

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

ORDINANCE

No.63, 1983

SCHOOLS AUTHORITY (AMENDMENT) ORDINANCE 1983

Paragraph 12 of the Seat of Government (Administration) Act 1910 (the Act) provides that "the Governor-General may make Ordinances for the peace, order and good government of the Territory".

The Schools Authority Ordinance 1976 (the Ordinance) provides for the establishment and operation of the Australian Capital Territory Schools Authority to control schools and preschools established and conducted in the Territory on behalf of the Commonwealth, and the establishment and operation of school boards with functions in relation to those schools.

The Schools Authority (Amendment) Ordinance 1983 seeks to amend the Ordinance by making changes and additions of various kinds, designed to rectify gaps and deficiencies revealed by the operation of the Ordinance.

The amendments are concerned in the main with:

- (1) additional and revised definitions, made necessary by the current operations and relationships of the Authority;
- (2) extension of the Authority's powers to conduct other than standard schools, and to provide services to community groups, non-government schools and other institutions;
- (3) provisions for the appointment of the Chief Education Officer, the appointment of acting members, and terms of office of the members of the Authority nominated by the ACT House of Assembly;

- (4) changes in financial provisions, which give effect to requirements of the Auditor-General's Office in relation to financial transactions involving moneys other than Parliamentary appropriations, and consequently powers for the Authority in relation to the audit and financial requirements for school boards; and
- (5) an extension of the terms of office for elected school board members to two years, the establishment of boards for small schools and schools of a special character, with associated quorum provisions.

The Australian Capital Territory House of Assembly agreed to amendments included in the proposed Ordinance.

Details of the proposed Ordinance are attached.

Authority: Seat of Government (Administration) Act 1910

ATTACHMENT

Details of the Proposed Ordinance

- Section 1 cites the Ordinance as the Schools Authority (Amendment) Ordinance 1983.
- Section 2 provides that the Ordinance shall come into operation on 1 January 1984.
- Section 3 provides that "Principal Ordinance" means the Schools Authority Ordinance 1976.
- Section 4 provides for the definition of "board", "community group", "community purpose", "non-government school", and "school".
- Section 5 amends section 6 of the existing Ordinance and extends the functions of the Authority to conduct, in addition to standard schools, "such other schools and other educational and related institutions as the Minister may from time to time approve".
- Section 6 amends section 7 of the existing Ordinance and provides that the Authority shall have power to enter into arrangements with community groups in respect of land or buildings made available by the Commonwealth to the Authority.
- Section 7 inserts a new section 7A into the existing Ordinance which provides that the Authority shall have power, with the approval of the Minister, to give to non-government schools, technical and further education institutions and other eligible institutions and agencies, access to programs, buildings, facilities and services of the Authority.

Section 8 amends section 11 of the existing Ordinance and provides that the terms of office as Authority members of Australian Capital Territory House of Assembly nominees are restricted to their terms of office as House of Assembly members.

Section 9 provides that the grounds for termination by the Governor-General of an appointment of a part-time member are to apply before the expiration of the member's term of office.

Section 10 amends section 18 of the existing Ordinance and provides that the Minister may appoint an acting member of the Authority to take the place of a member appointed to act as Chairman.

It also provides that a part-time member appointed to act as Chairman, shall do so for no more than 12 months, and only in such circumstances as are specified in the instrument of appointment, and on terms and conditions determined by the Minister, who may terminate the appointment at any time.

If the position of Chairman becomes vacant, while a part-time member is acting as Chairman, the acting Chairman may continue to act for up to 12 months, unless the Minister directs otherwise or the vacancy is filled.

A person appointed under this section may resign his appointment by writing to the Minister.

Section 11 amends section 19 of the existing Ordinance and provides that the Minister shall consult with the Authority in relation to the appointment of a Chief Education Officer before the appointment is made.

Section 12 repeals sections 30,32,33 and 34 of the existing Ordinance in relation to financial requirements which are covered by Division 3 of Part 11 of the Audit Act 1901, and inserts new sections.

The new section 29 defines as moneys of the Authority, moneys which are appropriated by Parliament; received in relation to land and buildings under the control of this Authority; accepted from persons where the Authority considers it appropriate to its functions; and also moneys received by school boards or persons representing schools.

The new section 30 provides that the Authority may in writing declare to be assets of the Authority, property purchased by, donated to, or otherwise acquired by a school board, or in the custody of a board, or acquired for the general purposes or a particular purpose of a school.

The new section 31 provides for a rewording of the existing section 31, and for an extension of the ways in which the moneys of the Authority may be applied, namely in payment of costs, obligations etc, in payment of any remuneration, fees or allowances, and in other payments required or permitted by the Ordinance.

The new section 32 provides that estimates of the Authority shall be prepared for moneys appropriated by the Parliament, and submitted to the Minister; and that moneys shall not be expended otherwise than approved by the Minister.

The new section 33 gives the Authority power to invest money.

Section 13 amends section 36 of the existing Ordinance and provides for the definition of "full-time student", "full-time teacher", "half-year", "member", "secondary college", "small school", "year", and "prescribed period", in relation to school boards and elections for school boards.

Section 14 repeals sections 40, 41 and 42 of the existing Ordinance and provides for a redrafted composite version of sections 40, 41 and 42 of the existing Ordinance, which relate to the constitution of school boards.

It also provides for the constitution of the boards of small schools and of boards in special cases.

Section 15 amends section 46 of the existing Ordinance, redrafts existing requirements for quorums for school boards, and inserts new requirements for the boards of small schools and boards in special cases.

Section 16 repeals section 48 of the existing Ordinance which requires school boards to report to parents and teachers, and students in secondary schools; and inserts a new section 48 which provides that boards shall prepare budgets, spend moneys only in accordance with budgets, apply moneys of the Authority only in connection with the purposes of the Authority, keep proper accounts, prepare financial statements and reports, and provide copies of budgets and annual reports to interested groups and individuals.

Section 17 repeals section 53 of the existing Ordinance which relates to the appointment of the first Chief Education Officer.

Section 18 provides for savings provisions in relation to the commencement of the Ordinance in respect of members of the Authority currently nominated by the Australian Capital Territory House of Assembly, and for the constitution and operation of school boards up to the last day of February 1984.

Section 19 provides for transitional arrangements for the authorisation of investments made prior to the commencement of this Ordinance; and for half the members of school boards elected in accordance with the existing Ordinance as amended to hold office for two years, whereas the others shall hold office for one year, with the exception of the school principal and coopted members.

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