

# Education (School Boards of Schools in Special Circumstances) University of Canberra Senior Secondary College, Lake Ginninderra Determination 2012

Disallowable instrument DI2012-3

made under the

Education Act 2004, section 43

## EXPLANATORY STATEMENT

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### Introduction and purpose

This instrument provides for the composition of school boards of the University of Canberra Senior Secondary College, Lake Ginninderra, a school in special circumstances under section 43 of the *Education Act 2004* (the Act).

### Legal authority

Section 43(5) of the Act states that the Director-General of the Education and Training Directorate (the Director-General) 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 9 November 2011.

Section 43 subsection 7 of the Act requires the Director-General to consult with the parents of the school about the composition of the board, if practical. Consultation took place with the school board, the school community and the University of Canberra in relation to the composition of the board.

## Summary of determination

### 1. Composition

#### Principal

The principal must be a member of a school board established at an ACT public school. The principal does not need to be appointed to the school board. In accordance with section 45 (subsection 3) of the Act, the school board must not appoint the principal of the school to be the chairperson of the board.

#### Appointed member

The *appointed member* is a person external to the school community and appointed by the Director-General.

#### Staff members

The two *staff members* appointed to the board are employed as members of staff at the school, elected by the staff at the school and appointed by the Director-General. Staff at the school includes teachers, administrative staff and any other employees of the school. In accordance with section 45 (subsection 3) of the Act, the school board must not appoint a member of staff to be the chairperson of the board.

#### Parents and citizens members

The three *parents and citizens members* appointed to the board must be elected by the parents and citizens association of the school and appointed by the Director-General.

#### Student members

The two *student members* appointed to the board are students at the school, elected by the students at the school and appointed by the Director-General.

#### University of Canberra member

The one *University of Canberra member* appointed to the board must be nominated by the University of Canberra and appointed by the Director-General. The school board must not appoint the *University of Canberra member* to be the chairperson of the board.

#### Board appointed members

The board may appoint one or more *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. These positions may be filled by people with particular skills or experience; however the appointment is at the discretion of the board.

## **2. Quorum**

In accordance with section 48 (subsection 4) of the Act, business may be carried out at a meeting of the school board only if three or more members are present and at least one of the members present is a *staff member* and at least one of the members present is a *parents and citizens member*. This is to ensure that business is not carried out without a staff member and a parent and citizen member being present. Decisions made at an inquorate meeting may be invalid.

## **3. Voting rights**

All members of the board have equal voting rights, except the board appointed members (if any), who are non-voting members. In the event of equal votes, the member presiding has a casting vote in accordance with section 48 (subsection 6) of the Act.

## **4. Period of appointment**

All members except the principal and board appointed members (if any) are appointed for the prescribed period, as defined in section 37 of the Act. The principal is appointed to the board for the duration of appointment as principal. The board appointed members (if any) are appointed to the board for a term decided by the board, but not longer than 12 months in accordance with section 41 (subsection 6) of the Act.