



ANNO TRICESIMO SECUNDO

# ELIZABETHAE II REGINAE

A.D. 1983

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No. 21 of 1983

An Act to establish an authority to be known as the "Senior Secondary Assessment Board of South Australia"; to prescribe its functions and powers; to repeal the Public Examinations Board Act, 1968, and for other purposes.

[Assented to 26 May 1983]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

## PART I

PART I

### PRELIMINARY

1. This Act may be cited as the "Senior Secondary Assessment Board of South Australia Act, 1983". Short title.

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

3. This Act is arranged as follows: Arrangement of Act.

PART I—PRELIMINARY

PART II—THE SENIOR SECONDARY ASSESSMENT BOARD  
OF SOUTH AUSTRALIA

DIVISION I—CONSTITUTION OF THE BOARD

DIVISION II—FUNCTIONS AND POWERS OF THE BOARD

PART III—MISCELLANEOUS.

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

"the Board" means the Senior Secondary Assessment Board of South Australia established under this Act:

"the former board" means the Public Examinations Board of South Australia established under the Public Examinations Board Act, 1968:

"institution" includes an institution the principal function of which is the education of students at the tertiary level:

“student” means a secondary school student, and includes any other person undertaking a course at the secondary level of education.

Repeal of Public Examinations Board Act, 1968.

Property of the former board vests in the Board.

5. The Public Examinations Board Act, 1968, is repealed.

6. (1) The property, rights and liabilities vested in or attached to the former board immediately before the commencement of this Act shall vest in or attach to the Board.

(2) A reference in an Act, regulation, rule, by-law or document to the former board shall, where the context admits, be construed as a reference to the Board.

PART II

PART II

THE SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA

DIVISION I

DIVISION I—CONSTITUTION OF THE BOARD

The Board.

7. (1) There shall be a board entitled the “Senior Secondary Assessment Board of South Australia”.

(2) The Board—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall be capable of suing and being sued.

(3) Where an apparently genuine document purports to bear the common seal of the Board, it shall be presumed in all legal proceedings, in the absence of proof to the contrary, that the document has been duly executed by the Board.

Membership of the Board.

8. (1) The Board shall consist of twenty-nine members appointed by the Governor of whom—

(a) five shall be appointed on the nomination of the Director-General of Education;

(b) two shall be appointed on the nomination of the Director-General of Technical and Further Education;

(c) two shall be appointed on the nomination of the Council of The University of Adelaide;

(d) two shall be appointed on the nomination of the Council of The Flinders University of South Australia;

(e) two shall be appointed on the nomination of the Council of the South Australian College of Advanced Education;

(f) two shall be appointed on the nomination of the Council of the South Australian Institute of Technology;

(g) one shall be appointed on the nomination of the Council of the Roseworthy Agricultural College;

(h) two shall be appointed on the nomination of the South Australian Institute of Teachers;

- (i) two shall be appointed on the nomination of the South Australian Commission for Catholic Schools;
- (j) two shall be appointed on the nomination of the South Australian Independent Schools Board Incorporated;
- (k) one shall be appointed on the nomination of the South Australian Association of State School Organisations Incorporated;
- (l) one shall be appointed on the nomination of the South Australian Association of School Parents Clubs Incorporated;
- (m) one shall be appointed on the nomination of The Federation of Parents and Friends Associations of Independent Schools of S.A.;
- (n) one shall be appointed on the nomination of The Federation of Parents and Friends Associations of South Australian Catholic Schools;
- (o) one shall be appointed on the nomination of the Chamber of Commerce and Industry, South Australia, Incorporated;
- (p) one shall be appointed on the nomination of the United Trades and Labor Council of South Australia;

and

- (q) one shall be appointed on the nomination of the Commissioner for Equal Opportunity.

(2) A member of the Board shall be appointed for such term of office, not exceeding three years, and upon such conditions, as the Governor determines and shall, upon the expiration of his term of office, be eligible for re-appointment.

(3) The Governor may appoint a person to be the deputy of a member of the Board and that person may, in the absence of the member of whom he has been appointed a deputy, act as a member of the Board.

(4) The Governor may remove a member of the Board from office for—

- (a) a breach of, or non-compliance with, the conditions of his appointment;
  - (b) mental or physical incapacity to carry out satisfactorily the duties of his office;
  - (c) neglect of duty;
- or
- (d) dishonourable conduct.

(5) The office of a member of the Board becomes vacant if—

- (a) he dies;
- (b) his term of office expires;
- (c) he resigns by written notice to the Minister;

or

- (d) he is removed from office by the Governor pursuant to subsection (4).

(6) Upon the office of a member of the Board becoming vacant, a person shall be appointed in accordance with this Act to the vacant office.

Appointment of  
Chairman and  
Deputy  
Chairman.

9. (1) The Board shall appoint one of its members to be the Chairman of the Board and another of its members to be the Deputy Chairman of the Board.

(2) The Chairman and the Deputy Chairman shall hold office for one year and, upon the expiration of their terms of office, shall be eligible for re-appointment.

Procedures, etc.,  
of the Board.

10. (1) Eighteen members of the Board shall constitute a quorum at a meeting of the Board.

(2) The Chairman of the Board shall preside at a meeting of the Board at which he is present and in his absence the Deputy Chairman shall preside at the meeting or, if neither the Chairman nor the Deputy Chairman are present, the members who are present shall decide who is to preside at the meeting.

(3) A decision carried by a majority of the votes cast by members of the Board present at a meeting shall be a decision of the Board.

(4) Each member of the Board shall be entitled to one vote on a matter arising for determination by the Board and the person presiding at a meeting of the Board shall, in the event of an equality of votes, have a second or casting vote.

(5) The Board shall cause accurate minutes to be kept of the business conducted at meetings of the Board.

(6) Subject to this Act, the procedure for the calling of meetings of the Board, and the conduct of business at meetings of the Board, shall be determined by the Board.

Validity of acts of  
Board and  
immunity of  
members.

11. (1) No act or proceeding of the Board shall be invalid by reason only of a vacancy in the office of a member, or a defect in the appointment of a member.

(2) No liability shall attach to a member of the Board for any act or omission by him, or by the Board, in good faith and in the exercise or purported exercise of his or its powers or functions or in the discharge or purported discharge of his or its duties under this Act.

(3) Any liability that would, but for subsection (2), attach to a member of the Board shall attach to the Crown.

Delegation.

12. (1) The Board may delegate any of its functions or powers—

(a) to a member or employee of the Board or to a person appointed by it to assess students;

or

(b) to a committee established by the Board under this Act.

(2) A delegation under this section—

(a) may be made subject to such conditions as the Board thinks fit;

and

(b) is revocable at will and does not derogate from the power of the Board to act in any matter itself.

Disclosure of  
interest.

13. (1) A member of the Board who is directly or indirectly interested in a contract, or proposed contract, made by, or in the contemplation of, the Board—

(a) shall, as soon as he becomes aware of the contract or proposed contract, disclose the nature of his interest to the Board;

and

(b) shall not take part in any deliberations or decision of the Board with respect to that contract.

Penalty: Five hundred dollars.

(2) A disclosure made under this section shall be recorded in the minutes of the Board.

(3) Where a member makes a disclosure of interest in respect of a contract or proposed contract in accordance with this section—

(a) the contract is not liable to be avoided by the Board on any ground arising from the fiduciary relationship between the member and Board;

and

(b) the member is not liable to account to the Board for profits derived from the contract.

14. A member of the Board shall, if the Governor thinks fit, be entitled to such allowances and expenses as may be determined by the Governor.

Allowances and expenses of members.

#### DIVISION II—FUNCTIONS AND POWERS OF THE BOARD

#### DIVISION II

15. (1) The functions of the Board are—

Functions of the Board.

(a) to prepare or approve syllabuses for subjects to be studied by students at the year twelve level of secondary education;

(b) to assess students submitting themselves for assessment in a subject studied in accordance with a syllabus prepared or approved by the Board by such means as the Board thinks fit;

(c) to recognize, if it thinks fit and to such extent as it thinks fit, assessments of students made by schools or other bodies, institutions or authorities in relation to a subject studied in accordance with a syllabus prepared or approved by the Board;

(d) to prepare and maintain records of assessments made or recognized by the Board and to provide, on request, a copy of those records to a student, or former student, or to such other person as he directs;

(e) to undertake or commission research into methods of assessing students in relation to subjects studied by them at the year twelve level of secondary education.

(2) The Board may, pursuant to subsection (1) (a), give its approval to a syllabus that a school, institution or other authority has prepared or wishes to use.

(3) The Board shall, at the request of a school, institution or other authority that wishes to prepare and submit a syllabus to the Board for approval, provide it with a statement that sets out, as far as practicable, the requirements with which the syllabus must comply and the criteria that will be applied by the Board in deciding whether to approve it.

(4) The Board shall, when preparing or approving a syllabus, designate the academic year for which the syllabus will be effective and, after an

academic year has been so designated, the Board shall not make or approve an alteration to that syllabus unless the alteration is necessary to correct an evident absurdity, or to render intelligible what would be otherwise unintelligible.

(5) The Board shall, at the request of a person who requires a copy of a syllabus prepared or approved by the Board, and on payment of the prescribed fee, supply him with a copy of the syllabus.

(6) A syllabus prepared or approved by the former board or by the Director-General of Education before the commencement of this Act for a subject to be studied in 1983, 1984 or 1985 shall, in relation to those academic years, be deemed to be a syllabus prepared or approved by the Board.

Powers of the Board.

16. For the purpose of carrying out its functions the Board may—

- (a) acquire, hold, deal with and dispose of real and personal property;
- (b) enter into any kind of contract or arrangement;
- (c) acquire or incur any other rights or liabilities;
- (d) exercise any other powers that are necessary for, or incidental to, the efficient discharge of its functions.

Committees and sub-committees.

17. (1) The Board may establish committees to advise the Board on any matter related to the administration of this Act or to carry out functions on behalf of the Board.

(2) A committee established under subsection (1) may delegate any of its functions or powers to a sub-committee established by it for that purpose.

(3) A delegation under subsection (2)—

(a) may be made subject to such conditions as the committee thinks fit;

and

(b) is revocable at will and does not derogate from the power of the committee to act in any matter itself.

(4) A person who is not a member of the Board may be appointed to be a member of a committee or a sub-committee.

Employees of the Board.

18. (1) The Board may, with the approval of the Minister and on such conditions as it thinks fit, engage such employees as are necessary to assist it in carrying out its functions under this Act.

(2) All persons who were in the employment of the former board immediately before the commencement of this Act shall, on the commencement of this Act, become employees of the Board on terms and conditions identical with the terms and conditions of their former employment with the former board and without prejudice to their existing and accruing rights in respect of their employment with the former board.

(3) The Board may make use of the services of officers of a Department of Government with the approval of the Minister administering that Department.

## PART III

## PART III

## MISCELLANEOUS

19. (1) The Board shall cause proper accounts to be kept of its financial affairs. Accounts and audit.

(2) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Board.

(3) For the purpose of an audit under subsection (2), the Auditor-General may exercise, in relation to the accounts of the Board and the members and employees of the Board, the powers that are vested in the Auditor-General by the Audit Act, 1921-1982, in respect of public accounts and accounting officers.

20. (1) The Board shall, on or before the thirty-first day of March in each year, deliver to the Minister a report of its operations during the period of twelve months that ended on the preceding thirty-first day of December. Report.

(2) The Minister shall cause a copy of the report to be laid before each House of Parliament.

21. Proceedings for an offence against this Act shall be disposed of summarily. Proceedings.

22. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes. Moneys required for this Act.

23. The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act. Regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor