An Act to establish a board to be entitled “The Public Examinations Board of South Australia” and for other purposes.

[Assented to 19th December, 1968.]
(2) The board shall be a body corporate with perpetual succession and a common seal and shall, subject to this Act—

(a) be capable of suing and being sued and of acquiring, taking or letting on lease, holding, selling and otherwise disposing of property of all kinds;

and

(b) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the board affixed to any document and shall, unless the contrary is proved, presume that it was duly affixed.

(4) Subject to this Act, the board shall consist of thirty-two members appointed by the Minister of whom—

(a) ten shall be members of the teaching or administrative staff of the Education Department, nominated by the Director-General of Education;

(b) six shall be persons engaged as teachers in, or in the administration of, South Australian schools other than those maintained and administered by the Minister, two of whom shall be nominated by the Director of Catholic Education in South Australia, two by the Independent Schools Head Masters Association, and two by the Independent Schools Head Mistresses Association;

(c) two shall be members of the academic or administrative staff of the South Australian Institute of Technology, nominated by the Council of that Institute;

(d) seven shall be members of the academic or administrative staff of The University of Adelaide, nominated by the Council of that University;

and

(e) seven shall be members of the academic or administrative staff of The Flinders University of South Australia, nominated by the Council of that University.

(5) Whenever a nomination is required for the appointment of a member of the board, the Minister may, by written notice addressed to the person or body required to make the nomination and served personally or by post upon him or it, request him or it to make the nomination within twenty-one days after the date of the notice or such longer period as is specified in the
notice, and if no nomination is made in accordance with that request, the Minister may appoint a person having such qualifications as the Minister thinks appropriate to be a member of the board in lieu of a nominee of the person or body requested to make a nomination as aforesaid, and a person so appointed shall, for all purposes, be deemed to have been duly appointed upon the nomination of that person or body.

(6) A member of the board shall not, as such, be subject to the Public Service Act, 1967, or the Education Act, 1915-1965, but this subsection does not affect the rights, duties and obligations of a member of the board who is otherwise subject to either of those Acts.

4. (1) Subject to this Act, a member of the board shall be appointed for such term of office, not exceeding three years, as the Minister may determine and specifies in the instrument of his appointment, and upon the expiration of his term of office, shall be eligible for re-appointment.

(2) If a member of the board is unable to act because of illness or any other cause, the Minister may appoint a person having such qualifications as the Minister thinks appropriate, to be a deputy of the member and such a person, whilst so acting, shall be deemed to be a member of the board and shall have all the powers, authorities, duties and obligations of the member of whom he has been appointed a deputy.

(3) The Minister may, by notice in writing served on a member of the board remove him from office—

(a) if the Minister is satisfied that the member has committed an offence, or is guilty of dishonest or dishonourable conduct, or is suffering from a mental or physical illness, that justifies his removal from office;

or

(b) if the person or body by whom or which the member was nominated, sends a written request to the Minister requesting that the member be removed from office on grounds that are, in the opinion of the Minister, sufficient to justify his removal from office.

(4) The office of a member of the board shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice given to the Minister;
(d) he is removed from office by the Minister pursuant to subsection (3) of this section;

(e) he is absent without leave of the Minister from four consecutive meetings of the board;

or

(f) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, or compounds with his creditors for less than one hundred cents in the dollar.

(5) Upon the office of a member of the board becoming vacant, the Minister shall, in accordance with this Act, appoint a person to the vacant office.

5. (1) The board shall, in each year appoint two of its members to hold office as chairman and deputy chairman respectively during the year next ensuing after their appointment.

(2) In the absence of the chairman from a meeting of the board, the deputy chairman shall perform and discharge the functions and obligations of the chairman thereat.

(3) If the chairman and deputy chairman are absent from a meeting of the board, the members present shall elect one of their number to be chairman for that meeting, and a member so elected shall perform and discharge the functions and obligations of the chairman at that meeting.

(4) The chairman shall preside at a meeting of the board and, in addition to a deliberative vote, shall, in the event of an equality of votes, have a second or casting vote.

(5) The chairman shall cause accurate minutes to be kept of the proceedings at a meeting of the board.

6. (1) Sixteen members shall constitute a quorum of the board and no business shall be transacted at a meeting unless a quorum is present.

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

(3) Subject to this Act, the proceedings of the board shall be conducted in such manner as the board may determine.

(4) An act or proceeding of the board shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.
(5) No liability shall attach to any member for any act or omission by him or by the board 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.

7. The members of the board shall be entitled to receive such allowances and expenses as the Minister may determine.

8. (1) The duties of the board shall be—

(a) to conduct annually such matriculation examinations as may be prescribed by the statutes or regulations of the Universities, or either of them;

(b) to conduct annually such examinations as may be approved by the Minister on the recommendation of the board;

(c) to prepare and supply as soon as practicable to the respective Councils of the Universities and of the South Australian Institute of Technology lists of the candidates who presented themselves for examination at any matriculation examination conducted by the board and the results obtained by them upon examination assessed and signified in accordance with subsection (2) of this section;

(d) to prepare and publish or cause to be published as soon as practicable after the completion of any examination conducted by the board, by such means as the board may determine, lists of the candidates who presented themselves for examination and the results obtained by them upon examination assessed and signified in accordance with subsection (2) of this section;

and

(e) to consider any syllabus prepared and submitted to the board by a subject committee and, subject to section 10 of this Act, to approve or vary the syllabus as the board thinks fit.

(2) The results obtained by candidates who presented themselves at any examination conducted by the board shall be assessed and, in any lists that the board is required to prepare under this Act, signified—
1968 Public Examinations Board Act, 1968. No. 53

(a) in the case of a matriculation examination, in accordance with the statutes and regulations of the Universities and if the statutes and regulations of the Universities do not provide for a common method of assessment and signification, separately in accordance with the statutes and regulations of each respective University;

and

(b) in the case of an examination other than a matriculation examination in such manner as the board may determine.

9. (1) The board shall, in respect of each subject or group of related subjects in which the board is to conduct an examination or examinations, annually appoint a subject committee and a chairman therefor who shall, in the case of any subject upon which candidates for a matriculation examination are to be examined, be a member of the academic staff of The University of Adelaide or The Flinders University of South Australia.

(2) Each subject committee shall—

(a) subject to section 10 of this Act prepare and submit to the board for approval the syllabus upon which examinations to be held in the subject or subjects in respect of which it was appointed should be based;

(b) report to the board on such of the examinations previously conducted in the subject or subjects in respect of which the committee was appointed, as may be determined by the board;

and

(c) advise the board on any matter in respect of which the board may request advice or to which it is, in the opinion of the subject committee, necessary or expedient to direct the board’s attention.

(3) A subject committee may appoint any number of sub-committees to inquire into and advise it upon any matter that arises in the course of performing or discharging its functions and obligations under subsection (2) of this section.

10. A syllabus that is to be the basis of a matriculation examination must conform with the statutes and regulations of the Universities.
11. (1) Except in the case of a subject in respect of which an arrangement is in force under section 14 of this Act, the board shall annually appoint a chief examiner for each subject in which the board is to conduct an examination and, with the approval of the chief examiner, such examiners as the board deems necessary to assist the chief examiner in the performance of any of his functions under this Act.

(2) The chief examiner shall be responsible to the board for the preparation of the examination papers, and the practical oral and other examinations that are necessary properly to examine candidates in the subject in respect of which he was appointed, and for the assessment of the results obtained by candidates who presented themselves for examination in that subject.

(3) In the case of a subject in which the board is to conduct a matriculation examination, the chief examiner shall be a member of the academic staff of The University of Adelaide or The Flinders University of South Australia.

12. (1) Subject to this Act, the board shall have power to make, alter and repeal rules relating to all or any of the following matters—

(a) the subjects upon which the board will conduct examinations;

(b) the manner in which intending candidates shall enter for examination;

(c) the manner in which candidates for examination shall behave themselves at an examination and anything necessary or expedient for the enforcement of discipline thereat;

(d) the certificates that the board may issue certifying the results obtained by candidates upon examination;

and

(e) such other matters relating to the conduct of examinations as the board deems necessary or expedient.

(2) Section 38 of the Acts Interpretation Act, 1915-1957, shall not apply in relation to any rules made by the board pursuant to subsection (1) of this section.

13. The board may make recommendations to the respective Councils of the Universities in relation to the matriculation of students, the nature and conduct of matriculation examinations and any matter or thing incidental thereto.
14. Where, in the opinion of the board, there are not sufficient candidates for an examination in any subject, to justify the appointment of a chief examiner in that subject or there are not sufficient persons in this State qualified to act as examiners in that subject, the board may make such arrangements as it deems expedient with any authority that conducts examinations in any other State of the Commonwealth, for the examination of candidates for that examination.

15. (1) The board shall, in each year, publish a manual which shall contain—

(a) a copy of this Act;
(b) a copy of all rules made under section 12 of this Act;
(c) a report upon the conduct of the affairs of the board and a statement of its financial receipts and expenditure during the financial year ended on the thirtieth day of June last preceding the date of its publication;
and
(d) such information relating to the examinations conducted by the board as the board may determine.

(2) The board shall publish the syllabus for each subject in which the board is to conduct an examination at least twelve months before the examination is held.

(3) In respect of any examination to be conducted by the board in 1969, or any examination supplementary to any such examination, a syllabus prepared and published under the authority of The Public Examinations Board of the University of Adelaide for the purpose of that examination, shall be deemed to have been prepared, approved and published pursuant to, and in accordance with, this Act.

16. (1) The board shall have power to appoint and dismiss officers and servants, to enter into contracts and to do all things necessary for the performance of its duties under this Act.

(2) Without limiting the powers of the board under subsection (1) of this section, every person who, immediately before the commencement of this Act, was employed by The University of Adelaide solely for the purposes of The Public Examinations Board of The University of Adelaide, shall, upon the commencement of this Act, become an employee of the board on such terms and conditions (being not less favourable, unless the Minister in writing otherwise determines, than those upon which he was employed immediately before the commencement of this Act) as the board may determine.
17. (1) The board may, by instrument in writing served personally or by post upon The University of Adelaide, request it to transfer to the board any property, referred to in the instrument, that was held by the University, immediately before the commencement of this Act, solely for the purposes of The Public Examinations Board of The University of Adelaide, and the University shall forthwith comply with that request, and the property shall become and be the property of the board.

(2) Notwithstanding the provisions of any instrument, The University of Adelaide may transfer to the board any property held by it in trust for the purpose of establishing or endowing, any prize or scholarship to be awarded upon the results of an examination formerly conducted by The Public Examinations Board of The University of Adelaide, and any property so transferred to the board shall be held by it subject to the same conditions and trusts as those upon which it was held by The University of Adelaide.

18. The board may, in addition to the examinations that it is required to conduct under this Act, conduct such further or other examinations on behalf of either of the Universities or any other body or authority as it may in its discretion determine and the board may recover from the University body or authority on whose behalf the examinations are conducted such amounts as may be agreed upon by that University body or authority and the board, and approved by the Minister.

19. (1) All moneys paid to or recovered by the board under this Act, shall, except to the extent to which the board is required or liable to disburse the same, be paid to the Treasurer of the State and shall form part of the general revenue thereof.

(2) The moneys required for the purposes of the administration of this Act or the affairs of the board, shall be paid out of moneys appropriated by Parliament for those purposes.

20. (1) The board shall keep proper accounts showing accurately and in detail all its financial transactions, assets and liabilities.

(2) The Auditor-General may, at any time, examine the accounts of the board and shall, as soon as practicable after the end of each financial year, make a report to the Minister on the state of the affairs of the board as at the end of that financial year.
(3) The Minister shall cause every report of the Auditor-General made in accordance with subsection (2) of this section to be laid before each House of Parliament within fourteen days of his receipt thereof if Parliament is then in session or, if Parliament is not then in session, within fourteen days of the commencement of the next session of Parliament.

21. The Governor may, either upon the recommendation of the board, or in his own discretion, make such regulations as he deems necessary or expedient for the purpose of giving effect to the provisions and objects of this Act, and, without limiting the generality of the foregoing, regulations—

(a) prescribing the fees to be paid to the board by intending candidates for examination, upon entry for examination;

(b) prescribing the fees or charges to be paid to the board by any person for any certificate issued under this Act;

and

(c) prescribing any other fees or charges that it is necessary or expedient to prescribe for the purposes of any provision of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. W. HARRISON, Governor.