

AUSTRALIAN CAPITAL TERRITORY

Schools Authority (Amendment) Ordinance (No. 2) 1988

No. 65 of 1988

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 8 September 1988.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

CLYDE HOLDING
Minister of State for the Arts
and Territories

An Ordinance to amend the *Schools Authority Ordinance 1976*

Short title

1. This Ordinance may be cited as the *Schools Authority (Amendment) Ordinance (No. 2) 1988*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Schools Authority Ordinance 1976*.²

Interpretation

3. Section 4 of the Principal Ordinance is amended by inserting the following definitions:

(Ord. 33/88)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

“ ‘Chairperson’ means the Chairperson of the Committee;
‘Committee’ means the Schools Authority Advisory Committee;
‘member’ means a member of the Committee;”.

Functions of Authority

4. Section 6 of the Principal Ordinance is amended by inserting after subsection (3) the following subsection:

“(3A) In the performance of its functions, the Authority shall have regard to any advice given by the Committee.”.

Insertion

5. Before section 8 of the Principal Ordinance the following heading is inserted in Part III:

“Division 1—Australian Capital Territory Schools Authority”.

Constitution of Authority

6. Section 8 of the Principal Ordinance is amended by inserting in subsection (1) “in writing” after “shall”.

Leave of absence

7. Section 11 of the Principal Ordinance is amended by adding at the end the following subsection:

“(2) For the purposes of this section—

- (a) a grant of leave of absence; and
- (b) the determination of the terms and conditions of that grant;

shall be in writing.”.

Acting appointment

8. Section 14 of the Principal Ordinance is amended by inserting in subsection (1) “in writing” after “may”.

Insertion

9. After section 14 of the Principal Ordinance the following Division is inserted in Part III:

“Division 2—Schools Authority Advisory Committee

Establishment of Committee

“15. There is established by this section a committee by the name of the Schools Authority Advisory Committee.

Function and powers of Committee

“16. (1) The function of the Committee is to advise the Authority with respect to matters relating to the functions of the Authority and, in particular, in relation to—

- (a) the educational policies to be implemented in schools;
- (b) the provision of educational services at schools;
- (c) the welfare of students at schools and the management of schools;
- (d) the development of relationships between schools and the community;
and
- (e) the planning and programming of educational and related services to be provided by the Authority, and the financial policies of the Authority.

“(2) Advice given by the Committee shall be in writing.

“(3) The Committee may report in writing to the Minister on any matter relating to the functions of the Authority.

“(4) The Committee has power to do all things necessary or convenient to be done for or in connection with the performance of its function.

Constitution of the Committee

“17. (1) The Committee shall consist of—

- (a) a Chairperson;
- (b) 2 persons, each of whom is a Chairman of a board;
- (c) a representative of the Canberra Pre-School Society Incorporated;
- (d) a representative of the Australian Capital Territory Council of Parents and Citizens Associations Incorporated;
- (e) a representative of an organisation representing teaching staff employed at schools; and
- (f) 1 other person.

“(2) The Chief Education Officer, a member of the Committee referred to in paragraphs (1) (b) to (f), or a member of the staff of the Authority, shall not be appointed as Chairperson.

“(3) The members of the Committee shall be appointed in writing by the Minister.

“(4) Subject to this Ordinance, a member holds office for the period, not exceeding 3 years, and on the terms and conditions, specified in the instrument of appointment.

Resignation of member

“18. A member may resign by writing signed by the member and delivered to the Minister.

Termination of appointment

“19. (1) The Minister may terminate the appointment of a member for misbehaviour or physical or mental incapacity.

“(2) The Minister shall terminate the appointment of a member if—

- (a) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (b) the member is absent, without advising the Minister or the Chairperson of the reason for his or her absence, from 3 consecutive meetings of the Committee;
- (c) the member is convicted in the Territory or in a State or another Territory of an offence punishable on conviction by imprisonment for 1 year or more;
- (d) in the case of a member of the kind referred to in paragraph 17 (1) (b), (c), (d) or (e), the Minister has reasonable grounds for believing that the member has ceased to be a member of that kind; or
- (e) the member fails, without reasonable excuse, to comply with section 22.

Acting Chairperson

“20. (1) The Minister may in writing appoint a person (other than the Chief Education Officer or a member of the staff of the Authority) to act in the office of Chairperson—

- (a) where there is a vacancy in the office of Chairperson, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Chairperson is absent from duty or from the Territory or is, for any other reason, unable to perform the functions of that office;

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) Anything done by or in relation to a person purporting to act in the office of Chairperson is not invalid because—

- (a) the occasion for the person’s appointment had not arisen;
- (b) there is a defect or irregularity in or in connection with the appointment;
- (c) the appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

Meetings

“21. (1) The Committee shall hold at least 8 meetings each year, but so that a period of not more than 3 months elapses between each meeting.

“(2) The Chairperson—

- (a) may convene a meeting at any time; and
- (b) shall convene a meeting on receipt of a written request signed by—
 - (i) the Minister; or
 - (ii) at least 3 members.

“(3) The Chairperson shall preside at all meetings at which he or she is present.

“(4) If the Chairperson is absent from a meeting, the members present may elect 1 of their number to preside at the meeting.

“(5) At a meeting, 5 members constitute a quorum.

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

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

“(8) The Committee shall keep a record of its proceedings.

Disclosure of interests

“22. (1) A member who has a direct or an indirect pecuniary interest in a matter being considered or about to be considered by the Committee shall, as soon as practicable after the relevant facts have come to the member’s knowledge, disclose the nature of his or her interest at a meeting of the Committee.

“(2) A disclosure under subsection (1) shall be recorded in the minutes of that meeting and, unless the Committee otherwise determines, the member shall not—

- (a) be present during any deliberation of the Committee with respect to that matter; or
- (b) take part in any decision of the Committee with respect to that matter.

“(3) A member referred to in subsection (2) shall not—

- (a) be present during any deliberation of the Committee for the purpose of considering whether to make a determination under that subsection in relation to that member; or
- (b) take part in the making by the Committee of such a determination.”.

Contracts requiring Ministerial approval

10. Section 35 of the Principal Ordinance is amended by omitting all the words after “not” and substituting—

“enter into a contract for the expenditure or receipt of an amount exceeding \$100,000—

- (a) without the written approval of the Minister; and
- (b) unless the contract is in writing.”.

Repeal

- 11.** Section 51 of the Principal Ordinance is repealed.
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NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 21 September 1988.
2. No. 59, 1976 as amended by No. 46, 1978; No. 11, 1979; No. 63, 1983; No. 28, 1985; No. 70, 1987; No. 2, 1988.