

SOUTH AUSTRALIAN COUNCIL FOR EDUCATIONAL PLANNING AND RESEARCH ACT, 1974-1975

SUMMARY OF PROVISIONS

PART I

PRELIMINARY

- | | |
|---------|---------------------|
| Section | |
| 1 | Short title. |
| 2 | Commencement. |
| 3 | Arrangement of Act. |
| 4 | Interpretation. |

PART II

THE SOUTH AUSTRALIAN COUNCIL FOR EDUCATIONAL PLANNING AND RESEARCH

DIVISION I—ESTABLISHMENT AND CONSTITUTION OF THE COUNCIL

- | | |
|----|--|
| 5 | Establishment of the Council. |
| 6 | Membership of the Council. |
| 7 | Chairman and Deputy Chairman. |
| 8 | Terms and conditions of office. |
| 9 | Convening of meetings. |
| 10 | Quorum, etc. |
| 11 | Decisions, etc., of Council not invalid by reason only of vacancy on Council, etc. |
| 12 | Executive board and committees. |
| 13 | Allowances and expenses. |

DIVISION II—POWERS AND FUNCTIONS OF THE COUNCIL

- | | |
|----|--------------------------------------|
| 14 | Powers and functions of the Council. |
|----|--------------------------------------|

DIVISION III—STAFF, ETC.

- | | |
|----|-------------------------|
| 15 | Executive director. |
| 16 | Officers and employees. |
| 17 | Incidental rights. |

PART III

FINANCIAL PROVISIONS

- | | |
|----|----------------------|
| 18 | Financial provision. |
| 19 | Accounts and audit. |

PART IV

MISCELLANEOUS

- | | |
|----|----------------|
| 20 | Annual report. |
| 21 | Regulations. |

SOUTH AUSTRALIAN COUNCIL FOR EDUCATIONAL PLANNING AND RESEARCH ACT, 1974-1975

being

South Australian Council for Educational Planning and Research Act, 1974-1975, No. 4 of 1975 [Assented to 13th March, 1975]¹.

An Act to establish the South Australian Council for Educational Planning and Research; to prescribe its powers and functions; and for other purposes.

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

PART I

PART I

PRELIMINARY

1. This Act may be cited as the "South Australian Council for Educational Planning and Research Act, 1974-1975". Short title.

2. This Act shall come into operation on a day to be fixed by proclamation¹. Commencement.

3. This Act is arranged as follows:—

Arrangement of Act.

PART I—PRELIMINARY

PART II—THE SOUTH AUSTRALIAN COUNCIL FOR EDUCATIONAL PLANNING AND RESEARCH

DIVISION I—ESTABLISHMENT AND CONSTITUTION OF THE COUNCIL

DIVISION II—POWERS AND FUNCTIONS OF THE COUNCIL

DIVISION III—STAFF, ETC.

PART III—FINANCIAL PROVISIONS

PART IV—MISCELLANEOUS.

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

Interpretation.

"appointed member" of the Council means—

(a) a member of the Council (other than the Chairman) appointed as such by the Governor;

or

(b) a co-opted member of the Council:

¹ Came into operation 5th June, 1975: *Gaz.* 5th June, 1975, p. 2181.

“the Chairman” means the chairman of the Council or the deputy chairman while acting in the absence of the chairman:

“the Council” means the South Australian Council for Educational Planning and Research established under this Act:

“the executive board” means the executive board of the Council:

“the executive director” means the person for the time being holding, or acting in, the office of executive director of the Council.

PART II

PART II

THE SOUTH AUSTRALIAN COUNCIL FOR EDUCATIONAL PLANNING
AND RESEARCH

DIVISION I

DIVISION I—ESTABLISHMENT AND CONSTITUTION OF THE COUNCIL

Establishment
of the Council.

5. (1) There shall be a council entitled the “South Australian Council for Educational Planning and Research”.

(2) The Council—

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

(b) shall be capable in its corporate name of acquiring, holding and disposing of real and personal property;

(c) shall be capable of acquiring or incurring any other legal rights and liabilities, and of suing and being sued;

(d) shall hold its property on behalf of the Crown;

and

(e) shall have the powers, authorities, duties and obligations prescribed by or under this Act.

(3) Where an apparently genuine document purports to bear the common seal of the Council, it shall be presumed, in the absence of proof to the contrary, that the common seal of the Council was duly affixed to that document.

Membership of
the Council.

6. (1) The Council shall consist of the following members:—

(a) the Chairman;

(b) the executive director;

(c) the Director-General of Education;

(d) the Director of Further Education;

(e) the Vice-Chancellor of the University of Adelaide;

(f) the Vice-Chancellor of the Flinders University of South Australia;

(g) the Director of Catholic Education;

(h) the Chairman of the Childhood Services Council;

(i) the Chairman of the South Australian Board of Advanced Education;

(j) the Director of Environment and Conservation;

(k) the Director of the South Australian Institute of Technology;

- (l) two members representative of the Directors of the Colleges of Advanced Education in this State (excluding the Director of the South Australian Institute of Technology) nominated by the Minister after consultation with those Directors;
- (m) two members appointed by the Governor on a nomination of the Minister made after consultation with the South Australian Institute of Teachers;
- (n) one member representative of independent schools appointed by the Governor on a nomination of the Minister made after consultation with the Association of Independent Schools of South Australia;
- (o) one member appointed by the Governor, on a nomination of the Minister made after consultation with the Director-General of Education;
- (p) one member appointed by the Governor on a nomination of the Minister made after consultation with the Director of Further Education;
- (q) six other members appointed by the Governor on the nomination of the Minister;

and

- (r) any other persons co-opted to membership of the Council in pursuance of this section.

(2) The Council may, from time to time, co-opt persons to membership of the Council, but there shall not be more than two such members of the Council at any one time.

(3) The Governor may appoint a suitable person to be a deputy of any member of the Council.

(4) A person who is entitled to membership of the Council *ex officio* may by notice in writing addressed to the Chairman, nominate a person to be his deputy.

(5) A person appointed or nominated as a deputy of a member under this section shall, in accordance with any conditions upon which he was appointed or nominated, be entitled to act as a member of the Council in place of the member of whom he has been appointed or nominated a deputy.

7. (1) The Governor may appoint a suitable person to be Chairman of the Council.

Chairman and
Deputy
Chairman.

(2) The Chairman shall be appointed for such term of office, and upon such conditions, as may be determined by the Governor.

(3) The Council may, from amongst its own members, elect a person to be Deputy Chairman of the Council.

8. (1) Subject to this Act, an appointed member shall hold office for a term (not exceeding three years) specified in the instrument of his appointment, and, upon the expiration of his term of office, shall be eligible for re-appointment.

Terms and
conditions of
office.

(2) The Governor may remove an appointed member from office for—

- (a) mental or physical incapacity;
- (b) neglect of duty;

(c) dishonourable conduct;

or

(d) any other cause considered sufficient by the Governor.

(3) The office of an appointed member shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice addressed to the Governor;

or

(d) he is removed from office pursuant to subsection (2) of this section.

(4) A person appointed to a casual vacancy shall hold office for the balance of the term of his predecessor.

(5) A member of the Council shall not, in the exercise of his powers or functions as such, be subject to the direction of any person or body of persons.

Convening of
meetings.

9. (1) The Chairman may at any time convene a meeting of the Council, and shall upon receipt of a request under subsection (2) of this section convene the meeting of the Council.

(2) Any seven members of the Council may, by a letter addressed to the Chairman, request him to convene a meeting of the Council.

Quorum, etc.

10. (1) Twelve members of the Council shall constitute a quorum of the Council.

(2) A decision carried by the votes of a majority of the members present at a meeting of the Council shall be a decision of the Council.

(3) The Chairman of the Council, or if he is not present, the Deputy Chairman, or if the Chairman and the Deputy Chairman are not present, a Chairman elected by the members present at that meeting, shall preside at that meeting.

(4) Each member present at a meeting of the Council (including a member presiding at the meeting) shall be entitled to one vote on any matter arising for the decision of the Council.

(5) Subject to this Act, the business of the Council shall be conducted in such manner as the Council may determine.

Decisions, etc.
of Council not
invalid by
reason only of
vacancy on
Council, etc.

11. (1) An act or decision of the Council shall not be invalid by reason only of a vacancy in the office of a member of the Council, or on the ground of any defect in the nomination or appointment of any member of the Council.

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

Executive
board and
committees.

12. (1) There shall be an executive board of the Council.

(2) The executive board shall consist of—

(a) the chairman;

(b) the executive director;

(c) the Director-General of Education or his nominee;

and

(d) four other members of the Council appointed by the Council to be members of the executive board of whom—

(i) one shall be a member with wide experience in tertiary education of the kind provided at universities and colleges of advanced education;

(ii) one shall be a member with wide experience in education (other than education of a kind referred to in subparagraph (i) of this paragraph) provided for those who have completed their primary and secondary education;

and

(iii) two shall be members with wide experience in other fields of education.

(3) The terms and conditions upon which members of the executive board appointed by the Council shall hold office shall be as determined by the Council.

(4) The Council may delegate to the executive board, or to any committee constituted of members of the Council, any of its powers or functions under this Act.

(5) The executive board or any committee to which a delegation is made under this section shall be subject to the direction of the Council.

13. A member of the Council shall be entitled to receive such allowances and expenses as may be determined by the Minister.

Allowances and expenses.

DIVISION II—POWERS AND FUNCTIONS OF THE COUNCIL

DIVISION II

14. (1) The Council shall have the following powers and functions:—

Powers and functions of the Council.

(a) to conduct, or commission the conduct of, such investigations and research as the Council considers desirable with respect to the provision of educational services and the use of educational resources;

(b) to promote the development, rationalization and co-ordination of educational services;

(c) to establish and maintain a library and to accumulate statistical evidence relevant to the functions of the Council;

(d) to publish reports, papers or documents relating to educational planning and research;

and

(e) to perform any other functions that may, in the opinion of the Council, be reasonably incidental to the foregoing.

(2) The Council may, in the exercise of its powers and functions under this Act, co-operate with other authorities with the object of promoting educational research, and assisting in the development, rationalization and co-ordination of educational services.

(3) The Council shall conduct research into, and advise the Minister upon, any matter that the Minister refers to the Council for investigation and advice.

DIVISION III

DIVISION III—STAFF, ETC.

Executive
director.

15. (1) There shall be an executive director of the Council.

(2) The first executive director of the Council shall be a person nominated to that office by the Minister prior to the commencement of this Act.

(3) The terms and conditions upon which the executive director shall hold office shall be determined by the Governor.

Officers and
employees.16. (1) The Governor may, subject to and in accordance with the Public Service Act, 1967-1974¹, appoint such officers as he considers necessary or expedient for the proper administration of this Act.(2) An officer so appointed shall, subject to this section, hold office in accordance with the provisions of the Public Service Act, 1967-1974¹.(3) The Minister may by notice published in the *Gazette* determine—(a) that specified provisions of the Public Service Act, 1967-1974¹, and of the regulations thereunder, shall not apply to or in relation to officers appointed pursuant to subsection (1) of this section;

and

(b) that provisions contained, or referred to, in the notice shall apply to and in relation to those officers in lieu of those provisions,

and the notice shall have effect in accordance with its terms.

(4) The Minister may, by notice published in the *Gazette*, vary or revoke a notice published under subsection (3) of this section.

(5) The Council may, with the approval of the Minister, appoint such officers and employees as it considers necessary or expedient for the proper administration of this Act.

(6) A person appointed under subsection (5) of this section shall hold office upon terms and conditions determined by the Council and approved by the Minister, and the Public Service Act, 1967-1974¹, shall not apply to or in relation to persons so appointed.Incidental
rights.

17. (1) Where an officer of the public service, the Education Department, or the teaching service of this State becomes an officer or employee of the Council he shall retain his existing or accruing rights in respect of recreation leave, sick leave and long service leave.

(2) Any employee of the Council under this Act shall be an employee within the meaning, and for the purposes of, the Superannuation Act, 1974.

PART III

PART III

FINANCIAL PROVISIONS

Financial
provision.

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

Accounts and
audit.

19. (1) The Council shall cause proper accounts to be kept of its income and expenditure.

¹ Now Public Service Act, 1967-1975.

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

(3) For the purposes of the audit, the Auditor-General shall have, and may exercise, in relation to the accounts of the Council, and the officers and employees of the Council, the same powers as are vested by the Audit Act, 1921-1973¹, in the Auditor-General in relation to public accounts and accounting officers.

PART IV

PART IV.

MISCELLANEOUS

20. (1) The Council shall, on or before the thirty-first day of March in each year, submit a report to the Minister upon the proceedings of the Council during the year ending on the preceding thirty-first day of December. Annual report.

(2) The Minister shall cause a copy of a report under this section to be laid before each House of Parliament as soon as practicable.

21. (1) The Governor may make such regulations as he considers necessary or expedient for the purposes of this Act. Regulations.

(2) Without limiting the generality of subsection (1) of this section those regulations may—

(a) regulate the convening of meetings of the Council, or of committees appointed under this Act;

and

(b) prescribe, and provide for the payment of, fees for any services provided by the Council.

¹ Now Audit Act, 1921-1975.