

Australian Capital Territory

# Education (School Boards of Schools in Special Circumstances) Birrigai Outdoor School Determination 2010

Disallowable instrument DI2010–284

made under the

Education Act 2004, section 43

## EXPLANATORY STATEMENT

---

### Introduction and purpose

This instrument provides for the composition of school boards of the Birrigai Outdoor School, a school in special circumstances under section 43 of the *Education Act 2004* (the Act).

The Birrigai Outdoor School was declared a school in special circumstances on 14 October 2004. The composition of the Board of the Birrigai Outdoor School has changed following changes to the governance of the Birrigai Outdoor School resulting from an amalgamation with Tidbinbilla. As such, a joint governance model will apply to Birrigai operations through the auspices of the Tidbinbilla Board of Management.

### Legal authority

Section 43(5) of the Act states that the Chief Executive of the ACT Department of Education and Training (the Chief Executive) may determine:

- the composition of the board
- the members who are required to be present at a meeting of the board; and
- the members who may not vote at a meeting of the board.

Section 43 subsection 6 of the Act requires the determination of the board to be made only with the Minister's written approval. The Minister approved the composition of the board on 24 September 2010.

Section 43 subsection 7 of the Act requires the Chief Executive to consult with the parents of the school about the composition of the board, if practical. As Birrigai does not have an enrolled student body, but hosts students enrolled in other schools, it is not practical to consult with an identified parent body.

## **Summary of determination**

### **1. Composition**

#### Principal

The Principal on the Board of the Birrigai Outdoor School must be the principal of the Birrigai Outdoor School.

#### General Manager of the Tidbinbilla Nature Reserve

The General Manager of the Tidbinbilla Nature Reserve on the Board of the Birrigai Outdoor School must be the General Manager of the Tidbinbilla Nature Reserve.

#### Representative of the ACT Department of Education and Training

The Representative of the ACT Department of Education and Training on the Board of the Birrigai Outdoor School must be a Manager nominated by the ACT Department of Education and Training and appointed by the Chief Executive for the prescribed period.

#### Tidbinbilla Board of Management Members

The two Tidbinbilla Board Members appointed to the Board of the Birrigai Outdoor School must be appointed members of the Tidbinbilla Board of Management and are nominated by the Tidbinbilla Board of Management and appointed by the Chief Executive for the prescribed period.

#### Aboriginal and Torres Strait Islander Member

The Aboriginal and Torres Strait Islander Member appointed to the Board of the Birrigai Outdoor School must be nominated by the United Ngunnawal Elders Council and appointed by the Chief Executive for the prescribed period.

#### Principal Member

The Principal Member appointed to the Board of the Birrigai Outdoor School must be a Principal of an ACT public school and is nominated by the School Network Reference Group of the ACT Department of Education and Training and appointed by the Chief Executive for the prescribed period.

#### Birrigai Staff Member

The Birrigai Staff Member appointed to the Board of the Birrigai Outdoor School must be a staff member of the Birrigai Outdoor School and is elected by the staff of the Birrigai Outdoor School and appointed by the Chief Executive for the prescribed period.

#### Tidbinbilla Nature Reserve Staff Member

The Tidbinbilla Nature Reserve staff Member appointed to the Board of the Birrigai Outdoor School must be a staff member of the Tidbinbilla Nature Reserve and is elected by the staff of the Tidbinbilla Nature Reserve and appointed by the Chief Executive for the prescribed period.

#### Appointed Member

The Appointed Member appointed to the Board of the Birrigai Outdoor School is a person external to the Birrigai Outdoor School and Tidbinbilla Nature Reserve and

represents the general community. A call for nominations for this position is to be placed in the public notices of an ACT newspaper with the successful nominee selected by the Principal of the Birrigai Outdoor School. The Appointed Member is appointed by the Chief Executive for the prescribed period.

#### Board Appointed Members

The Board of the Birrigai Outdoor School may appoint up to two Board Appointed Members for a term (not longer than 12 months) to be decided by the school board. The board appointed members are non-voting members of the school board. The Board Appointed Members are to be representatives of ACT non-government schools and the Tidbinbilla heritage community; however the appointments are at the discretion of the school board.

### **2. Quorum**

Business may be carried out at a meeting of the School Board of the Birrigai Outdoor School only if three or more appointed members are present and at least one of the appointed members present is a representative of the ACT Department of Education and Training and at least one of the appointed members present is a representative of the Tidbinbilla Nature Reserve.

This is to ensure that business is not carried out without a representative of the ACT Department of Education and Training and the Tidbinbilla Nature Reserve being present. Decisions made by at an inquorate meeting may be invalid.

### **3. Voting rights**

All members of the board have equal voting rights. The chair has the casting vote as per section 48 of the Act. The Board Appointed Members are non-voting members of the school board.

### **4. Period of appointment**

All members are appointed for the prescribed period, as defined in section 37 of the Act. The Board Appointed Members are appointed by the school board for a term (not longer than 12 months) to be decided by the school board.