

No. 59 of 1976

## SCHOOLS AUTHORITY ORDINANCE 1976

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No. 59 of 1976

## AN ORDINANCE

**To establish an Australian Capital Territory Schools Authority.**

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this fourth day of November, 1976.

JOHN R. KERR  
Governor-General.

By His Excellency's Command,

J. L. CARRICK  
Minister of State for Education.

### SCHOOLS AUTHORITY ORDINANCE 1976

#### PART I—PRELIMINARY

1. This Ordinance may be cited as the *Schools Authority Ordinance* 1976.\* Short title.

2. (1) This section and section 1 shall come into operation on the day on which this Ordinance is notified in the *Gazette*. Commencement.

(2) The remaining sections of this Ordinance shall come into operation on such date as is, or on such dates as respectively are, fixed by the Minister of State for the Capital Territory by notice published in the *Gazette*.

3. This Ordinance shall be administered by the Minister of State for Education. Administration.

4. In this Ordinance, unless the contrary intention appears— Definitions.

“Acting Chief Education Officer” means a person appointed under section 26 to act as Chief Education Officer;

“Australian Capital Territory Teachers’ Federation” means the organization of that name registered under the *Conciliation and Arbitration Act 1904*;

“Authority” means the Authority established by this Ordinance;

“Chairman” means—

(a) the Chairman of the Authority; or

(b) a person appointed under section 18 to act as Chairman of the Authority;

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\* Notified in the *Australian Government Gazette* on 15 November 1976.

“Legislative Assembly” means the Australian Capital Territory Legislative Assembly constituted by the *Legislative Assembly Ordinance 1936*;

“parent” includes step-parent and guardian.

## **PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE SCHOOLS AUTHORITY**

Establishment of Schools Authority.

**5.** There is established by this Ordinance an authority by the name of the Australian Capital Territory Schools Authority.

Functions of Authority.

**6. (1)** The functions of the Authority are—

- (a) to establish and conduct in the Territory, on behalf of the Commonwealth, pre-schools, primary schools, high schools and secondary colleges;
- (b) to establish and conduct in the Territory, on behalf of the Commonwealth, such other educational services as the Minister approves; and
- (c) to establish and conduct in the Territory, on behalf of the Commonwealth, such educational or related services as the Minister directs.

(2) The Authority shall so perform its functions as to ensure that adequate provision is made for persons attending, or seeking to attend, pre-schools and schools conducted by the Authority.

(3) The Authority shall perform its functions in accordance with any directions given by the Minister.

(4) A school that was, immediately before the date of commencement of this Part, conducted in the Territory by or for the Commonwealth shall, on and after that date, be deemed to be conducted by the Authority on behalf of the Commonwealth.

Powers of Authority.

**7. (1)** Subject to sub-section (2), the Authority has power to do all things that are necessary or convenient to be done for or in connexion with the performance of its functions and, in particular, without limiting the generality of the foregoing—

- (a) to enter into contracts;
- (b) to hold land under a lease or tenancy;
- (c) to occupy and use land or buildings made available to the Authority by the Commonwealth;
- (d) to engage consultants to advise the Authority on any matter;
- (e) to enter into arrangements with any person or authority for the use of personnel, services, facilities or equipment in connexion with the performance by the Authority of its functions;
- (f) to maintain liaison with other authorities, agencies and persons concerned with the provision of education or the conduct of schools, whether in the Territory or elsewhere;

- (g) to accept gifts, devises, bequests and assignments made to the Authority, whether on trust or otherwise, and to act as trustee of moneys or other property vested in the Authority upon trust; and
- (h) to enter into arrangements with the National Capital Development Commission for the provision of buildings.

(2) The Authority is not authorized to purchase any estate or interest in land or to erect or purchase buildings.

(3) Notwithstanding anything contained in this Ordinance, any money or property held by the Authority upon trust shall be dealt with in accordance with the powers and duties of the Authority as trustee.

### PART III—CONSTITUTION AND MEETINGS OF THE AUTHORITY

8. In this Part, “member” means member of the Authority. Definition.

9. (1) The Authority— Constitution  
of  
Authority.
- (a) is a body corporate with perpetual succession;
  - (b) shall have a common seal; and
  - (c) may sue and be sued in its corporate name.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall presume that it was duly affixed.

10. (1) The Authority shall consist of— Membership  
of  
Authority.
- (a) 1 full-time member;
  - (b) 2 part-time members nominated by the body incorporated in the Territory under the name of the Australian Capital Territory Council of Parents and Citizens Associations Incorporated;
  - (c) 1 part-time member nominated by the organization known as the Canberra Pre-School Society;
  - (d) 3 part-time members nominated by the Australian Capital Territory Teachers’ Federation;
  - (e) 2 part-time members nominated by the Legislative Assembly; and
  - (f) 6 part-time members nominated by the Minister.

(2) The part-time members shall be appointed by the Governor-General.

(3) The full-time member shall be the person who is, for the time being, the Chief Education Officer.

(4) A person is not eligible for appointment as a member referred to in paragraph (1)(e) unless he is a member of the Legislative Assembly.

(5) The performance of the functions and the exercise of the powers of the Authority are not affected by reason only of there being a vacancy or vacancies in the membership of the Authority.

**Term of office.**

**11.** Subject to this Ordinance, a part-time member—

- (a) holds office on such terms and conditions as are specified in the instrument of his appointment;
- (b) holds office for such period, not exceeding 3 years, as is specified in the instrument of his appointment; and
- (c) is eligible for re-appointment.

**Remuneration and allowances.**

**12.** Subject to the *Remuneration Tribunals Act* 1973, a part-time member shall be paid such remuneration and allowances as are prescribed.

**Leave of absence.**

**13.** (1) The Minister may grant leave of absence to the Chairman upon such terms and conditions as to remuneration or otherwise as the Minister determines.

(2) The Chairman may grant leave of absence to a part-time member upon such terms and conditions as to remuneration or otherwise as the Chairman determines.

**Resignation of members.**

**14.** A part-time member may resign his office by writing signed by him and delivered to the Governor-General.

**Termination of office.**

**15.** (1) The Governor-General may terminate the appointment of a part-time member by reason of misbehaviour or physical or mental incapacity.

(2) If a part-time member—

- (a) 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;
- (b) is absent, except on leave granted under section 13, from 3 consecutive meetings of the Authority;
- (c) without reasonable excuse, fails to comply with section 52;
- or
- (d) is convicted in Australia of an offence punishable by imprisonment for one year or longer,

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

**Chairman of the Authority.**

**16.** (1) The Authority shall, as occasion requires, appoint a part-time member to be Chairman of the Authority.

(2) Subject to this Part, a member appointed in pursuance of sub-section (1) holds office as Chairman for the remainder of his term of office as a part-time member.

(3) A member appointed in pursuance of sub-section (1) may resign his office of Chairman by writing signed by him and delivered to the Minister.

(4) Where a person appointed in pursuance of sub-section (1) ceases to hold office as a member, he thereupon ceases to hold office as Chairman.

(5) A member is eligible to be re-appointed as Chairman.

**17. (1)** The Chairman shall convene such meetings of the Authority as he considers necessary for the performance of its functions. **Meetings.**

(2) The Chairman shall, if requested by the Minister or by not less than 5 members, convene a meeting of the Authority.

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

(4) If the Chairman is not present at a meeting of the Authority, the members present shall elect one of their number, not being the Chief Education Officer, to preside at the meeting.

(5) A quorum at a meeting of the Authority is constituted by not less than 8 members.

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

(7) The person presiding at a meeting of the Authority has a deliberative vote only.

(8) A meeting of the Authority shall be convened by giving to each member notice in writing of the date on which, and the time and place at which, the meeting is to be held.

**18. (1)** Where—

(a) the Chairman is, for any reason, unable to attend meetings of the Authority;

**Acting  
appoint-  
ments.**

(b) the Chairman is, or is expected to be, absent from Australia;  
or

(c) there is a vacancy in the office of Chairman,

the Minister may appoint a part-time member to act as Chairman during that inability or absence or until the filling of the vacancy.

**(2)** Where—

(a) a member, other than the Chairman, is, for any reason, unable to attend meetings of the Authority;

(b) a member, other than the Chairman, is, or is expected to be, absent from Australia; or

(c) there is a vacancy in the office of a member, other than the Chairman,  
the Minister may appoint a person to act as a member during that inability or absence or until the filling of that vacancy.

(3) A person shall not be appointed to act as a member referred to in paragraph 10 (1) (b), 10 (1) (c) or 10 (1) (d) unless he has been nominated by the body or organization referred to in that paragraph.

(4) A person shall not be appointed to act as the member referred to in paragraph 10 (1) (e) unless he is a member of the Legislative Assembly who has been nominated by the Assembly.

(5) The validity of anything done by a person acting as Chairman or as a member shall not be called in question on the ground that the occasion for his so acting had not arisen or had ceased.

(6) The appointment of a person under this section is not invalidated, and shall not be called in question, by reason of a deficiency or irregularity in, or in connexion with, his appointment.

#### PART IV—THE CHIEF EDUCATION OFFICER

Appoint-  
ment of  
Chief  
Education  
Officer.

**19.** (1) There shall be a Chief Education Officer, who shall be appointed by the Governor-General.

(2) A person shall not be appointed under sub-section (1) unless he has been nominated by the Authority.

(3) The Chief Education Officer holds office on such terms and conditions (if any) in respect of matters not provided for by this Ordinance as are determined by the Governor-General.

(4) Sub-section (3) does not authorize the Governor-General to determine terms and conditions relating to superannuation.

Term of  
office.

**20.** The Chief Education Officer shall be appointed for a period not exceeding 7 years, but is eligible for re-appointment.

Functions of  
Chief  
Education  
Officer.

**21.** Subject to the general direction of the Authority, the Chief Education Officer shall manage the affairs of the Authority.

Remunera-  
tion and  
allowances.

**22.** (1) Subject to the *Remuneration Tribunals Act* 1973, the Chief Education Officer shall be paid such remuneration and allowances as are prescribed.

(2) Where a person appointed as Chief Education Officer was, immediately before his appointment—

(a) the holder, in a full-time capacity, of an office established by or under an Act or an Ordinance;

(b) an officer of the Australian Public Service; or



- (c) an officer in the service of a body corporate established for a public purpose by or under an Act or an Ordinance,

he shall, if the regulations so provide, be paid, during the period of his appointment (including any period of re-appointment) as Chief Education Officer, in lieu of the remuneration payable by virtue of sub-section (1), such remuneration as is specified in, or ascertained in accordance with, the regulations.

**23.** The Chief Education Officer may resign his office by writing signed by him and delivered to the Governor-General. **Resignation.**

**24.** (1) The Governor-General may terminate the appointment of the Chief Education Officer by reason of misbehaviour or invalidity. **Termination of office.**

(2) If the Chief Education Officer—

- (a) 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;
- (b) is absent from duty, except on leave granted by the Minister, for 14 consecutive days, or for 28 days in any period of 12 months;
- (c) without reasonable excuse, fails to comply with section 52; or
- (d) except with the approval of the Minister, engages in paid employment outside the duties of his office.

the Governor-General shall terminate the appointment of the Chief Education Officer.

**25.** (1) The Chief Education Officer shall not engage in paid employment outside the duties of his office without the approval of the Minister. **Chief Education Officer not to undertake other work.**

(2) The Minister shall not give his approval for the purpose of sub-section (1) unless he is satisfied that the paid employment will not interfere with the proper performance of the duties of the Chief Education Officer under this Ordinance.

**26.** (1) The Governor-General may appoint a person nominated by the Authority to act as Chief Education Officer— **Acting Chief Education Officer.**

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

**(2) The Governor-General may—**

- (a) subject to this Ordinance, determine the terms and conditions of appointment (other than terms and conditions relating to superannuation) of an Acting Chief Education Officer; and
- (b) at any time, terminate such an appointment.

(3) Where a person is acting as Chief Education Officer in pursuance of an appointment under sub-section (1)—

- (a) a reference in a law of the Territory (including this Ordinance) to the Chief Education Officer includes a reference to that person; and
- (b) that person has all the powers, functions and duties conferred or imposed upon the Chief Education Officer by any law of the Territory (including this Ordinance).

(4) A person may resign an appointment under sub-section (1) by writing signed by him and delivered to the Governor-General.

(5) Subject to sub-section (6), an appointment under sub-section (1) ceases to have effect at the expiration of the period of 6 months after the date of the appointment.

(6) Where a person is acting as Chief Education Officer in pursuance of an appointment under sub-section (1) and the office of Chief Education Officer becomes vacant while that person is so acting, that person may continue so to act until the Governor-General otherwise directs, the vacancy is filled or the period of 6 months from the date on which the vacancy occurred expires, whichever first happens.

(7) A person appointed under sub-section (1) is eligible for re-appointment.

(8) The validity of anything done by an Acting Chief Education Officer shall not be called in question by reason of any defect or irregularity in, or in connexion with, his appointment or on the ground that the occasion for his acting had not arisen or had ceased.

(9) The appointment of a person under this section is not invalidated, and shall not be called in question, by reason of a deficiency or irregularity in, or in connexion with, his appointment.

**Age limit for  
appoint-  
ment.**

**27. (1)** A person who has attained the age of 65 years shall not be appointed or re-appointed as the Chief Education Officer or as Acting Chief Education Officer.

(2) A person shall not be appointed or re-appointed as the Chief Education Officer or as Acting Chief Education Officer for a period that extends beyond the date on which he will attain the age of 65 years.

#### **PART V—STAFF**

**Staff of  
Authority.**

**28.** The staff of the Authority shall consist of persons made available to the Authority under the *Public Service Act 1922* or the *Commonwealth Teaching Service Act 1972*.

**PART VI—FINANCE**

**29.** (1) The Authority shall prepare estimates, in such form as the Minister directs, of its expenditure for each financial year and, if so directed by the Minister, for any other period and shall submit those estimates to the Minister not later than such date as the Minister directs. **Estimates.**

(2) Moneys shall not be expended by the Authority otherwise than in accordance with estimates of expenditure approved by the Minister.

(3) The Authority shall submit to the National Capital Development Commission, in respect of each financial year, particulars of the Authority's requirements for new buildings and capital works—

(a) for that financial year; and

(b) for the period of 5 years immediately following the end of that financial year.

**30.** (1) The Authority may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account. **Bank accounts.**

(2) The Authority shall pay all moneys received by it into an account referred to in this section.

(3) In this section, "approved bank" means the Reserve Bank of Australia or another bank for the time being approved by the Treasurer.

**31.** The moneys of the Authority shall be applied only—

(a) in payment or discharge of the costs, expenses or other obligations of the Authority; and

(b) in payment of any remuneration (including fees and allowances) payable under this Ordinance. **Application of moneys.**

**32.** The Authority shall cause to be kept proper accounts and records of the transactions and affairs of the Authority and shall do all things necessary to ensure that all payments out of the moneys of the Authority are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Authority and over the incurring of liabilities by the Authority. **Proper accounts to be kept.**

**33.** (1) The Authority shall, as soon as practicable after the end of each financial year, prepare and furnish to the Minister a report of the operations of the Authority during that year, together with financial statements in respect of that year in such form as the Treasurer approves. **Annual reports.**

(2) The report shall set out all approvals and directions given by the Minister under section 6 during the financial year to which the report relates.

(3) Before furnishing financial statements to the Minister, the Authority shall submit them to an auditor appointed by the Treasurer, who shall report to the Minister—

(a) whether the statements are based on proper accounts and records;

- (b) whether the statements are in agreement with the accounts and records;
- (c) whether the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Authority during the year have been in accordance with this Ordinance; and
- (d) as to such other matters arising out of the statements as the auditor considers should be reported to the Minister.

(4) The first report and financial statements of the Authority under this section shall be furnished as soon as practicable after 30 June 1977, and shall relate to the operations of the Authority during the period that commenced on the date of commencement of this section and ended on 30 June 1977.

(5) The Minister shall cause the report and financial statements of the Authority, together with the report of the auditor, to be laid before the Legislative Assembly.

**Audit.**

34. (1) The Authority shall, once at least in each financial year, cause the accounts and records of financial transactions of the Authority and the records relating to assets of, or in the custody of, the Authority to be inspected and audited by the auditor appointed for the purpose of sub-section 33 (3).

(2) An auditor who carries out an inspection and audit for the purpose of sub-section (1) shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that, in the opinion of the auditor, is of sufficient importance to justify his so doing.

(3) An auditor who carries out an inspection and audit for the purpose of sub-section (1) may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts referred to in that sub-section.

(4) An auditor who carries out an inspection and audit for the purpose of sub-section (1) shall report to the Minister the results of the inspection and audit.

(5) An auditor carrying out an inspection and audit for the purpose of sub-section (1), or a person authorized by him, is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Authority relating directly or indirectly to the receipt or payment of moneys, or to the acquisition, receipt, custody or disposal of assets, by the Authority.

(6) An auditor referred to in sub-section (5) or a person authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

(7) An auditor carrying out an inspection or audit for the purpose of sub-section (1) or a person authorized by him may require a person to furnish him with such information in the possession of the person or to which the person has access as the auditor or authorized person considers necessary for the purposes of the inspection and audit, and the person shall comply with the requirement.

(8) A person who fails to comply with a requirement under sub-section (7) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$200.

35. The Authority shall not, except with the approval of the Minister, enter into any contract involving the payment or receipt of an amount exceeding \$50,000.

Certain transactions require Minister's approval.

#### PART VII—SCHOOL BOARDS

36. (1) In this Part, unless the contrary intention appears—

Interpretation.

“board” means the board of a school;

“high school” means a school declared by the Authority to be a high school for the purposes of this Part;

“primary school” means a school declared by the Authority to be a primary school for the purposes of this Part;

“principal”, in relation to a school or college, means the person occupying, or performing the duties of, the office of principal;

“secondary college” means a school declared by the Authority to be a secondary college for the purposes of this Part.

(2) A reference in this Part to the Parents and Citizens Association of a school or college shall be read as a reference to the association of persons, by whatever name called, that is declared by the Authority to be the Parents and Citizens Association of the school or college, as the case may be, for the purposes of this Part.

(3) Subject to this section, the expression “prescribed period”, in relation to the term of office of a member of a board, means the period commencing on the first day of March in the year of election of the member or the date of election, whichever is the later, and ending on the last day of February in the next succeeding year.

(4) In the case of a person who is appointed to be a member of a board, sub-section (3) applies as if for the word “election” there were substituted the word “appointment”.

(5) The Authority may direct that the term of office of the members of a board be extended so as to expire on the last day of February next succeeding the date on which that term would have expired but for this sub-section.

(6) A direction may not be given under sub-section (5) after the term of office of the members of a board (other than the principal of the school) has expired.

(7) A direction under sub-section (5) may not be given in respect of a term of office that has already been extended under that sub-section.

37. The Authority shall direct that, on and from a date specified by the Authority, a school conducted by the Authority shall have a board.

Establishment of school boards.

**Functions of  
school  
boards.**

- 38.** (1) The functions of the board of a school are—
- (a) to determine the educational policies to be implemented at the school;
  - (b) to assess, from time to time, the needs of the school in relation to the provision of buildings and facilities, equipment, funds and teachers and other staff and make recommendations to the Authority with respect to the meeting of those needs;
  - (c) to determine the purposes for which funds made available for the school are to be expended;
  - (d) to make recommendations to the Authority in respect of the use of the buildings, facilities and equipment of the school for purposes other than school purposes;
  - (e) to develop relationships between the school and the community and between the school and community organizations;
  - (f) to make recommendations to the Authority on matters relating to the school; and
  - (g) such other functions as the Authority confers upon the board.

(2) The Authority shall, where necessary, enter into discussions with boards and, where necessary, may give such directions as it thinks fit regarding the manner in which the functions of a board or of boards generally are to be performed.

(3) In the performance of its functions, a board shall comply with the directions (if any) given by the Authority under sub-section (2) and applicable to that board.

**Powers of  
school  
boards.**

**39.** (1) Subject to this section, a board has power to do such things as are necessary or convenient to be done for, or in connexion with, the performance of its functions.

(2) Nothing in this Part derogates from the functions and powers conferred upon the Authority by Part II.

(3) The performance of a function, or the exercise of a power, by the board of a school does not affect the performance by the Authority of its functions, or the exercise by the Authority of its powers, in respect of that school.

(4) In its conduct of a school, the Authority is not required—

- (a) to accept, or act in accordance with, a recommendation of the board of the school; or
- (b) to implement a policy determined by the board of the school.

**Constitution  
of primary  
school  
boards.**

- 40.** (1) The board of a primary school shall consist of—
- (a) the principal of the school;
  - (b) 1 member appointed by the Authority;

- (c) 2 members elected by teachers employed at the school;
- (d) 3 members elected to represent parents and citizens; and
- (e) the member or members (if any) appointed under sub-section (5).

(2) A person is not eligible to hold office as a member referred to in paragraph (1)(c) unless he is employed as a teacher at the school on a full-time basis.

(3) Subject to this Part, a person elected for the purpose of paragraph (1)(c) or (1)(d) holds office during the prescribed period, and is eligible for re-election.

(4) Where a member referred to in paragraph (1)(c) or (1)(d) ceases to hold office before the expiration of his term of office, the Authority may appoint a person—

- (a) in the case of a member referred to in paragraph (1)(c)—  
elected by teachers employed at the school; and
- (b) in the case of a member referred to in paragraph (1)(d)—  
nominated by the Parents and Citizens Association of the school,

to hold the vacant office for the balance of the term.

(5) Subject to sub-section (7), the board of a primary school may, if it thinks fit, appoint a person to be a member of the board.

(6) A person appointed under sub-section (5) holds office as a member of the board for a period equal to the balance of the term of office of the members referred to in paragraph (1)(d) and is eligible for re-appointment.

(7) The board of a primary school is not authorized to appoint a person under sub-section (5) so as to cause 3 or more persons to hold office at the same time by virtue of appointments under that sub-section.

(8) A person appointed under sub-section (5) is entitled to attend meetings of the board and has the same right to speak at meetings as a member appointed by the Authority but is not entitled to vote.

41. (1) The board of a high school shall consist of—

- (a) the principal of the school;
- (b) 1 member appointed by the Authority;
- (c) 2 members elected by teachers employed at the school;
- (d) 3 members elected to represent parents and citizens;
- (e) 2 members elected by students at the school; and

**Constitution  
of high  
school  
boards.**

(f) the member or members (if any) appointed under sub-section (6).

(2) A person is not eligible to hold office as a member referred to in paragraph (1) (c) unless he is employed as a teacher at the school on a full-time basis.

(3) A person is not eligible to hold office as a member referred to in paragraph (1) (e) unless he is a full-time student at the school.

(4) Subject to this Part, a member referred to in paragraph (1) (c), (1) (d) or (1) (e) holds office during the prescribed period, and is eligible for re-election.

(5) Where a member referred to in paragraph (1) (c), (1) (d) or (1) (e) ceases to hold office before the expiration of his term of office, the Authority may appoint a person—

(a) in the case of a member referred to in paragraph (1) (c)—elected by teachers employed at the school;

(b) in the case of a member referred to in paragraph (1) (d)—nominated by the Parents and Citizens Association of the school; and

(c) in the case of a member referred to in paragraph (1) (e)—elected by students at the school,

to hold the vacant office for the balance of the term.

(6) Subject to sub-section (8), the board of a high school may, if it thinks fit, appoint a person to be a member of the board.

(7) A person appointed under sub-section (6) holds office as a member of the board for a period equal to the balance of the term of office of the members referred to in paragraph (1) (d) and is eligible for re-appointment.

(8) The board of a high school is not authorized to appoint a person under sub-section (6) so as to cause 4 or more persons to hold office at the same time by virtue of appointments under that sub-section.

(9) A person appointed under sub-section (6) is entitled to attend meetings of the board and has the same right to speak at meetings as a member appointed by the Authority but is not eligible to vote.

Constitution  
of secondary  
college  
boards.

**42. (1) The board of a secondary college shall consist of—**

(a) the principal;

(b) 1 member appointed by the Authority;

(c) 2 members elected by teachers employed at the college;

(d) 3 members elected to represent parents and citizens;

(e) 2 members elected by students at the college; and

(f) the member or members (if any) appointed under sub-section (6).



(2) A person is not eligible to hold office as a member referred to in paragraph (1)(c) unless he is employed as a teacher at the college on a full-time basis.

(3) A person is not eligible to hold office as a member referred to in paragraph (1)(e) unless he is a full-time student at the college.

(4) Subject to this Part, a member referred to in paragraph (1) (c), (1) (d) or (1) (e) holds office during the prescribed period, and is eligible for re-election.

(5) Where a member referred to in paragraph (1) (c), (1) (d) or (1) (e) ceases to hold office before the expiration of his term of office, the Authority may appoint a person—

(a) in the case of a member referred to in paragraph (1)(c)—elected by teachers employed at the college;

(b) in the case of a member referred to in paragraph (1)(d)—nominated by the Parents and Citizens Association of the college; and

(c) in the case of a member referred to in paragraph (1)(e)—elected by students at the college,

to hold the vacant office for the balance of the term.

(6) Subject to sub-section (8), the board of a secondary college may, if it thinks fit, appoint a person to be a member of the board.

(7) Subject to this Part, a person appointed under sub-section (6) holds office as a member of the board for a period equal to the balance of the term of office of the members referred to in paragraph (1)(d) and, is eligible for re-appointment.

(8) The board of a secondary college is not authorized to appoint a person under sub-section (6) so as to cause 4 or more persons to hold office at the same time by virtue of appointments under that sub-section.

(9) A person appointed under sub-section (6) is entitled to attend meetings of the board and has the same right to speak at meetings as a member appointed by the Authority but is not eligible to vote.

**43.** (1) The Authority shall remove from office as a member of a board a person who has ceased to be eligible to hold that office. Termination of office.

(2) Where a member of a board, other than the principal of the school, is absent, except on leave granted by the board, from 3 consecutive meetings of the board—

(a) the Chairman of the board shall inform the Authority of the absence of the member from those meetings; and

(b) the Authority shall remove the member from office.

(3) The Authority may remove a member of a board, other than the principal of the school, from office for misbehaviour.

**44.** A member of the board of a school, other than the principal of the school, may resign his office by writing signed by him and delivered to the Chairman of the board. Resignation of members of boards.

Chairman of  
a board.

45. (1) A board shall, as occasion requires, appoint one of its members, not being the principal of the school or a teacher employed at the school, to be Chairman of the board.

(2) Subject to this Part, a member appointed in pursuance of sub-section (1) holds office as Chairman of the board for the remainder of his term of office as a member of the board.

(3) A member appointed in pursuance of sub-section (1) may resign his office of Chairman of the board by writing signed by him and delivered to the Chairman of the Authority.

(4) Where a person appointed in pursuance of sub-section (1) ceases to hold office as a member of the board before the expiration of his term of office as a member, he thereupon ceases to hold office as Chairman of the board.

(5) A member of a board is eligible to be re-appointed as Chairman of the board.

Meetings.

46. (1) The Chairman of the board of a school, or if, for any reason, the Chairman of the board is not available, the principal of the school may convene meetings of the board.

(2) The Chairman of the Authority or the Chief Education Officer may, by notice in writing given to the Chairman of a board, request that a meeting of the board be convened for the purpose of considering the matter or matters specified in the notice.

(3) Without prejudice to any other method of giving the notice, a notice may be given to the Chairman of a board for the purpose of sub-section (2) by delivering the notice, addressed to the Chairman, to the principal of the school.

(4) Where notice has been given to the Chairman of a board for the purpose of sub-section (2), the Chairman shall convene a meeting of the board by giving to each member of the board not less than three days' notice in writing of the date, time and place of the meeting and of the matter or matters specified in the notice given under sub-section (2).

(5) At a meeting convened for the purpose of sub-section (3), no business shall be dealt with except business arising out of a matter specified in the notice given for the purpose of sub-section (2).

(6) The Chairman of a board shall preside at all meetings of the board at which he is present.

(7) If the Chairman of a board is not present at a meeting of the board, the members present shall appoint one of their number to preside at the meeting.

(8) A quorum at a meeting of a board is constituted—

- (a) in the case of the board of a primary school—by not less than 4 members of whom one at least is a member elected by teachers employed at the school and one at least is a member elected to represent parents and citizens or appointed by the board; and

- (b) in the case of the board of a high school or secondary college—by not less than 5 members of whom one at least is a member elected by teachers employed at the school or college and one at least is a member elected to represent parents and citizens or appointed by the board.

(9) Questions arising at a meeting of a board shall be determined by a majority of the votes of the members present and voting.

(10) The person presiding at a meeting of a board has a deliberative vote only.

(11) Where there is a vacancy in the office of Chairman of a board and, but for this sub-section, the board would not be able to appoint a member to be Chairman of the board, the Chairman of the Authority may convene a meeting of the board.

47. The performance of the functions, or the exercise of the powers, of a board is not affected by a vacancy or vacancies in the membership of the board.

Functions and powers of board not affected by vacancies.

48. (1) In this section, “reporting period”, in relation to a board, means—

Board to report to parents, &c.

- (a) the period from and including the date on which the term of office of the members of the board elected to represent parents and citizens commences to and including the last day of May in the same year;
- (b) the period from and including the first day of June to and including the last day of August in the same year;
- (c) the period from and including the first day of September to and including the last day of November in the same year; and
- (d) the period from and including the first day of December to and including the next succeeding fourteenth day of February.

(2) The board of a school shall, within 14 days after the end of a reporting period, report in writing to—

- (a) the parents of students at the school;
- (b) teachers employed at the school; and
- (c) in the case of a high school or secondary college—students at the school,

on the operations of the board during that reporting period.

49. (1) In this section, “elected member”, in relation to the board of a school, means—

Acting appointments.

- (a) a member elected by teachers employed at the school;
- (b) a member elected to represent parents and citizens; or
- (c) a member elected by students at the school.

(2) Where—

- (a) an elected member of a board is, or is expected to be, absent from the Territory; or

(b) an elected member of a board is unable, through illness or other cause, to attend meetings of the board, the board may appoint a person to act as a member of the board during the absence or inability, as the case may be.

(3) Where a person ceases to hold office as an elected member of a board before the expiration of his term of office, the board may appoint a person to act as a member of the board while the office remains vacant.

(4) The validity of anything done by a person purporting to act under this section shall not be called in question on the ground that the occasion for his acting had not arisen or that the occasion for his acting had passed or had ceased.

(5) The appointment of a person under this section is not invalidated, and shall not be called in question, by reason of a deficiency or irregularity in, or in connexion with, his appointment.

#### PART VIII—PARENT PARTICIPATION IN PRE-SCHOOLS

Authority  
to take steps  
to facilitate  
parent  
participation  
in conduct of  
pre-schools.

**50.** The Authority shall, in the performance of its functions in relation to a pre-school, take such steps as are necessary to encourage, and afford adequate opportunities for, parents of children attending the pre-school to participate in the conduct of that pre-school.

#### PART IX—MISCELLANEOUS

Committees.

**51.** (1) The Authority may appoint a Committee to assist the Authority in relation to a matter.

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

(3) Subject to the *Remuneration Tribunals Act 1973*, a member of a Committee shall be paid, in respect of attendance at meetings of the Committee or while engaged (whether in the Territory or elsewhere), with the approval of the Authority, on business of the Committee, such fees and allowances (if any) as are prescribed.

(4) A Committee shall make such investigations, and furnish to the Authority such reports, in connexion with the matter in relation to which it has been appointed as the Authority directs.

Disclosure  
of interests.

**52.** (1) A member of the Authority who is directly or indirectly interested in a contract made or proposed to be made by the Authority, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Authority, and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.

**53.** The first appointment of a person to the office of Chief Education Officer shall be made by the Governor-General and an appointment so made shall have effect as if it had been made on the nomination of the Authority.

First appointment of Chief Education Officer.

**54.** Where a person was, immediately before his appointment as Chief Education Officer, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act 1928* applied, he retains his existing and accruing rights.

Rights of public servant appointed as Chief Education Officer.

**55.** An action or proceeding, civil or criminal, does not lie against a member of the Authority or of the board of a school for or in respect of an act or thing done in good faith by the member in his capacity as member.

Protection of members of Authority.

**56.** A notice for the purpose of any provision of this Ordinance may be given by post.

Notices may be given by post.

**57. (1)** The Minister may make regulations, not inconsistent with this Ordinance, prescribing matters that are required or permitted by this Ordinance to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

Regulations.

(2) Without limiting the generality of sub-section (1), regulations made under that sub-section may make provision for, and in relation to—

- (a) the conduct of elections for the purposes of Part VII;
- (b) the setting aside of such an election and the conduct of a new election; and
- (c) appeals to the Administrative Appeals Tribunal against decisions made under the regulations in relation to an election for the purposes of Part VII.