



Commonwealth Schools Commission Amendment Act 1984

No. 52 of 1984

TABLE OF PROVISIONS

PART I—PRELIMINARY

Section

1. Short title
2. Commencement

PART II—REPEAL OF CURRICULUM DEVELOPMENT CENTRE ACT 1975

3. Interpretation
4. Repeal
5. Report and financial statements to be prepared
6. Audit of financial statements
7. Report and financial statements to be laid before Parliament
8. Officers' Rights Declaration Act
9. Winding up of Centre
10. Appropriation
11. Exemption from taxation

PART III—AMENDMENTS OF COMMONWEALTH SCHOOLS COMMISSION ACT 1973

12. Principal Act
13. Title
14. Insertion of heading—

PART I—PRELIMINARY

15. Insertion of new section and heading—
 - 2A. Interpretation

PART II—THE COMMONWEALTH SCHOOLS COMMISSION

16. Interpretation
17. Establishment of Commission
18. Full-time members

TABLE OF PROVISIONS—*continued*

- Section
- 19. Acting appointments
 - 20. Repeal of section 7 and substitution of new section—
 - 7. Terms and conditions of appointment
 - 21. Repeal of section 10 and substitution of new section—
 - 10. Resignation
 - 22. Functions of Commission
 - 23. Insertion of new Part, heading and section—

PART III—THE CURRICULUM DEVELOPMENT COUNCIL

- 14A. Interpretation
- 14B. Curriculum Development Council
- 14C. Acting appointments
- 14D. Terms and conditions of appointment
- 14E. Leave of absence
- 14F. Disclosure of interests
- 14G. Termination of appointment
- 14H. Resignation
- 14I. Meetings of Council
- 14K. Functions of Council
- 14L. Grants to States in connection with approved curriculum projects
- 14M. Payments for approved curriculum projects to institutions, & c., in a Territory
- 14N. Moneys to be appropriated
- 14P. Reports

PART IV—MISCELLANEOUS

- 14Q. Interpretation
- 24. Staff
- 25. Repeal of section 17 and substitution of new section—
 - 17. Committees
- 26. Annual report
- 27. Insertion of new section—
 - 17B. Delegation by Minister
- 28. Formal amendments

SCHEDULE FORMAL AMENDMENTS



Commonwealth Schools Commission Amendment Act 1984

No. 52 of 1984

**An Act to repeal the *Curriculum Development Centre Act 1975*,
to amend the *Commonwealth Schools Commission Act 1973*
to provide for the establishment of a Curriculum Development
Council and for related purposes**

[Assented to 25 June 1984]

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

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Commonwealth Schools Commission Amendment Act 1984*.

Commencement

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

PART II—REPEAL OF CURRICULUM DEVELOPMENT CENTRE ACT 1975

Interpretation

3. In this Part—

“Centre” means the Curriculum Development Centre established by sub-section 4 (1) of the repealed Act;

“relevant day” means the date of commencement of this Act;

“repealed Act” means the *Curriculum Development Centre Act 1975* as amended and in force immediately before the relevant day.

Repeal

4. The *Curriculum Development Centre Act 1975*¹ is repealed.

Report and financial statements to be prepared

5. The Minister shall, as soon as practicable after the relevant day, cause to be prepared a report of the operations of the Centre during the period that commenced at the expiration of the last period in respect of which a report of the operations of the Centre was furnished to the Minister and ended immediately before the relevant day, together with financial statements in respect of that period in such form as the Minister for Finance approves.

Audit of financial statements

6. The Minister shall cause the financial statements prepared in accordance with section 5 to be submitted 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, in the Auditor-General’s opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Centre during the period referred to in section 5 were in accordance with the repealed Act; and
- (d) as to such matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

Report and financial statements to be laid before Parliament

7. The Minister shall cause copies of the report and financial statements prepared under section 5, together with a copy of the report of the Auditor-General relating to the financial statements, to be laid before each House of the Parliament within 15 sitting days of that House after receipt by the Minister of the report of the Auditor-General.

Officers’ Rights Declaration Act

8. Where, immediately before the relevant day, the repealed *Officers’ Rights Declaration Act 1928* applied in relation to the person who was at that time the Director of the Centre, that Act continues, on and after the relevant

day, by force of this section, to apply in relation to that person as if the repealed Act had not been repealed but, on the day before the relevant day, that person had resigned the office of Director of the Centre and the resignation had been accepted by the Governor-General.

Winding up of Centre

9. (1) On the relevant day—

- (a) any rights, property or assets (including records and documents) that, immediately before that day, were vested in the Centre vest on that day, by force of this sub-section, in the Commonwealth; and
- (b) the Commonwealth becomes, by force of this sub-section, liable to pay or discharge any debts, liabilities or obligations of the Centre that existed immediately before that day.

(2) Any contract to which the Centre was a party immediately before the relevant day has effect on and after that day as if—

- (a) the Commonwealth were substituted for the Centre as a party to the contract; and
- (b) a reference in the contract to the Centre were (except in relation to matters that occurred before that day) a reference to the Commonwealth.

(3) If, immediately before the relevant day, proceedings to which the Centre was a party were pending in a court or tribunal, the Commonwealth is, on that day, by force of this sub-section, substituted for the Centre as a party to the proceedings and has the same rights in the proceedings as the party for which it is substituted.

Appropriation

10. Amounts not exceeding in the aggregate the sum of—

- (a) any moneys of the Centre that vest in the Commonwealth by force of paragraph 9 (1) (a); and
- (b) any moneys appropriated by an Act before the relevant day for expenditure on curriculum programs, being moneys that have not been paid to the Centre before the relevant day and the appropriation of which has not lapsed,

are payable out of the Consolidated Revenue Fund for the purpose of expenditure by the Department—

- (c) in the payment and discharge of debts, liabilities and obligations in respect of which the Commonwealth becomes liable by virtue of paragraph 9 (1) (b); and
- (d) in the making of payments required to be made under contracts of the kind referred to in sub-section 9 (2),

and the Consolidated Revenue Fund is appropriated accordingly.

Exemption from taxation

11. An instrument or document that the Permanent Head of the Department, or an officer of the Department authorized by the Permanent Head for the purpose, certifies to have been made, executed or given by reason of, or for a purpose connected with or arising out of, the operation of this Part is not liable to stamp duty or other tax under a law of the Commonwealth or of a State or Territory.

**PART III—AMENDMENTS OF COMMONWEALTH SCHOOLS
COMMISSION ACT 1973**

Principal Act

12. The *Commonwealth Schools Commission Act 1973*² is in this Part referred to as the Principal Act.

Title

13. The title of the Principal Act is amended by adding at the end thereof “and a Curriculum Development Council”.

Insertion of heading

14. Before section 1 of the Principal Act the following heading is inserted:

“PART I—PRELIMINARY”.

15. After section 2 of the Principal Act the following section and heading are inserted:

Interpretation

“2A. (1) In this Act, unless the contrary intention appears—

‘Australian Capital Territory’ includes the Jervis Bay Territory;

‘Commission’ means the Commonwealth Schools Commission established by sub-section 4 (1);

‘Council’ means the Curriculum Development Council established by sub-section 14B (1);

‘government school’ means a school conducted by or on behalf of the Government of a State or the Government of the Commonwealth;

‘Minister’, in relation to a State, means—

(a) except in the case of the Northern Territory—a Minister of the Crown of the State; or

(b) in the case of the Northern Territory—a person holding Ministerial office under section 36 of the *Northern Territory (Self-Government) Act 1978*;

‘non-government school’ means a school other than a government school;

‘school’ means a school or similar institution, being a school or institution at which full-time primary education or full-time secondary education, or both, is or are provided, or at which education is provided that includes full-time primary education or full-time secondary education, or both,

but does not include a school or institution conducted for the profit, direct or indirect, of an individual or individuals;

'State' includes the Northern Territory;

'Territory' does not include the Northern Territory.

“(2) Unless the contrary intention appears, a reference in this Act to schools is a reference both to government schools and to non-government schools.

“PART II—THE COMMONWEALTH SCHOOLS COMMISSION”.

Interpretation

16. Section 3 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Act” and substituting “Part”;
- (b) by omitting from sub-section (1) the definitions of “Australian Capital Territory” and “Commission”;
- (c) by omitting from sub-section (1) the definition of “financial assistance” and substituting the following definition:
 - “‘financial assistance’, in relation to a school conducted by or on behalf of the Government of the Commonwealth, includes assistance by way of expenditure of moneys by the Government of the Commonwealth for the purposes of the school;”;
- (d) by omitting from sub-section (1) the definitions of “government school”, “non-government school” and “school”; and
- (e) by omitting sub-section (2).

Establishment of Commission

17. Section 4 of the Principal Act is amended by omitting sub-section (6) and substituting the following sub-sections:

“(6) The performance of the functions of the Commission is not affected by reason only of there being a vacancy or vacancies in the membership of the Commission.

“(7) The validity of anything done by, or in relation to, a person purporting to act as a member shall not be called in question on the ground that there was a defect or irregularity in or in connection with the appointment of the person as a member.”.

Full-time members

18. Section 5 of the Principal Act is amended by omitting sub-section (3).

Acting appointments

19. Section 6 of the Principal Act is amended by inserting “, including remuneration and allowances,” after “appointment” in paragraph (6) (a).

20. Section 7 of the Principal Act is repealed and the following section is substituted:

Terms and conditions of appointment

“7. (1) A member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, shall be paid such remuneration as is prescribed.

“(2) A member shall be paid such allowances as are prescribed.

“(3) Sub-sections (1) and (2) have effect subject to the *Remuneration Tribunals Act 1973*.

“(4) A member 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. Section 10 of the Principal Act is repealed and the following section is substituted:

Resignation

“10. A person may resign the office of member or acting member by writing signed by the person delivered to the Minister.”.

Functions of Commission

22. Section 13 of the Principal Act is amended—

(a) by omitting “and the Northern Territory” from sub-section (1);

(b) by omitting paragraph (2) (c) and substituting the following paragraph:

“(c) matters in connection with the grant by the Commonwealth of financial assistance—

(i) to the States for and in respect of schools and school systems; and

(ii) to schools in the Australian Capital Territory,

including matters relevant to—

(iii) the necessity for such financial assistance to be granted by the Commonwealth;

(iv) the conditions upon which such financial assistance should be so granted; and

(v) the amount and allocation of such financial assistance so granted;” and

(c) by adding at the end of sub-section (2) the following paragraph:

“(e) matters affecting the education of handicapped children who have not attained school age.”.

23. After section 14 of the Principal Act the following Part, heading and section are inserted:

“PART III—THE CURRICULUM DEVELOPMENT COUNCIL

Interpretation

“14A. (1) In this Part, unless the contrary intention appears—

‘appoint’ includes re-appoint;

‘Australian Education Council’ means the body, comprising the Minister and Ministers of the States, known as the Australian Education Council;

‘Chairman’ means the Chairman of the Council and includes a person acting in the office of Chairman of the Council;

‘curriculum project’ means a project relating to—

(a) the devising or development of; or

(b) research into matters relating to,

school curricula or school educational materials;

‘member’ means the Chairman or another member of the Council and includes a person acting in the office of a member of the Council;

‘school curricula’ includes methods and procedures for use in or in connection with teaching or learning in schools;

‘school educational materials’ means materials or equipment (including books) for use in or in connection with teaching or learning in schools.

Curriculum Development Council

“14B. (1) There shall be a Curriculum Development Council.

“(2) The Council shall consist of—

(a) a Chairman, being a full-time Commission member;

(b) 3 members nominated by the Minister, being Commission members;

(c) such number of further members nominated by the Minister, being not more than 5, as the Minister determines by writing signed by the Minister;

(d) 2 members nominated by the Australian Education Council, being persons having expertise in curriculum development for schools;

(e) 2 further members nominated by the Australian Education Council; and

(f) a member, being the Permanent Head of, or a Deputy Secretary in, the Department.

“(3) The members shall be appointed by the Governor-General as part-time members.

“(4) Subject to this Part, a member holds office for such period not exceeding 3 years as is specified in the instrument of the member’s appointment, but is eligible for re-appointment.

“(5) The performance of the functions of the Council is not affected by reason only of there being a vacancy or vacancies in the membership of the Council.

“(6) The validity of anything done by, or in relation to, a person purporting to act as a member shall not be called in question on the ground that there was a defect or irregularity in or in connection with the nomination or appointment of the person as a member.

“(7) In sub-section (2)—

‘Commission member’ means the Chairman of the Commission or another member of the Commission;

‘full-time Commission member’ means the Chairman of the Commission or another member of the Commission appointed to be a full-time member of the Commission.

Acting appointments

“14C. (1) The Minister may appoint a person to act in the office of Chairman, or to act in the office of a member—

- (a) during a vacancy in the office of Chairman, or in the office of a member, as the case may be, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Chairman, or a member, as the case may be, is unable (whether on account of illness or otherwise) to attend meetings of the Council,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

“(3) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting in the office of Chairman or in the office of a member; and
- (b) terminate such an appointment at any time.

“(4) Where a person is acting in the office of Chairman, or in the office of a member, in accordance with an appointment made under paragraph (1) (b) and that office becomes vacant while that person is so acting, that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the day on which the vacancy occurred expires, whichever first happens.

“(5) The appointment of a person to act in the office of Chairman, or to act in the office of a member, ceases to have effect if the person resigns the appointment by writing signed by the person and delivered to the Minister.

“(6) While a person is acting in the office of Chairman, or in the office of a member, the person has and may exercise all the powers, and shall perform all the functions, of the Chairman, or of a member, as the case may be, under this Act.

“(7) The validity of anything done by, or in relation to, a person purporting to act under an appointment made under sub-section (1) shall not be called in question on the ground that the occasion for the appointment had not arisen, that there was a defect or irregularity in or in connection with the appointment, that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased.

“(8) In this section, ‘member’ does not include the Chairman.

Terms and conditions of appointment

“14D. (1) A member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, shall be paid such remuneration as is prescribed.

“(2) A member shall be paid such allowances as are prescribed.

“(3) Sub-sections (1) and (2) have effect subject to the *Remuneration Tribunals Act 1973*.

“(4) A member 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.

Leave of absence

“14E. The Minister may grant leave of absence to a member on such terms and conditions as to remuneration or otherwise as the Minister determines.

Disclosure of interests

“14F. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council shall, as soon as possible after the relevant facts have come to the member’s knowledge, disclose the nature of the interest at a meeting of the Council.

“(2) A disclosure made by a member under sub-section (1) at a meeting of the Council shall be recorded in the minutes of the meeting and the member shall not, unless the Minister or the Council otherwise determines—

- (a) be present during any deliberation of the Council with respect to a matter to which the disclosure relates; or
- (b) take part in any decision of the Council with respect to such a matter.

“(3) For the purpose of the making of a determination by the Council under sub-section (2) in relation to a member who has made a disclosure under sub-section (1), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates shall not—

- (a) be present during any deliberation of the Council for the purpose of the making of the determination; or

- (b) take part in the making by the Council of the determination.

Termination of appointment

“14G. (1) The Governor-General may terminate the appointment of a member by reason of misbehaviour or physical or mental incapacity.

“(2) If a member—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member’s creditors or makes an assignment of remuneration for their benefit;
- (b) is absent, except on leave of absence granted by the Minister, from 3 consecutive meetings of the Council; or
- (c) without reasonable excuse, fails to comply with section 14F,

the Governor-General shall terminate the appointment of the member.

Resignation

“14H. A person may resign the office of member by writing signed by the person delivered to the Minister.

Meetings of Council

“14J. (1) The Council shall hold such meetings as are necessary for the performance of its functions.

“(2) The Minister or the Chairman may at any time convene a meeting of the Council.

“(3) The Chairman shall preside at all meetings of the Council at which he is present.

“(4) In the absence of the Chairman from the meeting of the Council, the members present at the meeting shall appoint one of their number to preside.

“(5) At a meeting of the Council—

- (a) such number of members as the Minister determines by writing signed by the Minister, being not less than one-half of the number of members for the time being holding office pursuant to an appointment under section 14B, form a quorum;
- (b) all questions shall be decided by a majority of votes of the members present and voting; and
- (c) the member presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

“(6) The Council shall keep records of its meetings.

Functions of Council

“14K. (1) The functions of the Council are—

- (a) to inquire into, and to furnish information and advice to the Minister with respect to—
 - (i) matters relating to the devising and development of school curricula and school educational materials; and
 - (ii) national school curriculum issues;
- (b) to devise and develop, and to promote and assist in the devising and development of, school curricula and school educational materials;
- (c) to undertake, promote and assist in research into matters relating to school curricula and school educational materials;
- (d) to arrange for the printing and publication of, and of information relating to, school curricula and school educational materials;
- (e) to make available or supply, subject to the payment of reasonable charges, school curricula and school educational materials;
- (f) 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;
- (g) to advise the Minister in relation to—
 - (i) the exercise of the Minister’s powers under section 14L; and
 - (ii) the making of agreements under section 14M;
- (h) to act on behalf of the Commonwealth in or in connection with matters relating to school curricula or school educational materials;
- (j) to publish reports on projects being undertaken, or to be undertaken, by the Council; and
- (k) to do anything incidental or conducive to the performance of any of the foregoing functions.

“(2) In the performance of its functions, the Council shall consult and co-operate with—

- (a) the Commission;
- (b) representatives of the States;
- (c) authorities in the Australian Capital Territory responsible for primary or secondary education in that Territory; and
- (d) persons, bodies and authorities conducting non-government schools in Australia,

and may consult with such other persons, bodies and authorities as the Council thinks necessary.

“(3) The Council shall perform its functions and exercise its powers in accordance with any directions given by the Minister.

Grants to States in connection with approved curriculum projects

“14L. (1) The Minister—

- (a) may approve a curriculum project in relation to a State for the purposes of this section; and
- (b) shall, in respect of a curriculum project that the Minister has so approved in relation to a State, determine the maximum amount that will be paid to the State in connection with the curriculum project.

“(2) Subject to this section and to section 14N, there is payable to a State, by way of financial assistance, the amount necessary to reimburse the State in respect of so much of the expenditure by the State in connection with an approved curriculum project in relation to the State (including expenditure incurred before the curriculum project became an approved curriculum project in relation to the State) as does not exceed the relevant amount in relation to the curriculum project.

“(3) Payments under sub-section (2) shall be made in such amounts and at such times as the Minister determines.

“(4) A State is not entitled to a payment under sub-section (2) in relation to expenditure by the State in connection with a curriculum project unless the State has caused to be furnished to the Minister—

- (a) a statement, in accordance with a form approved by the Minister, that sets out each amount of the expenditure and summarizes the manner in which the amount was expended;
- (b) a certificate that—
 - (i) is in a form approved by the Minister;
 - (ii) is signed by a person authorized in writing for the purpose by the Minister of the State who is responsible, or principally responsible, for the administration of matters relating to education in the State; and
 - (iii) certifies that the person so authorized is satisfied after due inquiry that each amount set out in the statement referred to in paragraph (a) was expended in connection with the curriculum project; and
- (c) such further information, if any, as the Minister determines in relation to the expenditure.

“(5) Subject to this section and to section 14N, the Minister may, at such times as the Minister thinks fit, make advances to a State of such amounts as the Minister thinks fit on account of an amount that may become payable to the State under this section in relation to a curriculum project.

“(6) A payment or advance to a State under this section in relation to a curriculum project is subject to the following conditions:

- (a) that, if the Minister so determines, there will be furnished to the Minister by the State, as soon as practicable after such date as the Minister specifies, a report on the activities of the State in connection

with the curriculum project, being a report containing such particulars as are specified by the Minister;

- (b) that the State will repay to the Commonwealth, on demand by the Minister, the amount by which, at the time of the demand, the total of the amounts (including advances) paid to the State under this section exceeds the total of the amounts that have become payable to the State under sub-section (2);
- (c) such other conditions (if any) as are determined by the Minister in relation to the first-mentioned payment or advance;
- (d) that, if the Minister is satisfied that the State—
 - (i) has failed to fulfil the condition specified in paragraph (a);
 - (ii) has failed to fulfil a condition determined by the Minister pursuant to paragraph (c) in relation to the first-mentioned payment or advance; or
 - (iii) has failed to undertake the curriculum project or a part of the curriculum project,

the State will, if the Minister so determines, repay to the Commonwealth such amount (not being an amount greater than the amount of the first-mentioned payment or advance) as the Minister specifies; and

- (e) that the Minister may deduct an amount repayable by the State in accordance with the condition specified in paragraph (b) or (d) from any amount payable by the Commonwealth to the State under sub-section (2).

“(7) An amount repayable by a State to the Commonwealth in accordance with a condition provided for in sub-section (6) is a debt due by the State to the Commonwealth.

“(8) An approval given, or a determination made, under this section shall be made or given, as the case may be, and may be varied or revoked, by writing signed by the Minister.

“(9) In this section—

‘approved curriculum project’, in relation to a State, means a curriculum project in relation to which an approval under this section in relation to the State is in force;

‘relevant amount’, in relation to an approved curriculum project in relation to a State, means the amount specified in a determination in force under this section as the maximum amount that will be paid to the State under this section in respect of expenditure by the State in connection with the curriculum project.

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

“14M. The Minister may authorize the making, on behalf of the Commonwealth, of an agreement with—

- (a) a body or institution established in a Territory; or
- (b) a person resident, or ordinarily resident, in a Territory,

being an agreement—

- (c) for or in relation to the carrying out by the body, institution or person of a curriculum project approved by the Minister; and
- (d) for the making of payments by the Commonwealth to the body, institution or person for the purposes of, and on the terms and conditions contained in, the agreement.

Moneys to be appropriated

“14N. Payments (including advances) to the States under section 14L and payments under agreements made under section 14M shall be made out of moneys appropriated by the Parliament for the purposes of sections 14L and 14M.

Reports

“14P. (1) The Council shall, once in each period of 12 months commencing on 1 January and at intervals of not more than 15 months, furnish to the Minister a report containing recommendations with respect to matters relating to the Council’s functions.

“(2) The Minister shall, as soon as practicable after receiving a report furnished under sub-section (1), cause a copy of the report to be laid before each House of the Parliament.

“(3) In addition to the reports required to be furnished under sub-section (1), the Council shall furnish to the Minister such reports as the Minister requires and may furnish such other reports as the Council thinks fit.

“(4) The Council shall, at or before the time when it furnishes a report to the Minister under sub-section (1) or (3), furnish a copy of the report to the Commission and, where the Council does so, the Commission may, and shall if required by the Minister to do so, furnish to the Minister comments or advice relating to the report, or to a recommendation contained in the report.

“PART IV—MISCELLANEOUS

Interpretation

“14Q. In this Part, ‘Chairman of the Commission’ includes an acting Chairman of the Commission appointed under sub-section 6 (1).”

Staff

24. Section 15 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) The staff required to assist the Commission and the Council in the performance of their respective functions shall be persons appointed or employed under the *Public Service Act 1922*.”; and

(b) by omitting sub-sections (3) and (4) and substituting the following sub-sections:

“(3A) The Chairman of the Commission may, on behalf of the Commonwealth, engage persons to furnish advice to, or perform services for, the Council otherwise than as members of the staff referred to in sub-section (1).

“(3B) The terms and conditions of engagement of persons engaged under sub-section (3A) shall be such as are determined by the Chairman of the Commission.

“(3C) In addition to members of the staff referred to in sub-section (1) and persons engaged under sub-section (3A), the Council may be assisted by—

(a) officers and employees of authorities of the Commonwealth whose services are made available to the Council; and

(b) persons whose services are made available to the Council pursuant to arrangements made under sub-section (3D).

“(3D) The Minister may make an arrangement with the appropriate Minister of a State under which the State will, from time to time as agreed upon under the arrangement, make available a person who is an officer or employee of the State or of an authority of the State to perform services for the Council.

“(3E) An arrangement under sub-section (3D) may provide for the Commonwealth to reimburse a State with respect to the services of a person or persons to whom the arrangement relates.”.

25. Section 17 is repealed and the following section is substituted:

Committees

“17. (1) The Minister may, at the request of the Commission or of the Council, appoint a committee to assist the Commission or the Council, as the case may be, in relation to a specified matter.

“(2) A committee shall consist of such persons, whether members of the Commission or of the Council or not, as the Minister thinks fit.

“(3) Subject to the *Remuneration Tribunals Act 1973*, a member of a committee shall be paid such fees and allowances as are prescribed, and shall hold office on such other terms and conditions as the Minister determines.

“(4) A committee appointed to assist the Commission or the Council shall make such inquiries, and furnish such reports, in connection with the matter in relation to which it was appointed, as the Commission or the Council, as the case may be, directs.

“(5) In this section, ‘committee’ means a committee appointed under sub-section (1).”.

Annual Report

26. Section 17A of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-sections:

“(1) The Commission shall, as soon as practicable after 31 December in each year, prepare and furnish to the Minister a report describing—

- (a) the operations of the Commission; and
- (b) the operations of the Council,

during the year that ended on that 31 December.

“(1A) A report under sub-section (1) shall set out any directions in relation to the performance of the functions of the Council that were given by the Minister during the period to which the report relates.

“(1B) The Council shall furnish to the Commission such information relating to its operations as the Commission requires for the purpose of preparing a report under sub-section (1).”.

27. After section 17A of the Principal Act the following section is inserted:

Delegation by Minister

“17B. (1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Minister, delegate to the Chairman of the Commission all or any of—

- (a) the Minister’s powers under section 8, other than the Minister’s power to grant leave of absence to the Chairman of the Commission; and
- (b) the Minister’s powers under sections 14E, 14L and 14M and sub-section 15 (3D).

“(2) A power so delegated, when exercised by the Chairman of the Commission, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

“(3) A delegation under this section does not prevent the exercise of a power by the Minister.”.

Formal amendments

28. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 28

FORMAL AMENDMENTS

Provision	Amendment
Paragraph 4 (2) (b)	(a) Omit "four", substitute "4". (b) Omit "eleven", substitute "11".
Sub-section 4 (4)	(a) Omit "seven", substitute "7". (b) Omit "three", substitute "3".
Sub-section 5 (2)	Omit "three", substitute "3".
Sub-paragraph 9 (2) (a) (ii)	(a) Omit "fourteen", substitute "14". (b) Omit "twenty-eight", substitute "28". (c) Omit "twelve", substitute "12".
Paragraph 9 (2) (b)	Omit "three", substitute "3".
Section 11	(a) Omit "Public Service" (twice occurring), substitute "Australian Public Service". (b) Omit "1928-1969" (twice occurring), substitute "1928".
Paragraph 12 (5) (a)	(a) Omit "seven", substitute "7". (b) Omit "three", substitute "3".
Paragraph 12 (5) (b)	(a) Omit "seven", substitute "7". (b) Omit "nine", substitute "9". (c) Omit "four", substitute "4".
Paragraph 12 (5) (c)	Omit "five", substitute "5".
Sub-section 12 (6)	(a) Omit "seven", substitute "7". (b) Omit "six", substitute "6".
Sub-section 13 (2)	Omit "matters:—", substitute "matters:".
Paragraph 13 (2) (a)	Omit "The", substitute "the".
Paragraph 13 (2) (b)	Omit "The needs", substitute "the needs".
Paragraph 13 (2) (d)	Omit "Any", substitute "any".
Sub-section 15 (2)	(a) Omit "1922-1973", substitute "1922". (b) Omit "of the Public Service" (twice occurring), substitute "of the Australian Public Service".

NOTES

1. No. 41, 1975, as amended. For previous amendments, see No. 36, 1978; and No. 61, 1981.
2. No. 213, 1973, as amended. For previous amendments, see Nos. 61 and 176, 1981; and No. 39, 1983.