

FIRST PRINT

ENVIRONMENTAL EDUCATION BILL 1992

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to constitute an Environmental Education Council. The Council's main function is to promote public awareness in environmental education and to give advice on the development of environmental policies.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on a day or days to be appointed by proclamation.

Clause 3 defines certain expressions for the purposes of the proposed Act.

PART 2—ENVIRONMENTAL EDUCATION COUNCIL

Clause 4 constitutes the Environmental Education Council as a body corporate.

Clause 5 provides for the Council to consist of 14 members and specifies who the members are to be.

Clause 6 sets out the functions of the Council. These include the making of grants to various organisations and providing advice and assistance to the Director-General of the Department of School Education on environmental education matters.

Clause 7 requires the Director-General and the Board of Studies to seek the advice of the Council on the development of environmental education programs.

Clause 8 allows the Council to establish committees to assist it in exercising its functions.

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Clause 9 enables the Council, with the approval of the Minister, to use the staff and facilities of government departments and authorities.

PART 3—CENTRE FOR ENVIRONMENTAL EDUCATION

Clause 10 establishes the Centre for Environmental Education in the Macquarie University.

Clause 11 sets out the functions of the Centre. Its main function is to assist in the development, dissemination, implementation and evaluation of environmental education programs for school teachers and students.

PART 4—GRANTS AND FINANCE

Clause 12 enables the Council to make grants for the development, dissemination and presentation of environmental education programs. Guidelines and rules establishing the criteria and procedures for making grants are to be published by the Council.

Clause 13 limits the amount of grants made in a financial year to schools, educational resource centres and public or local authorities to not more than 60% of the total amount of grants made by the Council for that particular year.

Clause 14 provides that the Environmental Education Trust is required to consult with, and take into consideration the advice of, the Council before making a grant under the Environmental Education Trust Act 1990.

Clause 15 provides for the establishment of an Environmental Education Council Fund.

Clause 16 requires the Council to invest money held in the Fund in accordance with the Public Authorities (Financial Arrangements) Act 1987 or in a manner approved by the Treasurer.

PART 5—MISCELLANEOUS

Clause 17 allows the Council to delegate its functions.

Clause 18 specifies the financial year of the Council.

Clause 19 enables regulations to be made by the Governor for the purposes of the proposed Act.

Schedule 1 contains provisions relating to the members and procedure of the Council, including provisions relating to the terms of office of the appointed members, vacation of office, general procedure, presiding member and voting.

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SCHEDULE 1—PROVISIONS RELATING TO MEMBERS AND PROCEDURE OF
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ENVIRONMENTAL EDUCATION BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to constitute the Environmental Education Council and to establish the Centre for Environmental Education, and to define their functions; and for other purposes.

The Legislature of New South Wales enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the Environmental Education Act 1992.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Definitions

3. (1) In this Act:

“**Board of Studies**” means the Board of Studies constituted by the Education Reform Act 1990;

“**Centre**” means the Centre for Environmental Education established under this Act in the Macquarie University;

“**Council**” means the Environmental Education Council constituted by this Act;

“**Department**” means the Department of School Education;

“**Fund**” means the Environmental Education Council Fund established by this Act.

- (2) In this Act:

- (a) a reference to a function includes a reference to a power, authority and duty; and

- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

PART 2—ENVIRONMENTAL EDUCATION COUNCIL

Constitution of the Council

4. There is constituted by this Act a body corporate with the corporate name of the Environmental Education Council. The Council is not and does not represent the Crown.

Membership and procedure of the Council

5. (1) The Council is to consist of 14 members.

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- (2) The members are to be:
- (a) the Director-General of the Department, who is to be the Chairperson of the Council; and
 - (b) the Director-General of the Environmental Protection Authority; and
 - (c) the Managing Director of the TAFE Commission; and
 - (d) the Vice-Chancellor of the Macquarie University; and
 - (e) 4 Members of Parliament, being 1 government party member and 1 non-government party member from each House of Parliament, provided that at least 1 is an Independent Member of Parliament, nominated by the Minister for School Education; and
 - (f) 6 persons (appointed by the Minister for School Education) as follows:
 - a person nominated by the Environmental Education Association to represent environmental educators
 - a person nominated by the Nature Conservation Council to represent conservation and environmental organisations
 - a person nominated by the Australian Chamber of Manufactures to represent business and industry interests
 - a person nominated by the New South Wales Farmers' Association to represent agricultural interests
 - a person nominated by the New South Wales Labor Council to represent the interests of labour
 - a person nominated by the Federation of University Academics—FAUSA to represent higher education institutions.

(3) Schedule 1 has effect with respect to the members and procedure of the Council.

Functions of the Council

6. The Council is to promote public awareness in environmental education and to give advice on the development of environmental policies. In particular, the Council has the following functions:

- (a) to co-ordinate, monitor and report on the implementation of the Government's Environmental Education Plan, including:
 - the effectiveness of field studies centres
 - the implementation of the Environmental Education Curriculum Statement
 - the implementation of the Greening of Schools Program;

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- (b) to provide advice and assistance to the Director-General of the Department in identifying needs and establishing priorities for environmental education in government schools, including needs for teacher training, curriculum development and the development and dissemination of curriculum materials;
- (c) to provide advice and assistance to non-government schools and to other organisations and public authorities (including the Board of Studies, the Centre, conservation and environmental groups, local environmental centres and youth organisations) in identifying needs and establishing priorities for environmental education;
- (d) to make grants as provided by section 12;
- (e) such other functions as are conferred or imposed on it by this or any other Act.

Certain bodies to seek advice of the Council

7. The Director-General of the Department and the Board of Studies are required to seek the advice of the Council on the development of environmental education programs.

Committees of the Council

8. (1) The Council may establish committees to assist it in connection with the exercise of its functions.

(2) The members of a committee need not be members of the Council.

(3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is to be determined by the Council or (subject to any determination of the Council) by the committee.

Staff of the Council

9. (1) The Council may, with the approval of the Minister, arrange for the use of the services of any staff or facilities of a government department, administrative office or public authority.

(2) For the purposes of this Act, a person whose services are made use of under this section is an officer of the Council.

PART 3—CENTRE FOR ENVIRONMENTAL EDUCATION**Establishment of the Centre**

10. There is established in the Macquarie University a Centre for Environmental Education.

Functions of the Centre

11. The Centre is to assist in the development, dissemination, implementation and evaluation of environmental education programs for primary and secondary school teachers and students. In particular, the Centre has the following functions:

- (a) to assist the Council in addressing statewide teacher training needs in environmental education;
- (b) to assist the Director-General of the Department to periodically assess and report to the Council on the environmental literacy of the State's teachers and students;
- (c) to develop, offer and evaluate environmental education courses for teachers;
- (d) to select and train natural resource and environmental education specialists with teaching experience to assist in providing environmental education courses and programs to teachers;
- (e) to assist co-operative educational service agencies and the Director-General of the Department in assisting schools to conduct environmental education needs assessments;
- (f) to provide environmental education workshops and consulting services to teacher educators from teacher training institutions in New South Wales;
- (g) to establish an environmental education curriculum and materials centre for use by school teachers, teacher training institutions in New South Wales and other persons wanting to use the materials;
- (h) to assist the Macquarie University in providing opportunities to teachers to complete advanced training in environmental education through the Macquarie University's masters degree programs.

PART 4—GRANTS AND FINANCE**Making of grants**

12. (1) Grants may be made by the Council (either unconditionally or subject to conditions) to individuals, schools or groups of schools, educational resource centres, organisations, non-profit corporations and public or local authorities for the development, dissemination and presentation of environmental education programs.

(2) The Council is to publish guidelines and rules establishing the criteria and procedures for making grants.

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Limits on grants

13. In any financial year of the Council, the amount of grants made by the Council to schools or groups of schools, educational resource centres and public or local authorities is not to exceed 60% of the total amount of grants made for that year.

Grants made by the Environmental Education Trust

14. Before making any grant under the Environmental Education Trust Act 1990, the Environmental Education Trust must consult with, and take into consideration any advice of, the Council.

Environmental Education Council Fund

15. (1) There is to be established in a bank in New South Wales an Environmental Education Council Fund into which are to be paid:

- (a) such money as may be appropriated by Parliament for payment into the Fund; and
- (b) the proceeds of investment of money in the Fund; and
- (c) any gift or bequest of money to the Council; and
- (d) other money received by the Council.

(2) Money in the Fund is under the control of the Council.

(3) Money in the Fund can be expended by the Council for the purpose of the exercise of its functions.

Investments

16. The Council is to invest money in the Fund:

- (a) in the manner authorised by the Public Authorities (Financial Arrangements) Act 1987; or
- (b) if that Act does not confer power on the Council to invest the money, in any other manner authorised by the Treasurer.

PART 5—MISCELLANEOUS**Delegation by the Council**

17. The Council may delegate to a member, to a committee of the Council or to any officer of the Council the exercise of any of its functions, other than this power of delegation.

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Financial year of the Council

18. The financial year of the Council is the year commencing 1 July.

Regulations

19. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

*Environmental Education 1992***SCHEDULE 1—PROVISIONS RELATING TO MEMBERS AND
PROCEDURE OF THE COUNCIL**

(Sec. 5 (3))

Definitions

1. In this Schedule:

“appointed member” means a member referred to in section 5 (2) (f);

“member” means a member of the Council.

Nominations for appointed members

2. (1) If a nomination referred to in section 5 (2) (f) is not made within the time and in the manner directed by the Minister for School Education, that Minister may appoint a person to be a member instead of the person required to be appointed by nomination.

(2) A person so appointed is taken to have been duly nominated for appointment.

Deputies of members

3. (1) A member (other than an appointed member) may, from time to time, appoint a person to be the deputy of the member, and may revoke any such appointment.

(2) The Minister for School Education may, from time to time, appoint a person to be the deputy of an appointed member.

(3) The deputy of a member appointed on the nomination of a particular body or organisation is to be appointed on the nomination of that body or organisation.

(4) In the absence of a member, the member's deputy:

(a) may, if available, act in the place of the member; and

(b) while so acting, has all the functions of the member and is taken to be a member.

(5) This clause does not operate to confer on a deputy of a member who is the Chairperson of the Council the member's functions as Chairperson.

Terms of office

4. Subject to this Schedule, an appointed member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

Vacancy in office of appointed member

5. (1) The office of an appointed member becomes vacant if the member:

(a) dies; or

(b) completes a term of office and is not re-appointed; or

(c) resigns the office by instrument in writing addressed to the Minister; or

(d) is removed from office by the Governor under this clause; or

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SCHEDULE 1—PROVISIONS RELATING TO MEMBERS AND PROCEDURE
OF THE COUNCIL—*continued*

- (e) is absent from 3 consecutive meetings of the Council of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Council or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Council for having been absent from those meetings; or
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors; or
 - (g) becomes a mentally incapacitated person; or
 - (h) is convicted in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.
- (2) The Governor may remove an appointed member from office at any time.

Filling in vacancy of office of member

6. If the office of an appointed member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

Effect of certain other Acts

7. (1) Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of the appointment of a member.

(2) If by or under any Act provision is made:

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member.

(3) The office of a member is not, for the purpose of any Act, an office or place of profit under the Crown.

Personal liability of members

8. A matter or thing done by the Council, a member of the Council or any person acting under the direction of the Council does not, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject the member or a person so acting personally to any action, liability, claim or demand.

Meetings of the Council

9. The Council is to meet at least 4 times in any 1 year, but may meet on such other occasions as determined by the Chairperson.

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SCHEDULE 1—PROVISIONS RELATING TO MEMBERS AND PROCEDURE
OF THE COUNCIL—*continued***General procedure**

10. The procedure for the calling of meetings of the Council and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Council.

Quorum

11. The quorum for a meeting of the Council is 8 members.

Presiding member

12. (1) The Chairperson of the Council or, in the absence of the Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Council.

(2) The person presiding at any meeting of the Council has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

Voting

13. A decision supported by a majority of the votes cast at a meeting of the Council at which a quorum is present is the decision of the Council.

Proof of certain matters not required

14. In any legal proceedings, proof is not required (until evidence is given to the contrary) of:

- (a) the constitution of the Council; or
- (b) any resolution of the Council; or
- (c) the appointment of, or the holding of office by, any member of the Council; or
- (d) the presence of a quorum at any meeting of the Council.

First meeting

15. The Minister is to call the first meeting of the Council in such manner as the Minister thinks fit.

SECOND PRINT

ENVIRONMENTAL EDUCATION BILL 1992

NEW SOUTH WALES



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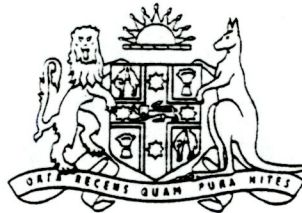
SCHEDULE 1—PROVISIONS RELATING TO MEMBERS AND PROCEDURE OF
THE COUNCIL

This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly.

NEW SOUTH WALES



Act No. , 1992

An Act to constitute the Environmental Education Council and to establish the Centre for Environmental Education, and to define their functions; and for other purposes.

The Legislature of New South Wales enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the Environmental Education Act 1992.

5 **Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

Definitions

3. (1) In this Act:

10 **“Board of Studies”** means the Board of Studies constituted by the Education Reform Act 1990;

“Centre” means the Centre for Environmental Education established under this Act;

15 **“Council”** means the Environmental Education Council constituted by this Act;

“Department” means the Department of School Education;

“Fund” means the Environmental Education Council Fund established by this Act.

(2) In this Act:

20 (a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

PART 2—ENVIRONMENTAL EDUCATION COUNCIL

25 **Constitution of the Council**

4. There is constituted by this Act a body corporate with the corporate name of the Environmental Education Council. The Council is not and does not represent the Crown.

Membership and procedure of the Council

30 5. (1) The Council is to consist of 14 members.

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- (2) The members are to be:
- (a) the Director-General of the Department, who is to be the Chairperson of the Council; and
 - (b) the Director-General of the Environmental Protection Authority; and 5
 - (c) the Managing Director of the TAFE Commission; and
 - (d) the Vice-Chancellor of the University in which the centre is established; and
 - (e) 4 Members of Parliament (nominated by the Minister for School Education) as follows: 10
 - (i) a member of each House of Parliament who generally supports the Government in the House;
 - (ii) a member of each House of Parliament who generally does not support the Government in the House, but if neither of those members is a member of the Opposition at least one of the members must generally support neither the Government nor the Opposition; and 15
 - (f) 6 persons (appointed by the Minister for School Education) as follows:
 - a person selected by the Minister from a panel of 3 persons nominated by the Association for Environmental Education to represent environmental educators 20
 - a person selected by the Minister from a panel of 3 persons nominated by the Nature Conservation Council to represent conservation and environmental organisations 25
 - a person selected by the Minister from a panel of 3 persons nominated by industry organisations to represent business and industry interests
 - a person selected by the Minister from a panel of 3 persons nominated by the New South Wales Farmers' Association to represent agricultural interests 30
 - a person selected by the Minister from a panel of 3 persons nominated by the New South Wales Labor Council to represent the interests of employees
 - a person selected by the Minister from a panel of 3 persons nominated by the Australian Vice Chancellors Committee (being a panel drawn from teaching academics in a discipline chosen by the Minister as a discipline that is relevant to environmental education) to represent teaching in higher education institutions. 3540

(3) Schedule 1 has effect with respect to the members and procedure of the Council.

(4) A member may nominate a person who may attend and vote at any meeting of the Council as the nominee of the member.

5 **Functions of the Council**

6. The Council is to promote public awareness in environmental education and to give advice on the development of environmental policies. In particular, the Council has the following functions:

- 10 (a) to co-ordinate, monitor and report on the implementation of the Government's Environmental Education Plan;
- (b) to provide advice and assistance to the Director-General of the Department in identifying needs, establishing priorities and securing funding for environmental education in government schools, including provision of advice and assistance as to
15 curriculum materials;
- (c) to identify needs for teacher training and advise tertiary institutions;
- (d) to consult with organisations representing non-government schools on the provision of advice in identifying needs and establishing priorities for environmental education;
- 20 (e) to provide advice and assistance to public authorities (including the Board of Studies and the Centre), conservation and environmental groups, local environmental centres and youth organisations in identifying needs and establishing priorities for environmental education;
- 25 (f) to make grants as provided by section 13;
- (g) such other functions as are conferred or imposed on it by this or any other Act.

Certain bodies to seek advice of the Council

30 7. The Director-General of the Department and the Board of Studies are required to seek the advice of the Council on the development of environmental education programs.

Committees of the Council

8. (1) The Council may establish committees to assist it in connection with the exercise of its functions.

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(2) The members of a committee need not be members of the Council.

(3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is to be determined by the Council or (subject to any determination of the Council) by the committee.

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Staff of the Council

9. (1) The Council may, with the approval of the Minister, arrange for the use of the services of any staff or facilities of a government department, administrative office or public authority.

(2) For the purposes of this Act, a person whose services are made use of under this section is an officer of the Council.

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PART 3—CENTRE FOR ENVIRONMENTAL EDUCATION

Establishment of the Centre

10. (1) There is established a Centre for Environmental Education.

(2) The Centre is to be established at a University chosen by the Minister for School Education.

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(3) The Minister is to seek submissions from universities in New South Wales regarding the establishment of the Centre.

(4) The Minister is to have regard to the advice of the Council in choosing the university at which the Centre is to be established.

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Functions of the Centre

11. The Centre is to assist in the development, dissemination, implementation and evaluation of environmental education programs for primary and secondary school teachers and students. In particular, the Centre has the following functions:

25

(a) to assist the Council in addressing statewide teacher training needs in environmental education;

(b) to assist the Director-General of the Department to assess periodically and report to the Council on the environmental literacy of the State's teachers and students;

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(c) to develop, offer and evaluate environmental education courses for teachers;

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- (d) to select and train natural resource and environmental education specialists with teaching experience to assist in providing environmental education courses and programs to teachers;
- 5 (e) to assist co-operative educational service agencies and the Director-General of the Department in assisting schools to conduct environmental education needs assessments;
- (f) to provide environmental education workshops and consulting services to teacher educators from teacher training institutions in New South Wales;
- 10 (g) to establish an environmental education curriculum and materials centre for use by school teachers, teacher training institutions in New South Wales and other persons wanting to use the materials.

Representation on Environmental Education Trust

- 15 12. The Chairperson of the Council is to replace the Minister for School Education as the member of the Environmental Education Trust referred to in section 5 (1) (b) of the Environmental Education Trust Act 1990.

PART 4—GRANTS AND FINANCE**Making of grants**

- 20 13. (1) Grants may be made by the Council (either unconditionally or subject to conditions) to individuals, schools or groups of schools, educational resource centres, organisations, non-profit corporations and public or local authorities for the development, dissemination and presentation of environmental education programs.
- 25 (2) The Council is to publish guidelines and rules establishing the criteria and procedures for making grants.

Limits on grants

- 30 14. In any financial year of the Council, the amount of grants made by the Council to schools or groups of schools, educational resource centres and public or local authorities is not to exceed 60% of the total amount of grants made for that year.

Environmental Education Council Fund

- 35 15. (1) There is to be established in a bank in New South Wales an Environmental Education Council Fund into which are to be paid:
- (a) such money as may be appropriated by Parliament for payment into the Fund; and

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- (b) the proceeds of investment of money in the Fund; and
 - (c) any gift or bequest of money to the Council; and
 - (d) other money received by the Council.
- (2) Money in the Fund is under the control of the Council.
- (3) Money in the Fund can be expended by the Council for the purpose of the exercise of its functions. 5

Investments

16. The Council is to invest money in the Fund:
- (a) in the manner authorised by the Public Authorities (Financial Arrangements) Act 1987; or 10
 - (b) if that Act does not confer power on the Council to invest the money, in any other manner authorised by the Treasurer.

PART 5—MISCELLANEOUS**Delegation by the Council**

17. The Council may delegate to a member, to a committee of the Council or to any officer of the Council the exercise of any of its functions, other than this power of delegation. 15

Financial year of the Council

18. The financial year of the Council is the year commencing 1 July.

Regulations

19. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. 20

Review and expiry

20. (1) During the third year after the commencement of section 4, the Minister is to conduct a review as to whether the Council and the Centre are operating in an effective and efficient manner and to prepare a report on the result of the review. 25

- (2) The Minister is to table or cause to be tabled in each House of Parliament a copy of the report, within 14 sitting days of the House after the report has been prepared. 30

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(3) This Act expires at the beginning of the day that is three years and six months after the commencement of section 4, unless both Houses of Parliament pass resolutions that this Act is not to expire. Such a resolution has no effect unless passed before the date of expiry.

*Environmental Education 1992***SCHEDULE 1—PROVISIONS RELATING TO MEMBERS AND
PROCEDURE OF THE COUNCIL**

(Sec. 5 (3))

Definitions

1. In this Schedule: 5
 “appointed member” means a member referred to in section 5 (2) (f);
 “member” means a member of the Council.

Nominations of panels for appointments as members

2. (1) If nominations to constitute a panel referred to in section 5 (2) (f) are not made within the time and in the manner directed by the Minister, the Minister may appoint a person to be a member instead of the person required to be appointed from the panel. 10
 (2) A person so appointed is taken to have been duly nominated for appointment.

Deputies of members

3. (1) A member (other than an appointed member) may, from time to time, appoint a person to be the deputy of the member, and may revoke any such appointment. 15
 (2) The Minister for School Education may, from time to time, appoint a person to be the deputy of an appointed member.
 (3) The deputy of a member appointed on the nomination of a particular body or organisation is to be appointed on the nomination of that body or organisation.
 (4) In the absence of a member, the member’s deputy: 20
 (a) may, if available, act in the place of the member; and
 (b) while so acting, has all the functions of the member and is taken to be a member.
 (5) This clause does not operate to confer on a deputy of a member who is the Chairperson of the Council the member’s functions as Chairperson.

Terms of office 25

4. Subject to this Schedule, an appointed member holds office for such period (not exceeding 3 years) as is specified in the member’s instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

Vacancy in office of appointed member

5. (1) The office of an appointed member becomes vacant if the member: 30
 (a) dies; or
 (b) completes a term of office and is not re-appointed; or
 (c) resigns the office by instrument in writing addressed to the Minister; or
 (d) is removed from office by the Governor under this clause; or

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SCHEDULE 1—PROVISIONS RELATING TO MEMBERS AND PROCEDURE
OF THE COUNCIL—*continued*

- 5 (e) is absent from 3 consecutive meetings of the Council of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Council or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Council for having been absent from those meetings; or
- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors; or
- 10 (g) becomes a mentally incapacitated person; or
- (h) is convicted in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.
- 15 (2) The Governor may remove an appointed member from office at any time.

Filling in vacancy of office of member

6. If the office of an appointed member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

Effect of certain other Acts

20 7. (1) Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of the appointment of a member.

(2) If by or under any Act provision is made:

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- 25 (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member.

30 (3) The office of a member is not, for the purpose of any Act, an office or place of profit under the Crown.

Personal liability of members

8. A matter or thing done by the Council, a member of the Council or any person acting under the direction of the Council does not, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject the member or a person so acting personally to any action, liability, claim or demand.

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Meetings of the Council

9. The Council is to meet at least 4 times in any 1 year, but may meet on such other occasions as determined by the Chairperson.

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SCHEDULE 1—PROVISIONS RELATING TO MEMBERS AND PROCEDURE
OF THE COUNCIL—*continued*

General procedure

10. The procedure for the calling of meetings of the Council and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Council. 5

Quorum

11. The quorum for a meeting of the Council is 8 members.

Presiding member

12. (1) The Chairperson of the Council or, in the absence of the Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Council. 10

(2) The person presiding at any meeting of the Council has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

Voting

13. A decision supported by a majority of the votes cast at a meeting of the Council at which a quorum is present is the decision of the Council. 15

Proof of certain matters not required

14. In any legal proceedings, proof is not required (until evidence is given to the contrary) of: 20

- (a) the constitution of the Council; or
- (b) any resolution of the Council; or
- (c) the appointment of, or the holding of office by, any member of the Council; or
- (d) the presence of a quorum at any meeting of the Council.

First meeting

15. The Minister is to call the first meeting of the Council in such manner as the Minister thinks fit. 25

