

TABLE OF CONTENTS

1 NAME 4

2 INTERPRETATION..... 4

3 OBJECT 5

4 POWERS OF THE GOVERNING COUNCIL

13.3 Conduct of elections for parent council members..... 17

13.4 Notice of election 17

13.5 Election without ballot..... 18

13.6 Contested elections 18

13.7 Scrutineers 18

13.8 Declaration of election..... 18

13.9 Further nomination for unfilled positions 19

13.10 Nomination and appointment of council members 19

14 MINUTES..... 19

15 SUBCOMMITTEES..... 20

15.1

GOVERNING COUNCIL MODEL CONSTITUTION
(School without a school-based preschool)

1 NAME

The name of the council is [Name] Governing Council Incorporated.

2 INTERPRETATION

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 constitution, the term *arent* be used instead. This term includes parents, guardians, and persons standing *in loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'*principal*' means the person for the time being designated by the Chief Executive as the principal of the school.

'*regulations*' means the *Services Regulations 2020*.

school a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'*school community*' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'*school improvement plan*' means the agreement signed by the principal and the presiding member of the council that summarises contribution to improving student learning at the site.

'*special resolution*' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'*student*' is a person enrolled in the school or approved learning program.

3 OBJECT

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

- 6.2 The principal must also:
- 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
 - 6.2.2 provide accurate and timely reports, information and advice relevant to the council
 - 6.2.3 report on learning, care, training and participation outcomes to council
 - 6.2.4 supervise and promote the development of staff employed by the council
 - 6.2.5 be

- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-

9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:

- (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
- (ii) the office holder is given the right to be heard at the council meeting;
- (iii) voting on the special resolution is by secret ballot.

9.3 The chairperson

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the case of absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 The secretary

- 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)

11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.

11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.

11.1.4 A general meeting must be held:

- (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
- (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.

11.1.5 The period between each Annual General Meeting must not exceed 16 months.

11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:

- (i) at the request of the Chief Executive;
- (ii) by the resolution of the council;
- (iii) at the request of 20 parents or one half of the parents of the school, whichever is the greater.

12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.

12.1.4 The chairperson must have a deliberative vote only. In

15 SUBCOMMITTEES

15.1 Committees

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must b

- 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, purpose and any other relevant information.

20 RECORDS

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21 AMENDMENT OF THE CONSTITUTION

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22 CODE OF PRACTICE

Members of the council must comply with the code of practice approved by the Minister.

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 PROHIBITION AGAINST SECURING PROFITS FOR MEMBERS

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

SCHEDULE 1: ADMINISTRATIVE INSTRUCTIONS - MEMBERSHIP (delete this section when using the document to create your own)

The following instructions are for councils to determine the membership that must be included in the constitution of the particular council.

Format of membership

The following provides an example of how the membership structure will be expressed in the approved constitution of a governing council without a school-based preschool.

The Sunny Creek Primary School Governing Council must comprise 19 council members including:

- 1 Principal of the school (ex officio);*
- 10 Elected parents of the school;*
- 2 Staff member(s) nominated by the staff of the school (as per ratio in the administrative instructions);*
- 2 Student representative(s) nominated by SRC or the students of the school;*
- 1 Affiliated committee member(s) from (name of affiliated committee club);*
- 1 Member(s) nominated from the (name of Aboriginal forum);*
- 2 Community members appointed by the council.*

In the case of a school that has Aboriginal students, Aboriginal parents of the school will be deemed to be elected if nominated by a body affiliated or associated with the school that represents the interests of Aboriginal students and their families, eg an Aboriginal Student Support Parental Awareness committee or an Aboriginal Education Forum group.

Number of staff on a council

The Minister has determined that the number of staff who may appointed to the council must be in accordance with the following ratios:

Total number of students across the school, or all campuses of a school	No of staff members	Principal
60 or less	Nil	1
61 300	1	1
301 601	2	1
601 or more	3	1

Where there is more than one school, the student numbers for each school will determine the number of staff that may be nominated to the council.

Where the council has been established in relation to two or more schools, each of the principals of those schools will be an ex officio member of the council.

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

For a school without a school-based preschool but is co-located with a standalone preschool

The council shall comprise the following members:

- the principal of the school (ex officio),
staff members, nominated to the council by election at a general staff meeting, in the ratio determined by the Minister
one member nominated by each approved affiliated committee of the council (up to 3)
community members appointed by the council (limit of 3) *this could include a representative from the preschool community*
students, (up to two), nominated by the student representative council, or if there is no SRC, by the students
elected parents must comprise of parents from the school community, the number being the minimum necessary to:
 - achieve the minimum size of 5 council members in total, and
 - make the majority of elected council members parents of the school.

Standalone preschools are their own incorporated entity and must operate under their own governing council constitution.

It is common for co-located sites to work together. At times, it may be appropriate for each council to comprise of similar members, but the business relating to each council must remain separate.

For a school comprised wholly or principally adult students

The governing council shall comprise the following members:

- the principal of the school (ex officio)
staff members, nominated to the council by election at a general staff meeting, in the ratio determined by the Minister
one member nominated by each approved affiliated committee of the council (up to 3)
community members appointed by the council (limit of 3)
students nominated by the student representative council, or if there is no SRC, by the students, in accordance with the distribution of non-adult /adult students expressed as full time equivalents (minimum of 5)

In the case of a school with all adult students, the single largest group of council members will comprise students nominated by the student body. The council members will not include parents.