



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 3 JULY 2025

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All instruments appearing in this gazette are to be considered official, and obeyed as such

GOVERNOR'S INSTRUMENTS

ACTS

Department of the Premier and Cabinet
Adelaide, 3 July 2025

Her Excellency the Governor directs it to be notified for general information that she has in the name and on behalf of His Majesty The King, this day assented to the undermentioned Bills passed by the Legislative Council and House of Assembly in Parliament assembled, viz.:

No. 30 of 2025—North Adelaide Public Golf Course Bill 2025

An Act to facilitate the development of a new North Adelaide Golf Course, to provide for its ongoing use as a championship golf course and public facility, and for other purposes

No. 31 of 2025—Criminal Law Consolidation (Defences—Intoxication) Amendment Bill 2025

An Act to amend the Criminal Law Consolidation Act 1935

By command,

ZOE LEE BETTISON, MP
For Premier

APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet
Adelaide, 3 July 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Art Gallery Board, pursuant to the provisions of the Art Gallery Act 1939:

Member: from 3 July 2025 until 2 July 2028

Prakash Rajah

By command,

ZOE LEE BETTISON, MP
For Premier

25ART0006CS

Department of the Premier and Cabinet
Adelaide, 3 July 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Motor Sport Board, pursuant to the provisions of the South Australian Motor Sport Act 1984:

Member: from 3 July 2025 until 2 July 2028

Andrew William Daniels

Carolyn Anne Mitchell

Lisa Marie Bishop

Anna Victoria Hurley

Presiding Member: from 3 July 2025 until 2 July 2028

Andrew William Daniels

Deputy Presiding Member: from 3 July 2025 until 2 July 2028

Carolyn Anne Mitchell

By command,

ZOE LEE BETTISON, MP
For Premier

DPC25/033CS

Department of the Premier and Cabinet
Adelaide, 3 July 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the Honourable Clare Michele Scriven, MLC as Acting Minister for Emergency Services and Correctional Services, Acting Minister for Autism and Acting Minister for Recreation, Sport and Racing from 4 July 2025 until 13 July 2025 inclusive, during the absence of the Honourable Emily Sarah Bourke, MLC.

By command,

ZOE LEE BETTISON, MP
For Premier

DPC25/029CS

Department of the Premier and Cabinet
Adelaide, 3 July 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the Honourable Andrea Michaels, MP as Acting Treasurer, Acting Minister for Defence and Space Industries and Acting Minister for Police from 6 July 2025 until 21 July 2025 inclusive, during the absence of the Honourable Stephen Campbell Mullighan, MP.

By command,

ZOE LEE BETTISON, MP
For Premier

DPC25/029CS

Department of the Premier and Cabinet
Adelaide, 3 July 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the Honourable Blair Ingram Boyer, MP as Acting Minister for Housing and Urban Development, Acting Minister for Housing Infrastructure and Acting Minister for Planning from 5 July 2025 until 22 July 2025 inclusive, during the absence of the Honourable Nicholas David Champion, MP.

By command,

ZOE LEE BETTISON, MP
For Premier

DPC25/029CS

PROCLAMATIONS

South Australia

Judicial Conduct Commissioner (Miscellaneous) Amendment Act (Commencement) Proclamation 2025

1—Short title

This proclamation may be cited as the *Judicial Conduct Commissioner (Miscellaneous) Amendment Act (Commencement) Proclamation 2025*.

2—Commencement of Act

The *Judicial Conduct Commissioner (Miscellaneous) Amendment Act 2024* (No 66 of 2024) comes into operation on 1 August 2025.

Made by the Governor

with the advice and consent of the Executive Council
on 3 July 2025

South Australia

Planning (Revocation of Open Space Preservation) Proclamation 2025

under section 62 of the *Planning Act 1982*

1—Short title

This proclamation may be cited as the *Planning (Revocation of Open Space Preservation) Proclamation 2025*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Revocation of prohibition

- (1) The prohibition imposed in relation to the prescribed land by a proclamation that has force and effect under section 62 of the *Planning Act 1982* (as continued under Schedule 8 clause 37 of the *Planning, Development and Infrastructure Act 2016*) is revoked.

- (2) In subclause (1)—

prescribed land means Allotment 52 in Deposited Plan 51196, being land in Certificate of Title Register Book Volume 6051 Folio 410.

Made by the Governor

with the advice and consent of the Executive Council
on 3 July 2025

REGULATIONS

South Australia

Planning, Development and Infrastructure (General) (Community Title Land Division) Amendment Regulations 2025

under the *Planning, Development and Infrastructure Act 2016*

Contents

Part 1—Preliminary

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- 2 Commencement

Part 2—Amendment of *Planning, Development and Infrastructure (General) Regulations 2017*

- 3 Insertion of Part 9 Division 6A
Division 6A—Prescribed conditions—community title land division
 - 85A Prescribed condition—driveways and private roads
 - 4 Amendment of regulation 88—Division of land by strata title
 - 5 Amendment of Schedule 8—Plans
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Community Title Land Division) Amendment Regulations 2025*.

2—Commencement

These regulations come into operation on the day on which they are made.

Part 2—Amendment of *Planning, Development and Infrastructure (General) Regulations 2017*

3—Insertion of Part 9 Division 6A

Part 9—after Division 6 insert:

Division 6A—Prescribed conditions—community title land division

85A—Prescribed condition—driveways and private roads

- (1) The condition set out in subregulation (2) is prescribed for the purposes of section 138(1) of the Act in relation to a division of land under the

Community Titles Act 1996 in respect of which a scheme description is required to be lodged with the Registrar-General under that Act.

Note—

Section 15 of the *Community Titles Act 1996* provides that there is no need to lodge a scheme description with the Registrar-General if—

- (a) the plan of community division under that Act—
 - (i) does not create more than 6 community lots (or such other number as is prescribed by regulation under that Act); and
 - (ii) does not create a development lot; and
 - (b) each of the community lots is intended to be used solely or predominantly for residential purposes.
- (2) The construction of common property comprising a driveway or private road on the land which is proposed to be divided, including any access points to or from the driveway or road, must be completed.
 - (3) In this regulation—

common property has the same meaning as in the *Community Titles Act 1996*.

4—Amendment of regulation 88—Division of land by strata title

- (1) Regulation 88, heading—before "strata" insert:

community title or

- (2) Regulation 88(1)—delete subregulation (1) and substitute:

- (1) In accordance with section 138(1) of the Act, the Commission may issue a certificate under that section in relation to—

- (a) the division of land by community plan (including a strata plan) under the *Community Titles Act 1996* notwithstanding that—
 - (i) the condition prescribed by regulation 85A has not been satisfied; or
 - (ii) the requirements of section 102(1)(d) of the Act have not been fully satisfied; or
- (b) the division of land by strata plan under the *Strata Titles Act 1988* notwithstanding that the requirements of section 102(1)(d) of the Act have not been fully satisfied,

if the council advises the Commission that the applicant has entered into a binding arrangement with the council for the satisfaction of that condition or those requirements (as the case requires) and that the arrangement is supported by adequate security.

- (3) Regulation 88(2)—after "particular kind of" insert:

community plan or

- (4) Regulation 88(2)—delete "section 102(1)(d) of the Act" and substitute:
regulation 85A or section 102(1)(d) of the Act (as the case requires)
- (5) Regulation 88(2)—delete "strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988*" and substitute:
community plan or strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988* (as the case requires)
- (6) Regulation 88—after subregulation (2) insert:
- (3) The security supporting a binding arrangement entered into by an applicant under this regulation may be held by the council or another entity.
- (4) The entity (whether the council or another entity) holding the security supporting a binding arrangement entered into by an applicant under this regulation must return the security to the applicant as soon as reasonably practicable after its return is requested by the applicant if—
- (a) the council is satisfied that the condition or requirement in relation to which the arrangement was entered into has been satisfied; and
- (b) the security has not been transferred to the relevant community corporation or strata corporation in accordance with subregulation (5).

Maximum penalty: \$10 000.

- (5) If a condition or requirement in relation to which a binding arrangement was entered into has not been satisfied before the end of the developer control period, the entity (whether the council or another entity) holding the security supporting the arrangement may, after the developer control period, transfer the security to the relevant community corporation or strata corporation for the purposes of the corporation using that amount to satisfy the condition or requirement.
- (6) In this regulation—
- developer control period***, in relation to a community corporation, has the same meaning as in section 142B of the *Community Titles Act 1996*;
- developer control period***, in relation to a strata corporation, means a period during which—
- (a) the strata corporation is constituted solely by the original registered proprietor; or
- (b) the original registered proprietor owns the majority of units in the strata scheme or in any other way controls the voting of the corporation;

original registered proprietor, ***strata scheme*** and ***unit*** have the same respective meanings as in the *Strata Titles Act 1988*.

5—Amendment of Schedule 8—Plans

- (1) Schedule 8, clause 8(1)—delete "the proposed scheme description of the relevant community scheme (unless a scheme description is not required to be lodged with the Registrar-General under section 15 of that Act)." and substitute:
-
- (a) the proposed scheme description of the relevant community scheme; and
 - (b) if the plan of community division proposes the construction of common property comprising a driveway or private road and the applicant intends to enter into a binding arrangement with the council for the satisfaction of the condition prescribed by regulation 85A—
 - (i) details of the design of the driveway or road, including the width and construction material; and
 - (ii) the costs associated with the construction of the driveway or road,
- unless a scheme description is not required to be lodged with the Registrar-General under section 15 of that Act.
- (2) Schedule 8, clause 8—after subclause (2) insert:
- (3) In this clause—

common property has the same meaning as in the *Community Titles Act 1996*.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 3 July 2025

No 55 of 2025

STATE GOVERNMENT INSTRUMENTS

THE DISTRICT COURT OF SOUTH AUSTRALIA

MOUNT GAMBIER CIRCUIT COURT

Sheriff's Office, Adelaide, 8 July 2025

In pursuance of a precept from the District Court to me directed, I do hereby give notice that the said Court will sit as a Court of Oyer and Terminer and General Gaol Delivery at the Courthouse at Mount Gambier on the day and time undermentioned and all parties bound to prosecute and give evidence and all jurors summoned and all others having business at the said Court are required to attend the sittings thereof and the order of such business will be unless a Judge otherwise orders as follows:

Tuesday, 8 July 2025 at 10am on the first day of the sittings the only business taken will be the arraignment of prisoners in gaol and the passing of sentences on prisoners in gaol committed for sentence; the surrender of prisoners on bail committed for sentence; the surrender of persons in response to *ex officio* informations or of persons on bail and committed for trial who have signified their intentions to plead guilty and the passing of sentences for all matters listed for disposition by the District Court.

Juries will be summoned for 7 July 2025 and persons will be tried on this and subsequent days of the sittings.

Prisoners in H.M. Gaol and on bail for sentence and for trial at the sittings of the Mount Gambier Courthouse, commencing 8 July 2025.

Atkins, Tony Steven	Knowingly be in possession of child exploitation material; Produce child exploitation material.	In gaol
Beck, Joshua Douglas	Aggravated assault that causes harm own child/spouse no weapon (2); Choke, suffocate or strangle a person in a domestic setting (2); Aggravated commit assault against own child/spouse no weapon (2); Contravene intervention order term (4).	In gaol
Black, Kelvin James	Sexual abuse of a child.	On bail
Burley, Lindsay Maree	Possess firearm without a licence; Aggravated possess firearm without a licence; Attempted supplying a firearm.	On bail
Carter, Paul David	Aggravated assault (3); Rape.	On bail
Cooper, Jarrad	Rape (11).	On bail
Davis, Brodie Allan	Basic recklessly cause serious harm; Basic cause harm with intent; Basic commit assault.	On bail
Grigor, Stephen	Aggravated threaten to kill or endanger life; Threaten to kill or endanger life.	On bail
Henderson, Travis Jake	Traffic (type unknown) in a controlled drug (4).	On bail
Drewery, Brendan Thomas		On bail
Henke, Aaron Daniel	Cultivate more than prescribed number of cannabis plants; Possess prescribed equipment; Traffic in commercial quantity of controlled drug.	On bail
Kerr, Jacob Strachan	Traffic (type unknown) in a controlled drug.	On bail
Kessegian, Matthew	Persistent sexual exploitation of a child; Aggravated indecently assault a person (2); Have sexual intercourse with a person under 14 years (2).	On bail
Leistra, Shane Robert	Causing death by dangerous driving (2); Causing harm by dangerous driving.	On bail
Miller, Noel Wayne	Indecent assault.	On bail
Millhouse, Jaystin Rodi	Trafficking in a controlled drug (4); Traffic in a commercial quantity of a controlled drug; Money laundering.	On bail
Morris, Graham Edwin	Communicate to make child amenable to sexual activity.	On bail
Palmer, Rhance	Traffic (type unknown) in a controlled drug (2).	On bail
Wood, Connor John		On bail
Hunter, Suzie Lee		On bail
Raccosta, Steven Gino	Traffic (type unknown) in a controlled drug (2); 1 st offence other—supply 1 prescribed firearm; 1 st offence other—unlawfully supply 1 firearm (2).	On bail
Rappard, Johann Harley	Choke, suffocate or strangle a person in a domestic setting; Damage property not building; Aggravated commit assault against own child/spouse no weapon (3).	On bail
Richards, Peter Scott	Choke, suffocate or strangle a person in a domestic setting; Aggravated commit assault against own child/spouse no weapon.	In gaol
Richardson, Joshua Mark	Trafficking in a commercial quantity of a controlled drug; Trafficking in a controlled drug (3).	On bail
Sengsourith, Phousana	Unlawful sexual intercourse with person under 17 years.	On bail
Slape, Joshua James David	Rape; Attempted rape; Indecent assault.	On bail
Thorp, James Leslie	Adult, sexual abuse of a child.	On bail
Tilley, Nigel Graham	Knowingly be in possession of child exploitation material; Disseminate child exploitation material.	On bail
Versteegh, Aaron Peter Scott	Traffic in a controlled drug in a prescribed area.	On bail
Wilson, David Thomas	Adult, maintain unlawful sexual relationship with child (2).	On bail

Prisoners on bail must surrender at 10am of the day appointed for their respective trials. If they do not appear when called upon their recognizances and those of their bail will be estreated and a bench warrant will be issued forthwith.

By order of the Court,

L. TURNER
Sheriff

EDUCATION AND CHILDREN'S SERVICES ACT 2019

Amending the Constitution of a Governing Council for a Government School

I, Caroline Fishpool, Lead Director, Conditions for Learning, Schools and Preschools, consider it necessary to amend the constitution of:

Keith Area School
Kimba Area School
Leigh Creek Area School
Mount Barker High School
Mount Compass Area School
Port Broughton Area School
Salisbury High School
Tintinara Area School
Tumby Bay Area School
Valley View Secondary School
Waikerie High School
Wirreanda Secondary School
Yorke town Area School

To ensure that it takes the form of the model constitution for either schools with or without a school-based preschool, and therefore in accordance with Section 40(1) and (2) of the *Education and Children's Services Act 2019*, I amend the governing councils' constitutions such that they now read as follows:

KEITH AREA SCHOOL GOVERNING COUNCIL INCORPORATED

*Constitution***Table of Contents**

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

1. Name

The name of the council is Keith Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

‘*the Act*’ means the *Education and Children’s Services Act 2019* as amended.

‘*administrative instructions*’ means administrative instructions issued pursuant to Section 9 of the Act.

‘*administrative unit*’ means a government department or attached office.

‘*adult*’ means a person who has attained 18 years of age.

‘*affiliated committee*’ means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

‘*chairperson*’ means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘*Chief Executive*’ means the Chief Executive of the Department for Education.

‘*governing council*’ means the Keith Area School Governing Council established under Section 34 of the Act.

‘*council member*’ are the members of the governing council.

‘*department*’ means the Department for Education.

‘*financial year*’ means the year ending 31 December or as varied by administrative instruction.

‘*general meeting*’ means a public meeting of the school community.

‘*government school*’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

‘*majority*’ 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*.

‘*parent*’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children’s Services Regulations 2020*.

‘*school*’ means 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 the school’s 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.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and Regulations.

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's functions
- 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 responsible for the financial, physical and human resource management of the school
- 6.2.6 be an *ex officio* member of council with full voting rights
- 6.2.7 be the returning officer for the election, nomination and appointment of council members
- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Keith Area School Governing Council must comprise 13 council members including:
- 1 Principal of the school (*ex officio*)
 - 7 Elected parent members
 - 2 Staff member(s) nominated by the staff of the school (as per ratio in the administrative instructions).
 - 1 Community member appointed by the council
 - 2 Student representative(s) nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
- (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 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 chairperson's 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*
 - 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.
 - 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
 - (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
 - 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
 - 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
 - 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
 - 9.4.6 The secretary must conduct the official correspondence of the council.
 - 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.
- 9.5 *The Treasurer*
 - 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
 - 9.5.2 The treasurer must:
 - (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
 - 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

- 11.1 *General Meetings of the School Community*
 - 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
 - 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 less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. **Proceedings of the Council**

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.

12.2.3 If a council member discloses an interest in a contract or proposed contract:

- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
- (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 Eligibility for Nomination for Election

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 Notice of Election

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 Election without Ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 Contested Elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of Election

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 Further Nomination for Unfilled Positions

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and Appointment of Council Members

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

- 14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.
- 14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.
- 14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, Regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
 - 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
 - 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

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

KIMBA AREA SCHOOL GOVERNING COUNCIL INCORPORATED*Constitution***Table of Contents**

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GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Kimba Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Kimba Area School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' 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*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children's Services Regulations 2020*.

'school' means 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 the school's 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.

4. Powers of the Governing Council

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

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
 - 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and Regulations.
- 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's functions
 - 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 responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an ex officio member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Kimba Area School Governing Council must comprise 14 council members including:
- 1 Principal of the school (*ex officio*)
 - 8 Elected parent members
 - 1 Staff member nominated by the staff of the school (as per ratio in the administrative instructions).
 - 1 Community member appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
 - 1 Affiliated committee member(s) nominated from Kimba Area School Parents and Friends Committee
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 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 chairperson's 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*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

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

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

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

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

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

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

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

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

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

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

10.1.5 resigns by written notice to the council;

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

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

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

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

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

10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings**11.1 *General Meetings of the School Community***

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 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 less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 *Meetings***

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.

- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
 - (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by *one* of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

- 14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.
- 14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.
- 14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
 - 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
 - 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

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

LEIGH CREEK AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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

1. Name

The name of the council is Leigh Creek Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

‘*the Act*’ means the Education and *Children’s Services Act 2019* as amended.

‘*administrative instructions*’ means administrative instructions issued pursuant to Section 9 of the Act.

‘*administrative unit*’ means a government department or attached office.

‘*adult*’ means a person who has attained 18 years of age.

‘*affiliated committee*’ means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

‘*chairperson*’ means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘*Chief Executive*’ means the Chief Executive of the Department for Education.

‘*governing council*’ means the Leigh Creek Area School Governing Council established under Section 34 of the Act.

‘*council member*’ are the members of the governing council.

‘*department*’ means the Department for Education.

‘*financial year*’ means the year ending 31 December or as varied by administrative instruction.

‘*general meeting*’ means a public meeting of the school community.

‘*government school*’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

‘*majority*’ 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*.

‘*parent*’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children’s Services Regulations 2020*.

‘*school*’ means 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 the school’s 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.

4. Powers of the Governing Council

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

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 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's functions
 - 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 responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an *ex officio* member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Leigh Creek Area School Governing Council must comprise 9 council members including:
- 1 Principal of the school (*ex officio*)
 - 5 Elected parent members
 - 2 Student representative(s) nominated by SRC or the students of the school
 - 1 Affiliated committee member nominated from ALACC (Adnyamathanha Language and Culture Committee)
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee

- 9.1 *Appointment*
- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
 - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
 - 9.1.3 The treasurer must not be a member of the staff of the school.
 - 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.
- 9.2 *Removal from Office*
- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
 - 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 chairperson's 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*

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.
- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
 - (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
 - (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
 - 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 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 less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 Council Meetings

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 Extraordinary Council Meetings

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 Voting

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council

12.1 Meetings

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 Conflict of Interest

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
 - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
 - (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 Eligibility for Nomination for Election

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. **Minutes**

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

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

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

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

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

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

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

18. Reporting to the School Community and the Minister

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

18.2 At that meeting:

18.2.1 the chairperson must report on:

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

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

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, 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 and 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.

MOUNT BARKER HIGH SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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

1. Name

The name of the council is Mount Barker High School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Mount Barker High School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' 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*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children's Services Regulations 2020*.

'school' means 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 the school's 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.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive

- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.
- 4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
 - 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 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's functions
 - 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 responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an *ex officio* member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Mount Barker High School Governing Council must comprise 15 council members including:
 - 1 Principal of the school (*ex officio*)
 - 8 Elected parent members
 - 2 Staff members nominated by the staff of the school (as per ratio in the administrative instructions)
 - 2 Community members appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.

- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 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 chairperson's 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*

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.
- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
- (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
- (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 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 less.

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

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
- (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
- (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of elections for parent council members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

- 15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:
- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
 - (ii) the proposed expenditure to be made; and
 - (iii) details of any funds held for special purposes.
- 15.3.2 The membership must be determined by the council and must include
- (i) the treasurer;
 - (ii) the principal or nominee.
- 15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
- 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

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

MOUNT COMPASS AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Mount Compass Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Mount Compass Area School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' 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*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children's Services Regulations 2020*.

'school' means 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 the school's 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.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts

- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.

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's functions
- 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 responsible for the financial, physical and human resource management of the school
- 6.2.6 be an *ex officio* member of council with full voting rights
- 6.2.7 be the returning officer for the election, nomination and appointment of council members
- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
- 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

7.1 The Mount Compass Area School Governing Council must comprise 14 council members including:

- 1 Principal of the school (*ex officio*)
- 8 Elected parent members
- 2 Staff members nominated by the staff of the school (as per ratio in the administrative instructions)
- 1 Community member appointed by the council
- 2 Student representatives nominated by SRC or the students of the school

7.2 The majority of council members must be elected parents of the school.

7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.

- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 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 chairperson's 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

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
- (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
- (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 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 less.

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

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
- (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
- (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

15.3 *Finance Advisory Committee*

- 15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:
 - (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
 - (ii) the proposed expenditure to be made; and
 - (iii) details of any funds held for special purposes.
- 15.3.2 The membership must be determined by the council and must include
 - (i) the treasurer;
 - (ii) the principal or nominee.
- 15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
 - 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
 - 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

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

PORT BROUGHTON AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Port Broughton Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

‘*the Act*’ means the *Education and Children’s Services Act 2019* as amended.

‘*administrative instructions*’ means administrative instructions issued pursuant to Section 9 of the Act.

‘*administrative unit*’ means a government department or attached office.

‘*adult*’ means a person who has attained 18 years of age.

‘*affiliated committee*’ means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

‘*chairperson*’ means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘*Chief Executive*’ means the Chief Executive of the Department for Education.

‘*governing council*’ means the Port Broughton Area School Governing Council established under Section 34 of the Act.

‘*council member*’ are the members of the governing council.

‘*department*’ means the Department for Education.

‘*financial year*’ means the year ending 31 December or as varied by administrative instruction.

‘*general meeting*’ means a public meeting of the school community.

‘*government school*’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

‘*majority*’ 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*.

‘*parent*’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children’s Services Regulations 2020*.

‘*school*’ means 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 the school’s 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.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive

- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.
- 4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
 - 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 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's functions
 - 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 responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an *ex officio* member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Port Broughton Area School Governing Council must comprise 16 council members including:
 - 1 Principal of the school (*ex officio*)
 - 10 Elected parent members
 - 1 Staff members nominated by the staff of the school (as per ratio in the administrative instructions)
 - 1 Community member appointed by the council
 - 1 Kindergarten representative nominated to council by the Port Broughton Kindergarten (community member)
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.

- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 *Appointment*

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 *Removal from Office*

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 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 chairperson's 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*

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
- (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
- (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

- 11.1 *General Meetings of the School Community*
- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
 - 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 less.

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

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
- (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
- (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of elections for parent council members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

15.3 *Finance Advisory Committee*

- 15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:
 - (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
 - (ii) the proposed expenditure to be made; and
 - (iii) details of any funds held for special purposes.
- 15.3.2 The membership must be determined by the council and must include
 - (i) the treasurer;
 - (ii) the principal or nominee.
- 15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
 - 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
 - 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

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

SALISBURY HIGH SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Salisbury High School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Salisbury High School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' 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*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children's Services Regulations 2020*.

'school' means 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 the school's 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.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive

- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.
- 4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
 - 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 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's functions
 - 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 responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an *ex officio* member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Salisbury High School Governing Council must comprise 20 council members including:
 - 1 Principal of the school (*ex officio*)
 - 12 Elected parent members
 - 3 Staff members nominated by the staff of the school (as per ratio in the administrative instructions)
 - 2 Community members appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.

- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 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 chairperson's 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

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
- (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
- (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 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 less.

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

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
- (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
- (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 Notice of Election

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 Election without Ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 Contested elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of Election

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 Further Nomination for Unfilled Positions

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and Appointment of Council Members

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

- 15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:
- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
 - (ii) the proposed expenditure to be made; and
 - (iii) details of any funds held for special purposes.
- 15.3.2 The membership must be determined by the council and must include
- (i) the treasurer;
 - (ii) the principal or nominee.
- 15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
- 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

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

TINTINARA AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

*(School with a school-based preschool)***1. Name**

The name of the council is Tintinara Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Tintinara Area School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' 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*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children's Services Regulations 2020*.

'school' means 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 the school's 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.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive

- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.
- 4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
 - 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 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's functions
 - 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 responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an *ex officio* member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Tintinara Area School Governing Council must comprise 13 council members including:
 - 1 Principal of the school (*ex officio*)
 - 8 Elected parent members (including preschool parents)
 - 1 Staff members nominated by the staff of the school (as per ratio in the administrative instructions)
 - 1 Community member appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act, or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.

- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 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 chairperson's 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

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
- (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
- (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 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 less.

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

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
- (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
- (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 Notice of Election

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 Election without Ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 Contested Elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of Election

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 Further nomination for unfilled positions

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and Appointment of Council Members

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

- 15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:
 - (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
 - (ii) the proposed expenditure to be made; and
 - (iii) details of any funds held for special purposes.
- 15.3.2 The membership must be determined by the council and must include
 - (i) the treasurer;
 - (ii) the principal or nominee.
- 15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
 - 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
 - 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

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

TUMBY BAY AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Tumby Bay Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Tumby Bay Area School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' 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*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children's Services Regulations 2020*.

'school' means 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 the school's 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.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive

- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.
- 4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
 - 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 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's functions
 - 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 responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an *ex officio* member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Tumby Bay Area School Governing Council must comprise 18 council members including:
 - 1 Principal of the school (*ex officio*)
 - 12 Elected parent members
 - 1 Staff member nominated by the staff of the school (as per ratio in the administrative instructions)
 - 2 Community members appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.

- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 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 chairperson's 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

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
- (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
- (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 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 less.

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

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
- (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
- (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

15.3 *Finance Advisory Committee*

- 15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:
- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
 - (ii) the proposed expenditure to be made; and
 - (iii) details of any funds held for special purposes.
- 15.3.2 The membership must be determined by the council and must include
- (i) the treasurer;
 - (ii) the principal or nominee.
- 15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
- 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

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

VALLEY VIEW SECONDARY SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Valley View Secondary School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Valley View Secondary School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' 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*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children's Services Regulations 2020*.

'school' means 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 the school's 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.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive

- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.
- 4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
 - 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 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's functions
 - 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 responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an *ex officio* member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Valley View Secondary School Governing Council must comprise 15 council members including:
 - 1 Principal of the school (*ex officio*)
 - 8 Elected parent members
 - 2 Staff members nominated by the staff of the school (as per ratio in the administrative instructions)
 - 2 Community members appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.

- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 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 chairperson's 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

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
- (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
- (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 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 less.

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

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
- (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
- (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

15.3 *Finance Advisory Committee*

- 15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:
 - (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
 - (ii) the proposed expenditure to be made; and
 - (iii) details of any funds held for special purposes.
- 15.3.2 The membership must be determined by the council and must include
 - (i) the treasurer;
 - (ii) the principal or nominee.
- 15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
 - 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
 - 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19 The Common Seal

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

WAIKERIE HIGH SCHOOL GOVERNING COUNCIL INCORPORATED*Constitution***Table of Contents**

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GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Waikerie High School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Waikerie High School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' 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*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children's Services Regulations 2020*.

'school' means 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 the school's 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.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive

- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.
- 4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
 - 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The Council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 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's functions
 - 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 responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an *ex officio* member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Waikerie High School Governing Council must comprise 14 council members including:
 - 1 Principal of the school (*ex officio*)
 - 8 Elected parent members
 - 2 Staff members nominated by the staff of the school (as per ratio in the administrative instructions).
 - 1 Community member appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.

- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 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 chairperson's 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

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
- (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
- (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 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 less.

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

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
- (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
- (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by *one* of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 Notice of Election

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 Election without Ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 Contested Elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of Election

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 Further Nomination for Unfilled Positions

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and Appointment of Council Members

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

- 15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:
- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
 - (ii) the proposed expenditure to be made; and
 - (iii) details of any funds held for special purposes.
- 15.3.2 The membership must be determined by the council and must include
- (i) the treasurer;
 - (ii) the principal or nominee.
- 15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
- 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

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

WIRREANDA SECONDARY SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Wirreanda Secondary School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Wirreanda Secondary School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' 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*.

'parent'—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children's Services Regulations 2020*.

'school' means 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 the school's 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.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive

- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.
- 4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
 - 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 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's functions
 - 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 responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an *ex officio* member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Wirreanda Secondary School Governing Council must comprise 17 council members including:
 - 1 Principal of the school (*ex officio*)
 - 9 Elected parent members
 - 3 Staff members nominated by the staff of the school (as per ratio in the administrative instructions)
 - 2 Community members appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.

- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term Of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
- 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 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 chairperson's 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

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
- (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
- (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with reg 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 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 less.

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

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
- (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
- (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 Notice of Election

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 Election without Ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 Contested Elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of Election

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 Further Nomination for Unfilled Positions

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and Appointment of Council Members

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

- 15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:
 - (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
 - (ii) the proposed expenditure to be made; and
 - (iii) details of any funds held for special purposes.
- 15.3.2 The membership must be determined by the council and must include
 - (i) the treasurer;
 - (ii) the principal or nominee.
- 15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
 - 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
 - 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

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

YORKETOWN AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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

1. Name

The name of the council is Yorketown Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

‘the Act’ means the Education and *Children’s Services Act 2019* as amended.

‘administrative instructions’ means administrative instructions issued pursuant to Section 9 of the Act.

‘administrative unit’ means a government department or attached office.

‘adult’ means a person who has attained 18 years of age.

‘affiliated committee’ means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

‘chairperson’ means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘Chief Executive’ means the Chief Executive of the Department for Education.

‘governing council’ means the Yorketown Area School Governing Council established under Section 34 of the Act.

‘council member’ are the members of the governing council.

‘department’ means the Department for Education.

‘financial year’ means the year ending 31 December or as varied by administrative instruction.

‘general meeting’ means a public meeting of the school community.

‘government school’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

‘majority’ 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*.

‘parent’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will 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 *Education and Children’s Services Regulations 2020*.

‘school’ means 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 the school’s 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.

4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council’s powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 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's functions
 - 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 responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an *ex officio* member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.

7. Membership

- 7.1 The Yorketown Area School Governing Council must comprise 13 council members including:
- 1 Principal of the school (*ex officio*)
 - 7 Elected parent members
 - 1 Staff members nominated by the staff of the school (as per ratio in the administrative instructions)
 - 1 Community member appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
 - 1 Affiliated committee member nominated from Yorketown Area School Parents and Friends Committee
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 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-nomination or re-appointment.

9. Office Holders and Executive Committee**9.1 Appointment**

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 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 chairperson's 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

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.
- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
 - (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.

- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
 - (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
 - 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 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 less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

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

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

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

11.4 *Voting*

11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:

- (i) a contested election; or
- (ii) a special resolution to remove an office holder from office.

11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. **Proceedings of the Council**

12.1 *Meetings*

12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.

12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.

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 the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.

12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.

12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).

12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:

- (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
- (ii) not take part in deliberations or decisions of the council with respect to that contract;
- (iii) not vote in relation to the contract; and
- (iv) be absent from the meeting room when any such discussion or voting is taking place.

12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.

12.2.3 If a council member discloses an interest in a contract or proposed contract:

- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
- (ii) the member is not liable to account for the profits derived from the contract.

13. **Election of Council Members**

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

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

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

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

13.8 *Declaration of Election*

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

13.9 *Further Nomination for Unfilled Positions*

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 *Nomination and Appointment of Council Members*

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

14. Minutes

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

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 be a council member.

15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

15.3 *Finance Advisory Committee*

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

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

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

16.5.1 an affiliated committee;

16.5.2 another existing or proposed Government school.

17. Audit

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

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

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

18. Reporting to the School Community and the Minister

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

18.2 At that meeting:

18.2.1 the chairperson must report on:

(i) strategic and other plans;

(ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;

(iii) the outcomes of those proceedings in relation to the functions of the council; and

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

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, 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 and 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.

These amendments take effect from the date of publication of this notice in the Gazette.

Dated: 3 July 2025

CAROLINE FISHPOOL
Lead Director
Conditions for Learning, Schools and Preschools
Delegate of the Minister for Education

ENERGY RESOURCES ACT 2000

Application for Grant of Associated Activities Licence—AAL 329

Pursuant to Section 65(6) of the *Energy Resources Act 2000* and delegation dated 19 August 2024, notice is hereby given that an application for the grant of an associated activities licence over the area described below has been received from:

Beach Energy Limited
Amplitude Energy Limited

The application will be determined on or after 1 August 2025.

Description of Application Area

All that part of the State of South Australia, bounded by a line with the following coordinates:

All coordinates in GDA2020, Zone 54

332603.32mE	6906556.90mN
331813.51mE	6906545.87mN
331778.62mE	6907213.73mN
331283.89mE	6908640.63mN
332057.47mE	6908894.20mN
332561.68mE	6907410.89mN
332603.32mE	6906556.90mN

AREA: **1.85** square kilometres approximately

Dated: 30 June 2025

LEE KINNEN
General Manager
Energy Resources Licensing
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

Application for Grant of Associated Activities Licence—AAL 330

Pursuant to Section 65(6) of the *Energy Resources Act 2000* and delegation dated 19 August 2024, notice is hereby given that an application for the grant of an associated activities licence over the area described below has been received from:

Beach Energy Limited
Amplitude Energy Limited

The application will be determined on or after 1 August 2025.

Description of Application Area

All that part of the State of South Australia, bounded by a line with the following coordinates:

All coordinates in GDA2020, Zone 54

329562.58mE	6901433.16mN
330382.14mE	6901444.77mN
330397.35mE	6900369.02mN
330124.19mE	6900365.15mN
330126.66mE	6900190.63mN
329580.35mE	6900182.88mN
329562.58mE	6901433.16mN

AREA: **0.98** square kilometres approximately

Dated: 30 June 2025

LEE KINNEN
General Manager
Energy Resources Licensing
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

Application for Grant of Associated Activities Licence—AAL 331

Pursuant to Section 65(6) of the *Energy Resources Act 2000* and delegation dated 19 August 2024, notice is hereby given that an application for the grant of an associated activities licence over the area described below has been received from:

Beach Energy Limited
Amplitude Energy Limited

The application will be determined on or after 1 August 2025.

Description of Application Area

All that part of the State of South Australia, bounded by a line with the following coordinates:

All coordinates in GDA2020, Zone 54

330913.71mE	6929775.23mN
331215.65mE	6929779.43mN
331352.57mE	6929781.33mN
331358.99mE	6929319.67mN
331363.55mE	6928991.49mN
330924.71mE	6928985.38mN
330913.71mE	6929775.23mN

AREA: **0.35** square kilometres approximately

Dated: 30 June 2025

LEE KINNEN
General Manager
Energy Resources Licensing
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

Application for Grant of Associated Activities Licence—AAL 332

Pursuant to Section 65(6) of the *Energy Resources Act 2000* and delegation dated 19 August 2024, notice is hereby given that an application for the grant of an associated activities licence over the area described below has been received from:

Santos Limited

The application will be determined on or after 1 August 2025.

Description of Application Area

All that part of the State of South Australia, bounded as follows:

All coordinates GDA2020, Zone 54

Area A

433227.77mE	6850890.86mN
434033.51mE	6850529.88mN
434360.02mE	6849992.55mN
434025.97mE	6849627.08mN
433871.82mE	6849772.49mN
434043.02mE	6849957.34mN
433799.87mE	6850240.18mN
433230.00mE	6850499.77mN
433227.77mE	6850890.86mN

Area B

432490.81mE	6849844.13mN
432043.76mE	6849392.70mN
431816.82mE	6849408.11mN
431646.16mE	6849135.47mN
431653.23mE	6848642.38mN
431484.32mE	6848073.07mN
430916.32mE	6846663.32mN
430790.11mE	6846836.32mN
431017.95mE	6847376.68mN
430849.60mE	6847434.19mN
431006.92mE	6847823.73mN
431196.38mE	6847749.62mN
431493.07mE	6848733.38mN
431473.62mE	6849188.79mN
431347.13mE	6849267.46mN
431622.25mE	6849839.11mN
432490.81mE	6849844.13mN

AREA: **1.44** square kilometres approximately

Dated: 1 July 2025

LEE KINNEN
General Manager
Energy Resources Licensing
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

Application for Grant of Associated Activities Licence—AAL 333

Pursuant to Section 65(6) of the *Energy Resources Act 2000* and delegation dated 19 August 2024, notice is hereby given that an application for the grant of an associated activities licence over the area described below has been received from:

Santos Limited

The application will be determined on or after 1 August 2025.

Description of Application Area

All that part of the State of South Australia, bounded as follows:

430830.25mE 6846907.36mN
431305.02mE 6846162.24mN
431725.24mE 6846122.91mN
431853.64mE 6846069.34mN
432031.23mE 6846224.96mN
432159.04mE 6845912.35mN
432173.98mE 6845507.17mN
432802.37mE 6844493.52mN
432629.21mE 6844231.18mN
432920.42mE 6843865.69mN
432784.31mE 6843748.18mN
432626.84mE 6843906.13mN
432713.28mE 6843998.64mN
432509.23mE 6844215.60mN
432685.78mE 6844481.62mN
432444.20mE 6844890.42mN
432391.90mE 6844856.70mN
432222.65mE 6845077.14mN
432285.11mE 6845169.41mN
432085.83mE 6845498.31mN
432079.47mE 6845872.20mN
431994.28mE 6846078.52mN
431856.32mE 6845969.09mN
431719.41mE 6846042.45mN
431419.11mE 6846043.84mN
431229.80mE 6846099.13mN
430763.72mE 6846794.16mN
430830.25mE 6846907.36mN

AREA: **0.45** square kilometres approximately.

Dated: 1 July 2025

LEE KINNEAR
General Manager
Energy Resources Licensing
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

SECTION 25(5)(B)

Variation of Petroleum Exploration Licence—PEL 677

Notice is hereby given that under the provisions of the *Energy Resources Act 2000*, pursuant to delegated powers dated 19 August 2024, the conditions of the abovementioned Exploration Licence has been varied as follows:

Condition 1 of the licence is omitted and the following substituted:

1. During the residual term of the Licence, the Licensee shall carry out or cause to be carried out, exploratory operations on the area comprised in the Licence in accordance with such work programs as are approved by the Minister from time to time. Years one to five exploratory operations are guaranteed. These exploratory operations shall include but not necessarily be limited to:

Year of Term of Licence	Minimum Work Requirements
One	<ul style="list-style-type: none">175km² seismic reprocessing;Airborne AEM—PTP survey.
Two	<ul style="list-style-type: none">400km 2D seismic reprocessing.
Three	<ul style="list-style-type: none">Drill two wells.
Four	<ul style="list-style-type: none">Geological and Geophysical Studies.
Five	<ul style="list-style-type: none">Drill one well.

The revised work requirements as a result of this variation would not have altered the outcome of the original competitive tender process.

Dated: 25 June 2025

BENJAMIN ZAMMIT
Executive Director
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

FISHERIES MANAGEMENT (PRAWN FISHERIES) REGULATIONS 2017

June 2025 fishing for the West Coast Prawn Fishery

Take notice that pursuant to Regulation 10 of the *Fisheries Management (Prawn Fisheries) Regulations 2017*, the notice dated 19 September 2024 on page 4093 of the *South Australian Government Gazette* of 1 November 2024, prohibiting fishing activities in the West Coast Prawn Fishery is hereby varied such that it will not be unlawful for a person fishing pursuant to a West Coast Prawn Fishery licence to use prawn trawl nets in the areas specified in Schedule 1, during the period specified in Schedule 2, and under the conditions specified in Schedule 3.

SCHEDULE 1

The waters of the West Coast Prawn Fishery excluding Ceduna as defined in the West Coast Prawn Fishery Harvest Strategy.

SCHEDULE 2

Commencing at sunset on 26 June 2025 and ending at sunrise on 5 July 2025.

SCHEDULE 3

- Each licence holder of a fishing licence undertaking fishing activities pursuant to this notice must ensure that a representative sample of catch (a 'bucket count') is taken at least 3 times per night during the fishing activity.
- Each 'bucket count' sample must be accurately weighed to 7 kg where possible and the total number of prawns contained in the bucket must be recorded on the daily catch and effort return.
- Fishing must cease if a total of 9 nights of fishing are completed.
- Fishing must cease in a fishing area if one of the following limits is reached:
 - The average catch per vessel, per night (for all 3 vessels) drops below 300 kg for two consecutive nights in a fishing area.
 - The average 'bucket count' for all vessels exceeds 240 prawns per 7 kg bucket for two consecutive nights in the Coffin Bay area.
 - The average 'bucket count' for all vessels exceeds 240 prawns per 7 kg bucket for two consecutive nights in the Venus Bay area.
 - The average 'bucket count' for all vessels exceeds 270 prawns per 7 kg bucket for two consecutive nights in the Corvisart Bay area.
 - The average catch for all three vessels exceeds the 6 tonne catch cap in the Corvisart Bay area.
 - The average 'bucket count' for all vessels exceeds 260 prawns per 7 kg bucket for two consecutive nights in waters outside the four main fishing areas defined in the Harvest Strategy (Ceduna, Corvisart Bay, Venus Bay and Coffins Bay), where those waters are part of the defined waters of the West Coast Prawn Fishery.
- Each licence holder, or registered master of a fishing licence undertaking fishing activities must provide a daily report by telephone or SMS message, via a nominated representative, to the Department of Primary Industries and Regions, Prawn Fishery Manager, providing the following information for all vessels operating in the fishery from the previous nights fishing:
 - average prawn catch; and
 - the average prawn 'bucket count'
- No fishing activity may be undertaken after the expiration of 30 minutes from the prescribed time of sunrise and no fishing activity may be undertaken before the prescribed time of sunset for Adelaide (as published in the *South Australian Government Gazette* pursuant to the requirements of the *Proof of Sunrise and Sunset Act 1923*), during the period specified in Schedule 2.

Dated: 25 June 2025

JADE FREDERICKS
Prawn Fishery Manager

Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT (PRAWN FISHERIES) REGULATIONS 2017

June 2025 Survey in the West Coast Prawn Fishery

Take notice that pursuant to Regulation 10 of the *Fisheries Management (Prawn Fisheries) Regulations 2017*, the notice dated 19 September 2024 on page 4093 of the *South Australian Government Gazette* of 1 November 2024, prohibiting fishing activities in the West Coast Prawn Fishery is hereby varied such that it will not apply to the holders of a West Coast Prawn Fishery licence issued pursuant to the *Fisheries Management (Prawn Fisheries) Regulations 2017* listed in Schedule 1 or their registered master insofar as they may use prawn trawl nets in accordance with the conditions of their fishery licence for the purpose of undertaking a prawn survey during the period specified in Schedule 2, subject to the conditions contained in Schedule 3 unless this notice is varied or revoked.

SCHEDULE 1

Licence Number	Licence Holder/Master	Boat Name	Trawl Survey Area
D03	Limnos Fishing/Terry Paleologoudias	<i>Limnos</i>	Venus Bay

SCHEDULE 2

Commencing at sunset on 20 June 2025 and ending at sunrise on 21 June 2025.

SCHEDULE 3

- The licence holder listed in Schedule 1 or their registered master must operate within the trawl survey area nominated in the table in Schedule 1.
- For the purposes of this notice the trawl survey areas cannot include any waters of a habitat protection zone or a sanctuary zone of a marine park established under the *Marine Parks Act 2007*.
- The registered master must keep a 'skippers log' to record catch information during the survey.
- All fish, other than King Prawns, Southern Calamari, Gould's Squid, Scallops, Octopus and Balmain Bugs taken during the exempted activity for survey purposes, are to be returned to the water immediately after capture.

5. The licence holders listed in Schedule 1 or their registered master must comply with all regulations and conditions that apply to fishing activities undertaken pursuant to their licence, in addition to the conditions imposed by this exemption.
6. While engaged in fishing activities or unloading the survey catch, the licence holder listed in Schedule 1 or their register master must have a copy of this notice on board the boat or near his person. This notice must be produced to a Fisheries Officer if requested.
7. The licence holders listed in Schedule 1 or their registered master must not contravene or fail to comply with the *Fisheries Management Act 2007*, or any other regulations made under that Act except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the *Marine Parks Act 2007*. The notice holder and his agents must comply with any relevant regulations, permits, requirements and directions from the Department for Environment and Water when undertaking activities within a marine park.

Dated: 19 June 2025

JADE FREDERICKS
Prawn Fishery Manager
Delegate of the Minister for Primary Industries and Regional Development

HOUSING IMPROVEMENT ACT 2016

Rent Control

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby fixes the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table. The amount shown in the said table shall come into force on the date of this publication in the Gazette.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Maximum Rental per week payable
59 Currawong Crescent, Modbury Heights SA 5092	Allotment 123 Deposited Plan 1023 Hundred Yatala	CT5522/635	\$346.50
1154 Bews Road, Alford SA 5555	Section 234C Hundred of Wiltunga	CT5416/530	\$225.00
181 Churchill Road, Prospect SA 5082	Allotment 83 Deposited Plan 1749 Hundred of Yatala	CT5954/520	\$155.00

Dated: 3 July 2025

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby revokes the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
59 English Avenue, Clovelly Park SA 5042	Allotment 69 Deposited Plan 3654 Hundred of Adelaide	CT6145/917

Dated: 3 July 2025

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 2012

OMBUDSMAN ACT 1972

Call for Public Submissions

Notice is hereby given, pursuant to Clause 9 of Schedule 4 of the *Independent Commission Against Corruption Act 2012*, and pursuant to Section 29 of the *Ombudsman Act 1972* that I, Charles Samuel Lempriere Abbott KC, call for public submissions in relation to the operations of the Independent Commission Against Corruption, the Office for Public Integrity and the Ombudsman during the 2024-25 financial year.

Submissions may be made by email to inspector@sa.gov.au or by post to GPO Box 2371, Adelaide SA 5001 by no later than by 5pm Thursday, 7 August 2025.

Dated: 3 July 2025

CHARLES SAMUEL LEMPRIERE ABBOTT KC
Inspector of the Independent Commission Against Corruption,
Office for Public Integrity and Ombudsman SA

LOCAL GOVERNMENT ACT 1999
PORT LINCOLN AIRPORT MANAGEMENT AUTHORITY

Approval of a Subsidiary

The Lower Eyre Council has resolved to establish a subsidiary pursuant to Section 42 of the *Local Government Act 1999* to undertake the management of the Port Lincoln Airport.

Pursuant to Clause 1 of Part 1 of Schedule 2 to the *Local Government Act 1999*, I approve the establishment of the Port Lincoln Airport Management Authority.

The Charter of the Port Lincoln Airport Management Authority is set out below.

Dated: 17 June 2025

HON JOE SZAKACS MP
Minister for Local Government

CHARTER OF PORT LINCOLN AIRPORT MANAGEMENT AUTHORITY

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2. INTRODUCTION

2.1 Name

- 2.1.1 The name of the Authority is the Port Lincoln Airport Management Authority.

2.2 Definitions

- 2.2.1 In this Charter:

Act means *Local Government Act 1999* and includes all regulations made thereunder;

Airport means the Port Lincoln Airport;

Asset Management Plan means the asset management plan adopted by the Authority pursuant to Clause 0;

Authority means Port Lincoln Airport Management Authority;

Board means the board of management of the Authority set out at Clause 0;

Board Member means a member of the Board appointed in accordance with Clause 0;

Budget means the annual budget adopted by the Authority pursuant to Clause 0;

Business Plan means the business plan adopted by the Authority pursuant to Clause 0;

Chairperson means the member of the Board appointed pursuant to Clause 0;

Council means the Lower Eyre Council;

Chief Executive Officer means at any time the person appointed and holding office as the Chief Executive Officer of the Authority;

Financial Statements has the same meaning as in the Act;

Financial Year means 1 July in each year to 30 June in the subsequent year;

Long Term Financial Plan means the long term financial plan adopted by the Authority pursuant to Clause 0;

Selection Panel means the panel established pursuant to Clause 0;

Strategic Plan means the strategic plan adopted by the Authority pursuant to Clause 0.

- 2.2.2 Subject to the above, words and expressions in this Charter have the same meaning as in a provision of the Act that deals with the same matter.

2.3 Interpretation

- 2.3.1 In this Charter unless the context otherwise requires:

- (a) the singular includes the plural and vice versa;

- (b) words of one gender include other genders;

- (c) reference to a person includes a partnership, corporation, association, government body and any other entity;

- (d) a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;

- (e) an unenforceable provision or part of a provision of this Charter may be severed, and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter;

- (f) reference to a section(s) is to a section of the Act and includes any section that substantially replaces that section and deals with the same matter;

- (g) headings are for ease of reference only and do not affect the construction of this Charter;

- (h) a reference to a 'Clause' means a Clause of this Charter.

2.4 Establishment

- 2.4.1 The Authority is a subsidiary of the Council established under Section 42 of the Act.

2.5 *Local Government Act 1999*

- 2.5.1 This Charter must be read in conjunction with Parts 1 and 3 of Schedule 2 to the Act.

- 2.5.2 The Authority shall conduct its affairs in accordance with the Act and in particular Parts 1 and 3 of Schedule 2 to the Act except as modified by this Charter in a manner permitted by the Act.

- 2.5.3 The establishment of the Authority does not derogate from the power of the Council to act independently in relation to a matter within the jurisdiction of the Authority.

2.6 Objects and Purposes of the Authority

- 2.6.1 The Council's objectives for the Airport are, in order of priority, that it:
- (a) will increase the return on investment for Lower Eyre Council ratepayers and community;
 - (b) be independently financially viable;
 - (c) provides a cost effective and reliable travel for locals and an emerging tourism industry;
 - (d) will be a strategic driver of economic growth by strengthening connectivity and accessibility of the broader region to increase investment and economic growth.
- 2.6.2 The Authority is established for the following objects and purposes:
- (a) to deliver the Council's objectives for the Airport set out in this Charter or otherwise resolved by the Council;
 - (b) to promote and manage the Airport as the State's premier regional airport and to encourage its use by residents, tourists, visitors and the community in general;
 - (c) to provide strategic advice to the Council for the achievement of the Council's objectives for the Airport;
 - (d) to provide greater engagement of and partnership with key stakeholders of the Authority and the Airport so as to sustain and grow community and regional use and tourism activities for the region.

3. FUNCTIONS, POWERS AND DUTIES OF THE AUTHORITY

The functions, powers and duties of the Authority are to be exercised in the performance and furtherance of the Authority's objects and purposes.

3.1 Functions

- 3.1.1 to undertake the management of the Airport;
- 3.1.2 to prepare a strategic management plan for the Airport and, on request, to provide progress reports to the Council;
- 3.1.3 to maintain the Coffin Bay and Cummins Aircraft Landing Areas and undertake stakeholder management with respect to these facilities;
- 3.1.4 to refine and redefine the strategic management framework for the Airport in response to changing circumstances;
- 3.1.5 to make recommendations to Council in relation to the maintenance and scaled upgrading of the Airport's infrastructure and physical appearance to ensure it is maintained to the highest standard in line with its ranking as the State's premier regional airport; and
- 3.1.6 to promote and co-ordinate strategic management actions in a way that will ensure ongoing participation and commitment from stakeholders and the Council.

3.2 Powers

- 3.2.1 To liaise with other councils, the State of South Australia and the Commonwealth of Australia and their respective instrumentalities for matters relating to the promotion of Airport use and air traffic in a regional context.
- 3.2.2 On behalf of the Council or on its own behalf, to provide a representative to any statutory board or statutory committee concerned with regional air traffic that allows Council to nominate a representative.
- 3.2.3 On behalf of the Council or on its own behalf, to make application for grants and other funding from the State of South Australia, the Commonwealth of Australia and their respective instrumentalities and such other bodies as may be appropriate for the objects and purposes of the Authority.
- 3.2.4 To provide a submission or response to any tender or expression of interest request relevant to the Authority's objects and purposes.
- 3.2.5 Subject to Clause 0, to enter into any kind of contract or arrangement.
- 3.2.6 To borrow funds and incur expenditure in accordance with Clause 0.
- 3.2.7 Subject to Clause 0, to employ, engage, determine conditions of employment or engagement, remunerate, remove, suspend, dismiss or terminate the person appointed to exercise the role of Chief Executive Officer of the Authority.
- 3.2.8 Subject to Clauses 0 and 0, to employ other staff.
- 3.2.9 Subject to Clause 0, to employ, engage or retain professional advisers to the Authority.
- 3.2.10 Subject to Clause 0, to institute, initiate and carry on legal proceedings.
- 3.2.11 To establish committees for such purposes as the Authority considers appropriate.
- 3.2.12 Subject to Clause 0 to agree to undertake a project in conjunction with any Council or government agency or authority and in so doing to participate in the formation of a trust, partnership or joint venture with any council or government agency or authority to give effect to the project.
- 3.2.13 To print or publish any materials in any medium that the Authority considers appropriate for the attainment of its objects and purposes.
- 3.2.14 To adopt and use a business name subject to registration of the business name.
- 3.2.15 To open and operate bank accounts.
- 3.2.16 To receive gifts of money or property from any person.
- 3.2.17 To set, adjust and make payable any rent, fee or charge in respect of the Airport, its facilities or the Coffin Bay and Cummins Aircraft Landing Areas.
- 3.2.18 To invest any funds of the Authority in any investment provided that:
 - (a) in exercising this power of investment, the Authority must exercise the care, diligence and skill that a prudent person or business would exercise in managing the affairs of other persons; and
 - (b) the Authority must avoid investments that are speculative or hazardous in nature.

- 3.2.19 With the prior approval of the Council, to purchase, sell or otherwise acquire, dispose of or encumber any real property or interests therein.
- 3.2.20 Subject to Clause 0, to acquire, dispose or otherwise deal with personal property.
- 3.2.21 To undertake any actions necessary to achieve compliance with a regulation, standard or guideline related to the Airport.
- 3.2.22 To do anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers, functions or duties or the attainment of its objects and purposes.

3.3 Duties

- 3.3.1 To report regularly to Council on the Authority's financial and general performance.
- 3.3.2 To ensure that information provided to the Council is accurate and that the Council is kept informed of the solvency of the Authority as well as any material developments that may affect the operating capacity and financial affairs of the Authority.
- 3.3.1 To minimise risk to the Council.
- 3.3.2 To give due weight to economic, community, social and environmental considerations.
- 3.3.3 To consider and keep the Council informed on opportunities, risks and the relevant regulatory framework.
- 3.3.4 To exercise the functions and powers of the Authority only in the performance and furtherance of the Authority's objects and purposes.
- 3.3.5 To comply with this Charter, the Act, all other applicable law and any lawful direction of the Council.

3.4 Other Powers, Functions and Duties

- 3.4.1 The Authority may exercise such other functions, powers and duties as are delegated to the Authority or authorised by the Council from time to time.

3.5 Acting Outside Area

- 3.5.1 The Authority may act outside the area of the Council with the prior approval of the Council which approval will only be given if the Council considers it is necessary or expedient to the attainment of the Authority's Objects and Purposes for the Authority to act outside the area of the Council.

3.6 Borrowings and Expenditure

- 3.6.1 The Authority has the power to incur expenditure as follows:
 - (a) in accordance with a budget adopted by the Authority and approved by the Council as required by the Act or this Charter; or
 - (b) with the prior approval of the Council; or
 - (c) in accordance with the Act, in respect of expenditure not contained in a budget adopted by the Authority for a purpose of genuine emergency or hardship.
- 3.6.2 The Authority has the power to borrow money as follows:
 - (a) in accordance with a budget adopted by the Authority in accordance with the Act and this Charter; or
 - (b) with the prior approval of the Council.

3.7 Delegation by the Authority

- 3.7.1 The Authority may, in accordance with this Charter and the Act, by resolution, delegate to a committee, an employee of the Authority or the Council or to a person for the time being occupying a particular office or position any of its powers and functions under the Act or Charter but may not delegate:
 - (a) the power to borrow money or obtain any other forms of financial accommodation not contained in a Budget adopted by the Authority;
 - (b) the power to approve expenditure of money on works, services or operations of the Authority not contained in a Budget adopted by the Authority;
 - (c) the power to approve the reimbursement of expenses or payment of allowances or remuneration to Board Members other than where such reimbursement is made in accordance with a policy adopted by the Authority;
 - (d) the power to adopt or revise a Budget of the Authority;
 - (e) the power to adopt or revise an Asset Management Plan, Business Plan, Strategic Plan or Long Term Financial Plan of the Authority;
 - (f) the power to adopt or revise financial estimates and reports; and
 - (g) the power to make any application or recommendation to the Minister.
- 3.7.2 A delegation is revocable at will and does not prevent the Authority from acting in a matter.

4. BOARD OF MANAGEMENT

4.1 Role and Functions

- 4.1.1 The Authority is a body corporate and is governed by the Act and this Charter. All meetings of the Authority shall be meetings of the Board.
- 4.1.2 The Board is the Authority's governing body and has the responsibility for the administration of the affairs of the Authority ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.
- 4.1.3 The Board must ensure as far as practicable:
 - (a) that the Authority observes all plans, targets, structures, systems and practices required or applied to the Authority by the Council;
 - (b) that all information furnished to the Council is accurate;

- (c) that the Council is advised, as soon as practicable, of any material development that affects the financial or operating capacity of the Authority or gives rise to the expectation that the Authority may not be able to meet its debts as and when they fall due;
- (d) the Authority acts in accordance with applicable laws, mandatory codes of practice and this Charter;
- (e) the Authority acts ethically and with integrity;
- (f) the activities of the Authority are conducted efficiently and effectively and that the assets of the Authority are properly managed and maintained.

4.1.4 Anything done by the Board in the administration of the affairs of the Authority is binding on the Authority.

4.2 Membership of the Board

- 4.2.1 The Board shall consist of up to five (5) members appointed by the Council, including the Chairperson and the Chief Executive Officer of the Council subject to Clause 0.
- 4.2.2 The person occupying the office as Chief Executive Officer of the Council will be appointed by the Council to be a Board Member provided that the person consents to the appointment.
- 4.2.3 Except in the case of the Board Member appointed pursuant to Clause 0 a Board Member must not be a member or employee of the Council or any other council in the State or an employee of the Authority.
- 4.2.4 The Selection Panel shall invite applications for the positions of Board Member including the position of Chairperson and assess such applications through such process as it considers appropriate.
- 4.2.5 The Selection Panel shall make recommendations to the Council on the appointment of Board Members and the Chairperson including the terms and conditions to attach to such appointments.
- 4.2.6 The Council may appoint Board Members including the Chairperson but excluding the Chief Executive Officer of the Council for a maximum period of two (2) years each and on such other conditions as the Council may determine.
- 4.2.7 The Council must give to the Authority a written notice of appointment of a Board Member.
- 4.2.8 Each Board Member must give to the Authority a signed written consent to act as a Board Member.
- 4.2.9 The Council may at any time terminate or revoke a Board Member's appointment and appoint one or more (as the case may be) other persons to be a Board Member(s).
- 4.2.10 The Council must as far as practicable ensure that the Board Members collectively possess the following skills and experience:
 - (a) governance and risk;
 - (b) financial management;
 - (c) aviation and aerodrome management and development;
 - (d) property development and management;
 - (e) commercial negotiation;
 - (f) sales, marketing and sponsorship;
 - (g) investment attraction/economic development;
 - (h) tourism and product development;
 - (i) medical and health.
- 4.2.11 The Council must ensure as far as practicable that the Chairperson has corporate governance experience.
- 4.2.12 The Council must as far as practicable seek to achieve diversity amongst Board Members and that no more than half of the Board Members' term of office expires in the same year except in the case of the first board members appointed following the establishment of the Authority.
- 4.2.13 There will be no deputies to Board Members other than the Deputy Chairperson appointed pursuant to Clause 0.

4.3 Selection Panel

- 4.3.1 The Selection Panel is to be comprised of the Mayor, an employee of the Council appointed by the Council and a person not being an employee or member of the Council chosen by the Mayor and the employee appointed to the Selection Panel.

4.4 Chairperson of the Board

- 4.4.1 The Chairperson will cease to hold office as Chairperson in the event:
 - (a) the Chairperson resigns as Chairperson; or
 - (b) the Chairperson ceases to be a Board Member; or
 - (c) the Council terminates the Chairperson's appointment as Chairperson.
- 4.4.2 In the event that the office of Chairperson becomes vacant, then the Council must appoint a new Chairperson in the same manner as the original appointment who shall hold office for the balance of the original term or until such later date as the Council may determine of up to two (2) years and at the expiry of that term shall be eligible for reappointment.
- 4.4.3 The Board shall appoint a Board Member, other than the Chairperson to be the Deputy Chairperson for a term of up to two (2) years provided such term does not exceed the Board Member's term of appointment as a Board Member and at the conclusion of the Deputy Chairperson's term of office, the Deputy Chairperson is eligible for reappointment.
- 4.4.4 In the event that the Chairperson is absent or refuses or is unable to act as Chairperson or ceases to hold office as Chairperson or a Board Member, then the Deputy Chairperson shall act in that office for the period that the Chairperson is absent or refuses or is unable to act or, if relevant, until such time as a Chairperson has been appointed by the Council.
- 4.4.5 In the event that the Deputy Chairperson is pursuant to Clause 0 to act as Chairperson but is absent or refuses or is unable to act as Chairperson or ceases to hold office as a Board Member, the Board shall appoint a Board Member to be the Chairperson for the period that the Chairperson or Deputy Chairperson is absent or refuses or is unable to act or, if relevant until such time as a Chairperson has been appointed by the Council.

- 4.4.6 The Chairperson must preside at all meetings of the Board and, in the event the Chairperson is absent from a meeting or part of a meeting, the Deputy Chairperson shall preside for the duration of the Chairperson's absence and, in the event that both the Chairperson and Deputy Chairperson are absent from a meeting or part of a meeting, the Board must appoint one of the Board Members present to preside for the duration of the Chairperson's or Deputy Chairperson's absence.
- 4.4.7 The Chairperson will act as the principal spokesperson of the Authority.
- 4.5 **Office of Board Member**
- 4.5.1 At the conclusion of a Board Member's term of office, including the Chairperson, such Board Member or Chairperson will be eligible for re-appointment.
- 4.5.2 A Board Member will cease to hold office in the circumstances set out in the Act as to when a Board Member's office becomes vacant.
- 4.5.3 Where, for any reason, the office of a Board Member becomes vacant, the Council will be responsible for appointing a replacement Board Member.
- 4.5.4 Where any vacancy occurs in the membership of the Board, it must be filled in the same manner as the original appointment and the person appointed to fill the vacancy may be appointed for the balance of the term of the original appointment or such longer term of up to two (2) years and at the expiry of that term shall be eligible for reappointment.
- 4.6 **Remuneration of Board Members**
- 4.6.1 Subject to Clause 0 the Authority will pay each Board Member except a Board Member who is also the Chief Executive Officer of the Council, a sitting fee as determined by the Council having regard to the Guidelines for Agencies and Board Directors published from time to time by the Department of Premier and Cabinet for Government Boards and Committees or such publication as may succeed such Guidelines.
- 4.6.2 The Authority will pay the Chairperson a sitting fee as determined by the Council which may be greater than the sitting fee payable for an ordinary Board Member having regard to the Guidelines for Agencies and Board Directors published from time to time by the Department of Premier and Cabinet for Government Boards and Committees or such publication as may succeed such Guidelines.
- 4.6.3 All Board Members will receive from the Authority reimbursement of expenses properly incurred in performing or discharging official functions and duties as determined by the Authority and set out in a policy adopted by the Authority for the purposes of this Clause.
- 4.6.4 The Council will annually review the sitting fee to be paid to Board Members and the Chairperson.
- 4.7 **Insurance**
- 4.7.1 The Authority must take out a suitable policy of insurance insuring Board Members and their spouses or another person who may be accompanying a Board Member, against risks associated with the performance or discharge of their official functions and duties or on official business of the Authority.
- 4.8 **Returns**
- 4.8.1 Board Members are not required to submit returns under Chapter 5, Part 4, Division 2 of the Act.
- 4.9 **Proceedings of the Board**
- 4.9.1 *General*
- The procedure to be observed at a meeting of the Board will be:
- (a) as prescribed by the Act;
 - (b) insofar as the procedure is not prescribed by the Act, as set out in this Charter or otherwise determined by the Council;
 - (c) insofar as the procedure is not prescribed by the Act, this Charter or the Council – as determined by the Board itself.
- 4.9.2 *Board Meetings*
- (a) Ordinary meetings of the Board will be held at such times and places as determined by the Board and may be held electronically except that there must be at least one (1) ordinary meeting of the Board every three months.
 - (b) An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the Authority at the ordinary meeting.
 - (c) The Council, the Chairperson or three (3) Board Members may by delivering a written request to the Chief Executive Officer require a special meeting of the Board to be held and any such special meeting shall constitute a special meeting of the Authority. The written request must be accompanied by the agenda for the special meeting and if an agenda is not provided the request has no effect.
 - (d) Meetings of the Board will not be open to the public and Chapter 6 Part 3 of the Act does not extend to the Authority.
 - (e) Without limiting Clause 5(8) of Schedule 2 of the Act, the Board may permit such persons to attend Board meetings as it considers appropriate.
- 4.9.3 *Notice of Meetings*
- (a) Notice of an ordinary meeting of the Board will be given by the Chief Executive Officer to each Board Member not less than three (3) clear days prior to the holding of the meeting by such means as the Chief Executive Officer considers reasonably practicable to bring the notice to the attention of the Board Member.
 - (b) On receipt of a written request pursuant to Clause 0, the Chief Executive Officer and Chairperson must determine the date and time of the special meeting and subject to Clause 4.8.30, the Chief Executive Officer must give notice to all Board Members at least four (4) hours prior to the commencement of the special meeting.
 - (c) The Chief Executive Officer must, in relation to a notice of meeting of the Board for the purpose of considering the making of a recommendation to the Council to wind up the Authority, provide the notice to all Board Members at least two (2) months before the date of the meeting.

(d) Notice of a meeting of the Board must:

- (i) be in writing; and
- (ii) set out the date, time and place of the meeting; and
- (iii) be signed by the Chief Executive Officer; and
- (iv) contain, or be accompanied by, the agenda for the meeting; and
- (v) be accompanied by a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).

4.9.4 *Quorum*

- (a) A meeting of the Board must not commence until a quorum of Board Members is present and a meeting must not continue if there is not a quorum of Board Members present. A quorum of Board Members will comprise one (1) half of the Board Members in office, ignoring any fraction, plus one (1).

4.9.5 *Confidentiality*

- (a) All Board Members must at all times keep confidential all documents and reports provided to them for their consideration at a meeting of the Board that the Chief Executive Officer has indicated ought to be treated as confidential, the Board has determined are to be treated as confidential or that the Board Member ought reasonably to know should be kept confidential.

4.9.6 *Minutes*

- (a) The Chief Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board and ensure that the minutes are presented to the next ordinary meeting of the Board for confirmation.
- (b) The Chief Executive Officer must, within five (5) days after a meeting of the Board provide to each Board Member a copy of the minutes of the meeting of the Board.

4.10 **Board Performance Review**

4.10.1 The Council will cause to be conducted a performance review of the Board by an external person or persons or body as determined by the Council as soon as practicable upon the conclusion of two (2) years of the establishment of the first Board of the Authority and subsequently at such other intervals as determined by the Council. In conducting the performance review the person(s) or body appointed by the Council to conduct the performance review may:

- (a) have regard to requirements of the Act;
- (b) be provided with access to Board papers, minutes, budgets, financial results, plans and procedures;
- (c) interview Board members individually or collectively;
- (d) make recommendations as to:
 - (i) the workings of the Board;
 - (ii) the replacement of individual Board Members;
 - (iii) the addition of Board Members;
 - (iv) amendments or alterations to the Charter;
- (e) consult with Board Members individually or collectively before issuing the final report.

4.10.2 The person(s) or body appointed by the Council to conduct the performance review will prepare a report for consideration by the Council.

5. CHIEF EXECUTIVE OFFICER AND APPOINTMENT OF OTHER STAFF

5.1 The Authority may employ staff including a Chief Executive Officer.

5.2 The Chief Executive Officer will be employed for the period, and on the terms (including as to remuneration), as the Authority sees fit.

5.3 The Chief Executive Officer is responsible for appointing, managing, suspending and dismissing all the other employees of the Authority on behalf of the Authority including determining the terms and conditions of employment of such other employees.

5.4 In the absence of the Chief Executive Officer, the Chief Executive Officer may appoint a suitable person as Acting Chief Executive Officer. If the Chief Executive Officer does not make or is incapable of making such an appointment, a suitable person may be appointed by the Authority.

5.5 The Authority delegates responsibility for day to day management of the Authority to the Chief Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the functions and operations of the Authority.

5.6 The functions of the Chief Executive Officer include:

- 5.6.1 ensuring that the decisions of the Authority are implemented in a timely and efficient manner;
- 5.6.2 providing information to assist the Authority to assess the Authority's performance against its Strategic, Long Term Financial and Business and Asset Management Plans;
- 5.6.3 providing advice and reports to the Authority on the exercise and performance of its powers and functions under this Charter or any Act;
- 5.6.4 co-ordinating and initiating proposals for consideration of the Authority;
- 5.6.5 ensuring that the assets and resources of the Authority are properly managed and maintained;
- 5.6.6 ensuring that records required under the Act or any other legislation are properly kept and maintained;
- 5.6.7 exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Authority;
- 5.6.8 establishing policies and procedures relating to work, health and safety.

- 5.7 The Authority must undertake a review of the performance of the Chief Executive Officer at least once every year.
- 5.8 The Chief Executive Officer may delegate or sub-delegate to an employee of the Authority or a committee comprising employees of the Authority, any power or function vested in the Chief Executive Officer. Such delegation or sub-delegation may be subject to conditions or limitations as determined by the Chief Executive Officer.
- 5.9 A written record of delegations and sub-delegations must be kept by the Chief Executive Officer at all times.

6. COMPETITIVE NEUTRALITY

- 6.1 For the purposes of Schedule 2, Clause 32 of the Act, the Authority is to be involved in a significant business activity.
- 6.2 At all times the Authority must have current a National Competition Policy Statement in relation to competitive neutrality which it will adhere to in undertaking any activity which constitutes a significant business activity.

7. FINANCIALS

7.1 Budget

- 7.1.1 The Authority must before 31 March of each year prepare and submit a draft Budget to the Council for the ensuing Financial Year (or, if appropriate in relation to the first budget of the Authority following its establishment, part Financial Year) in accordance with the Act for approval by the Council.
- 7.1.2 The Authority must adopt after 31 May and after approval of the draft Budget by the Council in each year, a Budget in accordance with the Act for the ensuing Financial Year consistent with the approval given by the Council pursuant to Clause 0.
- 7.1.3 The Authority may in a Financial Year, with the approval of the Council, incur spending before adoption of its Budget for the year, but the spending must be provided for in the appropriate Budget for the year.
- 7.1.4 The Authority must each Financial Year provide a copy of its adopted Budget to the Chief Executive Officer of the Council within five (5) business days after the adoption of the Budget by the Authority.
- 7.1.5 Quarterly reports summarising the financial position and performance of the Authority against the Budget must be prepared and presented to the Board at each ordinary meeting of the Board or at such meetings as determined by the Board and copies provided to the Council.
- 7.1.6 The Authority must reconsider its Budget in accordance with the Act in a manner consistent with the Act and may with the approval of the Council amend its Budget for a Financial Year at any time before the year ends.
- 7.1.7 The contents of the Budget must be in accordance with the Act.

7.2 Funding and Surplus Revenue

- 7.2.1 It is intended that the Authority will be fully self-funding.
- 7.2.2 The Authority will if requested by the Council make a payment to the Council from the annual profit of the Authority.

7.3 Financial Standards and Reporting

- 7.3.1 The Authority must ensure that the Financial Statements of the Authority for each Financial Year are audited by the Authority's auditor.
- 7.3.2 The Financial Statements must be finalised and audited in sufficient time to be included in the Annual Report to be provided to the Council pursuant to Clause 0.

7.4 Financial Transactions

- 7.4.1 The Authority will develop and maintain appropriate financial management.
- 7.4.2 The Chief Executive Officer must act prudently in the handling of all financial transactions for the Authority.

7.5 Long Term Financial Plan

- 7.5.1 The Authority must:
 - (a) prepare and adopt a Long Term Financial Plan covering a period of at least ten (10) years in a form and including such matters which, as relevant, is consistent with the Act as if the Authority were a Council;
 - (b) submit the Long Term Financial Plan to the Council for its approval.
- 7.5.2 The Authority may at any time review its Long Term Financial Plan and must undertake a comprehensive review of its Long Term Financial Plan on an annual basis and as soon as practicable after the annual review of its Business Plan, if relevant, and concurrently with any review of its Strategic Plan.
- 7.5.3 The Long Term Financial Plan will be taken to form part of the Authority's Strategic Plan.

7.6 Asset Management Plan

- 7.6.1 The Authority must:
 - (a) prepare and adopt an Asset Management Plan for the Airport and the Coffin Bay and Cummins Aircraft Landing Areas;
 - (b) submit the Asset Management Plan to the Council for its approval.
- 7.6.2 The Authority must undertake a comprehensive review of the Asset Management Plan at least every two (2) years or more often should material changes occur.

7.7 Policies

- 7.7.1 The Authority must adopt and maintain appropriate policies, procedures and/or guidelines in order to achieve and maintain standards of good public administration including in relation to:
 - (a) procurement;
 - (b) Board member conduct;
 - (c) internal financial control;
 - (d) risk management.

8. MANAGEMENT FRAMEWORK

8.1 Strategic Plan

8.1.1 The Authority must:

- (a) prepare and adopt a Strategic Plan with a minimum operational period of four (4) years which sets out the goals, objectives, strategies and priorities of the Authority over the period of the Strategic Plan;
- (b) submit the Strategic Plan to the Council for its approval;
- (c) provide progress reports to the Council on request.

8.2 Business Plan

The Authority:

- 8.2.1 must in consultation with the Council prepare and adopt a Business Plan which will continue in force for the period specified in the Business Plan or until the earlier adoption by the Authority of a new Business Plan;
- 8.2.2 must in consultation with the Council review the Business Plan annually (if the period of the operation of the Business Plan is more than 1 year) and following such a review the Business Plan shall continue to operate for the period for which the Business Plan was adopted pursuant to Clause 0;
- 8.2.3 may, after consultation with the Council amend its Business Plan at any time; and
- 8.2.4 must ensure the contents of the Business Plan is in accordance with the Act and may include or set out other matters deemed appropriate by the Authority.

8.3 Annual Report

- 8.3.1 The Authority must each year, produce an Annual Report summarising the activities, achievements and financial performance of the Authority for the preceding Financial Year and including such other information as the Council may require.
- 8.3.2 The Annual Report must incorporate the audited financial statements of the Authority for the relevant Financial Year.
- 8.3.3 The Annual Report must be provided to the Council by 30 September each year.

8.4 Reporting

8.4.1 The Chairperson shall present to the Council:

- (a) the draft Budget for the Authority at such time as determined by the Council but before 31 March in each year outlining the planned activities of the Authority for the forthcoming financial year; and
- (b) the Annual Report of the Authority at such time as determined by the Council but before 30 September each year outlining the achievements of the Authority for the previous financial year.

8.5 Audit

- 8.5.1 The Authority must cause adequate and proper books of account to be kept in relation to all the affairs of the Authority and must establish and maintain effective auditing of its operations.
- 8.5.2 The Authority must appoint an Auditor in accordance with the Act on such terms and conditions as determined by the Authority.
- 8.5.3 The audited Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Council by 30 September in each year.

8.6 Audit and Risk Management Committee

- 8.6.1 The Authority must establish an Audit and Risk Management Committee in accordance with the Act to be comprised of between three and five members nominated by the Authority and appointed by the Council for a term not exceeding four (4) years and on such other terms and conditions as determined by the Council and at the conclusion of a member's term of office the member will be eligible for re appointment.

8.7 Insurance and Superannuation Requirements

- 8.7.1 The Authority shall register with the Local Government Mutual Liability Scheme and the Local Government Workers Compensation Scheme and comply with the rules of the schemes.
- 8.7.2 The Authority shall advise Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.
- 8.7.3 The Authority shall register with the Local Government Superannuation Scheme and comply with the rules of the Scheme.

9. MISCELLANEOUS PROVISIONS

9.1 Winding-Up

- 9.1.1 The Authority may be wound up in accordance with the Act.
- 9.1.2 Should the Authority be considering the making of a request to the Council to consider winding up the Authority, the Authority must request a special meeting be called in accordance with Clause 4.9.2(c)
- 9.1.3 On a winding-up of the Authority, the surplus assets or liabilities of the Authority, as the case may be, will vest in or attach to the Council.

9.2 Non-derogation and Direction by Councils

- 9.2.1 The establishment of the Authority does not derogate from the power of the Council to act independently in relation to a matter within the jurisdiction of the Authority.
- 9.2.2 The Authority is subject to the direction and control of the Council.
- 9.2.3 A direction given by the Council under this Clause must be in writing, and a copy of any direction must be available at the principal office of the Council.

9.3 Review of Charter

- 9.3.1 The Authority must review this Charter at least once in every four (4) years.
- 9.3.2 This Charter may be amended with the approval of the Council.
- 9.3.3 Before the Council votes on a proposal to alter this Charter, it must take into account any recommendation of the Board.
- 9.3.4 The Chief Executive Officer must:
- (a) furnish a copy of the Charter, as amended, to the Minister;
 - (b) ensure that a copy of the Charter, as amended, is published on a website (or websites) determined by the Chief Executive Officer of the Council; and
 - (c) ensure that a notice of the fact of the amendment and a website address at which the Charter as amended is available for inspection is published in the Gazette.

9.4 Principal Office

- 9.4.1 The Authority's principal office must be the Airport Administration Building or as the Authority may determine otherwise.

9.5 Circumstances Not Provided For

- 9.5.1 If any circumstances arise about which this Charter is silent, incapable of taking effect or being implemented according to its terms, the Authority may consider the circumstances and determine the action to be taken. In such circumstances, the Authority must notify the Council as soon as practicable of the action taken pursuant to this Clause.

9.6 Transitional Provisions

- 9.6.1 The Council may within 6 months of the establishment of the Authority issue directions to the Authority concerning transitional arrangements to be followed by the Authority following its commencement which directions may where necessary and appropriate modify the requirements set out in this Charter.

MENTAL HEALTH ACT 2009*Approved Treatment Centre—Extension of Temporary Conditions*

Notice is hereby given in accordance with Section 96 of the *Mental Health Act 2009* that the Chief Psychiatrist's determination of James Nash House, 140 Hilltop Drive, Oakden SA 5086, as an Approved Treatment Centre, will continue to be subject to temporary conditions. The previous conditions issued on 11 January 2024 remain.

Conditions on the Admission of Female Patients, Gender Diverse People and Young People.

The purpose of this condition is to enhance gender safety. Female patients, gender diverse people or any person 21 years of age or younger may not be admitted to the Aldgate Ward except under exceptional circumstances approved by the Clinical Director and Nursing Director; and reported to the Chief Psychiatrist.

People in these groups may continue to routinely be admitted to the Ken O'Brien Centre in accordance with a local procedure document for that unit established under the Chief Psychiatrists Sexual Safety Standard.

Admissions to Birdwood Ward can also occur in accordance with a local procedure document for that unit, but only when approved by the Clinical Director and Nursing Director on the basis that admission to the Ken O'Brien Centre or other alternative location is not practicable. Admissions of male patients older than 21 years of age to Aldgate Ward can continue without restriction noting that this Ward will also maintain a local procedure document in accordance with the Chief Psychiatrists Sexual Safety Standard.

Conditions on the use of Clare Ward

Admission to dual occupancy rooms in Clare Ward will be subject to an additional bed allocation procedure that considers the recognised limitations of dual occupancy rooms in forensic mental health care. That procedure will be lodged with the Office of the Chief Psychiatrist. The procedure will describe clinical and other criteria for allocation of dual occupancy rooms, and how these criteria will be monitored. A report will be provided on a 6 monthly basis on the operation of dual occupancy rooms.

Conditions Related to the Safety of Patients, Staff and Visitors

Aldgate, Birdwood, Clare and Ken O'Brien share electronic security systems that have had past inconsistent performance. These wards may continue to admit patients providing that a system testing plan and risk mitigation plan approved by the Chief Psychiatrist is in place to provide for the safety of consumers, visitors and staff in the context of past fluctuating performance of the duress system, and associated security systems on site.

The lay out of Aldgate and Birdwood wards lack the contemporary building design features to support safe ward operation and the risk mitigation plan for those areas lodged with the Chief Psychiatrist should include additional risk mitigations related to the design limitations of the physical environment.

Conditions Related to the Prevention of Restrictive Practices and the use of Seclusion.

In applying the "Chief Psychiatrist Restraint Seclusion Standard—A Standard to Reduce and Eliminate where possible the Use of Restraint and Seclusion applied under the *Mental Health Act 2009*", seclusion can only be provided in a seclusion room designated for that purpose.

Aldgate and Birdwood Wards do not have a designated seclusion rooms. For this reason, seclusion is permitted in a patient's bedroom but under a condition that the use of a bedroom for this purpose is authorised by the Clinical Director and Nursing Director having regard for the safety of using a bedroom for this purpose and the impact on the patient of using their personal space for this purpose. For instances of prolonged seclusion that is outside of the parameters of the Chief Psychiatrist Standard a report will be made to the Chief Psychiatrist of the indication of the seclusion, the welfare of the patient, and plans to reduce the reliance on seclusion.

Progress in Implementing Infrastructure Work and Maintenance Recommendations

A report must be provided to the Chief Psychiatrist each month detailing progress on asset recommendations made in the Chief Psychiatrist Inspection Report December 2023, and any other matter identified by the Northern Adelaide Local Health Network.

These conditions remain in place until 15 August 2025.

Dated: 3 July 2025

DR JOHN BRAYLEY
Chief Psychiatrist

OUTBACK COMMUNITIES (ADMINISTRATION AND MANAGEMENT) ACT 2009

OUTBACK COMMUNITIES AUTHORITY

Declaration of Community Contribution (Andamooka) for 2025-2026

Notice is hereby given that at its meeting on 18 June 2025, the Outback Communities Authority, for the financial year ending 30 June 2026 and in exercise of the powers contained in Division 2, Part 3 of the *Outback Communities (Administration and Management) Act 2009*, resolved as follows:

Declaration of the Community Contribution

To declare a community contribution for the rateable land over:

- the township of Andamooka;
- those sites immediately adjacent the town of Andamooka not within the Andamooka Precious Stones Field or excluded from the operation of the *Opal Mining Act 1995* held in Fee Simple, occupied under Crown Lease or Licence, and
- those portions of Section 1500, Out of Hundreds (Andamooka), occupied under Crown Licence (known as White Dam).

Purpose of Community Contribution

Declare a fixed charge of \$400 per property unit on rateable land for the purposes of raising revenue for the provision of services and support to the community of Andamooka.

Payment of Community Contribution

Pursuant to Section 181(2) of the *Local Government Act 1999*, that the community contribution is payable in four equal or approximately equal instalments as follows:

- first instalment, payable on 15 September 2025;
- second instalment, payable on 15 December 2025;
- third instalment, payable on 16 March 2026; and
- fourth instalment, payable on 15 June 2026.

Dated: 8 July 2025

M. HOWARD
Director

(A6987170)

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 76

*Amendment to the Planning and Design Code**Preamble*

It is necessary to amend the Planning and Design Code (the Code) in operation at 19 June 2025 (Version 2025.11) in order to make changes of form relating to the Code's spatial layers and their relationship with land parcels. Note: There are no changes to the application of zone, subzone or overlay boundaries and their relationship with affected parcels or the intent of policy application as a result of this amendment.

1. Pursuant to Section 76 of the *Planning, Development and Infrastructure Act 2016* (the Act), I hereby amend the Code in order to make changes of form (without altering the effect of underlying policy), correct errors and make operational amendments as follows:
 - (a) Undertake minor alterations to the geometry of the spatial layers and data in the Code to maintain the current relationship between the parcel boundaries and Code data as a result of the following:
 - (i) New plans of division deposited in the Land Titles Office between 11 June 2025 and 24 June 2025 affecting the following spatial and data layers in the Code:
 - A. Zones and Subzones
 - B. Technical and Numeric Variations
 - Building Heights (Levels)
 - Building Heights (Metres)
 - Finished Ground and Floor Levels
 - Minimum Frontage
 - Minimum Site Area
 - C. Overlays
 - Affordable Housing
 - Dwelling Excision
 - Environment and Food Production Area
 - Hazards (Bushfire—High Risk)
 - Hazards (Bushfire—Medium Risk)
 - Hazards (Bushfire—General Risk)
 - Hazards (Bushfire—Urban Interface)
 - Hazards (Bushfire—Regional)
 - Hazards (Bushfire—Outback)
 - Heritage Adjacency
 - Historic Area
 - Limited Land Division
 - Local Heritage Place
 - Regulated and Significant Tree
 - State Heritage Place
 - Stormwater Management
 - Urban Tree Canopy

- (b) In Part 13 of the Code—Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the amendments to the Code as described in this Notice.
2. Pursuant to Section 76(5)(a) of the Act, I further specify that the amendments to the Code as described in this Notice will take effect upon the date those amendments are published on the SA planning portal.

Dated: 27 June 2025

GREG VAN GAANS
Director, Geospatial, Data Science and Analytics,
Department for Housing and Urban Development
Delegate of the Minister for Planning

SOUTH AUSTRALIAN SKILLS ACT 2008

Part 4—Apprenticeships, Traineeships and Training Contracts

Pursuant to the provision of the *South Australian Skills Act 2008*, the South Australian Skills Commission (SASC) gives notice that determines the following declared vocation in Gazette notice No. 34, published 19 June 2025, has been amended:

*Trade/ #Declared Vocation/ Other Occupation	Qualification Code	Qualification Title	Nominal Term of Training Contract	Probationary Period	Supervision Level Rating
Advanced Tradesperson (Electrical Instrumentation) #	UEE40420	Certificate IV in Electrical—Instrumentation	24	60	H
Condition/s	Entry into this declared vocation requires Certificate III in Electrotechnology Electrician or a current ‘Unrestricted Electrical Licence’ (or its equivalent). Not available for school-based traineeships.				

Dated: 3 July 2025

COMMISSIONER CAMERON BAKER
Chair of the South Australian Skills Commission

LOCAL GOVERNMENT INSTRUMENTS

CITY OF MITCHAM

Adoption of Valuations and Declaration of Rates

Notice is hereby given that at a meeting of the Council held on 1 July 2025, the Council resolved for the financial year commencing 1 July 2025 as follows:

Adoption of Assessment

To adopt the capital valuations made by the Valuer-General for the Council area, being \$33,747,089,060 in relation to the whole area of the Council (of which \$31,867,034,522 represents rateable land).

Declaration of Differential General Rates

To declare differential general rates, as follows:

- (a) 0.216367 cents in the dollar on the capital value of rateable land of Residential, Primary Production and Other land;
- (b) 0.530534 cents in the dollar on the capital value of rateable land of Commercial-Shop, Commercial—Office, Commercial—Other, Industrial—Light, Industrial—Other and Vacant land uses; and
- (c) To fix a minimum amount payable by way of the general rates of \$1,444.00.

Declaration of Landscape Levy

To declare a separate rate of 0.006766 cents in the dollar on the capital value of rateable land in the Council area within the Green Adelaide Board area.

Dated: 2 July 2025

M. PEARS
Chief Executive Officer

CITY OF PLAYFORD

Adoption of Valuations and Declaration of Rates

Notice is hereby given that the City of Playford at its meeting held on 24 June 2025, resolved as follows:

Adoption of Valuations

1. Pursuant to Section 167(2)(a) of the *Local Government Act 1999* (the Act), the Council adopts for rating purposes for the year ending 30 June 2026 the Valuer-General's Capital Valuation of land within the Council's area, being \$32,160,308,660, of which \$31,363,589,423 represents rateable land.

Declaration of General Rate

2. That having considered and taken into account the general principles of rating contained in Section 150 of the Act, and in accordance with Section 153(2) of the Act issues of consistency and comparability across council areas in the imposition of rates on various sectors of the business and wider community, the Council pursuant to Sections 152(1)(c), 153(1)(b) and 156(1)(a) of the Act and Regulation 14 of the *Local Government (General) Regulations 2013*, declares the following differential general rates for the year ending 30 June 2026, to apply to all rateable land within the Council area based on the following two components:
 - 2.1 one being a fixed charge of \$1,248.50
 - 2.2 the other being a differential general rate based on the capital value of the land varying accordingly to land use as follows:
 - (a) \$0.00134944 in the dollar of the capital value on rateable land of land uses Category 1 (residential), Category 7 (primary production), Category 8 (vacant land) and Category 9 (other) land use.
 - (b) \$0.01054142 in the dollar of the capital value on rateable land of land uses Category 2 (commercial shop), Category 3 (commercial office), Category 4 (commercial other), Category 5 (industry light) and Category 6 (industry other) land use.

Maximum Increase for Principal Place of Residence

3. Pursuant to Section 153(3) of the Act, the Council has determined that it will not apply a maximum increase (rates cap) on general rates to be imposed on rateable land constituting the principal place of residence of a principal ratepayer

Separate Rate (Regional Landscape Levy)

4. Pursuant to Section 69 of the *Landscape South Australia Act 2019* and Section 154 of the Act, the Council imposes a separate rate of \$0.00005715 in the dollar for the year ending 30 June 2026 on the capital value of all rateable land in the Council area and the Green Adelaide Region, so as to reimburse the Council for the amount contributed or to be contributed by the Council to the Green Adelaide Board of \$1,741,840.

Dated: 3 July 2025

SAM GREEN
Chief Executive Officer

CITY OF PORT ADELAIDE ENFIELD

Adoption of Valuations and Declaration of Rates for 2025-2026

Notice is hereby given that on 17 June 2025, the Council resolved for the financial year ending 30 June 2026:

1. To adopt the most recent capital valuations available to the Council made by the Office of the Valuer-General as the valuations that are to apply in its area for rating purposes (totalling \$61,647,307,180 for all rateable land).

2. To declare differential general rates on rateable land within its area as follows:
 - Residential
A differential general rate of \$0.0016854 in the dollar on the capital value of the land subject to the rate.
 - Commercial—Shop
A differential general rate of \$0.0046581 in the dollar on the capital value of the land subject to the rate.
 - Commercial—Office
A differential general rate of \$0.0046581 in the dollar on the capital value of the land subject to the rate.
 - Commercial—Other
A differential general rate of \$0.0046581 in the dollar on the capital value of the land subject to the rate.
 - Industry—Light
A differential general rate of \$0.0046581 in the dollar on the capital value of the land subject to the rate.
 - Industry—Other
A differential general rate of \$0.0046581 in the dollar on the capital value of the land subject to the rate.
 - Primary Production
A differential general rate of \$0.0046581 in the dollar on the capital value of the land subject to the rate.
 - Vacant Land
A differential general rate of \$0.0046581 in the dollar on the capital value of the land subject to the rate.
 - Other
A differential general rate of \$0.0046581 in the dollar on the capital value of the land subject to the rate.
 - Marina Berths
A differential general rate of \$0.0046581 in the dollar on the capital value of the land subject to the rate.
3. To fix a minimum amount payable by way of general rates in respect of rateable land within its area (excluding marinas and marina berths) of \$1,124.80.
4. To declare a separate rate in respect of the Regional Landscape Levy of \$0.0000625 in the dollar on the capital value of all rateable land within its area.
5. To declare a separate rate of \$0.0012625 in the dollar on the capital value of rateable land for each allotment contained within Deposited Plan No 42580 comprising the New Haven Village at North Haven.
6. That all rates declared or payable in respect of or during the 2025-2026 financial year will fall due (unless otherwise agreed with the Principal Ratepayer) in four equal or approximately equal instalments payable on 2 September 2025, 2 December 2025, 2 March 2026 and 2 June 2026.

Dated: 3 July 2025

M. WITHERS
Chief Executive Officer

CITY OF SALISBURY

Adoption of Valuations and Declaration of Rates

Notice is given that the City of Salisbury at a meeting held on 23 June 2025,

1. Adopted the Valuer-General's valuation of capital values, being rateable of \$44,321,175,807, and non-rateable of \$2,066,124,473, totalling \$46,387,300,280 for the year ending 30 June 2026. The valuation shall, from 23 June 2025, become and be the valuation of the Council for rating purposes.
2. Declared differential general rates on property within its area for the financial year ending on the 30 June 2026, which rates shall vary by reference to the use of the rateable property in accordance with Regulation 14 of the *Local Government (General) Regulations 2013* as follows:
 - (a) In respect of rateable land with a "Commercial—Shop", "Commercial—Office", "Commercial—Other", "Industrial—Light", "Industrial—Other", or "Marina Berth" land use, a differential general rate of **0.4728** cents in the dollar for the assessed capital value of such land.
 - (b) In respect of rateable land which has a "Vacant Land" land use, a differential general rate of **0.3567** cents in the dollar for the assessed capital value of such land.
 - (c) In respect of all other rateable land in the area used for purposes other than as stated in paragraph (a) and (b) hereof, a differential general rate of **0.2744** cents in the dollar on the assessed capital value of such land.
3. Fixed a **Minimum amount of \$1,280** which shall be payable by way of rates on any one assessment within the municipality in respect of the year ending 30 June 2026.
4. Declared the following differential separate rates in accordance with Section 154 of the *Local Government Act 1999*, for the year ending 30 June 2026.

Salisbury Business Association Separate Rate

A separate rate of **0.061041** cents in the dollar on the capital value of rateable land in that area with a local government code classified as Commercial Shop, Commercial Office, Commercial Other, Industrial Light and Industrial Other.

The purpose of this separate rate is to provide a fund to promote and enhance business viability, profitability trade and commerce in that part of the Council's area, which is the subject of the separate rate.

Globe Derby Separate Rate

A separate rate of **\$150.00** for each share of common land being 1 share for each allotment numbered Lots 1-23 & Lots 26-32 of DP9830, 1 share for each allotment numbered Lots 50-51 DP18972, 1 share for each allotment numbered Lots 33-34 & Lots 38-64 of DP9831, 1 share for allotment numbered lot 2 of FP14624, and 1 share in total for Lots 1 on FP14624 and 37 on DP9831 combined of portion of Section 3070 of Hundred Port Adelaide (laid out as Bolivar).

The purpose of this separate rate is to provide a fund to the Globe Derby Community Club for the purpose of maintaining the common land, being Lot 65 in Deposited Plan No. 9832.

Green Adelaide Board Regional Landscape Levy Separate Rate

A separate rate of **0.006233** cents in the dollar on the capital valuation of all rateable properties within the area of the City of Salisbury.

The purpose of this separate rate is to reimburse to Council the amount contributed to the Green Adelaide Board as required under Section 69 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*.

Dated: 3 July 2025

J. HARRY
Chief Executive Officer

CITY OF UNLEY*Adoption of Valuations and Declaration of Rates*

Notice is hereby given that the Corporation of the City of Unley at a meeting on 23 June 2025 for the financial year ending 30 June 2026 resolved as follows:

Adoption of Valuations

Adopt for rating purposes the Government assessment of capital value being \$27,182,431,220 as detailed in the valuation roll prepared by the Valuer-General in relation to the Council area and specified 1 July 2025 as the day as and from which the valuations shall become and be the valuations of the Council.

Declaration of Rates

Declared differential general rates, based upon the capital value of the land as follows:

- (a) in respect to rateable land, which is categorised as Residential, a differential general rate of 0.001650 rate in the dollar;
- (b) in respect to rateable land which is categorised as Commercial-Shop, Industry-Light, Industry-Other, Primary Production, Vacant Land and Other, a differential general rate of 0.003834 rate in the dollar; and
- (c) in respect to rateable land which is categorised as Commercial-Office and Commercial-Other, a differential general rate of 0.004620 rate in the dollar.

Fix a minimum amount payable by way of general rates at \$1,024.00.

A separate rate of 0.00006462 rate in the dollar as the Regional Landscape Levy in accordance with the requirements of the *Landscape South Australia Act 2019*.

Differential Separate rates as follows:

- in that part of the Council's area comprising rateable land with an Unley Road address, a differential separate rate of 0.0003021 rate in the dollar, capped at \$2,000 in respect of land uses: Commercial-Shop, Commercial-Office and Commercial-Other.
- in that part of the Council's area comprising rateable land with a Goodwood Road address and situated between Mitchell Street/Arundel Avenue to the south and Leader Street/Parsons Street to the north, a differential separate rate of 0.0008990 rate in the dollar, capped at \$2,000 in respect of land uses: Commercial-Shop, Commercial-Office and Commercial-Other.
- in that part of the Council's area comprising rateable land with a King William Road address and situated between Greenhill Road and Commercial Road, a differential separate rate of 0.001345 rate in the dollar capped at \$2,000 in respect of land use: Commercial-Shop.
- in that part of the Council's area comprising rateable land along Fullarton Road between Cross Road and Fisher Street, a fixed charge of \$300 in respect of land uses: Commercial-Shop, Commercial-Office and Commercial-Other.

Dated: 3 July 2025

C. MALAK
Acting Chief Executive Officer

CITY OF VICTOR HARBOR*Adoption of Valuations and Declaration of Rates*

Notice is given that at the Ordinary Council Meeting on 23 June 2025 the City of Victor Harbor resolved for the financial year ending 30 June 2026:

1. To adopt the most recent capital valuations provided by the Valuer-General for land within the Council area, totalling \$8,261,732,240 for rating purposes.
2. To declare differential general rates as follows:
 - 0.3185 cents in the dollar on rateable land of Category (a) (Residential) and Category (i) (Other)
 - 0.4141 cents in the dollar on rateable land of Category (b) (Commercial—Shop), Category (c) (Commercial—Office) and Category (d) (Commercial—Other)
 - 0.3663 cents in the dollar of rateable land of Category (e) (Industry—Light) and Category (f) (Industry—Other)
 - 0.2866 cents in the dollar of rateable land of Category (g) (Primary Production)
 - 0.4777 cents in the dollar of rateable land of Category (h) (Vacant Land)
3. To impose a fixed charge of \$495 on each separate piece of rateable land within the area of the Council.
4. To declare the separate rate of 0.009304 cents in the dollar on all rateable land in the area of the Council and the Hills and Fleurieu Regional Landscape Board.

Dated: 3 July 2025

VICTORIA MACKIRDY
Chief Executive Officer

TOWN OF GAWLER

Adoption of Valuation and Declaration of Rates 2025-2026

Notice is hereby given that the Town of Gawler, at its meeting held on Monday, 23 June 2025 adopted Valuations of Capital Value and Declared Rates and Charges for the financial year commencing 1 July 2025 and ending 30 June 2026, as follows:

Adoption of Valuation

Pursuant to the provisions of Section 167(2)(a) of the *Local Government Act 1999*, adopts for rating purposes, the Valuer-General's Valuation of Capital Values applicable to all land within the Council's area totalling \$7,652,517,020, and specifies 1 July 2025 as the date on which these valuations are to be adopted.

Differential General Rates

Having taken into account the general principles of rating contained in Section 150 of the *Local Government Act 1999* and the requirements of Section 153(2) of the *Local Government Act 1999*, in exercise of the powers in Section 153(1)(b) and pursuant to Section 156(1)(a) of the *Local Government Act 1999*, Council declares differential general rates, based on the Capital Value of rateable land, such differential rates varying according to the use of the land as designated in Regulation 14(1) of the *Local Government (General) Regulations 2013*, as follows:

- (a) Residential—0.3517 cents in the dollar
- (b) Commercial—Shop—1.0440 cents in the dollar
- (c) Commercial—Office—1.0440 cents in the dollar
- (d) Commercial—Other—1.0440 cents in the dollar
- (e) Industry—Light—1.0440 cents in the dollar
- (f) Industry—Other—1.0440 cents in the dollar
- (g) Primary Production—0.3517 cents in the dollar
- (h) Vacant Land—0.7737 cents in the dollar
- (i) Other—0.3517 cents in the dollar

Minimum Rate

Pursuant to the provisions of Section 158(1)(a) of the *Local Government Act 1999* and in accordance with the provisions of Section 153(2) of the *Local Government Act 1999*, fixes the minimum amount payable by way of general rates on rateable land within the Council area at \$1,266.

Waste Management Annual Service Charge

Pursuant to the provisions of Section 155 of the *Local Government Act 1999*, imposes an annual service charge of \$253 based on the nature of the service imposed on all occupied land in the Council's area (excluding primary production properties with no, or minimal built form) to which the Council provides or makes available the prescribed service of waste collection, treatment and disposal.

Separate Rate for Town Centre Business Development and Marketing

Pursuant to the provisions of Section 154 of the *Local Government Act 1999*, declares a separate differential rate for the purpose of business development and marketing on all rateable land within the Gawler Town Centre Business Zone, of 0.053215 cents in the dollar based on the capital value of the land and to which the following land uses have been attributed—Category 2 (Commercial—Shop), Category 3 (Commercial—Office), Category 4 (Commercial—Other), Category 5 (Industry—Light) and Category 6 (Industry—Other).

Separate Rate for Non-Town Centre Business Development

Pursuant to the provisions of Section 154 of the *Local Government Act 1999*, declares a separate differential rate for the purposes of business development and marketing on all rateable land within the Council area excluding the Gawler Town Centre Business Zone, of 0.023347 cents in the dollar based on the capital value of the land and to which the following land uses have been attributed—Category 2 (Commercial—Shop), Category 3 (Commercial—Office), Category 4 (Commercial—Other), Category 5 (Industry—Light) and Category 6 (Industry—Other).

Separate Rate for State Government Regional Landscape Levy

Pursuant to the provisions of Section 69 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, and for the purposes of reimbursing Council the amount of \$638,048 contributed to the Northern and Yorke Landscape Board, declares a separate rate of 0.008455 cents in the dollar, based on the capital value of rateable land and imposed on all rateable land within the Council area that is situated within the region of the Board.

Separate Rate—Gawler East Transport Infrastructure

Pursuant to the provisions of Section 154 of the *Local Government Act 1999*, declares a proportional separate rate on the following land parcels for the purpose of securing developer contributions towards construction of the Gawler East Link Road and associated deferred infrastructure (including trees), which will be of direct benefit to the land and occupiers of the land:

Assessment	Certificate of Title	Total Area (Ha)	Per Ha Rate Payable \$	Total Contribution Payable \$
<i>Development Area—Springwood</i>				
157682	CT 6244/939	31.21	40,954.87	1,278,078.53
40868	CT 6118/249	32.34	34,171.08	1,105,092.64
161119	CT 6293/361	14.27	33,308.41	475,244.43
161087	CT 6293/360	7.50	33,307.25	249,870.96
161054	CT 6293/359	47.33	33,307.25	1,576,431.94
<i>Development Area—Other Future Developers (OFD)</i>				
144572	CT 6208/637	1.60	98,427.15	157,581.86
144564	CT 6208/636	1.41	99,131.82	139,676.74
144556	CT 6208/635	3.10	65,838.47	204,033.43
68584	CT 5462/883	1.00	98,236.83	98,433.31
68576	CT 5462/882	1.00	98,334.97	98,433.31
68827	CT 5636/60	3.26	98,584.51	320,892.58

Assessment	Certificate of Title	Total Area (Ha)	Per Ha Rate Payable \$	Total Contribution Payable \$
68568	CT 5463/945	1.32	98,038.68	128,920.87
88222	CT 5809/64	1.58	98,371.04	155,524.62
79776	CT 5809/65	1.38	98,290.85	135,837.96
68819	CT 5636/59	5.59	96,693.73	540,131.20
68802	CT 5592/947	4.22	38,773.72	163,625.09
149866	CT 5456/200	5.52	73,678.66	406,853.58
149899	CT 5098/618	3.62	42,327.29	153,097.82
67345	CT 5786/841	1.00	98,433.31	98,433.31
149874	CT 5162/73	2.02	59,773.08	120,980.72
149882	CT 5162/74	2.02	76,333.81	154,346.95
150421	CT 6206/115	2.91	70,332.32	204,807.71
67078	CT 6149/844	2.20	87,403.14	192,286.92
70808	CT 5903/197	2.28	77,590.49	176,906.32
67086	CT 5899/721	4.31	88,131.64	379,759.22
68535	CT 6112/595	0.53	98,433.31	52,169.65
67191	CT 5481/177	5.15	45,424.27	233,935.01
67183	CT 5125/726	4.05	49,750.80	201,490.74
67175	CT 5894/916	4.10	23,217.46	95,191.59
133348	CT 6181/286	3.04	18,942.36	57,584.77
144491	CT 6207/896	3.94	79,523.87	313,005.95
67159	CT 6193/982	4.62	31,245.61	144,354.71
67142	CT 5485/704	4.08	11,944.75	48,734.60
164195	CT 6315/74	4.35	23,305.76	101,380.05

Separate Rate—Gawler East Community Infrastructure

Pursuant to the provisions of Section 154 of the *Local Government Act 1999*, declares a proportionate separate rate on the following land parcels for the purpose of securing developer contributions towards community infrastructure, which will be of direct benefit to the land and occupiers of the land:

Assessment	Certificate of Title	Total Area (Ha)	Per Ha Rate Payable \$	Total Contribution Payable \$
<i>Development Area—Springwood</i>				
157682	CT 6244/939	31.21	25,236.10	787,543.02
40868	CT 6118/249	32.34	21,112.77	682,786.95
161119	CT 6293/361	14.27	17,437.25	248,794.63
161087	CT 6293/360	7.50	20,460.40	153,493.92
161054	CT 6293/359	47.33	20,460.40	968,390.75
<i>Development Area—Other Future Developers (OFD)</i>				
144572	CT 6208/637	1.60	43,632.36	69,855.40
144564	CT 6208/636	1.41	43,973.00	61,957.95
144556	CT 6208/635	3.10	29,566.95	91,627.96
68584	CT 5462/883	1.00	43,545.28	43,632.37
68576	CT 5462/882	1.00	43,588.78	43,632.37
68827	CT 5636/60	3.26	43,699.39	142,241.51
68568	CT 5463/945	1.32	43,466.46	57,158.40
88222	CT 5809/64	1.58	43,604.77	68,939.14
79776	CT 5809/65	1.38	43,569.22	60,212.67
68819	CT 5636/59	5.59	42,882.51	239,541.68
68802	CT 5592/947	4.22	17,887.20	75,483.99
149866	CT 5456/200	5.52	32,949.47	181,946.96
149899	CT 5098/618	3.62	19,421.65	70,248.11
67345	CT 5786/841	1.00	43,632.37	43,632.37
149874	CT 5162/73	2.02	26,946.87	54,540.46
149882	CT 5162/74	2.02	34,094.53	68,939.14
150421	CT 6206/115	2.91	31,510.60	91,758.85
67078	CT 6149/844	2.20	38,872.47	85,519.44
70808	CT 5903/197	2.28	34,637.97	78,974.57
67086	CT 5899/721	4.31	39,187.11	168,857.25
68535	CT 6112/595	0.53	43,632.35	23,125.15
67191	CT 5481/177	5.15	20,757.14	106,899.29
67183	CT 5125/726	4.05	22,624.19	91,627.96
67175	CT 5894/916	4.10	11,174.14	45,813.98
133348	CT 6181/286	3.04	9,329.29	28,361.04
144491	CT 6207/896	3.94	35,473.47	139,623.56
67159	CT 6193/982	4.62	14,638.57	67,630.17
67142	CT 5485/704	4.08	6,309.58	25,743.09
164195	CT 6315/74	4.35	11,334.38	49,304.56

Separate Rate—Gawler East Traffic Interventions

Pursuant to the provision of Section 154(2)(b) of the *Local Government Act 1999*, declares a proportional separate rate on the following land parcels for the purpose of securing developer contributions towards Gawler East Traffic Interventions infrastructure, which will be of direct benefit to the land and occupiers of the land:

Assessment	Certificate of Title	Total Area (Ha)	Per Ha Rate Payable \$	Total Contribution Payable \$
<i>Development Area—Springwood</i>				
157682	CT 6244/939	31.21	57,214.54	1,785,494.17
40868	CT 6118/249	32.34	47,679.31	1,541,948.83
161119	CT 6293/361	14.27	49,481.35	705,999.95
161087	CT 6293/360	7.50	46,495.76	348,811.18
161054	CT 6293/359	47.33	46,495.76	2,200,644.23
<i>Development Area—Other Future Developers (OFD)</i>				
144572	CT 6208/637	1.60	19,665.56	31,484.56
144564	CT 6208/636	1.41	19,819.09	27,925.09
144556	CT 6208/635	3.10	13,326.13	41,297.68
68584	CT 5462/883	1.00	19,626.31	19,665.57
68576	CT 5462/882	1.00	19,645.92	19,665.57
68827	CT 5636/60	3.26	19,695.77	64,109.74
68568	CT 5463/945	1.32	19,590.78	25,761.88
88222	CT 5809/64	1.58	19,653.12	31,071.59
79776	CT 5809/65	1.38	19,637.10	27,138.48
68819	CT 5636/59	5.59	19,327.59	107,963.92
68802	CT 5592/947	4.22	8,061.95	34,021.42
149866	CT 5456/200	5.52	14,850.67	82,005.39
149899	CT 5098/618	3.62	8,753.54	31,661.55
67345	CT 5786/841	1.00	19,665.57	19,665.57
149874	CT 5162/73	2.02	12,145.23	24,581.95
149882	CT 5162/74	2.02	15,366.76	31,071.59
150421	CT 6206/115	2.91	14,202.15	41,356.67
67078	CT 6149/844	2.20	17,520.23	38,544.51
70808	CT 5903/197	2.28	15,611.69	35,594.65
67086	CT 5899/721	4.31	17,662.04	76,105.71
68535	CT 6112/595	0.53	19,665.54	10,422.74
67191	CT 5481/177	5.15	9,355.46	48,180.62
67183	CT 5125/726	4.05	10,196.96	41,297.68
67175	CT 5894/916	4.10	5,036.30	20,648.83
133348	CT 6181/286	3.04	4,204.81	12,782.61
144491	CT 6207/896	3.94	15,988.26	62,929.80
67159	CT 6193/982	4.62	6,597.75	30,481.62
67142	CT 5485/704	4.08	2,843.79	11,602.68
164195	CT 6315/74	4.35	5,108.53	22,222.09

Residential Rates Cap

Pursuant to Section 153(3) of the *Local Government Act 1999*, determines to fix a maximum increase in the general rate to be charged on rateable land that constitutes the principal place of residence of a principal ratepayer and complies with the eligibility criteria in the Strategic Rating Policy, as follows:

- (a) A maximum increase of 10% for self-funded retirees or ratepayers whose primary source of income is a fixed government benefit.
- (b) A maximum increase of 20% for all other eligible ratepayers.

Alteration of General Rates for Commercial and Industrial Properties

Pursuant to Section 158(1)(b) of the *Local Government Act 1999*, alters the amount of general rate that would otherwise be payable by way of rates in respect of land with a land use of Category 2 (Commercial—Shop), Category 3 (Commercial—Office), Category 4 (Commercial—Other), Category 5 (Industry—Light) and Category 6 (Industry—Other), as follows:

Property Valuation	General Rate	Adjustment	Effective Net General Rate
0—499,999	1.0440	41.95%	0.6060
500,000—749,999	1.0440	36.70%	0.6609
750,000—999,999	1.0440	31.40%	0.7162
1,000,000—1,499,999	1.0440	20.88%	0.8260
1,500,000—1,999,999	1.0440	10.30%	0.9365
2,000,000—4,999,999	1.0440	0.00%	1.0440
5,000,000 +	1.0440	0.00%	1.0440

Withholding of General Rate Adjustments for Commercial Properties in the Town Centre in a State of Neglect

Having considered the determining factors outlined in the Strategic Rating Policy, does not withhold any general rates adjustments provided to commercial properties under to Section 158(1)(b) of the *Local Government Act 1999*, on the basis that no commercial properties in the Town Centre have been deemed to be in a state of neglect that significantly detracts from the amenity of their locality.

Payment of General Rates and Service Charges

Pursuant to Section 181(2) of the *Local Government Act 1999*, declares that rates and charges will be payable in four (4) equal or approximate instalments falling due on:

- (a) 1 September 2025
- (b) 1 December 2025
- (c) 1 March 2026
- (d) 1 June 2026

Dated: 27 June 2025

C. COWLEY
Chief Executive Officer

THE BAROSSA COUNCIL*Adoption of Valuation and Declaration of Rates and Charges
for Year ending 30 June 2026***1. Adoption of Valuations**

Council has for rating purposes, adopted the Valuer-General's most recent valuations available to the Council of the capital value in relation to the area of the Council, which specifies that the total of the values that are to apply within the area is \$9,431,672,300 of which \$9,234,378,480 is rateable.

2. Declaration of Differential General Rates

Council has declared the following differential general rates on rateable land within its area based upon the capital value of the land as follows:

- (1) Category (a)—Residential, a rate of 0.002535 in the dollar;
- (2) Category (b)—Commercial—Shop, Category (c)—Commercial—Office and Category (d)—Commercial—Other, a rate of 0.0043345 in the dollar;
- (3) Category (e)—Industry—Light, a rate of 0.004691 in the dollar;
- (4) Category (f)—Industry—Other, a rate of 0.015661 in the dollar;
- (5) Category (g)—Primary Production, a rate of 0.0025112 in the dollar;
- (6) Category (h)—Vacant Land, a rate of 0.0060175 in the dollar;
- (7) Category (i)—Other, a rate of 0.004624 in the dollar;

3. Fixed Charge

Council has imposed a fixed charge of \$458.00 on each separately valued piece of rateable land within the Council area.

4. Waste Collection Service Charge

In order to provide or make available the service of waste collection in those parts of the Council's area described in (3) below, Council has imposed the following service charges by reference to the nature and/or level of usage of the service:

- (1) *Non-Recyclable Waste Collection*
 - (a) An annual service charge of \$137.20 for 140L General (Landfill) Waste collection receptacles;
 - (b) An annual service charge of \$178.00 for 240L General (Landfill) Waste collection receptacles; except in instances where, subject to written application to and the approval of the Council, residential households with six or more permanent residents or a special medical condition may receive a 240L receptacle at the same service charge for a 140L receptacle.

- (2) *Recyclable Waste Collection*

- (a) An annual service charge of \$72.70 for 240L Co-mingled Recycling collection receptacle.
 - (b) An annual service charge of \$74.40 for 240L Green Organic Recycling collection receptacle.

- (3) *Parts of Council Area*

All Service Entitled Properties in the Designated Waste Collection Areas and along the Approved Waste Collection route as identified in the Waste Management Services Policy.

5. Community Wastewater Management Systems (CWMS) Rate and Service Charge

Council has declared a service rate and imposed a service charge in the following areas to which it makes available a Community Wastewater Management System (CWMS):

- (1) *Residential and Vacant Land Properties*
 - (a) An annual service charge of \$403.40 for occupied residential rateable and non-rateable land;
 - (b) An annual service charge of \$129.00 on each assessment of vacant rateable and non-rateable land.
- (2) *Non-Residential and Non-Vacant Land Properties*

A service rate of 0.0009445 in the dollar of the capital value of occupied non-residential rateable land.

6. Regional Landscape Levy

In order to reimburse the Council for the amount contributed to the Northern and Yorke Landscape Board, a levy in the nature of a separate rate of 0.00009 in the dollar of the capital value of land, has been declared on all rateable land in the area of that Board.

Dated: 3 July 2025

MARTIN MCCARTHY
Chief Executive Officer

DISTRICT COUNCIL OF CLEVE

Adoption of Valuations and Declaration of Rates

Notice is hereby given that at its meeting held on 30 June 2025, the District Council of Cleve for the financial year ending 30 June 2026:

1. adopted for rating purposes, the capital valuations of land within the Council area as made by the Valuer-General, being the most recent valuations available to the Council, totalling **\$1,409,637,240**;
2. declared a fixed charge of **\$633** payable in respect of rateable land within the Council area;
3. declared differential rates as follows:

All land within the Commercial (Bulk Handling) zones as defined in Council's Development Plan	1.204999	cents in the \$
All other land within the Council area according to its land use as follows:		
Residential (Category A)	0.206125	cents in the \$
Commercial (Category B, C and D)	0.206125	cents in the \$
Industrial (Category E and F)	0.206125	cents in the \$
Primary Production (Category G)	0.217350	cents in the \$
Vacant Land (Category H)	0.206125	cents in the \$
Other (Category I)	0.206125	cents in the \$
4. imposed the following annual service charges, payable in respect to rateable land where a septic tank effluent disposal connection point is provided or made available:
 - (a) within the Township of Cleve—**\$621 per unit** in respect of each piece of rateable land (if a connected allotment) serviced by the Cleve Scheme;
 - (b) within the Township of Cleve—**\$414 per unit** in respect of each piece of rateable land (if an unconnected allotment) serviced by the Cleve Scheme;

imposed the following annual service charges, payable in respect to rateable land where a sewerage system connection point is provided or made available:

 - (c) within the Township of Arno Bay (Arno Bay Foreshore Properties)—**\$621 per unit** in respect of each piece of rateable land (if a connected allotment) serviced by the Arno Bay Scheme;
5. imposed an annual service charge of **\$295 per bin per assessment** for the collection and disposal of waste and recyclables in respect of all land within the townships of Cleve, Arno Bay, Rudall and Darke Peak to which it provides or makes available the service;
6. imposed an annual service charge, upon properties serviced by a common antenna television retransmission service for the properties serviced by the Whyte St/Cottages CATV system **\$141 (GST incl.)**; and
7. declared a differential separate rate according to land use in order to reimburse the Council the amount contributed to the Eyre Peninsula Landscape Board as follows:

Land Use	Levy Rate per Land Use (\$)
Residential	94.66
Other and Vacant Land	94.66
Commercial	141.99
Industrial	141.99
Primary Production	189.32

Dated: 1 July 2025

DAVID PENFOLD
Chief Executive Officer

DISTRICT COUNCIL OF COOBER PEDY

Adoption of Valuations and Declaration of Rates

Notice is hereby given that at its meeting of 25 June 2025 the District Council of Coober Pedy adopted its valuations and declared its rates for the 2025-26 financial year. The Council resolved as below.

Adoption of Valuations

To adopt for rating purposes the capital valuations made by the Valuer-General within the Council area totalling \$183,634,920 of which \$160,380,170 represents rateable land.

Declaration of Differential General Rates

To declare: differential general rates according to land use as follows:

Residential.....	1.4893 cents in the dollar
Commercial—Shop.....	1.7127 cents in the dollar
Commercial—Office.....	1.7127 cents in the dollar
Commercial—Other.....	1.7127 cents in the dollar
Industry Light.....	1.7127 cents in the dollar
Industry—Other.....	1.7127 cents in the dollar
Vacant Land.....	1.4893 cents in the dollar
Other.....	1.7127 cents in the dollar

To impose a fixed charge of \$75.00 in respect of each separate piece of rateable land within the Council area.

Adoption of Regional Landscape Levy

To declare a separate rate of a fixed charge based on the land use code on all rateable land in the Council area of:

Residential.....	\$48.07
Commercial—Shop.....	\$96.14
Commercial—Office.....	\$96.14
Commercial—Other.....	\$96.14
Industry Light.....	\$96.14
Industry—Other.....	\$96.14
Vacant Land.....	\$48.07
Other.....	\$48.07

to raise the amount of \$81.443 on behalf of the SA Arid Lands Landscape (SAAL) Board.

Adoption of Water Annual Service Charge

To impose an annual service charge on all land within the Council area to which the Council provides or makes available the prescribed service of the treatment and provision of water, based on the nature of the service, of \$341.09.

Declaration of Annual Wastewater Service Rate

To declare a service rate for the prescribed service of the collection, treatment and disposal of waste water in respect of all rateable land within the Community Wastewater Management Scheme (CWMS) Area and within the area of the Council, as set out in in Attachment 1 to the Report titled “2025-26 Annual Business Plan Budget, Valuations and Rates—Adoption” and dated 25 June 2025, of 0.5667 cents in the dollar, based on the capital value of the land, the subject of the rate.

A copy of the Annual Business Plan 2025-26 can be viewed at the Council offices, Lot 773 Hutchison Street, Coober Pedy SA 5723, during business hours or from www.cooberpedy.sa.gov.au

Dated: 25 June 2025

GARRY HERDEGEN
Chief Executive Officer

DISTRICT COUNCIL OF LOXTON WAIKERIE*Adoption of Valuations and Declaration of Rates for 2025/2026*

Notice is hereby given that at its meeting on 18 June 2025 the District Council of Loxton Waikerie for the financial year ending 30 June 2026 and in exercise of the powers contained in Chapter 10 of the *Local Government Act 1999*, resolved as follows:

1. Adoption of Valuation

To adopt, for rating purposes, the most recent valuations of the Valuer-General available to the Council of the capital value of land within the Council area, totalling \$3,620,164,660 of which, \$3,538,736,643 is in respect to rateable land.

2. Declaration of the Differential General Rates

To declare differential general rates in respect of all rateable land within its area varying according to the locality of the land and its use:

1. for land uses located within the townships of Loxton and Waikerie the following differential rates:

Residential—0.26969 cents in the dollar
Commercial (Shop, Office, Other)—0.38965 cents in the dollar
Industrial (Light, Other)—0.26785 cents in the dollar
Primary Production—0.59603 cents in the dollar
Vacant Land—0.30131 cents in the dollar
Other—0.41459 cents in the dollar

2. for land uses located outside the townships of Loxton and Waikerie the following differential rates:

Residential—0.24161 cents in the dollar
Commercial (Shop, Office, Other)—0.48741 cents in the dollar
Industrial (Light, Other)—0.38535 cents in the dollar
Primary Production—0.25919 cents in the dollar
Vacant Land—0.26838 cents in the dollar
Other—0.27225 cents in the dollar

3. Fixed Charge

To impose a fixed charge of \$390 as part of the general rates upon each separate piece of rateable land.

4. Service Charges—Community Wastewater Management Systems

To declare the following annual service charges on rateable and non rateable land where a common effluent connection point is provided:

- for the Waikerie Community Wastewater Management System scheme—\$590 per unit on each occupied allotment and \$568 per unit on each vacant allotment.
- for the Loxton Community Wastewater Management Scheme system—\$590 per unit on each occupied allotment and \$568 per unit on each vacant allotment:
 - for the Moorook Community Wastewater Management System scheme—\$519 per unit on each occupied allotment and \$497 per unit on each vacant allotment.
 - for the Kingston on Murray Community Wastewater Management System scheme—\$519 per unit on each occupied allotment and \$497 per unit on each vacant allotment.

5. Service Charges—Kerbside Waste Collection

To declare the following annual service charges based on the nature of the service for the collection and disposal of kerbside waste and recycling in respect of all land:

- within the townships of Loxton and Waikerie for all serviced retirement village properties an amount of \$224
- within the townships of Loxton and Waikerie for all other properties an amount of \$337
- outside any area designated as Loxton and Waikerie townships but within the prescribed collection area an amount of \$265

6. Separate Rate

- in order to raise the amount of \$540,317 payable to the Murraylands and Riverland Regional Landscape Board to declare a separate rate of 0.02299 cents in the dollar (but with a maximum amount payable of \$100.00), on all rateable land in the Council area.

Dated: 27 June 2025

DAVID BEATON
Chief Executive Officer

DISTRICT COUNCIL OF ROBE

Adoption of Valuation and Declaration of Rates 2025-2026

Notice is hereby given that the District Council of Robe, at a meeting held on 25 June 2025, for the financial year ending 30 June 2026, resolved to:

1. Adopt for rating purposes, the most recent capital valuations of the Valuer-General totalling \$2,667,737,180 including non-rateable land of \$63,706,875.
2. Declare a Differential General Rate of 0.19995 cents in the dollar on rateable land for Residential, Industry—Light, Industry—Other, Primary Production, Commercial—Shop, Commercial—Office, Commercial—Other, Marina Berth, Vacant land and Other assessed Capital Values.
3. Declare a minimum amount payable by way of general rates (other than a marina berth) in the amount of \$898.00.
4. Declare a Separate Rate—Underground Powerlines—of a fixed charge of \$2,325.50 on identified Properties.
5. Impose an annual service charge of \$414.00 for the Garbage and Recycling Collection Service on all land to which Council provides or makes available the prescribed service (other than the Boatswain Point area).
6. Impose an annual service charge of \$222.00 for the Garbage Collection Service, on all land within the Boatswain Point area to which Council provides or makes available the prescribed service.
7. Impose an annual service charge on all land to which Council provides or makes available the prescribed services for the collection, treatment or disposal of waste known as Community Wastewater Management System of Occupied \$672.00 per property unit, Unoccupied \$540.00 per property unit.
8. Declare a differential separate rate upon the use of the land reimburse the Council for its contribution to the Limestone Coast Regional Landscape Board of: Residential, Vacant and Other \$95.31; Commercial—Shop, Commercial—Office and Commercial—Other \$142.97; Industry—Light and Industry—Other \$228.74; Primary Production \$419.36.

Dated: 1 July 2025

NATALIE TRAEGER
Chief Executive Officer

MUNICIPAL COUNCIL OF ROXBY DOWNS

Adoption of Valuations and Declaration of Rates 2025-2026

Notice is hereby given that the Municipal Council of Roxby Downs at its meeting held on the 25 June 2025, resolved that:

Adoption of Valuations

Pursuant to Section 12(6)(b) of the *Roxby Downs (Indenture Ratification) Act 1982* and Section 167(2)(a) of the *Local Government Act 1999* the Council adopts for rating purposes the most recent capital valuations available to the Council made by the Valuer-General within Council's area totalling \$567,674,400 of which \$503,880,544 represents rateable land.

Declaration of Differential General Rates

Pursuant to Sections 152(1)(c) and 153(1)(b) of the *Local Government Act 1999* a general rate is declared for the year ending 30 June 2026 which consists of two components, one being a fixed charge and the other being a differential rate based on the value of the land the subject to the rate, as more particularly described below:

First Component—Fixed Charge

The fixed charge component of the general rate is \$826 in respect of each separate piece of rateable land in the Council area.

Second Component—Differential Rate Based on the Value of the Land

The differential rate based on the value of the land, varying according to the use of land, is as follows:

- (i) Residential—a differential rate of 0.6499 cents in the dollar of the capital value of the land
- (ii) Commercial Shop—a differential rate of 1.9127 cents in the dollar of the capital value of the land
- (iii) Commercial Office—a differential rate of 2.4620 cents in the dollar of the capital value of the land
- (iv) Commercial Other—a differential rate of 2.2066 cents in the dollar of the capital value of the land
- (v) Industrial Light—a differential rate of 1.5345 cents in the dollar of the capital value of the land
- (vi) Industrial Other—a differential rate of 1.0774 cents in the dollar of the capital value of the land
- (vii) Vacant Land—a differential rate of 2.0588 cents in the dollar of the capital value of the land
- (viii) Other—a differential rate of 0.9103 cents in the dollar of the capital value of the land

Declaration of Service Charge

Pursuant to Section 155(2) of the *Local Government Act 1999* the Council imposes a service charge of \$762.25 upon each separate piece of rateable land to which the Council provides or makes available a service for the collection, treatment, recycling, and disposal of domestic waste (excluding organics), on the basis that the sliding scale provided for in Regulation 13 of the *Local Government (General) Regulations 2013* will be applied to reduce the service charge payable, as prescribed.

In accordance with Sections 155(3)(b) and 155(8)(c) of the *Local Government Act 1999* and Regulation 12(4)(a) of the *Local Government (General) Regulations 2013*, this service charge will only apply to land of the Residential category.

Declaration of Separate Rate—Regional Landscape Levy

Pursuant to Section 69 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, a separate rate based on a fixed charge of \$48.07 for Residential/Vacant/Other land use types and \$96.15 for Commercial/Industrial land use types is declared on all rateable land in the Council area to reimburse the Council the amount of \$94,847 contributed to the SA Arid Lands Landscape Board.

Declaration of a Maximum Increase

Pursuant to Section 153(3) and (4) of the *Local Government Act 1999*, a maximum increase in general rates is fixed for the year ending 30 June 2026 to be charged on any rateable land which constitutes the principal place of residence of a principal ratepayer, at 12% over and above the general rates levied for the 2024/2025 financial year with respect to that land, provided that each of the following conditions are met:

- (i) the property has been the principal place of residence of the principal ratepayer since at least 1 July 2024;
- (ii) the property has not been subject to a change in land use since 1 July 2024;
- (iii) the property has not been subject to improvements with a value of more than \$20,000 since 1 July 2024; and
- (iv) an owner of the property makes an application in writing addressed to the Council on or before 15 September 2025 claiming the benefit of the maximum increase.

Due Dates for Payment of Rates

In accordance with Section 181 of the *Local Government Act 1999*, rates declared in respect of the year ending 30 June 2026 shall be due in four (4) equal or approximately equal instalments payable on 15 September 2025, 15 December 2025, 16 March 2026 and 15 June 2026.

Approval under *Roxby Downs (Indenture Ratification) Act 1982*

The rates resolved herein are operative with the agreement of the Joint Venturers under Clause 29(3)(a) of the Schedule to the *Roxby Downs (Indenture Ratification) Act 1982*.

Dated: 1 July 2025

BRIAN CARR
Chief Executive (Interim)

PUBLIC NOTICES

NATIONAL ENERGY RETAIL LAW

Notice of Draft Determination

The Australian Energy Market Commission (AEMC) gives notice under the National Energy Retail Law as follows:

Under s 256, the making of a draft determination and related draft rule on the *Improving the application of concessions to bills* (Ref. RRC0063) proposal. Written requests for a pre-determination hearing must be received by **10 July 2025**. Submissions must be received by **14 August 2025**.

Submissions can be made via the [AEMC's website](#). Before making a submission, please review the AEMC's [privacy statement](#) on its website, and consider the AEMC's [Tips for making a submission](#). The AEMC publishes all submissions on its website, subject to confidentiality.

Written requests should be sent to submissions@aemc.gov.au and cite the reference in the title. Before sending a request, please review the AEMC's privacy statement on its website.

Documents referred to above are available on the AEMC's website and are available for inspection at the AEMC's office.

Australian Energy Market Commission
Level 15, 60 Castlereagh St
Sydney NSW 2000
Telephone: (02) 8296 7800
www.aemc.gov.au

Dated: 3 July 2025

PARTNERSHIP ACT 1891

Dissolution of Partnership

In accordance with Section 36(2) of the *Partnership Act 1891* (SA), the partnership trading as "Piper Alderman ABN 42 843 327 183 (Partnership)" gives notice that BMC Legal Pty Ltd ACN 127 356 996, has retired from the Partnership with effect from midnight 30 June 2025.

Dated: 25 June 2025

BRUCE M. CAMERON
Principal

PARTNERSHIP ACT 1891 (SA)

PARTNERSHIP ACT 1958 (VIC)

Notice of Retirement of Partner

Take notice that as from 25 June 2025, Lynette Stimson has retired from the partnership of Laurence Maxwell Stimson, Kelvin Leicester Stimson and Lynette Stimson trading as "LM, KL & L Stimson" at Senior, South Australia and Serviceton, Victoria.

Laurence Maxwell Stimson and Kelvin Leicester Stimson will continue to operate the business previously operated as "LM, KL and L Stimson" and shall be responsible for all the debts and liabilities thereof.

Dated: 25 June 2025

LYNETTE STIMSON
Former Partner

UNCLAIMED GOODS ACT 1987

Notice of Intention to Sell

Manheim Pty Ltd of 180 Phillip Highway, Elizabeth South, SA 5112 intends to sell the following vehicles under the Disposal of *Unclaimed Goods Act 1987*. Owners of the vehicles have been sent notices that state that they are ready for collection. If said owners do not make arrangements for payment within 28 days from now they will be disposed of to settle any outstanding debt.

Make	Model Description	Registration No.	VIN
Holden	Commodore VZ Executive	XEN584	6G1ZK52B75L412737
Toyota	Camry V20R CS-X	WJY905	6T153SK200X021476
Toyota	Camry Altise	S151CGB	6T153BK360X055264
Holden	Viva JF	XHH088	KL3NA48BJ6K278449
Toyota	Yaris NCP YR		JTDKW923405151199

Dated: 1 July 2025

REBECCA BARRY
Cox Automotive Australia & New Zealand
Ph: 1800 326 243

NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

Notices must be emailed by 4 p.m. Tuesday, the week of publication.

Submissions are formatted per the gazette style and a proof will be supplied prior to publication, along with a quote if applicable. Please allow one day for processing notices.

Alterations to the proof must be returned by 4 p.m. Wednesday.

Gazette notices must be submitted as Word files, in the following format:

- Title—the governing legislation
- Subtitle—a summary of the notice content
- Body—structured text, which can include numbered lists, tables, and images
- Date—day, month, and year of authorisation
- Signature block—name, role, and department/organisation authorising the notice

Please provide the following information in your email:

- Date of intended publication
- Contact details of the person responsible for the notice content
- Name and organisation to be charged for the publication—Local Council and Public notices only
- Purchase order, if required—Local Council and Public notices only

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All instruments appearing in this gazette are to be considered official, and obeyed as such