

Australian Capital Territory

Education (School Boards of School-Related Institutions) Murrumbidgee Education and Training Centre Determination 2010

Disallowable instrument DI2010–293

made under the

Education Act 2004, section 43

EXPLANATORY STATEMENT

Introduction and purpose

This instrument provides for the composition of school boards of Murrumbidgee Education and Training Centre, a school-related institution under section 43 of the *Education Act 2004* (the Act).

The Murrumbidgee Education and Training Centre replaced the Hindmarsh Education Centre that was declared a school-related institution on 1 January 2005. The Bimberi Youth Justice Centre opened on 3 September 2008. The Murrumbidgee Education and Training Centre commenced operation on 28 January 2009. The composition of the board of the Murrumbidgee Education and Training Centre was approved by the Minister on 26 July 2009 and the composition of the board determined by the Chief Executive on 6 August 2009. Amendments to the composition of the board were approved by the Minister for Education and Training on 7 October 2010. The composition of the board now includes the Chief Executive or delegate of the Department of Disability, Housing and Community Services (DHCS) as Territory Parent and the School Leader C at Murrumbidgee Education and Training Centre who is responsible for the daily operation of the centre.

Legal authority

Section 43(2) of the Act states that the Chief Executive of the ACT Department of Education and Training (the Chief Executive) may determine:

- the composition of the school board of a school-related institution
- the members who are required to be present at a meeting of the board, and
- the members who may not vote at a meeting of the board.

Section 43 subsection 6 of the Act requires the determination of the board to be made only with the Minister's written approval. The Minister approved the composition of the board on 7 October 2010.

Section 43 subsection 7 of the Act requires the Chief Executive to consult with the parents of the school about the composition of the board, if practical. The Murrumbidgee Education and Training Centre is located within the Bimberi Youth Justice Centre. Students are not permanently enrolled and usually attend for short periods of time. As there is not a consistent community of parents associated with the centre it is not considered practical to consult with an identified parent body.

Summary of determination

1. Composition

Bimberi Youth Justice Centre Manager

The Bimberi Youth Justice Centre Manager appointed to the Board of the Murrumbidgee Education and Training Centre is the person employed as the Manager of the Bimberi Youth Justice Centre and appointed by the Chief Executive for the prescribed period.

Manager, Student Support

The Manager, Student Support appointed to the Board of the Murrumbidgee Education and Training Centre is the person employed by the ACT Department of Education and Training as the Manager, Student Support and appointed by the Chief Executive for the prescribed period.

Territory Parent

The Territory Parent appointed to the Board of the Murrumbidgee Education and Training Centre is the Chief Executive or delegate of the Department of Disability, Housing and Community Services. The Territory Parent is appointed by the Chief Executive for the prescribed period.

Community Members

The two Community Members elected to the Board of the Murrumbidgee Education and Training Centre represent the general community. These positions may be filled by people with particular skills or experience to enhance the skills or balance of the board and operation of the Murrumbidgee Education and Training Centre.

A call for nominations for these positions is to be placed in the public notices of an ACT newspaper with the successful nominees selected by the board of the Murrumbidgee Education and Training Centre and appointed by the Chief Executive for the prescribed period.

Teacher at Murrumbidgee

The teacher appointed to the Board of the Murrumbidgee Education and Training Centre must be employed as a teacher at the Murrumbidgee Education and Training Centre and is elected by the teachers of the Murrumbidgee Education and Training Centre and appointed by the Chief Executive for the prescribed period.

Board appointed members

The board may appoint three members to the Board of the Murrumbidgee Education and Training Centre for a term (not longer than 12 months) to be decided by the board. These positions may be filled by people with particular skills or experience, but are usually filled by:

- the School Leader C employed at Murrumbidgee Education and Training Centre by the ACT Department of Education and Training to supervise the daily operation of the centre (without voting rights)
- a representative of the Canberra Institute of Technology (with voting rights), and
- a student of the Murrumbidgee Education and Training Centre (with voting rights).

The appointments of the Board Appointed Members are at the discretion of the Board of the Murrumbidgee Education and Training Centre.

2. Quorum

Business may be carried out at a meeting of the Board of the Murrumbidgee Education and Training Centre only if three or more members are present and at least one of the members present is either the Bimberi Youth Justice Centre Manager or the Teacher Member or and at least one of the members present is a Community Member.

The quorum is to ensure that business is not carried out without the Bimberi Youth Justice Centre Manager or Teacher Member and a Community Member being present. Decisions made at an inquorate meeting may be invalid.

3. Voting rights

All members of the board have equal voting rights, including the Board Appointed Members except the Board Appointed Member who is the School Leader C employed by the ACT Department of Education and Training as the Education Manager of the Board of the Murrumbidgee Education and Training Centre .

The chair has the casting vote as per section 48 of the Act.

4. Period of appointment

All members except the Board Appointed Members are appointed for the prescribed period, as defined in section 37 of the Act. The Board Appointed Members are appointed to the board for a term (not longer than 12 months) to be decided by the board.