Department of Education—section 33 (References to Ministers, departments and chief executives) of the *Acts Interpretation Act 1954* refers].

Clause 28 authorises the director of the Office of the Queensland School Curriculum Council (an entity established elsewhere in the proposed Act to assist the council) to attend council meetings. Further, the clause entitles the director to speak at council meetings. The director is not entitled to vote.

Division 6—Committees

Clause 29 establishes the executive committee of the council. The clause also provides for the membership of the executive committee and authorises the executive committee to perform functions referred to the committee by the council and to report to the council as it requires.

Clause 30 provides for the establishment of syllabus advisory committees by the council. The clause also provides for the functions of a syllabus advisory committee.

Clause 31 provides for the establishment of other committees by the council.

Clause 32 provides for the payment of fees and allowances to any member of the executive committee, a syllabus advisory committee or other committee.

Division 7—Administrative provisions

Clause 33 specifies that the council is a statutory body under the *Financial Administration and Audit Act 1977* and the *Statutory Bodies Financial Arrangements Act 1982*.

Clause 34 provides for certain accountability arrangements in connection with the budget for the council.

Clause 35 provides for certain compliance arrangements in connection with the budget for the council.

PART 3—OFFICE OF THE QUEENSLAND SCHOOL CURRICULUM COUNCIL

Clause 36 establishes the Office of the Queensland School Curriculum Council, which is in this part and part 4 of the Bill called “the office”.

Clause 37 provides for the function and powers of the office. The function of the office is to assist the council. The clause assigns the office with power to do anything necessary or convenient to be done for, or in connection with, its function.

Clause 38 provides for the office to consist of the director and other staff of the office. This clause provides for all staff of the office to be appointed under the *Public Service Act 1996*.

Clause 39 provides for the control of the office by the director.

The director is to have all the functions and powers of the chief executive of the department, so far as the functions and powers relate to the organisational unit comprising the staff of the office, as if:

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

PART 4—MISCELLANEOUS

Clause 40 authorises the Minister to delegate any of the Minister's powers under the proposed Act to an appropriately qualified person. The Minister, however, is not permitted to delegate the Minister's power to give directions in the public interest.

Clause 41 provides for the council to make arrangements for administrative support to be provided to the council or the office.

Clause 42 authorises the making of regulations.

PART 5—TRANSITIONAL

Division 1—Preliminary

Clause 43 defines particular words used in this part.

Division 2—Council

Clause 44 dissolves the Queensland Curriculum Council and provides for the members of that council to go out of office. The Queensland Curriculum Council is established, and its members provided for, under Part 6A (Curriculum management) of the *Education (General Provisions) Act 1989*.

Clause 45 provides that any agreement or arrangement in force between the Queensland Curriculum Council and another entity when that council is dissolved is to be taken as an agreement or arrangement between the Queensland School Curriculum Council (P-10) and the entity.

The clause provides also that a legal proceeding commenced but not concluded by or against the Queensland Curriculum Council may be continued by or against the Queensland School Curriculum Council (P-10).

Clause 46 provides for assets and liabilities of the Queensland Curriculum Council when that council is dissolved to be assets or liabilities of the Queensland School Curriculum Council (P-10).

Division 3—Office

Clause 47 dissolves the Queensland School Curriculum Office established, under the *Public Service Management (Creation of Part of Department) Order (No. 1) 1995*, as part of the Department of Education.

Clause 48 provides that any person who was a public service officer in the Department of Education's Queensland School Curriculum Office immediately before dissolution of that office, is taken to have been appointed within the Office of the Queensland School Curriculum Council established under part 3 of the proposed Act. Further, the clause provides that any such officer keeps:

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

that applied to the officer immediately before dissolution of the Queensland School Curriculum Office.

Clause 49 provides for the repeal of the *Public Service Management (Creation of Part of Department) Order (No. 1) 1995*.

Division 4—Syllabuses

Clause 50 provides for certain existing syllabuses (see schedule 1 of the Bill) to be taken to have been approved by the council.

Division 5—Expiry

Clause 51 provides for the expiry of this part to be on 31 December 1997.

PART 6—AMENDMENTS

Clause 52 refers to the Acts amended at schedule 2.

SCHEDULE 1

CURRENT APPROVED SYLLABUSES

This schedule, referred to in clause 50 of the Bill, names each of the syllabuses that are to be taken to have been approved by the council.

SCHEDULE 2

AMENDMENTS

This schedule provides for the amendments to particular Acts, referred to in clause 52 of the Bill.

CENTRAL QUEENSLAND UNIVERSITY ACT 1989

Clause 1 amends section 20 (Disqualification from office) of the Act. This clause omits the existing provision that excludes a person who is a patient within the meaning of the *Mental Health Act 1974* from being a member of the council of the university. This requirement is unwarranted as disqualification from office for mental illness is only reasonable if the particular illness is such as to interfere with the person's capacity to perform the inherent requirements of membership.

Clause 2, and the following 2 clauses, amend section 28 (Appointment of vice-chancellor) of the Act to omit the requirement that the appointment

of the vice-chancellor of the university be confirmed by the Governor in Council.

Clause 3 amends subsection (3) of section 28 to give effect to the policy objective explained above at the note for clause 2.

Clause 4 amends subsection (4) of section 28 to give effect to the policy objective explained above at the note for clause 2.

EDUCATION (GENERAL PROVISIONS) ACT 1989

Clause 1 omits particular words from section 3 (Interpretation) of the Act. These words will be redundant as a consequence of the planned repeal of the provisions of the Act that deal with the establishment and operations of the Queensland Curriculum Council.

Clause 2 inserts a definition for “materials” in section 3 (Interpretation) of the Act.

Clause 3 omits subsection (4) of section 47 (Power to enter into agreements) of the Act and inserts new provisions at subsections (4) and (5). Section 47(4) of the Act currently states as follows:

An agreement entered into by an association shall be subject to such conditions as are prescribed by regulation or, if not so prescribed, as the Minister imposes in respect of a class of agreement or a particular agreement.

The net effect of the amendment is that the conditions to be observed by a parents and citizens association in entering into an agreement will no longer be able to be set out in the *Education (General Provisions) Regulation 1989*. The Minister, however, is to retain the Minister’s current authority to impose conditions to be observed by parents and citizens associations in entering into agreements. Further, the clause requires that if any conditions are required by the Minister, the Minister must either give the parents and citizens association a notice of the conditions or publish the conditions in the *Education Office Gazette*. This *Education Office Gazette* notification or publication strategy is consistent with current practice as reflected at section 53 (Mandatory insurance cover) of the Act and at section 17 (Student vacations) of the *Education (General Provisions) Regulation 1989*.

Clause 4 omits Part 6A (Curriculum management) of the Act. Part 6A deals with the establishment of the Queensland Curriculum Council, specifies that Council's functions and membership and other operational arrangements for the Council. The Queensland School Curriculum Council (P-10) established under part 2 of the Bill will take over most of the functions of the Queensland Curriculum Council.

Clause 5 omits subsections (2)(c) and (3) of section 78 (Regulations) of the Act. Section 78(2)(c) deals with the management, administration and control of the operations of the Queensland Curriculum Council. Section 78(3) authorises the Queensland Curriculum Council to decide matters about the management, administration and control of the operations of the Queensland Curriculum Council if those matters are not prescribed by regulation. These provisions will no longer be required as the Queensland Curriculum Council will cease to exist.

EDUCATION LEGISLATION AMENDMENT ACT 1995

Clause 1 omits section 9 (Amendment of s 5 (Constitution of the board)) of the *Education Legislation Amendment Act 1995*. Section 9 was never commenced. Had it commenced, the section would have amended the membership of the Board of Senior Secondary School Studies. The provisions relating to the membership of the Board of Senior Secondary School Studies set out in the Bill now accommodate section 9 and render as redundant that section. The *Education (Senior Secondary School Studies) Amendment Regulation (No.1) 1996* provided for the period before automatic commencement under section 15DA(2) (Automatic commencement of proposed law) of the *Acts Interpretation Act 1954* of section 9 to be extended to 9 April 1997. There is now no need for section 9 to commence and it is being repealed.

EDUCATION (SENIOR SECONDARY SCHOOL STUDIES) ACT 1988

Clause 1 omits particular words from section 4 (Definitions) of the Act. These words will be redundant as a consequence of the changes to the

membership of the Board of Senior Secondary School Studies, “the board”.

Clause 2 inserts definitions for particular words used in the Act.

Clause 3 amends the definition “Board registered subject”.

Clause 4 amends the definition “Board subject”.

Clause 5 replaces section 5 (Constitution of the board) of the Act. The new section 5 provides for the establishment of the board, provides for its new membership and provides for the board’s chairperson and deputy chairperson.

Clause 6 amends section 6 (Functions and powers of the Board) of the Act by inserting a new function for the board in connection with strategic planning for the development of P-12 syllabuses.

Clause 7 amends section 6 (Functions and powers of the Board) of the Act by inserting a new function for the board in relation to the approval of study area specifications.

Clause 8 amends section 6 (Functions and powers of the Board) of the Act by omitting several redundant functions of the board.

Clause 9 amends section 6 (Functions and powers of the Board) of the Act by inserting a new function for the board.

Clause 10 amends section 6 (Functions and powers of the Board) of the Act by recasting the board’s powers into a more appropriate form.

Clause 11 amends section 7 (Board may make by-laws) of the Act. The board’s by-law making power is extended at section 7(1)(ba) to include the approval of study area specifications.

Clause 12 amends section 7 (Board may make by-laws) of the Act. The board’s by-law making power is recast at section 7(1)(e) in more appropriate terms.

Clause 13 amends section 7 (Board may make by-laws) of the Act. The board’s by-law making power is extended at section 7(1)(ha) to issuing copies of certificates and not just original certificates.

Clause 14 amends section 7 (Board may make by-laws) of the Act. The board’s by-law making power is recast at section 7(2) in more appropriate terms.

Clause 15 amends section 7 (Board may make by-laws) of the Act. The redundant subsection (5) is omitted.

Clause 16 omits section 8 (Board subject to the Minister) of the Act. The clause inserts a new section 8 (Responsibility for strategic plan for P-12 syllabuses and revisions) which sets out the responsibility on the chairperson of the Queensland School Curriculum Council (P-10) to take primary responsibility for the processes by which that council and the Board of Senior Secondary School Studies work together in developing a strategic plan for the development of P-12 syllabuses. The clause requires also that any recommendation to the Minister about a strategic plan must be signed by both the chairperson of the council and the chairperson of the board.

Clause 17 omits the division 2 heading to part 2, and omits the redundant section 9 (Failure to nominate), section 10 (Term of appointment) and section 11 (Limit on consecutive terms of appointment) of the Act.

The clause inserts a new section 9 (Minister to consider strategic plan and notify chairpersons) which requires that the Minister consider a strategic plan or a revision of a strategic plan for the development of P-12 syllabuses and to either approve that plan in its recommended form, or approve the plan with changes. If the Minister does not approve the plan, the Minister must notify the chairperson of the Queensland School Curriculum Council (P-10) and the chairperson of the Board of Senior Secondary School Studies that the plan requires further development and the particulars of the areas for development.

The clause provides also for a new section 10 (Minister's power to give directions in the public interest) that authorises the Minister to give the board a written direction that is to apply to it if the Minister is satisfied that it is necessary to give the direction in the public interest. The clause requires the board to ensure the direction is carried out. Further, the clause requires the board's annual report (prepared and laid before the Legislative Assembly under the *Financial Administration and Audit Act 1977*) to include a copy of each direction.

The clause provides for a new section 11 (Members' term of appointment) which adjusts the term of membership of the chairperson of the board so that it is for not longer than 4 years rather than for a period of 4 years which is the case now.

Clause 18 amends section 12 (Disqualification from office) of the Act by omitting the current provision that disqualifies a person who is a patient within the meaning of the *Mental Health Act 1974* from being a member of the board. This requirement is unwarranted as disqualification from office

for mental illness is only reasonable if the particular illness is such as to interfere with the person's capacity to perform the inherent requirements of membership.

Clause 19 amends section 12 (Disqualification from office) consequential to the new section 5.

Clause 20 amends section 13 (Vacation of office of members of the Board) consequential to the new section 5.

Clause 21 omits redundant section 14 (Vacancy on the Board from expiry of term of appointment).

Clause 22 omits section 16 (Casual vacancies on the Board) and inserts a new section recast into a more appropriate form.

Clause 23 omits redundant section 18 (Validity of proceedings).

Clause 24 omits the current section 20 (Attendance by proxy at meetings). The clause inserts a new section 20 (Disclosure of interest by members of board, members of committees and director) which provides that a member of the board, or any member of a committee or the director of the office must disclose a direct or indirect financial interest in an issue being considered or about to be considered. The clause also prescribes how such interests are to be recorded. Where the member's absence affects the quorum, the provision states that the remaining members present are a quorum.

The clause also inserts a new section 20A (Attendance by appointed member's proxy or chief executive's nominee) which provides for an appointed member to attend a board meeting by proxy. A member, however, may not attend more than 2 meetings each year in this way. The clause precludes a member from presiding at a meeting of the board merely because the member holds a proxy for another member who, if present, would be entitled to preside. For this purpose, a year is defined as a period of 12 months starting from the first day of the term of office of the member concerned or the anniversary of that day. The clause also provides for a nominee to attend a meeting or meetings for the chief executive [i.e. the Director-General of the Department of Education—section 33 (References to Ministers, departments and chief executives) of the *Acts Interpretation Act 1954* refers].

The clause also inserts a new section 20B (Attendance of director of the office at meetings) recast in more appropriate terms.

Clause 25 amends section 23 (Remuneration to members of the board and other committees) by omitting the redundant subsection (4).

Clause 26 replaces section 24 (Delegation by chairperson) with a redrafted provision that is recast in more appropriate terms.

Clause 27 amends section 32 (Consequences if money borrowed other than under the Statutory Bodies Financial Arrangements Act 1982) by correcting an error in printing.

Clause 28 omits division 4 (Officers of the board) of part 2 (Board of Senior Secondary School Studies) which deals with the existing arrangements for officers of the current Office of the Board of Senior Secondary School Studies.

Clause 29 amends section 37 (Functions and powers of subject advisory committees) by inserting a new function for subject advisory committees. The function is related to board registered subjects.

Clause 30 amends the Act by omitting parts 3 and 4, and inserting a new part 3 to deal with the Office of the Board of Senior Secondary School Studies, which is in this part called “the office”, and inserting a new part 4 dealing with general provisions.

The clause inserts a new section 38 (Office of the Board of Senior Secondary School Studies) which establishes the office.

The clause inserts a new section 39 (Office’s functions and powers) which provides that the function of the office is to assist the board. The clause assigns the office with power to do anything necessary or convenient to be done for, or in connection with, its function.

The clause inserts a new section 40 (Director and staff of the office) that provides for the office to consist of the director and other staff of the office. This clause provides for all staff of the office to be appointed under the *Public Service Act 1996*.

The clause inserts a new section 41 (Control of the office) that provides for the control of the office. This clause provides that the director is to control the office. The director is to have all the functions and powers of the chief executive of the department, so far as the functions and powers relate to the organisational unit comprising the staff of the office, as if:

- (a) the unit were a department within the meaning of the *Public Service Act 1996*; and

(b) the director were the chief executive of the department.

The clause inserts a new section 42 (Delegation by Minister) cast in more appropriate terms.

The clause inserts a new section 43 (Administrative support for board and office) that provides for the board to make arrangements for administrative support to be provided to the board or the office.

The clause replaces the redundant section 39 (Annual report) with a new section 44 (Board's annual report) that requires the board to report to the Legislative Assembly on the operations of any delegation to the Board from the Commission under section 26 of the *Vocational Education, Training and Employment Act 1991* (for vocational education programs for students in years 11 and 12).

The clause inserts new transitional provisions dealing with the existing Office of the Board of Senior Secondary School Studies and the associated staff. A new section 46 (Definitions for pt 5) is inserted that provides for certain definitions used in part 5.

The clause inserts a new section 47 (Board to be re-constituted) to provide for the members of the current Board of Senior Secondary School Studies to go out of office.

The clause inserts a new section 48 (Dissolution of former office) that provides for the dissolution of the existing Office of the Board of Senior Secondary School Studies. This office is part of the Department of Education.

The clause inserts a new section 49 (Staff of the office) which provides that any person who was a public service officer in the Department of Education's Office of the Board of Senior Secondary School Studies immediately before dissolution of that office, is taken to have been appointed within the Office of the Board of Senior Secondary School Studies established under part 3 (Office of the Board of Senior Secondary School Studies) of the Act. Further, the clause provides that any such officer keeps:

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

that applied to the officer immediately before dissolution of the Department of Education's Office of the Board of Senior Secondary School Studies.

The clause inserts a new section 50 (Existing delegations) to provide for the continuation of any existing delegations.

EDUCATION (TEACHER REGISTRATION) ACT 1988

Clause 1 omits particular words from section 4 (Definitions) of the Act. These words will be redundant as a consequence of the planned amendments.

Clause 2 inserts definitions for particular words used in the Act.

Clause 3 inserts a new subsection (4) to section 5 (Establishment and membership of board) dealing with the standing of the director of the Office of the Board of Teacher Registration in relation to membership of the Board of Teacher Registration.

Clause 4 amends section 6 (Functions and powers of the board) by omitting redundant or unnecessary functions of the board.

Clause 5 provides for a new section 7A (Minister's power to give directions in the public interest) that authorises the Minister to give the board a written direction that is to apply to it if the Minister is satisfied that it is necessary to give the direction in the public interest. The clause requires the board to ensure the direction is carried out. Further, the clause requires the board's annual report (prepared and laid before the Legislative Assembly under the *Financial Administration and Audit Act 1977*) to include a copy of each direction.

Clause 6 replaces section 9 (Term of appointment) with a provision recast into a more appropriate form. In addition, the new provision adjusts the term of membership of the chairperson of the board so that it is for not longer than 4 years rather than for a period of 4 years which is the case now, and adjusts the term of membership of other appointed members so that membership is for not longer than 3 years rather than for a period of 3 years which is the case now.

Clause 7 omits the redundant section 17 (Validity of proceedings) of the Act. The clause inserts a new section 17 (Disclosure of interest by members of board, members of committees and director) which provides that a member of the board, or any member of a committee or the director of the

Office of the Board of Teacher Registration must disclose a direct or indirect interest in an issue being considered or about to be considered. The clause also prescribes how such interests are to be recorded. Where the member's absence affects the quorum, the provision states that the remaining members present are a quorum.

Clause 8 inserts a new section 18A (Attendance of director at meetings) recast in more appropriate terms.

Clause 9 omits division 4 (Officers of the Board) of part 2 (Board of Teacher Registration) as these provisions are no longer required with the insertion of a new part 2A (Officers of the Board of Teacher Registration).

Clause 10 amends the Act by inserting a new part to deal with the Office of the Board of Teacher Registration, which is in this part called "the office".

The clause inserts a new section 31 (Office of the Board of Teacher Registration) which establishes the office.

The clause inserts a new section 31A (Office's functions and powers) which provides that the function of the office is to assist the board. The clause assigns the office with power to do anything necessary or convenient to be done for, or in connection with, its function.

The clause inserts a new section 31B (Director and staff of the office) that provides for the office to consist of the director and other staff of the office. This clause provides for all staff of the office to be appointed under the *Public Service Act 1996*.

The clause inserts a new section 31C (Control of the office) that provides for the control of the office. This clause provides that the director is to control the office. The director is to have all the functions and powers of the chief executive of the department, so far as the functions and powers relate to the organisational unit comprising the staff of the office, as if:

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

Clause 11 amends section 32A (Registration by entering various details in register of teachers) consequential to change of the term executive officer to director of the Office of the Board of Teacher Registration.

Clause 12 amends section 35 (Notice of board's decision about application) consequential to change of the term executive officer to director of the Office of the Board of Teacher Registration.

Clause 13 amends section 40 (Procedure after teacher has been invited to show cause) consequential to change of the term executive officer to director of the Office of the Board of Teacher Registration.

Clause 14 amends section 45R (Board may order cancellation of registration etc.) consequential to change of the term executive officer to director of the Office of the Board of Teacher Registration.

Clause 15 amends section 45S (Notice of board's order) consequential to change of the term executive officer to director of the Office of the Board of Teacher Registration.

Clause 16 amends section 50 (Evidentiary provisions) consequential to change of the term executive officer to director of the Office of the Board of Teacher Registration.

Clause 17 amends section 50 (Evidentiary provisions) by inserting at subsection (2) a definition of "executive officer".

Clause 18 replaces the redundant section 52 (Annual report) with a new section 52 (Administrative support for board and office) that provides for the board to make arrangements for administrative support to be provided to the board or the office.

The clause replaces section 53 (Power of delegation by Minister) with a redrafted provision cast in more appropriate terms.

Clause 19 inserts a new divisional heading before section 56 (Provisions relating to the Board of Teacher Education).

Clause 20 inserts a new divisional heading before section 62 (Members of board at commencement continue as the members and related matters).

Clause 21 inserts a new division 3 (Office of the Board of Teacher Registration) into part 5 (Transitional and special arrangements).

This clause inserts a new section 72 (Definitions for div 3) that provides for certain definitions used in this new division.

The clause inserts a new section 73 (Dissolution of former office) that provides for the dissolution of the existing Office of the Board of Teacher Registration. This office is part of the Department of Education.

The clause inserts a new section 74 (Staff of the Office) which provides that any person who was a public service officer in the Department of Education's Office of the Board of Teacher Registration immediately before dissolution of that office, is taken to have been appointed within the Office of the Board of Teacher Registration established under part 2A (Office of the Board of Teacher Registration) of the Act. Further, the clause provides that any such officer keeps:

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

that applied to the officer immediately before dissolution of the Department of Education's Office of the Board of Teacher Registration.

The clause inserts a new section 75 (Existing delegations) to provide for the continuation of any existing delegations.

EDUCATION (TERTIARY ENTRANCE PROCEDURES AUTHORITY) ACT 1990

Clause 1 omits the definition "materials" from section 4 (Definitions) of the Act.

Clause 2 inserts definitions for particular words used in the Act.

Clause 3 replaces subsection (2) of section 5 (Constitution of the Authority) with a new redrafted provision cast in more appropriate terms.

Clause 4 amends section 5 (Constitution of the Authority) by inserting subsection (4) that specifies that the executive director of the Office of the Tertiary Entrance Procedures Authority is not to be appointed a member of the Authority.

Clause 5 amends section 6 (Functions and powers of the Authority) by omitting redundant or unnecessary functions of the authority.

Clause 6 amends section 6 (Functions and powers of the Authority) by recasting the powers of the authority in more appropriate terms.

Clause 7 replaces subsection (2) of section 7 (Authority may make by-laws) with a provision that authorises the authority to prescribe by

by-law a fee for the issue of a copy of a tertiary entrance statement or other document.

Clause 8 omits the redundant subsection (5) of section 7 (Authority may make by-laws).

Clause 9 omits section 8 (Authority subject to the Minister) of the Act and replaces that section. The clause provides for a new section 8 (Minister's power to give directions in the public interest) that authorises the Minister to give the authority a written direction that is to apply to it if the Minister is satisfied that it is necessary to give the direction in the public interest. The clause requires the authority to ensure the direction is carried out. Further, the clause requires the annual report of the authority (prepared and laid before the Legislative Assembly under the *Financial Administration and Audit Act 1977*) to include a copy of each direction.

Clause 10 replaces section 10 (Term of appointment) with a redrafted provision cast in more appropriate terms. In addition, the new provision adjusts the term of membership of the chairperson of the authority so that it is for not longer than 4 years rather than for a period of 4 years which is the case now, and adjusts the term of membership of other appointed members so that membership is for not longer than 3 years rather than for a period of 3 years which is the case now.

Clause 11 amends section 12 (Disqualification from office) of the Act. This clause omits the existing provision that excludes a person who is a patient within the meaning of the *Mental Health Services Act 1974* from being a member of the authority. This requirement is unwarranted as disqualification from office for mental illness is only reasonable if the particular illness is such as to interfere with the person's capacity to perform the inherent requirements of membership.

Clause 12 amends section 14 (Vacancy on the Authority from expiry of term of office) to remove the requirement for a notification to be published in the gazette that appoints a date on or before which a person is to be appointed to the board to fill a vacancy from expiry of term of office. The clause also amends section 16 (Casual vacancies on the Authority) to remove the requirement for a notification to be published in the gazette that appoints a date on or before which a person is to be appointed to the board to fill a casual vacancy. This clause removes the role of the Governor in Council in the notices for sections 14 and 16, and places a responsibility on the Minister to provide written notices.

Clause 13 omits the redundant section 18 (Validity of proceedings) of the Act. The clause replaces that section with a new section that provides that a member of the authority, any member of the Advisory council, a member of any other committee of the authority or the executive director of the Officer of the Tertiary Entrance Procedures Authority must disclose a direct or indirect financial interest in an issue being considered or about to be considered. The clause also prescribes how such interests are to be recorded. Where the member's absence affects the quorum, the provision states that the remaining members present are a quorum.

The clause also inserts a new section 18A (Attendance by member's proxy) to deal with those matters of proxy and nominees. The clause provides for a member to attend an authority meeting by proxy. A member, however, may not attend more than 2 meetings each year in this way. The clause precludes a member from presiding at a meeting of the authority merely because the member holds a proxy for another member who, if present, would be entitled to preside. For this purpose, a year is defined as a period of 12 months starting from the first day of the term of office of the member concerned or the anniversary of that day.

Clause 14 inserts a new section 19A dealing with the attendance of the executive director of the office at meetings.

Clause 15 omits the redundant subsection (4) of section 22 (Remuneration to members of the Authority, advisory groups and other committees) of the Act.

Clause 16 omits division 4 (Staff of the Authority) of part 2 (Tertiary Entrance Procedures Authority) as these provisions are no longer required with the insertion of a new part 2A (Officers of the Tertiary Entrance Procedures Authority).

Clause 17 amends the Act by inserting a new part to deal with the Office of the Tertiary Entrance Procedures Authority, which is in this part called "the office".

The clause inserts a new section 31A (Office of the Tertiary Entrance Procedures Authority) which establishes the office.

The clause inserts a new section 31B (Function and powers) which provides that the function of the office is to assist the authority. The clause assigns the office with power to do anything necessary or convenient to be done for, or in connection with, its function.

The clause inserts a new section 31C (Executive director and staff of the office) that provides for the office to consist of the executive director and other staff of the office. This clause provides for all staff of the office to be appointed under the *Public Service Act 1996*.

The clause inserts a new section 31D (Control of the office) that provides for the control of the office. This clause provides that the executive director is to control the office. The executive director is to have all the functions and powers of the chief executive of the department, so far as the functions and powers relate to the organisational unit comprising the staff of the office, as if:

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

Clause 18 amends section 37 (Disqualification for appointment as member) of the Act. This clause omits the existing provision that excludes a person who is a patient within the meaning of the *Mental Health Services Act 1974* from being a member of the Tertiary Entrance Procedures Authority Advisory Council. This requirement is unwarranted as disqualification from office for mental illness is only reasonable if the particular illness is such as to interfere with the person's capacity to perform the inherent requirements of membership.

Clause 19 omits the redundant subsection (4) of section 44 (Remuneration to members of the Advisory Council) of the Act.

Clause 20 replaces the redundant section 43 (Annual report) with a new section 43 (Administrative support for Authority and office) that provides for the Authority to make arrangements for administrative support to be provided to the Authority and the office.

The clause replaces section 44 (Power of delegation by Minister) with a redrafted provision recast in more appropriate terms.

Clause 21 inserts a new part in the Act to deal with the transitional arrangements for the Office of the Tertiary Entrance Procedures Authority established, under the *Office of the Tertiary Entrance Procedures Authority Order 1992* (published in the Gazette on 18 January 1992 at page 156), as part of the Department of Education.

The clause inserts a new section (Definitions for pt 5) which inserts definitions for particular words used in part 5.

The clause inserts a new section 47 (Dissolution of former office) that provides for the dissolution of the Department of Education's Office of the Tertiary Entrance Procedures Authority.

The clause inserts a new section 48 (Staff of the office). That section provides that any person who was a public service officer in the Department of Education's Office of the Tertiary Entrance Procedures Authority immediately before dissolution of that office, is taken to have been appointed within the Office of the Tertiary Entrance Procedures Authority established under part 2A of the Act. Further, the clause provides that any such officer keeps:

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

that applied to the officer immediately before dissolution of the Department of Education's Office of the Tertiary Entrance Procedures Authority.

The clause inserts a new section 49 (Existing delegations) to provide for the continuation of any existing delegations.

The clause inserts a new section 50 (Repeal) that repeals the *Office of the Tertiary Entrance Procedures Authority Order 1992*.

EDUCATION (WORK EXPERIENCE) ACT 1996

Clause 1 amends section 4 (Work experience arrangements etc.) to remove any possible interpretation that the meaning of the term "work experience" includes experience that is a mandatory or assessable part of a university course, for example, clinical practice completed by medical students, and teaching practice completed by pre-service teachers. This amendment removes any perceived uncertainty in the application of the Act. The amendment makes it clear that "mandatory and assessable work experience course requirements" are excluded from the meaning of "work experience".

GRAMMAR SCHOOLS ACT 1975

Clause 1 amends section 9 (Disqualification from office) of the Act. This clause omits the existing provision that excludes a person who is a patient within the meaning of the *Mental Health Act 1974* from being a member of the board of trustees of a public grammar school. This requirement is unwarranted as disqualification from office for mental illness is only reasonable if the particular illness is such as to interfere with the person's capacity to perform the inherent requirements of membership.

GRIFFITH UNIVERSITY ACT 1971

Clause 1 amends section 9 (Disqualification from office) of the Act. This clause omits the existing provision that excludes a person who is a patient within the meaning of the *Mental Health Act 1974* from being a member of the council of the university. This requirement is unwarranted as disqualification from office for mental illness is only reasonable if the particular illness is such as to interfere with the person's capacity to perform the inherent requirements of membership.

Clause 2, and the following 2 clauses, amend section 14 (Appointment of vice-chancellor) of the Act to omit the requirement that the appointment of the vice-chancellor of the university be confirmed by the Governor in Council.

Clause 3 amends subsection (3) of section 14 to give effect to the policy objective explained above at the note for clause 2.

Clause 4 amends subsection (4) of section 14 to give effect to the policy objective explained above at the note for clause 2.

HIGHER EDUCATION (GENERAL PROVISIONS) ACT 1993

Clause 1, and the following clause, amend section 13 (Applications under s.10) of the Act to remove the requirement that an application to the

Minister for accreditation of a course leading to a higher education award by a non-university provider, will no longer need to be accompanied by the fee, if any, prescribed by regulation. There are no fees currently prescribed. The clause provides that an applicant must pay any fee prescribed by regulation at the time prescribed under the regulation.

Clause 2 inserts a new subsection (2) for section 13 to give effect to the policy objective explained above at the note for clause 1.

JAMES COOK UNIVERSITY OF NORTH QUEENSLAND ACT 1970

Clause 1 amends section 8 (Disqualifications from office) of the Act. This clause omits the existing provision that excludes a person who is a patient within the meaning of the *Mental Health Act 1974* from being a member of the council of the university. This requirement is unwarranted as disqualification from office for mental illness is only reasonable if the particular illness is such as to interfere with the person's capacity to perform the inherent requirements of membership.

Clause 2, and the following 2 clauses, amend section 13 (Appointment of vice-chancellor) of the Act to omit the requirement that the appointment of the vice-chancellor of the university be confirmed by the Governor in Council.

Clause 3 amends subsection (3) of section 13 to give effect to the policy objective explained above at the note for clause 2.

Clause 4 omits subsection (4) of section 13 to give effect to the policy objective explained above at the note for clause 2.

QUEENSLAND UNIVERSITY OF TECHNOLOGY ACT 1988

Clause 1 amends section 20 (Disqualification from office) of the Act. This clause omits the existing provision that excludes a person who is a

patient within the meaning of the *Mental Health Act 1974* from being a member of the council of the university. This requirement is unwarranted as disqualification from office for mental illness is only reasonable if the particular illness is such as to interfere with the person's capacity to perform the inherent requirements of membership.

Clause 2, and the following 2 clauses, amend section 28 (Appointment of vice-chancellor) of the Act to omit the requirement that the appointment of the vice-chancellor of the university be confirmed by the Governor in Council.

Clause 3 amends subsection (3) of section 28 to give effect to the policy objective explained above at the note for clause 2.

Clause 4 omits subsection (4) of section 28 to give effect to the policy objective explained above at the note for clause 2.

SUNSHINE COAST UNIVERSITY COLLEGE ACT 1994

Clause 1 amends section 33 (Vice-chancellor) of the Act to omit the requirement that the appointment of the vice-chancellor of the university be confirmed by the Governor in Council.

UNIVERSITY OF QUEENSLAND ACT 1965

Clause 1 amends section 9 (Disqualifications from office) of the Act. This clause omits the existing provision that excludes a person who is a patient within the meaning of the *Mental Health Act 1974* from being a member of the senate of the university. This requirement is unwarranted as disqualification from office for mental illness is only reasonable if the particular illness is such as to interfere with the person's capacity to perform the inherent requirements of membership.

Clause 2 amends section 14 (Appointment of vice-chancellor and deputy vice-chancellors) of the Act to omit the requirement that the appointment of the vice-chancellor and the deputy vice-chancellors be confirmed by the Governor in Council.

Clause 3 omits subsections (3) and (4) of section 14 to give effect to the policy objective explained above at the note for clause 2.

Clause 4 amends section 15 (Constitution of convocation) of the Act. This clause omits the existing provision that excludes a person who is a patient within the meaning of the *Mental Health Act 1974* from being a member of convocation of the university. This requirement is unwarranted as disqualification from office for mental illness is only reasonable if the particular illness is such as to interfere with the person's capacity to perform the inherent requirements of membership.

Clause 5 amends the heading of part 3 of the Act to reflect the content of the revised part.

Clause 6 omits section 21 (Faculties) and section 22 (Schools etc. and academic departments) of the Act. Following a review of its academic organisational structure, the Senate of the university has committed itself to a new, simpler structure. The current part 3 of the Act lists the faculties of the University and then empowers the Senate from time to time to modify the list by Statute. The Senate has requested that this requirement be removed and the Senate will then create and abolish faculties administratively by decision(s) of the Senate. This is in line with other public universities in the State.

Clause 7 amends section 23 (Instruction in and granting of degrees and other awards) of the Act by omitting redundant provisions in subsections (2) to (4). In the remaining provisions, at subsections (1) and (1A), the Senate retains the authority to issue degrees, diplomas and certificates, and to confer honorary degrees and other distinctions to approved persons.

Clause 8 omits redundant provisions contained in the Act at section 24 (Concessions to persons training for teaching positions), section 25 (Public examinations) and section 26 (Senate to hold certain examinations).

UNIVERSITY OF SOUTHERN QUEENSLAND ACT 1989

Clause 1 amends section 20 (Disqualification from office) of the Act. This clause omits the existing provision that excludes a person who is a patient within the meaning of the *Mental Health Act 1974* from being a

member of the council of the university. This requirement is unwarranted as disqualification from office for mental illness is only reasonable if the particular illness is such as to interfere with the person's capacity to perform the inherent requirements of membership.

Clause 2, and the following 2 clauses, amend section 28 (Appointment of vice-chancellor) of the Act to omit the requirement that the appointment of the vice-chancellor of the university be confirmed by the Governor in Council.

Clause 3 amends subsection (3) of section 28 to give effect to the policy objective explained above at the note for clause 2.

Clause 4 omits subsection (4) of section 28 to give effect to the policy objective explained above at the note for clause 2.

VOCATIONAL EDUCATION, TRAINING AND EMPLOYMENT ACT 1991

Clause 1 amends section 4 (Interpretation) of the Act consequential to the amendments to section 20(1)(a)(iii) (Functions and powers of Accreditation Council).

Clause 2 amends subsection (1)(d) of section 13 (Commission's rules) of the Act consequential to the amendments to section 20(1)(a)(iii) (Functions and powers of Accreditation Council).

Clause 3 amends subsection (1)(a)(iii) of section 20 (Functions and powers of Accreditation Council) of the Act which currently authorises the Accreditation Council to make decisions and orders about, amongst other things, the registration of persons providing courses, training programs or short courses up to and including Certificate II (under the Australian Qualifications Framework) in senior secondary school curriculum. This clause extends the authority of the Accreditation Council to the registration of entities and not just to persons as is the case now. Under the *Acts Interpretation Act 1954*, the term "person" includes an individual and a corporation, but the term "entity" is broader in that it includes a "person" within the meaning above and includes also an unincorporated body, such as a State educational institution and an unincorporated non-State school.

Clause 4 amends subsection (1) of section 26 (Power of delegation by Commission or standing committee) of the Act which currently authorises the Commission or any standing committee to delegate all or any of its powers to any person. This clause extends the authority of the Commission or standing committee to delegate powers to an appropriately qualified person or other appropriate entity. Subsection (1)(h) of section 6 (Functions and powers of the Board) of the *Education (Senior Secondary School Studies) Act 1988* currently authorises the Board of Senior Secondary School Studies to carry out accreditation, recognition and registration functions delegated under section 26 of the *Vocational Education, Training and Employment Act 1991*, for vocational education programs for students in years 11 and 12. Under the *Acts Interpretation Act 1954*, the term “person” includes an individual and a corporation, but the term “entity” is broader in that it includes a “person” within the meaning above and includes also an unincorporated body, such as the Board of Senior Secondary School Studies.

Clause 5 amends section 26 (Power of delegation by Commission or standing committee) of the Act by giving meanings for the terms “appropriate entity” and “appropriately qualified officer”, and by giving an example of a person’s standing.

Clause 6 amends subsection (1) of section 67 (Control over matters about the conferring of awards) of the Act. The amendment to section 67(1) is consequential to the amendments to section 20(1)(a)(iii).

Clause 7 amends subsection (2) of section 67 (Control over matters about the conferring of awards) of the Act. The clause omits section 67(2) and replaces it with a new section consequential to the amendments to section 20(1)(a)(iii) to enable the conferring of awards by someone on behalf of a registered unincorporated entity without committing an offence under section 67(3) and (4).

Clause 8 inserts a new section 126A (Validation of delegation under s 26) to validate the delegation by the Accreditation Council to the Board of Senior Secondary School Studies, of which the board was given written notice dated 23 January 1996.

Clause 9 inserts a new section 129 (Transitional provision about existing delegations) to provide for the continuation of any existing delegations.

SCHEDULE 3**DICTIONARY**

This schedule provides the dictionary, defining particular words used in the proposed Act, referred to in clause 4 of the Bill.