
[NAME] GOVERNING COUNCIL INCORPORATED

CONSTITUTION

Issued **[month] [year]**
Updated **[month] [year]**

TABLE OF CONTENTS

1	NAME	4
2	INTERPRETATION.....	4
3	OBJECT	5
4	POWERS OF THE GOVERNING COUNCIL	6
5	FUNCTIONS OF THE COUNCIL.....	6
6	FUNCTIONS OF THE PRINCIPAL ON COUNCIL	7
7	MEMBERSHIP.....	8
8	TERM OF OFFICE.....	9
9	OFFICE HOLDERS AND EXECUTIVE COMMITTEE.....	10
	9.1 Appointment.....	

means more than half the total number.

'*Minister*' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

arent -

In this constituti

4 POWERS OF THE GOVERNING COUNCIL

- 4.1 In addition to the powers conferred under the Act, the council may:
- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
 - 4.1.2 enter into contracts
 - 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
 - 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
 - 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
 - 4.1.6 do all those acts and things incidental to the exercise of these powers.
- 4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5 FUNCTIONS OF THE COUNCIL

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and

- 6.2 The principal must also:
 - 6.2.1 implement the school

- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act, or the *Technical and Further Education Act, 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observ

9.2.2 An office holder of the council

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prio(1.92 reW*nB/F2

10 VACANCIES

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;

10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;

10.1.5 resigns by written notice to the council;

10.1.6 is removed from office by the Minister in accordance with section 44 of the Act;

10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;

10.1.8 has been convicted of any offence prescribed by administrative instruction;

10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or

10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of such leave at a council meeting will be deemed a grant of such leave.

10.1.11 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member

11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 Extraordinary council meetings

11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.

11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.

11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened

- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii)

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

16.5.1 an affiliated committee;

16.5.2 another existing or proposed Government school.

17 AUDIT

17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.

17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.

17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18 REPORTING TO THE SCHOOL COMMUNITY AND THE MINISTER

18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.

18.2 At that meeting:

18.2.1 the chairperson must report on:

- (i) strategic and other plans;
- (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
- (iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.

- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19 THE COMMON SEAL

- 19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date,

23 DISPUTE RESOLUTION

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24 PUBLIC ACCESS TO THE CONSTITUTION & CODE OF PRACTICE

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25 DISSOLUTION

In accordance with section 43 of the Act, the Minister may dissolve the council.

26 PROHIBIT

The number of staff nominees to council may be less than the above ratios, provided that the staff of the school has agreed at a general staff meeting to that lesser number prior to the proposed constitution (or subsequent amendment to the constitution) being submitted to the Minister for approval.

Instructions about membership for particular types of schools with a school-based preschool

The following instructions are provided, according to the type of school, for inclusion in the constitution of a governing council. The Minister may approve a constitution that vari