

Australian Commission on Advanced Education

No. 116 of 1971

An Act to establish a Commission on Advanced Education.

[Assented to 9 December 1971]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Australian Commission on Advanced Education Act 1971*. Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. In this Act, unless the contrary intention appears— Definitions.

“advanced education” means education at the tertiary level of the kind provided at colleges of advanced education;

“college of advanced education” means—

(a) an institution in Australia that is a college or institute of advanced education or a college or institute of technology; or

(b) an institution in a State that, for educational purposes, is recognized by the government of the State as, or as the equivalent of, a college or institute of a kind referred to in the last preceding paragraph or an institution in a Territory that, for educational purposes, is recognized by the Minister as, or as the equivalent of, a college or institute of a kind referred to in the last preceding paragraph,

but does not include a university;

“financial assistance”, in relation to an institution providing advanced education established by the Commonwealth, includes assistance by way of the expenditure of moneys by the Commonwealth for the purposes of the institution;

“institution providing advanced education” means—

(a) a college of advanced education; or

(b) an educational institution or residential college, or a proposed college of advanced education, proposed educational institution or proposed residential college, specified in an instrument for the time being in force under the next succeeding section;

- “ member ” means a member of the Commission, and includes an acting member of the Commission;
- “ Territory ” means a Territory of the Commonwealth forming part of the Commonwealth;
- “ the Chairman ” means the Chairman of the Commission;
- “ the Commission ” means the Australian Commission on Advanced Education;
- “ university ” includes any institution or proposed institution that is a university for the purposes of the *Australian Universities Commission Act 1959–1971*.

Directions by
Minister.

4. The Minister may, by instrument under his hand, direct that this Act applies in relation to—

- (a) an educational institution in Australia (not being a college of advanced education or a university) that is, or is included in a class of institutions, specified in the instrument, being an institution or class of institutions at which advanced education is provided;
- (b) a residential college specified in the instrument, being a residential college connected with a college of advanced education;
- (c) a proposed college of advanced education specified in the instrument;
- (d) a proposed educational institution in Australia (not being a college of advanced education or a university) specified in the instrument, being an institution at which it is proposed that advanced education will be provided; or
- (e) a proposed residential college specified in the instrument, being a residential college that is to be connected with a college of advanced education.

Establishment
of Commission.

5.—(1.) There shall be a Commission by the name of the Australian Commission on Advanced Education.

(2.) The Commission shall consist of a Chairman and such other members, not being less than four in number nor more than nine in number, as are appointed from time to time.

(3.) The members of the Commission shall be appointed by the Governor-General.

(4.) The Chairman shall be appointed for a term not exceeding seven years and each other member shall be appointed for a term not exceeding three years.

(5.) A member is eligible for re-appointment.

(6.) The performance of the functions of the Commission is not affected by reason only of there being a vacancy in the office of a member.

6.—(1.) In the event of the inability of a member (whether on account of illness or otherwise) to attend meetings of the Commission, the Minister may appoint a person to be an acting member of the Commission during that inability, and the person so appointed has all the powers and functions of a member. Acting members.

(2.) In the event of the inability of the Chairman (whether on account of illness or otherwise) to attend meetings of the Commission, the Minister may appoint a member to be the acting Chairman of the Commission during that inability.

(3.) An appointment under this section may be terminated at any time by the Minister.

7.—(1.) The Chairman shall be paid remuneration at the rate of Eighteen thousand nine hundred and seventy-three dollars a year and such allowances as are prescribed. Remuneration.

(2.) A member other than the Chairman shall be paid remuneration at the rate of Two thousand six hundred dollars a year and such allowances as are prescribed.

(3.) An acting Chairman of the Commission, not being a full-time acting Chairman, shall, in addition to the remuneration and allowances payable to him under the last preceding sub-section, be paid such other allowances, if any, as are prescribed.

(4.) In this section—

“ full-time acting Chairman ” means an acting Chairman of the Commission who, under a term of his appointment as acting Chairman, is required to give the whole of his time to the duties of his office as acting Chairman;

“ the Chairman ” includes a full-time acting Chairman.

8. The Minister may grant leave of absence to a member upon such terms and conditions as to remuneration or otherwise as the Minister determines. Leave of absence.

9. The Governor-General may terminate the appointment of a member for inability, inefficiency or misbehaviour. Dismissal of members.

10. A member may resign his office by writing under his hand addressed to the Governor-General. Resignation of members.

11. If a member—

(a) being the Chairman, engages in paid employment outside the duties of his office without the approval of the Minister;

(b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or

Vacation of office.

(c) is absent, except on leave granted by the Minister, from three consecutive meetings of the Commission,

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

Meetings.

12.—(1.) The Commission 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 Commission.

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

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

(5.) At a meeting of the Commission, a quorum is constituted—

(a) if the Commission consists of five or six members—by not less than three members; or

(b) if the Commission consists of seven or more members—by not less than four members.

(6.) Questions arising at a meeting of the Commission shall be determined by a majority of the votes of the members present.

(7.) The member presiding at a meeting of the Commission has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(8.) In this section, “ the Chairman ” includes an acting Chairman of the Commission.

Functions of Commission.

13. The functions of the Commission are to furnish information and advice to the Minister on matters in connexion with the grant by the Commonwealth of financial assistance to institutions in a Territory providing advanced education and of financial assistance to the States in relation to institutions providing advanced education, including information and advice relevant to—

(a) the necessity for financial assistance and the conditions upon which any financial assistance should be granted; and

(b) the amount and allocation of financial assistance.

Performance of functions of Commission.

14.—(1.) The Commission shall perform its functions with a view to promoting the balanced development of the provision of advanced education in Australia so that the resources of the institutions providing advanced education can be used to the greatest possible advantage of Australia.

(2.) For the purpose of the performance of its functions, the Commission shall consult with institutions providing advanced education, with the Australian Universities Commission and with the States upon the matters on which it is empowered to furnish information and advice and may consult with such other persons, bodies and authorities as it thinks proper upon those matters.

15.—(1.) The Commission shall, at such times and in respect of such periods as the Minister directs, furnish to the Minister reports containing recommendations with respect to the financial assistance that shall be granted to or in relation to institutions providing advanced education in respect of those periods and the conditions upon which the financial assistance should be granted. **Periodical reports.**

(2.) The Minister shall, as soon as practicable, cause each report under the last preceding sub-section to be laid before each House of the Parliament.

16. In addition to the reports referred to in the last preceding section, the Commission shall furnish to the Minister such reports as the Minister requires and may furnish such other reports as the Commission thinks fit. **Other reports.**

17.—(1.) The Minister may, at the request of the Commission, appoint a Committee to assist the Commission in relation to a matter specified in the request. **Committees.**

(2.) A Committee appointed under this section shall consist of such persons, whether members of the Commission or not, as the Minister thinks fit.

(3.) 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 shall make such inquiries, and furnish to the Commission such reports, in connexion with the matter in relation to which it has been appointed as the Commission directs.

18. If a person appointed as the Chairman was, immediately before his appointment, an officer of the Public Service of the Commonwealth— **Officer of Commonwealth becoming Chairman.**

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service as Chairman shall be taken into account as if it were service in the Public Service of the Commonwealth; and
- (c) the *Officers' Rights Declaration Act 1928–1969* applies as if this Act and this section had been specified in the Schedule to that Act.

**Staff of
Commission.**

19.—(1.) The staff of the Commission shall be employed under the *Public Service Act 1922–1968*.

(2.) For the purpose of this section, the Chairman has all the powers of, or exercisable by, a Permanent Head under the *Public Service Act 1922–1968* so far as those powers relate to the branch of the Public Service of the Commonwealth comprising the staff of the Commission as if that branch were a separate department of the Public Service of the Commonwealth.

(3.) For the purposes of sub-sections (5.) and (6.) of section 25 of the *Public Service Act 1922–1968*, the Chairman shall be deemed to be a Permanent Head.

(4.) In this section, “the Chairman” includes an acting Chairman of the Commission.

Regulations.

20. The Governor-General may make regulations, not inconsistent with this Act, prescribing fees and allowances, other than annual allowances, for the purposes of section 7 or sub-section (3.) of section 17 of this Act.
