

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1987, No. 55*

Regulations under the *Education Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Education Act*.

Dated 23 December 1987.

E.E. JOHNSTON
Administrator

AMENDMENTS OF THE EDUCATION (SCHOOL COUNCILS) REGULATIONS

1. COMMENCEMENT

These Regulations shall come into operation at the expiration of 14 days from the date on which the making of the Regulations is notified in the *Gazette*.

2. PRINCIPAL REGULATIONS

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

* Notified in the *Northern Territory Government Gazette* on 13 January 1988.

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3. COUNCILS FOR PRIMARY AND SECONDARY SCHOOLS

The Principal Regulations are amended by omitting the heading to Part II and substituting the following:

"PART II - COUNCILS FOR PRIMARY AND
SECONDARY SCHOOLS

"3A. APPLICATION OF PART II

"This Part applies to school councils established for Government schools other than post-school institutions."

4. COUNCILS FOR POST-SCHOOL INSTITUTIONS

The Principal Regulations are amended by inserting after regulation 10 the following:

"PART IIA - COUNCILS FOR POST-SCHOOL INSTITUTIONS

"10A. APPLICATION OF PART IIA

"This Part applies to school councils established for post-school institutions, and references in this Part to a post-school council shall be construed accordingly.

"10B. COMPOSITION OF POST-SCHOOL COUNCILS

"(1) A post-school council shall consist of -

- (a) the Secretary;
- (b) the Principal of the institution for which the council is established;
- (c) a person appointed by the Minister on the nomination of the Council of Tertiary Education;
- (d) a member of the staff of the institution elected by the staff and appointed by the Minister;
- (e) a student of the institution elected by the students and appointed by the Minister; and
- (f) up to 10 other persons appointed by the Minister, being persons who -
 - (i) have been nominated for appointment by a department, an employer organization, a trade association or trade union, or an advisory, consultative or other body or organization concerned with community or educational interests; and

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- (ii) will in the opinion of the Minister contribute to the exercise and performance of the council's powers and functions.

"(2) The Secretary may be represented at a meeting of a post-school council by a person nominated by the Secretary for the purpose.

"(3) References in this Part to the Secretary, and to the Principal of an institution, include references to a person for the time being acting in or performing the duties of the office of Secretary or, as the case may be, Principal.

"10C. TERM OF OFFICE OF MEMBERS

"(1) Subject to regulation 10D, a member of a post-school council other than the Secretary or the Principal of the institution for which the council is established holds office -

- (a) in the case of a member elected by the staff or students of the institution - for a period of one year beginning with the date of his or her appointment; and
- (b) in the case of a member nominated for appointment - for such period not exceeding 2 years as is specified in the instrument of appointment.

"(2) A member may be appointed for a second or subsequent term of office if he or she has been duly elected or nominated for that appointment in accordance with regulation 10B.

"10D. VACATION OF OFFICE AND FILLING OF CASUAL VACANCIES

"(1) The Minister may terminate the appointment of a member of a post-school council other than the Secretary or the Principal of the institution for which the council is established if the member -

- (a) is convicted of a criminal offence and sentenced to a term of imprisonment;
- (b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors, or makes an assignment of his or her remuneration for the creditors' benefit;
- (c) becomes incapable of carrying out his or her duties as a member by reason of physical or mental incapacity;
- (d) is guilty of grave misconduct or wilful neglect in the discharge of his or her duties as a member;

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- (e) fails to disclose an interest in accordance with regulation 10G; or
- (f) is absent without leave of the council from 3 consecutive meetings of the council.

"(2) A member of a post-school council may at any time resign by writing signed by him or her and delivered to the Minister.

"(3) Where the office of a member becomes vacant by reason of the termination of the member's appointment under subregulation (1), or the resignation or death of the member, the Minister may fill the vacancy by appointing for the unexpired period of the member's term a person elected or nominated in the like manner.

"10E. CHAIRMAN AND VICE-CHAIRMAN

"(1) The Minister shall appoint a member of a post-school council to be its chairman, and the members of the council shall elect one of their number to be vice-chairman.

"(2) The chairman or vice-chairman of a council may at any time resign as such by writing signed by him or her and delivered to the Minister in the case of the chairman and to the chairman in the case of the vice-chairman.

"10F. MEETINGS AND PROCEEDINGS

"(1) The chairman of a post-school council or, if for any reason the chairman is not available, its vice-chairman shall -

- (a) convene meetings of the council as necessary for the performance of its functions, and so that the interval between one meeting and the next does not in any event exceed 4 months; and
- (b) on a written request for a meeting signed by not less than one-third of the members of the council then in office, convene one within 7 days after the request is received.

"(2) The Minister may at any time convene a meeting of a post-school council.

"(3) At a meeting of a post-school council -

- (a) the chairman shall preside or, in his or her absence, the vice-chairman or, in the absence of both, an acting chairman elected from their number by the members present;

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- (b) one-half of the members then in office shall constitute a quorum; and
- (c) subject to subregulation (4), questions arising shall be decided by a majority of the votes of the members present and voting, the member presiding not having a casting vote.

"(4) Where a question is proposed in the same terms at 2 consecutive meetings of a council, and there is on each occasion an equality of votes, the member presiding at the second meeting shall have in relation to that question both a deliberative vote and a casting vote.

"10G. DISCLOSURE OF INTEREST

"(1) Subject to subregulation (2), a member of a post-school council who is directly or indirectly interested in a contract made or proposed to be made by the institution for which the council is established shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of that interest to a meeting of the council.

"(2) Subregulation (1) does not apply to an interest which a member of a council has as a member of, and in common with other members of, an incorporated company consisting of not less than 25 persons and of which he or she is not a director.

"(3) A disclosure under subregulation (1) shall be recorded in the minutes of the meeting, and the member -

- (a) shall not while he has the interest take part after the disclosure in any deliberation or decision of the council with respect to the contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the council for any such deliberation or decision.

"10H. VALIDITY OF PROCEEDINGS

"No act or proceedings of a post-school council, or of the members of a committee of such a council, shall be invalidated by reason only of -

- (a) a defect in the appointment of, or in the election of a person for appointment as, a member of the council;
- (b) there being a vacancy in the membership of the council;
- (c) a defect in the convening or conduct of a meeting;

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- (d) a contravention or non-compliance with regulation 10G by a member of the council; or
 - (e) the fact that a person purporting to be a member of the council was not in fact such a member."
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