SCHOOL COUNCILS

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Disclaimer: This policy is under review and some of the information may not be current. For any enquiries please contact School Policy branch on 9264 5344.
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1 BACKGROUND

1.1 INTRODUCTION

Under the School Education Act 1999 government schools are required to have a Council, with parent/community members being in the majority. Both in spirit and in its detail, the legislation relating to Councils reinforces the importance of the partnership between schools, parents and the wider community in ensuring that students achieve the highest standards possible.

The role of the Council is that of involvement in the governance of the school. This means taking part in the shaping and monitoring of the school’s objectives, priorities and general policy directions. In addition, other functions are specified in the legislation.

Parent and community members must be confident that their viewpoints and expectations have been taken into consideration in the setting of the educational objectives and priorities of the school. When this occurs, staff can then be assured that they have the support of the school community in implementing the school plan.

The Council does not have a role in school management. This is the responsibility of the principal and involves educational leadership and the effective day-to-day administration, supervision and control of the school and its staff.

There continues to be an important role for Parents and Citizens’ Associations in schools. (Refer Appendix J.) However the election of members and the functions of the school Council should remain separate from those of the Parents and Citizens’ Association since the establishment and objects of the two bodies are quite different under the School Education Act.

This document is intended to help Councils meet their school’s particular needs. Drawing on the legislation, it contains procedural information about the functions and operation of school Councils, along with advice that may assist Council members to fulfil their consultative and decision-making roles.

It should be noted that some responsibilities referred to in the legislation have been delegated to officers in the Department of Education and Training. The material in this document reflects those delegations.

1.2 TYPES OF SCHOOL COUNCIL

All schools are required to have a Council that complies with the School Education Act. In addition, the Act allows for incorporated school Councils and joint school Councils.

The great majority of school communities will find that their needs can be met through a normal (i.e. non-incorporated) school Council. However, Councils may become incorporated, to enable them to carry out certain prescribed functions. (Refer 3.2.2.) There is also provision for two or more schools to have one Council that operates for those schools jointly.
Under exceptional circumstances the Minister for Education may exempt a school from having a Council, if the Minister is satisfied that it is not necessary for the school to have a Council because of the size or nature of the school or because the functions usually performed by a Council can be provided by some other means.

2 RELEVANT LEGISLATION / AUTHORITY

School Education Act 1999  
School Education Regulations 2000  
Associations Incorporation Act 1987

3 PROCEDURES

3.1 ROLE OF THE PRINCIPAL

As part of the responsibilities of school management the principal is required to consult with the Council and the school’s teaching staff to:

- establish a plan for the school, describing its priorities and objectives and the manner in which these will be achieved; and
- monitor and report on the school’s performance in relation to the plan.

In addition, the principal is required to provide the school Council with such support services it may reasonably require.

3.2 FUNCTIONS OF SCHOOL COUNCILS

3.2.1 SCHOOL COUNCIL

The functions of a school Council are to:

- take part in:
  - establishing and reviewing from time to time, the school’s objectives, priorities and general policy directions;
  - the planning of financial arrangements necessary to fund those objectives, priorities and directions;
  - evaluating the school’s performance in achieving them; and
  - formulating codes of conduct for students at the school.

"Taking part in" could involve the school Council in discussion, consultation, assessment, debate and negotiation of issues on behalf of students, parents and the school community.

The code of conduct describes the school’s expectations of student behaviour and management procedures to implement the code. The school Council assists with the formulation of the code of conduct including specific behavioural consequences and serious breaches of discipline that adversely affect or threaten safety. The school dress code does not form part of the code of conduct.

- determine, in consultation with students, their parents and staff a dress code for students when they are attending or representing the school;
- promote the school in the community;
- approve:
School Councils

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

- charges and contributions for the provision of certain materials, services and facilities;
- extra cost optional components of educational programs;
- items to be supplied by a student for personal use in an educational program;
- any agreements or arrangements for advertising or sponsorship in relation to the school.

Note: "to determine", "to promote" and "to approve" represents a change from "taking part in" to a stronger, more direct and authoritative role for the school Council with a greater depth of involvement and a clearly defined decision-making function.

- provide advice to the principal of the school on:
  - a general policy concerning the use in school activities of prayers, songs and material based on religious, spiritual or moral values being used in a school activity as part of religious education; and
  - the implementation of special religious education.

While non-incorporated Councils are not required to have a constitution, Appendix A contains terms of reference that non-incorporated Councils may wish to use as a model to guide their proceedings. For the most part, the contents of the document come directly from the School Education Act 1999 and the School Education Regulations 2000.

A school Council may modify the terms of reference by including additional provisions or excluding some to meet the school’s particular needs. This can be done provided the additions or exclusions do not conflict with either the detail or the spirit of the Act.

3.2.2 SCHOOL COUNCIL - INCORPORATED

Councils may wish to extend their functions to include:

- obtaining funds for the benefit of the school;

However, it must be noted that under the constitution approved by the Director General, a School Council is not permitted to borrow money.

- employment of persons other than those referred to in section 235(1); or
- management or operation of facilities at the school.

For example, a canteen, a swimming pool, residential accommodation for students or a school farm or horticultural centre.

Councils must become incorporated to carry out these functions. The first stage of this process involves seeking the Director General’s approval to undertake one or more of the functions. In making a determination, the Director General will consider whether the performance of the functions will be in the best interests of the students and whether it will improve an educational program of the school or the management of the school’s facilities.

It must be noted that any student representatives on an incorporated Council must be over 18 years of age. In addition, Councils are to adopt a constitution that has been approved by the Director General and which is consistent with requirements of the Associations Incorporation Act 1987. If a Council wishes to make any change to the standard constitution, the Director General must approve the change.
3.2.3 JOINT SCHOOL COUNCIL

In some circumstances, the Minister for Education may approve the establishment of a Council to operate jointly for two or more schools. The functions of a joint Council are to be performed in a way that takes account of the specific needs of each school for which the Council operates. For example, while the schools may have common educational priorities they might each retain their own dress code.

Schools seeking to operate with a joint Council are required to demonstrate that a high level of consultation between the schools has occurred and that a joint Council will benefit the students and the schools involved.

The Director General is required to nominate one of the principals to be responsible for the appointment and election of members. The power to determine the composition and number of members of a joint Council has been delegated to the Director General. The functions are the same as those listed for non-incorporated school Councils.

An Application to form a joint Council is attached at Appendix G.

3.2.4 ADDITIONAL FUNCTIONS FOR A COUNCIL

School Councils, both incorporated and non-incorporated, may take on additional functions (under section 129 of the Act) with the approval of the Director General.

At present, there is only one additional function for which Councils may seek approval. While it is the Director General’s responsibility to appoint staff, any Council may apply to the Director General for approval to take part in the local selection processes of the school principal or any other member of the teaching staff. The Director General will only grant approval if he or she thinks it will be in the best interests of the students that the Council carry out this function.

An Application for this additional function is attached at Appendix B.

District Directors are responsible for ensuring that school Council members are aware of their responsibilities with respect to merit selection practices and procedures.

This will include the school Council member:

- signing a confidentiality/conflict of interest declaration;
- being appraised of matters relating to equal employment opportunity;
- becoming familiar with the Public Sector Standards in Human Resource Management; and
• becoming familiar with the Department of Education and Training’s merit selection policy. In particular, the school Council member should note that for Principal vacancies, Departmental policy requires all positions to be advertised in School Matters by the Promotions Unit. A central panel will consider the applications and identify the most competitive applicants for interview. Following interview, a ranked list of competitive applicants will be referred to the respective District Education Offices for a second, site interview. It is at this stage of the selection process that the school Council member may have a more active role.

Participation by school Councils in selection processes is restricted to positions determined through local selection and will not include vacancies filled through the central transfer or placement process or the redeployment process regulated by the Public Sector Management (Redeployment and Redundancy) Regulations 1994.

The Director General may include conditions under which school Councils participate and has the right to revoke an approval for participation of a school Council in the selection process.

3.3 COMPOSITION AND MEMBERSHIP OF COUNCILS

a) The legislation provides for the following categories of Council membership
   i) parents of students at the school;
   ii) members of the general community;
   iii) staff of the school;
   iv) students (who must be 15 years or over, or will reach 15 during that year. If the Council is incorporated, students must be 18 years or over).

b) A Council is to determine its composition having regard to the nature of the student population and the school community, drawing its membership from among the above categories.

c) A non-incorporated Council is to have at least 5 and not more than 15 members.

d) An incorporated Council is to have at least 10 and not more than 15 members.

e) The Director General and Executive Directors as sub-delegates will determine the composition and number of members of a joint Council.

f) The principal of the school is automatically a member of the Council.

g) A staff member at a school cannot be a parent or community member of the Council of that school.

h) Parent and general community members must form the majority, with there being at least one parent.

i) If a Parents and Citizens’ Association exists at the school, a member may be nominated as a parent or community representative.

j) A Council may allocate one position to any other association linked to the school, e.g. ASSPA Committee.

k) No membership fees or subscriptions are to be charged.
3.4 ELECTION AND APPOINTMENT OF MEMBERS

a) Elections for the school Council and the Parents and Citizens’ Association are to be held separately. The whole school parent population should be approached when nominations are invited to fill Council vacancies.

b) Each member, other than the principal, is to hold office for a term determined by the Council, up to a maximum of three years, after which members may renominate and be re-elected more than once.

The term of appointment for individual members may be varied over one, two or three years. Staggered terms allow for continuity of experience of membership so that at no time would the School Council be composed of all new members.

c) The school principal is responsible for the proper conduct of all elections.

d) The principal will invite nominations from eligible persons to fill vacancies, conducting elections where the number of nominees is greater that the vacancies available.

e) Only those people eligible for a position are eligible to vote for representatives for that position.

f) Parent members are to be elected from and by parents who have students enrolled at the school at the date of notice of the election.

g) Staff members (full time, part-time and relief) are to be elected from and by the staff who are all eligible to vote.

h) Students members aged 15 years and over, or students who will reach the age of 15 years during the calendar year, are to be elected from and by other students aged 15 years and over, and students who will reach 15 years in that calendar year. (Student members of an incorporated Council must be 18 or over.)

i) The Council may appoint suitably qualified persons as community representatives from the list of nominees.

j) To assist in its functions, the Council may co-opt a member of the local community who has the experience, skills or qualifications that would enable the person to contribute to the Council’s functions, to be a member for such time, or in relation to such matters as determined by the Council.

k) A co-opted member is not eligible to vote.

l) The Chairperson of the Council is to be elected by and from its members.

m) A member of a school Council who is elected or appointed to fill a casual vacancy holds office for the residual period of the predecessor’s term.

3.5 MEETINGS

a) The school Council and the Parents and Citizens’ Association are separate entities and meetings are to be held separately.

b) The Council will determine the number of meetings to be held in a year. However it is required to hold at least one public meeting each calendar year, at which a report is presented on the performance of its functions.
c) The meetings of a Council are generally to be open to members of the public, but the Council may exercise its discretion to close a meeting or part of a meeting if it deals with certain prescribed matters such as contracts, information of commercial value, and information about the personal, professional, or financial affairs of a person.

d) A decision to close a meeting or part of a meeting to the public and the reason for the decision are to be recorded in the minutes.

e) The Chairperson of the Council is to convene Council meetings in accordance with the directions of the Council in relation to the venue and timing and giving notice of the meeting.

f) At least 14 days’ notice is to be given to parents of the annual public meeting.¹

g) A special meeting of a Council is to be convened upon a written request to the Chairperson setting out the purposes of the proposed meeting, by:
   i) at least 20 families of students at the school; or
   ii) at least half the number of families of students at the school, whichever is the lesser number of families.

h) The purposes of the proposed special meeting must be relevant to the Council’s functions and if convened, the meeting is to deal only with the purposes set out in the written request to the Chairperson.

i) Decisions do not have effect unless made by an absolute majority, comprising enough of the members for their number to be more than 50% of the offices, whether vacant or not.²

j) Each member of a school Council, including the Chairperson, has one equal vote. Co-opted members have no voting rights.

k) Subject to the above rules, the Council will determine the procedure and order of business for meetings.

3.6 LIMITATIONS ON COUNCIL ACTIVITIES

A school Council does not take part in the day-to-day management of the school or its staff, and under the legislation cannot:

- intervene in the control or management of a school unless by way of performing a function approved for incorporated Councils;
- intervene in the educational instruction of students;
- exercise authority over teaching staff or other persons employed at the school; or
- intervene in the management or operation of a school fund.

3.7 COMPLIANCE WITH DIRECTIONS

The Council for a school must comply with written directions that the Director General may give to a Council with respect to the performance of its functions.

¹ It is recommended that 7 days’ written notice be given for all other meetings.

² The legislation makes no reference to a quorum required for a meeting. Individual Councils may include reference to a quorum in their terms of reference if they think it necessary.
3.8 TERMINATION OF SCHOOL COUNCILS

Under certain circumstances, the Minister for Education has the power to dismiss a Council or make application to the Supreme Court for the winding up of an incorporated Council.

3.9 FINANCIAL MANAGEMENT FOR INCORPORATED COUNCILS

a) The standard constitutions (see Appendices 5 and 6) for incorporated Councils are consistent with the Associations Incorporation Act 1987 and with Department of Education and Training policies related to financial matters.

b) The constitution includes requirements relating, amongst other things, to the keeping of accounting records, auditing, and the presentation of a financial report at the annual public meeting. The constitution does not permit incorporated Councils to borrow funds.

3.10 PROPERTY ACQUIRED BY SCHOOL COUNCILS

All property acquired by an incorporated Council for the use of a school is vested in the Minister for Education.

3.11 LIABILITY

a) Provided a Council exercises only those powers and performs only those functions that are outlined in the legislation, it should not incur any liability under either Western Australian or Commonwealth legislation. This is on the assumption that its members act honestly and in good faith in exercising their duties as school Council members.

b) The actions of Incorporated Councils are also subject to the provisions of the Associations Incorporations Act 1987.

3.12 ACCOUNTABILITY

While the school Council is formally accountable to the Minister for Education it has a fundamental responsibility to the school community.

3.13 DISPUTE RESOLUTION

Where there are matters of dispute, these are to be referred to the District Director for advice or resolution.

4 GUIDELINES

School Council members are required to exercise judgement and make decisions, and this can at times present ethical dilemmas. While there is no legislative requirement for school Councils to have a code of conduct, some Councils may find it useful to develop a code of conduct to provide them with a framework of values and behaviours to support their role. Where this is the case, the Sample Code of Conduct and Role Statements for Council Members contained in Appendix H will be of assistance.
APPENDIX A  SAMPLE TERMS OF REFERENCE FOR NON-INCORPORATED SCHOOL COUNCILS

NAME

The name of the Council is the (insert name of school) Council.

DEFINITIONS

In these terms of reference:

“Council” means (insert name of school) Council.

“Director General” means the chief executive officer of the Department of Education and Training as defined in section 229 of the School Education Act.

“educational programme” means an organized set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student’s individual needs as defined in section 4 of the School Education Act.

“Minister” means the Minister responsible for administering the School Education Act.

“parent” means parent as defined in section 4 of the School Education Act who is named in the school register as a parent of a student.

“school” means (insert name of school).


“school fund” means the General Purposes Fund and a fund referred to in section 110 of the School Education Act as defined in section 4 of the School Education Act.

“student” means student enrolled at the school.

PURPOSE

a) The Council is formed with the fundamental purpose of enabling parents and members of the community to engage in activities that are in the best interests of students and will enhance the education provided by the school.

FUNCTIONS OF THE COUNCIL

a) The Council has the following powers and duties

i) to take part in:

1) establishing and reviewing from time to time, the school’s objectives, priorities and general policy directions;

2) the planning of financial arrangements necessary to fund those objectives, priorities and directions;

3) evaluating the school’s performance in achieving them; and

4) formulating codes of conduct for students at the school;
ii) to determine in consultation with students, their parents and staff a dress code for students when they are attending or representing the school;

iii) to promote the school in the community;

iv) to approve:
   1) charges and contributions for the provision of certain materials, services and facilities under section 99(4) of the School Education Act;
   2) extra cost optional components of educational programmes, under section 100(3) of the School Education Act;
   3) items to be supplied by a student for use in an educational programme, under section 108(2) of the School Education Act; and
   4) any agreements or arrangements for advertising or sponsorship in relation to the school under section 216(5) of the School Education Act;

v) to provide advice to the principal of the school on:
   1) a general policy concerning the use in school activities of prayers, songs and material based on religious, spiritual or moral values being used in a school activity as part of religious education; and
   2) the implementation of special religious education under section 69(2) of the School Education Act;

vi) with the approval of the Minister or the Director General, as the Minister’s delegate, to:
   1) take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff under section 129(2) of the School Education Act;

b) The Council cannot
   i) intervene in the control or management of the school;
   ii) intervene in the educational instruction of students;
   iii) exercise authority over teaching staff or other persons employed at the school; and
   iv) intervene in the management or operation of a school fund.

MEMBERSHIP OF THE COUNCIL

a) The School Education Act provides for the following categories of membership
   i) parents;
   ii) members of the general community;
   iii) staff of the school; and
   iv) students.

b) The Council is to determine its composition
   i) having regard to the nature of the student population of the school and the social, cultural, lingual, economic or geographic factors that may be relevant to the school;
   ii) having regard to the functions of the Council and any changes in those functions; and
iii) with a view to including members of the general community, and staff of the school, and allocating a membership position to a member of an association referred to in section 149 of the School Education Act.

c) The number of members of the Council shall be at least 5 but not more than 15, but shall otherwise be determined by the Council.

d) The Chairperson of the Council is to be elected by and from its members.

e) The principal is automatically a member of the Council.

f) The Parents and Citizens’ Association may nominate one of its members to be a member of the Council in the parent or community membership category as is relevant to the nominee.

g) Parents and members of the general community must form the majority of the members of the Council.

h) There must be at least one parent member of the Council.

i) The Council may co-opt a member of the local community to be a member of the Council for such period, or in relation to such matters, as determined by the Council where that person’s experience, skills or qualifications would enable him or her to make a contribution to the Council’s functions.

APPOINTMENT AND ELECTION OF MEMBERS

a) The principal of the school will invite nominations from suitably qualified persons to fill vacancies occurring in the categories referred to in rule 5.1 above and, except in the case of the general community membership category, will conduct elections where the number of nominees is greater than the vacancies available.

b) Eligible to vote in the category of parent membership positions is each parent whose name and address has been provided to the school under section 16(1)(b)(ii)(l) of the School Education Act, or if neither parent’s name and address has been so provided, each person who is responsible for the student.

c) Eligible to vote in the category of staff membership positions is each person to whom section 235(1) of the School Education Act applies and whose usual place of work is at the school.

d) Eligible to vote in the category of student membership is each student enrolled at the school at the date of the notice of the election and who is 15 years of age or more or who will reach 15 years of age during the calendar year.

e) A person may not vote in respect of more than one category referred to in rules b), c), d) (above).

f) In the category of general community membership positions, the Council may appoint suitably qualified members of the general community from the list of nominees.

g) The Director General may, from time to time, specify standards or requirements in relation to the conduct of elections.

h) The Director General may inquire into any matter affecting an election or appointment of a member of the Council and if any irregularity has occurred may declare the results of an election or appointment invalid, or order an election or appointment or a new election or appointment to be conducted.
i) A member of the Council (other than the principal) shall hold office for a term not exceeding three years as determined by the Council and may be reappointed more than once.

j) Any member appointed or elected to a casual vacancy in the Council shall hold office for the balance of the term of the member of the Council whose seat on the Council has become vacant.

CESSATION OR TERMINATION OF MEMBERSHIP

a) The office of a member of the Council becomes vacant if the member:
   i) becomes ineligible to hold office as a member;
   ii) resigns by written notice delivered to the Council; or
   iii) is removed from office by the Director General or his delegate.

b) The Director General or Executive Directors as delegates of the Director General, may remove a person as a member of the Council on the grounds that the continuation of the person as a member would be detrimental to the interests of the Council.

c) The Council may remove a person as a member of the Council on the grounds that the person:
   i) has neglected his or her duty as a member;
   ii) has misbehaved or is incompetent;
   iii) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or
   iv) has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.

d) The Council must not remove a person as a member unless the person has been given a reasonable opportunity to show that he or she should not be removed from office.

e) A decision of the Council to remove a person from office is to be made by resolution of a majority comprising enough of the members for their number to be at least two thirds of the number of offices, whether vacant or not.

MEETINGS AND PROCEEDINGS OF THE COUNCIL

a) The Council will determine the number of meetings for each year.

b) The Chairperson of the Council is to convene Council meetings in accordance with the directions of the Council in relation to the venue and time of meeting and giving notice of the meeting.

c) Meetings of the Council are generally to be open to the public.

d) The Council is to hold each calendar year at least one meeting that is open to the public, 14 days’ notice of which has been given to parents and in which a report is presented on the performance of the Council’s functions.

e) The Council may decide to close to members of the public a meeting or part of the meeting on the grounds set out in rule 8.6 unless the meeting is the annual public meeting or a special meeting called under regulation 118 of the School Education Regulations 2000.
f) The Council may decide to close to members of the public a meeting or part of the meeting if it deals with any of the following:

i) a matter affecting a person who is employed at the school;

ii) the personal affairs of any person;

iii) a contract entered into, or which may be entered into, by the Council and which relates to a matter to be discussed at the meeting;

iv) legal advice obtained, or which may be obtained, by the Council and which relates to a matter to be discussed at the meeting;

v) a matter that if disclosed, would reveal:

1) information that has a commercial value to a person and that is held by, or is about, a person other than the Council; or

2) information about the business, professional, commercial or financial affairs of a person and that is held by, or is about, a person other than the Council;

vi) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971.

g) A decision to close a meeting or part of the meeting and the reason for the decision are to be recorded in the minutes of the meeting.

h) The chairperson is to convene a special meeting of the Council if the meeting is called for in a notice to the chairperson setting out the purposes of the proposed meeting, that is provided by at least 20 families of students at the school or at least half the number of families of students at the school, whichever is the lesser number of families.

i) The chairperson is not to convene a meeting under rule 8.8 if the purposes of the proposed meeting are not relevant to the Council’s functions.

j) A meeting convened under rule 8.8 is to deal only with matters relevant to the purposes set out in the notice received by the chairperson.

k) Each Council member, including the chairperson, is entitled to one vote only.

l) A decision of the Council does not have effect unless it has been made by an absolute majority.

m) An absolute majority means a majority comprising enough of the members of the Council for their number to be more than 50% of the number of offices whether vacant or not.

n) Subject to these rules, the procedure and order of business to be followed at a meeting shall be determined by the Council.

**FAILURE TO ACT PROPERLY**

a) In the event that the Council breaches the School Education Act, or the conduct of the Council is incompetent, inadequate or improper, the Minister may give written notice to the Council requiring that the situation be remedied.

b) If the Minister is of the opinion that a Council has not complied with such a notice, the Minister may dismiss the Council.
COMMITTEES OF THE COUNCIL

a) The Council is empowered to appoint such Committees, as it deems necessary.

b) Membership of Committees is not confined to members of the Council, but at least one Council member is required to serve on each Committee.

c) The duties of any Committee shall be clearly defined by the Council and where appropriate a specific date shall be set for the completion of the tasks assigned to the Committee.

d) In all cases a Committee makes its recommendations to the Council.

DUTIES TO BE ALLOCATED

a) The Council is to allocate to a member or members the following duties:

i) co-ordinate the correspondence of the Council;

ii) ensure that full and correct minutes of the meetings and proceedings of the Council are kept; and

iii) have custody of all books, documents, records and registers of the Council.

3 Although Committees are not mentioned in the Act, the information here is provided for guidance

4 There is a clear expectation in the Act that minutes of meetings will be kept. The above is suggested to ensure compliance
### APPENDIX B  APPLICATION FOR ADDITIONAL FUNCTIONS (SECTION 129)

**SCHOOL:**  
At present, the only additional function available under section 129 is “to take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff”.

Approval for this function is based on the Director General’s opinion that it will be in the best interests of the students that the Council have this function.

**Please attach a statement supporting your application and forward it with this form to the District Director.**

<table>
<thead>
<tr>
<th>Council Chairperson:</th>
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<tr>
<td>Date:</td>
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<tr>
<td>Principal:</td>
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<td>Date:</td>
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</table>

**DISTRICT EDUCATION OFFICE:**  
Application supported: YES ☐ NO ☐

Comments:

<table>
<thead>
<tr>
<th>Director:</th>
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<td>Date:</td>
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**DIRECTOR OF STAFFING**

Application supported YES ☐ NO ☐

Comments:

<table>
<thead>
<tr>
<th>Director:</th>
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<td>Date:</td>
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</table>

**OFFICE OF THE DIRECTOR GENERAL**

Application approved: YES ☐ NO ☐

Director General:  
Date:  

School Councils  
All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.
## APPENDIX C  APPLICATION FOR APPROVAL TO SEEK INCORPORATION
(SECTION 130)

<table>
<thead>
<tr>
<th>SCHOOL:</th>
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Please attach a statement that:

1) provides evidence that the Council’s membership and procedures comply with section 127 of the *School Education Act 1999* and regulations 104-112 and 115-119 inclusive; and

2) explains the additional function(s) for which approval is being sought and how the performance of the function(s) by the Council will:
   a) improve an educational program of the school or the management of the school's facilities; and
   b) be in the best interests of the students.

Council Chairperson: ______________________________________________________

Date:_______________________

Principal: ________________________________________________________________

Date:_______________________

### DISTRICT EDUCATION OFFICE:

The Council’s membership and procedures are compliant with the *School Education Act 1999* and the *School Education Regulations 2000*:

- [ ] YES     [ ] NO   [ ]

Application supported:     [ ] YES  [ ] NO  [ ]

Comments:

District Director: __________________________________________________________

Date:_____________________________

### OFFICE OF THE DIRECTOR GENERAL

Application approved:     [ ] YES  [ ] NO  [ ]

Director General: __________________________________________________________

Date:_____________________________
APPENDIX D  HOW TO SEEK INCORPORATION

[in order to undertake functions under section 130(1)]

Under section 130(1) of the School Education Act 1999, a Council must become incorporated if it wishes to undertake any of the following functions specified in Regulation 113:

- to obtain funds for the benefit of the school;
- to employ persons other than a person referred to in section 235(1) of the Act;
- to manage or operate facilities at the school.

There are two separate parts to seeking incorporation. The first is gaining approval from the Director General to undertake one or more of the above functions. This is outlined below.

The second is to comply with processes established by the Department of Consumer and Employment Protection (DOCEP) as required by the Associations Incorporation Act 1987. Information about these processes can be obtained by contacting DOCEP on 1300 30 40 74 or by referring to the DOCEP website at http://www.docep.wa.gov.au/associations/.

DEPARTMENT OF EDUCATION AND TRAINING PROCESS

a) The principal applies to the Director General through the District Director (refer Appendix C for the application form), providing details of the Council’s composition and number of members, and advising which additional function(s) the Council is applying for and outlining how the function(s) will:

- improve an educational program, or management of school facilities; and
- be in the best interests of the students.

Approval is also conditional upon acceptance to adopt a constitution approved by the Director General. The two standard constitutions in this document (refer Appendices 5 and 6), have been approved, but any modifications to them will need further approval of the Director General.

b) The District Director adds a recommendation to the application and forwards it to the Office of the Director General.

c) Following the Director General’s decision, the application with a cover letter will be returned to the school.

d) The Council then makes an application for incorporation through the Department of Consumer and Employment Protection.
APPENDIX E  CONSTITUTION FOR INCORPORATED SCHOOL COUNCILS
WHERE THE MAJORITY OF STUDENTS ARE UNDER THE AGE OF
18 YEARS

Section 130(3)(a)(i) of the School Education Act 1999 requires an incorporated Council for a school to have a “constitution containing provisions approved by the Minister”. This function has been delegated to the Director General and approval is indicated by the signature below.

[Signature]

PAUL ALBERT
DIRECTOR GENERAL
13 JUN 2002
CONSTITUTION FOR INCORPORATED SCHOOL COUNCILS

(Where the majority of students are under the age of 18 years)

NAME

The name of the Council is the (insert name of school) Council Incorporated.

DEFINITIONS

In this constitution:

“Act” means the Associations Incorporation Act 1987

“Council” means (insert name of school) Council Incorporated.

“Director General” means the chief executive officer of the Department of Education and Training as defined in section 229 of the School Education Act.

“educational programme” means an organized set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student’s individual needs as defined in section 4 of the School Education Act.

“Minister” means the Minister responsible for administering the School Education Act.

“parent” means parent as defined in section 4 of the School Education Act who is named in the school register as a parent of a student.

“school” means (insert name of school).


“school fund” means the General Purposes Fund and a fund referred to in section 110 of the School Education Act as defined in section 4 of the School Education Act.

“student” means student enrolled at the school.

PURPOSE

a) The Council is formed with the fundamental purpose of enabling parents and members of the community to engage in activities that are in the best interests of students and will enhance the education provided by the school. This includes activities that will improve an educational programme of the school or the management of the school’s facilities.

b) The funds of the Council and the property acquired by the Council shall be applied solely towards the promotion of the purpose of the Council and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the Council.

POWERS AND DUTIES OF THE COUNCIL

a) The Council has the following powers and duties:

i) to take part in:
1) establishing and reviewing from time to time, the school’s objectives, priorities and general policy directions;
2) the planning of financial arrangements necessary to fund those objectives, priorities and directions;
3) evaluating the school’s performance in achieving them; and
4) formulating codes of conduct for students at the school;

ii) to determine in consultation with students, their parents and staff a dress code for students when they are attending or representing the school;

iii) to promote the school in the community;

iv) to approve:
1) charges and contributions for the provision of certain materials, services and facilities under section 99(4) of the School Education Act;
2) extra cost optional components of educational programmes, under section 100(3) of the School Education Act;
3) items to be supplied by a student for use in an educational programme, under section 108(2) of the School Education Act; and
4) any agreements or arrangements for advertising or sponsorship in relation to the school under section 216(5) of the School Education Act;

v) to provide advice to the principal of the school on:
1) a general policy concerning the use in school activities of prayers, songs and material based on religious, spiritual or moral values being used in a school activity as part of religious education; and
2) the implementation of special religious education under section 69(2) of the School Education Act;

vi) with the approval of the Minister or the Director General, as the Minister’s delegate, to:
1) take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff under section 129(2) of the School Education Act;
2) subject to rule e) (Financial Management), obtain funds for the benefit of the school;
3) employ persons other than persons referred to in section 235(1) of the School Education Act;
4) manage or operate facilities at the school; and

vii) to do all things necessary or convenient to be done for or in connection with the carrying out of its functions.

b) The Council cannot:

i) intervene in the educational instruction of students;
ii) exercise authority over teaching staff or other persons employed at the school;
iii) intervene in the management or operation of a school fund.

c) The Council must comply with any conditions imposed on it by the Minister pursuant to section 130(3)(c) the School Education Act, and any directions issued by the Minister pursuant to section 135(1) of the School Education Act.
MEMBERSHIP OF THE COUNCIL

a) The number of members of the Council shall be at least 10 but not more than 15, but shall otherwise be determined by the Council.

b) The Council is to determine its composition:
   i) having regard to the nature of the student population of the school and the social, cultural, lingual, economic or geographic factors that may be relevant to the school,
   ii) having regard to the functions of the Council and any changes in those functions; and
   iii) with a view to including members of the general community, and staff of the school, and allocating a membership position to a member of an association referred to in section 149 of the School Education Act.

c) The Chairperson of the Council is to be elected by and from its members.

d) The principal is automatically a member of the Council.

e) Membership of the Council is to be drawn from the following categories:
   i) parents;
   ii) members of the general community;
   iii) staff of the school;
   iv) students over 18 years of age.

f) The Parents and Citizens’ Association may nominate one of its members to be a member of the Council in the membership category referred to in rules e) i) or e) ii) (Membership of the Council) as is relevant to the nominee.

g) The Council may allocate a membership position to a member of an association referred to in section 149 of the School Education Act in the membership category relevant to the nominee.

h) Parents and members of the general community must form the majority of the members of the Council.

i) There must be at least one parent member of the Council.

j) The Council may co-opt a member of the local community to be a member of the Council for such period, or in relation to such matters, as determined by the Council where that person’s experience, skills or qualifications would enable him or her to make a contribution to the Council’s functions.

APPOINTMENT AND ELECTION OF MEMBERS

a) The principal of the school will invite nominations from suitably qualified persons to fill vacancies occurring in the categories referred to in rule 5.5 above and, except in the case of the general community membership category, will conduct elections where the number of nominees is greater than the vacancies available.

b) Eligible to vote in the category of parent membership positions is each parent whose name and address has been provided to the school under section 16(1)(b)(ii)(l) of the School Education Act, or if neither parent’s name and address has been so provided, each person who is responsible for the student.
c) Eligible to vote in the category of staff membership positions is each person to whom section 235(1) of the School Education Act applies and whose usual place of work is at the school.

d) Eligible to vote in the category of student membership is each student enrolled at the school at the date of the notice of the election and who is 15 years of age or more or who will reach 15 years of age during the calendar year.

e) A person may not vote in respect of more than one category referred to in rules b), c), d) (Appointment and Election of Members).

f) In the category of general community membership positions, the Council may appoint suitably qualified members of the general community from the list of nominees.

g) The Director General may, from time to time, specify standards or requirements in relation to the conduct of elections.

h) The Director General may inquire into any matter affecting an election or appointment of a member of the Council and if any irregularity has occurred may declare the results of an election or appointment invalid, or order an election or appointment or a new election or appointment to be conducted.

i) A member of the Council (other than the principal) shall hold office for a term not exceeding three years as determined by the Council and may be reappointed more than once.

j) Any member appointed or elected to a casual vacancy in the Council shall hold office for the balance of the term of the member of the Council whose seat on the Council has become vacant.

CESSION OR TERMINATION OF MEMBERSHIP

a) The office of a member of the Council becomes vacant if the member:
   i) becomes ineligible to hold office as a member;
   ii) resigns by written notice delivered to the Council; or
   iii) is removed from office by the Director General or his delegate.

b) The Director General or Executive Directors as delegates of the Director General, may remove a person as a member of the Council on the grounds that the continuation of the person as a member would be detrimental to the interests of the Council.

c) The Council may remove a person as a member of the Council on the grounds that the person:
   i) has neglected his or her duty as a member;
   ii) has misbehaved or is incompetent;
   iii) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or
   iv) has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.

d) The Council must not remove a person as a member unless the person has been given a reasonable opportunity to show that he or she should not be removed from office.
e) A decision of the Council to remove a person from office is to be made by resolution of a majority comprising enough of the members for their number to be at least two thirds of the number of offices, whether vacant or not.

**MEETINGS AND PROCEEDINGS OF THE COUNCIL**

a) The Council will determine the number of meetings for each year.

b) The Chairperson of the Council is to convene Council meetings in accordance with the directions of the Council in relation to the venue and time of meeting and giving notice of the meeting.

c) Meetings of the Council are generally to be open to the public.

d) The Council is to hold each calendar year at least one meeting that is open to the public, 14 days’ notice of which has been given to parents and in which a report is presented on the performance of the Council's functions.

e) The Council may decide to close to members of the public a meeting or part of the meeting on the grounds set out in rule f) (Meetings and Proceedings of the Council) unless the meeting is the annual public meeting or a special meeting called under regulation 118 of the *School Education Regulations 2000*.

f) The Council may decide to close to members of the public a meeting or part of the meeting if it deals with any of the following:

   i) a matter affecting a person who is employed at the school;

   ii) the personal affairs of any person;

   iii) a contract entered into, or which may be entered into, by the Council and which relates to a matter to be discussed at the meeting;

   iv) legal advice obtained, or which may be obtained, by the Council and which relates to a matter to be discussed at the meeting;

   v) a matter that if disclosed, would reveal:

      1) information that has a commercial value to a person and that is held by, or is about, a person other than the Council; or

      2) information about the business, professional, commercial or financial affairs of a person and that is held by, or is about, a person other than the Council;

   g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

h) A decision to close a meeting or part of the meeting and the reason for the decision are to be recorded in the minutes of the meeting.

i) The chairperson is to convene a special meeting of the Council if the meeting is called for in a notice to the chairperson setting out the purposes of the proposed meeting that is provided by at least 20 families of students at the school or at least half the number of families of students at the school, whichever is the lesser number of families.

j) The chairperson is not to convene a meeting under rule i) (Meetings and Proceedings of the Council) if the purposes of the proposed meeting are not relevant to the Council’s functions.

k) A meeting convened under rule i) (Meetings and Proceedings of the Council) is to deal only with matters relevant to the purposes set out in the notice received by the chairperson.
l) Each Council member, including the chairperson, is entitled to one vote only.

m) A decision of the Council does not have effect unless it has been made by an absolute majority.

n) An absolute majority means a majority comprising enough of the members of the Council for their number to be more than 50% of the number of offices whether vacant or not.

o) Subject to these rules, the procedure and order of business to be followed at a meeting shall be determined by members of the Council present at the meeting.

FINANCIAL MANAGEMENT

a) The Council is responsible to the Director General for the financial administration of its affairs, and as such is required to account for and administer all income, recurrent and capital, from whatever source, and all expenditure.

b) The Council is to manage its finances in accordance with Department of Education and Training financial management policies and any written law. To the extent that this rule is inconsistent with any other rule(s) of this constitution, this rule will apply.

c) All property and income of the Council shall be applied towards the promotion of the purpose of the Council and no part of the property or income may be paid or otherwise distributed, directly or indirectly, to members of the Council.

d) The Council shall not undertake any financial commitment in excess of available financial resources without the approval of the Director General.

e) Notwithstanding section 13 of the Act, the Council is not permitted to borrow money.

f) The Council must keep such accounting records as correctly show the financial transactions and financial position of the Council. The accounting records must be kept in such a way as will enable true and fair accounts to be prepared at any time and to be conveniently and properly audited.

g) Accounts of the Council showing the financial position of the Council at the end of the preceding financial year must be submitted to members of the Council at the annual public meeting.

h) A bank account shall be maintained for all income and expenditure relating to the management and conduct of the Council.

ADDITIONAL FUNCTIONS AND OBLIGATIONS OF MEMBERS

a) The Council is to allocate to a member or members the following duties to:

i) co-ordinate the correspondence of the Council;

ii) ensure that full and correct minutes of the meetings and proceedings of the Council are kept;

iii) comply on behalf of the Council with:

1) (i) section 27 of the Act in respect of the register of members of the Council;

2) (ii) section 28 of the Act in respect to the rules of the Council.
b) have custody of all books, documents, records and registers of the Council;

c) comply on behalf of the Council with sections 25 and 26 of the Act in respect of the accounting records of the Council;

d) have custody of all securities, books and documents of a financial nature and accounting records of the Council;

e) be responsible for the receipt of all moneys paid to or received by the Council and issue receipts for those moneys in the name of the Council;

f) have responsibility for the bank account referred to in rule h) (Financial Management) including the authority to sign cheques in the name of the Council and pay monies into the bank account.

g) No fees or subscriptions are to be charged against members.

h) A member of the Council having any direct or indirect pecuniary interest referred to in sections 21 or 22 of the Act shall comply with the obligations imposed on them by those sections.

i) All records and documents of the Council may be inspected by any member upon reasonable advice to the Chairperson.

ALTERATION OF THE RULES OF THE COUNCIL

a) The Council may only alter, rescind or add to these rules if there is a special resolution passed by three quarters of the members of the Council.

b) The Council must comply with the requirements of sections 17, 18 and 19 of the Act.

c) Any alteration, rescission or addition is of no effect until it has been approved by the Minister or the Director General as delegate of the Minister.

d) These rules bind every member of the Council to the same extent as if every member of the Council had signed and sealed these rules and agreed to be bound by all their provisions.

WINDING UP OF THE COUNCIL

a) The Minister may apply to the Supreme Court for the winding up of the Council based on one or more of the following grounds:

   i) the Council is in breach of the School Education Act;

   ii) the conduct of the Council is incompetent, inadequate or improper.

   iii) The Council may also be wound up pursuant to sections 30 and 31 of the Act.

COMMON SEAL

a) The Council shall have a common seal on which the corporate name shall appear.

b) The Common Seal of the Council shall not be used without the express authority of the Council.

c) The chairperson and principal shall witness the affixing of the Common Seal of the Council.
d) The Common Seal shall be kept in the custody of such person as the Council from time to time determines.
APPENDIX F  CONSTITUTION FOR INCORPORATED SCHOOL COUNCILS WHERE THE MAJORITY OF STUDENTS ARE OVER THE AGE OF 18 YEARS

Section 130(3)(a)(i) of the School Education Act 1999 requires an incorporated Council for a school to have a “constitution containing provisions approved by the Minister”. This function has been delegated to the Director General and approval is indicated by the signature below.

[Signature]

PAUL ALBERT
DIRECTOR GENERAL

13 JUN 2002
CONSTITUTION FOR INCORPORATED SCHOOL COUNCILS

(Where the majority of students are over the age of 18 years)

NAME

The name of the Council is the (insert name of school) Council Incorporated.

DEFINITIONS

In this constitution:

“Act” means the Associations Incorporation Act 1987

“Council” means (insert name of school) Council Incorporated.

“Director General” means the chief executive officer of the Department of Education and Training as defined in section 229 of the School Education Act.

“educational programme” means an organized set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student’s individual needs as defined in section 4 of the School Education Act.

“Minister” means the Minister responsible for administering the School Education Act.

“school” means (insert name of school).


“school fund” means the General Purposes Fund and a fund referred to in section 110 of the School Education Act as defined in section 4 of the School Education Act.

“student” means student enrolled at the school.

PURPOSE

a) The Council is formed with the fundamental purpose of enabling members of the community to engage in activities that are in the best interests of students and will enhance the education provided by the school. This includes activities that will improve an educational programme of the school or the management of the school’s facilities.

b) The funds of the Council and the property acquired by the Council shall be applied solely towards the promotion of the purpose of the Council and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the Council.

POWERS AND DUTIES OF THE COUNCIL

a) The Council has the following powers and duties:

i) to take part in:

1) establishing and reviewing from time to time, the school’s objectives, priorities and general policy directions;
2) the planning of financial arrangements necessary to fund those objectives, priorities and directions;
3) evaluating the school’s performance in achieving them; and
4) formulating codes of conduct for students at the school;

ii) to determine in consultation with students and staff a dress code for students when they are attending or representing the school;

iii) to promote the school in the community;

iv) to approve:
   1) charges and contributions for the provision of certain materials, services and facilities under section 99(4) of the School Education Act;
   2) extra cost optional components of educational programmes, under section 100(3) of the School Education Act;
   3) items to be supplied by a student for use in an educational programme, under section 108(2) of the School Education Act; and
   4) any agreements or arrangements for advertising or sponsorship in relation to the school under section 216(5) of the School Education Act;

v) to provide advice to the principal of the school on:
   1) a general policy concerning the use in school activities of prayers, songs and material based on religious, spiritual or moral values being used in a school activity as part of religious education; and
   2) the implementation of special religious education under section 69(2) of the School Education Act;

vi) with the approval of the Minister or the Director General, as the Minister’s delegate, to:
   1) take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff under section 129(2) of the School Education Act;
   2) subject to rule 9.5, obtain funds for the benefit of the school;
   3) employ persons other than persons referred to in section 235(1) of the School Education Act;
   4) manage or operate facilities at the school; and

vii) to do all things necessary or convenient to be done for or in connection with the carrying out of its functions.

b) The Council cannot:
   i) intervene in the educational instruction of students;
   ii) exercise authority over teaching staff or other persons employed at the school;
   iii) intervene in the management or operation of a school fund.

c) The Council must comply with any conditions imposed on it by the Minister pursuant to section 130(3)(c) the School Education Act, and any directions issued by the Minister pursuant to section 135(1) of the School Education Act.
MEMBERSHIP OF THE COUNCIL

a) The number of members of the Council shall be at least 10 but not more than 15, but shall otherwise be determined by the Council.

b) The Council is to determine its composition:

c) having regard to the nature of the student population of the school and the social, cultural, lingual, economic or geographic factors that may be relevant to the school,

d) having regard to the functions of the Council and any changes in those functions; and

e) with a view to including members of the general community, and staff of the school, and allocating a membership position to a member of an association referred to in section 149 of the School Education Act.

f) The Chairperson of the Council is to be elected by and from its members.

g) The principal is automatically a member of the Council.

h) Membership of the Council is to be drawn from the following categories:

   i) students over 18 years of age;

   ii) members of the general community;

   iii) staff of the school.

i) The Parents and Citizens’ Association may nominate one of its members to be a member of the Council in the membership categories referred to in rules h) i) or h) ii) (Membership of the Council) as is relevant to the nominee.

j) The Council may allocate a membership position to a member of an association referred to in section 149 of the School Education Act in the membership category referred to in rules h) i) or h) ii) (Membership of the Council) as is relevant to the nominee.

k) Members of the general community must form the majority of the members of the Council.

l) The Council may co-opt a member of the local community to be a member of the Council for such period, or in relation to such matters, as determined by the Council where that person’s experience, skills or qualifications would enable him or her to make a contribution to the Council’s functions.

APPOINTMENT AND ELECTION OF MEMBERS

a) The principal of the school will invite nominations from suitably qualified persons to fill vacancies occurring in the categories referred to in rule 5.5 above and, except in the case of the general community membership category, will conduct elections where the number of nominees is greater than the vacancies available.

b) Eligible to vote in the category of staff membership positions is each person to whom section 235(1) of the School Education Act applies and whose usual place of work is at the school.

c) Eligible to vote in the category of student membership is each student enrolled at the school at the date of the notice of the election and who is 15 years of age or more or who will reach 15 years of age during the calendar year.
d) In the category of general community membership positions, the Council may appoint suitably qualified members of the general community from the list of nominees.

e) The Director General may, from time to time, specify standards or requirements in relation to the conduct of elections.

f) The Director General may inquire into any matter affecting an election or appointment of a member of the Council and if any irregularity has occurred may declare the results of an election or appointment invalid, or order an election or appointment or a new election or appointment to be conducted.

g) A member of the Council (other than the principal) shall hold office for a term not exceeding three years as determined by the Council and may be reappointed more than once.

h) Any member appointed or elected to a casual vacancy in the Council shall hold office for the balance of the term of the member of the Council whose seat on the Council has become vacant.

**CESSATION OR TERMINATION OF MEMBERSHIP**

a) The office of a member of the Council becomes vacant if the member:
   i) becomes ineligible to hold office as a member;
   ii) resigns by written notice delivered to the Council; or
   iii) is removed from office by the Director General or his delegate.

b) The Director General or Executive Directors as delegates of the Director General, may remove a person as a member of the Council on the grounds that the continuation of the person as a member would be detrimental to the interests of the Council.

c) The Council may remove a person as a member of the Council on the grounds that the person:
   i) has neglected his or her duty as a member;
   ii) has misbehaved or is incompetent;
   iii) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or
   iv) has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.

d) The Council must not remove a person as a member unless the person has been given a reasonable opportunity to show that he or she should not be removed from office.

e) A decision of the Council to remove a person from office is to be made by resolution of a majority comprising enough of the members for their number to be at least two thirds of the number of offices, whether vacant or not.

**MEETINGS AND PROCEEDINGS OF THE COUNCIL**

a) The Council will determine the number of meetings for each year.

b) The Chairperson of the Council is to convene Council meetings in accordance with the directions of the Council in relation to the venue and time of meeting and giving notice of the meeting.
c) Meetings of the Council are generally to be open to the public.

d) The Council is to hold each calendar year at least one meeting that is open to the public, and in which a report is presented on the performance of the Council’s functions.

e) The Council may decide to close to members of the public a meeting or part of the meeting on the grounds set out in rule f) (Meeting and Proceedings of the Councils) unless the meeting is the annual public meeting or a special meeting called under regulation 118 of the School Education Regulations 2000.

f) The Council may decide to close to members of the public a meeting or part of the meeting if it deals with any of the following:

i) a matter affecting a person who is employed at the school;

ii) the personal affairs of any person;

iii) a contract entered into, or which may be entered into, by the Council and which relates to a matter to be discussed at the meeting;

iv) legal advice obtained, or which may be obtained, by the Council and which relates to a matter to be discussed at the meeting;

v) a matter that if disclosed, would reveal:

1) information that has a commercial value to a person and that is held by, or is about, a person other than the Council; or

2) information about the business, professional, commercial or financial affairs of a person and that is held by, or is about, a person other than the Council;

g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971.

h) A decision to close a meeting or part of the meeting and the reason for the decision are to be recorded in the minutes of the meeting.

i) The chairperson is to convene a special meeting of the Council if the meeting is called for in a notice to the chairperson setting out the purposes of the proposed meeting by at least 20 students at the school.

j) The chairperson is not to convene a meeting under rule i) (Meeting and Proceedings of the Council) if the purposes of the proposed meeting are not relevant to the Council’s functions.

k) A meeting convened under rule i) (Meeting and Proceedings of the Council) is to deal only with matters relevant to the purposes set out in the notice received by the chairperson.

l) Each Council member, including the chairperson, is entitled to one vote only.

m) A decision of the Council does not have effect unless it has been made by an absolute majority.

n) An absolute majority means a majority comprising enough of the members of the Council for their number to be more than 50% of the number of offices whether vacant or not.

o) Subject to these rules, the procedure and order of business to be followed at a meeting shall be determined by members of the Council present at the meeting.
FINANCIAL MANAGEMENT

a) The Council is responsible to the Director General for the financial administration of its affairs, and as such is required to account for and administer all income, recurrent and capital, from whatever source, and all expenditure.

b) The Council is to manage its finances in accordance with Department of Education and Training financial management policies and any written law. To the extent that this rule is inconsistent with any other rule(s) of this constitution, this rule will apply.

c) All property and income of the Council shall be applied towards the promotion of the purpose of the Council and no part of the property or income may be paid or otherwise distributed, directly or indirectly, to members of the Council.

d) The Council shall not undertake any financial commitment in excess of available financial resources without the approval of the Director General.

e) Notwithstanding section 13 of the Act, the Council is not permitted to borrow money.

f) The Council must keep such accounting records as correctly show the financial transactions and financial position of the Council. The accounting records must be kept in such a way as will enable true and fair accounts to be prepared at any time to be conveniently and properly audited.

g) Accounts of the Council showing the financial position of the Council at the end of the preceding financial year must be submitted to members of the Council at the annual public meeting.

h) A bank account shall be maintained for all income and expenditure relating to the management and conduct of the Council.

ADDITIONAL FUNCTIONS AND OBLIGATIONS OF MEMBERS

a) The Council is to allocate to a member or members the following duties to:
   i) co-ordinate the correspondence of the Council;
   ii) ensure that full and correct minutes of the meetings and proceedings of the Council are kept;
   iii) comply on behalf of the Council with:
       1) section 27 of the Act in respect of the register of members of the Council;
       2) section 28 of the Act in respect to the rules of the Council.
   iv) have custody of all books, documents, records and registers of the Council;
   v) comply on behalf of the Council with sections 25 and 26 of the Act in respect of the accounting records of the Council;
   vi) have custody of all securities, books and documents of a financial nature and accounting records of the Council;
   vii) be responsible for the receipt of all moneys paid to or received by the Council and issue receipts for those moneys in the name of the Council;
viii) maintain and have responsibility for the bank account referred to in rule h) (Financial Management) including the right to sign cheques in the name of the Council and pay monies into the bank account.

b) No fees or subscriptions are to be charged against members.

c) A member of the Council having any direct or indirect pecuniary interest referred to in sections 21 or 22 of the Act shall comply with the obligations imposed on them by those sections.

d) All records and documents of the Council may be inspected by any member upon reasonable notice to the Chairperson.

ALTERATION OF THE RULES OF THE COUNCIL

a) The Council may only alter, rescind or add to these rules if there is a special resolution passed by three quarters of the members of the Council.

b) The Council must comply with the requirements of sections 17, 18 and 19 of the Act.

c) Any alteration, rescission or addition is of no effect until it has been approved by the Minister or the Director General as delegate of the Minister.

d) These rules bind every member of the Council to the same extent as if every member of the Council had signed and sealed these rules and agreed to be bound by all their provisions.

WINDING UP OF THE COUNCIL

a) The Minister may apply to the Supreme Court for the winding up of the Council based on one or both of the following grounds:

   i) the Council is in breach of the School Education Act;
   ii) the conduct of the Council is incompetent, inadequate or improper.

b) The Council may also be wound up pursuant to sections 30 and 31 of the Act.

COMMON SEAL

a) The Council shall have a common seal on which the corporate name shall appear.

b) The Common Seal of the Council shall not be used without the express authority of the Council.

c) The chairperson and principal shall witness the affixing of the Common Seal of the Council.

d) The Common Seal shall be kept in the custody of such person as the Council from time to time determines.
APPENDIX G  APPLICATION TO FORM A JOINT COUNCIL

Please attach a statement that explains:
- how a joint Council will benefit the students and the schools concerned;
- the consultation that has occurred between the school communities; and
- the composition, number of members and their terms of office.

| SCHOOL: | ____________________________________________________________ |
| Parent/Community representative: | ____________________________________________________________ |
| Date: | ____________________________ |
| Principal: | ____________________________________________________________ |
| Date: | ____________________________ |

| SCHOOL: | ____________________________________________________________ |
| Parent/Community representative: | ____________________________________________________________ |
| Date: | ____________________________ |
| Principal: | ____________________________________________________________ |
| Date: | ____________________________ |

Nominated principal: Regulation 108(5) provides that where a Council operates for two or more schools jointly, one of the principals is to be nominated by the Director General for purposes relating to the filling of Council vacancies and the conduct of elections. For consideration of the Director General, the principal of __________________________________________ School is the nominated principal for these purposes.

| DISTRICT EDUCATION OFFICE: | ____________________________________________________________ |
| Application supported: | YES ☐ NO ☐ (Please attach statement if appropriate.) |
| District Director: | ____________________________________________________________ |
| Date: | ____________________________ |

| OFFICE OF THE DIRECTOR GENERAL |
| I nominate the principal of _________________________________________ School for the purposes of regulation 108(5). |
| Signature: | ____________________________________________________________ |
| Date: | ____________________________ |

| OFFICE OF THE MINISTER FOR EDUCATION AND TRAINING |
| Ljiljanna Ravlich MLC Application approved: YES ☐ NO ☐ |
| MINISTER FOR EDUCATION AND TRAINING |
APPENDIX H  CODE OF CONDUCT AND ROLE STATEMENTS FOR COUNCIL MEMBERS

CODE OF CONDUCT FOR COUNCIL MEMBERS

School Council members are required to exercise judgement and make decisions, and this can at times present ethical dilemmas. The code of conduct provides a framework of values and behaviours in support of this role.

a) To perform roles and responsibilities to the best of one’s abilities, within the framework of the law, the limits of authority and available resources.

b) To respect the uniqueness and dignity of individuals and act in a fair, courteous and sensitive manner.

c) To accept the responsibilities arising from the trust placed in members of the Council by staff, students and the community.

d) To perform all duties with integrity, honesty and impartiality.

e) To declare conflicts of interest which may result in personal benefit or potential discrimination to others.

f) To maintain appropriate confidentiality of personal and official information.

g) To be accountable for efficient and effective use of resources with which Council members are provided.

h) To undertake not to hinder the implementation of Council decisions.

ROLES OF OFFICE BEARERS

It is suggested that the Chairperson and a secretary could manage the affairs of a non-incorporated Council. Incorporated Councils will need such office-bearers as are necessary to meet requirements of the Associations Incorporations Act 1987 regarding financial accountability and the proper maintenance of records.

a) The role of the Chairperson is to:
   i) preside at meetings of the Council;
   ii) manage the business of the Council; and
   iii) provide leadership to the Council.

b) The role of the Secretary is to:
   i) coordinate the correspondence of the Council;
   ii) keep full and correct minutes of the proceedings of the Council;
   iii) have custody of all books, documents, records and registers of the Council, which are accessible to any person within the school community;
   iv) perform such other duties as are required.

c) The role of Treasurer (of an Incorporated Council) is to:
   i) be responsible for the receipt of all moneys paid to or received by the Council;
ii) pay all monies into the Council account(s) as the Council may direct from time to time;

iii) make payments from the funds of the Council with the authority of a general meeting or of the Council;

iv) submit to the Council a report, balance sheet or financial statement as requested;

v) have custody of all securities, books and documents of a financial nature; and

vi) comply on behalf of the Council with sections 25 and 26 of the *Associations Incorporation Act 1987* in respect of the accounting records of the Council.
APPENDIX I  SCHOOL COUNCILS - GENERAL INFORMATION

What is a school Council?

A school Council is a formally constituted group that includes the principal and parent, staff and community representatives. Students aged 15 years or over may also be included.

Must a school have a school Council?

Yes. It is a requirement under the School Education Act 1999.

What is the purpose of a school Council?

Community participation is a major factor in improving education at your school. Councils are a formal means of achieving community participation in schools to ensure they are responsive to local needs.

What experience is needed to be a school Council member?

None. What is needed is an interest in your child’s school and the skills to work co-operatively with others to help shape its future.

What does a school Council do?

The Council’s functions include:

- Taking part in establishing and reviewing the school’s objectives, priorities and general policy directions;
- Taking part in the planning of financial arrangements necessary to fund the school’s objectives, priorities and general policy directions;
- Taking part in the evaluation of the school’s performance in achieving its objectives, priorities and general policy directions;
- Approving certain charges and contributions and advertising and sponsorship agreements;
- Determining the school’s dress code in consultation with students, staff and parents;
- Providing advice to the principal on religious education and related activities; and
- Promoting the school in the community.

The Council does not take part in the day-to-day management of the school or its staff.

Are there different types of school Councils?

Yes. Most schools will have a non-incorporated Council. However, Councils may become incorporated to enable them to carry out some additional functions. Two or more schools may have a joint Council.

Who can be on the Council?

Representatives of:

- Parents of students attending the school;
- Staff at the school;
- Students (15 years and over; students must be over 18 years if the Council is incorporated;
- Other members of the general community; and

The principal is automatically a member of the Council.

Parent and community members must be in the majority.

If the school has a Parents and Citizens’ Association, a member may be nominated in the parent or community category.

The Council elects its own chairperson.

Membership can be for a period up to three years.

Members may stand for re-election.

**How often does a school Council meet?**

Each Council sets the frequency of meetings. However, it is anticipated that School Councils will meet at least once a school term and must hold one meeting each calendar year that is open to the public.

**Who is the school Council responsible to?**

While formally accountable to the Minister for Education, each Council has a fundamental responsibility to the school community.

**How do I become a member of the school Council?**

Contact the school principal about the process for becoming a Council member.

**Further Information?**

For further information, contact the school principal.
APPENDIX J  PARENTS AND CITIZENS’ ASSOCIATIONS AND SCHOOL COUNCILS

DO01/017316

PRINCIPALS
PRESIDENTS, PARENTS AND CITIZENS’ ASSOCIATIONS

PARENTS AND CITIZENS’ ASSOCIATIONS AND SCHOOL COUNCILS

The School Education Act 1999 and the School Education Regulations 2000 came into effect from 1 January 2001 and contain provisions regarding the ongoing role of Parents and Citizens’ Associations and the establishment and functions of School Councils.

Under the new legislation, all government schools are to have a School Council.

Both in spirit and in its detail, the legislation affirms the necessity for close cooperation between the school and its parents and community in ensuring the best possible educational outcome for students. There are two aspects to this. The first is the family-level cooperation between a child’s parents and the school. The second is the cooperation that takes place through involvement in school groups such as the Parents and Citizens’ Association and the School Council.

In the past, school decision-making groups have provided a means by which parents and community members could become involved in decisions about their local school.

The Act empowers parent and community members to participate in establishing and reviewing the school’s objectives, priorities and general policy directions. The Act also requires principals to consult with the School Council on these matters in establishing a plan for the school and in the monitoring and reporting on the school’s performance in relation to the plan.

It is anticipated that school councils will meet at least once a school term and that parent and community participation will be very broadly based. Election procedures will therefore need to ensure that this can occur.

The role of a Parents and Citizens’ Association is not changed by the new Act and the updated provisions do not diminish the extent of functions that may be undertaken by Associations. Their special role and functions are clearly defined.

The Department of Education and the WA Council of State School Organisations consider it highly desirable that schools continue to have the support that a Parents and Citizens’ Association provides. The contribution of School Councils through the functions authorised by the legislation will complement the good work of the Associations and add to the benefits that are brought to student learning from the community’s participation in education at the local level. These partnerships make a significant contribution to the learning and development of our students.

It is expected that the Parents and Citizens’ Association and the School Council will work together for the overall benefit of the school community.

We thank all Parents and Citizens’ Associations for their past efforts and look forward to their ongoing support.

PETER BROWNE  
DIRECTOR-GENERAL

13 JUN 2001

SHELLEY NORRISII  
PRESIDENT  
WA COUNCIL OF STATE SCHOOL ORGANISATIONS INC