

SECONDARY EDUCATION AUTHORITY ACT 1984.

(No. 118 of 1984).

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SECONDARY EDUCATION AUTHORITY.

No. 118 of 1984.

AN ACT to establish the Secondary Education Authority and the Tertiary Entrance Subject Committee; to amend the Education Act 1928; and for incidental and other purposes.

[Assented to 27 December 1984.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Secondary Education Authority Act 1984*. Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

Interpreta-
tion.

3. In this Act unless the contrary intention appears—

“Account” means the Secondary Education Authority Account referred to in section 21 (2);

“appointed Authority member” means a member of the Authority appointed under section 6 (3);

“assessment” includes examination and other formal methods of assessing educational achievement as well as informal methods of assessment;

“Authority” means the Secondary Education Authority established under section 4;

“Authority chairman” means the chairman of the Authority by virtue of section 6 (4);

“Authority committee” means a committee appointed under clause 5 of Schedule 1;

“Committee” means the Tertiary Education Subject Committee established under section 25;

“Committee chairman” means the chairman of the Committee by virtue of section 25 (2) (a);

“Deputy Director” means the Deputy Director of the Authority appointed under section 14 (1);

“Director” means the Director of the Authority appointed under section 14 (1);

“Director-General” means the Director-General of Education appointed under the Education Act 1928;

“post-secondary education” and “post-secondary education institution” have the meanings given to those expressions in the Western Australian Post-Secondary Education Commission Act 1970;

“secondary education institution” includes the Education Department of the State;

“sub-committee” means a sub-committee of the Committee appointed under clause 5 of Schedule 2;

“technical college or school” means a technical college or school established or deemed to have been established by the Minister under the Education Act 1928 or the Colleges Act 1978;

“Union” means The State School Teachers’ Union of Western Australia (Incorporated).

PART II—THE SECONDARY EDUCATION AUTHORITY.

Division 1—Establishment of Authority.

4. (1) There is hereby established a body to be called the Secondary Education Authority.

Establishment of the Secondary Education Authority.

(2) The Authority is a body corporate with perpetual succession and a common seal and, subject to this Act, is capable of—

- (a) acquiring, holding and disposing of real and personal property;
- (b) suing and being sued; and
- (c) doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.

(3) The Authority is an agent of the Crown in right of the State.

Common
seal.

5. (1) The common seal of the Authority shall be kept in such custody as the Authority directs and shall not be used except upon resolution of the Authority.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to any document and shall presume that it was duly affixed until the contrary is proved.

Composition
of Authority.

6. (1) The Authority shall consist of 28 members being—

- (a) 2 *ex officio* members; and
- (b) 26 members appointed by the Minister.

(2) The *ex officio* members shall be—

- (a) the Director-General; and
- (b) the Director.

(3) Subject to this Act, the appointed members shall be—

- (a) 8 persons representing government secondary education of whom—
 - (i) 4 shall be nominated by the Director-General; and
 - (ii) 4 shall be nominated by the Union;
- (b) 4 persons representing non-government secondary education of whom—
 - (i) one shall be the Director of Catholic Education or a person nominated by him;

- (ii) 2 shall be nominated by the Association of Independent Schools of Western Australia; and
 - (iii) one shall be nominated by the Independent Schools Salaried Officers Association of Western Australia;
- (c) 8 persons representing post-secondary education of whom—
- (i) 2 shall be nominated by the Senate of Murdoch University;
 - (ii) 2 shall be nominated by the Senate of The University of Western Australia;
 - (iii) 2 shall be nominated by the Council of the Western Australian College of Advanced Education;
 - (iv) 2 shall be nominated by the Council of The Western Australian Institute of Technology;
- (d) 2 persons representing technical colleges or schools of whom—
- (i) one shall be nominated by the Director of Technical and Further Education appointed under the Education Act 1928; and
 - (ii) one shall be nominated by the Union; and
- (e) 4 persons who are representative of the community.

(4) The chairman shall be appointed by the Minister.

(5) Appointment as a member does not render the Public Service Act 1978, or any other Act applying to persons as officers of the Public Service of the State, applicable to that person, or affect or prejudice the application to him of those provisions if they applied to him at the time of his appointment.

Deputies.

7. (1) The Minister may appoint persons as deputies to act in the respective places of appointed Authority members and may terminate such an appointment at any time.

(2) Where a person is appointed as a deputy of an Authority member appointed under—

(a) section 6 (3) (a), (b) (ii) or (iii), (c) or (d) the appointment shall, subject to section 8 (2), be made on the nomination of the person or body by which the Authority member is required to be nominated; or

(b) section 6 (3) (b) (i), the appointment shall, subject to section 8 (2), be made on the nomination of the Director of Catholic Education.

(3) A deputy Authority member is, in the event of the absence from a meeting of the Authority or of the Committee of the Authority member of whom he is the deputy, entitled to attend that meeting and, when so attending, has all the functions of an Authority member or of a Committee member as the case may be.

Nominations.

8. (1) Where a nomination for appointment under section 6 or 7 is required to be made, the nomination shall be made to the Minister within such reasonable time after receiving notice from the Minister that such nomination is required as is specified in the notice.

(2) If a nomination has not been made in accordance with subsection (1) within the time specified under that subsection the Minister may appoint such person as he thinks fit and a person appointed in accordance with this subsection shall hold office as if he had been nominated as required by section 6 (3) or 7 (2), as the case may be.

9. The provisions of Schedule 1 shall have effect with respect to the constitution and proceedings of the Authority.

Constitution
and
proceedings.

10. (1) An Authority member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Authority or an Authority committee shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Authority or the Authority committee, as the case requires.

Disclosure of
pecuniary
interests.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Authority or the Authority committee concerned, as the case requires, and the Authority member shall not, unless the Authority or that Authority committee otherwise determines—

(a) be present during any deliberation; or

(b) take part in any decision,

of the Authority or that Authority committee with respect to the matter to which the disclosure relates.

(3) For the purpose of the making of a determination by the Authority or the Authority committee concerned, as the case requires, under subsection (2) in relation to an Authority member who has made a disclosure under subsection (1), an Authority

member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

- (a) be present during any deliberation of the Authority or that Authority committee for the purpose of making that determination; or
- (b) take part in the making of that determination by the Authority or that Authority committee.

(4) In this section—

“Authority member” includes a member of an Authority committee who is not an Authority member.

Expenses
and
allowances
of Authority
members and
members of
Authority
committees.

11. An Authority member or a member of an Authority committee shall be paid such expenses and travelling and other allowances as the Minister from time to time after consultation with the Public Service Board determines.

Division 2—Functions of Authority.

Functions of
Authority.

12. (1) Subject to this Act, the functions of the Authority are—

- (a) to collaborate and consult with secondary and post-secondary education institutions for the purposes of this Act;
- (b) to prepare guidelines for the preparation by secondary education institutions of syllabuses for subjects in which students will be assessed for purposes of certification and approve syllabuses prepared under those guidelines;
- (c) to prepare syllabuses for subjects in which students will be assessed for purposes of certification;

- (d) to accredit, for the purpose of the issue of a certificate of student performance, partially completed secondary courses taken outside the State;
- (e) to assess student performance in accordance with syllabuses prepared or approved by the Authority by such means as it thinks fit;
- (f) to prepare guidelines for the assessment of student performance by secondary education institutions and recognize such assessment to the extent it thinks fit;
- (g) to advise and confer with employers, trade unions and such other persons or bodies as the Authority thinks fit with respect to recognition by those persons and bodies of subjects, and to advise those persons and bodies with respect to levels and methods of assessment and methods of certification;
- (h) to consult with post-secondary education institutions with respect to the compilation of the tertiary entrance score, to review from time to time the effect of requirements and procedures for admission to post-secondary institutions and, if considered necessary, to report the results of such reviews to the Minister;
- (i) to provide information to post-secondary education institutions on the performance of students seeking entrance to those institutions;
- (j) to conduct and promote investigations, studies and research into matters relevant to the functions of the Authority; and
- (k) to provide such facilities relating to its functions as the Authority thinks necessary or conducive to their attainment.

(2) Subject to this Act, the Authority shall—

- (a) establish the minimum requirements for graduation from a secondary education institution and for the issue of a certificate of student performance;
- (b) on payment of the prescribed fee, if any, issue certificates of student performance to students who have completed their secondary education and met the minimum requirements established under paragraph (a);
- (c) establish a register of subjects which may be entered on a certificate of student performance;
- (d) establish and carry into effect procedures for ensuring the comparability of assessments of student performance for the purposes of certification;
- (e) prepare and maintain records of assessment made or recognized by the Authority, liaise with secondary education institutions as to the maintenance of such records as the Authority sees fit, and provide, on request and on payment of the prescribed fee, if any, a copy of his record to a student or former student or, subject to section 32, copies of student records to persons or bodies so requesting;
- (f) liaise with the Committee with respect to the Committee's functions under this Act and consider matters referred to it by the Committee.

(3) The Authority shall give effect to any written direction given to it by the Minister.

13. (1) Subject to the direction of the Minister the Authority has power to do all things necessary or convenient to be done for or in connection with the performance of its functions under this Act.

Powers of
Authority

(2) The Authority may—

(a) with the approval of the Minister, enter into arrangements with a Minister of the Crown of any State or Territory, a Minister of State of the Commonwealth, a department or an instrumentality of the Commonwealth or any State or Territory;

(b) enter into arrangements with—

(i) a post-secondary education institution; or

(ii) any other body or person having relevant specialized knowledge, experience or facilities,

with respect to the conduct of any investigation, study or research that may be necessary or desirable for the purposes of the functions of the Authority.

*Division 3—Director, Deputy Director
and other staff of Authority.*

14. (1) The Minister shall appoint—

(a) a Director of the Authority to be the chief executive of the Authority; and

(b) a Deputy Director of the Authority.

Appointment
and
conditions
of service
of Director
and Deputy
Director.

(2) Subject to this Act, the Director and the Deputy Director shall each hold office for such term, being not more than 7 years, as is specified in his instrument of appointment, but each may from time to time be re-appointed.

(3) The remuneration and allowances payable to, and the conditions of service of, the Director and the Deputy Director shall be such as are recommended by the Authority, after consultation with the Public Service Board, and approved by the Minister.

(4) If a person appointed to be Director or Deputy Director was immediately before that appointment an officer of the Public Service of the State he is entitled upon resigning his office as Director or Deputy Director or upon ceasing to be Director or Deputy Director, as the case may be, to be appointed to an office in the Public Service of the State with a classification and remuneration corresponding with that of the office he last held in the Public Service.

Functions of
Director and
Deputy
Director.

15. (1) Subject to this Act, the functions of—

- (a) the Director are, subject to the directions of the Authority, to administer the day to day operations of the Authority and generally to exercise the powers conferred, and to perform the duties imposed, on the the Director by or under this Act; and
- (b) the Deputy Director are to assist the Director in the performance of the functions of the Director and, while the office of the Director is vacant or the Director is sick, absent from duty or for any reason unable to perform his functions, to perform the functions of the Director, including his functions as Authority and Committee member.

(2) The Deputy Director is, in the event of the absence from a meeting of the Authority or the Committee of the Director, entitled to attend that meeting and when so attending, has all the functions of the Director.

16. (1) The Director or the Deputy Director may resign his office by notice in writing given in accordance with his conditions of service.

Vacation of
office by
Director and
Deputy
Director.

(2) The Minister may remove the Director or the Deputy Director from office at any time for—

- (a) mental or physical disability;
- (b) incompetence;
- (c) neglect of duty; or
- (d) misconduct,

impairing the performance of his functions and proved to the satisfaction of the Minister.

(3) The Minister shall remove the Director or Deputy Director from office if—

- (a) he is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (b) he is convicted of an indictable offence; or
- (c) he, while he is an Authority member, is absent without leave of the Authority from 4 consecutive meetings of the Authority of which he has had notice.

17. (1) The Authority may appoint such employees, either full time or part time, as it considers necessary to enable it to carry out its functions.

Appointment
of staff.

(2) Subject to any relevant award under the Industrial Arbitration Act 1979, the Authority may, after consultation with the Public Service Board and with the approval of the Minister, determine the remuneration and other terms and conditions of service of its employees.

(3) Notwithstanding section 4 (3), the Public Service Act 1978 does not apply to or in relation to an employee of the Authority.

(4) The Authority may engage under contracts for services such consultants and professional or technical or other assistance as it considers necessary to enable the Authority to exercise and perform its functions under this Act.

Use of staff
and
facilities of
Departments,
agencies and
instru-
mentalities.

18. The Authority may, by arrangement made between it and the Minister concerned, and on such terms and conditions as may be mutually arranged by it with that Minister and if appropriate with the Public Service Board, make use, either full time or part time, of—

- (a) the services of any officer or employee employed in the Public Service of the State or in a State agency or instrumentality or otherwise in the service of the Crown in right of the State; or
- (b) any facilities of a Department of the Public Service of the State or of a State agency or instrumentality.

Super-
annuation.

19. The Authority may request the Minister to whom the administration of the Superannuation and Family Benefits Act 1938 is committed to recommend to the Treasurer that the Authority be included as a corporate body in the term "department" for the purposes of that Act.

20. If the Director, Deputy Director or any other employee of the Authority, immediately prior to his appointment as such, occupied an office under the Public Service Act 1978, he shall continue to retain any existing and accruing rights and in particular his rights under the Superannuation and Family Benefits Act 1938 as if his service as Director, Deputy Director or other employee of the Authority were service as an officer under the Public Service Act 1978.

Saving of certain rights where public service officer seconded.

Division 4—Financial provisions.

21. (1) The funds available for the purpose of enabling the Authority to exercise and perform its functions under this Act consist of—

Funds of Authority.

- (a) moneys from time to time appropriated by Parliament for the purposes of this Act; and
- (b) any moneys, other than moneys referred to in paragraph (a) lawfully received by, made available to or payable to the Authority.

(2) The funds referred to in subsection (1) shall be paid into and placed to the credit of an account at the Treasury to be called the “Secondary Education Authority Account”.

(3) There shall be paid from the moneys from time to time in the Account—

- (a) interest on and repayments of moneys borrowed by or advanced to the Authority under this Act;
- (b) the expenses and travelling and other allowances payable to Authority members, members of Authority committees and members of sub-committees and the salaries, wages and allowances of the Director, the Deputy Director and employees referred to in section 17;

- (c) the expenses of the Committee or of any sub-committee in performing its functions under this Act; and
- (d) all expenditure, other than expenditure referred to in paragraphs (a) and (b), lawfully incurred by the Authority in the exercise or performance of its functions under this Act.

Borrowing by
Authority
from
Treasurer.

22. (1) The Authority may borrow from the Treasurer such amounts and for such reasons and on such conditions as to repayment and payment of interest as the Treasurer approves, and in that case the Treasurer shall make advances to the Authority out of moneys available to him for that purpose.

(2) By virtue of this subsection the Account and the assets of the Authority are charged with the due performance by the Authority of all obligations arising from any advance made under this section.

Annual
estimates of
receipts and
payments.

23. (1) The Authority shall cause annual estimates of its receipts and payments relating to the exercise and performance of its functions under this Act to be—

- (a) prepared under such headings and in such manner as the Treasurer approves or directs; and
- (b) submitted to the Minister.

(2) The Minister shall, if he approves annual estimates submitted to him under subsection (1), cause those estimates to be submitted to the Treasurer not later than a date specified by the Treasurer.

24. (1) The Authority shall—

Accounts
and audit

(a) cause to be kept proper accounts and records of its transactions and affairs under such heads as the Treasurer may from time to time direct; and

(b) do all things necessary to ensure that—

(i) all payments by the Authority are correctly made and properly authorized; and

(ii) adequate control is maintained over the assets of, or in the custody of, the Authority and over the incurring of liabilities by it.

(2) The Authority shall cause to be prepared in respect of each financial year ending on 30 June—

(a) a full, true and fair—

(i) balance sheet of its assets and liabilities; and

(ii) income and expenditure statement;

and

(b) such full, true and fair statements other than those referred to in paragraph (a) as the Treasurer from time to time directs,

in such form as the Treasurer approves, and shall submit that balance sheet and those statements to the Auditor General for audit, examination and report.

(3) On receiving the balance sheet and statements submitted to him under subsection (2), the Auditor General shall examine and audit the accounts and records of the financial transactions of the Authority and shall—

(a) forthwith draw the attention of the Minister to any irregularity disclosed by that audit that is, in the opinion of the Auditor General, of sufficient importance to justify him so doing; and

(b) report to the Minister on—

(i) whether in his opinion the balance sheet and statements submitted under subsection (2) are based on proper accounts and records;

(ii) whether in his opinion the balance sheet and statements submitted under subsection (2) are properly drawn up in accordance with the relevant generally accepted accounting standards so as to fairly present the financial transactions of the Authority for the period under review and the financial position at the end of that period;

(iii) whether in his opinion the controls exercised by the Authority are adequate to provide reasonable assurance that the receipt, expenditure and investment of moneys and the acquisition and disposal of assets have been in accordance with this Act; and

(iv) such other matters arising out of the balance sheet and statements submitted under subsection (2) as the Auditor General considers should be reported.

(4) The Auditor General has for the purposes of this Act all the powers conferred on him by the Audit Act 1904.

PART III—TERTIARY ENTRANCE
SUBJECT COMMITTEE.

25. (1) The Authority shall establish a committee to be known as the Tertiary Entrance Subject Committee.

Establish-
ment of
Tertiary
Entrance
Subject
Committee.

(2) Subject to this Act, the Committee shall comprise—

(a) an Authority member referred to in section 6 (3) (c) nominated in turn by—

- (i) the Senate of Murdoch University;
- (ii) the Senate of The University of Western Australia;
- (iii) the Council of the Western Australian College of Advanced Education; and
- (iv) the Council of The Western Australian Institute of Technology,

and appointed by the Authority to be chairman of the Committee;

(b) the Director; and

(c) not more than 16 members appointed by the Authority, representing in equal numbers secondary and post-secondary education institutions.

(3) Subject to this Act, of the Committee members appointed under subsection (2) (c) to represent secondary education—

(a) half shall be appointed on the nomination of the Director-General; and

(b) half shall be appointed on the nomination in equal numbers of—

(i) the Director of Catholic Education;
and

(ii) the Association of Independent Schools of Western Australia.

(4) Subject to this Act, the Committee members appointed under subsection (2) (c) to represent post-secondary education shall be nominated by each of the bodies referred to in subsection (2) (a) and appointed so as to represent each of those bodies in equal numbers.

(5) At least half the Committee members nominated for appointment under subsections (3) and (4) shall also be Authority members.

Deputies.

26. (1) The Authority may appoint deputies to act in the respective places of Committee members who are not Authority members and may terminate such an appointment at any time.

(2) An appointment under subsection (1) shall, subject to section 27 (2), be made on the nomination of the person or body by which the Committee member is required under section 25 (2) (a), (3) or (4), as the case requires, to be nominated.

(3) A deputy Committee member is, in the event of the absence from a meeting of the Committee of the Committee member of whom he is the deputy, entitled to attend that meeting and, when so attending, has all the functions of a Committee member.

27. (1) Where a nomination for appointment under section 25 or 26 is required to be made, the nomination shall be made to the Authority within such reasonable time after receiving notice from the Authority that such nomination is required as is specified in the notice. Nominations.

(2) If a nomination has not been made in accordance with subsection (1) within the time specified under that subsection the Authority may appoint such person as it thinks fit and a person appointed in accordance with this subsection shall hold office as if he had been nominated as required by section 25 (2) (a), (3) or (4) or section 26 (2), as the case may be.

28. (1) Subject to this Act the Committee shall— Functions of Committee.

- (a) provide a forum for consultation and collaboration between secondary and post-secondary education institutions;
- (b) consider matters referred to it by the Authority and make recommendations to the Authority on those matters;
- (c) advise the Authority as it thinks fit in relation to matters of common concern in secondary and post-secondary education;
- (d) determine, after consultation with such secondary and post-secondary education institutions as it thinks fit and subject to the approval of the Authority—
 - (i) the subjects to be assessed by secondary education institutions or the Authority for the purpose of entrance to a post-secondary education institution;
 - (ii) syllabuses for those subjects; and
 - (iii) methods of assessment and procedures for achieving comparability of assessment in those subjects; and

- (e) with the approval of the Authority, advise post-secondary education institutions on the desirability or otherwise of proposed changes to the entrance requirements of those institutions.

(2) The Committee shall have and may exercise such powers as are necessary for or incidental to the performance of its functions.

(3) The Committee shall report to the Authority on its activities at such times as the Authority directs.

Constitution and proceedings of Committee.

29. The provisions of Schedule 2 shall have effect with respect to the constitution and proceedings of the Committee.

Disclosure of pecuniary interests of Committee members.

30. (1) A Committee member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee or by a sub-committee of the Committee shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Committee or of the sub-committee, as the case requires.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Committee or of the sub-committee concerned, as the case requires, and the Committee member shall not, unless the Committee or that sub-committee otherwise determines—

- (a) be present during any deliberation; or
- (b) take part in any decision,

of the Committee or of that sub-committee with respect to the matter to which the disclosure relates.

(3) For the purpose of making a determination by the Committee or sub-committee concerned, as the case requires, under subsection (2) in relation

to a Committee member who has made a disclosure under subsection (1), a Committee member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

- (a) be present during any deliberation of the Committee or that sub-committee for the purpose of making that determination; or
- (b) take part in the making of that determination by the Committee or that sub-committee.

(4) In this section—

“Committee member” includes a member of a sub-committee who is not a Committee member.

31. A Committee or a sub-committee member shall be paid such expenses and travelling and other allowances as the Minister from time to time after consultation with the Public Service Board determines.

Expenses and allowances of Committee and sub-committee members.

PART IV—GENERAL.

32. (1) A person to whom this section applies shall not, either directly or indirectly, except in the performance of a function under or in connection with this or any other Act or as required by any other legal duty—

Secrecy.

- (a) without the written consent of the student concerned make a record of, or divulge or communicate to any person, any information concerning the affairs of the student acquired by him by reason of his office or employment under or for the purposes of this Act;
- (b) except as provided in paragraph (a), make a record of, or divulge or communicate to any person, any information acquired by him by reason of his office or employment under or for the purposes of this Act; or

- (c) except as provided in paragraph (a), produce to any person any document relating to the affairs of another person furnished for the purposes of this Act.

Penalty: \$2 500.

(2) This section applies to every person who is or has been an Authority member, a member of an Authority committee, a Committee member, a sub-committee member, the Director, the Deputy Director or an employee referred to in section 17 or a person who is rendering or has rendered services to the Authority under section 17 or 18.

Protection of
Authority
members
and others.

33. (1) No liability attaches to an Authority member, the Authority, a Committee member, the Director, the Deputy Director or an employee referred to in section 17 or any other person for any act or omission, by him or on his part or by the Authority or the Committee or on the part of the Authority or the Committee, that occurred in good faith and in the exercise, or purported exercise, of his or its powers, or in the discharge, or purported discharge, of his or its duties under this Act.

(2) In this section—

“Authority member” includes a member of an Authority Committee who is not an Authority member;

“Committee member” includes a member of a sub-committee who is not a Committee member.

Annual
report of
Authority.

34. (1) The Authority shall as soon as is practicable after 1 July in each year prepare and furnish to the Minister a report on its activities, operations and proceedings for the financial year ending on 30 June last preceding.

(2) The Minister shall cause the report furnished under subsection (1), together with copies of the relevant balance sheet and statements of the Authority and of the report of the Auditor General thereon, to be laid before each House of Parliament as soon as is practicable in each year after the receipt by him of that report and those copies.

35. The Minister may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act and, in particular with respect to— Regulations.

- (a) forms to be used and fees to be payable under this Act; and
- (b) the conduct of secondary student examinations.

36. (1) The Minister shall carry out a review of the operation of this Act 5 years after the commencement of this Act, and in the course of such review the Minister shall consider and have regard to— Review of Act.

- (a) the effectiveness of the operations of the Authority and the Committee;
 - (b) the need for the continuation of the functions of the Authority and the Committee;
- and
- (c) such other matters as appear to him to be relevant to the operation and effectiveness of this Act.

(2) The Minister shall prepare a report based on his review of the Act and shall, as soon as practicable after the preparation thereof, cause the report to be laid before each House of Parliament.

PART V—TRANSITIONAL.

Transitional.

37. (1) In this Part “former Board” means the Board of Secondary Education constituted under Part VA of the Education Act 1928.

(2) On and from the day on which this Act comes into operation—

- (a) the former Board shall cease to exist and, subject to this Act, all functions being exercised or performed immediately prior to that date by the former Board shall be exercised and performed by the Authority;
- (b) all premises occupied by or on behalf of the former Board immediately prior to that day for or in connection with the activities of the former Board shall be occupied by the Authority for or in connection with the conduct of its activities under this Act;
- (c) all property held and used for the purposes of the former Board shall be held and used by the Authority for the purposes of this Act;
- (d) all liabilities incurred by or on behalf of the former Board shall be transferred to and be borne and discharged by the Authority;
- (e) all charges, fees and moneys due and payable by or on behalf of the former Board shall be paid to and may be received, levied and recovered by the Authority;
- (f) all contracts made by the former Board or by any Minister of the Crown on behalf of the former Board shall have effect as contracts by and with the Authority and may be enforced against the Authority accordingly;
- (g) all books, documents, records and papers used by or on behalf of the former Board shall be handed over to the Authority.

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(3) A course of study approved by the former Board shall be deemed to have been approved by the Authority until such time as the Authority otherwise determines.

(4) A reference—

(a) in a written law; or

(b) in any document,

in force immediately before the day of the coming into operation of this Act, to the former Board shall be read, deemed and taken to refer to the Authority by its corporate name under this Act.

38. (1) A person who was immediately prior to the commencement of this section an employee of the former Board shall be entitled to be employed by the Authority under the provisions of this Act on the same terms and conditions of service as he was employed immediately prior to the commencement of this section.

Present employees.

(2) Where a person becomes an employee of the Authority under subsection (1)—

(a) he shall retain his existing and accruing rights and in particular his rights, if any, under the Superannuation and Family Benefits Act 1938; and

(b) for the purpose of determining those rights, his service as an employee of the former Board shall be taken into account as if it were service with the Authority.

PART VI—EDUCATION ACT 1928.

39. In this Part the Education Act 1928 is referred to as the principal Act.

Principal Act.
Reprinted as approved
19 July 1984.

40. Section 1A of the principal Act is repealed.

Section 1A repealed.

Section 3
amended.

41. Section 3 of the principal Act is amended by deleting the definition of "Board".

Section 8
amended

42. Section 8 of the principal Act is amended by deleting "the provisions of this Act, other than the provisions of Part VA" and substituting the following—

" this Act ".

Part VA
repealed.

43. Part VA of the principal Act is repealed.

SCHEDULE 1. (Section 9).

CONSTITUTION AND PROCEEDINGS OF THE AUTHORITY.

Term and
conditions of
office of
appointed
Authority
member.

1. (1) Except as otherwise provided by this Act, an appointed Authority member shall hold office for a period of 3 years.

(2) Notwithstanding subclause (1) the Minister may, on the first occasion on which appointments are made under section 6 (3), appoint persons as Authority members for a period of less than 3 years.

(3) All appointed Authority members are, unless otherwise disqualified, eligible for re-appointment, but an appointed Authority member shall not serve more than 3 consecutive terms of office unless the Minister, by reason of special circumstances, so approves.

(4) An appointed Authority member, unless he sooner dies or resigns or is removed from office, shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

Vacancies.

2. (1) A member appointed to the Authority may resign his office by notice in writing delivered to the Minister.

(2) The Minister shall remove an appointed Authority member from office if—

(a) the member, is or becomes an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;

- (b) the member is convicted of an indictable offence;
- (c) the member is absent, except with the leave of the Authority, from 4 consecutive meetings of the Authority of which he has had notice; or
- (d) the person or body nominating that member so requests.

(3) The Minister may remove an appointed Authority member from office at any time for—

- (a) mental or physical disability;
- (b) incompetence;
- (c) neglect of duty; or
- (d) misconduct,

impairing the performance of his functions and proved to the satisfaction of the Minister.

(4) If an appointed Authority members dies or resigns or is removed from office his office becomes vacant.

3. (1) The Authority chairman shall preside at all meetings of the Authority at which he is present.

Chairman,
Deputy
chairman
and
meetings.

(2) The Authority members shall from time to time as occasion arises elect one of their number to be deputy Authority chairman.

(3) The deputy Authority chairman shall hold office for a term not exceeding one year and shall be eligible for re-election.

(4) At any meeting of the Authority at which—

- (a) the Authority chairman is not present, the deputy Authority chairman shall preside;
- (b) the Authority chairman and the deputy Authority chairman are not present, the members present at the meeting shall elect a member to preside at that meeting.

(5) The first meeting of the Authority shall be convened by the Authority chairman and thereafter, subject to sub-clause (6), meetings of the Authority shall be held at such times and places as the Authority determines.

(6) A special meeting of the Authority may at any time be convened by the Authority chairman.

(7) At any meeting of the Authority, 18 Authority members constitute a quorum.

(8) At any meeting of the Authority—

(a) each Authority member present is entitled to a deliberative vote;

(b) subject to paragraph (c), if the votes cast on a question are equally divided, the question shall remain unresolved until a subsequent meeting of the Authority; and

(c) if the votes cast on a question at a previous meeting were equally divided and the votes cast on the question at a subsequent meeting are again equally divided, the question shall be deemed lost.

(9) The Authority shall cause accurate minutes to be kept of the proceedings at its meetings.

Delegation
by Authority.

4. The Authority may by resolution delegate to an Authority member, the Director, the Deputy Director, the Committee, an employee referred to in section 17 or an Authority committee, either generally or otherwise as provided by the instrument of delegation, all or any of its functions under this Act (except this power of delegation).

Authority
committees.

5. (1) The Authority may from time to time by resolution appoint a committee consisting of—

(a) such Authority members; or

(b) such Authority members and such other persons,

as it thinks fit for the purpose of assisting or advising the Authority on any aspect of the functions of the Authority and may discharge, alter, continue or reconstitute any committee so appointed.

(2) Subject to the directions of the Authority, each Authority committee may determine its own procedures.

(3) An Authority committee shall report to the Authority on a matter referred to it by the Authority within such period as the Authority directs.

Leave of
absence.

6. The Authority shall grant leave of absence to an Authority member on such terms as it thinks fit.

Authority to
determine
its own
procedures.

7. Subject to this Act, the Authority shall determine its own procedures.

SCHEDULE 2. (Section 29).

CONSTITUTION AND PROCEEDINGS OF COMMITTEE.

1. (1) Subject to subclause (2)—

- (a) the Committee chairman shall hold office for such term, being not more than 2 years, as is specified in his instrument of appointment; and
- (b) a member of the Committee appointed under section 25 (2) (c) shall hold office for such term, being not more than 3 years, as is specified in his instrument of appointment,

Term of
office of
Committee
member.

but he may from time to time be reappointed.

(2) Notwithstanding subclause (1) the Authority may at any time determine the appointment of a member of the Committee.

2. An appointed Committee member may resign his office by notice in writing delivered to the Authority.

Resignation.

3. (1) The Committee chairman shall preside at all meetings of the Committee at which he is present.

Chairman,
deputy
chairman
and
meetings.

(2) The Committee members shall from time to time as occasion arises elect one of their number to be deputy Committee chairman.

(3) The deputy Committee chairman shall hold office for a term not exceeding one year and shall be eligible for re-election.

(4) At any meeting of the Committee at which—

- (a) the Committee chairman is not present, the deputy Committee chairman shall preside;
- (b) the Committee chairman and the deputy Committee chairman are not present, the members present at the meeting shall elect a member to preside at that meeting.

(5) The first meeting of the Committee shall be convened by the Committee chairman and thereafter, subject to subclause (6), meetings of the Committee shall be held at such times and places as the Committee determines.

(6) A special meeting of the Committee may at any time be convened by the Committee chairman.

(7) At any meeting of the Committee—

- (a) each Committee member present is entitled to a deliberative vote;

(b) subject to paragraph (c) if the votes cast on a question are equally divided, the question shall remain unresolved until a subsequent meeting of the Committee; and

(c) if the votes cast on a question at a previous meeting were equally divided and the votes cast on the question at a subsequent meeting are again equally divided, the question shall be deemed lost.

(8) The Committee shall cause accurate minutes to be kept of the proceedings at its meetings and shall submit to the Authority a copy of the minutes of each meeting within 14 days of the date on which the meeting was held.

Delegation
by Com-
mittee.

4. The Committee may by resolution delegate to a Committee member, the Director, the Deputy Director, an employee referred to in section 17 or a sub-committee of the Committee, either generally or otherwise as provided by the instrument of delegation, all or any of its functions under this Act (except this power of delegation).

Sub-
committees.

5. (1) The Committee may from time to time appoint a sub-committee consisting of—

(a) such Committee members; or

(b) such Committee members and such other persons,

as it thinks fit and may discharge, alter, continue or reconstitute any committee so appointed.

(2) Subject to the directions of the Committee, each sub-committee may determine its own procedures.

Committee
to determine
own
procedures.

6. Subject to this Act and to the directions of the Authority, the Committee shall determine its own procedures.
