



NORTHERN TERRITORY OF AUSTRALIA

No. 4 of 1984

AN ACT

To amend the *Education Act*

[Assented to 3 April 1984]

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 1984*.

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. NEW PART

The Principal Act is amended by inserting after Part II the following:

"PART IIA - NORTHERN TERRITORY BOARD OF STUDIES

"10A. DEFINITIONS

"In this Part, unless the contrary intention appears -

'Board' means the Northern Territory Board of Studies established by section 10B;

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'Chairman' means the Chairman of the Board referred to in section 10E(1);

'Deputy Chairman' means the Deputy Chairman of the Board appointed under section 10E(1);

'member' means a member of the Board referred to or appointed under section 10C;

'relevant organization' means an organization representing the interests of persons engaged in or concerned with education or related matters, and includes employers and trade unions but does not include a body referred to in section 10C(2)(b) or (c).

"10B. ESTABLISHMENT OF BOARD

"There is established by this Act a Board by the name of the Northern Territory Board of Studies.

"10C. COMPOSITION OF BOARD AND APPOINTMENT OF MEMBERS

"(1) The Board shall consist of 20 members who shall be -

- (a) the Secretary or his nominee; and
- (b) 19 persons appointed, subject to sub-section (2), by the Administrator.

"(2) Of the members appointed under sub-section (1)(b) -

- (a) 5 shall be chosen by the Administrator from nominations received by him from the Secretary;
- (b) 2 shall be chosen by the Administrator, from nominations received by him from the Darwin Community College within the meaning of Part VI, of whom -
 - (i) one shall be from the Technical and Further Education sector; and
 - (ii) one shall be from the Advanced Education sector,
of the College;
- (c) subject to sub-section (3), one from each of -
 - (i) the Council of the Community College of Central Australia;
 - (ii) the Council of the Katherine Rural College;

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- (iii) the Northern Territory Aboriginal Education Consultative Group;
- (iv) the Northern Territory Council of Government School Organizations;
- (v) the Northern Territory Teachers Federation;
- (vi) the University Planning Authority established under the *University (Interim Arrangements) Act*; and
- (vii) the Vocational Training Commission established under the *Vocational Training Commission Act*,

shall be chosen by the Administrator from nominations received by him from those respective bodies; and

- (d) one member from each prescribed relevant organization shall be chosen by the Administrator from nominations received by him from the respective prescribed relevant organizations.

"(3) A nomination referred to in sub-section (2)(c) by a body referred to in that sub-section may be -

- (a) a member of the body; or
- (b) a representative of the body.

"(4) The exercise of a power or the performance of a function by the Board is not affected by reason only of there being a vacancy in the membership of the Board.

"10D. PERIOD OF APPOINTMENT

"(1) Subject to this Act, a member appointed under section 10C(1)(b) holds office until the expiration of such period, not exceeding 3 years, as is specified in his instrument of appointment, but is eligible for re-appointment.

"(2) Where a period of appointment is not specified in an instrument of appointment of a member referred to in sub-section (1), the member holds office, subject to this Part, for 3 years.

"10E. CHAIRMAN AND DEPUTY CHAIRMAN

"(1) The Secretary or his nominee shall be the Chairman of the Board and the Minister shall appoint a member to be the Deputy Chairman of the Board.

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"(2) Where he is present, the Chairman, or in his absence, the Deputy Chairman, shall preside at meetings of the Board.

"(3) In the absence of the Chairman and Deputy Chairman, the members of the Board present at a meeting shall elect an acting Chairman, and that person may exercise the powers and perform the duties of the Chairman for that meeting.

"10F. RESIGNATION OF MEMBERS

"A member referred to in section 10C(1)(b) may resign his office by writing signed by him and delivered to the Administrator.

"10G. DISMISSAL OF MEMBERS

"(1) The Administrator may terminate the appointment of a member referred to in section 10C(1)(b) for inability, inefficiency, misbehaviour or physical or mental incapacity.

"(2) Where a member referred to in section 10C(1)(b) -

- (a) is absent, except on leave granted by the Board, from 3 consecutive meetings of the Board; or
- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit,

the Administrator shall terminate the appointment of the member.

"(3) Where the Administrator receives a request to terminate the appointment of a member referred to in section 10C(1)(b) from, where the member holds office as a member by virtue of having been nominated under -

- (a) section 10C(2)(a) - the Secretary;
- (b) section 10C(2)(b) - the Darwin Community College within the meaning of Part VI;
- (c) section 10C(2)(c) - the body referred to in that section which so nominated the member; or
- (d) section 10C(2)(d) - the prescribed relevant organization which so nominated the member,

the Administrator shall terminate the appointment of the member.

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"10H. MEETING OF BOARD

"(1) The Chairman shall call such meetings of the Board as are necessary for the exercise of its powers and the performance of its functions, but so that the interval between one meeting and the next does not exceed 4 months.

"(2) The Minister may at any time direct the Chairman to convene a meeting of the Board and the Chairman shall convene a meeting accordingly.

"(3) At a meeting of the Board -

- (a) the Chairman or his nominee and 10 other members shall constitute a quorum;
- (b) questions arising shall be determined by a majority of the votes of the members present and voting, excluding the member presiding at the meeting, but, in the event of an equality of votes, the member presiding at that meeting shall have a casting vote; and
- (c) subject to this Act, the Board shall determine the procedure to be followed at or in connection with the meeting.

"(4) The Board shall keep records of its meetings.

"10J. FUNCTIONS OF THE BOARD

"The functions of the Board are to -

- (a) consider and to make recommendations to the Secretary relating to -
 - (i) the provision of a continuum of education from pre-school to and including the last year of compulsory schooling, with particular regard to the need to provide for -
 - (A) an essential core of learning for all students;
 - (B) a balance of compulsory and optional studies;
 - (C) centrally determined and school devised studies; and
 - (D) students with a wide range of needs, interests and aspirations;
 - (ii) the development of policies and guidelines for academic, general and vocational education for senior secondary schooling;

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- (iii) the development of guidelines for the sequences of courses, the minimum requirements for compulsory courses, and for a balanced education;
 - (iv) compulsory and optional courses of study and the requirements in allocating time to those courses;
 - (v) the social, cultural and economic relevance of a particular course or proposed course of study;
 - (vi) assessments, assessment systems or examinations; and
 - (vii) such other matters in relation to educational curricula as the Board thinks fit;
- (b) develop procedures for accreditation of courses for senior secondary schooling;
 - (c) develop procedures for assessment and certification for junior and senior secondary schooling;
 - (d) co-ordinate the work of, and act as a communication channel for, such subject area committees as are established within the Department of Education;
 - (e) consult and co-operate with the Vocational Training Commission established under the *Vocational Training Commission Act* and other prescribed authorities or bodies engaged in education and related matters; and
 - (f) disseminate information and advice, as the Board thinks fit, concerning any matter related to its functions.

"10K. POWERS OF THE BOARD

"Subject to this Act, the Board has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions.

"10M. ISSUE OF CERTIFICATES BY BOARD

"(1) Subject to this section, the Board shall determine the certificates to be issued to a person in respect of his educational attainments, and shall issue a certificate to a person whose educational attainments, as assessed or determined in accordance with this section, qualify him for such issue.

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"(2) The Board may, in relation to a certificate referred to in sub-section (1), determine -

- (a) the courses of education in relation to which the assessments or determinations referred to are to be made; and
- (b) the manner in which, and the matters in relation to which, those assessments and determinations are to be made.

"(3) For the purpose of giving effect to the determinations made under sub-section (1) or (2), the Board may make arrangements for the making of the assessments and determinations referred to in those sub-sections and, in pursuance of those arrangements, it may -

- (a) appoint persons or committees to exercise such functions in relation to the making of those assessments or determinations as the Board specifies;
- (b) specify the functions to be exercised in relation to those assessments and determinations by teachers and other persons engaged in the provision of secondary education; and
- (c) conduct, or arrange for the conduct of, those assessments and determinations, and arrange the furnishing of information in relation to those assessments and determinations to persons whom the Board considers should have that information.

"(4) In relation to assessments and determinations referred to in sub-section (3), the Board may publish guidelines relating to -

- (a) the eligibility of persons for assessment;
- (b) the making of applications for assessment; and
- (c) the conduct of persons undergoing assessment,

and guidelines under this sub-section may provide for the exclusion, or removal, from an assessment process of a person, or the disregarding or cancelling of a paper or other material submitted by him at, or for the purposes of, the assessment in the event of his contravention or failure to comply with the guidelines.

"(5) The Board shall prepare and maintain records of assessments under, or recognized by, the Board in relation to a student or former student and provide, on request by the student or former student, a copy of those records

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to the student or former student, or to such other person as the student or former student specifies in that request.

"10N. SECRETARIAL CONTROL

"Subject to section 10P, the Board is, in the exercise of its powers and the performance of its functions, other than matters referred to in sections 10J(a), (b) and (c) and 10M, responsible to, and subject to the directions of, the Secretary.

"10P. MINISTERIAL CONTROL

"The Board is, in the exercise of its powers and the performance of its functions, subject to the directions of the Minister.

"10Q. CONFIDENTIALITY

"A member shall not disclose information obtained in the course of his duties as a member unless the disclosure is -

(a) made in the course of his duties as a member; and

(b) authorized by the Board.

"10R. PROTECTION OF MEMBERS, &c.

"A member or person acting with the authority of the Board is not personally liable in respect of any matter or thing done by the member or person if the matter or thing was done in good faith for the purpose of exercising the powers or performing the functions of the Board.

"10S. STAFF AND COSTS, &c., OF BOARD

"(1) The Board may, with the approval of the Secretary, for the purposes of the effective exercise of its powers and performance of its functions, make use of the administrative and professional staff within the Department of Education.

"(2) The Minister may approve the payment of costs and expenses reasonably incurred by the Board in the exercise of its powers and the performance of its functions.

"10T. REPORTS

"The Board shall, as soon as practicable after 31 December in each year, prepare and furnish to the Minister a report on its activities during the year ending on that date."

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5. DEFINITIONS

Section 40 of the Principal Act is amended -

- (a) by omitting from the definition of "Chairman" the words "section 50(1)(a)" and substituting "section 50(1)"; and
- (b) by omitting from the definition of "Deputy Chairman" the words "section 50(1)(b)" and substituting "section 50(2)".

6. POWERS OF COLLEGE

Section 43(3) of the Principal Act is amended by omitting "\$100,000" and substituting "the prescribed amount or, where there is no prescribed amount, \$150,000".

7. CONSTITUTION OF COUNCIL

Section 45(1) of the Principal Act is amended by omitting paragraphs (d), (e) and (f) and substituting the following:

- "(d) 2 students of the College elected by the students of the College; and
- (e) persons, not exceeding 12 in number, appointed by the Administrator."

8. REPEAL AND SUBSTITUTION

Section 50 of the Principal Act is repealed and the following substituted:

"50. CHAIRMAN AND DEPUTY CHAIRMAN OF COUNCIL

"(1) The Administrator shall, from time to time, as the occasion requires, appoint a member referred to in section 45(1)(e) to be the Chairman of the Council.

"(2) The Council shall, from time to time, as the occasion requires, appoint a member to be the Deputy Chairman of the Council.

"(3) A member appointed as Chairman or Deputy Chairman holds office as Chairman or Deputy Chairman -

- (a) for the period, if any, fixed by -

- (i) in the case of the Chairman - the Administrator; and
- (ii) in the case of the Deputy Chairman - the Council,

at the time of his appointment; or

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- (b) if no period is so fixed, until the expiration of his term of office as a member that is current at the time of his appointment,

but ceases to be the Chairman or Deputy Chairman if he ceases to be a member, and may resign his office as Chairman by writing under his hand delivered to the Administrator or resign his office as Deputy Chairman by writing under his hand delivered to the Chairman, as the case requires.

"(4) A person is eligible to be reappointed as the Chairman or Deputy Chairman."

9. GENERAL POWERS OF SECRETARY

Section 69(2)(a) of the Principal Act is amended by omitting "such" and substituting "subject to section 10J(b) and (c), such".

10. SAVING OF CHAIRMAN AND DEPUTY CHAIRMAN

The respective members of the Council who were, immediately before the commencement of this Act, the Chairman and Deputy Chairman, within the meaning of Part VI of the Principal Act as in force immediately before that commencement, shall, on and from that commencement, be, respectively, the Chairman and Deputy Chairman, within the meaning of Part VI of the Principal Act as amended by this Act, as though they had, on that commencement, been appointed under -

- (a) in the case of the Chairman - section 50(1) of the Principal Act as amended by this Act; and
- (b) in the case of the Deputy Chairman - section 50(2) of the Principal Act as amended by this Act,

for the remainder of the respective terms of office they had left to serve as the first-mentioned Chairman and Deputy Chairman and, for that purpose, the instruments, if any, under the Principal Act as in force at any time before that commencement, appointing those members to be the first-mentioned Chairman and Deputy Chairman, shall continue in force.
