



Employment, Education and Training Act 1988

No. 80 of 1988

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Employment, Education and Training Act 1988

No. 80 of 1988

An Act relating to employment, education and training, and for other purposes

[Assented to 24 June 1988]

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 *Employment, Education and Training Act 1988*.

Commencement

2. This Act commences on a day to be fixed by Proclamation.

Interpretation

3. (1) In this Act, unless the contrary intention appears:

“Board” means the National Board of Employment, Education and Training established by section 6;

“Consultative Committee” means the Consultative Committee established by section 40;

“Council” means the Schools Council, the Higher Education Council, the Employment and Skills Formation Council or the Australian Research Council established by section 23;

“curricula” means courses of study, and methods and procedures, for use in or in connection with teaching or learning in schools or tertiary institutions;

“curriculum project” means a project involving:

- (a) research in relation to, or the development of, curricula or educational materials; or
- (b) the publication of educational materials;

“educational materials” means materials or equipment (including books) for use in or in connection with teaching or learning in schools or tertiary institutions;

“higher education institution” means an institution specified in Schedule 1;

“innovative project” means a project (not being a curriculum project) aimed at bringing diversity or innovation, or designed to test new approaches or techniques, in a field to which the project is relevant;

“parent body”, in relation to a committee established under Part IV, means:

- (a) if the committee has been established to assist the Board—the Board;
- (b) if the committee has been established to assist one, or more than one, Council—that Council or each of those Councils; or
- (c) if the committee has been established to assist the Board and one, or more than one, Council:
 - (i) the Board; and
 - (ii) that Council or each of those Councils;

“school” means:

- (a) a school or similar institution at which full-time primary education or full-time secondary education, or both, is or are provided; or
- (b) a school or similar institution at which education is provided that includes full-time primary education or full-time secondary education, or both;

“school system” means:

- (a) an education system that provides education at schools; or
- (b) if an education system provides education at schools and also at institutions other than schools, that system in so far as it relates to schools;

“State” includes the Northern Territory;

“State Minister” means:

- (a) a Minister of the Crown of a State other than the Northern Territory; or
- (b) a person holding ministerial office under section 36 of the *Northern Territory (Self-Government) Act 1978*;

“technical and further education” means education provided by way of a course of instruction or training that is, or that is preparatory to, a course of a kind relevant to a trade, technical or other skilled occupation or that otherwise meets educational needs, other than:

- (a) education provided at a higher education institution, not being education provided by way of a course declared by the Minister, in writing, to be a course of technical and further education; or
- (b) primary or secondary education provided by way of a full-time course in a school;

“technical and further education institution” means:

- (a) any institution (other than a higher education institution or a school) that provides technical and further education, being:
 - (i) an institution in a State conducted by or on behalf of the government of the State; or
 - (ii) an institution in a Territory (other than an institution declared by the Minister, in writing, not to be an institution to which this subparagraph applies) conducted by or on behalf of the government of the Commonwealth; or
- (b) an institution, proposed institution, body, authority or instrumentality that, by virtue of a declaration under section 5, is a technical and further education institution for the purposes of this Act;

“Territory” does not include:

- (a) the Northern Territory; or
- (b) any external Territory other than a prescribed external Territory;

“tertiary institution” means:

- (a) a higher education institution; or
- (b) a technical and further education institution.

(2) For the purposes of this Act, a residential college or a proposed residential college connected with a tertiary institution shall be deemed to be part of that institution.

Variation of Schedule

4. (1) The Minister may declare that Schedule 1 is amended in the manner specified in the declaration and the declaration shall have effect accordingly.

(2) A declaration under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

(3) For the purposes of section 8 of the *Acts Interpretation Act 1901*, a declaration under subsection (1) that amends Schedule 1 by way of repealing part of the Schedule shall be deemed to be an Act that repeals that part of the Schedule.

Declarations in relation to technical and further education institutions

5. The Minister may declare, in writing, that:

- (a) a proposed institution in Australia (other than a higher education institution or a school) specified in the declaration, being an institution at which it is proposed that technical and further education will be provided;
- (b) a body, authority or instrumentality (other than a body, authority or instrumentality conducted for the profit, direct or indirect, of an individual or individuals) specified in the declaration, being a body, authority or instrumentality that provides in Australia technical and further education; or
- (c) an institution in Australia (other than a higher education institution, a school or an institution conducted for the profit, direct or indirect, of an individual or individuals) specified in the declaration, being an institution that provides technical and further education;

is, for the purposes of this Act, a technical and further education institution.

PART II—THE NATIONAL BOARD OF EMPLOYMENT, EDUCATION AND TRAINING

Division 1—Establishment, functions and powers of Board

Establishment

6. There is established by this section a Board called the National Board of Employment, Education and Training.

Functions

7. (1) The functions of the Board are:

- (a) to inquire into, and to provide information and advice to the Minister with respect to, any matter referred to it, in writing, by the Minister, being:
 - (i) a matter relating to:
 - (A) education, other than migrant adult education;
 - (B) youth affairs;
 - (C) employment or training; or
 - (D) national research priorities or the co-ordination of research policy; or

- (ii) any other matter arising under an enactment administered by the Minister;
- (b) on its own motion, but subject to subsection (2), to inquire into, and provide information and advice to the Minister with respect to, any matter referred to in subparagraph (a) (i) or (ii);
- (c) to prepare and give reports to the Minister in accordance with section 9;
- (d) to publish, or arrange for the publication of, reports, papers and periodicals on matters dealt with by the Board in the course of the performance of its functions; and
- (e) to collect, assess and disseminate, and to promote, and assist in, the collection, assessment and dissemination of, information on matters dealt with by the Board in the course of the performance of its functions.

(2) The Board may perform a function under paragraph (1) (b) only if the performance of that function does not prejudice the performance of its functions under paragraph (1) (a).

(3) Before referring a matter to the Board under paragraph (1) (a), the Minister shall consult with the Chairperson of the Board on the matter.

(4) Without limiting the generality of the matters relating to employment, education or training that may be referred to the Board under paragraph (1) (a), those matters include:

- (a) the general development of employment, education and training policies, programs and services;
- (b) the identification of national objectives, needs and priorities in the fields of employment, education and training;
- (c) the provision of assistance for persons having difficulty in obtaining employment, education or training;
- (d) the encouragement of a greater level of involvement in education and training on the part of the business and industrial sectors;
- (e) the creation and development of educational materials and curricula;
- (f) the education of handicapped children who have not attained school age;
- (g) the overall allocation of financial assistance by the Commonwealth in respect of:
 - (i) higher education;
 - (ii) technical and further education;
 - (iii) school systems and schools;
 - (iv) employment programs and services; or
 - (v) skills formation;
- (h) the provision of assistance to persons participating in employment, education or training programs;
- (j) the provision of employment services;

- (k) the granting of financial assistance under Part VII in respect of innovative or curriculum projects;
- (m) the promotion of informed public debate on matters relating to education, employment or training through the involvement of employers, trade unions and the community.

(5) Without limiting the generality of the matters relating to national research priorities or the co-ordination of research policy that may be referred to the Board under paragraph (1) (a), those matters include:

- (a) the identification of areas in which research should be carried out as a matter of priority;
- (b) encouraging and facilitating the application or utilisation, in a manner beneficial to the country, of the outcomes of research;
- (c) the identification of areas of research that will contribute directly to the economic or social development of Australia;
- (d) stimulating a greater awareness of the necessity for research;
- (e) making a more effective use of the skills and resources available in the community for research;
- (f) the overall allocation of financial assistance by the Commonwealth in respect of research;
- (g) policies relating to the grant of scholarships, fellowships, and other research grants under schemes administered by the Minister.

(6) The functions of the Board under subsection (1) do not extend to inquiring into, and providing information and advice with respect to, the making of particular grants of assistance under a scheme referred to the Australian Research Council under paragraph 27 (1) (a).

(7) In the performance of its functions under this section, the Board:

- (a) may consult with:
 - (i) the Consultative Committee; and
 - (ii) such persons, bodies or authorities as the Board thinks necessary; and
- (b) shall have regard to any advice given by a Counsellor to the Board under section 57.

Directions and guidelines in relation to performance of functions

8. (1) The Minister may, in writing, give directions or set out guidelines regarding the broad social, economic and budgetary priorities to be taken into account by the Board in the performance of its functions and the Board shall follow any such directions or guidelines as existing from time to time.

(2) The Minister shall, as soon as practicable, cause a copy of any directions or guidelines given under subsection (1) to be laid before each House of the Parliament.

Reports

9. (1) The Board shall, as soon as practicable, after the end of each financial year, prepare and give to the Minister a report on the operations of the Board and of the Councils during that year.

(2) Without limiting the matters that may be included in a report under subsection (1), such a report shall include information with respect to:

- (a)** the matters referred by the Minister to the Board, the reports prepared by the Board with respect to those matters and the persons, bodies and authorities (if any) consulted by the Board in preparing those reports;
- (b)** the matters referred by the Minister or the Board to each Council, the reports prepared by each Council with respect to those matters and the persons, bodies and authorities (if any) consulted by each Council in preparing those reports;
- (c)** the matters in relation to which the Board gave information and advice to the Minister on its own motion;
- (d)** the matters on which the Board consulted with, or received information or advice from, the Consultative Committee.

(3) The Consultative Committee or a Council shall, on being so requested by the Board, furnish to the Board any information relating to its operations that the Board requires to prepare a report referred to in subsection (1).

(4) In addition to the report referred to in subsection (1), the Board shall give to the Minister such reports relating to the performance of its functions as the Minister requires and may give such other reports as the Board thinks fit.

(5) Without limiting subsection (4), the Board shall, at such times and in respect of such periods as the Minister directs, give to the Minister reports on the matters referred to it by the Minister.

(6) Where, in the course of preparing a report referred to in subsection (4) or (5), the Board has received advice from a Council in relation to a matter included in the report, the report shall include:

- (a)** a copy of the advice; or
- (b)** if the Board considers it more appropriate that only a summary of the advice be included—such a summary prepared by the Council.

(7) The Board shall furnish to the Minister comments on any matter contained in any advice from a Council a copy, or a summary, of which is included in a report made by the Board to the Minister.

(8) The Minister shall cause a copy of each report given under subsection (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister received the report.

(9) The Minister shall cause a copy of each report given under this section other than a report given under subsection (1), to be laid as soon as practicable before each House of the Parliament.

Powers

10. The Board has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

Division 2—Constitution and Meetings of the Board

Membership of the Board

11. (1) The Board shall consist of not more than 13 members of whom not more than 5 may be appointed on a full-time basis.

(2) Of the members:

- (a) 2 shall be persons having expertise or experience in matters relating to trade unions;
- (b) 2 shall be persons having expertise or experience in matters relating to business or industry; and
- (c) at least 7 shall be persons having expertise or experience in matters relating to education, training, science or technology.

(3) A member:

- (a) shall be appointed by the Governor-General;
- (b) holds office for such period, not exceeding:
 - (i) in the case of a full-time member—5 years; or
 - (ii) in the case of a part-time member—3 years;as is specified in the instrument of appointment; and
- (c) is eligible for re-appointment.

(4) The Governor-General shall appoint:

- (a) one of the members to be the Chairperson of the Board; and
- (b) another of the members to be the Deputy Chairperson of the Board;

but a member who has held office as Chairperson on a full-time basis is not eligible for appointment to that office.

(5) The Chairperson and the Deputy Chairperson may be appointed either on a full-time or on a part-time basis.

(6) An officer or employee of the Department or of the Department of Aboriginal Affairs may not hold office as a part-time member of the Board.

(7) A person appointed as Counsellor under section 57 may be appointed to be a part-time member of the Board.

Terms and conditions not provided for by this Act

12. A member holds office on such terms and conditions (if any), in respect of matters not provided for by this Act, as are determined in writing by the Governor-General.

Age qualification

13. A person who has attained the age of 65 years shall not be appointed as a full-time member of the Board and a person shall not be appointed as such a member for a period that extends beyond the day on which the person will attain the age of 65 years.

Defective appointment not invalid

14. The appointment of a person as a member of the Board is not invalid because of a defect or irregularity in connection with the appointment.

Outside employment

15. (1) A member of the Board appointed on a full-time basis shall not, except with the approval of the Minister, engage in paid employment outside the duties of the office of the member.

(2) A member of the Board appointed on a part-time basis shall not engage in any paid employment that, in the opinion of the Minister, conflicts with the proper performance of the functions of the member.

Remuneration and allowances

16. (1) The Chairperson, the Deputy Chairperson and the other members of the Board 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, the members shall be paid such remuneration as is prescribed.

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

(3) Subsections (1) and (2) have effect subject to the *Remuneration Tribunals Act 1973*.

Leave of absence

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

Resignation of office

18. (1) The Chairperson, or Deputy Chairperson, of the Board may resign his or her office by writing signed by him or her and delivered to the Governor-General.

(2) A member of the Board (other than the Chairperson or Deputy Chairperson) may resign his or her office by writing signed by the member and delivered to the Governor-General.

Retirement from office

19. The Governor-General may, with the consent of the member, retire a member of the Board from office on the ground of invalidity.

Termination of appointment

20. (1) The Governor-General may terminate the appointment of a member of the Board for misbehaviour or physical or mental incapacity.

(2) If a member of the Board:

- (a)** becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for the benefit of those creditors;
- (b)** fails, without reasonable excuse, to comply with an obligation imposed by section 60;
- (c)** being a member appointed on a full-time basis:
 - (i)** engages, without the approval of the Minister in any paid employment outside the duties of the office of the member; or
 - (ii)** except on leave of absence granted under section 17, is absent from duty, for a reason other than the illness of the member, for 14 consecutive days or for 28 days in any period of 12 months; or
- (d)** being a member appointed on a part-time basis:
 - (i)** engages in any paid employment that, in the opinion of the Minister, conflicts with the proper performance of the functions of the member; or
 - (ii)** is absent, except on leave of absence granted under section 17, from 3 consecutive meetings of the Board;

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

Acting appointments

21. (1) The Minister may appoint the Deputy Chairperson of the Board, or the member appointed to act as Deputy Chairperson, to act as Chairperson of the Board:

- (a)** during a vacancy in the office of Chairperson, whether or not an appointment has previously been made to the office; or
- (b)** during any period, or during all periods, when the Chairperson is absent from duty or from Australia or is, for any reason, unable to perform the duties of the office of Chairperson;

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

(2) The Minister may appoint a member of the Board to act as Deputy Chairperson of the Board:

- (a)** during a vacancy in the office of Deputy Chairperson, whether or not an appointment has previously been made to the office; or
- (b)** during any period, or during all periods, when the Deputy Chairperson is absent from duty or from Australia or is, for any

reason, unable to perform the duties of the office of Deputy Chairperson;

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

(3) The Minister may appoint a person to act as a member of the Board other than the Chairperson or Deputy Chairperson:

- (a) during a vacancy in the office of that member, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when such a member is absent from duty or from Australia or is, for any other reason (including the reason that the member is acting as the Chairperson or Deputy Chairperson), unable to perform the duties of the office of member;

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

(4) Anything done by or in relation to a person purporting to act under subsection (1), (2) or (3) is not invalid on the ground that:

- (a) the occasion for the person's appointment had not arisen;
- (b) there was a defect or irregularity in connection with the person's appointment;
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

Meetings

22. (1) The Minister or the Chairperson of the Board shall convene such meetings of the Board as the Minister or Chairperson considers necessary for the efficient performance of the Board's functions.

(2) Meetings shall be held at such places as the Chairperson determines.

(3) The Chairperson shall preside at all meetings at which he or she is present.

(4) Where the Chairperson is not present at a meeting:

- (a) if the Deputy Chairperson is present at the meeting—the Deputy Chairperson shall preside at the meeting; or
- (b) if paragraph (a) does not apply—the members present shall appoint one of their number to preside at the meeting.

(5) Subject to this Act, the person presiding at a meeting may give directions regarding the procedure to be followed at or in connection with that meeting.

(6) At a meeting:

- (a) a majority of the members appointed to the Board constitute a quorum;

- (b) all questions shall be decided by a majority of votes of the members present and voting; and
- (c) the person presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(7) Where a member is not present during any deliberation of the Board with respect to a matter because the member is precluded under subsection 60 (2) from being so present, then, for the purposes of ascertaining whether the members present during that deliberation constitute a quorum of the Board, the first-mentioned member shall be deemed to be present during that deliberation.

(8) Where a majority of the members of the Board sign a document containing a statement that they are in favour of a resolution in terms set out in the document, a resolution in those terms shall be deemed to have been passed at a duly constituted meeting of the Board held on the day on which the document was signed, or, if the members sign the document on different days, on the last of those days.

(9) For the purposes of subsection (8), 2 or more separate documents containing statements in identical terms each of which is signed by one or more members shall together be deemed to constitute one document containing a statement in those terms signed by those members on the respective days on which they signed the separate documents.

(10) A person other than a member, may with the approval of the Board, take part in the deliberations at a meeting of the Board but such a person is not entitled to vote on any question arising for decision at the meeting.

(11) The Board shall keep records of its meetings.

PART III—COUNCILS

Division 1—Establishment, Functions and Powers of Councils

Establishment

23. There are established by this section 4 councils, namely:

- (a) the Schools Council;
- (b) the Higher Education Council;
- (c) the Employment and Skills Formation Council; and
- (d) the Australian Research Council.

Functions of the Schools Council

24. (1) The functions of the Schools Council are:

- (a) to inquire into, and to provide information and advice to the Board with respect to, any matter referred to the Council by the Minister or the Board, being:

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- (i) a matter relating to schools or to primary or secondary education and, in particular, but without limiting the generality of the foregoing, a matter relating to:
 - (A) the general development of primary and secondary education in schools;
 - (B) the marketing overseas of primary or secondary education programs developed in Australia;
 - (C) the establishment of the priorities to be given in dealing with the needs of primary and secondary schools in respect of buildings, equipment, staff and other facilities;
 - (D) the funding, planning and implementation of programs aimed at meeting such priorities referred to in sub-subparagraph (C) as have been, or may be, established; or
 - (E) the granting of financial assistance by the Commonwealth in respect of school systems and schools;
 - (ii) a matter relating to the education of handicapped children who have not attained school age; or
 - (iii) any other matter on which information or advice may reasonably be required by the Minister or the Board in conjunction with information or advice in respect of a matter referred to in subparagraph (i) or (ii);
- (b) on its own motion, but subject to subsection (3), to inquire into, and provide information and advice to the Board with respect to, any matter referred to in subparagraph (a) (i), (ii) or (iii).

(2) In the exercise of its functions, the Schools Council shall have regard to such matters as are relevant, including the need for improving primary and secondary educational facilities in Australia and of providing increased and equal opportunities for education in government and non-government schools in Australia and the need for ensuring that the facilities provided in all schools in Australia, whether government or non-government, are of the highest standard, and, in particular, shall have regard to:

- (a) the primary obligation, in relation to education, for governments to provide and maintain government school systems that are of the highest standard and are open, without fees or religious tests, to all children;
- (b) the prior right of parents to choose whether their children are educated at a government school or at a non-government school;
- (c) the educational needs of handicapped children and handicapped young persons;
- (d) the needs of disadvantaged schools and of students at disadvantaged schools, and of other students suffering disadvantages in relation to

education for social, economic, ethnic, geographic, cultural, lingual or similar reasons;

- (e) the need to encourage diversity and innovation in education in schools and in the curricula of schools;
- (f) the need to stimulate and encourage public and private interest in, and support for, improvements in primary and secondary education and in schools and school systems;
- (g) the desirability of providing special educational opportunities for students who have demonstrated their ability in a particular field of studies, including scientific, literary, artistic or musical studies; and
- (h) the need, in relation to primary and secondary education and in schools and school systems, to promote the economic use of resources.

(3) The Council may perform a function under paragraph (1) (b) only if the performance of that function does not prejudice the performance of its functions under paragraph (1) (a).

Functions of the Higher Education Council

25. (1) The functions of the Higher Education Council are:

- (a) to inquire into, and to provide information and advice to the Board with respect to, any matter referred to the Council by the Minister or the Board, being:
 - (i) a matter relating to higher education and, in particular, but without limiting the generality of the foregoing, a matter relating to:
 - (A) the general development of higher education in Australia;
 - (B) the marketing overseas of higher education programs developed in Australia;
 - (C) the establishment of the priorities to be given in dealing with the needs of higher education institutions and other institutions providing higher education in respect of buildings, equipment, staff and other facilities;
 - (D) the funding, planning and implementation of programs aimed at meeting such priorities referred to in sub-subparagraph (C) as have been, or may be, established; or
 - (E) the granting of financial assistance by the Commonwealth in respect of higher education institutions and other institutions offering higher education; or
 - (ii) any other matter on which information or advice may reasonably be required by the Minister or the Board in conjunction with information or advice in respect of a matter referred to in subparagraph (i);

- (b) on its own motion, but subject to subsection (2), to inquire into, and provide information and advice to the Board with respect to, any matter referred to in subparagraph (a) (i) or (ii).

(2) The Council may perform a function under paragraph (1) (b) only if the performance of that function does not prejudice the performance of its functions under paragraph (1) (a).

Functions of the Employment and Skills Formation Council

26. (1) The functions of the Employment and Skills Formation Council are:

- (a) to inquire into, and to provide information and advice to the Board with respect to, any matter referred to the Council by the Minister or the Board, being:
 - (i) a matter relating to employment, technical and further education or the formation of skills and, in particular, but without limiting the generality of the foregoing, a matter relating to:
 - (A) employment policies, programs or services;
 - (B) the general development of technical and further education;
 - (C) the marketing overseas of technical and further education programs developed in Australia;
 - (D) the establishment of the priorities to be given in dealing with the needs of technical and further education institutions or other institutions providing technical and further education in respect of buildings, equipment, staff and other facilities;
 - (E) the funding, planning and implementation of programs aimed at meeting such priorities referred to in subparagraph (D) as have been, or may be, established;
 - (F) the granting of financial assistance by the Commonwealth to technical and further education institutions and other institutions offering technical and further education;
 - (G) policies, programs, or services, for the formation of skills; or
 - (H) the promotion of effective training in the business and industrial sectors; or
 - (ii) any other matter on which information or advice may reasonably be required by the Minister or the Board in conjunction with information or advice in respect of a matter referred to in subparagraph (i);
- (b) on its own motion, but subject to subsection (2), to inquire into, and provide information and advice to the Board with respect to, any matter referred to in subparagraph (a) (i) or (ii).

(2) The Council may perform a function under paragraph (1) (b) only if the performance of that function does not prejudice the performance of its functions under paragraph (1) (a).

Functions of the Australian Research Council

27. (1) The functions of the Australian Research Council are:

- (a) to make recommendations to the Minister with respect to:
 - (i) the distribution of resources allocated to any research scheme referred, in writing, to the Council by the Minister for the purposes of this section; and
 - (ii) the administrative and other costs directly associated with that scheme;
- (b) to inquire into, and to provide information and advice to the Board with respect to, any matter referred to the Council by the Minister or the Board, being:
 - (i) a matter relating to national research priorities or the co-ordination of research policy and, in particular, but without limiting the generality of the foregoing, a matter relating to:
 - (A) the support to be given to fundamental research and to research that will contribute directly to the economic or social development of Australia;
 - (B) the development and implementation of research programs, or the establishment and maintenance of special research centres or key centres of teaching and research, by institutions and the allocation of funds to achieve an appropriate concentration of research effort in institutions;
 - (C) measures (including the implementation of programs for post-graduates and the grant of post-graduate scholarships) aimed at enhancing the training of research personnel; or
 - (D) measures aimed at improving interaction among the higher education sector, the private research sector, the government research sector and the industrial sector; or
 - (ii) any other matter on which information or advice may reasonably be required by the Minister or the Board in conjunction with information or advice in respect of a matter referred to in subparagraph (i);
- (c) on its own motion, but subject to subsection (3), to inquire into, and provide information and advice to the Board with respect to, any matter referred to in subparagraph (b) (i) or (ii).

(2) Any recommendation made by the Council under paragraph (1) (a) shall be in writing and the Council shall, as soon as practicable, send a copy of the recommendation to the Board.

(3) The Council may perform a function under paragraph (1) (c) only if the performance of that function does not prejudice the performance of its functions under paragraphs (1) (a) or (b).

Co-operation between Councils

28. Where 2 or more Councils are each required under this Part to provide information or advice to the Board on a matter that has been referred to it by the Minister or the Board, those Councils may co-operate in providing to the Board the information or advice that each is required so to provide.

Directions and guidelines etc. to Councils

29. (1) The Board may, by notice in writing to a Council, give directions or furnish guidelines to that Council with respect to the performance of the functions of the Council.

(2) Nothing in subsection (1) authorises the Board to give directions, or furnish guidelines, to the Australian Research Council in relation to the making of particular grants of assistance under a scheme referred to the Council under paragraph 27 (1) (a).

(3) A Council shall comply with any direction or guideline given or furnished to it under subsection (1).

(4) In the performance of its functions under this Part, a Council shall have regard to any advice given by a Counsellor to the Council under section 57.

Reports by Councils

30. (1) Where a Council gives advice to the Board under this Part, the Board shall, as soon as practicable, send to the Minister:

- (a) a copy of the advice; or
- (b) if the Board considers it more appropriate that only a summary of the advice be given to the Minister—such a summary prepared by the Council;

together with written comments in respect of the advice.

(2) The Minister shall cause a copy of each advice or summary of advice and of the written comments sent to him or her under subsection (1) to be laid as soon as practicable before each House of the Parliament.

Powers

31. (1) A Council has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

- (2) Without limiting the generality of subsection (1), a Council:
 - (a) may invite members of the public to make comments or submissions in relation to any matter referred to the Council by the Board or the Minister; and

- (b) may consult with the Consultative Committee and such persons, bodies or authorities as the Council thinks necessary.

Division 2—Constitution and Meetings of Councils

Membership

32. (1) Each Council shall consist of not less than 9 and not more than 11 members appointed by the Governor-General on a part-time basis, 2 of whom shall be chosen from the members of the Board.

(2) In the case of the Schools Council and of the Higher Education Council, at least one of the members of the Board appointed to be members of the Councils shall be a full-time member of the Board.

(3) Where:

- (a) the Board is of the opinion that it will be to the advantage of the Council to have as one of its members an officer or employee of the Australian Public Service; and
- (b) the Board makes a request to the Minister for the appointment of such an officer or employee as a member of the Council;

the Minister may appoint:

- (c) such an officer or employee; or
- (d) any person who from time to time holds a particular office, or performs particular duties, in the Australian Public Service;

to be a member of the Council.

(4) The Governor-General shall appoint:

- (a) in the case of the Schools Council and of the Higher Education Council—the member, or a member, of the Council who is also a full-time member of the Board to be the Chairperson of the Council;
- (b) in the case of each of the other Councils—a member of the Council who is also a member of the Board to be the Chairperson of the Council; and
- (c) in every case—another member of the Council to be the Deputy Chairperson of the Council;

but a member of the Council who has held office as Chairperson of that Council is not eligible for appointment to that office.

(5) A member of a Council who is not a member of the Board:

- (a) shall be appointed for such period, not exceeding 3 years, as is specified in the instrument of appointment; and
- (b) is eligible for re-appointment.

(6) A member of the Board appointed to be a member of a Council:

- (a) remains a member of that Council for so long as he or she continues to be a member of the Board; and
- (b) is eligible for re-appointment as a member of that Council if re-appointed as a member of the Board.

(7) A person appointed as Counsellor under section 57 may be appointed to be a member of a Council.

Acting appointments

33. (1) A person appointed to act as a member of the Board shall, if the member in whose place the person is acting is also a member of a Council, act as a member of the Council while the person is acting as a member of the Board.

(2) The Minister may appoint a person to act as a member of a Council (other than a member who is also a member of the Board):

- (a) during a vacancy in the office of that member, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when that member is absent from duty or from Australia or is, for any other reason (including the reason that the member is acting as the Chairperson), unable to perform the duties of the office of member;

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

(3) Anything done by or in relation to a person purporting to act under subsection (1) or (2) is not invalid on the ground that:

- (a) the occasion for the person's appointment had not arisen;
- (b) there was a defect or irregularity in connection with the person's appointment;
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

Powers of Chairperson of the Board with respect to meetings

34. The Chairperson of the Board may attend any meeting of a Council of which he or she is not a member and take part in any deliberations at that meeting but he or she is not entitled to vote on any question arising for decision at that meeting.

Application of Division 2 of Part II to Councils

35. (1) Subject to this section, Division 2 (other than section 11, subsection 15 (1), paragraph 20 (2) (c) and section 21) of Part II applies to each of the Councils as if:

- (a) any reference in that Division to the Board were a reference to that Council; and
- (b) the reference in subsection 22 (1) to the Minister were a reference to the Board.

(2) The Minister may, at any time and for any reason, terminate the appointment of a member appointed under subsection 32 (3).

PART IV—COMMITTEES

Establishment etc. of committees

36. (1) The Minister may, on being so requested in writing by the Board, establish a committee to assist:

- (a) the Board;
- (b) such Councils as are specified in the request; or
- (c) the Board and such Councils as are specified in the request;

in carrying out its functions or their functions in relation to such matters as are approved by the Minister.

(2) The Minister may, at any time, on his or her own motion or at the request of the Board, dissolve a committee established under this section.

Membership

37. (1) A committee shall consist of such number of members as are appointed by the Board with the approval of the Minister.

(2) A committee may:

- (a) consist wholly of persons who are members of its parent body or any of its parent bodies; or
- (b) comprise at least one person referred to in paragraph (a) and persons other than persons referred to in that paragraph.

(3) A member of a committee:

- (a) holds office for such period as is specified in the instrument of appointment; and
- (b) is eligible for re-appointment.

(4) A member of a committee may resign office by writing signed by the member and delivered to the Board.

(5) The Board may, at any time, with the approval of the Minister, terminate the appointment of a member of a committee.

Functions

38. The functions of a Committee established to assist one, or more than one, parent body in connection with any matter are to make such inquiries and give such reports, with respect to that matter, as its parent body, or any of its parent bodies, directs.

Terms and conditions of appointment

39. A member of a committee holds office on such terms and conditions (if any), in respect of matters not provided for by this Act (including remuneration and allowances), as are determined in writing by the Minister.

PART V—THE COMMONWEALTH/STATE CONSULTATIVE COMMITTEE

Division 1—Establishment, functions and powers of Consultative Committee

Establishment of Consultative Committee

40. There is established by this section a committee called the Commonwealth/State Consultative Committee.

Functions of the Committee

41. The functions of the Consultative Committee are, either on its own motion or as requested by the Board or a Council, to give information and advice to the Board and to any of the Councils with respect to matters relating to the policies and priorities of the Commonwealth and of each State in the fields of employment, education, training and research.

Powers

42. The Consultative Committee has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

Division 2—Constitution and Meetings of Consultative Committee

Membership

43. (1) The Consultative Committee shall consist of:

- (a) the Secretary of the Department who shall be the Chairperson of the Committee;
- (b) a person appointed by the Minister responsible for the administration of the Australian Capital Territory; and
- (c) 7 other persons, being the persons appointed in accordance with subsection (2).

(2) The relevant Minister for each State shall appoint a person to be a member of the Consultative Committee.

(3) An appointed member of the Consultative Committee:

- (a) holds office for such period as is specified in the instrument of appointment; and
- (b) is eligible for re-appointment.

(4) A person may not be at the same time a member of the Board and a member of the Consultative Committee.

(5) In this section:

“relevant Minister”, in relation to a State, means:

- (a) the Minister of that State responsible for matters relating to employment, education and training; or

- (b) if responsibility for the matters referred under paragraph (a) is shared between 2 or more Ministers of that State—the Minister among them declared in writing by the Premier or Chief Minister of that State to be the relevant Minister for that State.

Termination of appointment

44. The appointment of a member of the Consultative Committee may be terminated, at any time, by the Minister, or State Minister, who appointed the member.

Resignation

45. An appointed member of the Consultative Committee may resign office by writing signed by the member and delivered to the Minister, or State Minister, who appointed the member.

Substitute members

46. (1) The Secretary may, in relation to his or her membership of the Consultative Committee, appoint persons to be substitutes for him or her.

(2) The Minister, or State Minister, who appointed a member of the Consultative Committee may appoint other persons to be substitutes for that member.

(3) A person appointed to be a substitute for a member of the Consultative Committee may be authorised:

- (a) to replace the member at any meeting of the Consultative Committee or at such meetings of the Committee as are specified in the instrument of appointment; and
- (b) to exercise, at any meeting at which the person is authorised to replace the member, the rights of the member in relation to all matters raised at the meeting or in relation to such matters as are specified in the instrument of appointment.

Meetings

47. (1) The Consultative Committee shall hold such meetings as are necessary for the efficient performance of its functions.

(2) The Minister, or the Chairperson of the Committee, may at any time, convene a meeting of the Committee.

(3) The Chairperson of the Committee shall, on receiving a written request to this effect signed by not less than 5 members, convene a meeting of the Committee.

(4) Meetings shall be held at such times and places as the Chairperson of the Committee determines.

(5) The Chairperson shall preside at all meetings at which he or she is present.

(6) Where the Chairperson is not present at a meeting, the members present shall appoint one of their number to preside at the meeting.

(7) A member and any number of substitutes for the member authorised to exercise the rights of the member in relation to a matter raised at a meeting may be present at the meeting and take part in the deliberations in respect of that matter but only one of them is entitled to vote on any question to be decided in relation to that matter.

(8) At a meeting, 5 members constitute a quorum.

(9) Subject to this Act, the Committee may determine the procedure to be followed at or in connection with its meetings.

(10) The Committee shall keep records of its meetings.

PART VI—COMMONWEALTH EMPLOYMENT SERVICE

Commonwealth Employment Service

48. There shall be, within the Department, a Commonwealth employment service.

National Director

49. (1) There shall be a National Director of the Commonwealth employment service.

(2) The Secretary of the Department shall be the National Director.

Advisory committees

50. (1) The Minister may establish:

- (a) a national committee;
- (b) a committee for a State or a Territory, to be called the regional committee for that State or Territory; or
- (c) a committee for a district, town or other place in a State or Territory, to be called the local committee for that district, town or other place;

to advise the Employment and Skills Formation Council and the National Director of the Commonwealth employment service on the operations of the Commonwealth employment service in Australia, in that State or Territory, or in that district, town or other place, as the case requires.

(2) A committee established under subsection (1) shall consist of such number of members as are appointed by the Minister.

(3) A member of a committee:

- (a) holds office for such period as is specified in the instrument of appointment; and
- (b) is eligible for re-appointment.

(4) A member of a committee may resign office by writing signed by the member and delivered to the Minister.

(5) The Minister may, at any time, terminate the appointment of a member of a committee.

PART VII—GRANTS FOR INNOVATIVE AND CURRICULUM PROJECTS

Approval of projects

51. The Minister may approve, for the purposes of this Part, innovative or curriculum projects.

Grant of financial assistance

52. (1) The Minister may grant financial assistance to a person, body or institution or to a State for the purpose of enabling the grantee to carry out an innovative or curriculum project approved by the Minister under section 51.

(2) Where the Minister makes a grant of financial assistance under this section, the Minister shall:

- (a) determine the amount of the grant or the manner in which that amount may be ascertained;
- (b) determine:
 - (i) whether the amount of the grant shall be paid in a lump sum or by instalments; and
 - (ii) the time at which the lump sum or each instalment, as the case may be, is to be paid; and
- (c) specify the terms and conditions (if any) subject to which the grant is made.

Advances

53. The Minister may, at such time, and subject to such terms and conditions, as the Minister determines, make an advance on account of an amount of financial assistance payable to a person under this Part.

Moneys to be appropriated

54. Payments (including advances) under this Part shall be made out of moneys appropriated by the Parliament for the purposes of this Part.

PART VIII—STAFF

Director

55. (1) There shall be a Director responsible for the provision of the administrative services necessary to assist the Board and the Councils in the performance of their functions.

(2) The Director shall be an officer or employee of the Australian Public Service and shall be appointed by the Secretary of the Department after consultation with the Chairperson of the Board.

(3) In the discharge of his or her duties, the Director shall act in accordance with any policies determined, and any directions given, by the Board.

Staff

56. The staff required to provide the services referred to in subsection 55 (1) shall consist of persons appointed or employed under the *Public Service Act 1922*.

PART IX—COUNSELLORS

Appointment of Counsellors

57. (1) The Minister may, after consultation with the Chairperson of the Board, appoint such Counsellors, not exceeding 4 in number, as the Minister thinks necessary for the purpose of giving advice to:

- (a) the Board on matters relating to the functions of the Board; and
- (b) a Council on matters relating to the functions of the Council.

(2) A Counsellor appointed under subsection (1) shall give advice on such matters as are referred to him or her, in writing, by the Board.

(3) A Counsellor:

- (a) shall be appointed for such period, not exceeding 3 years, as is specified in the instrument of appointment; and
- (b) is eligible for re-appointment.

(4) The Minister may, at any time, terminate the appointment of a Counsellor.

Remuneration and allowances

58. (1) A Counsellor 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, a Counsellor shall be paid such remuneration as is prescribed.

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

(3) Subsections (1) and (2) have effect subject to the *Remuneration Tribunals Act 1973*.

Terms and conditions of appointment

59. A Counsellor holds office on such terms and conditions (if any), in respect of matters not provided for by this Act, as are determined in writing by the Minister.

PART X—MISCELLANEOUS

Disclosure of interests

60. (1) A member of a prescribed body who has a direct or indirect pecuniary interest in a matter being considered by the body 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 body.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the prescribed body and the member shall not, unless the prescribed body or the relevant authority in relation to the prescribed body otherwise determines:

- (a) be present during any deliberation of the body with respect to that matter; or
- (b) take any part in any decision of the body with respect to that matter.

(3) For the purposes of the making of a determination by a prescribed body under subsection (2) in relation to a member who has made a disclosure under subsection (1), a 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 body for the purposes of making the determination; or
- (b) take part in the making by the body of the determination.

(4) In this section:

“prescribed body” means:

- (a) the Board;
- (b) a Council; or
- (c) a committee established under section 36 or 50;

“relevant authority”, in relation to a prescribed body means:

- (a) if the body is the Board—the Minister;
- (b) if the body is a Council—the Board;
- (c) if the body is a committee appointed under section 36—the parent body of that committee; or
- (d) if the body is a committee appointed under section 50—the Employment and Skills Formation Council.

Department to provide information

61. (1) The Board or a Council may request the Department, in writing, to furnish to it information specified in the request, being information that the Board or the Council reasonably requires for the proper performance of its functions and believes to be in the possession, or under the control, of the Department.

(2) Where:

- (a) the Department refuses or fails to furnish to the Board or a Council, within a reasonable time, information that it has been requested to furnish under subsection (1); and
- (b) the Board or the Council is of the opinion that the refusal or failure is unreasonable;

the Board or the Council may report the refusal or failure to the Minister.

(3) The Minister shall cause a copy of a report received by him or her under subsection (2) to be laid before each House of the Parliament within 15 sitting days of the House after the day on which the Minister received the report.

Delegation by Minister

62. (1) The Minister may delegate to the Chairperson of the Board all or any of his or her powers to grant leave of absence (other than leave of absence to the Chairperson of the Board) under this Act.

(2) The Minister may delegate to:

- (a) the Chairperson of the Board; or
- (b) the Secretary, or an officer, of the Department;

all or any of his or her powers relating to the making of grants of financial assistance under Part VII.

Review

63. (1) The Minister shall, before the expiration of 5 years from the commencement of this Act, cause a review to be conducted of the operations of the Board, the Councils and the Consultative Committee.

(2) Any report on the findings of the review shall be laid by the Minister before each House of the Parliament within 15 sitting days of that House after the receipt of a report by the Minister.

Regulations

64. The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

PART XI—AMENDMENT AND REPEAL OF CERTAIN ACTS AND REGULATIONS

Interpretation

65. (1) In this Part:

“commencement day” means the day on which this Act commences;

“defunct body” means:

- (a) the Commonwealth Schools Commission established by section 4 of the *Commonwealth Schools Commission Act 1973*;
- (b) the Curriculum Development Council established by section 14B of the *Commonwealth Schools Commission Act 1973*;
or
- (c) the Commonwealth Tertiary Education Commission established by section 6 of the *Commonwealth Tertiary Education Commission Act 1977*.

(2) Any reference in this Part to one of the Acts repealed by section 68 is a reference to that Act as amended and in force immediately before the commencement day.

Amendments of Acts

66. The Acts specified in Schedule 2 are amended as set out in that Schedule.

Amendments of Regulations

67. (1) The Regulations specified in Schedule 3 are amended as set out in that Schedule.

(2) The amendment, by this section, of the Regulations specified in Schedule 3 does not prevent the amendment or repeal, by regulation, of those Regulations as amended by this section.

Repeal

68. The following Acts are repealed:

- (a) the *Commonwealth Employment Service Act 1978*;
- (b) the *Commonwealth Schools Commission Act 1973*;
- (c) the *Commonwealth Tertiary Education Commission Act 1977*.

Reports to be prepared and laid before Parliament

69. (1) The Minister shall, as soon as practicable after the commencement day, cause to be prepared:

- (a) a report of the kind referred to in subsection 17A (1) of the *Commonwealth Schools Commission Act 1973* in respect of the period commencing at the expiration of the last period in respect of which a report was furnished to the Minister under that subsection and ending immediately before the commencement day; and
- (b) a report relating to the performance of the functions of the Commonwealth Tertiary Education Commission during the period commencing at the expiration of the last period in respect of which such a report was furnished to the Minister under subsection 43A (1) of the *Commonwealth Tertiary Education Commission Act 1977* and ending immediately before the commencement day.

(2) The Secretary of the Department shall cause to be prepared, and submit to the Minister together with the report on the operations of the

Department that the Secretary first submits, after the commencement day, under subsection 25 (6) of the *Public Service Act 1922*:

- (a) a report on the operations of the Commonwealth Employment Service during the period commencing on the expiration of the last period in respect of which such a report was furnished to the Minister under section 22 of the *Commonwealth Employment Service Act 1978* and ending immediately before the commencement day; and
- (b) a report on the performance by the Committees established under Part IV of the *Commonwealth Employment Service Act 1978* during the period referred to in paragraph (a).

(3) The Minister shall cause copies of each report prepared under subsection (1) or (2) to be laid before each House of the Parliament within 15 sitting days of that House after receipt by the Minister of the report.

Winding up of defunct bodies

70. (1) On the commencement day:

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

(2) Any contract to which a defunct body was a party immediately before the commencement day has effect on and after that day as if:

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

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

Appropriation

71. Amounts not exceeding in the aggregate the sum of:

- (a) any moneys of a defunct body that vest in the Commonwealth by force of paragraph 70 (1) (a); and
- (b) any moneys appropriated by an Act before the commencement day for purposes related to the defunct body, being moneys that have not been paid to the defunct body before the commencement day and the appropriation of which has not lapsed;

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

- (c) in the payment of discharge of debts, liabilities and obligations of the defunct body in respect of which the Commonwealth becomes liable by virtue of paragraph 70 (1) (b); and
- (d) in the making of payments required to be made under contracts to which the defunct body was a party immediately before the commencement day;

and the Consolidated Revenue Fund is appropriated accordingly.

Exemption from taxation

72. An instrument or document that the Secretary of the Department, or an officer of the Department authorised by the Secretary 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.

SCHEDULE 1

Section 3

HIGHER EDUCATION INSTITUTIONS

PART I

NEW SOUTH WALES

Armidale College of Advanced Education
Avondale College
Catholic College of Education Sydney Ltd
Cumberland College of Health Sciences
Hawkesbury Agricultural College
Hunter Institute of Higher Education
Kuring-gai College of Advanced Education
Macarthur Institute of Higher Education
Mitchell College of Advanced Education
Nepean College of Advanced Education
New South Wales State Conservatorium of Music
Northern Rivers College of Advanced Education
Orange Agricultural College
Riverina-Murray Institute of Higher Education
Sydney College of Advanced Education
Sydney College of the Arts
The Macquarie University
The New South Wales Institute of the Arts
The University of New South Wales
The University of Newcastle
The University of Wollongong
University of New England
University of Sydney
University of Technology, Sydney

PART II

VICTORIA

Ballarat College of Advanced Education
Bendigo College of Advanced Education
Chisholm Institute of Technology
Deakin University
Footscray Institute of Technology
Gippsland Institute of Advanced Education
Hawthorn Institute of Education
Institute of Catholic Education
La Trobe University
Melbourne College of Advanced Education
Monash University
Phillip Institute of Technology
Royal Melbourne Institute of Technology Ltd
Swinburne Limited
The Victorian College of the Arts
The Western Institute
The Wodonga Institute of Tertiary Education
University of Melbourne
Victoria College
Victorian College of Agriculture and Horticulture
Victorian College of Pharmacy Ltd
Warrnambool Institute of Advanced Education

SCHEDULE 1—continued

PART III

QUEENSLAND

Brisbane College of Advanced Education
Capricornia Institute of Advanced Education
Darling Downs Institute of Advanced Education
Gold Coast College of Advanced Education
Griffith University
James Cook University of North Queensland
McAuley College
Queensland Agricultural College
Queensland Conservatorium of Music
Queensland Institute of Technology
The University of Queensland

PART IV

WESTERN AUSTRALIA

Curtin University of Technology
Murdoch University
The University of Western Australia
Western Australian College of Advanced Education

PART V

SOUTH AUSTRALIA

Roseworthy Agricultural College
South Australian College of Advanced Education
South Australian Institute of Technology
The Flinders University of South Australia
The University of Adelaide

PART VI

TASMANIA

Tasmanian State Institute of Technology
University of Tasmania

PART VII

NORTHERN TERRITORY

Darwin Institute of Technology

PART VIII

COMMONWEALTH AND A.C.T. INSTITUTIONS

Australian Maritime College
Australian National University
Canberra College of Advanced Education
Signadou College of Education

SCHEDULE 2

Section 66

AMENDMENTS OF ACTS

Affirmative Action (Equal Employment Opportunity for Women) Act 1986

Subsection 3 (1) (definition of “higher education institution”):

Omit “*Commonwealth Tertiary Education Commission Act 1977*”, substitute “*Employment, Education and Training Act 1988*”.

Bounty (Books) Act 1969

Subsection 3 (1) (paragraph (b) of the definition of “recognised educational institution”):

Omit “*Commonwealth Schools Commission Act 1973*”, substitute “*Employment, Education and Training Act 1988*, other than such a school or institution conducted for the profit, directly or indirectly, of an individual or individuals”.

Bounty (Books) Act 1986

Subsection 4 (1) (paragraph (b) of the definition of “recognised educational institution”):

Omit “*Commonwealth Schools Commission Act 1973*”, substitute “*Employment, Education and Training Act 1988*, other than such a school or institution conducted for the profit, directly or indirectly, of an individual or individuals”.

Commonwealth Teaching Service Act 1972

Subsection 4 (1) (definition of “school”):

Omit all words after “include”, substitute “a higher education institution within the meaning of the *Employment, Education and Training Act 1988*”.

Disability Services Act 1986

Section 7 (paragraph (c) of the definition of “eligible organisation”):

Omit “*Commonwealth Tertiary Education Commission Act 1977*”, substitute “*Employment, Education and Training Act 1988*”.

Income Tax Assessment Act 1936

Subparagraph 78 (1) (a) (liv):

Omit the subparagraph, substitute the following subparagraph:

“(liv) a higher education institution within the meaning of the *Employment, Education and Training Act 1988*”.

SCHEDULE 2—continued

Subparagraph 78 (1) (a) (1v):

- (a) Omit “Education”, substitute “Employment, Education and Training”.
- (b) Omit “*Commonwealth Tertiary Education Commission Act 1977*”, substitute “*Employment, Education and Training Act 1988*”.

Subparagraph 78 (1) (a) (1vi):

Omit the subparagraph.

Subparagraph 78 (1) (a) (1vii):

Omit “or (1vi)”.

Overseas Students Charge Act 1979

Subsection 4 (1) (definition of “prescribed education institution”):

Omit “university, a college of advanced education”, substitute “higher education institution”.

Subsection 4 (1) (paragraph (a) of the definition of “technical and further education institution”):

Omit “*Commonwealth Tertiary Education Commission Act 1977*”, substitute “*Employment, Education and Training Act 1988*”.

Subsection 4 (1) (paragraphs (a) and (b) of the definition of “university or advanced education course”):

Omit “university or college of advanced education”, substitute “higher education institution”.

Subsection 4 (1) (paragraph (c) of the definition of “university or advanced education course”):

Omit “university or college of advanced education” (first occurring), substitute “higher education institution”.

Subsection 4 (1) (definitions of “college of advanced education” and “university”):

Omit the definitions.

Subsection 4 (1):

Insert the following definition:

“‘higher education institution’ means a higher education institution within the meaning of the *Employment, Education and Training Act 1988*;”.

SCHEDULE 2—continued
Sex Discrimination Act 1984

Subsection 4 (1) (definition of “technical and further education institution”):

Omit “*Commonwealth Tertiary Education Commission Act 1977*”, substitute “*Employment, Education and Training Act 1988*”.

States Grants (Nurse Education Transfer Assistance) Act 1985

Subsection 3 (1) (definition of “college of advanced education”):

Omit the definition.

Subsection 3 (1):

Insert the following definition:

“ ‘higher education institution’ means:

- (a) an institution that is a higher education institution within the meaning of the *Employment, Education and Training Act 1988*; or
- (b) an institution (other than an institution referred to in paragraph (a)) that is declared by the Minister to be an institution that is to be treated, for the purposes of this Act, as a higher education institution;”.

Subsections 4 (1) and (2):

Omit “colleges of advanced education”, substitute “higher education institutions”.

Subsection 4 (3):

Omit “colleges of advanced education” (wherever occurring) and “college of advanced education” (wherever occurring), substitute “higher education institutions” and “higher education institution” respectively.

States Grants (Schools Assistance) Act 1983

Subsection 3 (1) (subparagraph (a) (ii) of the definition of “student”):

Omit “*Commonwealth Tertiary Education Commission Act 1977*”, substitute “*Employment, Education and Training Act 1988*”.

Subsection 3 (1) (definition of “Commonwealth Schools Commission”):

Omit the definition.

Subsection 76 (1):

Omit “to the Commonwealth Schools Commission, to a full-time member of the Commission or”.

SCHEDULE 2—continued

States Grants (Schools Assistance) Act 1984

Subsection 3 (1) (subparagraph (a) (ii) of the definition of “student”):

Omit “*Commonwealth Tertiary Education Commission Act 1977*”, substitute “*Employment, Education and Training Act 1988*”.

Subsection 3 (1) (definition of “Commonwealth Schools Commission”):

Omit the definition.

Subsection 83 (1):

Omit “after receiving advice from the Commonwealth Schools Commission,”.

Subsection 89 (1):

Omit “to the Commonwealth Schools Commission, to a full-time member of the Commission or”.

States Grants (Tertiary Education Assistance) Act 1984

Subsection 3 (1) (definition of “institute of tertiary education”):

Omit all words after “specified”, substitute “in Schedule 6A”.

Subsection 3 (1) (paragraph (b) of the definition of “technical and further education institution”):

Omit “*Commonwealth Tertiary Education Commission Act 1977*”, substitute “*Employment, Education and Training Act 1988*”.

Subsection 3 (1) (definitions of “college of advanced education” and “university”):

Omit the definitions, substitute respectively the following definitions:

“ ‘college of advanced education’ means an institution specified in Schedule 3;

‘university’ means an institution specified in Schedule 1;”.

Subsection 3 (1) (definition of “Commission”):

Omit the definition.

States Grants (Tertiary Education Assistance) Act 1987

Subsection 3 (1) (definition of “institute of tertiary education”):

Omit all words after “specified”, substitute “in Schedule 5”.

Subsection 3 (1) (paragraph (b) of the definition of “technical and further education institution”):

Omit “*Commonwealth Tertiary Education Commission Act 1977*”, substitute “*Employment, Education and Training Act 1988*”.

SCHEDULE 2—continued

Subsection 3 (1) (definitions of “college of advanced education” and “university”):

Omit the definitions, substitute respectively the following definitions:

“‘college of advanced education’ means an institution specified in Schedule 2;

‘university’ means an institution specified in Schedule 1;”.

Subsection 3 (1) (definition of “Commission”):

Omit the definition.

Trade Union Training Authority Act 1975

Paragraph 14 (1) (h):

Omit the paragraph, substitute the following paragraph:

“(h) one person, being an officer of the Department of Employment, Education and Training having expertise in tertiary education matters, appointed by the Minister;”.

Subsection 17 (5):

Omit “a Commissioner of the Commonwealth Tertiary Education Commission or a member of the staff of that Commission”, substitute “an officer of the Department of Employment, Education and Training having expertise in tertiary education matters”.

SCHEDULE 3

Section 67

AMENDMENTS OF REGULATIONS

Overseas Students Charge Regulations

Subparagraph 4 (c) (ii):

Omit “university or college of advanced education”, substitute “higher education institution”.

Paragraph 5 (a):

Omit “university or college of advanced education”, substitute “higher education institution”.

Student Assistance Regulations

Paragraph 4 (a):

Omit the paragraph, substitute the following paragraph:

“(a) is specified in Schedule 2 or 5 of the *States Grants (Tertiary Education Assistance) Act 1987*;”.

SCHEDULE 3—continued

Paragraph 4A (a):

Omit all words after “that”, substitute “is specified in Schedule 1 of the *States Grants (Tertiary Education Assistance) Act 1987*”.

[*Minister's second reading speech made in—
House of Representatives on 28 April 1988
Senate on 24 May 1988*]