

**Australian Music Examinations Board  
(New South Wales)**

**CONSTITUTION**

Revised February, 2018

# AUSTRALIAN MUSIC EXAMINATIONS BOARD (NEW SOUTH WALES)

## CONSTITUTION

### Definitions

1. In this Constitution:

"the Minister" means the person for the time being holding or acting in the office of Minister for Education in New South Wales.

"the Board" means the body of persons for the time being holding office as prescribed in clauses 3 and 6 of this constitution:

"AMEB (NSW)" means the entity comprising the Board and such staff as may be necessary to support the Board in the exercise of its functions;

"the Chief Executive Officer" means the person for the time being holding or acting in the office of the Chief Executive Officer of the NSW Education Standards Authority;

"the State Manager" means the person for the time being holding or acting in the position of manager and supervisor of the Secretariat office and staff of AMEB (NSW);

"examiners" means persons determined by the Board as eligible to be appointed for the conduct of all AMEB practical and written examinations with the exception of the Federal Examiner;

"the Secretariat" means the administrative and other staff, excluding examiners required to be employed to support the Board in the exercise of its functions;

"the AMEB" means the federally constituted Australian Music Examinations Board for whom the AMEB (NSW) acts as the State Committee in New South Wales in terms of the agreement entered into by the Minister;

"the former constitution" means the Constitution entered into arising from the agreement between the AMEB and the Minister to establish the Music Examinations Advisory Board as the State Committee of the AMEB in New South Wales.

"the former AMEB (NSW) Constitution" means the Australian Music Examinations Board (New South Wales) Constitution approved by the Minister in May 1996.

"NESA" means the NSW Education Standards Authority.

## Commencement

2. This Constitution shall commence in full or in part on the day or days nominated by the Minister.

## Composition of the Board

3. (1) The Board shall consist of not more than fourteen and not fewer than twelve persons as follows :
    - (a) three (3) ex officio members;
    - (b) three (3) nominated members appointed, after their nomination, by the Minister;
    - (c) six (6) elected members appointed, after their election in accordance with the rules of the Board, by the Minister; and
    - (d) up to two (2) co-opted members.
  - (2) The ex officio members of the Board shall be:
    - (a) the person for the time being holding or acting in the office of Principal of the Sydney Conservatorium of Music, or his/her nominee;
    - (b) the person for the time being holding or acting in the office of the Secretary of the Department of Education, or his/her nominee; and
    - (c) the person for the time being holding or acting in the office of the Chief Executive Officer, or his/her nominee.
  - (3) The nominated members of the Board shall be:
    - (a) one (1) person with relevant skills nominated by the New South Wales Vice Chancellors' Committee;
    - (b) two (2) persons with relevant skills nominated by the Secretary of the Department of Education.
  - (4) The elected members shall be drawn from persons eligible to vote under the Board's rules:
    - (a) three (3) persons elected for a term of two (2) years by eligible private music teachers in New South Wales, pursuant to clause (4A), of which at least two must be teachers of candidates of practical AMEB examinations and no more than one can also be an examiner;
    - (b) one (1) person elected for a term of two (2) years by eligible private speech and drama teachers in New South Wales, pursuant to clause (4A);
    - (c) two (2) persons from among the current body of practical music examiners and elected by them for a term of two (2) years of which one must be an examiner of AMEB piano examinations and one must be an examiner of other than AMEB piano examinations.
- (4A) a person is eligible to vote for the applicable elected teacher members if the person has entered a minimum of six candidates for the applicable practical

examinations conducted by AMEB (NSW), and those candidates have successfully completed the requirements of those examinations, in each of the two years preceding the year in which the election is held.

- (5) A co-opted member shall be a person with special skills relevant to the Board's work who may, from time to time, be appointed for a term of up to two (2) years by resolution of the Board.

#### **Presiding member, voting, quorum, etc.**

4. (1) The person holding office as a member of the Board under clause 3(2) (a) shall be the Chairperson.
- (2) The Board may elect a Deputy Chairperson from the members holding office under clauses 3(2) (b), 3(2) (c), 3(3), 3(4) and 3(5).
- (3) The Chairperson or, in the Chairperson's absence the Deputy chairperson, shall preside at any meeting of the Board, but if both the Chairperson and the Deputy Chairperson are absent from a meeting, a member of the Board elected by a majority of the votes of members present at the meeting shall preside at the meeting.
- (4) The person who presides at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, a casting vote.
- (5) All decisions of the Board shall be made by a majority of the votes of the members present voting.
- (6) At any meeting of the Board the quorum shall be seven.

#### **Term of office**

5. (1) Nominated, co-opted and elected members of the Board shall hold office for such term, not exceeding two years, as is indicated in the instrument of appointment.
- (2) The term of nominated and co-opted members shall expire on April 30 in each odd-numbered calendar year.
- (3) The term of elected members shall expire on April 30 in each-even numbered calendar year.
- (4) A retiring member of the Board shall not, by reason of that membership, be disqualified from again becoming a member of the Board.
- (5) Nominated, co-opted and elected members of the Board shall not be appointed for consecutive terms of more than six years, unless the Minister determines otherwise. Any term of office of any nominated, co-opted or elected members of the Board appointed prior to 1 January 2018 shall not be used for the purpose of determining this six year period.

### Casual vacancies

6. (1) A member of the Board ceases to hold office as such a member, and there is casual vacancy, if he/she :
  - (a) dies;
  - (b) resigns that office in writing.
  - (c) is absent from three consecutive meetings of the Board of which reasonable notice has been given, unless at its next meeting the Board excuses him/her for such absence;
  - (d) is removed from office by the Minister under this clause.
- (2) Where a casual vacancy occurs in the office of a nominated or co-opted member, a person may become a member in the same manner as the person whose office has been vacated.
- (3) Where a casual vacancy occurs in the office of an elected member, the vacancy shall be filled by the person who received the highest number of votes cast of persons who:
  - (a) stood for election at the same time and under the same clause as the person being replaced; and
  - (b) are not currently members of the Board; and
  - (c) are available to assume office.
- (4) A person assuming office as a member of the Board to fill a casual vacancy shall hold office for the remainder of his/her predecessor's term of office.

### Objective, role and functions of the Board

7. (1) The objective of the Board shall be to serve the community of New South Wales by promoting and developing quality standards in music and speech and drama education training and assessment; and
- (2) The role of the Board shall be to:
  - (a) act as the "State Committee" for New South Wales under the terms of the agreement entered into by the Minister for the establishment of an AMEB;
  - (b) identify the community's needs and priorities in the areas of music and speech and drama education;
  - (c) provide encouragement and guidance for the attainment of quality standards in music and speech and drama training and assessment;
  - (d) promote a positive image of the AMEB in order to increase awareness of and support for the organisation in the wider community.
- (3) In discharging its role under clause 7. (2), the functions of the Board shall be to:
  - (a) make such arrangements as may be necessary to conduct examinations and other assessment in music and speech and drama in NSW in

- conformity with the principles, practices and standards determined by the AMEB;
- (b) recommend to the AMEB the range and content of syllabuses for examinations in music and speech and drama methods of examining and reporting examination results, and ways of encouraging quality standards of teaching and learning in music and speech and drama;
  - (c) regulate the issue of certificates, diplomas or other letters of attainment and award prizes, scholarships and certificates of distinction in the name of the AMEB;
  - (d) determine at least annually, a list of persons who are eligible to be appointed as examiners;
  - (e) develop and approve of a Code of Conduct to which all members of the Board are required to comply, consistent with the guidelines issued by the NSW Public Service Commission from time to time;
  - (f) set policy directions and goals for AMEB (NSW);
  - (g) provide leadership in the framing of strategic plans, annual priorities and associated budgets for AMEB (NSW);
  - (h) establish effective liaison with other state and federal bodies of the AMEB and industry, professional and community organisations to promote activities consistent with the Board's policies;
  - (i) recommend to the Minister the fees to be paid by persons taking examinations conducted by the Board having regard to the AMEB's commitment to service policy and the budgetary resources required to conduct these examinations;
  - (j) participate in the procedures for selecting Secretariat staff when deemed appropriate by the Chairperson and Chief Executive Officer;
  - (k) advise the Minister on such matters as he/she may from time to time direct.
- (4) The Board may make rules with respect to the exercise of its functions, provided such rules are not inconsistent with this constitution or any legislation or decision by the Minister. Such rules must be published on the AMEB (NSW) website and are in force on and from the date of such publication.
- (5) The Board may delegate the exercise of any of its functions under this constitution, other than the power of delegation conferred by this clause.
- (6) The Board shall have no authority to employ staff, assess staff efficiency, enter into contracts, operate bank accounts, own property, or borrow money unless written consent is requested and obtained by the Board from the Chief Executive Officer or delegate.

### **Role of the State Manager**

8. (1) The responsibilities of the State Manager shall be to:
- (a) manage the Secretariat office, staff and finances of the AMEB (NSW);
  - (b) implement decisions of the Board which require for their implementation the support of the staff of AMEB (NSW);

- (c) keep full and accurate minutes of the proceedings of each meeting of the Board and, as may be requested by the Chairperson, of any committee or working party of the Board;
  - (d) provide such information to the Board or to any committee or working party of the Board as may be requested by the Chairperson after consideration by the Chairperson of the resources required to provide such information.
- (2) In discharging his/her responsibilities under clause 8. (1), the State Manager shall be accountable to the Chief Executive Officer or delegate.

### **Staff of AMEB (NSW)**

9. Secretariat staff, examiners and other staff as may be necessary to enable the Board to exercise its functions are employed by the authority of the Chief Executive Officer or delegate.

### **Meetings**

- 10.(1) The Board shall meet for the conduct of business at least four times yearly and at such other times as may be determined by the Chairperson.
- (2) If three or more members of the Board request in writing that a meeting be called, the Chairperson shall comply with that request within twenty-eight days of the receipt by him/her of that request.

### **Committees of the Board**

- 11.(1) The Board may appoint such committees as it considers appropriate to assist it in the exercise of its functions.
- (2) A committee of the Board shall comprise at least three (3) persons.
- (3) A member of a committee may or may not be a member of the Board.
- (4) The membership and procedure of a committee of the Board shall be as determined by the Board or subject to any determination by the Board, by the committee.

### **Directors of AMEB Ltd**

- 12.(1) The director of the AMEB Ltd Board appointed by the Minister shall be the Chairperson of the Board or another member of the Board chosen by the Board with the concurrence of the Chairperson.
- (2) The Board may elect from among its members an alternate director of the AMEB Ltd Board for appointment by the Minister and may appoint an observer to attend meetings of that Board.

## **Remuneration**

13. An elected or co-opted member of the Board or its committees shall be entitled to such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

## **Liability of members of Board**

14. To ensure that members of the Board may fulfil their roles with confidence, NESAs shall indemnify Board members who become or continue to be Board members against all legal liability incurred by them during the duration of their membership, in the course of and within the scope of their performance of the functions of the Board. NESAs will not indemnify Board members against any legal liability incurred by them during the duration of their membership resulting from any wilful or negligent act or omission of the Board members or their agents or representatives or from any act or omission which is outside the course or scope of the functions of the Board.

## **Disclosure of pecuniary or other conflicts of interest**

15. (1) A member of the Board who, in terms of the Code of Conduct determined by the Board for the purposes of this clause, has a direct or indirect conflict of interest of a pecuniary or non-pecuniary nature;
  - (a) in a matter that is being considered, or is about to be considered, at a meeting of the Board; or
  - (b) in any action or impending action by the Board,shall disclose, as soon as possible after the relevant facts have come to the member's knowledge, the nature of the interest at a meeting of the Board.
- (2) After a member has disclosed the nature of an interest in any matter, the member is not, unless the Minister otherwise determines:
  - (a) to be present during any deliberation of the Board or to take part in any decision of the Board with respect to that matter; or
  - (b) to exercise any function under this Constitution with respect to that thing.
- (3) Even though a member contravenes the provisions of this clause, the contravention does not invalidate any decision of the Board or the exercise of any function under this Constitution.



### **Dissolution of Music Examinations Advisory Board**

16. (1) The Music Examinations Advisory Board constituted under the former constitution is dissolved
- (2) A person who, immediately before the dissolution of that Board, held office as a member of that Board:
  - (a) ceases to hold that office; and
  - (b) is not entitled to any remuneration or compensation because of the loss of that office; and
  - (c) is eligible (if otherwise qualified) to be appointed as a member of the Board established by this Constitution.
- (3) The assets, rights, liabilities and obligations of the Music Examinations Advisory Board become, on its dissolution, the assets, rights, liabilities and obligations of AMEB (NSW) established under this Constitution.

### **Rescission and replacement of the former AMEB (NSW) Constitution**

- (1) The former AMEB (NSW) Constitution is rescinded and replaced by this Constitution on and from the date this Constitution is signed by the Minister.
- (2) The appointment and terms of office of members of the Board under the former AMEB (NSW) Constitution continue under this Constitution.
- (3) The assets, rights, liabilities and obligations of the AMEB (NSW) under the former AMEB (NSW) Constitution become, on its rescission, the assets, rights, liabilities and obligations of AMEB (NSW) established under this Constitution.
- (4) Any policy, determination, arrangement or other decision made under the former AMEB (NSW) Constitution continues under this Constitution unless and until rescinded and replaced by the Minister or the Board under this Constitution.



**Rob Stokes MP**  
**Minister for Education**