

WESTERN AUSTRALIA

**ACTS AMENDMENT AND REPEAL  
(POST-SECONDARY EDUCATION)  
ACT 1989**

(No. 48 of 1989)

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WESTERN AUSTRALIA

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# ACTS AMENDMENT AND REPEAL (POST-SECONDARY EDUCATION) ACT

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No. 48 of 1989

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AN ACT to repeal the *Western Australian Post-Secondary Education Commission Act 1970* and to amend the *Colleges Act 1978*, the *Curtin University of Technology Act 1966*, the *Education Act 1928*, the *Murdoch University Act 1973*, the *Secondary Education Authority Act 1984*, the *Western Australian College of Advanced Education Act 1984* and certain other Acts and for incidental and other purposes.

[Assented to 9 January 1990]

The Parliament of Western Australia enacts as follows:

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *Acts Amendment and Repeal (Post-Secondary Education) Act 1989*.

## **Commencement**

2. This Act shall come into operation on 1 January 1990.

### PART 2—*WESTERN AUSTRALIAN POST-SECONDARY EDUCATION COMMISSION ACT 1970*

#### ***Western Australian Post-Secondary Education Commission Act 1970 repealed***

3. The *Western Australian Post-Secondary Education Commission Act 1970* is hereby repealed.

## **Savings and transitional**

4. (1) In this section and in section 5—

“commencement day” means the day on which this Act comes into operation;

“the former Commission” means the Western Australian Post-Secondary Education Commission established under the *Western Australian Post-Secondary Education Commission Act 1970*;

“the Minister” means the Minister of Education a body corporate established under the *Education Act 1928*.

- (2) On and from the commencement day—

- (a) all property held and used for the purposes of the former Commission shall be vested in the Minister;
- (b) any moneys appropriated for the purposes of the former Commission or standing to any account in the name of the former Commission and unexpended at the commencement date shall be held in an account at the Treasury and be dealt with in accordance with the directions of the Minister;
- (c) all liabilities incurred by or on behalf of the former Commission shall be transferred to the Minister;
- (d) all charges, fees and moneys due and payable by or on behalf of the former Commission shall be paid into the account held at the Treasury and received, levied and recovered by the Minister;

- (e) all contracts made by the former Commission or by any Minister of the Crown on behalf of the former Commission shall have effect as contracts by and with the Minister and may be enforced against the Minister accordingly;
- (f) all books, documents, records and papers used by or on behalf of the former Commission shall be handed over to the Minister;
- (g) in respect of the matters referred to in paragraphs (a) to (f) the Minister shall for the purposes of the *Financial Administration and Audit Act 1985* be a statutory authority.

(3) As soon as practicable after the commencement date the Minister shall cause sections 66, 67, 68 and 69 of the *Financial Administration and Audit Act 1985* to be complied with in relation to the former Commission for the period 1 January 1989 to 31 December 1989, and a report prepared under this subsection shall be deemed to be an annual report for the purposes of section 69 of that Act.

### **Former employees**

5. (1) A person who was immediately before the commencement day a permanent employee of the former Commission shall by force of this section and without further appointment be a permanent officer of the Public Service of the State and shall be entitled to receive a salary not less than the salary received by that person as an employee of the Commission immediately before the commencement day.

(2) Where a person becomes an officer of the Public Service of the State pursuant to subsection (1)—

- (a) he or she shall retain his or her existing and accruing rights, and in particular any rights under the *Government Employees Superannuation Act 1987*; and
- (b) for the purposes of determining those rights, his or her service as an employee of the former Commission shall be taken into account as if it were service with the Public Service of the State.

### **PART 3—COLLEGES ACT 1978**

#### **Principal Act**

6. In this Part the *Colleges Act 1978*\* is referred to as the principal Act.

[\*Act No. 100 of 1978 amended by Acts Nos. 36 of 1980; 51 of 1983; 98 of 1985; 113 of 1987 and 7 of 1988.]

### **Section 4 amended**

7. Section 4 of the principal Act is amended in subsection (1)—

- (a) by deleting the definition of “Commission”; and
- (b) by deleting the definition of “post-secondary education” and substituting the following definition—

“ “post-secondary education” means post-secondary education, as defined in the *Secondary Education Authority Act 1984*. ”.

### **Section 6 amended**

8. Section 6 of the principal Act is amended—

- (a) in subsection (2), by deleting “On the advice of the Commission the” and substituting the following—

“ The ”;

and

- (b) in subsection (4), by deleting “After considering the advice of the Commission the” and substituting the following—

“ The ”.

### **Section 11 amended**

9. Section 11 of the principal Act is amended—

- (a) in subsection (1) by deleting “given on the recommendation of the Commission”; and
- (b) in subsection (2) by deleting “Commission” wherever occurring and substituting the following—

“ Minister ”.

**Section 23 amended**

10. Section 23 of the principal Act is amended by deleting “the Western Australian Post-Secondary Education Commission Act, 1970” and substituting the following—

“ to the Minister ”.

**Section 24 amended**

11. Section 24 of the principal Act is amended in subsection (1)—

(a) by deleting “the Western Australian Post-Secondary Education Commission Act, 1970” and substituting the following—

“ the Minister ”;

and

(b) by deleting “, with the approval of the Minister” in paragraph (d).

**Section 36 amended**

12. Section 36 of the principal Act is amended—

(a) in subsections (2), (3) and (8) by deleting “, on the recommendation of the Commission,” wherever occurring;

and

(b) in subsection (7) by deleting “on the recommendation of the Commission”.

**PART 4—CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966****Section 21 amended**

13. Section 21 of the *Curtin University of Technology Act 1966\** is amended by deleting “and to the Western Australian Post-Secondary Education Commission Act 1970”.

[\*Reprinted as at 24 August 1988.]

PART 5—*EDUCATION ACT 1928***Principal Act**

14. In this Part the *Education Act 1928*\* is referred to as the principal Act.

[\*Approved for reprint 19 July 1984 and amended by Acts Nos. 94 and 118 of 1984, 98 of 1985, 93 of 1986, 113 of 1987 and 7 of 1988.]

**Section 3 amended**

15. Section 3 of the principal Act is amended—

- (a) by inserting in the appropriate alphabetical position the following definition—

“ “post-secondary education” means post-secondary education as defined in the *Secondary Education Authority Act 1984*; ”;

and

- (b) by deleting the definitions of “Teacher education course” and “Tertiary education institution”.

**Section 37A amended**

16. Section 37A of the principal Act is amended—

- (a) in subsection (1) by deleting paragraphs (a) and (b) and substituting the following paragraphs—

“ (a) a course of post-secondary education; or

(b) any course of study approved by the Minister under subsection (4), ”;

and

- (b) by repealing subsection (4) and substituting the following subsection—

“ (4) The Minister may by instrument in writing approve any course of study for the purposes of subsection (1) (b). ”.



PART 6—MURDOCH UNIVERSITY ACT 1973

**Section 17 amended**

17. Section 17 of the *Murdoch University Act 1973*\* is amended in subsection (2) by deleting “and the Western Australian Tertiary Education Commission Act, 1970”.

[\*Act No. 20 of 1973 as amended by Acts Nos. 103 of 1975, 38 of 1976, 61 of 1977, 7 of 1978, 26 of 1980, 51 of 1983, 98 of 1985 and 7 of 1988.]

PART 7—SECONDARY EDUCATION AUTHORITY ACT 1984

**Principal Act**

18. In this Part the *Secondary Education Authority Act 1984*\* is referred to as the principal Act.

[\*Act No. 118 of 1984 amended by Acts Nos. 98 of 1985; 113 of 1987 and 7 of 1988.]

**Section 3 amended**

19. Section 3 of the principal Act is amended by deleting the definitions of “post-secondary education” and “post-secondary education institution” and substituting the following definitions—

“ “post-secondary education” means instruction or training or both but does not include the instruction or training of persons who have not attained school leaving age or of persons attending secondary education institutions;

“post-secondary education institution” means any institution providing post-secondary education; ”.

PART 8—WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT 1984

**Principal Act**

20. In this Part the *Western Australian College of Advanced Education Act 1984*\* is referred to as the principal Act.

[\*Act No. 18 of 1984 amended by Acts Nos. 77 and 98 of 1985.]

### **Section 3 amended**

21. Section 3 of the principal Act is amended in subsection (1) in the definition of “post-secondary education” by deleting “Western Australian Post-Secondary Education Commission Act 1970” and substituting the following—

“ *Secondary Education Authority Act 1984* ”.

### **Section 16 amended**

22. Section 16 of the principal Act is amended in subsection (1) by deleting “and the Western Australian Post-Secondary Education Commission Act 1970”.

### **Section 17 amended**

23. Section 17 of the principal Act is amended in subsection (1) by deleting “and the Western Australian Post-Secondary Education Commission Act 1970”.

## **PART 9—MISCELLANEOUS ACTS**

### ***Financial Administration and Audit Act 1985* amended**

24. The *Financial Administration and Audit Act 1985*\* is amended in Schedule 1 by deleting “Western Australian Post-Secondary Education Commission”.

[\**Reprinted as at 4 March 1987 and amended by Acts Nos. 2, 4, 32, 65, 88, 89, 91, 99 and 113 of 1987 and 4, 19 and 21 of 1988.*]

### ***Government Employees Superannuation Act 1987* amended**

25. The *Government Employees Superannuation Act 1987*\* is amended in Schedule 1 Part A by deleting “Western Australian Post-Secondary Education Commission”.

[\**Act No. 25 of 1987 as amended by Acts Nos. 83 and 91 of 1987 and 52 of 1988.*]

### ***Public Service Act 1978* amended**

26. The *Public Service Act 1978*\* is amended in Schedule 1 by deleting item 51.

[\**Reprinted as at 16 March 1988.*]