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**GOVERNMENT GAZETTE**

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# Governor’s Instruments

## Appointments, Resignations and General Matters

Department of the Premier and Cabinet

Adelaide, 24 July 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Urban Renewal Authority Board of Management, pursuant to the provisions of the Urban Renewal Act 1995:

Member: from 31 July 2025 until 30 July 2028

Anne Veronica Moroney

David Andrew O'Loughlin

By command,

Katrine Anne Hildyard, MP

For Premier

25MUDCS06630

Department of the Premier and Cabinet

Adelaide, 24 July 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Pharmacy Regulation Authority SA, pursuant to the provisions of the Health Practitioner Regulation National Law (South Australia) Act 2010:

Member: from 29 July 2025 until 28 July 2028

Naomi Gaye Burgess

Ian Philip Todd

Rebecca Kaye Rogers

Vasiliki Dimitriadis

Dominic Stefanson

Deputy Member: from 29 July 2025 until 28 July 2028

Vasilios Lelas (Deputy to Rogers)

Rabia Majeed Kajani (Deputy to Todd)

Manya Therese Angley (Deputy to Dimitriadis)

By command,

Katrine Anne Hildyard, MP

For Premier

HEAC-2025-00021

Department of the Premier and Cabinet

Adelaide, 24 July 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Zoe Lee Bettison, MP as Acting Minister for Primary Industries and Regional Development and Acting Minister for Forest Industries from 28 July 2025 until 8 August 2025 inclusive, during the absence of the Honourable Clare Michele Scriven, MLC.

By command,

Katrine Anne Hildyard, MP

For Premier

DPC25/029CS

Department of the Premier and Cabinet

Adelaide, 24 July 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Blair Ingram Boyer, MP as Acting Minister for Health and Wellbeing from 26 July 2025 until 8 August 2025 inclusive, during the absence of the Honourable Christopher James Picton, MP.

By command,

Katrine Anne Hildyard, MP

For Premier

DPC25/029CS

# State Government Instruments

## 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:

Adelaide Botanic High School

Eudunda Area School

Golden Grove High School

Jamestown Community School

Karcultaby 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:

Adelaide Botanic 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 Adelaide Botanic 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 Adelaide Botanic 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 Adelaide Botanic 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—1 member nominated by the Adelaide Council and 1 member of the House of Assembly for Adelaide (or their nominee) |
| 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.

Eudunda 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 Eudunda 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 Eudunda 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 Eudunda Area School Governing Council must comprise 17 council members including:

|  |  |
| --- | --- |
| 1 | Principal of the school (*ex-officio*) |
| 11 | Elected parent members |
| 1 | Staff member nominated by the staff of the school |
| 2 | Community member(s) 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.

Golden Grove 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 Golden Grove 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 Golden Grove 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 Golden Grove High School Governing Council must comprise 23 council members including:

|  |  |
| --- | --- |
| 1 | Principal of the school *(ex-officio)* |
| 14 | Elected parent members |
| 3 | Staff members nominated by the staff of the school (as per ratio in the administrative instructions). |
| 3 | 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.

Jamestown Community 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 Jamestown Community 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 Jamestown Community 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 Jamestown Community School Governing Council must comprise 17 council members including:

|  |  |
| --- | --- |
| 1 | Principal of the school (*ex-officio*) |
| 11 | 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.

Karcultaby 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 Karcultaby 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 Karcultaby 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 Karcultaby Area School Governing Council must comprise 12 council members including:

|  |  |
| --- | --- |
| 1 | Principal of the school (*ex-officio*) |
| 8 | Elected parent members (including preschool parents) |
| 1 | Staff member nominated by the staff of the school and preschool (as per ratio in the administrative instructions). |
| 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.

These amendments take effect from the date of publication of this notice in the Gazette.

Dated: 24 July 2025

Caroline Fishpool

Lead Director, Conditions for Learning,

Schools and Preschools Delegate of the Minister for Education

## Electoral Act 1985

*Part 6—Registration of Political Parties*

Notice is hereby given pursuant to Sections 42 and 43 of the *Electoral Act 1985*, that I have this day registered the change of party name for the following political party:

Name of Existing Party Real Change SA

New Name of Party STEPHEN PALLARAS REAL CHANGE SA

Dated: 24 July 2025

Mick Sherry

Electoral Commissioner

Electoral Act 1985

Part 6—Registration of Political Parties

Notice is hereby given, pursuant to Section 42 of the *Electoral Act 1985*, that I have this day registered the following political party:

Name of Party Sarah Game Fair Go for Australians

Abbreviation of Party Name Fair Go for Australians

Name of Applicant Sarah Leslie Game

Dated: 24 July 2025

Mick Sherry

Electoral Commissioner

## Energy Resources Act 2000

*Suspension of Condition Extension of Licence Term  
Petroleum Exploration Licence—PEL 676*

Pursuant to Section 76A of the *Energy Resources Act 2000*, notice is hereby given that Condition 1 of Petroleum Exploration Licence (PEL) 676 has been suspended for the period from 2 March 2025 to 1 September 2025 inclusive, pursuant to delegated powers dated 19 August 2024.

The term of PEL 676 has been extended by a period corresponding to the period of suspension, such that PEL 676 will now expire on 1 September 2028.

The effect of this suspension of licence Condition 1 would not have altered the outcome of the original competitive tender process.

Dated: 16 July 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

July 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 18 July 2025 and ending at sunrise on 1 August 2025

Schedule 3

1. 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.

2. Each ‘bucket count’ sample must be accurately weighed to 7kg where possible and the total number of prawns contained in the bucket must be recorded on the daily catch and effort return.

3. Fishing must cease if a total of 14 nights of fishing are completed.

4. Fishing must cease in a fishing region if one of the following limits is reached:

(a) The average catch per vessel, per night (for all 3 vessels) drops below 300kg for two consecutive nights in a fishing region.

(b) The average ‘bucket count’ for all vessels exceeds 240 prawns per 7kg bucket for two consecutive nights in the Coffin Bay region.

(c) The average ‘bucket count’ for all vessels exceeds 240 prawns per 7kg bucket for two consecutive nights in the Venus Bay region.

(d) The average ‘bucket count’ for all vessels exceeds 270 prawns per 7kg bucket for two consecutive nights in the Corvisart Bay region.

(e) The average catch for all three vessels exceeds the 6 tonne catch cap in the Corvisart Bay region.

(f) The average ‘bucket count’ for all vessels exceeds 260 prawns per 7kg bucket for two consecutive nights in waters outside the four main fishing regions 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.

5. Each licence holder, or registered master of a fishing license 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:

(a) average prawn catch; and

(b) the average prawn ‘bucket count’

6. 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: 15 July 2025

Jade Fredericks

Prawn Fishery Manager

Delegate of the Minister for Primary Industries and Regional Development

## Fisheries Management Act 2007

Section 79

Temporary Prohibition on Setting of Rock Lobster Pots within Specified Waters

Pursuant to Section 79 of the *Fisheries Management Act 2007*, I Hon Clare Scriven MLC, Minister for Primary Industries and Regional Development, hereby declare that it shall be unlawful for any person to engage in the act of, or an act preparatory to or otherwise involved in, the fishing activities specified in Schedule 1, within the area described in Schedule 2 during the period specified in Schedule 3.

Schedule 1

• The setting of rock lobster pots.

Schedule 2

• The waters near the area known as The Granites—contained within and bounded by a line commencing at the Mean High Water Springs closest to 32°54′04″ South 134°04′34″ East, then in a westerly direction to the location 32°54′04″ South 134°03′55″ East, then northerly to 32°52′08″ South 134°03′55″ East, then Easterly to 32°52′08″ South 134°05′50″ East. The closure is inclusive of all coast within this area.

Schedule 3

From 25 July 2025 to 24 July 2026 unless varied or revoked earlier.

Dated: 23 July 2025

Hon Clare Scriven MLC

Minister for Primary Industries and Regional Development

Fisheries Management Act 2007

Section 115

*Variation—Ministerial Exemption ME9903377*

Take notice that, pursuant to Section 115 of the *Fisheries Management Act 2007*, Ministerial exemption ME9903377 provided to Professor David Booth, University of Technology Sydney (the ‘exemption holder’), dated 29 May 2025 and published in the *South Australian Government Gazette* dated 5 June 2025 being the second notice on page 1396 is hereby varied by removing Clause (3) of Schedule 3 and inserting the following:

Schedule 3

(3) For the purposes of this notice, only the following persons may act as an agent of the exemption holder:

• Dr Janine Baker, Flinders University, College of Science and Engineering, Sturt Road, Bedford Park, SA, 5042

• Jamie Priest, National Parks and Wildlife, Dhilba Guuranda-Innes National Park, Yorke Peninsula, SA, 5577

• Lochie Cameron, Yorke Peninsula

• Amber Everett, Fleurieu Peninsula

• David Muirhead, Fleurieu Peninsula

• Roannna Horbelt, Kangaroo Island

• Jenni Bloom, Kangaroo Island

• Anthony Rowland, Encounter Bay

• Mickey Mason, Encounter Bay

• Samuel Kenworthy, Tumby Bay

• Wardens appointed under the *National Parks and Wildlife Act 1972*

Dated: 22 July 2025

Professor Gavin Begg

Executive Director

Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

## Highways Act 1926

Section 26(3)

Care, Control and Management of Local Roads

I, Andrew John Excell, delegate of the Commissioner of Highways, with the approval of the Minister for Infrastructure and Transport, and pursuant to my delegated powers under Section 12A of the *Highways Act 1926* do hereby give notice that I will undertake the care, control and management of the following local road, within the boundaries of the City of Port Adelaide Enfield until further notice, in association with the North-South, River Torrens to Darlington Project.

• North Arm Road (partial)

The extent of the Commissioners care, control and management is identified in Green on the attached plan.

Dated: 18 July 2025

Andrew John Excell

Delegate of the Commissioner of Highways

## 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** |
| 6 Lambert Avenue, Christies Beach SA 5165 | Allotment 879 Deposited Plan 4901 Hundred of Noarlunga | CT5089/423 | $0.00 |
| 14 Flora Street, Stepney SA 5069 | Allotment 505 Filed Plan 20313 Hundred of Adelaide | CT5438/740 | $506.00 |
|  |  |  |  |

Dated: 24 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** |
| 23 Medina Street, Aberfoyle Park SA 5159 | Allotment 103 Deposited Plan 9962 Hundred of Noarlunga | CT5181/578 |

Dated: 24 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 Variations

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby varies 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** | **Reason for Variation** | **Maximum Rental per week payable** |
| 12 Castle Street, Glanville SA 5015 | Allotment 39 Filed Plan 3333 Hundred of Port Adelaide | CT5420/89 |  | $0.00 |

Dated: 24 July 2025

Craig Thompson

Housing Regulator and Registrar

Housing Safety Authority

Delegate of the Minister for Housing and Urban Development

## Livestock Act 1997

## Livestock Regulations 2013

Regulation 3(4)(b)

*Prescribed Vaccines*

Pursuant to Regulation 3(4)(b) of the *Livestock Regulations 2013*, I, Dr Skye Fruean, Chief Inspector of Stock and delegate of the Minister for Primary Industries and Regional Development, hereby revoke the Notice titled *Prescribed Vaccine*, made on 6 October 2020 and published on 22 October 2020 on page 4898 of the South Australian Government Gazette.

Dated: 21 July 2025

Dr Skye Fruean

Chief Inspector of Stock

Delegate of the Minister for Primary Industries and Regional Development

## Mental Health Act 2009

Authorised Medical Practitioner

Notice is hereby given in accordance with Section 93(1) of the *Mental Health Act 2009* that the Chief Psychiatrist has determined the following person as an Authorised Medical Practitioner:

Rachel Mellor

A determination will be automatically revoked upon the person being registered as a specialist psychiatrist with the Australian Health Practitioner Regulation Agency and as a fellow of the Royal Australian and New Zealand College of Psychiatrists.

The Chief Psychiatrist may vary or revoke this determination at any time.

Dated: 24 July 2025

Dr John Brayley

Chief Psychiatrist

MENTAL HEALTH ACT 2009

*Authorised Mental Health Professional*

Notice is hereby given in accordance with Section 94(1) of the *Mental Health Act 2009*, that the Chief Psychiatrist has determined the following person as an Authorised Mental Health Professional:

Megan Hyland

The determination will expire three years after the commencement date.

The Chief Psychiatrist make vary or revoke these determinations at any time.

Dated: 24 July 2025

Dr John Brayley

Chief Psychiatrist

## Return to Work Act 2014

*Publication of Forms and Manners for Making a Claim and an Employer Statement*

*Preamble*

This Notice is given in accordance with the powers delegated to me, Michael Francis, Chief Executive Officer, by the Board of the   
Return to Work Corporation of South Australia (‘the Corporation’) under an Instrument of Delegations dated 12 June 2025.

Section 30(1)(a) of the *Return to Work Act 2014* (‘the Act’) states that a claim must be made in a manner and form approved by the Corporation.

Section 30(5)(b) of the Act states that an employer must forward to the Corporation a copy of the claim and a statement in the designated form.

Section 4(15) of the Act provides that a reference in a provision of the Act to a designated form is a reference to a form designated for the purposes of that provision by the Corporation from time to time by notice in the *Gazette*.

Notice

1. **Forms for Making a Claim**

Pursuant to Section 30(1)(a) of the Act, I give notice that from 1 July 2015, the *Claim form* at Attachment 1 is the ‘form approved by the Corporation’ for the purposes of that section, to be completed jointly or separately by a worker (or a person on behalf of a worker) and their employer.

Further, pursuant to Section 30(1)(a) of the Act, I give notice that from 28 July 2025 the *Claim form* at Attachment 2 is the online ‘form approved by the Corporation’ for the purposes of that section, to be completed by an employer on behalf of the worker.

Further, pursuant to Section 30(1)(a) of the Act, I give notice that from 28 July 2025, the *Claim form* at Attachment 3 is the online ‘form approved by the Corporation’ for the purposes of that section, to be completed by a worker.

The requirement to provide the Claim form may be dispensed with pursuant to Section 30(8) of the Act if a claim is made by telephone.

1. **Employer Statement**

Pursuant to Section 30(5)(b) of the Act, I give notice that from 1 July 2015, the *Claim form* at Attachment 1 is also the ‘designated form’ for the purposes of that section, to be completed jointly or separately by an employer and the worker (or a person on behalf of a worker).

Further, pursuant to Section 30(5)(b) of the Act, I give notice that from 3 April 2024, the Claim form at Attachment 2 is also the online ‘designated form’ for the purposes of that section, to be completed by an employer on behalf of the worker.

The requirement to provide a statement in the ‘designated form’ may be dispensed with pursuant to Section 30(8) if a receipt of a worker’s claim is reported by the employer by telephone.

1. **Manner for Making a Claim**

Pursuant to Section 30(1)(a) of the Act, I give notice that from 1 July 2015, the manner outlined at Attachment 4 is the ‘manner approved by the Corporation’ for the purposes of that section.

Confirmed as a true and accurate record of the decision of the Corporation.

Dated: 11 July 2025

Michael Francis

Chief Executive Officer

Attachment 1

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Attachment 2

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Attachment 3—Worker

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Attachment 4—Manners

1.1 For workers of an employer who is not a self-insured employer, the claim form must be given by the worker, or their representative, to

• their employer direct (if the worker is in employment at the commencement of incapacity),or

• the Corporation, or the employer’s claims agent (currently EML SA or Gallagher Bassett Services),

in one of the following manners:

◦ in person

◦ via post

◦ via facsimile

◦ via telephone

◦ via email

◦ online.

1.2 The contact details as at the date of publishing these manners are as follows:

**EML SA**

In person: 15th Floor, 26 Flinders Street, Adelaide

Via post: GPO Box 2575, Adelaide SA 5001 or   
15th Floor, 26 Flinders Street, Adelaide SA 5000

Via facsimile: (08)8127 1200

Via telephone: 1800 688 825 (free call)

Via email: [newclaims@eml.rtwsa.com](mailto:newclaims@eml.rtwsa.com)

Online: [www.eml.com.au](http://www.eml.com.au)

**Gallagher Bassett Services**

In person: Level 3, 115 Grenfell Street, Adelaide

Via post: GPO Box 1772, Adelaide SA 5001 or   
Level 3, 115 Grenfell Street, Adelaide SA 5000

Facsimile: (08)8177 8451

Via telephone: (08)8177 8450 or free call 1800 774 177

Via email: [newclaims@gb.rtwsa.com.au](mailto:newclaims@gb.rtwsa.com.au)

Online: [www.gallagherbassett.com.au](http://www.gallagherbassett.com.au)

**The Corporation (ReturnToWorkSA)**

In person: Ground Floor, 400 King William Street, Adelaide

Via post: GPO Box 2668, Adelaide SA 5001   
400 King William Street, Adelaide SA 5000

Via facsimile: (08)8233 2466

Via telephone: 13 18 55

Via email: [silicosis@rtwsa.com](mailto:silicosis@rtwsa.com) (for silicosis claims)

Note: Current contact details will be maintained on the employer’s claims agent’s website (currently EML SA at [www.eml.com.au](http://www.eml.com.au) or Gallagher Bassett Services at [www.gallagherbassett.com.au](http://www.gallagherbassett.com.au)) or the Corporation’s website at [www.rtwsa.com](http://www.rtwsa.com).

1.3 For workers of a self-insured employer, the claim form must be provided by the worker or their representative to the self-insured employer in such manner as decided by a worker’s employer.

RETURN TO WORK ACT 2014

*Scales of Charges for Medical Practitioners, Medical and Other Charges*

*Preamble*

Subsection 33(12)(a) of the *Return to Work Act 2014* (the Act), provides that the Minister for Industrial Relations may, by notice in the Gazette, on the recommendation of the Return to Work Corporation of South Australia, publish “scales of charges for the purposes of this Section (ensuring as far as practicable that the scales comprehensively cover the various kinds of services to which this Section applies)”.

This republication replaces the item numbers and service descriptions below, which were published on 13 June 2025.

Notice

Pursuant to subsection 33(12)(a) of the Act, I publish the following scales of charges to have effect on and from 31 July 2025.

Dated: 13 July 2025

Hon Kyam Maher MLC

Minister for Industrial Relations and Public Sector

Schedule 1a

*Scale of Charges—Clinical Medical Services*

The item numbers and service descriptions in this Schedule are the subject of Commonwealth of Australia copyright and are reproduced by permission.

| **Item No.** | **Description** | **Max Fee (excl. GST)** |
| --- | --- | --- |
|  |  |  |
| **COVID-19 Specialist, Anaesthesia—Telehealth Services** | | |
| 92701 | Video attendance by a medical practitioner in the practice of anaesthesia for a consultation on a patient undergoing advanced surgery or who has complex medical problems, involving a selective history and the formulation of a written patient management plan documented in the patient notes, and lasting more than 15 minutes (other than a service associated with a service to which any of items 2801 to 3000 of the general medical services table apply) | $333.00 |
| **Other Therapeutic Procedures** | | |
| 14224 | Electroconvulsive therapy, with or without the use of stimulus dosing techniques, including any electroencephalographic monitoring and associated consultation (H)(Anaes.) | $279.30 |

## South Australian Motor Sport Act 1984

Section 20(1)

*Declaration of Area, Period and Prescribed Works Period—Notice by the Minister*

Pursuant to Section 20(1) of the *South Australian Motor Sport Act 1984*, I, the Minister to whom the administration of that Act has been committed, in respect of the motor sport event promoted by the South Australian Motor Sport Board under the name ‘2025 Bridgestone World Solar Challenge’, acting on the recommendation of the Board, declare:

• that the area delineated on the plan in the schedule will be the declared area under the Act for the purposes of the event;

• that the period commencing on 27 August 2025 and ending on 31 August 2025 (both days inclusive) will be the declared period under the Act for the purposes of the event; and

• that the prescribed works period in respect of works necessary for the purpose of staging the 2025 Bridgestone World Solar Challenge in both Victoria Square/Tarntanyangga and Victoria Park/Pakapakanthi (Park 16), be the period commencing on 22 August 2025 and concluding on 3 September 2025 inclusive.

Dated: 1 July 2025

Hon Peter Bryden Malinauskas MP

Premier

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SOUTH AUSTRALIAN MOTOR SPORT ACT 1984

Section 26

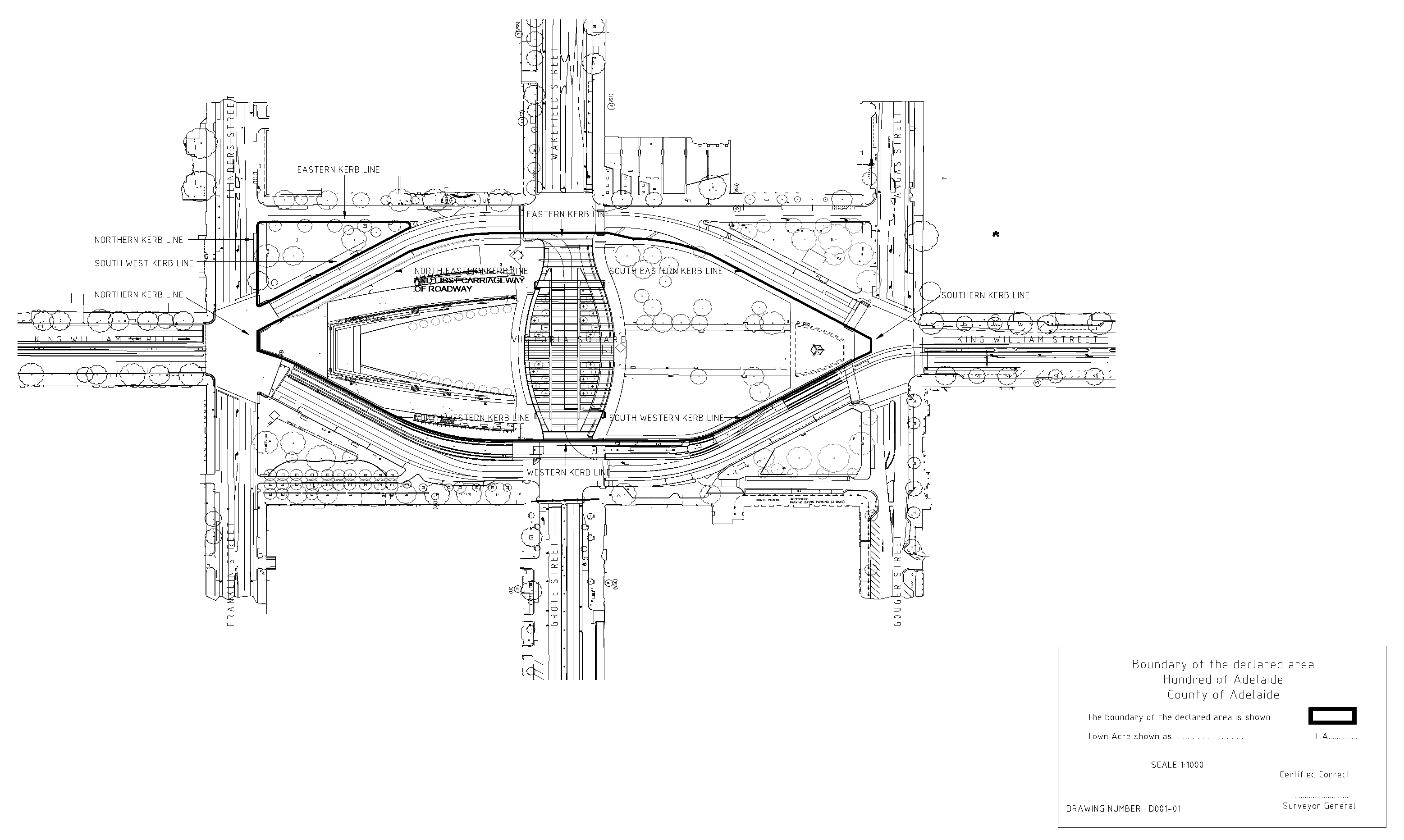
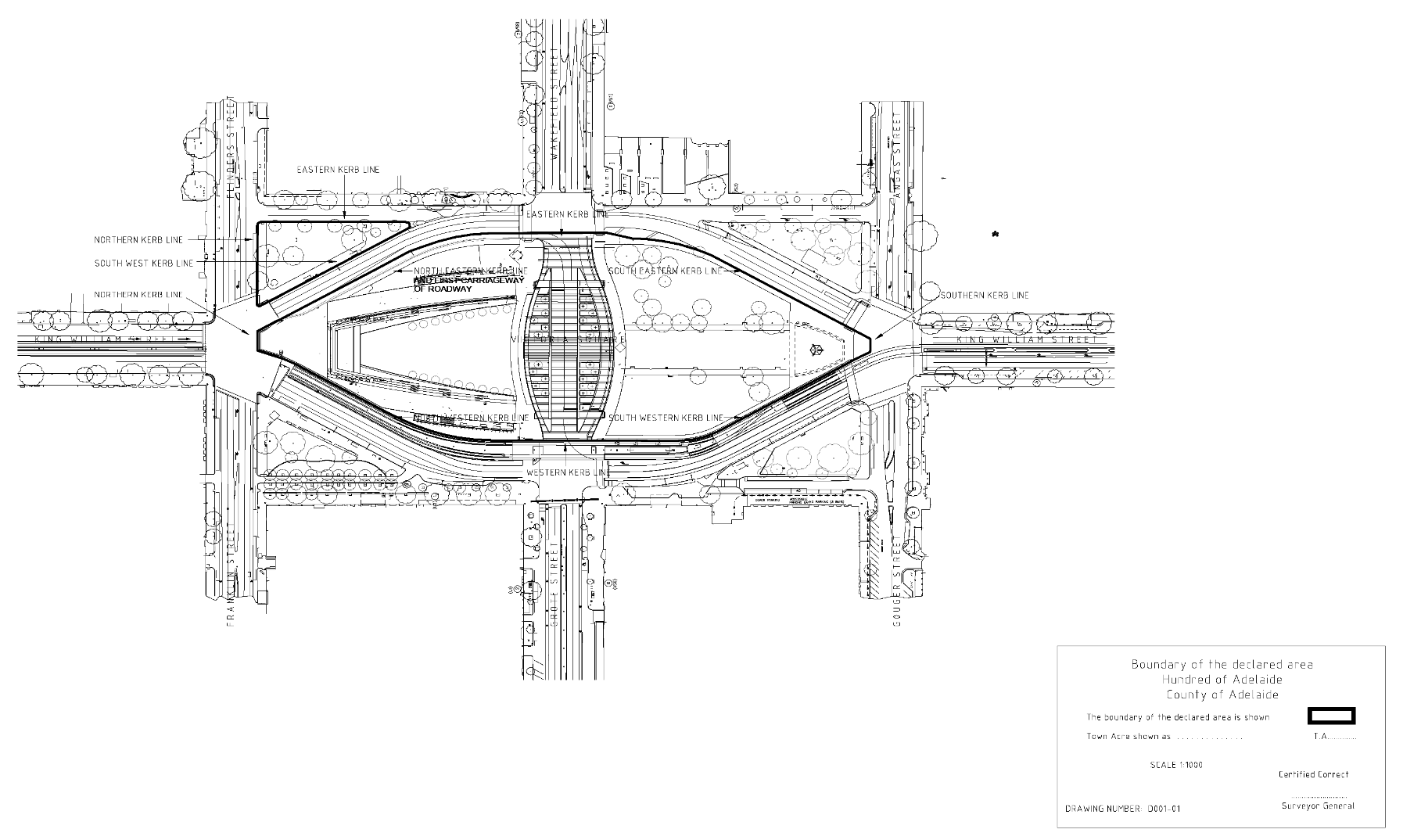
Availability of Plans for Public Inspection—Notice by the Minister

Pursuant to Section 26 of the *South Australian Motor Sport Act 1984*, I, the Minister to whom the administration of that Act has been committed, hereby designates the offices of the South Australian Motor Sport Board, Level 5, 182 Victoria Square Adelaide SA 5000, as the place at which may be inspected by members of the public plans of all works proposed to be carried out by the South Australian Motor Sport Board in relation to the event known as the ‘2025 Bridgestone World Solar Challenge’.

Dated: 1 July 2025

Hon Peter Bryden Malinauskas MP

Premier



# Local Government Instruments

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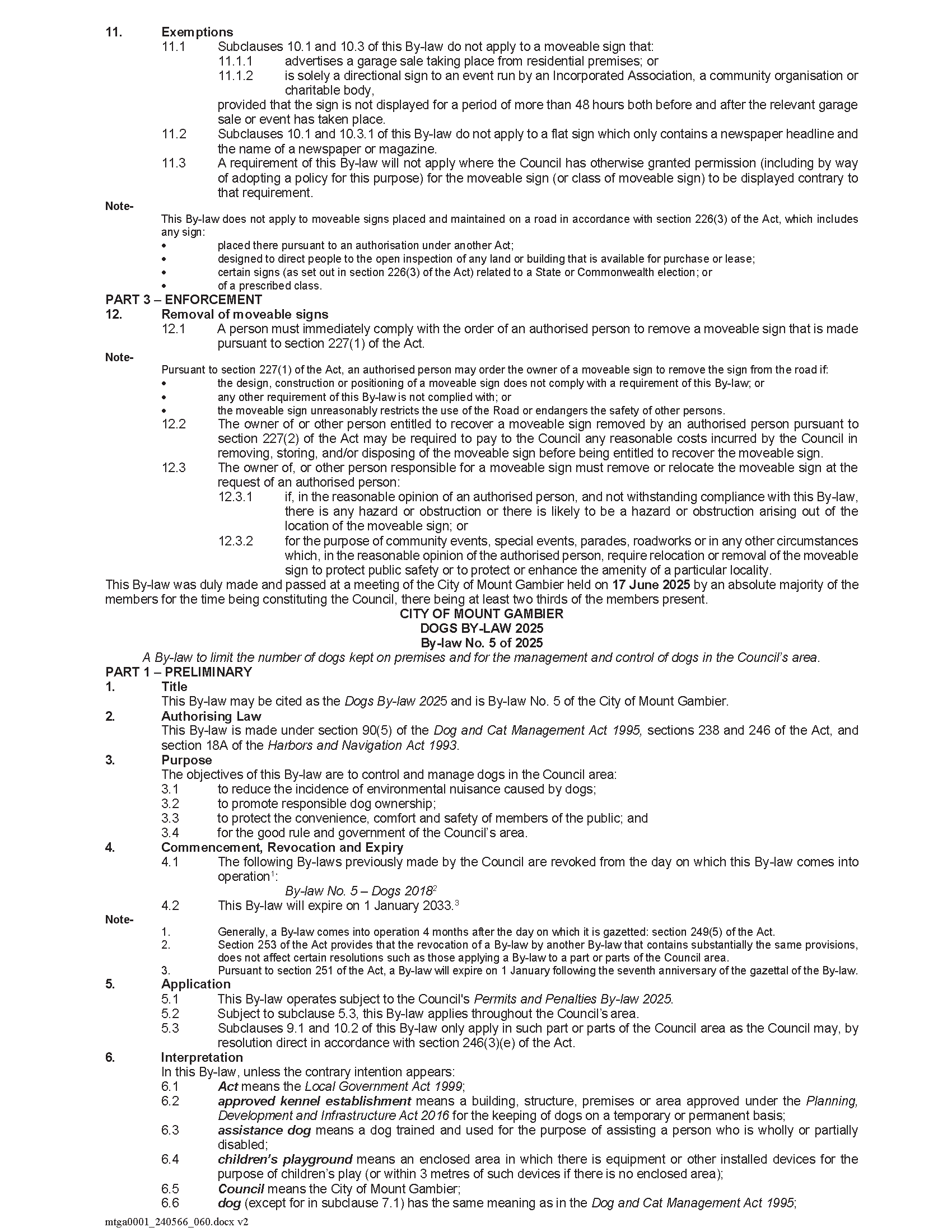
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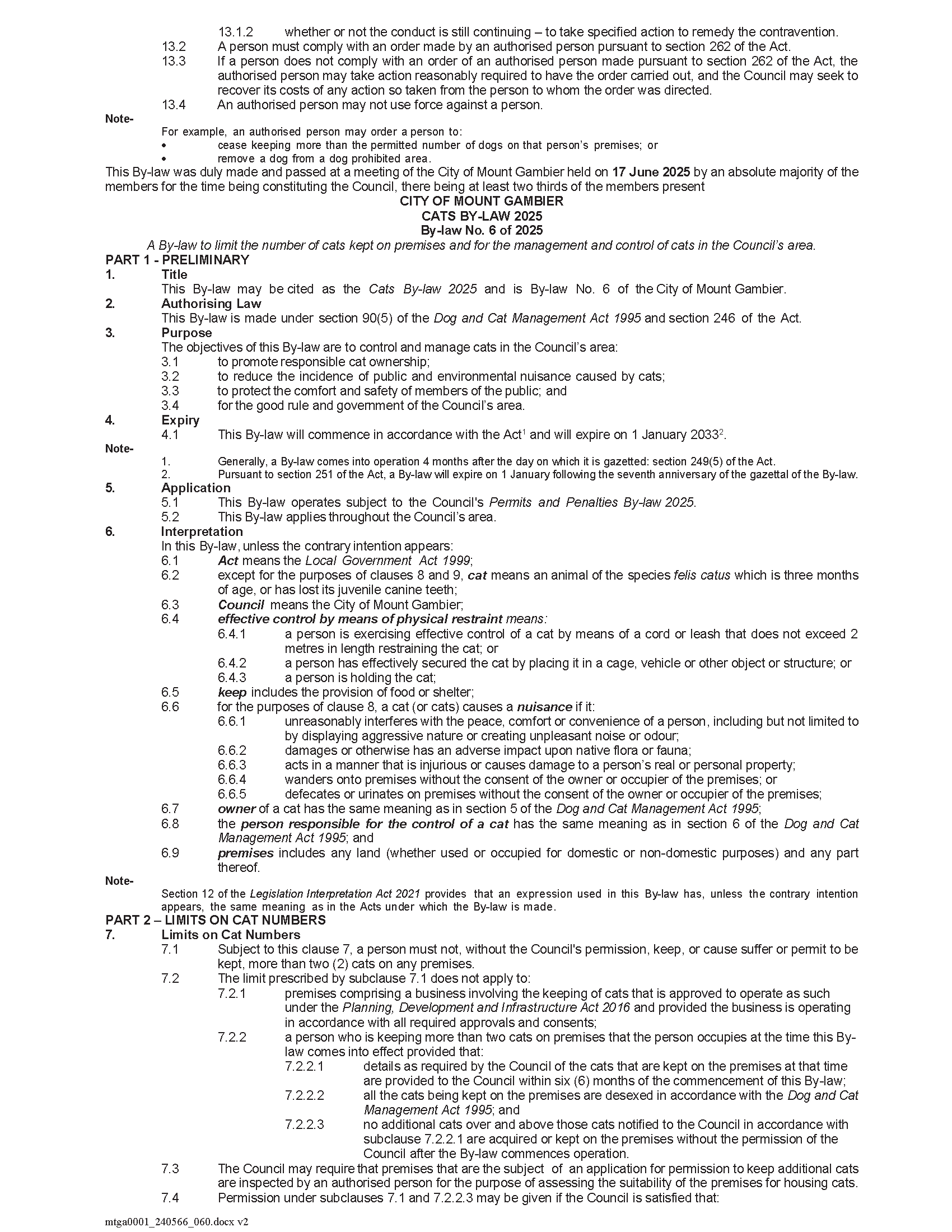
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Dated: 24 July 2025

Sarah Philpott

Chief Executive Officer

## City of Norwood Payneham and St Peters

Resignation of Councillor

Notice is hereby given in accordance with Section 54(6) of the *Local Government Act 1999*, that a vacancy has occurred in the office of Councillor for the West Norwood/Kent Town Ward, due to the resignation of Councillor Sue Whitington, to take effect from 19 July 2025.

Dated: 24 July 2025

M. Barone PSM

Chief Executive Officer

City of Norwood Payneham and St Peters

Local Government (Elections) Act 1999

*Close of Roll for Supplementary Election*

A supplementary election will be necessary to fill the vacant position of councillor for West Norwood/Kent Town Ward.

The voters roll for this supplementary election will close at 5pm on Thursday, 31 July 2025.

You are entitled to vote in the election if you are enrolled on the State electoral roll for the council area. If you have recently turned 18 or changed your residential or postal address, you must complete an electoral enrolment form available online at [www.ecsa.sa.gov.au](https://www.ecsa.sa.gov.au/)

If you are not eligible to enrol on the State electoral roll you may still be entitled to enrol to vote if you own or occupy a property in the council area. Contact the council to find out how.

Nominations to fill the vacancy will open on Thursday, 28 August 2025 and will be received until 12 noon on Thursday, 11 September 2025.

The election will be conducted by post with the return of ballot material to reach the Returning Officer no later than 12 noon on polling day, Monday, 27 October 2025.

Dated: 24 July 2025

Mick Sherry

Returning Officer

## City of Playford

Roads (Opening and Closing) Act 1991

Road Closing—Legoe Road/Tippets Bridge Road, Riverlea Park

Notice is hereby given, pursuant to Section 10 of the *Roads (Opening and Closing) Act 1991* that the City of Playford proposes to make a Road Process Order to Close and retain a portion of Legoe Road and Tippetts Bridge Road at the intersection of Tippets Bridge Road and Legoe Road adjoining allotment 9012 in D132334, Block 66 in D1671 and Section 174 Hundred of Port Adelaide more particularly delineated and lettered ‘A’ and ‘B’ on Preliminary Plan 25/0014.

The Preliminary Plan is available for public inspection at the Playford Civic Centre (10 Playford Boulevard, Elizabeth), the Stretton Centre (307 Peachey Road, Munno Para), and the Adelaide Office of the Surveyor-General located at Level 10, 83 Pirie Street Adelaide, during normal office hours. The Preliminary Plan can also be viewed at [www.sa.gov.au/roadsactproposals](https://www.sa.gov.au/topics/housing/planning-and-property/suburb-road-and-place-names/road-opening-and-closing-proposals) or [playford.engagementhub.com.au](https://playford.engagementhub.com.au/).

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons. The application for easement or objection must be made in writing to the City of Playford, 12 Bishopstone Road, Davoren Park SA 5113 within 28 days of this notice, and a copy must be forwarded to the Surveyor-General at PO Box 1815, Adelaide 5001. Where a submission is made, the applicant must be prepared to support their submission in person upon council giving notification of a meeting at which the matter will be considered.

Dated: 24 July 2025

Sam Green

Chief Executive Officer

## Corporation of the Town of Walkerville

*Adoption of Valuation and Declaration of Rates 2025/26*

Notice is hereby given that the Council of the Corporation of the Town of Walkerville at its Ordinary Meeting of 21 July 2025, and in relation to the 2025/26 financial year, in exercise of the powers contained in the *Local Government Act 1999*:

1. Adopted the most recent valuations of the Valuer-General available to the Council of the capital value of land in its area totalling $6,205,697,240.
2. Declared differential general rates as follows:

2.1 Residential: a rate of 0.00161989 in the dollar on the capital value of such rateable land;

2.2 Commercial—Shop: a rate of 0.00267282 in the dollar on the capital value of such rateable land;

2.3 Commercial—Office: a rate of 0.00267282 in the dollar on the capital value of such rateable land;

2.4 Commercial—Other: a rate of 0.00267282 in the dollar on the capital value of such rateable land;

2.5 Industry—light: a rate of 0.00267282 in the dollar on the capital value of such rateable land;

2.6 Industry—other: a rate of 0.00267282 in the dollar on the capital value of such rateable land;

2.7 Primary production: a rate of 0.00267282 in the dollar on the capital value of such rateable land;

2.8 Vacant land: a rate of 0.00315878 in the dollar on the capital value of such rateable land;

2.9 Other: a rate of 0.00267282 in the dollar on the capital value of such rateable land.

1. Declared a minimum amount payable by way of general rates of $1,487.
2. Declared a separate rate of 0.000067 in the dollar on the capital valuation of all rateable land in the area of the Council and the Green Adelaide Board.

**Payment of rates**

Rates can be paid in one payment by 11 September 2025 or in four equal, or approximately equal, parts which, pursuant to Section 181(2) of the *Local Government Act 1999*, will fall due on the following dates:

1st payment: 11 September 2025

2nd payment: 11 December 2025

3rd payment: 11 March 2026

4th payment: 11 June 2026

A copy of the *2025/26 Annual Community Plan* can be viewed at the Civic and Community Centre, 66 Walkerville Terrace, Gilberton, SA 5081, during business hours, or from [www.walkerville.sa.gov.au](http://www.walkerville.sa.gov.au).

Dated: 24 July 2025

Andrew Johnson

Chief Executive Officer

## Barunga West Council

*Adoption of Valuations and Declaration of Rates 2025-2026*

Notice is hereby given that the Barunga West Council, at a meeting held on 8 July 2025, resolved for the year ending 30 June 2026 as follows:

**Adoption of Valuations**

Pursuant to Section 167(2)(a) of the *Local Government Act 1999*, to adopt for rating purposes the capital valuations of the Valuer-General, dated 30 June 2025 of the land within the area of the Council totalling $3,184,936,420, of which $3,152,956,918 is the capital value of rateable land.

**Declaration of Differential General Rates**

Pursuant to Sections 152(1)(c), 153(1)(b) and 156(1)(c) of the *Local government Act 1999*, declares the following differential general rates which vary by reference to land use categories as per Regulation 14 of the *Local Government (General) Regulations 2013* as follows;

• On rateable land with a category of Residential, a rate of 0.23920 cents in the dollar;

• On rateable land with a category of Commercial—Shop, Commercial—Office, Commercial—Other, and Industry—Light, a rate of 0.26312 cents in the dollar;

• On rateable land with a category of Industry-Other, a rate of 0.31574 cents in the dollar;

• On rateable land with a category of Primary Production a rate of 0.13874 cents in the dollar;

• On rateable land with a category of Vacant a rate of 0.59597 cents in the dollar;

**Declaration of Fixed Charge**

Pursuant to Sections 15(1)(c)(ii) and 152(1)(c)(ii) of the *Local Government Act 1999*, a fixed charge of $435 be imposed on each separate piece of rateable land within the area of Council.

**Note that the Separate Rate—SA Power Network Power Pole Relocation, Whiting Road, Fisherman Bay has entered its last year**

Pursuant to Section 154 of the *Local Government Act 1999*, Council impose a fixed amount of $800 in respect to each assessment for the properties located at 22-94 Whiting Road, Fisherman Bay (even numbered properties) to fund the relocation of electricity poles by SA Power Networks will be charged in 2025-26 as the last year out of four years that this separate rate has been declared.

**Note that the Separate Rate—Fisherman Bay Plumbing Connection will enter its second year**

Pursuant to Section 154 of the *Local Government Act 1999*, Council impose a separate rate over those rateable assessments within Council’s area where the owners of the land have entered into an Agreement with Council for participating in the activity being the Council’s facilitation of the connection of the Fisherman Bay Community Wastewater Management System of residential properties. The varying separate rates was approved at Council’s ordinary meeting of 9 April 2024 for a period of four financial years, with 2025-26 being the second financial year.

**Declaration of Community Wastewater Management Scheme Annual Service Charges**

That pursuant to Section 155 of the *Local Government Act 1999*, Council impose an annual service charge on each assessment of rateable and non-rateable land within the Council area to which land Council makes available a Community Wastewater Management System based on the nature of the service and the number of property units that apply with respect to the relevant land, as determined under the CWMS Property Units Code described in Regulation 12 of the *Local Government (General) Regulations 2013* as follows:

• In respect of each effluent unit applying to occupied Port Broughton and Bute allotments a charge of $564 per unit;

• In respect of each effluent unit applying to occupied Fisherman Bay allotments a charge of $645 per unit;

• In respect of each vacant allotment, a charge of $279 per unit.

**Declaration of Separate Rates—Regional Landscape Levy Valuations**

That pursuant to the new *Landscape South Australia Act 2019* formerly the *Natural Resources Management Act 2004* and Section 154 of the *Local Government Act 1999*, the Council declares, in respect of the year ending 30 June 2026 a separate rate of 0.009217 cents in the dollar on all rateable land in the Council’s area, to raise an amount of $289,302.42 payable to the Northern and Yorke Regional Landscape Board.

**General Rates Cap**

That pursuant to Section 153(3) and (4) of the *Local Government Act 1999*, rebates shall be granted to the extent of a 14% maximum increase in rates from the previous year’s general rates raised, with land use being Residential or Primary Production. Except where the increase is the result of capital improvement (valued $30,000 or less), the ownership of the property has changed since 1 July 2024, or a boundary realignment, subdivision or amalgamation has occurred since 1 July 2024.

**Payment of Rates**

That all rates imposed in respect of the year ending 30 June 2026 will fall due in four equal or approximately equal instalments and will fall due as follows:

• 3 September 2025;

• 3 December 2025;

• 4 March 2026; and

• 3 June 2026.

Dated: 21 July 2025

Paul Simpson

Chief Executive Officer

## District Council of Ceduna

*Adoption of Annual Business Plan*

Notice is hereby given that the District Council of Ceduna at its Special Council Meeting held on 16 July 2025 resolved the following charges for the year ending 30 June 2026:

1. Adopted Capital Valuation to apply in its area for rating purposes supplied by the Valuer-General, being the most recent valuations available to council totalling $920,291,880.

2. Rateable Land within the localities of the Employment (Bulk Handling) and Deferred Urban Zones as defined by the Planning and Design Code in force as at the date of this declaration and with the land use:

a. Residential: 0.435298 cents in the dollar;

b. Commercial—Shop or Commercial—Office: 0.565888 cents in the dollar;

c. Commercial—Other: 1.580134 cents in the dollar;

d. Industry—Light or Industry—Other: 0.565888 cents in the dollar;

e. Primary Production: 0.478828 cents in the dollar;

f. Vacant Land: 0.870597 cents in the dollar;

g. Other: 0.435298 cents in the dollar.

3. Rateable Land within all other localities, being all other zones as defined by the Planning and Design Code in force as at the date of this declaration and with the land use:

a. Residential: 0.435298 cents in the dollar;

b. Commercial—Shop, Commercial—Office or Commercial—Other: 0.565888 cents in the dollar;

c. Industry—Light or Industry—Other: 0.565888 cents in the dollar;

d. Primary Production: 0.478828 cents in the dollar;

e. Vacant Land: 0.870597 cents in the dollar;

f. Other: 0.435298 cents in the dollar.

4. Declared that the fixed charge payable by way of general rates in respect of all rateable land within Council’s area is $770.

5. Imposed an Annual Service Charge on all land to which the Council provides or makes available within the townships of Ceduna, Thevenard and Smoky Bay for its Community Wastewater Management System of $573.80.

6. Imposed an Annual Service charge of $216.60 on all land to which the Council provides or makes available its Waste Management service for the collection, treatment and disposal of waste.

7. Imposed an Annual Service Charge on all land to which the Council provides or makes available the service of the supply of potable water on the Ceduna Water West Scheme as follows;

a. All rateable land with a land use of Residential, Vacant Land or Commercial—Other: $497.40 per water meter per assessment

b. All rateable land with any other land use: $850.20 per water meter per assessment.

8. Declared Separate Rates varying accordance to Land Use, for the recovery on Council’s contribution to the Eyre Peninsula Regional Landscapes Board as follows:

a. A fixed charge of $94.66 per assessment for residential, other and vacant land uses,

b. A fixed charge of $141.99 per assessment for commercial and industrial land uses, and

c. A fixed charge of $189.32 per assessment for primary production properties

Aerodrome Fees Act 1998

Notice is hereby given that, pursuant to the *Aerodrome Fees Act 1998*, the District Council of Ceduna hereby advises that Arrival and Departure Fees at the Ceduna Airport are fixed as follows and are effective from 17 July 2025:

**Landing Fees**

General Aviation Landing Fee—$21.76/tonne for all aircraft (including helicopters) except Regular Passenger Transport.

**Passenger Fees**

Regular Passenger Transport operations:

Arrival Fees—$21.76 per person

Departure Fees—$21.76 per person

Charter Fees:

Arrival Fees—$21.76 per person

Departure Fees—$21.76 per person

Note - all above fees are GST inclusive

Dated: 24 July 2025

Tim Coote

Chief Executive Officer

## Clare and Gilbert Valleys Council

Adoption of Valuation and Declaration of Rates

Notice is hereby given that, at its Council Meeting of 16 July 2025, Clare & Gilbert Valleys Council, in exercising of the powers contained in Chapter 10 of the *Local Government Act 1999*, resolved the following in relation to the 2025-2026 financial year:

1. Adopted Capital Valuation to apply in its area for rating purposes supplied by the Valuer-General, being the most recent valuations available to Council, totalling $5,310,683,540 of which $5,242,616,027 represents rateable land.

2. Declared differential general rates based upon the use of the land as follows:

2.1 in respect of Category 1(a) (Residential), a rate in the dollar of 0.00331376

2.2 in respect of Category 1(b) (Commercial—Shop), Category 1(c) (Commercial—Office) and Category 1(d) (Commercial—Other), a rate in the dollar of 0.00450671

2.3 in respect of Category 1(e) (Industry—Light) and Category 1(f) (Industry—Other) a rate in the dollar of 0.00453985

2.4 in respect of Category 1(g) (Primary Production), a rate in the dollar of 0.00228649

2.5 in respect of Category 1(h) (Vacant), a rate in the dollar of 0.00341317

2.6 in respect of Category 1(i) (Other), a rate in the dollar of 0.00362857;

3. Imposed a minimum rate of $775.00 in respect of each separate piece of rateable land in the Council area.

4. Imposed for the financial year ending 30 June 2026, for each of the schemes, an annual service charge of $507.00 based on the level of usage of the service in respect of land to which it provides or makes available a Community Wastewater Management System service within the Townships of Clare, Riverton and Saddleworth.

5. Imposed for the financial year ending 30 June 2026, the following annual service charge based on the nature of the service in respect of all land within the towns and/or designated collection areas of Clare, Riverton, Saddleworth, Mintaro, Sevenhill, Auburn, Watervale, Manoora, Rhynie, Marrabel, Stockport, Tarlee, Waterloo, Armagh and Golfview Heights to which it provides or makes available the waste collection service, an annual service charge of $260.00.

6. Declared a separate rate in the dollar of 0.00009668 based on the capital value of the rateable land be declared in respect of all rateable land in the Council area, in order to reimburse the Council the amount contributed to the Northern & Yorke Landscape Board being $501,126.

7. Declared that all rates declared or payable in respect of or during the 2025-2026 financial year will fall due in four equal or approximately equal instalments payable 3 September 2025, 3 December 2025, 4 March 2026 and 3 June 2026.

Dated: 22 July 2025

David Stobbe

Chief Executive Officer

## District Council of Cleve

Local Government Act 1999—Section 198

*Amendment or Revocation of Management Plan*

The District Council of Cleve gives notice of its adoption of a proposal for the amendment of a Community Land Management Plan (CLMP) at its Ordinary Council Meeting held on Tuesday, 15 July 2025.

The below listed document may be viewed on the District Council of Cleve website under Management Plans at [www.cleve.sa.gov.au/  
council/performances/plans](http://www.cleve.sa.gov.au/council/performances/plans) and at the Council office during normal office hours at 10 Main Street, Cleve.

CLMP No 7: Eyre Peninsula Field Days (Site and Car Parking)

Dated: 24 July 2025

D. J. Penfold

Chief Executive Officer

## Coorong District Council

*Adoption of Valuations and Declarations of Rates*

Notice is hereby given that at the special Council meeting held on Tuesday 8 July 2025, Coorong District Council resolved for the financial year ended 30 June 2026:

**Adoption of Valuations**

To adopt for rating purposes the most recent capital valuations of the Valuer-General totalling $4,429,679,240.

**Declaration of General Rates and Separate Rates**

To declare general rates as follows:

1. A fixed charge of $200 in respect to each rateable assessment.

2. Differential general rates on the capital value and locality of all rateable land within the Bulk Handling Zone as described in Council’s Rating Strategy at 0.007800.

3. Differential general rates on the capital value and locality of all rateable land outside the Bulk Handling Zone according to the use of the land as follows:

(a) 0.002671 for the land use category of Residential;

(b) 0.003205 for the land use category of Commercial—Shop;

(c) 0.003205 for the land use category of Commercial—Office;

(d) 0.003205 for the land use category of Commercial—Other;

(e) 0.003205 for the land use category of Industry—Light;

(f) 0.003205 for the land use category of Industry—Other;

(g) 0.002270 for the land use category of Primary Production;

(h) 0.004407 for the land use category of Vacant Land; and

(i) 0.002671 for the land use category of Other.

4. A separate rate of 0.0001475 on the capital value of all rateable land within that part of the Council area that is within the area of the Murraylands & Riverland Landscape Board.

5. A differential separate rate on all rateable land within that part of the Council area that is within the area of the Limestone Coast Landscape Board with the following land uses:

(a) $94.00 per rateable property with the land use of Residential, Vacant & Other;

(b) $141.00 per rateable property with the land use of Commercial—Shop, Office or Other;

(c) $225.00 per rateable property with the land use of Industrial—Light or Other; and

(d) $412.00 per rateable property with the land use of Primary Production.

**Annual Service Charges**

To impose annual service charges as follows:

1. $348 on each eligible assessment of rateable and non-rateable land within the kerbside collection boundary to which the Council makes available a Kerbside Waste Management Service.

2. The Community Wastewater Management Scheme (CWMS) for Tailem Bend, Meningie, Tintinara and Wellington East:

• $780 per occupied unit;

• $749 per vacant allotment.

3. On each assessment of rateable and non-rateable land to which the Council makes available a water supply service in the areas of Wellington East and Peake:

• A supply charge of $280 per property;

• A usage charge of $1.47 per kilolitre used.

Dated: 24 July 2025

Bridget Mather

Chief Executive Officer

## District Council of Franklin Harbour

*Adoption of Valuation and Declaration of Rates*

Notice is hereby given that the District Council of Franklin Harbour at its meeting held on 16 July 2025, resolved for the 2025/2026 financial year:

**Adoption of Capital Valuations**

Pursuant to Section 167(2)(a) of the *Local Government Act 1999* adopts for the year ending 30 June 2026 for rating purposes, the valuations of the Valuer-General of capital values in relation to the area of the Council totalling $423,441,500.

**Declaration of Rates**

Pursuant to Sections 153(1)(b) and 156 (1)(c) of the *Local Government Act 1999*, the District Council of Franklin Harbour declares the following Differential Rates based on the assessed capital value of all rateable properties within the Council for the financial year ending 30 June 2026, the said differential general rates to vary by reference to the land use and to locality in which the rateable land is situated:

Rateable land with land use Residential—0.19600 cents in the dollar;

Rateable land with land use Commercial Shop—0.23000 cents in the dollar

Rateable land with land use Commercial Other—0.27050 cents in the dollar

Rateable land with land use Industry Light—0.22000 cents in the dollar

Rateable land with land use Industry Other—0.21500 cents in the dollar

Rateable land with the Commercial (Bulk Handling) zone—1.80000 in the dollar

Rateable land with land use Primary Production—0.40500 cents in the dollar

Rateable land with land use Vacant Land—0.4800 cents in the dollar

Rateable land with land use Other—0.19000 cents in the dollar

**Declaration of a Fixed Charge**

Pursuant to Section 152(1)(c) of the *Local Government Act 1999*, the District Council of Franklin Harbour declares a fixed charge of $505.00 on each separate assessed rateable property for the financial year ending 30 June 2026.

**Declaration of a Separate Rate—Regional Landscape Levy**

Pursuant to Section 66 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, and in order to reimburse Council for amounts contributed to the Eyre Peninsula Regional Landscape Board, declare a separate rate on all rateable properties within the area of the Council and of the Board for the year ending 30 June 2026 based on the purpose of land use, these rates being:

Residential $94.66

Commercial and Industrial $141.99

Primary Producers $189.32

Other and Vacant Land $94.66

**Declaration of an Annual Service Charge—Garbage**

Pursuant to Section 155 (1)(b) of the *Local Government Act 1999*, the District Council of Franklin Harbour declares an Annual Service Charge of $335.00 (140L bin) and $397.00 (240L bin) for all occupied properties in Cowell, Port Gibbon and Lucky Bay for the first service and $258.00 for each additional service for the year ended 30 June 2026.

**Separate Rate—Cowell CWMS Fixed Charge**

Pursuant to Section 154(1) and (2)(c) of the *Local Government Act 1999*, declares a Separate Rate of $460.00 for the fixed component of the Community WasteWater Management Scheme, for all properties within the CWMS collection area in Cowell, for the year ending 30 June 2026.

**Declaration of an Annual Service Charge—Cowell CWMS Service Charge**

Pursuant to Section 155(1)(a) of the *Local Government Act 1999,* declares an Annual Service Charge of $525.00 for the variable component of the Community WasteWater Management Scheme, for all properties within the CWMS collection area in Cowell, for the year ending 30 June 2026.

**Declaration of an Annual Service Charge—Lucky Bay Water**

Pursuant to Section 155(1)(a) of the *Local Government Act 1999*, declares an Annual Service Charge of $345.00 for the Lucky Bay water supply capital and maintenance costs for the year ended 30 June 2026.

**Separate Rate—Lucky Bay Lease Fee**

Pursuant to Section 154(1) and (2)(c) of the *Local Government Act 1999*, and in order to reimburse Council for expenditure on the Lucky Bay Lease, declares a separate rate based on a fixed charge of $197.00 on all rateable properties, which fall under the lease, within Lucky Bay for the year ending 30 June 2026.

**Declaration of an Annual Service Charge—Port Gibbon Water**

Pursuant to Section 155(1)(a) of the *Local Government Act 1999*, declares an Annual Service Charge of $345.00 for the Port Gibbon water supply capital and maintenance costs for the year ended 30 June 2026.

**Declaration of an Annual Service Charge—Port Gibbon CWMS**

Pursuant to Section 155(1)(a) of the *Local Government Act 1999*, declares an Annual Service Charge of $551.00 for the Port Gibbon CWMS capital and maintenance costs for the year ended 30 June 2026.

**Declaration of an Annual Service Charge—Coolanie Water**

Pursuant to Section 155(1)(a) of the *Local Government Act 1999*, declares an Annual Service Charge of $1,130.00 for the Coolanie water supply capital and maintenance costs for the year ended 30 June 2026.

**Declaration of Payment of Rates**

Pursuant to Section 181 of the *Local Government Act 1999*, the District Council of Franklin Harbour declares that the rates for the financial year ending 30 June 2026 will fall due in four equal or approximately equal instalments payable on 15 September 2025, 15 December 2025, 15 March 2026 and 15 June 2026.

Dated: 24 July 2025

S. Gill

Chief Executive Officer

## District Council of Kimba

Change of Meeting Date

Notice is hereby given that the District Council of Kimba resolved at its meeting held on 9 July 2025, to change the scheduled September 2025 Council Meeting from Wednesday, 10 September 2025 commencing at 2pm to Thursday, 18 September 2025 commencing at 2pm.

Dated: 17 July 2025

Deb Larwood

Chief Executive Officer

## Light Regional Council

*Adoption of Valuation and Declaration of Rates and Charges*

Notice is hereby given that at its Meeting held on 15 July 2025, in relation to the financial year ending 30 June 2026, the Light Regional Council, in exercise of the powers contained within Chapter 10 of the *Local Government Act 1999*, made the following resolution:

**Adoption of Property Valuation**

For the financial year ending 30 June 2026, pursuant to Section 167(2)(a) of the *Local Government Act 1999*, adopt the valuations of the Valuer-General of South Australia available to the Council as at 15 July 2025 of the capital value of land in the Council area for rating purposes (subject to alteration), such valuations to govern the assessment of rates in the Council area for the financial year commencing 1 July 2025 and totalling $6,773,333,280 of which $6,678,108,439 is assessable.

**Declaration of General Rate**

For the financial year ending 30 June 2026, having taken into account the general principle of rating outlined in Section 150 of the *Local Government Act 1999* and the requirements of Section 153(2) of the *Local Government Act 1999*, and pursuant to Sections 153(1)(b) and 156(1)(a) of the Act, declares the following differential general rates based on the capital value of rateable land varying according to the land use category:

(i) on all rateable land attributed Land Use Category 1—Residential, and Land Use Category 9—Other, a rate of 0.3430 cents in the dollar of the capital value of the land

(ii) on all rateable land attributed Land Use Category 2—Commercial Shop, or Land Use Category 3—Commercial Office, a rate of 0.5400 cents in the dollar of the capital value of the land

(iii) on all rateable land attributed Land Use Category 4—Commercial Other, a rate of 0.7950 cents in the dollar of the capital value of the land

(iv) on all rateable land attributed Land Use Category 5—Industrial Light, or Land Use Category 6—Industrial Other, a rate of 0.9550 cents in the dollar of the capital value of the land

(v) on all rateable land attributed Land Use Category 7—Primary Production, a rate of 0.2736 cents in the dollar of the capital value of the land; and

(vi) on all rateable land attributed Land Use Category 8—Vacant Land, a rate of 0.7500 cents in the dollar of the capital value of the land.

**Application for a Rate Rebate**

Determines to grant a discretionary rebate of rates to provide relief against what would otherwise amount to a substantial change in rates caused by rapid changes in property valuations. In accordance with Section 166(1)(l)(ii) of the *Local Government Act 1999* a rebate will be available on application by the ratepayer only for the financial year ending 30 June 2026 for all rateable land, and Council delegates to the person occupying the office of Chief Executive Officer of the Council, or a staff member authorised by the person occupying office of the Chief Executive Officer, the power to accept and approve ratepayer applications in accordance with the following conditions:

• the rebate is available only for property valuation increases that would result in an increase in the General rates payable by greater than 10% compared to the rates payable for the year ended 30 June 2025.

• a rebate application must be received from the ratepayer within 25 days of the notice date of the first rates instalment notice.

• the rebate is unavailable for:

(i) any property that has had improvements (valued at greater than $50,000) since the valuation adopted for the year commencing 1 July 2024,

(ii) any property where there has been a change of ownership since the valuation adopted for the year commencing 1 July 2024,

(iii) any property where the land use has changed since the valuation adopted for the year commencing 1 July 2024,

(iv) any property where the minimum rate otherwise applies in the 2025/26 financial year,

(v) the increase is as a result of a valuation correction by the Valuer-General.

(vi) any rebate amount of less than $10 would not be approved or granted.

**Adoption of Minimum Rate**

Pursuant to Section 158(1)(a) of the *Local Government Act 1999*, for the financial year ending 30 June 2026, fix a minimum amount payable by way of the general rate of $995.00 in respect of all rateable land within the council area.

**Community Wastewater Management System (CWMS) Annual Service Charge**

For the financial year ending 30 June 2026 pursuant to Section 155 of the *Local Government Act 1999*, impose the following annual service charge based on the nature of the service on each assessment, whether vacant or occupied, to which the Council provides or makes available a Community Wastewater Management System Annual Service Charge: $650

**Domestic Refuse and Recycling Annual Service Charge**

For the financial year ending 30 June 2026, pursuant to Section 155 of the *Local Government Act 1999*, declare an annual service charge based on the nature of the service of refuse collection and recycling of $390 per assessment in respect of all land to which Council makes available the 3-bin service, and of $260 per assessment in respect of all land to which Council provides or makes available the 2-bin service 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. An additional recycling or organics recycling bin can be requested for $95 per annum.

**Water Reuse Scheme Separate Rate**

For the financial year ending 30 June 2026, pursuant to Section 154 of the *Local Government Act 1999* declare a separate rate (based on a fixed charge against the land subject to the rate) of $900,000 to be levied against the rateable assessment number 6512, Valuer-General of South Australia assessment number 3120415503, described as Allotment 100 of Filed Plan 35604, Certificate of Title Volume 5253 Folio 627, but collection is deferred until the scheme is operational. Further, in identifying the aforementioned relevant rateable assessment, Council has formed the opinion that the making available of access to the scheme is to be of particular benefit to the land, occupiers of the land and visitors to that part of the Council’s area by allowing the land to have access to the water reuse scheme. Council will grant a discretionary rebate proportionate to the months of the financial year that the scheme was not operational.

**Regional Landscape Levy**

For the financial year ending 30 June 2026 in exercise of the powers contained in *Landscape South Australian Act 2019*, and Section 154 of the *Local Government Act 1999*, and in order to reimburse the Council for the amount contributed to the Northern and Yorke Landscape Board, being $583,697, declare a separate rate of 0.0087406 cents in the dollar of the Capital Value of land, in respect of all rateable land in the Council’s area and in the area of that Board, the Capital Value of such land totalling $6,677,960,439.

**Due Dates for Payment of Rates**

Pursuant to Section 181 of the *Local Government Act 1999*, rates and charges imposed in respect of the financial year ending 30 June 2026, shall be payable in four equal or approximately equal instalments, such instalments being due and payable by:

• Friday, 5 September 2025 (first instalment),

• Friday, 5 December 2025 (second instalment),

• Friday, 6 March, 2026 (third instalment), and

• Friday, 5 June 2026 (final instalment).

provided that in cases where the initial account requiring payment of rates is not sent at least 30 days prior to this date, or an amended account is required to be sent, authority to fix the date by which rates must be paid in respect of those assessments affected is hereby delegated to the Chief Executive Officer.

In exercise of the powers contained in Section 44 of the *Local Government Act 1999*, the Council hereby delegates on this 15th day of July 2025 to the person occupying the office of Chief Executive Officer of the Council the power pursuant to Section 181(4)(b) of the *Local Government Act 1999*, in any case where they consider it necessary or desirable to do so, to agree with the Principal Ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event that ratepayer’s rates will thereby be payable accordingly.

Dated: 24 July 2025

R. Dodson

Chief Executive Officer

## Mount Barker District Council

*Adoption of Valuations and Declaration of Rates*

Notice is given that at its meeting held on 7 July 2025, the Council declared as follows for the financial year ending 30 June 2026:

**Adoption of Valuation**

That the most recent valuations of the Valuer-General available to the Council of the Capital Value of land within the Council area totalling $16,196,573,200 of which $15,903,212,433 is rateable, be adopted for rating purposes for the 2025/2026 financial year.

**Declaration of Differential General Rates**

Differential rates be declared according to the use of the land and its locality as follows:

(1) All residential land within the Productive Rural Landscape Zone and Rural Zone: 0.269841 cents in the dollar

(2) All other land according to its land use as follows:

Residential (Category (a)): 0.299823 cents in the dollar;

Commercial (Categories (b), (c) and (d)): 0.299823 cents in the dollar;

Industry (Categories (e) and (f)): 0.299823 cents in the dollar;

Vacant Land (Category (h)): 0.299823 cents in the dollar;

Other (Category (i)): 0.299823 cents in the dollar;

Primary Production (Category (g)): 0.251851 cents in the dollar.

**Minimum Rate**

A minimum amount payable by way of general rates of $1,064.

**Declaration of Service Charges—Community Wastewater Management Systems**

An annual service charge of $740 per unit based on the level of usage for any common effluent drainage scheme authorised by the Minister.

**Wastewater Sewer Systems**

An annual service charge of $835 based upon the nature of the prescribed service of a sewerage scheme per property/connection.

Council provides a rebate of $67 per property/connection for Brukunga assessments connected to the Sewer System to provide relief against what would otherwise amount to a substantial increase in the service charge.

**Waste Management Charge**

An annual service charge based on the nature of the service for the collection of kerbside waste and recycling in respect of all land:

(1) Within any area designated as ‘township’ of $305;

(2) Outside any area designated as ‘township’ but within the prescribed collection area of $255.

(3) For occupied Council owned properties where a refuse service is provided a service charge of $255 (one weekly MGB Kerbside waste collection of two bins for each service charge)

**Meadows Non-Potable Water Charge**

An annual service charge of $499 for the Meadows non-potable water service based on the nature of the service.

**Recycled Water Charge**

An annual service charge of $73 for Meadows recycled water service based on the nature of the service.

**Declaration of Separate Rates**

**Hahndorf Separate Rate**

A differential separate rate of 0.099754 cents in the dollar on all rateable land within the Township of Hahndorf on Land uses—Category (b) (Commercial—Shop), Category (c) (Commercial—Office), Category (d) (Commercial—Other), Category (e) (Industry—Light), Category (f) (Industry—Other) and Category (h) (Vacant Land), with any land with a value that results in a separate rate liability in excess of $2,500 being capped at a maximum amount payable of $2,500 under Section 158(1)(b) of the *Local Government Act 1999*.

**Mount Barker Regional Town Centre Separate Rate**

A differential separate rate of 0.032989 cents in the dollar on all rateable land within the township of Mount Barker, previously known as the Mount Barker Regional Town Centre Zone, with the Land Uses—Category (b) (Commercial—Shop), Category (c) (Commercial—Office), Category (d) (Commercial—Other), Category (e) (Industry—Light), Category (f) (Industry—Other) and Category (h) (Vacant Land).

**Transport Infrastructure MDPA Area**

A separate rate of a proportionate amount of $83,578 per hectare on rateable land within the defined MDPA Area which separate rate is the primary mechanism to raise funds to meet the costs of the activity of the required transport infrastructure to support and service the MDPA Area for the benefit of the land the subject of the separate rate and also to the occupiers of the land within the MDPA Area.

These separate rates are subject to the Infrastructure Contributions—Separate Rate Relief Policy.

**Wastewater (Sewer) Infrastructure Mount Barker MDPA Area**

A separate rate of a fixed charge of $12,338 per new allotment on all rateable land within the defined MDPA Area (excepting land parcels in Nairne being Lot 2 DP83527 CT6064/932; Lot 4 FP157339 CT5385/949 and Lot 3 FP157338 CT5520/779 and that portion contained within the MDPA Lot 1 DP83527 CT6077/952) the purpose of which is to fund the activity of essential infrastructure works to meet Wastewater needs and being of particular benefit to the land and to the occupiers of the land to which the separate rate applies.

These separate rates are subject to the Infrastructure Contributions—Separate Rate Relief Policy.

**Wastewater (CWMS) Infrastructure Nairne MDPA Area**

A separate rate of a fixed charge of $8,505 per new allotment on all rateable land within the defined Nairne MDPA Area namely land parcels in Nairne being Lot 2 DP83527 CT6064/932, Lot 4 FP157339 CT5385/949 and Lot 3 FP157338 CT5520/779 and that portion contained within the MDPA Lot 1 DP83527 CT6077/952 the purpose of which is to fund the activity of essential infrastructure works to meet Wastewater needs and being of particular benefit to the land and to the occupiers of the land to which the separate rate applies.

These separate rates are subject to the Infrastructure Contributions—Separate Rate Relief Policy.

**Recreation, Sport and Community Infrastructure—Mount Barker MDPA Area**

A separate rate of a fixed charge of $2,653 per new allotment on all rateable land within the defined MDPA Area (excepting land parcels in Nairne being Lot 2 DP83527 CT6064/932, Lot 4 FP157339 CT5385/949 and Lot 3 FP157338 CT5520/779 and that portion contained within the MDPA Lot 1 DP83527 CT6077/952) the purpose of which is to contribute to the activity of recreation, sport and community infrastructure that will be of direct benefit to land within the MDPA Area and to occupiers of that land.

These separate rates are subject to the Infrastructure Contributions—Separate Rate Relief Policy.

**Recreation, Sport and Community Infrastructure—Nairne MDPA Area**

A separate rate of a fixed charge of $2,241 per new allotment on all rateable land within the defined Nairne MDPA Area namely land parcels in Nairne being Lot: 2 DP83527 CT6064/932, Lot 4 FP157339 CT5385/949 and Lot 3 FP157338 CT5520/779 and that portion contained within the MDPA Lot 1 DP83527 CT6077/952 the purpose of which is to contribute to the activity of recreation, sport and community infrastructure that will be of direct benefit to land within the MDPA Area and to occupiers of that land.

These separate rates are subject to the Infrastructure Contributions—Separate Rate Relief Policy.

**Western Sector Community Open Space Land Acquisition**

A separate rate of fixed charges the purpose of which is to provide security to recover the total cost to Council of the purchase of Lot 503, Bollen Road, Mount Barker for the purposes of community open space, that will be of direct benefit to the specified land within the Western Sector of the MDPA Area and to occupiers of that land.

CT6236/354 Pce 101 and 102 DP123403 $401,076

CT6308/814 Lot 3090 DP135913 $125,714

CT6250/893 Lot 1075 DP125783 $364,689

These separate rates are subject to the Infrastructure Contributions—Separate Rate Relief Policy.

**MDPA Wastewater Commitment**

A separate rate of fixed charges the purpose of which is as a replacement mechanism for the existing Wastewater (Sewer) Infrastructure MDPA Mount Barker Area Separate Rate where the developer has executed a Wastewater Commitment Deed with Council and requested the use of this mechanism to provide security commensurate with the amount specified in their Wastewater Commitment Deed.

CT6250/893 Newenham Parade Lot 1075 DP125783 $310,868

CT6308/811 Newenham Parade Pce 1090-1091 DP135913 $1,093,052

CT6315/562 Angas Parkway Lot 1012 DP135476 $1,293,612

CT6308/814 Newenham Parade Lot 3090 DP135913 $340,952

CT6276/914 Heysen Boulevard Pce 8201-8202 DP130654 $822,296

CT6300/476 Heysen Boulevardd Lot 2 DP134264 $401,120

CT6314/395 Spinebill Street Pce 701-705 DP135397 $169,260

CT6236/354 Rainbird Drive Pce 101 and 102 DP123403. $792,212

CT6310/663 Glenlea Boulevard Lot 7003 DP135937 $1,133,164

CT6316/279 Wellington Road Lot 8000 DP137503 $1,023,874

CT6223/774 19 Hawthorn Road Lot 692 DP120995 $701,352

CT6247/862 Flaxley Road Lot 2003 DP125523 $30,084

CT6231/683 Martin Road Lot 1000 DP122249 $2,186,240

CT6311/911 Flaxley Road Pce 3030-3034 DP135637 $218,624

CT6165/943 52 Beneva Road Lot 6 DP49619 $1,403,920

CT6299/61 Ridge Street Lot 3001 DP133821 $737,418

CT5902/342 47 Fulford Terrace Lot 102 DP62247 $1,369,440

CT6307/699 Old Princes Highway Lot 451 DP134889 $363,351

CT6307/698 Sargent Street Lot 450 DP134889 $363,351

CT6064/932 Jeffrey Street Lot 2 DP83527 $2,461,410

CT6275/860 Paech Road Lot 9001 DP130553 $2,398,464

CT6316/752 Barker Road Lot 1002 DP136844 $2,964,092

**Wastewater Infrastructure Augmentation Separate Rate**

A Separate Rate of a fixed charge the purpose of which is to provide the mechanism for Council to apply this to affected land parcels and secure a commensurate contribution from the developer (when development is undertaken) to the cost of upsizing of the capacity of wastewater infrastructure.

CT5626/645 Lot 3 DP15515 $278,897

CT6262/216 and CT6262/217 Lot 101 and 102 DP125249 $321,135

CT6037/784 Lot 411 DP73444 $53,984

CT5520/779 Lot 3 FP157338 $1,098,048

CT5385/949 Lot 4 FP157339 $826,620

This separate rate is subject to the Infrastructure Contributions—Separate Rate Relief Policy

**Littlehampton Development Sites Infrastructure Contributions**

These separate rates are subject to the Infrastructure Contributions—Separate Rate Relief Policy

**Littlehampton Direct Infrastructure**

A Separate Rate of a fixed charge of $418,518 on Piece 500-501 DP134716 CT6303/643, the separate rate will ensure that the beneficiaries of development, as a result of the rezoning of land initiated by Council in 2006, contribute to the necessary additional specific and critical infrastructure, and existing ratepayers will be protected from excessive increases in general rates to fund such additional infrastructure.

**Littlehampton In-direct Infrastructure**

A Separate Rate of fixed charges the purpose of which is to ensure the beneficiaries of development as a result of the rezoning of land initiated by Council in 2006, contribute to the necessary additional specific and critical infrastructure, and existing ratepayers will be protected from excessive increases in general rates to fund such additional infrastructure.

CT6303/645 Lot 600 DP134716 $153,333

CT5902/342 Lot 102 DP62247 $153,333

These separate rates are subject to the Infrastructure Contributions—Separate Rate Relief Policy

**Regional Landscape levy**

A separate rate of 0.009059 cents in the dollar be declared within the Hills and Fleurieu landscape management region.

Dated: 24 July 2025

A. Stuart

Chief Executive Officer

## District Council of Mount Remarkable

Revocation of Community Land Classification

Notice is hereby given that pursuant to Section 193(6) of the *Local Government Act 1999* that Council resolved at its meeting held on   
15 April 2025 to revoke the classification as community land applicable to:

1. Allotment 221 described in Certificate of Title Volume 5709 Folio 529, being a portion of the Port Germein Caravan Park, located at 39-41 Esplanade, Port Germein;

2. Allotment 111 described in Deposited Plan 26609 Certificate of Title Volume 5220 Folio 479, being a portion of the Melrose Council Works Depot, located at 9 Giles Street, Melrose;

3. Section 426 described in Certificate of Titel Volume 6103 Folio 967, being the site of the Wirrabara STEDS (Community Wastewater Management Scheme);

and at its meeting held on 15 July 2025 resolved to revoke the classification as community land applicable to:

4. Allotment 736 in Filed Plan 184818 described in Certificate of Title Volume 5693, Folio 195 being the Booleroo Centre CWA Hall.

Dated: 24 July 2025

Martin Borgas

Acting Chief Executive Officer

## Southern Mallee District Council

Adoption of Valuation and Declaration of Rates

Notice is hereby given that the Southern Mallee District Council at its ordinary council meeting held on Wednesday, 16 July 2025, resolved for the year ending 30 June 2026 as follows:

**Adoption of Valuation**

To adopt the most recent valuations of the Valuer-General available to the Council of the capital value of land within the Council’s area totalling $1,486,313,700 and of which $1,466,158,400 is the total valuation of rateable land.

**Declaration of Differential General Rate**

Differential rates be declared for the financial year ending 30 June 2026 on the assessed capital value of all rateable land and according to its land use classification within the area of the Council as follows:

• 0.00332200 rate in the dollar on the capital value of rateable land with the following land use codes within the area of the Council as follows: Residential, Commercial—Shop, Commercial—Office, Commercial—Other, Industry—Light, Industry—Other, Primary Production, Other.

• 0.00664400 rate in the dollar on the capital value of rateable land with the following land use code within the area of the Council as follows: Vacant land.

* 0.01328800 rate in the dollar on the capital value of rateable land with the following land use code within the area of the Council as follows: Employment—Bulk Handling.

**Minimum Rate**

Pursuant to Section 158 of the *Local Government Act 1999*, the Council declares a minimum amount payable by way of general rates of $695.00 in respect of all rateable properties within its area.

**Regional Landscape Levy**

That pursuant to Part 5 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, the Council declares, in respect of the year ending 30 June 2026, a separate rate of 0.00016184 in the dollar, based on the capital value of rateable land within the Council’s area and within the area of the Murraylands and Riverland Landscape Board in order to recover the amount payable to the Board.

**Community Wastewater Management Scheme Service Charge**

Community Wastewater Management Scheme as set out in Section 155 of the *Local Government Act 1999*, the Council imposes an annual service charge on each piece of occupied dwelling of $740.00 and on each piece of unoccupied dwelling of $370.00 to which the prescribed service (Community Wastewater Management Scheme) is available.

**Mobile Garbage Bin Collection Service Charge**

As set out in Section 155 of the *Local Government Act 1999*, the Council imposes an annual service charge against each rateable and non-rateable piece of land within the collection area of $350.00 per annum and $250.00 per annum for each additional Mobile Garbage Bin Collection.

Dated: 22 July 2025

Jason Beaton

Chief Executive Officer

Southern Mallee District Council

# Public Notices

## National Electricity Law

*Notice of Extension of the Making of a Draft Determination*

The Australian Energy Market Commission (AEMC) gives notice under the National Electricity Law as follows:

Under s 107, the time for making the draft determination on the *Real-time data for consumers* (Ref. ERC0399) proposal has been extended to **11 September 2025**.

Documents referred to above are available on the [AEMC’s website](https://www.aemc.gov.au/contact-us/lodge-submission) 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](http://www.aemc.gov.au )

Dated: 24 July 2025

## National Energy Retail Law

*Notice of Extension of the Making of a Draft Determination*

The Australian Energy Market Commission (AEMC) gives notice under the National Energy Retail Law as follows:

Under s 266, the time for making the draft determination on the *Real-time data for consumers* (Ref. RRC0057) proposal has been extended to **11 September 2025**.

Documents referred to above are available on the [AEMC’s website](https://www.aemc.gov.au/contact-us/lodge-submission) 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

<https://www.aemc.gov.au/>

Dated: 24 July 2025

## Trustee Act 1936

Public Trustee

*Estates of Deceased Persons*

AIRD Laurel Isabel late of 2-8 Oregon Street Manoora QLD Retired Facilities Administrator who died 30 September 2024

BATSTONE Margaret Anne late of 30 Sussex Terrace Westbourne Park of no occupation who died 27 June 2024

CAMPAIN Helen late of 24 Hawdon Street Barmera Retired Bookkeeper who died 9 April 2025

GUTSCHMIDT Kaye Elizabeth late of 66 Nelson Road Valley View Retired Cake Decorator who died 27 February 2025

HEPPINSTALL James Bernard late of 59 George Street Paradise Retired Nurse who died 15 October 2024

LIGHTFOOT Janet Winifred late of 15 Bluegum Road Morphett Vale Retired Nurse who died on or about 17 February 2024

MANTHORPE Nancy Mackenzie late of 26 Flinders Highway Port Lincoln of no occupation who died 23 December 2024

NAISMITH Hazel Wilhelmina late of 477-479 Military Road Largs Bay Retired Postal Assistant who died 7 March 2025

O'MALLEY Shane Ronald late of 152-160 Carrington Street Adelaide Sheet Metal Worker who died on or about 19 December 2023

WESTON Lorraine Jean late of 19 Bay Road Victor Harbor Retired Cook/Cleaner who died 13 January 2025

WILSON Thomas Brown late of 30 Sussex Terrace Westbourne Park Retired Forklift Driver/Storeman who died 22 February 2025

Notice is hereby given pursuant to the *Trustee Act 1936* (SA), the *Succession Act 2023* (SA) and the *Family Relationships Act 1975* (SA) that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee at GPO Box 1338, Adelaide SA 5001, full particulars and proof of such claims, on or before the 22 August 2025 otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated: 24 July 2025

T. Brumfield

Public Trustee

**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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