

## Education (Self Governing Schools) Bill

### EXPLANATORY MEMORANDUM

- Clause 1 sets out the main purpose of the Act.
- Clause 2 provides for the commencement of sections 1 and 2 of the Act upon it receiving the Royal Assent. The remainder comes into operation 28 days after the Royal Assent.
- Clause 3 amends section 13 of the **Education Act 1958** to provide that councils of State schools may be established by Ministerial order, and that any existing Governor in Council Order establishing a council of a State school may be amended as if it were an Order made by the Minister.
- Clause 4 provides for school councils to sub-delegate powers delegated to them under the **Teaching Service Act 1981**.
- Clause 5 inserts a new Division 3B in Part 1 of the **Education Act 1958**. The new Division 3B will only apply to school councils approved by the Minister and only to the extent approved by the Minister. The new Division will insert the following sections dealing with the following matters—
- 15R provides that Division 3B only applies to councils approved by the Minister;
  - 15S provides for the manner in which the Minister will approve school councils for the purpose of Division 3;
  - 15T empowers school councils to employ staff;
  - 15U empowers the Minister to object to the appointment of a principal or head teacher;
  - 15V empowers a school council to invest in a manner authorised by the Treasurer;
  - 15W empowers a school council to acquire and dispose of real and personal property;
  - 15X empowers a school council to enter partnerships, associations and joint ventures;

- 15Y requires a school council to enter an educational services agreement;
  - 15Z empowers the Minister to intervene in the management of a school council in defined circumstances;
  - 15ZA empowers the Minister to dissolve a school council in defined circumstances;
  - 15ZB empowers the Minister to make special provision for councils of merged schools or councils that are reconstituted;
  - 15ZC provides for the savings of long service leave, superannuation and other rights of staff moving between the Teaching Service and school council employment.
- Clause 6 amends section 16 of the **Education Act 1958** to provide that nothing in that section applies to property purchased by councils under Division 3B.
- Clause 7 inserts section 86 in the **Education Act 1958** to provide that councils constituted under section 13 before the commencement of the Bill continue in operation.
- Clause 8 amends section 77 of the **Teaching Service Act 1981** to enable the Secretary to delegate powers to a school council.