

Institute of Educational Administration Bill

NOTES ON CLAUSES

Clause 1 is a provision in the usual form fixing the short title of the Act and providing for its commencement on a day to be fixed by proclamation of the Governor in Council.

Clause 2 contains definitions.

Clause 3 establishes the Institute of Educational Administration as a public authority.

Sub-clause (1) establishes and names the Institute.

Sub-clause (2) makes the Institute a body corporate with perpetual succession and common seal.

Clause 4 contains transitional provisions.

Sub-clause (1) defines the Original Council of the Institute as the Council established by an Order in Council of 1 August 1978.

Sub-clause (2) names the Institute as successor in law of the Original Council.

Sub-clause (3)—

- (a) vests in the Institute all the real property previously vested in the Original Council or held by any person on its behalf; and
- (b) vests in the Institute all the personal property previously vested in the Original Council or held by any person on its behalf.

Sub-clause (4)—

- (a) binds the Institute to all contracts, agreements, deeds, bonds etc. entered into or made by the Original Council;
- (b) makes the Institute liable in place of the Original Council in any action, arbitration or legal proceedings pending against the Original Council; and
- (c) deems continuing acts, matters or things made, done or commenced by the Original Council to have been made, done or commenced by the Institute and provides that they may be completed accordingly.

Sub-clause (5) revokes the Order in Council constituting the Original Council.

Clause 5 sets out the objects of the Institute.

Sub-clause (1) provides that the objects of the Institute are to provide training programmes in educational administration, to improve the administrative ability of educational leaders and other interested persons, to undertake research to improve educational administration and to advise educational institutions in these matters.

Sub-clause (2) deems land occupied by the Institute to be land used exclusively for public purposes.

Clause 6 grants various powers to the Institute and provides that its powers shall be exercised by the Council.

Clause 7 deals with the accounting procedures and borrowing powers of the Institute.

Sub-clause (1) requires the Council to establish and maintain the Institute's bank account.

Sub-clause (2) requires all funds received to be paid into this account.

Sub-clause (3) allows investment of moneys in credit in trustee investments and other approved securities.

Sub-clause (4) requires income from investments to be paid into the account.

Sub-clause (5) requires the Institute to use the moneys standing to its credit to carry out its functions under the Act.

Clause 8 deals with the Institute's borrowing powers and Treasury guarantees.

Sub-clause (1) allows the Institute to borrow from any bank and, with the approval of the Treasurer and subject to his terms and conditions, to obtain temporary financial accommodation from other sources.

Sub-clause (2) allows the Institute to borrow from any institution, person or body on terms and conditions approved by the Treasurer and to give security approved by the Treasurer.

Sub-clause (3) allows the Treasurer to execute guarantees for the repayment of loans to the Institute, for the payment of interest and charges under the terms of the loan and for payment of expenses incurred in enforcing payment of amounts owing.

Sub-clause (4) appropriates the Consolidated Fund for repayments by the Treasurer if necessary to honour a guarantee, and requires any sums recovered from the Institute or repaid to the Treasurer to be paid into the Consolidated Fund.

Sub-clause (5) requires the Institute to give to the Treasurer any security the Treasurer may require before a guarantee is given and to execute the necessary instruments.

Sub-clause (6) requires the Institute to use its loan moneys for the purposes of the Act.

Clause 9 provides for the constitution of the Council of the Institute.

Sub-clause (1) makes the Council of the Institute its governing body.

Sub-clause (2) fixes the membership of the Council at not more than twenty-five, of whom not more than twenty are to be appointed by the Governor in Council and not more than five by co-option by the Council.

Sub-clause (3) fixes the term of office for a member as that specified in the instrument of his appointment.

Sub-clause (4) allows the Governor in Council to remove members from office.

Sub-clause (5) specifies the circumstances in which a member shall cease to hold office.

Sub-clause (6) allows a casual vacancy to be filled for the unexpired portion of the term of office of the member replaced.

Sub-clause (7) makes members whose terms have expired eligible for re-appointment.

Sub-clause (8) gives an entitlement to reimbursement of expenses incurred on Council business to members of Council.

Sub-clause (9) validates all actions of the Council at meetings even if a member's appointment is defective.

Clause 10 deals with the proceedings of the Council.

Sub-clause (1) provides that eleven members shall be a quorum.

Sub-clause (2) allows the Council to act despite vacancies in its membership.

Sub-clause (3) provides for the Governor in Council to appoint a Chairman of the Council.

Sub-clause (4) requires a Chairman to be elected for any meeting from which the Chairman is absent.

Sub-clause (5) requires the Council to meet at least three times a year.

Sub-clause (6) provides that decisions of Council shall be made on the vote of a majority of members then present.

Sub-clause (7) gives the Chairman a deliberative and a casting vote.

Sub-clause (8) allows the Council to regulate its own proceedings.

Clause 11 deals with members of Council or a committee who have a pecuniary interest in activities of the Council or committee.

Sub-clause (1) requires members of Council or committees to disclose material financial interests in contracts or proposals for contracts.

Sub-clause (2) requires such disclosures to be made—

(a) at the first meeting of Council at which such contracts are considered if the member is then aware of his interest; or

(b) at the first meeting after he becomes aware of, or acquires, an interest.

Sub-clause (3) prohibits a member making such a disclosure from voting on any matter affected by his interest.

Sub-clause (4) validates the actions of Council or committees notwithstanding the failure of a member to disclose a pecuniary interest in matters considered.

Clause 12 deals with the common seal of the Institute.

Sub-clause (1) requires the Council to provide safe custody of the common seal.

Sub-clause (2) limits the use of the seal to the Council or authorised committees.

Sub-clause (3) requires sealed instruments to be signed by an authorised person.

Clause 13 provides for the establishment of committees.

Sub-clause (1) allows the Council to establish committees.

Sub-clause (2) allows membership of committees to extend beyond Council members or employees.

Sub-clause (3) allows the Council to request appropriate advice or assistance from a committee.

Sub-clause (4) requires committees to act under Council direction.

Sub-clause (5) allows the Council to pay fees to committee members, other than Council members or full-time officers or employees of the Institute.

Sub-clause (6) allows Council to dissolve committees at any time.

Clause 14 deals with the Council's powers of delegation.

Sub-clause (1) allows the Council to delegate its powers and functions (except the power of delegation) to—

(a) a committee under section 13; or

(b) any person.

Sub-clause (2) allows the Council to set terms and conditions when making delegations.

Sub-clause (3) allows the Council to exercise its powers and functions even though these may have been delegated.

Sub-clause (4) allows the Council to vary or revoke its delegations.

Clause 15 provides for the appointment of a Director and staff.

Sub-clause (1) requires Council to appoint a Director of the Institute on its own terms and conditions.

Sub-clause (2) allows Council to appoint necessary officers and employees on terms and conditions fixed by the Minister.

Sub-clause (3) entitles the Director or any officer or employee of the Institute who was formerly a member of the Public Service or the Teaching Service to be re-appointed by the Public Service Board or the Teachers Tribunal at equal or higher classification and pay at the end of his appointment with the Institute.

Sub-clause (4) allows officers or employees of the Institute who were covered by the *Superannuation Act 1958* immediately before appointment to remain "officers" within the meaning of that Act during their employment with the Institute.

Sub-clause (5) allows Council to engage casual employees (e.g. lecturers) to assist in or to conduct the training programs of the Institute.

Clause 16 deals with secondment of teachers to the Institute.

Sub-clause (1) allows the Minister to assign members of the Teaching Service to assist in the work of the Institute.

Sub-clause (2) allows arrangements to be made between the Minister and the Institute to defray the cost of secondments to the Institute.

Clause 17 contains accounting and audit provisions.

Sub-clause (1) requires the Council to keep proper accounting records.

Sub-clause (2) requires the Council to prepare a yearly statement of accounts in a form that will give a true picture of its affairs at the end of each financial year.

Sub-clause (3) provides for the audit of the Institute's accounts by the Auditor General.

Sub-clause (4) requires the Council to submit to the Minister an annual report of its operations and its audited accounts to the end of the financial year, no later than 31 December each year.

Sub-clause (5) requires both the Annual Report and the audited statement of accounts to be tabled in both Houses of Parliament.

Sub-clause (6) makes the Council liable for costs and expenses of the audit.

Sub-clause (7) sets the last day of June as the end of the Institute's financial year.

Clause 18 deals with tendering for contracts.

Sub-clause (1) requires the Institute to call public tenders for supply of goods, services or work estimated to cost more than \$10 000 or other amount prescribed.

Sub-clause (2) exempts contracts of employment, engagement of consultants, etc. from the provisions of sub-clause (1).

Clause 19 is a regulation-making power.



