

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF EDUCATION (COLLEGE AND
SCHOOL COUNCILS) REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1997, No. 23*

Regulations under the *Education Act*

I, NEIL RAYMOND CONN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Education Act*.

Dated 30 June 1997.

N R CONN
Administrator

AMENDMENTS OF EDUCATION (COLLEGE AND
SCHOOL COUNCILS) REGULATIONS

1. PRINCIPAL REGULATIONS

The Education (College and School Councils) Regulations are in these Regulations referred to as the Principal Regulations.

2. DEFINITIONS

Regulation 3 of the Principal Regulations is amended by omitting "'pre-school association' means an organization" and substituting "'pre-school organisation' means the organisation or body, if any,".

* Notified in the *Northern Territory Government Gazette* on 9 July 1997.

*Education (College and
School Councils) Regulations*

3. REPEAL AND SUBSTITUTION

Regulation 4 of the Principal Regulations is repealed and the following substituted:

"4. COMPOSITION OF SCHOOL COUNCILS

"(1) For the purposes of section 71(3) of the Act, the composition of a school council of a Government school is to be in accordance with this regulation.

"(2) A school council is, unless otherwise approved by the Minister, to consist of not less than 5, but not more than 19, members.

"(3) The number of members of a school council is to be specified in the constitution of the school council.

"(4) A school council is to consist of the following members or class of members:

- (a) subject to regulation 4A, parents of students who attend the Government school, elected to office by the parents of the students attending the Government school;
- (b) subject to regulation 4B, teachers who teach at the Government school (but not the head teacher), elected to office by the teachers teaching at the Government school;
- (c) where the Government school provides secondary education and the constitution of the school council provides for student representation on the school council, not more than 2 students elected to office by students who attend the school from amongst themselves;
- (d) the head teacher of the Government school;
- (e) where the Government school is a school providing primary education which has a pre-school organisation, a member of the pre-school organisation.

"(5) In subregulation (4), 'the Government school' means the Government school for which a school council is established.

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"4A. MEMBERS WHO ARE PARENTS

"(1) The number of members holding office under regulation 4(4)(a) must not be less than half the number of members of the school council.

"(2) A person is not eligible to be a member under regulation 4(4)(a) unless the person -

- (a) subject to subregulation (3), has a child who is a student attending the Government school; and
- (b) is not a teacher teaching at, or the head teacher of, the Government school.

"(3) In the case of a Government school which provides only secondary education for the years 11 and 12, a member holding office under regulation 4(4)(a) whose child ceases to be a student attending the Government school -

- (a) where the child ceases to be a student attending the Government school during the member's term of office, may continue in office until the expiry of that term; and
- (b) notwithstanding regulation 5(4), may hold office for not more than 2 consecutive terms of office.

"(4) A person must not hold office as a member under regulation 4(4)(a) and (e) contemporaneously.

"4B. MEMBERS WHO ARE TEACHERS

"(1) A person is not eligible to be a member under regulation 4(4)(b) unless the person is a teacher teaching at the Government school.

"(2) A person shall not hold office as a member under regulation 4(4)(b) and (e) contemporaneously.

"4C. NUMBER OF MEMBERS WHO ARE TEACHERS

"The number of members of the school council who are teachers teaching at, or the head teacher of, any Government school (but not including the member under regulation 4(4)(d)) must not be more than one-third of the number of members of the school council.

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"4D. HEAD TEACHER

"The head teacher of a Government school is to, subject to the direction of the Secretary, inform and advise the school council in respect of the Government school on any matter before it.

"4E. COUNCIL MAY INVITE PERSONS TO BE MEMBERS

"(1) A school council may invite any one or more of the following persons to be a member of the school council:

- (a) not more than 3 persons who the school council considers to have special qualifications, knowledge or experience which will be able to assist the school council in the exercise and performance of its functions by the giving of information or advice;
- (b) the member of the Legislative Assembly for the electoral division in which the Government school is situated;
- (c) one person nominated by the municipal or community government council for, or any other body performing functions of local government in, the area in which the Government school for which the school council is established is situated.

"(2) A school council must not invite a person who is an employee within the meaning of the *Public Sector Employment and Management Act* who is employed as a teacher (including a head teacher) in a school to be a member under subregulation (1)."

4. TERM OF OFFICE

Regulation 5 of the Principal Regulations is amended -

- (a) by omitting from subregulation (1) -
 - (i) "regulation 4(1)(a), (b) and (c)" and substituting "regulation 4(4)(a), (b) and (c)"; and
 - (ii) "regulation 4(1)(ba)" and substituting "regulation 4(4)(e)"; and

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- (b) by omitting from subregulation (2) -
 - (i) "regulation 4(1)(e)" and substituting "regulation 4E"; and
 - (ii) "regulation 4(1A)(a) or (b)" and substituting "regulation 4E(1)(a) or (b)".

5. CHAIRMAN OF SCHOOL COUNCIL

Regulation 6(1) of the Principal Regulations is amended by omitting "regulation 4(1)(a) (other than a member who is a head teacher" and substituting "regulation 4(4)(a) (other than a member who is a teacher, head teacher".

6. CASUAL VACANCIES

Regulation 7 of the Principal Regulations is amended -

- (a) by inserting after subregulation (2)(b) the following:

"(ba) he is no longer eligible to hold office;"; and
- (b) by omitting from subregulation (3) -
 - (i) "regulation 4(1)(d)" and substituting "regulation 4(4)(d)"; and
 - (ii) "shall determine" and substituting "determines (except that the person who fills the vacancy must in any case be eligible under regulation 4)".

7. ANNUAL ELECTION OF MEMBERS

Regulation 8 of the Principal Regulations is amended -

- (a) by omitting subregulation (1) and substituting the following:

"(1) Subject to subregulation (2), in each year the member referred to in regulation 4(4)(d) is to -

 - (a) give notice of the vacancies, if any, in the membership of the school council for the year; and
 - (b) ensure that, as soon as practicable after giving notice, a meeting is, or meetings are, held at which members are elected to fill the

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vacancies and such other business required by the Act or these Regulations, or as the Minister determines, is conducted."; and

- (b) by omitting from subregulation (2)(b) "the Minister" and substituting "the Minister or a person authorised to consent by the Minister".

8. MEETINGS

Regulation 9(1) of the Principal Regulations is amended by omitting "regulation 4(1)(d)" and substituting "regulation 4(4)(d)".

9. GENERAL ACCOUNTING REQUIREMENTS

Regulation 14(1) of the Principal Regulations is amended by omitting paragraph (d) and substituting the following:

"(d) each account is audited, and a statement of receipts, payments and balance on hand with respect to the account is prepared by a person who is -

- (i) a member of the Institute of Chartered Accountants or the Australian Society of Certified Practising Accountants; or
- (ii) approved by the Secretary as suitable to carry out the audit,

and who the school council has, not later (except with the consent of the Minister or a person authorised to consent by the Minister) than 27 February in each year, appointed to carry out the audit for the immediately preceding year."

10. SECRETARY AND TREASURER OF SCHOOL COUNCIL

Regulation 15(1) of the Principal Regulations is amended by omitting "to act as secretary and treasurer" and substituting "to act as either secretary or treasurer, or as both secretary and treasurer,".
