CURRICULUM DEVELOPMENT CENTRE ACT 1975

No. 41 of 1975

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CURRICULUM DEVELOPMENT CENTRE ACT 1975

No. 41 of 1975

An Act to establish a Curriculum Development Centre.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

PART I-PRELIMINARY

- 1. This Act may be cited as the *Curriculum Development Centre Act* Short title. 1975.
- 2. This Act shall come into operation on a date to be fixed by Procla-Commencemation.
 - 3. In this Act, unless the contrary intention appears—

Definitions.

- "acting Chairman" means an acting Chairman of the Council appointed under sub-section 16(1);
- "acting Director" means an acting Director of the Centre appointed under sub-section 26 (1);
- "acting member" or "acting member of the Council" means an acting member of the Council appointed under sub-section 16 (2);
- "Australian Education Council" means the body, comprising Australian and State Ministers, known as the Australian Education Council;
- "Centre" means the Curriculum Development Centre established by sub-section 4 (1);
- "Chairman" means the Chairman of the Council;
- "Council" means the Curriculum Development Centre Council established by section 9;
- "curriculum project" means a project relating to the devising or development of, or research into matters relating to, school curricula or school educational materials;
- "Director" means the Director of the Centre:
- "part-time member" or "part-time member of the Council" means a member of the Council referred to in paragraph 11 (1) (b), (c), (d) or (e);
- "school" includes any institution similar to a school;
- "school curricula" includes methods and procedures for use in or in connexion with teaching or learning in schools;

- "school educational materials" means materials or equipment (including books) for use in or in connexion with teaching or learning in schools;
- "Schools Commission" means the Schools Commission established by the *Schools Commission Act* 1973.

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF CURRICULUM DEVELOPMENT CENTRE

Establishment of Centre.

- **4.** (1) There shall be an Authority by the name of the Curriculum Development Centre.
 - (2) The Centre—
 - (a) is a body corporate;
 - (b) shall have a seal; and
 - (c) may sue or be sued in its corporate name.
- (3) The seal of the Centre shall be kept in such custody as the Council directs and shall not be used except as authorized by the Council.
- (4) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Centre affixed to a document and shall presume that it was duly affixed.

Functions of Centre.

- 5. (1) The functions of the Centre are—
- (a) to devise and develop, and to promote and assist in the devising and development of, school curricula and school educational materials;
- (b) to undertake, promote and assist in research into matters related to school curricula and school educational materials;
- (c) to make available or supply school curricula and school educational materials;
- (d) to collect, assess and disseminate, and to promote and assist in the collection, assessment and dissemination of, information relating to school curricula and school educational materials;
- (e) to advise the Minister in relation to making payments under section 7 or 8; and
- (f) to do anything incidental or conducive to the performance of any of the foregoing functions.
- (2) The Centre shall perform its functions in accordance with any directions given by the Minister and shall furnish the Minister with such reports as he requires.

- 6. Subject to this Act, the Centre has power to do all things that are Powers of necessary or convenient to be done for or in connexion with the perfor- Centre. mance of its functions and, in particular, has power—
 - (a) to enter into contracts;
 - (b) to erect buildings;
 - (c) to occupy, use and control any land or building owned or held under lease by Australia and made available for the purposes of the Centre:
 - (d) to acquire, hold and dispose of real and personal property;
 - (e) to accept gifts, devises and bequests made to the Centre, whether on trust or otherwise, and to act as trustee of moneys or other property vested in the Centre upon trust; and
 - (f) to arrange for the printing and publication of, and of information relating to, school curricula and school educational materials.
- 7. (1) Subject to section 33, the Minister may authorize the pay- Grants to ment to a State, in respect of a curriculum project approved by him, of States for such amounts as he determines.

approved curriculum projects.

- (2) A payment to a State under sub-section (1) is by way of financial assistance to the State on the condition that the amount of the payment will be applied by the State, in a manner approved by the Minister, for the purposes of expenditure in connexion with the curriculum project in respect of which it is paid.
- 8. The Minister may authorize the making, on behalf of Australia, of Payments for an agreement with—
 - (a) a body or institution established in a Territory; or

(b) a person resident, or ordinarily resident, in a Territory, for or in relation to the carrying out by that body, institution or person of a curriculum project approved by the Minister, and for the making of payments by Australia to that body, institution or person, for the purposes of the agreement, on the terms and conditions contained in the agreement.

approved curriculum projects to institutions, &c., in a Territory.

PART III-THE CURRICULUM DEVELOPMENT CENTRE COUNCIL

9. There shall be a Curriculum Development Centre Council, which Establishshall be constituted as provided by sub-section 11 (1).

ment of Council.

10. (1) The function of the Council is to govern the Centre.

Function of Council.

(2) All acts and things done in the name of, or on behalf of, the Centre by the Council, or with the authority of the Council, shall be deemed to have been done by the Centre.

Membership of Council.

- 11. (1) The Curriculum Development Centre Council shall consist of—
 - (a) the Director;
 - (b) I member nominated by the Secretary to the Department of Education;
 - (c) 3 members nominated by the Australian Education Council;
 - (d) 2 members nominated by the Schools Commission; and
 - (e) such number of other members, not being less than 4 or more than 9, as is from time to time determined by the Governor-General by notice published in the *Gazette*.
- (2) The members of the Council referred to in paragraphs (1) (b), (c), (d) and (e) shall be appointed by the Governor-General as part-time members.
- (3) A part-time member of the Council shall hold office for such period, not exceeding 3 years, as the Governor-General specifies in his instrument of appointment.
- (4) The performance of the function, or the exercise of the powers, of the Council is not affected by reason of there being a vacancy or vacancies in the membership of the Council.
- (5) The appointment of a part-time member is not invalidated, and shall not be called in question, by reason of a deficiency or irregularity in, or in connexion with, his selection or appointment.

Chairman of Council.

- **12.** (1) The Governor-General shall appoint a part-time member of the Council to be the Chairman of the Council.
- (2) The member of the Council appointed as Chairman holds office as Chairman until the expiration of the period of his appointment as Chairman or until he ceases to be a part-time member, whichever happens first.

Remuneration and allowances.

- 13. (1) The Chairman and other part-time members shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration is in operation, they shall be paid such remuneration as is prescribed.
- (2) The Chairman and other part-time members shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunals Act* 1973–1974.

Resignation.

14. A part-time member may resign his office by writing signed by him delivered to the Governor-General, but the resignation does not have effect until it is accepted by the Governor-General.

- 15. (1) The Governor-General may terminate the appointment of a Termination part-time member of the Council for misbehaviour or physical or mental appointment. incapacity.
 - (2) If a part-time member—
 - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit:
 - (b) is absent, except with the approval of the Minister, from 3 consecutive meetings of the Council; or
 - (c) fails to comply with his obligations under sub-section (3),

the Governor-General shall, by notice published in the Gazette, declare that the office of that member is vacant, and thereupon the office shall be deemed to be vacant.

- (3) If a part-time member, or an acting member, is directly or indirectly interested in a contract made, or proposed to be made, by the Centre, otherwise than as a member, and in common with the other members, of an incorporated company which consists of not less than 25 persons and of which he is not a director, he 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 Council.
- (4) A disclosure under sub-section (3) shall be recorded in the minutes of the Council and the part-time member or acting member, as the case may be—
 - (a) shall not take part, after the disclosure, in any deliberation or decision of the Council with respect to the contract; and
 - (b) shall be disregarded for the purposes of constituting a quorum of the Council for any such deliberation or decision.
- 16. (1) Where there is a vacancy in the office of Chairman, or the Acting Chairman is, or is expected to be, unavailable (whether on account of illness or otherwise) to attend meetings of the Council, the Minister may appoint a part-time member to be acting Chairman of the Council until the filling of the vacancy or during the period for which the Chairman is unavailable, as the case may be.

(2) Where there is a vacancy in the office of a part-time member (other than the Chairman), or a part-time member (other than the Chairman) is acting Chairman or is, or is expected to be, unavailable (whether on account of illness or otherwise) to attend meetings of the Council, the Minister may appoint a person to be an acting member until the filling of the vacancy or during the period for which the part-time member is acting Chairman or is unavailable, as the case may be.

- (3) An acting Chairman or acting member of the Council appointed by reason of the office of Chairman or of another part-time member, as the case may be, being vacant shall not continue in office after the expiration of 12 months after the occurrence of the vacancy.
 - (4) The Minister may—
 - (a) determine the terms and conditions of appointment of a person appointed under sub-section (1) or (2); and
 - (b) at any time terminate such an appointment.
- (5) An acting member may resign his office by writing signed by him delivered to the Minister.
- (6) The validity of a decision of the Council shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under subsection (1) or (2) had not arisen or an appointment under sub-section (1) or (2) had ceased to have effect.

Meetings of Council.

- 17. (1) The Council shall hold such meetings as are necessary for governing the Centre.
- (2) The Minister or the Chairman may at any time convene a meeting of the Council.
- (3) The Chairman shall convene a meeting of the Council upon the receipt of a request in writing from not less than 3 members.
- (4) The Chairman shall preside at all meetings of the Council at which he is present.
- (5) If the Chairman is not present at a meeting of the Council, the members present shall elect 1 of their number to preside at the meeting.
- (6) At a meeting of the Council, such number of members, not being less than 6 or more than 9, as is from time to time determined by the Governor-General by notice published in the *Gazette*, constitute a quorum.
- (7) Questions arising at a meeting of the Council shall be determined by a majority of the votes of the members present and voting.
- (8) The member presiding at a meeting of the Council has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (9) In this section, a reference to the Chairman shall, if there is an acting Chairman, be read as a reference to the acting Chairman.

PART IV-THE DIRECTOR

Director.

18. There shall be a Director of the Centre.

19. The Director shall be the executive member of the Council and Duties of shall, subject to and in accordance with the directions of the Council, Director. conduct the affairs of the Centre.

20. (1) The Director shall be appointed by the Governor-General.

Appointment and term of

- (2) A person appointed as Director shall hold office for such period, not exceeding 7 years, as the Governor-General specifies in his instrument of appointment.
 - (3) A person appointed as Director is eligible for re-appointment.
- (4) A person who has attained the age of 65 years shall not be appointed or re-appointed as Director and a person shall not be appointed or re-appointed as Director for a period that extends beyond the day on which he will attain the age of 65 years.
- (5) The Director holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General.
- 21. The Director shall not engage in paid employment outside the Director not duties of his office except with the approval of the Minister.

any other work.

22. (1) The Director shall be paid such remuneration as is deter- Remunmined by the Remuneration Tribunal, but, if no determination of that ellawarea remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

- (2) The Director shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the Remuneration Tribunals Act 1973-1974.
- 23. The Minister may grant leave of absence to the Director upon Leave of such terms and conditions as to remuneration or otherwise as the absence. Minister determines.
- 24. The Director may resign his office by writing signed by him Resignation. delivered to the Governor-General, but the resignation does not have effect until it is accepted by the Governor-General.
- 25. (1) The Governor-General may terminate the appointment of Termination the Director for misbehaviour or physical or mental incapacity. appointment.
 - (2) If the Director—
 - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit:

- (b) except with the approval of the Minister, engages in paid employment outside the duties of his office;
- (c) is absent from duty, except on leave of absence granted by the Minister, for 14 consecutive days or for 28 days in any 12 months; or
- (d) in any way, otherwise than as a member, and in common with the other members, of an incorporated company which consists of not less than 25 persons and of which he is not a director, is directly or indirectly interested in a contract made or proposed to be made by or on behalf of the Centre,

the Governor-General shall, by notice published in the *Gazette* declare that the office of the Director is vacant, and thereupon the office shall be deemed to be vacant.

Acting Director.

- 26. (1) Where there is a vacancy in the office of Director, or the Director is, or is expected to be, absent from duty or from Australia, the Minister may appoint a person to be acting Director until the filling of the vacancy or during the absence, and, when a person is so acting as Director, he has the powers and the functions of the Director and may attend and vote at meetings of the Council as if he were the Director.
- (2) An acting Director appointed by reason of the office of Director being vacant shall not continue in office after the expiration of 12 months after the occurrence of the vacancy.
- (3) If a part-time member is at any time appointed acting Director, his office as a part-time member shall, during the period of his appointment under sub-section (1), be deemed to be vacant and he shall, during the period of his appointment under that sub-section, be deemed not to be a part-time member.
 - (4) The Minister may—
 - (a) determine the terms and conditions of appointment of a person appointed as acting Director; and
 - (b) at any time terminate such an appointment.
- (5) An acting Director may resign his office by writing signed by him delivered to the Minister.
- (6) The validity of an act done by a person appointed, or purporting to be appointed, as acting Director, including the attendance and voting of such a person at a meeting of the Council, shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment had not arisen or that the appointment had ceased to have effect.

- 27. (1) For the purposes of sub-sections 4 (3A) and (4) of the Super-Superannuation Act 1922-1974, the Director shall be deemed to be annuation. required by the terms of his appointment to give the whole of his time to the duties of his office.
- (2) For the purposes of the Superannuation Act 1922-1974, the termination of the appointment of the Director under sub-section 25 (1) of this Act for physical or mental incapacity shall be deemed to be retirement of the Director on the ground of invalidity.
- (3) Nothing in this Act authorizes the provision of superannuation benefits to a person appointed under this Act otherwise than under the Superannuation Act 1922–1974.
- **28.** Where a person appointed as Director was, immediately before Preservation his appointment, an officer of the Australian Public Service or a person of rights. to whom the Officers' Rights Declaration Act 1928-1973 applied—
 - (a) he retains his existing and accruing rights;
 - (b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it were service in the Australian Public Service; and
 - (c) the Officers' Rights Declaration Act 1928-1973 applies as if this Act and this section had been specified in the Schedule to that Act.

PART V-STAFF

- **29.** (1) Subject to sections 30 and 31, the staff of the Centre shall be Staff of persons appointed or employed under the *Public Service Act* 1922-1974. Centre.
- (2) The Director has all the powers of, or exercisable by, a Permanent Head under the *Public Service Act* 1922-1974 in so far as those powers relate to the branch of the Australian Public Service comprising the staff of the Centre as if that branch were a separate Department of the Australian Public Service.
- (3) For the purposes of sub-sections 25 (5) and (6) of the *Public Service Act* 1922-1974, the Director shall be deemed to be a Permanent Head.
- (4) In this section, a reference to the Director shall, if there is an acting Director, be read as a reference to the acting Director.
- **30.** The Governor-General may enter into an arrangement with the State officers Governor of a State for the services of officers or employees of the Public employees. Service of the State or of an authority of the State to be made available to the Centre.

Engagement of consultants.

- 31. (1) The Centre may, with the approval of the Minister, engage persons having suitable qualifications and experience as consultants to the Centre.
- (2) The terms and conditions of employment of persons engaged under sub-section (1) shall be such as are, with the approval of the Public Service Board, determined by the Council.

PART VI-FINANCE

Moneys payable to Centre.

- **32.** (1) There are payable to the Centre such moneys as are appropriated by the Parliament for the purposes of the Centre.
- (2) The Treasurer may give directions as to the amounts in which, and the times at which, moneys referred to in sub-section (1) are to be paid to the Centre.

Moneys to be appropriated.

33. Payments under sections 7 and 8 are payable out of moneys appropriated by the Parliament for the purposes of those sections.

Estimates.

- 34. (1) The Council shall prepare estimates, in such form as the Minister directs, of the receipts and expenditure of the Centre for each financial year and, if so directed by the Minister, for any other period specified by the Minister, and shall submit those estimates to the Minister not later than such date as the Minister directs.
- (2) Moneys shall not be expended by the Centre otherwise than in accordance with estimates of receipts and expenditure approved by the Minister.

Bank accounts.

- 35. (1) The Centre may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least 1 such account.
- (2) The Centre shall pay all moneys received by it into an account referred to in this section.
- (3) In sub-section (1) "approved bank" means the Reserve Bank of Australia or another bank for the time being approved by the Treasurer.

Borrowing by Centre prohibited.

36. The Centre shall not borrow moneys from any person.

Application of moneys.

- 37. (1) The moneys of the Centre shall be applied only—
- (a) in payment or discharge of the costs, expenses and other obligations of the Centre under this Act; and
- (b) in payment of any remuneration and allowances payable under this Act.
- (2) Notwithstanding anything contained in this Act, where a gift, devise or bequest made to the Centre is subject to conditions in relation

to the purposes for which it is to be applied, any moneys paid to the Centre as a result of the gift, devise or bequest, and any income derived from the investment of those moneys, may be applied for those purposes and subject to those conditions but not otherwise.

38. The Centre shall not, without the approval of the Minister—

Limitation on contracts,

- (a) enter into a contract under which the Centre is to pay or receive &c. an amount exceeding \$50,000 or, if a higher amount is prescribed, that higher amount; or
- (b) enter into a lease of land for a period exceeding 10 years.
- **39.** The Council shall cause to be kept proper accounts and records Proper of the transactions and affairs of the Centre and shall do all things accounts to necessary to ensure that all payments out of the moneys of the Centre are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Centre and over the incurring of liabilities by the Centre.

40. (1) The Council shall, as soon as practicable after 30 June in Annual each year, prepare and furnish to the Minister a report of the operations reports. of the Centre during that year, together with financial statements in respect of that year in such form as the Treasurer approves.

- (2) The report shall set out any directions in relation to the performance of the functions of the Centre that were given by the Minister during the period to which the report relates.
- (3) Before furnishing financial statements to the Minister, the Council shall submit them to the Auditor-General, who shall report to the Minister—
 - (a) whether the statements are based on proper accounts and records;
 - (b) whether the statements are in agreement with the accounts and records:
 - (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Centre during the year have been in accordance with this Act; and
 - (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.
- (4) The Minister shall cause the report and financial statements of the Council, together with the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.
- (5) The first report and financial statements of the Council under this section shall be furnished as soon as practicable after 30 June 1976, and shall relate to the operations of the Centre during the period that commenced at the commencement of this Act and ended on that date.

Audit.

- 41. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Centre and records relating to assets of, or in the custody of, the Centre, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.
- (2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).
- (3) The Auditor-General shall, at least once in each financial year, report to the Minister the results of the inspection and audit carried out under sub-section (1).
- (4) The Auditor-General or an officer authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Centre relating directly or indirectly to the receipt or payment of moneys, or to the acquisition, receipt, custody or disposal of assets, by the Centre.
- (5) The Auditor-General or an officer authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.
- (6) The Auditor-General or an officer authorized by him may require any person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized officer considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.
- (7) A person who contravenes sub-section (6) is guilty of an offence and is punishable, upon conviction, by a fine not exceeding \$200.

Exemption from taxation.

42. The Centre is not subject to taxation under any law of Australia or of a State or Territory.

PART VII-MISCELLANEOUS

Reports to Minister.

- **43.** The Council shall—
- (a) from time to time inform the Minister concerning the general conduct of the operations of the Centre; and
- (b) furnish to the Minister such information relating to those operations as the Minister requires.

Application of laws to Centre.

44. The Centre is not subject to any requirement, obligation, liability, penalty or disability under a law of Australia, or of a State or Territory, to which Australia is not subject.

- **45.** (1) The Minister may, at the request of the Council, appoint a Committees. committee to assist the Centre in relation to a matter specified in the request.
- (2) A committee appointed under sub-section (1) shall consist of such persons, whether members of the Council or not, as the Minister sees fit.
- (3) A committee shall make such inquiries, and furnish to the Centre such reports, in connexion with the matter in relation to which it has been appointed, as the Council directs.
- (4) Subject to the Remuneration Tribunals Act 1973-1974, a member of a committee shall be paid such remuneration and allowances as are prescribed.
- (5) A member of a committee shall hold office on such other terms and conditions as the Minister determines.
- 46. The Centre may, subject to and in accordance with any direc- Charges, &c. tions of the Minister, make such charges as it think fit for school curricula, school educational materials or other goods made available or supplied by the Centre, or for services rendered by it.
- 47. The Centre shall, in the performance of its functions, consult and Consultation co-operate with the Schools Commission, with representatives of the by Centre. States, with authorities in the Australian Capital Territory and the Northern Territory responsible for pre-school, primary or secondary education in either or both of those Territories and with bodies and authorities representing non-government schools in Australia, and may consult with such other persons, bodies and authorities as the Council thinks necessary.

48. (1) The Minister may, either generally or otherwise as provided Delegation by the instrument of delegation, by writing signed by him, delegate all or by Minister. any of his powers under this Act (except this power of delegation) to the Secretary to the Department of Education.

- (2) Where a power is so delegated, the exercise of the power by the delegate shall, for the purposes of this Act, be deemed to be the exercise of the power by the Minister.
- (3) A delegation under sub-section (1) is revocable at will and does not prevent the exercise of a power by the Minister.
- 49. The Governor-General may make regulations, not inconsistent Regulations. with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

NOTE

1. Act No. 41, 1975; assented to 27 May 1975.