

NORTHERN TERRITORY OF AUSTRALIA  
EDUCATION AMENDMENT ACT 2002

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Act No. 60 of 2002

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 60 of 2002

## AN ACT

to amend the *Education Act*

[Assented to 7 November 2002]  
[Second reading 14 August 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

**1. Short title**

This Act may be cited as the *Education Amendment Act 2002*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act**

The *Education Act* is in this Act referred to as the Principal Act.

**4. Definitions**

Section 10A of the Principal Act is amended by omitting the definitions of "Chairman", "Deputy Chairman", "member" and "relevant organization" and substituting the following:

"'chairperson' means the chairperson of the Board appointed under section 10C(1);

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'member' means a member of the Board appointed under section 10C(1) and includes the chairperson."

**5. Composition of Board and appointment of members**

Section 10C of the Principal Act is amended –

(a) by omitting subsections (1), (2) and (3) and substituting the following:

"(1) The Board consists of –

(a) a chairperson; and

(b) 15 other members,

appointed by the Administrator.

"(2) The Minister must nominate a person (who is not an employee of the department administering this Act) for appointment as the chairperson.

"(3) The Regulations may prescribe the interest groups or bodies from which the remaining 15 members are drawn and the manner in which prospective members are to be nominated."; and

(b) by omitting subsection (5).

**6. Period of appointment**

Section 10D of the Principal Act is amended –

(a) by omitting from subsection (1) "appointed under section 10C(1)(b)"; and

(b) by adding at the end the following:

"(3) The appointments of members are to be arranged so that, as far as practicable, the terms of office of 8 members expire together, with the terms of office of the other 8 members expiring 18 months later."

**7. Repeal and substitution**

Section 10E of the Principal Act is repealed and the following substituted:

**"10E. Acting chairperson**

"If the chairperson is absent from a meeting, the members present must elect one of their number to be acting chairperson and that person may exercise the powers and perform the duties of the chairperson for that meeting."

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**8. Dismissal of members**

Section 10G of the Principal Act is amended –

- (a) by omitting from subsection (1) "referred to in section 10C(1)(b)";
- (b) by adding at the end of subsection (1) "to carry out his or her duties as a member";
- (c) by omitting from subsection (2) "referred to in section 10C(1)(b)";
- (d) by omitting from subsection (2)(a) "3 consecutive meetings" and substituting "2 consecutive meetings"; and
- (e) by omitting subsection (3) and substituting the following:

"(3) If a member was appointed on the nomination of a body, the Administrator must terminate the appointment of the member if the nominating body so requests."

**9. Meeting of Board**

Section 10H of the Principal Act is amended –

- (a) by omitting from subsections (1) and (2) "Chairman" (all references) and substituting "chairperson"; and
- (b) by omitting subsection (3)(a) and substituting the following:
  - "(a) 9 members constitute a quorum;"

**10. Repeal and substitution**

Section 10J of the Principal Act is repealed and the following substituted:

**"10J. Functions of Board**

"The following are functions of the Board:

- (a) providing advice to the Minister and the Secretary on curriculum policy in relation to –
  - (i) establishing and maintaining curriculum frameworks that encompass the needs of all students in the Territory school education system;
  - (ii) establishing and maintaining procedures for student assessment, reporting and certification;

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- (iii) monitoring, evaluating and reporting on student performances;
  - (iv) improving student outcomes; and
  - (v) government policy that impacts on the Board's functions;
- (b) co-operating and consulting with prescribed authorities or bodies engaged in education and related matters."

**11. Issue of certificates by Board**

Section 10M of the Principal Act is amended by omitting subsections (2), (3) and (4).

**12. Repeal**

Section 10N of the Principal Act is repealed.

**13. Protection of members**

Section 10R of the Principal Act is amended –

- (a) by omitting "or person acting with the authority of the Board"; and
- (b) by omitting "done by the member or person" and substituting "done by him or her".

**14. Establishment and composition**

Section 11 of the Principal Act is amended –

- (a) by omitting from subsection (3) "15 members" and substituting "16 members";
- (b) by omitting from subsection (3)(a) "9 members" and substituting "10 members";
- (c) by inserting before subsection (3)(a)(ii) the following:
  - "(i) the Australian Education Union;"
- (d) by omitting subsection (3)(a)(iii) and substituting the following:
  - "(iii) the indigenous community;"
- (e) by omitting from subsection (3)(a)(v) "unions;" and substituting "unions (other than the Australian Education Union);";

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- (f) by omitting from subsection (3)(ab) "Commonwealth Minister for Employment, Education and Training" and substituting "Commonwealth Minister administering the Commonwealth department primarily responsible for school education"; and
- (g) by omitting from subsection (3)(b) "Department of Education" and substituting "department administering this Act".

**15. Resignation and removal from office**

Section 11B of the Principal Act is amended –

- (a) by adding at the end of subsection (2) "to carry out his or her duties as a member"; and
- (b) by omitting from subsection (3)(a) and (b) "Chairman" and substituting "chairperson".

**16. Meeting of Council**

Section 11C of the Principal Act is amended –

- (a) by omitting from subsections (1) and (2) "Chairman" (all references) and substituting "chairperson"; and
- (b) by omitting from subsection (3)(a) "8 members" and substituting "9 members".

**17. New section**

The Principal Act is amended by inserting after section 13A the following:

**"13B. Protection of members and deputy members**

"A member or deputy member of the Education Advisory Council is not personally liable in respect of any matter or thing done by him or her if the matter or thing was done in good faith for the purpose of exercising the powers or performing the functions of the Council."

**18. Further amendments**

The Principal Act is amended as set out in the Schedule.

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**SCHEDULE**

Section 18

Provision	Amendment	
	omit	substitute
Section 10F	referred to in section 10C(1)(b)	
	signed by him	signed by him or her
Section 10S(1)	Department of Education	department administering this Act
Section 12(1)	Chairman	chairperson
Section 12(2)	Deputy Chairman	deputy chairperson
Section 12(3)(a)	Chairman	chairperson
Section 12(3)(b)	Chairman (first reference)	chairperson
	Deputy Chairman	deputy chairperson
	Chairman (last reference)	chairperson