


Australian Capital Territory

# Board of Senior Secondary Studies Act 1997

**A1997-87**

**Republication No 14**

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Last amendment made by A2025-29

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## About this republication

### The republished law

This is a republication of the *Board of Senior Secondary Studies Act 1997* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 6 December 2025. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 6 December 2025.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).

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# Board of Senior Secondary Studies Act 1997

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# Board of Senior Secondary Studies Act 1997

An Act to establish a board of senior secondary studies



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# Part 1 Preliminary

## 1 Name of Act

This Act is the *Board of Senior Secondary Studies Act 1997*.

## 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (***signpost definitions***) to other terms defined elsewhere in this Act.

For example, the signpost definition '***senior secondary education***—see section 3A.' means that the term 'senior secondary education' is defined in that section.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

## 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.



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# Part 2 Key concepts

## 3A What is *senior secondary education*?

Education is ***senior secondary education*** if it is normally provided to students in the final 2 years of full-time secondary schooling.

## 3B What is a *recognised educational institution*?

(1) An educational institution is a ***recognised educational institution*** if it—

(a) provides, or offers to provide, courses suitable for senior secondary education; and

(b) is either—

(i) established or registered under a Commonwealth or State law; or

(ii) a school declared under subsection (2).

*Note* ***State*** includes the Northern Territory (see Legislation Act, dict, pt 1).

(2) The Minister may declare a school to be a recognised educational institution if the school—

(a) is established and operates in another country; and

(b) does not operate in Australia; and

(c) has entered into an agreement with the board in relation to 1 or more of the following:

(i) the accreditation by the board of courses taught by the school;

(ii) the assessment by the board of the school's students;

(iii) the issue by the board of certificates of attainment to the school's students;



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(iv) the exercise of other functions of the board in relation to the provision of senior secondary education by the school.

(3) A declaration is a notifiable instrument.

## 3C What is a *national agreement*?

(1) This section applies to an agreement if it—

(a) is entered into by the Territory, the Commonwealth, a State or the Northern Territory; and

(b) deals with the provision of vocational education.

(2) The Minister may declare the agreement is a ***national agreement***.

(3) A declaration under subsection (2) is a notifiable instrument.



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# Part 3 Board of Senior Secondary Studies

## 4 Establishment of board

(1) The Board of Senior Secondary Studies is established.

*Note* The Legislation Act, dict, pt 1, defines ***establish*** as including continue in existence.

(2) The board—

(a) is a corporation; and

(b) may sue and be sued in its corporate name; and

(c) may have a seal.

(3) The board represents the Territory when exercising its functions, unless this Act or another territory law otherwise provides.

## 5 Functions of board

The main functions of the board are as follows:

(a) to accredit or register courses taught by recognised educational institutions;

(b) to approve, consistent with national agreements, recognised educational institutions for teaching vocational education courses;

(c) to establish guidelines for the development of courses by the board or by a recognised educational institution;

(d) to establish principles and procedures for the assessment of attainments of students and the moderation of the assessments;

(e) to provide to people who have undertaken courses, or units of courses, certificates and transcripts of their attainments;



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(f) to provide information on—

(i) the performance of students and former students; and

(ii) the policies and procedures of the board;

(g) to review its own operations and the operation of this Act;

(h) to advise the Minister on any matter mentioned in this section (including something mentioned in section 5A to section 5D).

*Note* A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def ***entity***).

## 5A Additional functions about accreditation of courses

For section 5 (a), the board has the following additional functions:

(a) to establish guidelines (***accreditation guidelines***) for the accreditation of courses, including vocational education courses;

(b) to ensure national agreements about the accreditation of vocational education and training courses are applied, if appropriate;

(c) to identify the minimum resources necessary for the satisfactory provision of the courses that the board decides.

## 5B Additional functions about assessment of students

For section 5 (d), the board has the following additional functions:

(a) to prepare guidelines and requirements for the assessment of student attainments;

(b) to make arrangements for the administration by recognised educational institutions of the test known as the Australian Scaling Test, or any other test instead of the Australian Scaling Test that is approved by the board;



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(c) to develop and implement procedures for the moderation of student assessments;

(d) to develop procedures for—

(i) recognised educational institutions to review the assessments of their students; and

(ii) the board to review the procedures used by recognised educational institutions to assess their students or review their student assessments; and

(iii) recognised educational institutions, or the board, to review disciplinary action taken by recognised educational institutions in relation to their student assessments.

## 5C Additional functions about certificates of attainment

For section 5 (e), the board has the following additional functions:

(a) to prepare guidelines for the issue of certificates of attainment;

(b) to make the arrangements that the board considers appropriate to ensure to the greatest extent possible that certificates issued by the board are recognised by employers and providers of further training or higher education;

(c) to consult institutions that provide tertiary education or vocational education or training for the purpose of reviewing from time to time the effect of their requirements and procedures for the admission of students and to provide appropriate guidance to the institutions;

(d) to issue, consistent with national agreements, certificates or other evidence of the achievements of vocational education or training qualifications.



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## 5D Additional functions about performance and policies

For section 5 (f), the board has the following additional functions:

(a) to collect and record information about the performances of students;

(b) to provide, to institutions that provide tertiary education or vocational education or training, information on applicants for admission to the institutions;

(c) to publicise the guidelines, requirements, procedures and standards for assessments, certification and accreditation used by the board;

(d) to make available, as decided by the board, statistical information about—

(i) senior secondary education in the ACT; and

(ii) the functions of the board;

(e) if appropriate, to recognise secondary educational attainments obtained outside the ACT and provide statements of equivalence if asked.

## 6 Other functions of board

(1) The board may—

(a) appoint the committees and advisory panels that it considers appropriate; and

(b) issue certificates of attainment to people who have undertaken courses or units of courses.

*Note* A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def ***entity***).



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(2) For section 6 (1) (a), if the board appoints a public servant, the public servant must be appointed in accordance with any conditions determined by the head of service.

(3) A determination is a notifiable instrument.

## 7 Ministerial directions

(1) The Minister may give a direction to the board about the exercise of its functions.

(2) The Minister may not give a direction that relates to a particular student or a particular assessment.

(3) The board must give effect to a direction under this section.

(4) A direction is a disallowable instrument.

## 8 Membership of board

(1) The board must consist of the following members:

(a) a chair;

(b) 1 person appointed after consultation with the Canberra Institute of Technology;

(c) 1 person appointed after consultation with vocational education and training organisations;

(d) 1 person appointed after consultation with the Australian National University;

(e) 1 person appointed after consultation with the University of Canberra;

(f) 1 person appointed after consultation with the Australian Catholic University;

(g) 1 person appointed after consultation with the body known as the Association of Independent Schools;



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(h) 1 person appointed after consultation with the ACT branch of the Australian Education Union;

(i) 1 person appointed after consultation with the body known as the Catholic Education Commission;

(j) 1 person appointed after consultation with the body known as the ACT Principals' Association Inc.;

(k) 1 person appointed after consultation with the body known as the ACT Council of Parents and Citizens Associations;

(l) 1 person appointed after consultation with the Association of Parents and Friends of the ACT Schools Inc.;

(m) 1 person appointed after consultation with business and industry representative organisations in the ACT;

(n) 1 person appointed after consultation with the ACT Trades and Labour Council;

(o) the director-general.

(2) The Minister must appoint the board members (other than the director-general).

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

*Note 3* Certain Ministerial appointments require consultation with a Legislative Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

(3) The Minister may appoint a person to be a board member only if satisfied that the person has qualifications and expertise relevant to the functions of the board.



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## 10 Term of appointment of board members

An appointment of a board member must be for a term of not longer than 3 years.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def ***appoint***).

## 11 Disclosure of interests by board members

(1) A board member who has a material interest in an issue being considered, or about to be considered, by the board must, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a board meeting.

(2) The disclosure must be recorded in the board's minutes and, unless the board otherwise decides, the board member must not—

(a) be present when the board considers the issue; or

(b) take part in a decision of the board on the issue.

**Example**

Albert, Boris and Chloe are members of the board. They have an interest in an issue being considered at a board meeting and they disclose the interest as soon as they become aware of it. Albert's and Boris' interests are minor but Chloe has a direct financial interest in the issue.

The board considers the disclosures and decides that because of the nature of the interests:

- Albert may be present when the board considers the issue but not take part in the decision
- Boris may be present for the consideration and take part in the decision.

The board does not make a decision allowing Chloe to be present or take part in the board's decision. Accordingly, Chloe cannot be present for the consideration of the issue or take part in the decision.

(3) Any other board member who also has a material interest in the issue must not be present when the board is considering its decision under subsection (2).



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(4) In this section:

***associate***, of a person, means—

(a) the person's business partner; or

(b) a close friend of the person; or

(c) a family member of the person.

***executive officer***, of a corporation, means a person, however called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

***indirect interest***—without limiting the kinds of indirect interests a person may have, a person has an ***indirect interest*** in an issue if any of the following has an interest in the issue:

(a) an associate of the person;

(b) a corporation with not more than 100 members of which the person, or an associate of the person, is a member;

(c) a subsidiary of a corporation mentioned in paragraph (b);

(d) a corporation of which the person, or an associate of the person, is an executive officer;

(e) the trustee of a trust of which the person, or an associate of the person, is a beneficiary;

(f) a member of a firm or partnership of which the person, or an associate of the person, is a member;

(g) someone else carrying on a business if the person, or an associate of the person, has a direct or indirect right to participate in the profits of the business.

***material interest***—a board member has a ***material interest*** in an issue if the member has—

(a) a direct or indirect financial interest in the issue; or



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(b) a direct or indirect interest of any other kind if the interest could conflict with the proper exercise of the member's functions in relation to the board's consideration of the issue.

## 12 Ending board member appointments

(1) This section applies to a board member other than the director-general.

(2) The Minister must end the board member's appointment—

(a) if the member is convicted, in the ACT, of an offence punishable by imprisonment for at least 1 year; or

(b) if the member is convicted outside the ACT, in Australia or elsewhere, of an offence that, if it had been committed in the ACT, would be punishable by imprisonment for at least 1 year; or

(c) if the member contravenes section 11 (Disclosure of interests by board members); or

(d) if the member is absent, other than on leave approved by the chair, from 3 consecutive meetings of the board.

*Note* A person's appointment also ends if the person resigns (see Legislation Act, s 210).

## 13 Time and place of board meetings

Meetings of the board are to be held at the times and places the chair decides.

## 14 Presiding member at board meetings

(1) The chair presides at all board meetings at which the chair is present.

(2) However, if the chair is absent, the board member chosen by the board members present presides.



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## 15 Quorum at board meetings

Business may be carried on at a board meeting only if at least 8 board members (other than the director-general) are present.

## 16 Voting at meetings

(1) At a board meeting, each board member has a vote on each question to be decided.

(2) A question is to be decided by a majority of the votes of the board members present and voting but, if the votes are equal, the member presiding has a deciding vote.

## 16A Proxy voting

(1) A board member may appoint a person as a proxy for a vote at a board meeting.

(2) The appointment must be in a form approved by the board.

## 17 Conduct of meetings etc

(1) The board may conduct its proceedings (including its meetings) as it considers appropriate.

(2) A meeting may be held using a method of communication, or a combination of methods of communication, that allows a board member taking part to hear what each other member taking part says without the members being in each other's presence.

**Examples**

a phone link, a satellite link, an internet or intranet link

(3) A board member who takes part in a meeting conducted under subsection (2) is taken, for all purposes, to be present at the meeting.

(4) The board must keep minutes of its meetings.



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## 18 Delegation by board

The board may delegate the board's functions under this Act or another territory law to a board member or a consultant engaged under section 19 or a public servant mentioned in section 19A.

*Note* For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

## 19 Consultants

(1) The board may, for the Territory, engage consultants to, or to perform services for, the board.

(2) Consultants are to be engaged on written terms decided by the board that are approved by the Minister.

(3) However, this section does not give the board a power to enter into a contract of employment.

## 19A Arrangements for staff

The board may arrange with the head of service to use the services of a public servant.

*Note* The head of service may delegate powers in relation to the management of public servants to a public servant or another person (see *Public Sector Management Act 1994*, s 18).

## 20 Protection of board members from liability

(1) A board member does not incur civil liability for an act or omission done honestly and without recklessness for this Act.

(2) Any civil liability that would, apart from this section, attach to a person, attaches instead to the Territory.



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# Part 4 Accredited and registered courses

## Division 4.1 Accreditation of courses

### 21 Board may initiate accreditation of course

(1) The board may, on its own initiative, accredit a course.

(2) In deciding whether to initiate accreditation of a course, the board must consider the accreditation guidelines.

(3) An accreditation under subsection (1) may be conditional.

### 22 Application for accreditation of course

(1) A recognised educational institution may apply to the board for the accreditation of a course to be taught at the institution.

(2) The board must either—

(a) accredit the course; or

(b) refuse to accredit the course.

(3) An accreditation is in force for the period that the board decides.

(4) An accreditation may be conditional.

(5) The board must tell the applicant, in writing, of its decision.

### 23 Review of conditional accreditation or refusal

(1) This section applies if the board, under section 22—

(a) accredits a course conditionally; or

(b) refuses to accredit a course.

(2) The applicant for accreditation may, within 1 month after the day the board tells the applicant about the board's decision under section 22, ask the board, in writing, to review the decision.



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(3) Within 1 month after the day the board receives the request, the chair of the board must set up a committee to advise the board about the request.

(4) As soon as practicable after the board receives advice from the committee, the board must review its decision and either—

(a) confirm the original decision; or

(b) replace the original decision with a decision that the board may make under section 22.

(5) The board must tell the applicant, in writing, of the board's decision.

## 24 Considerations relating to accreditation of courses

In making a decision under this division, the board must consider the following:

(a) the coherence of the course;

(b) the appropriateness of the course;

(c) the clarity of the course;

(d) how it is intended to teach the course;

(e) the relevant guidelines of the board;

(f) the policies of the board.



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## Division 4.2 Registration of courses

### 25 Application for registration of course

(1) A recognised educational institution may apply to the board for the registration of a course to be taught at the institution.

(2) The board must—

(a) if the application is accompanied by documents and information that satisfies the board that the course complies with the relevant guidelines of the board—register the course; or

(b) in any other case—refuse to register the course.

(3) A registration is in force for the period that the board decides.

(4) A registration may be conditional.

(5) The board must tell the applicant, in writing, of its decision.

## Division 4.3 Certificates of attainment

### 26 Issue of certificates of attainment

(1) If a person has satisfactorily completed an accredited course or registered course, or a unit of an accredited course or registered course, at a recognised educational institution, the board must give the person a certificate showing the person's attainment (a ***certificate of attainment***).

(2) However, the board may give a certificate of attainment only if the board is satisfied that—

(a) the course has been taught in accordance with—

(i) the relevant accreditation guidelines; and

(ii) if the accreditation is conditional—the conditions of the accreditation; and



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(iii) any guidelines and requirements of the board about the teaching of the course; and

(b) the person has been assessed in accordance with any guidelines and requirements of the board about the assessment of student attainments (see section 5B (a)).

(3) In making a decision under subsection (2), the board may rely on information in a certificate from a recognised educational institution.

(4) A certificate of attainment may state any information that is available from the records of the board and appears to the board to be connected with the person's studies.

## 26A Application for review if board refuses to issue certificate

(1) This section applies to a certificate of any kind ordinarily issued by the board to a person who has completed the studies to which the certificate relates, including a certificate of attainment.

(2) A person dissatisfied by a refusal of the board to issue a certificate may apply, in writing, to the board for a review of the refusal.

(3) The application must—

(a) state the grounds on which the review is sought; and

(b) be given to the board within 1 month after the day the board states is the day when the certificate would have been issued.

## 27 Review of refusal to issue certificate

(1) Within 1 month after the day the board receives an application under section 26A, the chair of the board must set up a committee to advise the board about the application.

(2) As soon as practicable after the board receives advice from the committee, the board must review its decision and either—

(a) confirm the refusal; or



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(b) issue the certificate.

(3) The board must tell the applicant, in writing, of its decision.

## Division 4.4 Specialist education providers

### 27A Approved specialist education providers

(1) The board may approve specialist education providers for this Act.

(2) The board must keep an up-to-date list of approved specialist education providers.

### 27B Criteria for approval

The board may approve an entity as a specialist education provider only if satisfied that the following criteria (the ***approval criteria***) are met:

(a) the provider will have premises and equipment that comply with any relevant territory laws about health and safety standards;

(b) the nature and content of the education to be offered by the provider will be satisfactory for the educational levels for which approval as a provider is sought;

(c) the teaching staff will be efficient and effective;

(d) the facility operated by the provider will be conducted in a satisfactory way;

(e) the disciplinary policy of the provider will not allow corporal punishment.

### 27C Suspension of approval

The board may suspend the approval of a specialist education provider if the board is no longer satisfied, on reasonable grounds, that the provider meets the approved criteria under section 27B.



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## 27D Cancellation of approval

The board must cancel the approval of a specialist education provider if, on at least 3 occasions, a ground existed on which the board would have been entitled to suspend the approval of the provider.



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# Part 4A Notification and review of decisions

## 27E Meaning of *reviewable decision*—pt 4A

In this part:

***reviewable decision*** means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

## 27F Reviewable decision notices

If the board makes a reviewable decision, the board must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

*Note* The board must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

## 27G Applications for review

The following may apply to the ACAT for review of a reviewable decision:

(a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.



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# Part 5 Miscellaneous

## 28 Information about academic performance

(1) A person who has completed the person's senior secondary education may apply in writing to the board for a copy of the information held by the board about the person's academic performance.

(2) The board must give a copy of the information to the applicant or to someone else nominated in writing by the applicant.

## 29 Register of courses

(1) The board must keep a register of courses (the ***register***).

(2) The board must enter in the register details of the following:

(a) courses that the board has accredited;

(b) courses that the board has registered;

(c) anything else decided by the board.

(3) The register must be kept in the form the board decides.

(4) The register must be available for inspection by the public during ordinary office hours at a place decided by the chair of the board.

## 30 Approved forms

(1) The board may approve forms for this Act.

(2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.



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# Schedule 1 Reviewable decisions

(see pt 4A)

| column 1<br>item | column 2<br>section | column 3<br>decision | column 4<br>entity |
|---|---|---|---|
| 1 | 27A | refuse to approve application for approval as specialist education provider | applicant |
| 2 | 27C | suspend approval of specialist education provider | specialist education provider |
| 3 | 27D | cancel approval of specialist education provider | specialist education provider |



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# Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- appoint
- director-general (see s 163)
- establish
- exercise
- function
- head of service
- month
- public servant
- reviewable decision notice.

***accreditation guidelines***—see section 5A (a) (Additional functions about accreditation of courses).

***accredited course*** means a course accredited under section 21 (Board may initiate accreditation of course) or section 22 (Application for accreditation of course).

***board*** means the Board of Senior Secondary Studies.

***board member*** means a member of the board, and includes the chair.

***certificate of attainment***—see section 26 (1).

***course*** means a course of study for senior secondary students.

***national agreement***—see section 3C.

***recognised educational institution***—see section 3B.

***registered course*** means a course registered under section 25.



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***reviewable decision***, for part 4A (Notification and review of decisions—see section 27E.

***senior secondary education***—see section 3A.



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# Endnotes

## 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

## 2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
R[X] = Republication No
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted
underlining = whole or part not commenced or to be expired



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## 3 Legislation history

**Board of Senior Secondary Studies Act 1997 A1997-87**
notified 1 December 1997 (Gaz 1997 No S380)
s 1, s 2 commenced 1 December 1997 (s 2 (1))
remainder commenced 1 January 1998 (s 2 (2) and Gaz 1997 No S398)

as amended by

**Board of Senior Secondary Studies (Amendment) Act 1998 A1998-44**
notified 30 October 1998 (Gaz 1998 No S204)
commenced 30 October 1998 (s 2)

**Legislation (Consequential Amendments) Act 2001 A2001-44 pt 38**
notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 38 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.5**
notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
sch 1 pt 1.5 commenced 13 April 2004 (s 2 and see Annual Reports (Government Agencies) Act 2004 A2004-8, s 2 and CN2004-5)

**Education Act 2004 A2004-17 sch 2 pt 2.1**
notified LR 8 April 2004
s 1, s 2 commenced 8 April 2004 (LA s 75 (1))
sch 2 pt 2.1 commenced 1 January 2005 (s 2)

**Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.6**
notified LR 12 May 2005
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))
sch 3 pt 3.6 commenced 2 June 2005 (s 2 (1))

**Training and Tertiary Education Legislation Amendment Act 2007 A2007-12 sch 1 pt 1.3**
notified LR 13 June 2007
s 1, s 2 commenced 13 June 2007 (LA s 75 (1))
sch 1 pt 1.3 commenced 1 July 2007 (s 2 and CN2007-3)



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**Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.7**
notified LR 12 August 2008
s 1, s 2 commenced 12 August 2008 (LA s 75 (1))
sch 3 pt 3.7 commenced 26 August 2008 (s 2)

**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.12**
notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.12 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

**Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.7**
notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
sch 3 pt 3.7 commenced 22 September 2009 (s 2)

**Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.17**
notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.17 commenced 1 July 2011 (s 2 (1))

**Annual Reports (Government Agencies) Amendment Act 2015 A2015-16 sch 1 pt 1.3**
notified LR 27 May 2015
s 1, s 2 commenced 27 May 2015 (LA s 75 (1))
sch 1 pt 1.3 commenced 3 June 2015 (s 2)

**Board of Senior Secondary Studies Amendment Act 2015 A2015-28**
notified LR 20 August 2015
s 1, s 2 commenced 20 August 2015 (LA s 75 (1))
remainder commenced 21 August 2015 (s 2)

**Public Sector Management Amendment Act 2016 A2016-52 sch 1 pt 1.8**
notified LR 25 August 2016
s 1, s 2 commenced 25 August 2016 (LA s 75 (1))
sch 1 pt 1.8 commenced 1 September 2016 (s 2)



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**Statute Law Amendment Act 2025 A2025-29 sch 4 pt 4.16**

notified LR 6 November 2025

s 1, s 2 commenced 6 November 2025 (LA s 75 (1))

sch 4 pt 4.16 commenced 6 December 2025 (s 2 (5))



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# 4 Amendment history

**Name of Act**

s 1 sub A2005-20 amdt 3.55

**Dictionary**

s 2 orig s 2 om R1 LRA
(prev s 3) renum A2001-44 amdt 1.372
sub A2005-20 amdt 3.56
def ***accredited course*** om A2005-20 amdt 3.56
def ***alternate*** om A2005-20 amdt 3.56
def ***appointed member*** om A2005-20 amdt 3.56
def ***board*** om A2005-20 amdt 3.56
def ***course*** om A2005-20 amdt 3.56
def ***executive officer*** om A1998-44 s 4
def ***member*** om A2005-20 amdt 3.56
def ***national agreement*** am A2001-44 amdt 1.371
om A2005-20 amdt 3.56
def ***recognised educational institution*** sub A1998-44 s 4
om A2005-20 amdt 3.56
def ***registered course*** om A2005-20 amdt 3.56
def ***senior secondary education*** om A2005-20 amdt 3.56

**Notes**

s 3 ins A2001-44 amdt 1.373
sub A2005-20 amdt 3.56

**Key concepts**

pt 2 hdg orig pt 2 hdg renum as pt 3 hdg
ins A2005-20 amdt 3.57

**What is *senior secondary education*?**

s 3A ins A2005-20 amdt 3.57

**What is a *recognised educational institution*?**

s 3B ins A2005-20 amdt 3.57
sub A2015-28 s 4
am A2025-29 amdt 4.16

**What is a *national agreement*?**

s 3C ins A2005-20 amdt 3.57
am A2025-29 amdt 4.16

**Board of Senior Secondary Studies**

pt 3 hdg orig pt 3 hdg om A2005-20 amdt 3.72
(prev pt 2 hdg) renum A2005-20 amdt 3.58

**Accreditation and registration of courses**

div 3.1 hdg (prev pt 3 div 1 hdg) renum R2 LA
om A2005-20 amdt 3.73



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**Certificates of attainment**
div 3.2 hdg (prev pt 3 div 2 hdg) renum R2 LA
om A2005-20 amdt 3.77

**Specialist education providers**
div 3.3 hdg ins A2004-17 amdt 2.1
om A2005-20 amdt 3.79

**Establishment of board**
s 4 sub A2005-20 amdt 3.59

**Functions of board**
s 5 sub A2005-20 amdt 3.60

**Additional functions about accreditation of courses**
s 5A ins A2005-20 amdt 3.60

**Additional functions about assessment of students**
s 5B ins A2005-20 amdt 3.60

**Additional functions about certificates of attainment**
s 5C ins A2005-20 amdt 3.60

**Additional functions about performance and policies**
s 5D ins A2005-20 amdt 3.60

**Other functions of board**
s 6 sub A2005-20 amdt 3.61
am A2016-52 amdt 1.37; A2025-29 amdt 4.16

**Ministerial directions**
s 7 am A2001-44 amdt 1.374, amdt 1.375; A2004-9 amdt 1.5; A2005-20 amdt 3.62, amdt 3.63; A2015-16 amdt 1.3; ss renum R11 LA; A2025-29 amdt 4.16

**Membership of board**
s 8 am A1998-44 s 5; A2005-20 amdt 3.64, amdt 3.65; A2007-12 amdt 1.6; A2009-20 amdt 3.18; A2011-22 amdt 1.64; A2015-28 s 5, s 6; pars renum R12 LA

**Functions of board not affected by vacancies**
s 9 om A2005-20 amdt 3.66

**Term of appointment of board members**
s 10 sub A2005-20 amdt 3.67

**Disclosure of interests by board members**
s 11 sub A2005-20 amdt 3.68
am A2025-29 amdt 4.16

**Ending board member appointments**
s 12 sub A2005-20 amdt 3.68
am A2011-22 amdt 1.64



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**Representative of chief executive**
s 12A ins A1998-44 s 6
om A2005-20 amdt 3.68

**Time and place of board meetings**
s 13 am A1998-44 s 7
sub A2005-20 amdt 3.68

**Presiding member at board meetings**
s 14 sub A2005-20 amdt 3.68

**Quorum at board meetings**
s 15 sub A2005-20 amdt 3.68
am A2011-22 amdt 1.64

**Voting at meetings**
s 16 am A1998-44 s 8
sub A2005-20 amdt 3.68

**Proxy voting**
s 16A ins A2015-28 s 7
am A2025-29 amdt 4.16

**Conduct of meetings etc**
s 17 sub A2005-20 amdt 3.68
am A2008-28 amdt 3.36; A2025-29 amdt 4.16

**Delegation by board**
s 18 om A1998-44 s 9
ins A2005-20 amdt 3.68
am A2016-52 amdt 1.38

**Consultants**
s 19 am A2005-20 amdt 3.69, amdt 3.70; A2011-22 amdt 1.62, amdt 1.64
sub A2016-52 amdt 1.39

**Arrangements for staff**
s 19A ins A2016-52 amdt 1.39

**Protection of board members from liability**
s 20 sub A2005-20 amdt 3.71

**Accredited and registered courses**
pt 4 hdg orig pt 4 hdg renum as pt 5 hdg
ins A2005-20 amdt 3.72

**Accreditation of courses**
div 4.1 hdg ins A2005-20 amdt 3.73

**Board may initiate accreditation of course**
s 21 sub A2005-20 amdt 3.74



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**Application for accreditation of course**
s 22 sub A2005-20 amdt 3.74

**Review of conditional accreditation or refusal**
s 23 am A1998-44 s 10
sub A2005-20 amdt 3.74

**Considerations relating to accreditation of courses**
s 24 am A2005-20 amdt 3.75

**Registration of courses**
div 4.2 hdg ins A2005-20 amdt 3.76

**Application for registration of course**
s 25 sub A2005-20 amdt 3.76

**Certificates of attainment**
div 4.3 hdg ins A2005-20 amdt 3.77

**Issue of certificates of attainment**
s 26 sub A2005-20 amdt 3.78

**Application for review if board refuses to issue certificate**
s 26A ins A2005-20 amdt 3.78

**Review of refusal to issue certificate**
s 27 sub A2005-20 amdt 3.78

**Specialist education providers**
div 4.4 hdg ins A2005-20 amdt 3.79

**Approved specialist education providers**
s 27A ins A2004-17 amdt 2.1

**Criteria for approval**
s 27B ins A2004-17 amdt 2.1

**Suspension of approval**
s 27C ins A2004-17 amdt 2.1

**Cancellation of approval**
s 27D ins A2004-17 amdt 2.1

**Notification and review of decisions**
pt 4A hdg ins A2008-37 amdt 1.42

**Meaning of *reviewable decision*—pt 4A**
s 27E ins A2004-17 amdt 2.1
sub A2008-37 amdt 1.42

**Reviewable decision notices**
s 27F ins A2004-17 amdt 2.1
sub A2008-37 amdt 1.42
am A2025-29 amdt 4.16



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**Applications for review**

s 27G ins A2008-37 amdt 1.42
am A2025-29 amdt 4.16

**Miscellaneous**

pt 5 hdg (prev pt 4 hdg) renum A2005-20 amdt 3.80

**Information about academic performance**

s 28 sub A2005-20 amdt 3.81

**Register of courses**

s 29 am A1998-44 s 11; ss renum R2 LA
sub A2005-20 amdt 3.82

**Approved forms**

s 30 ins A2001-44 amdt 1.377
am A2005-20 amdt 3.83; A2025-29 amdt 4.16

**Transitional**

s 31 (prev s 30) renum A2001-44 amdt 1.376
om A2005-20 amdt 3.84

**Reviewable decisions**

sch 1 ins A2008-37 amdt 1.43

**Dictionary**

dict ins A2005-20 amdt 3.85
am A2008-37 amdt 1.44; A2011-22 amdt 1.63; A2016-52 amdt 1.40
def ***accreditation guidelines*** ins A2005-20 amdt 3.85
def ***accredited course*** ins A2005-20 amdt 3.85
def ***board*** ins A2005-20 amdt 3.85
def ***board member*** ins A2005-20 amdt 3.85
def ***certificate of attainment*** ins A2005-20 amdt 3.85
def ***course*** ins A2005-20 amdt 3.85
def ***national agreement*** ins A2005-20 amdt 3.85
def ***recognised educational institution*** ins A2005-20 amdt 3.85
def ***registered course*** ins A2005-20 amdt 3.85
def ***reviewable decision*** ins A2008-37 amdt 1.45
def ***senior secondary education*** ins A2005-20 amdt 3.85



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## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication No and date | Effective | Last amendment made by | Republication for |
|---|---|---|---|
| R1 (RI)<br>8 Jan 2014 | 3 Nov 2000–<br>11 Sept 2001 | A1998-44 | amendments by A1998-44 |
| R2<br>16 Apr 2002 | 12 Sept 2001–<br>12 Apr 2004 | A2001-44 | amendments by A2001-44 |
| R3<br>13 Apr 2004 | 13 Apr 2004–<br>31 Dec 2004 | A2004-9 | amendments by A2004-9 |
| R4<br>1 Jan 2005 | 1 Jan 2005–<br>1 June 2005 | A2004-17 | amendments by A2004-17 |
| R5<br>2 June 2005 | 2 June 2005–<br>30 June 2007 | A2005-20 | amendments by A2005-20 |
| R6<br>1 July 2007 | 1 July 2007–<br>25 Aug 2008 | A2007-12 | amendments by A2007-12 |
| R7<br>26 Aug 2008 | 26 Aug 2008–<br>1 Feb 2009 | A2008-28 | amendments by A2008-28 |
| R8<br>2 Feb 2009 | 2 Feb 2009–<br>21 Sept 2009 | A2008-37 | amendments by A2008-37 |
| R9<br>22 Sept 2009 | 22 Sept 2009–<br>30 June 2011 | A2009-20 | amendments by A2009-20 |
| R10<br>1 July 2011 | 1 July 2011–<br>2 June 2015 | A2011-22 | amendments by A2011-22 |
| R11<br>3 June 2015 | 3 June 2015–<br>20 Aug 2015 | A2015-16 | amendments by A2015-16 |
| R12<br>21 Aug 2015 | 21 Aug 2015–<br>31 Aug 2016 | A2015-28 | amendments by A2015-28 |



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| Republication No and date | Effective | Last amendment made by | Republication for |
|---|---|---|---|
| R13<br>1 Sept 2016 | 1 Sept 2016–<br>5 Dec 2025 | A2016-52 | amendments by A2016-52 |

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