

NORTHERN TERRITORY OF AUSTRALIA
EDUCATION AMENDMENT ACT (NO. 2) 1991

No. 71 of 1991

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Interpretation
5. Establishment of school councils
6. Functions of school councils
7. New section:

"71M. PROTECTION OF MEMBERS"



NORTHERN TERRITORY OF AUSTRALIA

No. 71 of 1991

AN ACT

to amend the *Education Act*

[Assented to 6 December 1991]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Education Amendment Act (No. 2) 1991*.

2. COMMENCEMENT

This Act shall come into operation on a date to be 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. INTERPRETATION

Section 70(1) of the Principal Act is amended by adding at the end of the definition of "school council" the words "and, in respect of subsection (2) and sections 71B, 71D, 71E, 71F, 71G, 71H, 71J, 71K and 71M, includes a school management council and a group school management council established by the Minister under section 71(5).".

5. ESTABLISHMENT OF SCHOOL COUNCILS

Section 71 of the Principal Act is amended by adding at the end the following:

"(5) The Minister may, by notice in the *Gazette*, establish -

- (a) a school management council for the Government school; or
- (b) a group school management council for the Government schools,

specified in the notice.

"(6) The Minister may establish a school management council or group school management council under subsection (5) notwithstanding that a school council has been established for the Government school or any of the Government schools, as the case may be, in respect of which it is established.

"(7) A school management council shall consist of the head teacher from time to time of the Government school for which it is established or such other person as the Minister may appoint in place of the head teacher.

"(8) A group school council shall consist of the person appointed by the Minister.

"(9) An appointment under subsection (8) may be made by reference to the person from time to time holding, acting in or performing the duties of an office, designation or position in the Department of Education."

6. FUNCTIONS OF SCHOOL COUNCILS

Section 71C of the Principal Act is amended -

- (a) by omitting from subsection (1)(g) "a general oversight" and "supervising" and substituting "general control" and "controlling", respectively;
- (b) by omitting from subsection (1)(h) "supervise" and substitute "control";
- (c) by omitting from subsection (1)(m) ", other than a person who is an employee within the meaning of the *Public Service Act* or an employee or officer within the meaning of the *Teaching Service Act*"; and

Education Amendment (No. 2)

(d) by inserting after subsection (1) the following:

"(1A) A school management council or group school management council established under section 71(5) may, in respect of the Government school or Government schools, as the case may be, for which it is established, perform the functions conferred on a school council under subsection (1)(b), (d), (e), (f), (g), (h), (m), (n) or (p) as if it were a school council.

"(1B) Where, in respect of a Government school, there is established a school council and a school management council or group school management council, the school council shall not, except with the approval of the Secretary, perform a function conferred on it under subsection (1) which is also conferred on the school management council or group school management council under subsection (1A)."

7. NEW SECTION

The Principal Act is amended by inserting after section 71K the following:

"71M. PROTECTION OF MEMBERS

"No action or proceeding, civil or criminal, shall be commenced or lie against a member of a school council for or in respect of an act or thing done or omitted to be done in good faith -

(a) by him in his capacity as such a member; or

(b) by the school council,

in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Part."
