



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 12 JUNE 2025

CONTENTS

GOVERNOR'S INSTRUMENTS

Acts	1406
Appointments, Resignations and General Matters	1406
Proclamations—	
Second-hand Vehicle Dealers (Miscellaneous)	
Amendment Act (Commencement)	
Proclamation 2025	1408
Statutes Amendment (Criminal Proceedings) Act	
(Commencement) Proclamation 2025	1408
Regulations—	
National Electricity (South Australia) (Civil Penalties)	
Amendment Regulations 2025—No. 38 of 2025	1409
National Gas (South Australia) (Civil Penalties)	
Amendment Regulations 2025—No. 39 of 2025	1411

RULES

Uniform Civil (No 14) Amending Rules 2025	1412
---	------

STATE GOVERNMENT INSTRUMENTS

Education and Children's Services Act 2019	1416
Environment Protection Act 1993	1532
Fisheries Management (General) Regulations 2017	1544
Fisheries Management Act 2007	1544

Housing Improvement Act 2016	1546
Hydrogen and Renewable Energy Act 2023	1546
Livestock Act 1997	1547
Mental Health Act 2009	1550
Mining Act 1971	1550
Planning, Development and Infrastructure Act 2016	1551
Police Act 1998	1556
Professional Standards Act 2004	1556
Retirement Villages Act 2016	1559
Roads (Opening and Closing) Act 1991	1560

LOCAL GOVERNMENT INSTRUMENTS

City of Norwood Payneham and St Peters	1562
Town of Gawler	1562
Adelaide Hills Council	1562
Mount Barker District Council	1562
District Council of Orroroo Carrieton	1563
Yorke Peninsula Council	1563

PUBLIC NOTICES

National Energy Retail Law	1564
National Gas Law	1564

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

GOVERNOR'S INSTRUMENTS

ACTS

Department of the Premier and Cabinet
Adelaide, 12 June 2025

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

No. 24 of 2025—Supply Bill 2025

An Act for the appropriation of money from the Consolidated Account for the financial year ending on 30 June 2026

No. 25 of 2025—Children and Young People (Safety and Support) Bill 2025

An Act to protect children and young people and keep them safe from harm and preferably with their families, to support and strengthen families and communities to improve outcomes for children and young people, to support children and young people who are in care, to promote working in partnership with families and carers, to support children and young people leaving care, to make related amendments to other Acts, to repeal the Children and Young People (Safety) Act 2017, and for other purposes

By command,

STEPHEN CAMPBELL MULLIGHAN, MP
For Premier

APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet
Adelaide, 12 June 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the History Trust of South Australia, pursuant to the provisions of the History Trust of South Australia Act 1981:

Presiding Member: from 14 July 2025 until 24 November 2025

Michael Neale

Member: from 25 November 2025 until 24 November 2028

Michael Neale

Presiding Member: from 25 November 2025 until 24 November 2028

Michael Neale

Member: from 14 July 2025 until 13 July 2028

Stephanie Wendy Key

By command,

STEPHEN CAMPBELL MULLIGHAN, MP
For Premier

ME25/021

Department of the Premier and Cabinet
Adelaide, 12 June 2025

Her Excellency the Governor in Executive Council has been pleased to appoint BDO Audit Pty Ltd as auditor to audit the accounts of the Audit Office of South Australia, for a base term of two years commencing on 1 July 2025 with the option to extend for three, one-year terms - pursuant to section 35(1) of the Public Finance and Audit Act 1987.

By command,

STEPHEN CAMPBELL MULLIGHAN, MP
For Premier

T&F25/061CS

Department of the Premier and Cabinet
Adelaide, 12 June 2025

Her Excellency the Governor in Executive Council has been pleased to issue a Commission amending the terms of reference of the Commission issued to Natasha Jessica Stott Despoja AO, on 4 March 2024, to extend the reporting date of the Royal Commission into Domestic, Family and Sexual Violence from 1 July 2025 to 18 August 2025 - pursuant to the Royal Commissions Act 1917.

By command,

STEPHEN CAMPBELL MULLIGHAN, MP
For Premier

MO-F2025006332

Department of the Premier and Cabinet
Adelaide, 12 June 2025

HER EXCELLENCY THE HONOURABLE FRANCES JENNIFER ADAMSON, Companion of the Order of Australia, Governor in and over the State of South Australia:

TO
NATASHA JESSICA STOTT DESPOJA AO

Greeting:

WHEREAS, by Letters Patent issued and entered in the Register of Commissions, Patents, Etc. on 4 March 2024, I, the Governor, in and over the State of South Australia appointed you to be Commissioner, and required and authorised you to inquire into certain matters, and required you to submit a final report not later than 1 July 2025.

AND WHEREAS it is desired to amend those Letters Patent to require you to submit to me a final report not later than 18 August 2025.

NOW, with the advice and consent of the Executive Council and pursuant to the Royal Commissions Act 1917 and every other enabling power, I amend those Letters Patent issued to you by omitting from point 4, '1 July 2025' and substituting it with '18 August 2025'.

GIVEN under my hand and the Public Seal of South Australia, at Adelaide this 12th day of June 2025.

By command,

STEPHEN CAMPBELL MULLIGHAN, MP
For Premier

Recorded in Register of Commissions, Letters Patent, Etc., Vol. XXX

MARIE CALTABIANO
Clerk of Executive Council

GOD SAVE THE KING!

PROCLAMATIONS

South Australia

Second-hand Vehicle Dealers (Miscellaneous) Amendment Act (Commencement) Proclamation 2025

1—Short title

This proclamation may be cited as the *Second-hand Vehicle Dealers (Miscellaneous) Amendment Act (Commencement) Proclamation 2025*.

2—Commencement of Act

- (1) Subject to subclause (2), the *Second-hand Vehicle Dealers (Miscellaneous) Amendment Act 2024* (No 16 of 2024) comes into operation on 1 July 2025.
- (2) The operation of the following provisions of the Act is suspended until a day or time or days or times to be fixed by subsequent proclamation or proclamations:
 - (a) section 3;
 - (b) sections 5 to 11 (inclusive);
 - (c) sections 14 and 15;
 - (d) Schedule 1.

Made by the Governor

with the advice and consent of the Executive Council
on 12 June 2025

South Australia

Statutes Amendment (Criminal Proceedings) Act (Commencement) Proclamation 2025

1—Short title

This proclamation may be cited as the *Statutes Amendment (Criminal Proceedings) Act (Commencement) Proclamation 2025*.

2—Commencement of Act

The *Statutes Amendment (Criminal Proceedings) Act 2025* (No 3 of 2025) comes into operation on 1 July 2025.

Made by the Governor

with the advice and consent of the Executive Council
on 12 June 2025

REGULATIONS

South Australia

National Electricity (South Australia) (Civil Penalties) Amendment Regulations 2025

under the *National Electricity (South Australia) Act 1996*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *National Electricity (South Australia) Regulations*

- 3 Amendment of Schedule 1—Civil penalty provision
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *National Electricity (South Australia) (Civil Penalties) Amendment Regulations 2025*.

2—Commencement

- (1) Subject to this regulation, these regulations come into operation on the day on which they are made.
- (2) Regulation 3(2) comes into operation on 2 December 2025.
- (3) Regulation 3(7) comes into operation on 1 November 2026.

Part 2—Amendment of *National Electricity (South Australia) Regulations*

3—Amendment of Schedule 1—Civil penalty provision

- (1) Schedule 1, Part 1—after "Section 53C(4)" insert:
 - Section 118AE(1)
 - Section 118AI(1)
 - Section 118AY(6)
- (2) Schedule 1, Part 1—after "clause 4.4.5(g)" insert:
 - clause 4.4A.5(g)
- (3) Schedule 1, Part 1—after "clause 5.14.1(d)" insert:
 - clause 5.20B.4(a1)

- (4) Schedule 1, Part 2—after "Section 54CA(10)" insert:
- Section 118AO(1)
 - Section 118AO(5)
 - Section 118AP(3)
 - Section 118AR(1)
 - Section 118AR(2)
- (5) Schedule 1, Part 2—after "clause 3.11.2(f)" insert:
- clause 3.11.3(b1)
- (6) Schedule 1, Part 2—after "clause 3.11.9(d)" insert:
- clause 3.11.11(o)
- (7) Schedule 1, Part 2—delete "clause 7.8.2(ea)" and substitute:
- clause 7.8.2(e1)

Made by the Governor

on the unanimous recommendation of the Ministers of the participating jurisdictions and with the
advice and consent of the Executive Council
on 12 June 2025

No. 38 of 2025

South Australia

National Gas (South Australia) (Civil Penalties) Amendment Regulations 2025

under the *National Gas (South Australia) Act 2008*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *National Gas (South Australia) Regulations*

- 3 Amendment of Schedule 3—Civil penalty provisions
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *National Gas (South Australia) (Civil Penalties) Amendment Regulations 2025*.

2—Commencement

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

Part 2—Amendment of *National Gas (South Australia) Regulations*

3—Amendment of Schedule 3—Civil penalty provisions

- (1) Schedule 3, Part 1—after "Rule 693" insert:
 - Rule 706(1)
- (2) Schedule 3, Part 2—after "Rule 135CE(2)" insert:
 - Rule 135JJ(5)

Made by the Governor

on the unanimous recommendation of the Ministers of the participating jurisdictions and with the advice and consent of the Executive Council
on 12 June 2025

No. 39 of 2025

RULES

SUPREME COURT ACT 1935

DISTRICT COURT ACT 1991

MAGISTRATES COURT ACT 1991

YOUTH COURT ACT 1993

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

FIRST NATIONS VOICE ACT 2023

SOUTH AUSTRALIA

Uniform Civil (No 14) Amending Rules 2025

By virtue and in pursuance of the *Supreme Court Act 1935*, the *District Court Act 1991*, the *Magistrates Court Act 1991*, the *Youth Court Act 1993*, the *Environment, Resources and Development Court Act 1993*, the *Local Government (Elections) Act 1999*, the *First Nations Voice Act 2023* and all other enabling powers, we, the Chief Justice of the Supreme Court, the Chief Judge of the District Court (in respect of the District Court and the Court of Disputed Returns), the Acting Chief Magistrate of the Magistrates Court, the Judge of the Youth Court, and the Senior Judge of the Environment, Resources and Development Court, make the following *Uniform Civil (No 14) Amending Rules 2025*.

1. These Rules may be cited as the *Uniform Civil (No 14) Amending Rules 2025*.
2. The *Uniform Civil Rules 2020* (“the Rules”) are amended as set out below.
3. The amendments made by these rules come into effect on the later of—
 - (a) Tuesday, 1 July 2025; or
 - (b) the date of their publication in the Gazette.
4. Rule 240.1 is amended by deleting the word “Commissioner” and replacing it with the word “Commission”, wherever appearing.
5. Rule 332.2(3) is amended by:
 - (a) Deleting the word “or” after the words “*Fines Enforcement and Debt Recovery Act 2017*”; and
 - (b) inserting below the words “(iii) the *Fences Act 1975*,” the following words:
 - (i) (iv) Section 12H of the *Small Business Commissioner Act 2011*; or
 - (ii) (v) Section 68A of the *Retail and Commercial Leases Act 1995*.
6. The note to Rule 333.1(2) is amended by inserting, after the words “under the Act”, the words “other than a claim brought pursuant to Section 68A of that Act”.
7. The index to Schedule 7 is amended by deleting the word “Commissioner” in the title to Form 6A and replacing it with the word “Commission”.
8. In Schedule 7, Form 6A is amended by deleting the word “Commissioner” and replacing it with the word, “Commission” wherever appearing.

In accordance with the *Supreme Court Act 1935*, the *District Court Act 1991*, the *Magistrates Court Act 1991*, the *Environment, Resources and Development Court Act 1993* and the *Youth Court Act 1993* and all other enabling powers, the *Uniform Civil (No 14) Amending Rules 2025* have been made—

- as rules of the Supreme Court by 3 or more Judges of the Supreme Court; and
- as rules of the District Court by the Chief Judge and 2 or more other Judges of that Court; and
- as rules of the Magistrates Court by the Acting Chief Magistrate and 2 or more other Magistrates; and
- as rules of the Environment, Resources and Development Court by the Senior Judge and one other Judge; and
- as rules of the Youth Court by the Judge and the Magistrates who are members of the principal judiciary of that Court,

and such rules will apply to and in relation to the Court in accordance with their terms.

Dated the 26th day of May 2025.

CHIEF JUSTICE KOURAKIS
CHIEF JUDGE EVANS
ACTING CHIEF MAGISTRATE DUNCAN
JUDGE DURRANT
JUDGE SUTCLIFFE

Form 6A

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:**Hearing Location:**

Hearing box only displayed if Magistrates Court

INTERPLEADER

MAGISTRATES COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

[MINOR CIVIL] if applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

Small Business Commission

Applicant

First Interested Party

Applicant	Small Business Commission		
	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor If any	Law Firm		Solicitor
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		

Duplicate panel if multiple Applicants

Form 6A

Interested Party: Lessee			
Lessee	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		
Service	<input type="checkbox"/> Sheriff service requested for this Interested Party If requested mark with an 'x'		

Duplicate panel if multiple Lessees

Interested Party: Lessor			
Lessor	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		
Service	<input type="checkbox"/> Sheriff service requested for this Interested Party If requested mark with an 'x'		

Duplicate panel if multiple Lessors

Proceeding Details

Matter Type:

This proceeding relates to money being a bond held by the Small Business Commissioner and is referred to the Magistrates Court of South Australia under section 20(6) of the Retail and Commercial Leases Act 1995.

Property Details

Money subject of interpleader: security bond of \$[amount] paid on [date] in respect of a retail shop [name and address].

Property [held/controlled] by Applicant because the security bond was paid pursuant to section 19 of the Retail and Commercial Leases Act 1995.

Reason for interpleader: security bond is in dispute.

To the Interested Parties: WARNING

Form 6A

The Small Business Commission has referred this matter to the Court for determination regarding a dispute over a security bond. The referral will be considered at the hearing at the date and time set out at the top of this document.

If you wish to make submissions about the repayment of the security bond, you must attend the hearing. If you do not attend the Court hearing orders may be made without further warning.

Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- ☐ Supporting Affidavit (optional)
- ☐ Multilingual Notice (mandatory)
- ☐ Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate)
- ☐ Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)
- ☐ Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)
- ☐ If other additional document(s) please list them below:

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 East Education Centre
Adelaide West Special Education Centre
Avenues College
Central Yorke School
Cleve Area School
Coober Pedy Area School
Eastern Fleurieu R-12 School
Errington Special Education Centre
Gawler and District College B-12
Goolwa Secondary College
Hamilton Secondary College
Hawker Area School
Jamestown Community School
Karcultaby Area School
Karoonda 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 EAST EDUCATION CENTRE GOVERNING COUNCIL INCORPORATED

Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections

- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

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

The name of the council is Adelaide East Education Centre 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 East Education Centre 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 East Education Centre Governing Council must comprise 9 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 6 Elected parent members
 - 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 as 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.

ADELAIDE WEST SPECIAL EDUCATION CENTRE GOVERNING COUNCIL INCORPORATED

Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest

13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election Without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members
14. Minutes
15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
16. Finance and Accounts
17. Audit
18. Reporting to the School Community and the Minister
19. The Common Seal
20. Records
21. Amendment of the Constitution
22. Code of Practice
23. Dispute Resolution
24. Public Access to the Constitution and Code of Practice
25. Dissolution
26. Prohibition against Securing Profits for Members

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

1. Name

The name of the council is Adelaide West Special Education Centre 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 West Special Education Centre 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 West Special Education Centre Governing Council must comprise 12 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 8 Elected parent members
 - 1 Staff member nominated by the staff of the school (as per ratio in the administrative instructions)
 - 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.

AVENUES COLLEGE GOVERNING COUNCIL INCORPORATED

*Constitution***Table of Contents**

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election Without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members
14. Minutes
15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
16. Finance and Accounts
17. Audit
18. Reporting to the School Community and the Minister
19. The Common Seal
20. Records
21. Amendment of the Constitution
22. Code of Practice
23. Dispute Resolution
24. Public Access to the Constitution and Code of Practice
25. Dissolution
26. Prohibition against Securing Profits for Members

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

1. Name

The name of the council is Avenues College 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 Avenues College 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 Avenues College Governing Council must comprise 12 council members including:
- 1 Principal of the school (*ex-officio*)
 - 7 Elected parent members
 - 2 Staff members nominated by the staff of the school (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.

CENTRAL YORKE SCHOOL GOVERNING COUNCIL INCORPORATED*Constitution***Table of Contents**

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election Without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members
14. Minutes

15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
16. Finance and Accounts
17. Audit
18. Reporting to the School Community and the Minister
19. The Common Seal
20. Records
21. Amendment of the Constitution
22. Code of Practice
23. Dispute Resolution
24. Public Access to the Constitution and Code of Practice
25. Dissolution
26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

(School with a school-based preschool)

1. Name

The name of the council is Central Yorke 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 Central Yorke 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 Central Yorke School Governing Council must comprise 10 council members including:
- 1 Principal of the school (*ex-officio*)
 - 6 Elected parent members (including preschool parents)
 - 1 A staff member from each of the campuses 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.

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

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections

- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

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

The name of the council is Cleve 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 Cleve 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 Cleve Area School Governing Council must comprise 15 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 8 Elected parent members
 - 2 Staff member nominated by the staff of the school (as per ratio in the administrative instructions).
 - 2 Affiliated committee members nominated from Cleve Parents and Friends and Sims Farm Operations
 - 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

COOBER PEDY AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest

13. Election Of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members
14. Minutes
15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
16. Finance and Accounts
17. Audit
18. Reporting to the School Community and the Minister
19. The Common Seal
20. Records
21. Amendment of the Constitution
22. Code of Practice
23. Dispute Resolution
24. Public Access to the Constitution and Code of Practice
25. Dissolution
26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION
(School with a school-based preschool)

1. Name

The name of the council is Coober Pedy 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 Coober Pedy 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 Coober Pedy Area School Governing Council must comprise 19 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 10 Elected parent members (including preschool parents)
 - 1 Staff member 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
 - 2 Aboriginal members nominated from Umoona Community
- 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.

EASTERN FLEURIEU R-12 SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer

10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members
14. Minutes
15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
16. Finance and Accounts
17. Audit
18. Reporting to the School Community and the Minister
19. The Common Seal
20. Records
21. Amendment of the Constitution
22. Code of Practice
23. Dispute Resolution
24. Public Access to the Constitution and Code of Practice
25. Dissolution
26. Prohibition against Securing Profits for Members

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

1. Name

The name of the council is Eastern Fleurieu R-12 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 Eastern Fleurieu R-12 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 Eastern Fleurieu R-12 School Governing Council must comprise 16 council members including:

1 Principal of the school (*ex-officio*)

10 Elected parent members

2 Staff members nominated by the staff of the school (as per ratio in the administrative instructions),
1 representative from primary (R-6) and 1 representative from secondary (7-12)

1 Community member appointed by the council

2 Student representatives nominated by SRC or the students of the school

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

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

7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.

7.5 A person is not eligible for election, appointment or nomination to the council, if the person:

7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;

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

7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.

8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:

8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.

8.2.2 the nomination may be revoked, in writing, by the affiliated committee.

8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.

8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.

8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.

8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.

8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 *Appointment*

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

9.2 *Removal from Office*

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

- 9.3.1 The chairperson must:
 - (i) call and preside at the meetings of the council and the executive committee;
 - (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
 - (iii) include on the agenda any item requested by the principal;
 - (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
 - (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.
- 9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.
- 9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.
- 9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

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

9.5 *The Treasurer*

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

10. Vacancies

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

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

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

11.3 *Extraordinary Council Meetings*

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

11.4 Voting

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

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

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

12.2 Conflict of Interest

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

13. Election of Council Members**13.1 Eligibility for Nomination for Election**

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

13.2 Eligibility to Vote

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

13.3 Conduct of Elections for Parent Council Members

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

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

13.4 Notice of Election

- 13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.
- 13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.
- 13.4.3 The notice must:
- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
 - (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
 - (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.
- 13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

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

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

13.5 *Election without Ballot*

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

13.6 *Contested Elections*

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

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

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

13.8 *Declaration of Election*

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

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

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

13.9 *Further Nomination for Unfilled Positions*

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

13.10 *Nomination and Appointment of Council Members*

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

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

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

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

14. Minutes

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

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

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

15. Subcommittees

15.1 *Committees*

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

15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

15.3 *Finance Advisory Committee*

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

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

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

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

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

16. Finance and Accounts

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

17. Audit

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

18. Reporting to the School Community and the Minister

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

19. The Common Seal

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

20. Records

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

21. Amendment of the Constitution

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

22. Code of Practice

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

23. Dispute Resolution

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

24. Public Access to the Constitution and Code of Practice

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

25. Dissolution

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

26. Prohibition against Securing Profits for Members

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

ERRINGTON SPECIAL EDUCATION CENTRE GOVERNING COUNCIL INCORPORATED
Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members
14. Minutes
15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
16. Finance and Accounts
17. Audit
18. Reporting to the School Community and the Minister
19. The Common Seal
20. Records
21. Amendment of the Constitution
22. Code of Practice
23. Dispute Resolution
24. Public Access to the Constitution and Code of Practice
25. Dissolution
26. Prohibition against Securing Profits for Members

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

1. Name

The name of the council is Errington Special Education Centre 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 Errington Special Education Centre 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 Errington Special Education Centre Governing Council must comprise 17 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 10 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
 - 1 Parent member who identifies as Aboriginal or Torres Strait Islander
- 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.

GAWLER AND DISTRICT COLLEGE B-12 GOVERNING COUNCIL INCORPORATED

*Constitution***Table of Contents**

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members
14. Minutes
15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
16. Finance and Accounts
17. Audit
18. Reporting to the School Community and the Minister
19. The Common Seal
20. Records
21. Amendment of the Constitution
22. Code of Practice
23. Dispute Resolution
24. Public Access to the Constitution and Code of Practice
25. Dissolution
26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

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

The name of the council is Gawler and District College B-12 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 Gawler and District College B-12 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 Gawler and District College B-12 Governing Council must comprise 19 council members including:
- 1 Principal of the school (*ex-officio*)
 - 10 Elected parent members (including preschool parents)
 - 3 Staff member nominated by the staff of the school and preschool (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.

GOOLWA SECONDARY COLLEGE GOVERNING COUNCIL INCORPORATED

Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election Without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members
14. Minutes
15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee

16. Finance and Accounts
17. Audit
18. Reporting to the School Community and the Minister
19. The Common Seal
20. Records
21. Amendment of the Constitution
22. Code of Practice
23. Dispute Resolution
24. Public Access to the Constitution and Code of Practice
25. Dissolution
26. Prohibition against Securing Profits for Members

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

1. Name

The name of the council is Goolwa Secondary College 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 Goolwa Secondary College 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 Goolwa Secondary College Governing Council must comprise 11 council members including:
- 1 Principal of the school (*ex-officio*)
 - 6 Elected parent members
 - 1 Staff member nominated by the staff of the school (as per ratio in the administrative instructions).
 - 1 Community member appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 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.

HAMILTON SECONDARY COLLEGE GOVERNING COUNCIL INCORPORATED

Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections

- 13.7 Scrutineers
- 13.8 Declaration of Election
- 13.9 Further Nomination for Unfilled Positions
- 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance and Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

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

The name of the council is Hamilton Secondary College 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 Hamilton Secondary College 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 Hamilton Secondary College Governing Council must comprise 13 council members including:

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

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.

HAWKER AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

Table of Contents

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council

- 12.1 Meetings
- 12.2 Conflict of Interest
- 13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election Without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members
- 14. Minutes
- 15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
- 16. Finance And Accounts
- 17. Audit
- 18. Reporting to the School Community and the Minister
- 19. The Common Seal
- 20. Records
- 21. Amendment of the Constitution
- 22. Code of Practice
- 23. Dispute Resolution
- 24. Public Access to the Constitution and Code of Practice
- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

(School *without* a school-based preschool)

1. Name

The name of the council is Hawker 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 Hawker 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 Hawker Area School Governing Council must comprise 13 council members including:
- 1 Principal of the school (*ex-officio*)
 - 7 Elected parent members
 - 3 Community members appointed by the council including one representative from the Flinders Ranges 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 as 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

Table of Contents

- 1. Name
- 2. Interpretation
- 3. Object
- 4. Powers of the Governing Council
- 5. Functions of the Council
- 6. Functions of the Principal on Council
- 7. Membership
- 8. Term of Office
- 9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
- 10. Vacancies

11. Meetings
 - 11.1 General Meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members
14. Minutes
15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
16. Finance and Accounts
17. Audit
18. Reporting to the School Community and the Minister
19. The Common Seal
20. Records
21. Amendment of the Constitution
22. Code of Practice
23. Dispute Resolution
24. Public Access to the Constitution and Code of Practice
25. Dissolution
26. Prohibition against Securing Profits for Members

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 13 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
 - 1 Affiliated committee members nominated from Karcultaby Area School Parents and Friends Association
Affiliated Committee
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act, or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances as 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.

KAROONDA AREA SCHOOL GOVERNING COUNCIL INCORPORATED

*Constitution***Table of Contents**

1. Name
2. Interpretation
3. Object
4. Powers of the Governing Council
5. Functions of the Council
6. Functions of the Principal on Council
7. Membership
8. Term of Office
9. Office Holders and Executive Committee
 - 9.1 Appointment
 - 9.2 Removal from Office
 - 9.3 The Chairperson
 - 9.4 The Secretary
 - 9.5 The Treasurer
10. Vacancies
11. Meetings
 - 11.1 General meetings of the School Community
 - 11.2 Council Meetings
 - 11.3 Extraordinary Council Meetings
 - 11.4 Voting
12. Proceedings of the Council
 - 12.1 Meetings
 - 12.2 Conflict of Interest
13. Election of Council Members
 - 13.1 Eligibility for Nomination for Election
 - 13.2 Eligibility to Vote
 - 13.3 Conduct of Elections for Parent Council Members
 - 13.4 Notice of Election
 - 13.5 Election without Ballot
 - 13.6 Contested Elections
 - 13.7 Scrutineers
 - 13.8 Declaration of Election
 - 13.9 Further Nomination for Unfilled Positions
 - 13.10 Nomination and Appointment of Council Members
14. Minutes
15. Subcommittees
 - 15.1 Committees
 - 15.2 Terms of Reference
 - 15.3 Finance Advisory Committee
16. Finance and Accounts
17. Audit
18. Reporting to the School Community and the Minister
19. The Common Seal
20. Records
21. Amendment of the Constitution
22. Code of Practice
23. Dispute Resolution
24. Public Access to the Constitution and Code of Practice
25. Dissolution
26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION

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

The name of the council is Karoonda 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 Karoonda 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 Karoonda Area School Governing Council must comprise 14 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 9 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).
 - 1 Community member appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act, or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee**9.1 Appointment**

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

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 The Chairperson

- 9.3.1 The chairperson must:
 - (i) call and preside at the meetings of the council and the executive committee;
 - (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
 - (iii) include on the agenda any item requested by the principal;
 - (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
 - (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.
- 9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.
- 9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.
- 9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 The Secretary

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.
- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
 - (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.

- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

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

10. Vacancies

10.1 Membership of the council ceases when a council member:

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

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

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

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

11.3 *Extraordinary Council Meetings*

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

11.4 *Voting*

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

12. **Proceedings of the Council**

12.1 *Meetings*

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

12.2 *Conflict of Interest*

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

13. **Election of Council Members**

13.1 *Eligibility for Nomination for Election*

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

13.2 *Eligibility to Vote*

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

13.3 *Conduct of Elections for Parent Council Members*

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

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

13.4 *Notice of Election*

- 13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.
- 13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.
- 13.4.3 The notice must:
 - (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
 - (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and

(iii) in the case of the postal ballot:

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

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

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

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

13.5 *Election without Ballot*

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

13.6 *Contested Elections*

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

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

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

13.8 *Declaration of Election*

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

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

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

13.9 *Further Nomination for Unfilled Positions*

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

13.10 *Nomination and Appointment of Council Members*

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

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

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

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

14. Minutes

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

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

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

15. Subcommittees

15.1 *Committees*

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

15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

15.3 *Finance Advisory Committee*

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

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

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

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

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

16. Finance and Accounts

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

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

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

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

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

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

17. Audit

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

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

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

18. Reporting to the School Community and the Minister

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

18.2 At that meeting:

18.2.1 the chairperson must report on:

- (i) Section of those proceedings in relation to the functions of the council; and
- (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: 12 June 2025

CAROLINE FISHPOOL
Lead Director, Conditions for Learning, Schools and Preschools
Delegate of the Minister for Education

EDUCATION AND CHILDREN'S SERVICES ACT 2019

Fixing Charges for Dependants of Subclass 457 and 482 Visa Holders

Pursuant to Section 130(1)(c) of the *Education and Children's Services Act 2019*, I, Chief Executive of the Department for Education fix the following charges payable in respect of a dependant of a person who is the subject of a temporary work (skilled) visa (subclass 457) or temporary skill shortage visa (subclass 482) or skills in demand visa (subclass 482) issued under the *Migration Act 1958* of the Commonwealth for education in a Government school (also referred to as the 'Temporary Residents 457 or 482 Visa student contribution fee per school year'). These charges have effect from the date of publication of this notice in the Gazette:

1. Charges for each dependant of a subclass 457 or 482 visa holder per full school year (40 weeks):
 - (a) for primary education.....\$6,600
 - (b) for secondary education\$7,800
 subject to any applicable fee reductions, pro rata adjustments for enrolment for part of a school year in which the charge applies or exemptions.
2. Where more than one dependant of a primary subclass 457 or 482 visa holder is subject to a charge under this notice, the full amount of the charge payable under paragraph 1 will apply to the eldest of those dependants. The second and third dependants will be subject to the full charge that would otherwise be payable under paragraph 1 less 10%. Where four or more dependants of a primary subclass 457 or 482 visa holder would otherwise be subject to a charge under this notice, a charge payable will apply to the three youngest dependants only.
3. The charge otherwise payable under paragraphs 1 and 2 above will, if the *family income* is below the *upper threshold*, be reduced as follows:

Where the *family income* is more than \$74,000, but less than the *upper threshold* rounded down to the nearest \$1,000, the charge payable is a proportion of the charge indicated in paragraph 1, calculated according to the following formula:

$$\frac{A - \$74,000}{\$26,000 + ((B-1) \times \$19,000)}$$

$$\frac{\$26,000 + ((B-1) \times \$19,000)}{\$26,000 + ((B-1) \times \$19,000)}$$

Where A = *family income* rounded down to the nearest \$1,000; and

B = the number of dependants of the primary subclass 457 or 482 visa holder, to a maximum of three students, enrolled in Government schools.

4. Where the *family income* is \$74,000 or less, rounded down to the nearest \$1,000, no tuition charge will be payable by any dependants of the primary subclass 457 or 482 visa holder under this notice.
5. If a dependant student is enrolled at a Government school for part of a school year, the charge payable is a proportion of the charge calculated in accordance with paragraphs 1, 2 and 3 being the proportion that the number of school weeks for the whole or part of which the student is enrolled bears to 40.
6. For the purposes of this notice:

family income, in relation to a primary subclass 457 or 482 visa holder, means the estimated combined *gross income* of the primary visa holder and their spouse or partner for a 12 month period commencing on:

- (a) 1 January of the school year for which the charge is payable; or
- (b) the date on which the dependant student to whom a charge under this clause relates first commences at a Government school, whichever is the later.

gross income includes any salary sacrifice and overtime payments.

upper threshold for the purposes of *family income* is:

- (a) in the case where there is 1 dependant student at a Government school—\$100,000; or
- (b) in the case where there are 2 dependant students at a Government school—\$119,000; or
- (c) in the case where there are 3 or more dependant students at a Government school—\$138,000.

Dated: 6 June 2025

M. WESTWELL
Chief Executive
Department for Education

ENVIRONMENT PROTECTION ACT 1993

SECTION 69

Approval of Additional Collection Depot

I, Nicholas Stewart, Delegate of the Environment Protection Authority ('the Authority'), pursuant to Section 69 of the *Environment Protection Act 1993* (SA) ('the Act') hereby:

1. *Approval of Additional Collection Depots:*1.1 *Approval of Additional Collection Depots:*

Approve the collection depots identified by reference to the following matters, to receive all containers belonging to a class of containers which is, at or subsequent to, the date of this Notice, approved as Category B Containers:

- (a) the name of the collection depot described in Column 1 of Schedule 1 of this Notice;
- (b) the name of the company identified in Column 2 of Schedule 1 of this notice;
- (c) the name of the proprietor of the depot identified in Column 3 of Schedule 1 of this Notice;
- (d) the location of the depot described in Columns 4-7 of Schedule 1 of this Notice; and

1.2 *Conditions of Approval:*

Impose the following conditions of these approvals:

- 1 If the Approval Holder's name or postal address (or both) changes, then the Approval Holder must inform the Authority in writing, within 28 days of the change occurring.
- 2 If the collection depot is sold to another party, the Approval Holder must inform the Authority in writing, within 28 days of settlement.
- 3 The Approval Holder who wishes to cease operation of the depot shall notify the Authority in writing no less than 14 days from the date of closing.
- 4 The Approval Holder, or a person acting on his or her behalf, must not pay a refund on, or seek reimbursement for, containers that the Approval Holder, or the person acting on his or her behalf, knows were not purchased in South Australia.
- 5 The Approval Holder must ensure that prominent signage is displayed, detailing the offence and the penalties under Section 69 the Act, for presenting interstate containers for refund.

Dated: 12 June 2025

NICHOLAS STEWART
Delegate of the Environment Protection Authority

SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Depot Name	Company Name	Proprietors	Depot Location Street	Depot Location Suburb	Certificate of Title/Volume	Collection Area
Betta Recycling	Rampia Pty Ltd	Rampia Pty Ltd	36-40 Cormack Road	Wingfield	5319/242	Metro

ENVIRONMENT PROTECTION ACT 1993

SECTION 68

Approval of Category B Containers

I, Nicholas Stewart, Delegate of the Environment Protection Authority ('the Authority'), pursuant to Section 68 of the *Environment Protection Act 1993* (SA) ('the Act') hereby:

Approve as Category B Containers, subject to the conditions in subclauses 1, 2, 3 and 4 below, each of the classes of containers identified by reference to the following matters described in the first 4 columns of Schedule 1 of this Notice which are sold in South Australia:

- (a) the product which each class of containers shall contain;
- (b) the size of the containers;
- (c) the type of containers;
- (d) the name of the holders of these approvals.

1. That containers of the class to which the approval relates must bear the refund marking specified by the Authority for containers of that class. The Authority specifies the following refund markings for Category B containers:
 - (1) "10c refund at collection depots when sold in SA"; or
 - (2) "10c refund at SA/NT collection depots in State/Territory of purchase"; or
 - (3) "10c refund at collection depots/points in participating state/territory of purchase".
2. The holder of the approval must have in place an effective and appropriate waste management arrangement in relation to containers of that class. For the purpose of this approval notice the company named in Column 5 of Schedule 1 of this Notice is the nominated super collector.
3. In the case of an approval in relation to Category B containers that the waste management arrangement must require the holder of the approval to provide specified super collectors with a declaration in the form determined by the Authority in relation to each sale of such containers by the holder of the approval as soon as practicable after the sale;
4. The holder of these approvals must ensure that if a sticker bearing the refund marking has been approved, and is applied to the container, then the sticker must not be placed on any portion of the opening mechanism or in any other place that would require complete or partial removal of the sticker before the contents may be consumed.

Dated: 12 June 2025

NICHOLAS STEWART
Delegate of the Environment Protection Authority

SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Brookvale Union Vodka Pineapple Coconut	330ml	Aluminium	4 Pines Brewing Company Wholesale Pty Ltd	Marine Stores Ltd
Brookvale Union Vodka Red Pub Soda 6%	330ml	Aluminium	4 Pines Brewing Company Wholesale Pty Ltd	Marine Stores Ltd
Coco Coast Natural Coconut Water with a twist of Chocolate	500ml	Aluminium	Agile PMC Pty Ltd t/as The Coco Coast Company	Statewide Recycling
Coco Coast Sparkling Coconut Water with a Twist of Mango	320ml	Aluminium	Agile PMC Pty Ltd t/as The Coco Coast Company	Statewide Recycling
Almighty Apple Blackcurrant Boysenberry Organic Juice No Added Sugar	300ml	Glass	Almighty Drinks Pty Ltd	Statewide Recycling
Community Co Australian Natural Spring Water Pop Top	1,000ml	HDPE	Aquaworks Pty Ltd	Statewide Recycling
Drink Up Natural Australian Spring Water	600ml	HDPE	Aquaworks Pty Ltd	Statewide Recycling
Drink Up Natural Australian Spring Water	1,500ml	HDPE	Aquaworks Pty Ltd	Statewide Recycling
Little Hampton Hepburn Spring Water Sparkling	750ml	Glass	Aquaworks Pty Ltd	Statewide Recycling
Peninsula Springs Pure Indulgence Natural Spring Water	1,000ml	HDPE	Aquaworks Pty Ltd	Statewide Recycling
Peninsula Springs Pure Indulgence Natural Spring Water	500ml	HDPE	Aquaworks Pty Ltd	Statewide Recycling
Peninsula Springs Pure Indulgence Natural Spring Water	600ml	HDPE	Aquaworks Pty Ltd	Statewide Recycling
Pie Face Natural Australian Spring Water	600ml	HDPE	Aquaworks Pty Ltd	Statewide Recycling
Charlie's Honest Pressed Tropical Juice With Apple Passionfruit & Pineapple	300ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Lipton Strawberry Flavour Green Tea	1,500ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Lipton Strawberry Flavour Green Tea	500ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Mountain Dew Energised	375ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Mountain Dew Energised	250ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Mountain Dew Energised	1,250ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Mountain Dew Energised	600ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Mountain Dew Energised	440ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Mountain Dew Energised Voo Dew Mystery Flavour	1,250ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Mountain Dew Energised Voo Dew Mystery Flavour	600ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Pepsi	375ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Pepsi	440ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Pepsi	450ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Pepsi	600ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Pepsi	1,250ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Pepsi	2,000ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Schweppes Agrum Blood Orange Flavour	250ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Schweppes Ginger Beer	250ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Schweppes Lemon Lime & Bitters	250ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Schweppes Natural Mineral Water	375ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Schweppes Passionfruit Flavoured Soft Drink	300ml	Glass	Asahi Beverages Pty Ltd	Marine Stores Ltd
Schweppes Passionfruit Flavoured Soft Drink	1,100ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Solo Energy Lemon	500ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Solo Energy Lemon	250ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Solo Energy Lemon Flavour Zero Sugar	250ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Solo Energy Lemon Flavour Zero Sugar	500ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Solo Lemon & Orange Flavour Zero Sugar	375ml	Aluminium	Asahi Beverages Pty Ltd	Statewide Recycling
Solo Lemon & Orange Flavour Zero Sugar	1,250ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Solo Lemon & Orange Flavour Zero Sugar	600ml	PET	Asahi Beverages Pty Ltd	Statewide Recycling
Sanitarium Up&Go Protein Energize Caramel Flavour	500ml	PET	Australian Health & Nutrition Association Ltd t/as Sanitarium Health & Wellbeing	Statewide Recycling
Starberg Lager	330ml	Aluminium	Australian Liquor Marketers Pty Ltd	Statewide Recycling
Lemsecco Spritz Lemon	200ml	Glass	Australian Vintage Limited	Statewide Recycling
Big M Maltesers No Sugar Added	500ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Big M Mars No Sugar Added	600ml	LPB—Gable Top	BDD Australia Pty Ltd	Marine Stores Ltd
Dairy Farmers Classic Maltesers No Sugar Added	500ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Dairy Farmers Classic Mars No Sugar Added	500ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Dairy Farmers Protein Smoothie + Banana Honey No Sugar Added	400ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Dairy Farmers Protein Smoothie + Chocolate No Sugar Added	400ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Dairy Farmers Protein Smoothie + Mixed Berry No Added Sugar	400ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Dare Intense Espresso Robusta & Arabic Coffee	750ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Dare Protein Double Espresso No Sugar Added	750ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Masters Choc	600ml	LPB— Gable Top	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Chocolate	750ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Chocolate	300ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Double Shot Iced Coffee	600ml	LPB— Gable Top	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Iced Coffee	750ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Iced Coffee	300ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Iced Coffee	600ml	LPB— Gable Top	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Iced Coffee Light No Added Sugar	600ml	LPB— Gable Top	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Mocha	600ml	LPB— Gable Top	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Mocha	750ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Mocha	300ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Spearmint	750ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Spearmint	300ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Spearmint	600ml	LPB— Gable Top	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Strawberry	600ml	LPB— Gable Top	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Strawberry	300ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Masters Strawberry	750ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Mildura Apple Peach & Mango Refreshing Fruit Drink	500ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Mildura White Grape Blood Orange & Mandarin Refreshing Fruit Drink	500ml	PET	BDD Australia Pty Ltd	Marine Stores Ltd
Beforeyouspeak Iced Latte Double Espresso	240ml	Aluminium	Beforeyouspeak Pty Ltd	Statewide Recycling
Beforeyouspeak Iced Latte Espresso	240ml	Aluminium	Beforeyouspeak Pty Ltd	Statewide Recycling
Beforeyouspeak Iced Latte Vanilla	240ml	Aluminium	Beforeyouspeak Pty Ltd	Statewide Recycling
Connect Foods Probiotic Coconut Drink	65ml	Plastic	BH Fine Foods Pty Ltd	Marine Stores Ltd
Bruno's Up The Combi Apple & Raspberry Apple Cider Vinegar Drink	330ml	Glass	Bruno's Up The Combi Pty Ltd	Statewide Recycling
Bruno's Up The Combi Ginger & Lemon Apple Cider Vinegar Drink	330ml	Glass	Bruno's Up The Combi Pty Ltd	Statewide Recycling
Bruno's Up The Combi Mango & Passionfruit Apple Cider Vinegar Drink	330ml	Glass	Bruno's Up The Combi Pty Ltd	Statewide Recycling
BTNC Bunya Pine Cola	250ml	Aluminium	BTNC Beverages Pty Ltd	Marine Stores Ltd
BTNC Garden Of Health Tonic	250ml	Aluminium	BTNC Beverages Pty Ltd	Marine Stores Ltd
BTNC Grilled Peach Native Basil + Rose	250ml	Aluminium	BTNC Beverages Pty Ltd	Marine Stores Ltd
Beer No Evil The Uninvited Guest Session IPA	375ml	Aluminium	Beernoevil Pty Ltd	Marine Stores Ltd
Fullers Black Cab Stout	500ml	Glass	BevPro Pty Ltd	Marine Stores Ltd
Fullers ESB Legendary Ale	500ml	Glass	BevPro Pty Ltd	Marine Stores Ltd
Fullers Honey Dew Organic Golden Ale	500ml	Glass	BevPro Pty Ltd	Marine Stores Ltd
Fullers London Pride Outstanding Amber Ale	500ml	Aluminium	BevPro Pty Ltd	Marine Stores Ltd
Fullers London Pride Outstanding Amber Ale	500ml	Glass	BevPro Pty Ltd	Marine Stores Ltd
Allies Mini Sips Crisp Apple	250ml	PET	Bluepress Brands Pty Ltd t/as Allies Foods	Marine Stores Ltd
Allies Mini Sips Passionfruit Punch	250ml	PET	Bluepress Brands Pty Ltd t/as Allies Foods	Marine Stores Ltd
BSc Hydrate Rapid Hydration Blue Raspberry	500ml	PET	Body Science International Pty Ltd	Statewide Recycling
BSc Zappo Energy Shred+Hydration Sour Blue Raspberry	355ml	Aluminium	Body Science International Pty Ltd	Statewide Recycling
BSc Zappo Energy Shred+Hydration Sour Grape	355ml	Aluminium	Body Science International Pty Ltd	Statewide Recycling
BSc Zappo Energy Shred+Hydration Sour Strawberry	355ml	Aluminium	Body Science International Pty Ltd	Statewide Recycling
Two Boys Brew Real Kombucha Elderflower & Rose Grand Bazaar Floral Delight	330ml	Glass	Bootlegger Australia Pty Ltd	Statewide Recycling
Two Boys Brew Real Kombucha Elderflower & Rose Grand Bazaar Floral Delight	750ml	Glass	Bootlegger Australia Pty Ltd	Statewide Recycling
Two Boys Brew Real Kombucha Ginger & Lemon Myrtle Silk Road Spicy & Punchy	750ml	Glass	Bootlegger Australia Pty Ltd	Statewide Recycling
Two Boys Brew Real Kombucha Ginger & Lemon Myrtle Silk Road Spicy & Punchy	330ml	Glass	Bootlegger Australia Pty Ltd	Statewide Recycling
Two Boys Brew Real Kombucha Hibiscus & Vanilla French Kiss Smooth & Perky	750ml	Glass	Bootlegger Australia Pty Ltd	Statewide Recycling
Two Boys Brew Real Kombucha Hibiscus & Vanilla French Kiss Smooth & Perky	330ml	Glass	Bootlegger Australia Pty Ltd	Statewide Recycling
Evian Natural Mineral Water	330ml	PET	Botany International Foods Pty Ltd	Statewide Recycling
Evian Natural Mineral Water	500ml	PET	Botany International Foods Pty Ltd	Statewide Recycling
Evian Natural Mineral Water	750ml	PET	Botany International Foods Pty Ltd	Statewide Recycling
Evian Natural Mineral Water	1,000ml	PET	Botany International Foods Pty Ltd	Statewide Recycling
Garage Project April 2025 Fresh IPA	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Aunt Sallys Slice of Sunshine Key Lime Pie Cream Sour	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Garage Project Beyond the Pale Lavender Scare	330ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Bossa Nova Wild Fermented Tropical Fruit Salad IPA	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Dr Pete's Fortifying Brown Ale	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project EL Yacare Cerveza	330ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Feb 2025 Fresh IPA	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Fuzzy Feelings Hazy Double IPA	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Gelato Guava Lime & Coconut Milkshake Sour	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Gila Monster West Coast Monster IPA	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Gold Top Belgian Pale Ale	330ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Hook Jaw Hopped Up American Brown Ale	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project I Heart Fruit Blueberry & Pineapple	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project In The Pines Pine Infused Pacific Northwest IPA	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Jan 2025 Fresh IPA	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project King of Snake Hazy Double IPA	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Konbini Peach Lime Alcoholic Lemonade	250ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Konbini Yuzu Lemon Alcoholic Lemonade	250ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Lucky Devil Crushable Extra Pale Ale	330ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Mar 2025 Fresh IPA	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Marion Street Inner City Saison	330ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Mutiny on the Bounty South Pacific Stout	750ml	Glass	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Red Diamond 6.4 Carat West Coast Red IPA	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Schnuckiputz Salted Grapefruit Pink Pomelo & Coriander Gose	330ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Soul Contract Hazy IPA with Himalayan Pink Salted Guava	330ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Sungrazer California Comet Pilsner	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Surrender to the Void Cherry Ripe	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Taste Hazee Mango Ginger & Tamarind Hazy	330ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Tiny Everyday IPA Non Alcoholic Beer	330ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Tiny Lager with Lime Non Alcoholic Beer	330ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Volkspark Pils German Style Lager Beer	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Wild Flowers Blackberry	750ml	Glass	Brewwell Limited t/as Garage Project	Statewide Recycling
Garage Project Zumo Death Ray California IPA With New Zumo Hops	440ml	Aluminium	Brewwell Limited t/as Garage Project	Statewide Recycling
Brown Brothers Prosecco	750ml	Aluminium	Brown Brothers Milawa Vineyard	Statewide Recycling
Brown Brothers Prosecco Yuzu Lemon Spritz	250ml	Aluminium	Brown Brothers Milawa Vineyard	Statewide Recycling
Innocent Bystander Watermelon Spritz	250ml	Aluminium	Brown Brothers Milawa Vineyard	Statewide Recycling
El Jimador Tequila Spritz Orange	330ml	Aluminium	Brown Forman Australia Pty Ltd	Statewide Recycling
Bucked Up Energy Blood Raz Zero Sugar	355ml	Aluminium	Bucked Up Pty Ltd	Marine Stores Ltd
Bucked Up Energy Blue Raz Zero Sugar	355ml	Aluminium	Bucked Up Pty Ltd	Marine Stores Ltd
Bucked Up Energy Mango Tango Zero Sugar	355ml	Aluminium	Bucked Up Pty Ltd	Marine Stores Ltd
Bucked Up Energy Miami Zero Sugar	355ml	Aluminium	Bucked Up Pty Ltd	Marine Stores Ltd
Buderim Ginger Australian Ginger Juice	350ml	Glass	Buderim Foods Pty Ltd	Marine Stores Ltd
Bundaberg Brewed Apple + Lychee Refreshingly Light Low Sugar	250ml	Aluminium	Bundaberg Brewed Drinks Pty Ltd	Statewide Recycling
Bundaberg Brewed Lemon + Watermelon Refreshingly Light Low Sugar	250ml	Aluminium	Bundaberg Brewed Drinks Pty Ltd	Statewide Recycling
Bundaberg Brewed Raspberry + Pomegranate Refreshingly Light Low Sugar	250ml	Aluminium	Bundaberg Brewed Drinks Pty Ltd	Statewide Recycling
Bundaberg Diet Guava Sparkling Drink	375ml	Glass	Bundaberg Brewed Drinks Pty Ltd	Statewide Recycling
Bundaberg Diet Passionfruit Sparkling Drink	375ml	Glass	Bundaberg Brewed Drinks Pty Ltd	Statewide Recycling
Espolon Lime & Soda With Tequila	330ml	Aluminium	Campari Australia Pty Ltd	Statewide Recycling
Wild Turkey 101 Premium Blend & Cola Bourbon Whiskey	375ml	Aluminium	Campari Australia Pty Ltd	Statewide Recycling
Asahi Super Dry	330ml	Aluminium	Carlton & United Breweries Pty Ltd	Marine Stores Ltd
Asahi Zeitaku Shibori Vodka & Sparkling Soda with a Squeeze of Mango Juice Low Sugar	330ml	Aluminium	Carlton & United Breweries Pty Ltd	Marine Stores Ltd
Asahi Zeitaku Shibori Vodka & Sparkling Soda with a Squeeze of Peach Juice Low Sugar	330ml	Aluminium	Carlton & United Breweries Pty Ltd	Marine Stores Ltd

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Budweiser Lager Beer	330ml	Glass	Carlton & United Breweries Pty Ltd	Marine Stores Ltd
Great Northern Brewing Co Light Crisp Taste	330ml	Glass	Carlton & United Breweries Pty Ltd	Marine Stores Ltd
Hard Rated Alcoholic Orange Flavour	375ml	Aluminium	Carlton & United Breweries Pty Ltd	Marine Stores Ltd
Somersby Sparkling Alcoholic Beverage	330ml	Aluminium	Carlton & United Breweries Pty Ltd	Marine Stores Ltd
Passionfruit & Orange Flavoured				
Super Dry Asahi Fusions Lemon Yuzu	330ml	Glass	Carlton & United Breweries Pty Ltd	Marine Stores Ltd
Vodka Cruiser Summer Apple	275ml	Glass	Carlton & United Breweries Pty Ltd	Marine Stores Ltd
Clean Collective Passionfruit & Mango With	250ml	Aluminium	Clean Collective Ltd Pty	Statewide Recycling
Vodka No Sugar				
Clean Collective Pear & Elderflower With	250ml	Aluminium	Clean Collective Ltd Pty	Statewide Recycling
Vodka No Sugar				
Clean Collective Pineapple With Vodka No Sugar	250ml	Aluminium	Clean Collective Ltd Pty	Statewide Recycling
Clean Collective Wildberry & Lime With	250ml	Aluminium	Clean Collective Ltd Pty	Statewide Recycling
Vodka No Sugar				
Coastals Hard Coco Water Alcoholic Sparkling	320ml	Aluminium	Coastal Drink Co Pty Ltd	Statewide Recycling
Pineapple				
Coastals Hard Coco Water Alcoholic Sparkling	320ml	Aluminium	Coastal Drink Co Pty Ltd	Statewide Recycling
Watermelon				
Coastals Hard Coco Water Pink Grapefruit	320ml	Aluminium	Coastal Drink Co Pty Ltd	Statewide Recycling
Billson's 1990s Triple Distilled Vodka	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Perfectly Sparkling				
Billson's Bad Apple Triple Distilled Vodka	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Perfectly Sparkling				
Billson's Creamy Triple Distilled Vodka	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Perfectly Sparkling				
Billson's Grape Burst Triple Distilled Vodka	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Perfectly Sparkling				
Billson's Guava Triple Distilled Vodka	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Perfectly Sparkling				
Billson's Lychee Lime & Lemon Alcoholic	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Iced Tea Vodka Perfectly Sparkling				
Billson's Passionfruit Pineapple & Orange	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Triple Distilled Vodka Perfectly Sparkling				
Billson's Passionfruit Triple Distilled Vodka	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Perfectly Sparkling Low Sugar				
Billson's Portello Triple Distilled Vodka	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Perfectly Sparkling				
Billson's Sarsaparilla Triple Distilled Vodka	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Perfectly Sparkling				
Billson's Sour Strawberry Triple Distilled	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Vodka Perfectly Sparkling				
Billson's Strawberry Watermelon Double	250ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Vodka Perfectly Sparkling				
Billson's Tangle Triple Distilled Vodka	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Perfectly Sparkling				
Billson's Tropical Triple Distilled Vodka	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Perfectly Sparkling				
Billson's Violet Viper Triple Distilled Vodka	355ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Perfectly Sparkling				
Billson's Wildberry Double Vodka Perfectly	250ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
Sparkling				
Mount Franklin Lightly Sparkling Pineapple	250ml	Aluminium	Coca-Cola Europacific Partners Australia	Statewide Recycling
No Sugar				
Alani Energy Strawberry Sunrise Flavour	355ml	Aluminium	Congo Brands Australia Pty Ltd	Marine Stores Ltd
Alani Energy Watermelon Wave Flavour	355ml	Aluminium	Congo Brands Australia Pty Ltd	Marine Stores Ltd
Prime Hydration Collector Series Kiwi Citrus	500ml	PET	Congo Brands Australia Pty Ltd	Marine Stores Ltd
And Raspberry Flavoured Drink				
Prime Hydration UFC Australia Berry And	500ml	PET	Congo Brands Australia Pty Ltd	Marine Stores Ltd
Citrus Flavoured Drink				
Seedlip Non-Alcoholic Beverage Garden 108	700ml	Glass	Cook & Nelson Pty Ltd	Statewide Recycling
Seedlip Non-Alcoholic Beverage Grove 42	700ml	Glass	Cook & Nelson Pty Ltd	Statewide Recycling
Seedlip Non-Alcoholic Beverage Spice 94	700ml	Glass	Cook & Nelson Pty Ltd	Statewide Recycling
Coopers Brewery Zero	375ml	Aluminium	Coopers Brewery Limited	Marine Stores Ltd
Coopers Brewery Zero	375ml	Glass	Coopers Brewery Limited	Marine Stores Ltd
Sac Sac Orange With Mandarin Pulp	238ml	Can—Steel	Costco Wholesale Australia Pty Ltd	Statewide Recycling
Sollevare Mimosa Orange	750ml	Glass	Costco Wholesale Australia Pty Ltd	Statewide Recycling
The Man Shake Banana Flavour	450ml	PET	Cranky Health Pty Ltd	Statewide Recycling
The Man Shake Chocolate Flavour	450ml	PET	Cranky Health Pty Ltd	Statewide Recycling
The Man Shake Vanilla Flavour	450ml	PET	Cranky Health Pty Ltd	Statewide Recycling
Birra Moretti	330ml	Glass	DBG Australia Pty Ltd t/as Drinkworks	Marine Stores Ltd
Desperados Mojito Beer Cerveza Mint & Lime	330ml	Glass	DBG Australia Pty Ltd t/as Drinkworks	Marine Stores Ltd
Strongbow Apple Ciders Hard Cider With	375ml	Aluminium	DBG Australia Pty Ltd t/as Drinkworks	Marine Stores Ltd
Wild Berries				
Saxi Soft Drink	320ml	Aluminium	DHN Trading Import & Export Pty Ltd	Marine Stores Ltd

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Birthday Beer Imperial Hazy IPA Kick Back	440ml	Aluminium	Deadset Brewing Company Pty Ltd t/as Kick Back Brewing	Marine Stores Ltd
Pink Lightning HardLemonade Kick Back	375ml	Aluminium	Deadset Brewing Company Pty Ltd t/as Kick Back Brewing	Marine Stores Ltd
Departed Spirits Bloody Cello Blood Orangecello	500ml	Aluminium	Departed Spirits Co	Flagcan Distributors
Departed Spirits Super Mango Salted Mango Gin	500ml	Aluminium	Departed Spirits Co	Flagcan Distributors
Departed Spirits The Pink Flamingo Pour	500ml	Aluminium	Departed Spirits Co	Flagcan Distributors
Decisions Paloma				
Bundaberg Campfire Bourbon Barrel Rum	375ml	Aluminium	Diageo Australia Ltd	Statewide Recycling
Zero Sugar Cola				
Bundaberg Warming Series Winter Spirit & Cola Roasted Peanut Butter Brittle Flavour	375ml	Aluminium	Diageo Australia Ltd	Statewide Recycling
Ello Alcoholic Lemon Low Sugar	375ml	Aluminium	Diageo Australia Ltd	Statewide Recycling
Ello Alcoholic Orange Low Sugar	375ml	Aluminium	Diageo Australia Ltd	Statewide Recycling
Johnnie Walker Black Ruby Blended	50ml	PET	Diageo Australia Ltd	Statewide Recycling
Scotch Whisky				
Johnnie Walker Black Ruby Scotch Whisky with Blackberry & Soda	375ml	Aluminium	Diageo Australia Ltd	Statewide Recycling
Smirnoff Espresso Fire Flavoured Spirit Based Drink	50ml	PET	Diageo Australia Ltd	Statewide Recycling
Smirnoff Ice Double Black Orange Vodka Mixed Drink	375ml	Aluminium	Diageo Australia Ltd	Statewide Recycling
Smirnoff Lemon Freeze Flavoured Spirit Based Drink	50ml	PET	Diageo Australia Ltd	Statewide Recycling
Smirnoff Vodka Crush Lemon & Lime Zero Sugar	440ml	Aluminium	Diageo Australia Ltd	Statewide Recycling
Smirnoff Vodka Crush Passionfruit & Guava Chingu Mango	440ml	Aluminium	Diageo Australia Ltd	Statewide Recycling
	360ml	Glass	Divas Beverages Australia Pty Ltd	Statewide Recycling
Hydreau Fijian Pineapple Flavour Zero Sugar	500ml	PET	EHP Holdings Pty Ltd	Statewide Recycling
Hydreau Juicy Watermelon Flavour Zero Sugar	500ml	PET	EHP Holdings Pty Ltd	Statewide Recycling
Hydreau Kiwi Strawberry Flavour Zero Sugar	500ml	PET	EHP Holdings Pty Ltd	Statewide Recycling
Hydreau Raspberry Refresh Flavour Zero Sugar	500ml	PET	EHP Holdings Pty Ltd	Statewide Recycling
Emrald Labs Pre Load Black Mango Madness	500ml	PET	Emrald Labs	Statewide Recycling
Emrald Labs Pre Load Black Sour Gummy	500ml	PET	Emrald Labs	Statewide Recycling
Emrald Labs Pre Load Black Sweet Watermelon	500ml	PET	Emrald Labs	Statewide Recycling
Emrald Labs Pre Shred Blue Glacier	355ml	Aluminium	Emrald Labs	Statewide Recycling
Emrald Labs Pre Shred Caribbean Crush	355ml	Aluminium	Emrald Labs	Statewide Recycling
Emrald Labs Pre Shred Grape Pop	355ml	Aluminium	Emrald Labs	Statewide Recycling
Emrald Labs Pre Shred Watermelon Candy	355ml	Aluminium	Emrald Labs	Statewide Recycling
Balter Brewing Mega UV Hazy IIPA	375ml	Aluminium	Emencee Pty Ltd t/as Balter Brewing	Statewide Recycling
Kopparberg Fruit Fizz Lemon	375ml	Aluminium	Endeavour Group Limited	Marine Stores Ltd
Kopparberg Fruit Fizz Mango	375ml	Aluminium	Endeavour Group Limited	Marine Stores Ltd
Kopparberg Fruit Fizz Pineapple	375ml	Aluminium	Endeavour Group Limited	Marine Stores Ltd
Monsuta Alcoholic Lemon Vodka	350ml	Aluminium	Endeavour Group Limited	Marine Stores Ltd
Shochu & Soda				
Monsuta Alcoholic Purple Grape Vodka	350ml	Aluminium	Endeavour Group Limited	Marine Stores Ltd
Shochu & Soda				
Monsuta Premium Highball Whisky	350ml	Aluminium	Endeavour Group Limited	Marine Stores Ltd
Citrus & Soda				
Scape Goat Premium Cider Classic Pear Cider	330ml	Aluminium	Endeavour Group Limited	Marine Stores Ltd
Scape Goat Premium Cider Crisp Apple Cider	330ml	Aluminium	Endeavour Group Limited	Marine Stores Ltd
Scape Goat Premium Cider Lower Sugar Apple Cider	330ml	Aluminium	Endeavour Group Limited	Marine Stores Ltd
Tipperary Road Cookies & Cream Alcoholic Country Cream	700ml	Glass	Endeavour Group Limited	Marine Stores Ltd
Tipperary Road Original Alcoholic Country Cream	50ml	PET	Endeavour Group Limited	Marine Stores Ltd
Zytho Brewing Hazy Apple Cider	375ml	Aluminium	Endeavour Group Limited	Marine Stores Ltd
Jinro Lemon	360ml	Glass	Ettason Pty Ltd	Statewide Recycling
Tsingtao Wheat Beer	500ml	Aluminium	Ettason Pty Ltd	Statewide Recycling
RYSE Fuel Energy Cotton Candy Zero Sugar	473ml	Aluminium	Export Corporation Australia t/as Nutrition System Pty Ltd	Statewide Recycling
RYSE Fuel Energy Kool Aid Tropical Punch Zero Sugar	473ml	Aluminium	Export Corporation Australia t/as Nutrition System Pty Ltd	Statewide Recycling
RYSE Fuel Energy Pink Splash Zero Sugar	473ml	Aluminium	Export Corporation Australia t/as Nutrition System Pty Ltd	Statewide Recycling
RYSE Fuel Energy Sour Punch Sour Blue Raspberry Zero Sugar	473ml	Aluminium	Export Corporation Australia t/as Nutrition System Pty Ltd	Statewide Recycling
RYSE Fuel Energy Sour Punch Sour Green Apple Zero Sugar	473ml	Aluminium	Export Corporation Australia t/as Nutrition System Pty Ltd	Statewide Recycling
RYSE Fuel Energy Sunny D Tangy Original Zero Sugar	473ml	Aluminium	Export Corporation Australia t/as Nutrition System Pty Ltd	Statewide Recycling
Pulpy's Cold Pressed Juice Cloudy Apple	300ml	Plastic	Feel Good Foods Pty Ltd	Statewide Recycling
Pulpy's Cold Pressed Juice Orange	300ml	Plastic	Feel Good Foods Pty Ltd	Statewide Recycling

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Pulpy's Cold Pressed Juice Pineapple & Lemon	300ml	Plastic	Feel Good Foods Pty Ltd	Statewide Recycling
Pulpy's Cold Pressed Juice Super Greens	300ml	Plastic	Feel Good Foods Pty Ltd	Statewide Recycling
Pulpy's Cold Pressed Juice Watermelon & Pear	300ml	Plastic	Feel Good Foods Pty Ltd	Statewide Recycling
Supermate Soda Sparkly Yerba Mate	330ml	Aluminium	Feel Good Foods Pty Ltd	Statewide Recycling
Way Better Australian Sparkling Water Lime Sugar Free	330ml	Glass	Feel Good Foods Pty Ltd	Statewide Recycling
Way Better Booch Apple Kombucha Sugar Free	330ml	Glass	Feel Good Foods Pty Ltd	Statewide Recycling
Way Better Booch Blood Orange Kombucha Sugar Free	330ml	Glass	Feel Good Foods Pty Ltd	Statewide Recycling
Way Better Booch Passionfruit Kombucha Sugar Free	330ml	Glass	Feel Good Foods Pty Ltd	Statewide Recycling
Argie Wound Care Green Apple Flavour	150ml	Aluminium	Flavour Creations Pty Ltd	Statewide Recycling
Argie Wound Care Orange Flavour	150ml	Aluminium	Flavour Creations Pty Ltd	Statewide Recycling
Celsius Live Fit Sunset Vibe Sparkling Mango Passionfruit Flavour	330ml	Aluminium	Frucor Suntory Australia Pty Ltd	Statewide Recycling
Celsius Sparkling Mango Lemonade Flavour	330ml	Aluminium	Frucor Suntory Australia Pty Ltd	Statewide Recycling
Rockstar Tropical Guava Energy Drink	500ml	Aluminium	Frucor Suntory Australia Pty Ltd	Statewide Recycling
Rockstar Watermelon Kiwi Energy Drink Zero Sugar	500ml	Aluminium	Frucor Suntory Australia Pty Ltd	Statewide Recycling
Suntory BOSS Coffee Iced Mocha	237ml	Can—Steel	Frucor Suntory Australia Pty Ltd	Statewide Recycling
V RiiSE Sparkling Blackcurrant	330ml	Aluminium	Frucor Suntory Australia Pty Ltd	Statewide Recycling
V RiiSE Sparkling Mandarin	330ml	Aluminium	Frucor Suntory Australia Pty Ltd	Statewide Recycling
ON Optimum Nutrition Essential Amino Energy Tropical Sunrise Flavour Zero Sugar	355ml	Aluminium	Glanbia Performance Nutrition Pty Ltd	Statewide Recycling
ON Optimum Nutrition High Protein Shake Banana Flavour Low Sugar	375ml	PET	Glanbia Performance Nutrition Pty Ltd	Statewide Recycling
ON Optimum Nutrition High Protein Shake Chocolate Flavour Low Sugar	375ml	PET	Glanbia Performance Nutrition Pty Ltd	Statewide Recycling
ON Optimum Nutrition High Protein Shake Strawberry Flavour Low Sugar	375ml	PET	Glanbia Performance Nutrition Pty Ltd	Statewide Recycling
ON Optimum Nutrition High Protein Shake Vanilla Flavour Low Sugar	375ml	PET	Glanbia Performance Nutrition Pty Ltd	Statewide Recycling
GORILLA X Labs Pump + Caffeine Jungle Juice Zero Sugar	355ml	Aluminium	Gorilla X Labs Pty Ltd	Statewide Recycling
GORILLA X Labs Pump + Caffeine Lime Cordial Zero Sugar	355ml	Aluminium	Gorilla X Labs Pty Ltd	Statewide Recycling
Woolworths Australian Orange Juice with Pulp	500ml	PET	Grove Fruit Juice Pty Ltd	Statewide Recycling
Woolworths Cloudy Apple & Blackcurrant Juice	500ml	PET	Grove Fruit Juice Pty Ltd	Statewide Recycling
Woolworths Green Juice Blend	500ml	PET	Grove Fruit Juice Pty Ltd	Statewide Recycling
Woolworths Red Juice Blend	500ml	PET	Grove Fruit Juice Pty Ltd	Statewide Recycling
San Benedetto Benedicta Scorze Sparkling	750ml	PET	Gulli Food Distributors Pty Ltd	Flagcan Distributors
San Benedetto Benedicta Scorze Still	750ml	PET	Gulli Food Distributors Pty Ltd	Flagcan Distributors
San Benedetto Natural Mineral Water Sparkling	1,500ml	PET	Gulli Food Distributors Pty Ltd	Flagcan Distributors
San Benedetto Natural Mineral Water Still	1,500ml	PET	Gulli Food Distributors Pty Ltd	Flagcan Distributors
Heaps Normal Jazz Stout	375ml	Aluminium	Heaps Normal Pty Ltd	Statewide Recycling
The Fix Antioxidant Fix	250ml	PET	JL Healthy Habits Pty Ltd	Statewide Recycling
The Fix Detox Fix	250ml	PET	JL Healthy Habits Pty Ltd	Statewide Recycling
The Fix Green Fix	250ml	PET	JL Healthy Habits Pty Ltd	Statewide Recycling
The Fix Holiday Fix	250ml	PET	JL Healthy Habits Pty Ltd	Statewide Recycling
The Fix Immunity Fix	250ml	PET	JL Healthy Habits Pty Ltd	Statewide Recycling
The Fix Island Fix	250ml	PET	JL Healthy Habits Pty Ltd	Statewide Recycling
The Fix My Defence Shots	50ml	PET	JL Healthy Habits Pty Ltd	Statewide Recycling
The Fix My Immune Boost	50ml	PET	JL Healthy Habits Pty Ltd	Statewide Recycling
The Fix Recharge Fix	250ml	PET	JL Healthy Habits Pty Ltd	Statewide Recycling
The Fix Summer Fix	250ml	PET	JL Healthy Habits Pty Ltd	Statewide Recycling
JIVA Lightly Sparkling Water Tropical Wave	300ml	Glass	Jiva Products Pty Ltd	Marine Stores Ltd
JIVA Lyteberry Tonic Shot Apple Raspberry Ginger Lemon And Electrolytes	100ml	Glass	Jiva Products Pty Ltd	Marine Stores Ltd
JIVA Sparkling Soda Classic Cola	300ml	Glass	Jiva Products Pty Ltd	Marine Stores Ltd
JIVA Sparkling Soda Lemonade Spritz	300ml	Glass	Jiva Products Pty Ltd	Marine Stores Ltd
JIVA Sparkling Soda Orange Yuzu	300ml	Glass	Jiva Products Pty Ltd	Marine Stores Ltd
JIVA Sparkling Soda Watermelon Cherry Fizz	300ml	Glass	Jiva Products Pty Ltd	Marine Stores Ltd
JIVA Vita Day Tonic Shot Ginger Lemon Turmeric Apple Cider Vinegar	100ml	Glass	Jiva Products Pty Ltd	Marine Stores Ltd
Elite Supplements Super Energy Blue Raspberry Flavour Zero Sugar	355ml	Aluminium	Joes Supps Pty Ltd t/as Elite Supplements Australia	Statewide Recycling
Elite Supplements Super Energy Creaming Soda Flavour Zero Sugar	355ml	Aluminium	Joes Supps Pty Ltd t/as Elite Supplements Australia	Statewide Recycling
Elite Supplements Super Energy Grape Soda Flavour Zero Sugar	355ml	Aluminium	Joes Supps Pty Ltd t/as Elite Supplements Australia	Statewide Recycling
Elite Supplements Super Energy Sour Strap Flavour Zero Sugar	355ml	Aluminium	Joes Supps Pty Ltd t/as Elite Supplements Australia	Statewide Recycling
Elite Supplements Super Energy Sweet Watermelon Flavour Zero Sugar	355ml	Aluminium	Joes Supps Pty Ltd t/as Elite Supplements Australia	Statewide Recycling

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Elite Supplements Super Energy Tropical Splash Flavour Zero Sugar	355ml	Aluminium	Joess Supps Pty Ltd t/as Elite Supplements Australia	Statewide Recycling
Jump Ship Brewing Ginger Beer	375ml	Aluminium	Jump Ship Brewing	Statewide Recycling
ALTR Bliss Strawberry Lemon Flavour Functional Soda Zero Sugar	330ml	Aluminium	Kiks Beverage Co Pty Ltd	Statewide Recycling
Ice Break Lactose Free 3 Shots	500ml	HDPE	Lactalis Australia Pty Ltd	Statewide Recycling
OAK Chocolate	750ml	HDPE	Lactalis Australia Pty Ltd	Statewide Recycling
OAK Plus Protein Salted Caramel No Sugar Added	500ml	PET	Lactalis Australia Pty Ltd	Statewide Recycling
OAK Rolo Caramel & Smooth Velvety Chocolate	600ml	LPB— Gable Top	Lactalis Australia Pty Ltd	Statewide Recycling
OAK Strawberry	750ml	HDPE	Lactalis Australia Pty Ltd	Statewide Recycling
Pauls Plus Protein Banana & Honey Flavoured Milk No Added Sugar	400ml	PET	Lactalis Australia Pty Ltd	Statewide Recycling
Pauls Plus Protein Chocolate Flavoured Milk No Added Sugar	400ml	PET	Lactalis Australia Pty Ltd	Statewide Recycling
Laneway Gin & Soda Grapefruit & Fingerlime	250ml	Aluminium	Laneway Bev Co.	Marine Stores Ltd
Four Pillars Gin Crush Passionfruit & Mango	330ml	Aluminium	Lion Beer Spirits & Wine Pty Ltd t/as Lion Beer Australia	Marine Stores Ltd
Four Pillars Gin Smash Yuzu Pineapple & Lime	330ml	Aluminium	Lion Beer Spirits & Wine Pty Ltd t/as Lion Beer Australia	Marine Stores Ltd
Hahn Trophy Can Having a Crack	375ml	Aluminium	Lion Beer Spirits & Wine Pty Ltd t/as Lion Beer Australia	Marine Stores Ltd
Hahn Trophy Can Player of the Match	375ml	Aluminium	Lion Beer Spirits & Wine Pty Ltd t/as Lion Beer Australia	Marine Stores Ltd
Hard Cola Original Voodoo Ranger Vodka & Cola	440ml	Aluminium	Lion Beer Spirits & Wine Pty Ltd t/as Lion Beer Australia	Marine Stores Ltd
Hard Cola Vanilla Voodoo Ranger Vodka & Cola	440ml	Aluminium	Lion Beer Spirits & Wine Pty Ltd t/as Lion Beer Australia	Marine Stores Ltd
James Squire Alcoholic Lemon Squash	330ml	Aluminium	Lion Beer Spirits & Wine Pty Ltd t/as Lion Beer Australia	Marine Stores Ltd
Kirin Hyoketsu Four Percent Lemon	330ml	Aluminium	Lion Beer Spirits & Wine Pty Ltd t/as Lion Beer Australia	Marine Stores Ltd
Kirin Hyoketsu Mandarin	330ml	Aluminium	Lion Beer Spirits & Wine Pty Ltd t/as Lion Beer Australia	Marine Stores Ltd
Little Creatures Cascadian Nights American Dark Ale	375ml	Aluminium	Lion Beer Spirits & Wine Pty Ltd t/as Lion Beer Australia	Marine Stores Ltd
Stone & Wood Citrus Radler	330ml	Aluminium	Lion Beer Spirits & Wine Pty Ltd t/as Lion Beer Australia	Marine Stores Ltd
Tooheys Extra Dry	330ml	Glass	Lion Beer Spirits & Wine Pty Ltd t/as Lion Beer Australia	Marine Stores Ltd
BLCK Vodka Double Serve Citrus Flavour	375ml	Aluminium	Liquorland Australia Pty Ltd	Statewide Recycling
BLCK Vodka Triple Serve Tropical Flavour	250ml	Aluminium	Liquorland Australia Pty Ltd	Statewide Recycling
Belvoir Farm Raspberry Lemonade	330ml	Aluminium	Liquorland Australia Pty Ltd	Statewide Recycling
Belvoir Farm Sparkling Elderflower	330ml	Aluminium	Liquorland Australia Pty Ltd	Statewide Recycling
Belvoir Farm Sparkling Mango & Peach	330ml	Aluminium	Liquorland Australia Pty Ltd	Statewide Recycling
Praga Premium Pils Czech Beer	500ml	Aluminium	Liquorland Australia Pty Ltd	Statewide Recycling
Smithy's Ginger Beer	375ml	Aluminium	Liquorland Australia Pty Ltd	Statewide Recycling
Tinnies IPA	375ml	Aluminium	Liquorland Australia Pty Ltd	Statewide Recycling
Little Bang Brewing Co CC Capstone Construction Lager	375ml	Aluminium	Little Bang Brewing Company Pty Ltd	Marine Stores Ltd
Little Bang Brewing Co Crispy Premium Light Lager	375ml	Aluminium	Little Bang Brewing Company Pty Ltd	Marine Stores Ltd
Little Bang Brewing Co Digital Panic West Coast Pilsner	375ml	Aluminium	Little Bang Brewing Company Pty Ltd	Marine Stores Ltd
Little Bang Brewing Co Freestyle Flux Hazy IPA	375ml	Aluminium	Little Bang Brewing Company Pty Ltd	Marine Stores Ltd
Little Bang Brewing Co Hopocalypse Now Haze Hazy IPA	375ml	Aluminium	Little Bang Brewing Company Pty Ltd	Marine Stores Ltd
Little Bang Brewing Co Hopocalypse Now West WCIPA	375ml	Aluminium	Little Bang Brewing Company Pty Ltd	Marine Stores Ltd
Little Bang Brewing Co Little Bang Zesty Hard Squash	375ml	Aluminium	Little Bang Brewing Company Pty Ltd	Marine Stores Ltd
Little Bang Brewing Co Pit Stop Pale Ale	375ml	Aluminium	Little Bang Brewing Company Pty Ltd	Marine Stores Ltd
Little Bang Brewing Co Sun Bear Little Hazy Pale Ale	375ml	Aluminium	Little Bang Brewing Company Pty Ltd	Marine Stores Ltd
Little Bang Brewing Co The Naked Objector West Coast IPA	375ml	Aluminium	Little Bang Brewing Company Pty Ltd	Marine Stores Ltd
Little Bang Brewing Co Wildfire Smokers Wildfire Hazy Pale Ale	375ml	Aluminium	Little Bang Brewing Company Pty Ltd	Marine Stores Ltd
Rokeby Protein Smoothie Strawberry	425ml	PET	Made Brands Pty Ltd	Statewide Recycling
Mas+ Berry Copa Crush	500ml	PET	Mark Anthony Brands (Australia) Pty Limited	Statewide Recycling
Mas+ Limon Lime League	500ml	PET	Mark Anthony Brands (Australia) Pty Limited	Statewide Recycling

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Mas+ Miami Punch	500ml	PET	Mark Anthony Brands (Australia) Pty Limited	Statewide Recycling
Mas+ Orange D'Or	500ml	PET	Mark Anthony Brands (Australia) Pty Limited	Statewide Recycling
Meddlesome Meadery Mise en Place Fig Bochet Mead	375ml	Glass	Meddlesome Meadery	Statewide Recycling
MEXINK Coco-Ho Coconut Margarita Cocktails With Edge	250ml	Aluminium	Mex Ink Pty Ltd	Statewide Recycling
MEXINK Jalapeno Spicy Margarita Cocktails With Edge	250ml	Aluminium	Mex Ink Pty Ltd	Statewide Recycling
MEXINK Mexi-Shaken Classic Margarita Cocktails With Edge	250ml	Aluminium	Mex Ink Pty Ltd	Statewide Recycling
MEXINK Passionfruit Margarita Cocktails With Edge	250ml	Aluminium	Mex Ink Pty Ltd	Statewide Recycling
Nudie Nothing But Apple and Strawberry	200ml	LiquidPaper Board	Monde Nissin Australia Pty Ltd t/as Nudie Foods	Statewide Recycling
Mountain Culture Beer Co APL Aussie Premium Lager	455ml	Aluminium	Mountain Culture Pty Ltd	Statewide Recycling
Mountain Culture Beer Co Garage Project Majestic Haze	355ml	Aluminium	Mountain Culture Pty Ltd	Statewide Recycling
Mountain Culture Beer Co Its Not Me Its You DEYA NEIPA	500ml	Aluminium	Mountain Culture Pty Ltd	Statewide Recycling
Mountain Culture Beer Co Juice Trip	355ml	Aluminium	Mountain Culture Pty Ltd	Statewide Recycling
Mountain Culture Beer Co Three Fiddy Mid Pale	355ml	Aluminium	Mountain Culture Pty Ltd	Statewide Recycling
Mountain Goat Melbourne Magic Rum Barrel ESB Beer & Coffee	500ml	Aluminium	Mountain Goat Beer Pty Ltd	Statewide Recycling
Raw C Pure Coconut Water Infused With Chocolate	325ml	Aluminium	Natural Raw C Pty Ltd	Statewide Recycling
Nexba Kombucha Watermelon Crush Sugar Free	1,000ml	PET	Nexba Beverages Pty Ltd	Statewide Recycling
Nippys Iced Choc Banana Flavoured Milk	500ml	PET	Nippys Fruit Juices Pty Ltd	Statewide Recycling
Oxygn Elevate + Magnesium Citrus	500ml	PET	O24 Life Pty Ltd	Statewide Recycling
Oxygn Original	500ml	PET	O24 Life Pty Ltd	Statewide Recycling
Oxygn Recover + Magnesium Berry	500ml	PET	O24 Life Pty Ltd	Statewide Recycling
Macquarie Valley Apple Blackcurrant Juice No Added Sugar	200ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Apple Juice No Added Sugar	375ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Apple Juice No Added Sugar	200ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Apple Juice No Added Sugar	500ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange & Mango Nectar	500ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange & Mango Nectar	200ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange & Mango Nectar	375ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange & Passio Nectar	500ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange & Passio Nectar	375ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange & Passio Nectar	200ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange & Passio No Added Sugar	200ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange & Passio	200ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange & Passio	500ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange & Passio No Added Sugar	500ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange Juice No Added Sugar	200ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange Juice No Added Sugar	375ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange Juice No Added Sugar	500ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange Nectar	375ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Macquarie Valley Orange Nectar	500ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Orchy Apple & Guava Juice No Added Sugar	350ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Orchy Apple And Blackcurrant Juice	375ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Orchy Apple Blackcurrant Juice No Added Sugar	350ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Orchy Apple Juice No Added Sugar	350ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Orchy Orange Juice No Added Sugar	350ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Orchy Orange Juice No Added Sugar	375ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Orchy Orange Passio Juice	350ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Orchy Orange Passio Nectar	350ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Orchy Pineapple Juice No Added Sugar	350ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Orchy Tomato Juice No Added Sugar	350ml	PET	Orchy and Co Pty Ltd	Marine Stores Ltd
Zinda Cola Crush Sparkling Drink	250ml	Aluminium	Ostindo International Pty Ltd	Statewide Recycling
Zinda Jeera Jive Sparkling Drink	250ml	Aluminium	Ostindo International Pty Ltd	Statewide Recycling
Zinda Mystic Mango Sparkling Drink	250ml	Aluminium	Ostindo International Pty Ltd	Statewide Recycling
Zinda Native Nimbu Sparkling Drink	250ml	Aluminium	Ostindo International Pty Ltd	Statewide Recycling
Superboost Sport Cool Tropics Less Sugar	600ml	PET	Our Purpose Co Pty Ltd t/as Superboost Performance	Marine Stores Ltd
Superboost Sport Ice Wave Less Sugar	600ml	PET	Our Purpose Co Pty Ltd t/as Superboost Performance	Marine Stores Ltd
Superboost Sport Orange Oasis Less Sugar	600ml	PET	Our Purpose Co Pty Ltd t/as Superboost Performance	Marine Stores Ltd
Oh! LemonAid Natural Sparkling Lemon	375ml	Aluminium	OzHarvest Ventures Ltd	Marine Stores Ltd

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Oh! LemonAid Natural Sparkling Lemon Ginger Twist	375ml	Aluminium	OzHarvest Ventures Ltd	Marine Stores Ltd
Four Loko Blue Cocktail	330ml	Aluminium	Parallel 37 Pty Ltd	Statewide Recycling
Four Loko Citrus Cocktail	330ml	Aluminium	Parallel 37 Pty Ltd	Statewide Recycling
Four Loko Strawberry Lemon Cocktail	330ml	Aluminium	Parallel 37 Pty Ltd	Statewide Recycling
Pickle Juice Extra Strength Shot	75ml	PET	Pickle Juice Australasia Pty Ltd	Statewide Recycling
Pickle Juice Sport Functional Organic Beverage	240ml	PET	Pickle Juice Australasia Pty Ltd	Statewide Recycling
Pirate Life Brewing American Style Stout	500ml	Aluminium	Pirate Life Brewing Pty Ltd	Statewide Recycling
Pirate Life Brewing Breakfast Stout	500ml	Aluminium	Pirate Life Brewing Pty Ltd	Statewide Recycling
Pirate Life Brewing FREQ Stealth Ale	355ml	Aluminium	Pirate Life Brewing Pty Ltd	Statewide Recycling
Pirate Life Brewing Stout	500ml	Aluminium	Pirate Life Brewing Pty Ltd	Statewide Recycling
Pirate Life Brewing Tasting Australia Golden Ale	355ml	Aluminium	Pirate Life Brewing Pty Ltd	Statewide Recycling
Pirate Life Brewing Unfazed By The Haze	355ml	Aluminium	Pirate Life Brewing Pty Ltd	Statewide Recycling
Pirate Life Brewing Vailo ADL 500 Lager	375ml	Aluminium	Pirate Life Brewing Pty Ltd	Statewide Recycling
Pirate Life Brewing Western Bulldogs Red White And Brew 100 Year VFL/AFL	355ml	Aluminium	Pirate Life Brewing Pty Ltd	Statewide Recycling
Prancing Pony Brewery Passion Twist Alcoholic Passionfruit	375ml	Aluminium	Prancing Pony Brewery Pty Ltd	Statewide Recycling
Jose Cuervo Coconut Sparkling Margarita	330ml	Aluminium	Proximo Australia Pty Ltd	Statewide Recycling
Jose Cuervo Limonada Tequila + Lemon Soda	330ml	Aluminium	Proximo Australia Pty Ltd	Statewide Recycling
Jose Cuervo Sparkling Margarita	330ml	Aluminium	Proximo Australia Pty Ltd	Statewide Recycling
Thrills Kombucha Apple & Raspberry	375ml	Aluminium	Quest Beverages	Statewide Recycling
Thrills Kombucha Craft Cola	375ml	Aluminium	Quest Beverages	Statewide Recycling
Thrills Kombucha Ginger & Lime	375ml	Aluminium	Quest Beverages	Statewide Recycling
Thrills Kombucha Mango & Passionfruit	375ml	Aluminium	Quest Beverages	Statewide Recycling
Quips Mango Daiquiri Rum And Mango Nectar	168ml	Guala Pack	Quips Drinks Pty Ltd	Statewide Recycling
Quips Raspberry Passionfruit Martini Vodka Raspberry And Passionfruit Juice	168ml	Guala Pack	Quips Drinks Pty Ltd	Statewide Recycling
Quips Tommy's Margarita Agave Spirit And Lime Juice	168ml	Guala Pack	Quips Drinks Pty Ltd	Statewide Recycling
Cockta Soft Drink	330ml	Aluminium	Ras Trade Pty Ltd	Statewide Recycling
Red Bull The Berry Edition Forest Fruits Flavour Sugar Free	473ml	Aluminium	Red Bull Australia Pty Ltd	Statewide Recycling
Red Bull The Berry Edition Forest Fruits Flavour Sugar Free	250ml	Aluminium	Red Bull Australia Pty Ltd	Statewide Recycling
Red Bull The Winter Edition Iced Vanilla Berry	250ml	Aluminium	Red Bull Australia Pty Ltd	Statewide Recycling
Flying Power Energy Drink Pine Lime Sugar Free	500ml	Aluminium	Refresco Australia Pty Ltd	Flagcan Distributors
Flying Power Energy Drink White Sugar Free	500ml	Aluminium	Refresco Australia Pty Ltd	Flagcan Distributors
Flying Power Hydration Arctic Chill Sport	500ml	PET	Refresco Australia Pty Ltd	Flagcan Distributors
Flying Power Hydration Berry Burst Sport	500ml	PET	Refresco Australia Pty Ltd	Flagcan Distributors
LA Ice Cola Zero Sugar	355ml	Aluminium	Refresco Australia Pty Ltd	Flagcan Distributors
Woolworths Lemon Flavoured Ice Tea	1,250ml	PET	Refresco Australia Pty Ltd	Flagcan Distributors
Woolworths Peach Flavoured Ice Tea	1,250ml	PET	Refresco Australia Pty Ltd	Flagcan Distributors
Remedy Ginger Beer Original No Sugar	330ml	Glass	Remedy Kombucha Pty Ltd	Marine Stores Ltd
Remedy Ginger Beer Original No Sugar	250ml	Aluminium	Remedy Kombucha Pty Ltd	Marine Stores Ltd
Remedy Ginger Beer with Lime No Sugar	250ml	Aluminium	Remedy Kombucha Pty Ltd	Marine Stores Ltd
Remedy Ginger Beer with Lime No Sugar	330ml	Glass	Remedy Kombucha Pty Ltd	Marine Stores Ltd
Remedy Sodaly Blood Orange No Sugar	1,250ml	PET	Remedy Kombucha Pty Ltd	Marine Stores Ltd
Remedy Sodaly Raspberry No Sugar	1,250ml	PET	Remedy Kombucha Pty Ltd	Marine Stores Ltd
Remedy Sodaly Yuzu Lemon No Sugar	1,250ml	PET	Remedy Kombucha Pty Ltd	Marine Stores Ltd
Woolworths Lightly Sparkling Water With a Hint of Lime Flavour No Sugar	250ml	Aluminium	Remedy Kombucha Pty Ltd	Marine Stores Ltd
Woolworths Lightly Sparkling Water With a Hint of Passionfruit Flavour No Sugar	250ml	Aluminium	Remedy Kombucha Pty Ltd	Marine Stores Ltd
Woolworths Lightly Sparkling Water With a Hint of Pineapple Flavour No Sugar	250ml	Aluminium	Remedy Kombucha Pty Ltd	Marine Stores Ltd
Woolworths Lightly Sparkling Water With a Hint of Raspberry Flavour No Sugar	250ml	Aluminium	Remedy Kombucha Pty Ltd	Marine Stores Ltd
Bonsoy Beverage Co Sparkling Coconut Water Passionfruit No Added Sugar	320ml	Aluminium	Spiral Foods Pty Ltd	Marine Stores Ltd
St Ali Orthodox Oat Milk Latte Smooth & Creamy	240ml	Aluminium	ST ALi Coffee Roasters Pty Ltd	Statewide Recycling
Quice Mango Fruit Drink	250ml	LiquidPaper Board	Setara Foods Wholesale Pty Ltd	Statewide Recycling
Taza Guava Fruit Drink	2,000ml	PET	Setara Foods Wholesale Pty Ltd	Statewide Recycling
Taza Mango Fruit Drink	2,000ml	PET	Setara Foods Wholesale Pty Ltd	Statewide Recycling
Taza Pink Guava Fruit Drink	2,000ml	PET	Setara Foods Wholesale Pty Ltd	Statewide Recycling
Emma & Toms Cloudy Apple No Added Sugar	250ml	Glass	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Extreme Defence + C	350ml	PET	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Focus + Karmarama Orange Pineapple Banana Passionfruit & Mango with Ginseng No Added Sugar	350ml	PET	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Fruit Smoothie Green Power No Added Sugar	250ml	Glass	Soulfresh Group APAC Pty Ltd	Statewide Recycling

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Emma & Toms Fruit Smoothie Karmarama No Added Sugar	250ml	Glass	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Ginger Beer Sparkling Juice Drink	330ml	Glass	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Glow + Apple Mango	350ml	PET	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Immunity + Kick Starter	350ml	PET	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Lemon, Lime & Bitters Sparkling Juice Drink No Added Sugar	330ml	Glass	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Pressed Cloudy Apple	250ml	PET	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Quencher Lemon No Added Sugar	450ml	PET	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Quencher Orange No Added Sugar	450ml	PET	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Quencher Raspberry No Added Sugar	450ml	PET	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Recovery + Green Power	350ml	PET	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Squeezed Juice OJ No Added Sugar	250ml	Glass	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Vitality + Carrot Top	350ml	PET	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Vitamin C Cloudy Apple No Added Sugar	350ml	PET	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Emma & Toms Vitamins C + OJ	350ml	PET	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Lo Bros Up Berry Set To Go	300ml	Glass	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Lo Bros Up Citrus Charge	300ml	Glass	Soulfresh Group APAC Pty Ltd	Statewide Recycling
Hard Fizz Vodka Lemonade Low Sugar	330ml	Aluminium	Southtrade International Pty Ltd	Statewide Recycling
Hard Fizz Vodka Pineapple Low Sugar	330ml	Aluminium	Southtrade International Pty Ltd	Statewide Recycling
Bridge Road Brewers Free Time Alc Free Hazy IPA	355ml	Aluminium	Starkbrau Pty Ltd t/as Bridge Road Brewers	Marine Stores Ltd
Bridge Road Brewers Mango Sour With Dragonfruit	355ml	Aluminium	Starkbrau Pty Ltd t/as Bridge Road Brewers	Marine Stores Ltd
Bridge Road Brewers NZ Hazy	355ml	Aluminium	Starkbrau Pty Ltd t/as Bridge Road Brewers	Marine Stores Ltd
Bridge Road Brewers Posse Autumn American Brown Ale	355ml	Aluminium	Starkbrau Pty Ltd t/as Bridge Road Brewers	Marine Stores Ltd
Bridge Road Brewers Strata East Coast India Pale Ale	440ml	Aluminium	Starkbrau Pty Ltd t/as Bridge Road Brewers	Marine Stores Ltd
Artisan Distillers Saboteur White Rum 0% Alcoholic 0% Sugar	700ml	Glass	Still Dreaming Pty Ltd t/as Artisan Distillers	Marine Stores Ltd
StrangeLove Hot Ginger Beer	540ml	Glass	StrangeLove Beverage Co Pty Ltd	Flagcan Distributors
StrangeLove Peach Flavoured Sparkling Water Zero Sugar	330ml	Aluminium	StrangeLove Beverage Co Pty Ltd	Flagcan Distributors
Tafesa Campus Brewery Cascadian Dark Ale	500ml	Glass	TAFESA	Statewide Recycling
Tafesa Campus Brewery Cherry Dubbel Fruited Traditional Belgian Beer	330ml	Glass	TAFESA	Statewide Recycling
Barossa Cider Co Squashed Apple Cider	375ml	Aluminium	The Barossa Valley Cider Company	Marine Stores Ltd
Barossa Cider Co Squashed Cloudy Cider	375ml	Aluminium	The Barossa Valley Cider Company	Marine Stores Ltd
Barossa Cider Co Squashed Pear Cider	375ml	Aluminium	The Barossa Valley Cider Company	Marine Stores Ltd
The Killer Coffee Co Caramel Latte Cold Brewed	250ml	Aluminium	The Coffee Brew & Co Pty Ltd	Statewide Recycling
The Killer Coffee Co Cold Brew Coffee	250ml	Aluminium	The Coffee Brew & Co Pty Ltd	Statewide Recycling
The Killer Coffee Co Milk Latte Cold Brewed	250ml	Aluminium	The Coffee Brew & Co Pty Ltd	Statewide Recycling
The Killer Coffee Oat Milk Latte Cold Brewed	250ml	Aluminium	The Coffee Brew & Co Pty Ltd	Statewide Recycling
Hell Ice Coffee Double Espresso	250ml	Aluminium	The Natural Beverage Company Pty Ltd	Statewide Recycling
Hell Ice Coffee Latte	250ml	Aluminium	The Natural Beverage Company Pty Ltd	Statewide Recycling
Hell Ice Coffee lactose Free Salted Caramel	250ml	Aluminium	The Natural Beverage Company Pty Ltd	Statewide Recycling
Kreol Sparkling Real Fruit Infusion Raspberry Lemonade	330ml	Aluminium	The Natural Beverage Company Pty Ltd	Statewide Recycling
Fleurieu Water Sparkling	330ml	Glass	The Trustee for Allanson Family Trust t/as Mount Compass Spring Water	Marine Stores Ltd
Fleurieu Water Sparkling	1,000ml	Glass	The Trustee for Allanson Family Trust t/as Mount Compass Spring Water	Marine Stores Ltd
Fleurieu Water Still	1,000ml	Glass	The Trustee for Allanson Family Trust t/as Mount Compass Spring Water	Marine Stores Ltd
Fleurieu Water Still	330ml	Glass	The Trustee for Allanson Family Trust t/as Mount Compass Spring Water	Marine Stores Ltd
SixTwelve Brewing Aristocrat ESB	375ml	Aluminium	The Trustee for SixTwelve Brewing t/as Sixtwelve Brewing Pty Ltd	Marine Stores Ltd
SixTwelve Brewing Bat & Ball English Bitter	375ml	Aluminium	The Trustee for SixTwelve Brewing t/as Sixtwelve Brewing Pty Ltd	Marine Stores Ltd
SixTwelve Brewing Bellhop Porter	375ml	Aluminium	The Trustee for SixTwelve Brewing t/as Sixtwelve Brewing Pty Ltd	Marine Stores Ltd
SixTwelve Brewing Not Over Yet NZ West Coast IPA	375ml	Aluminium	The Trustee for SixTwelve Brewing t/as Sixtwelve Brewing Pty Ltd	Marine Stores Ltd
A&W Root Beer	355ml	Aluminium	The Trustee for UCC Australia Trust t/as UCC Australia Pty Ltd	Statewide Recycling

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Dr Pepper	355ml	Aluminium	The Trustee for UCC Australia Trust t/as UCC Australia Pty Ltd	Statewide Recycling
Coles Breakfast On The Move BOM Banana Flavour	250ml	LPB—Aseptic	Tongala Nutrition	Statewide Recycling
Coles Breakfast On The Move BOM Chocolate Flavour	250ml	LPB—Aseptic	Tongala Nutrition	Statewide Recycling
Coles Breakfast On The Move BOM Strawberry Flavour	250ml	LPB—Aseptic	Tongala Nutrition	Statewide Recycling
Coles Breakfast On The Move BOM Vanilla Flavour	250ml	LPB—Aseptic	Tongala Nutrition	Statewide Recycling
Squealini Squealing Pig Passionfruit & Vanilla Flavour Infused Wine Spritz	750ml	Glass	Treasury Wine Estates Australia Limited	Marine Stores Ltd
Squealini Squealing Pig Ripe Raspberry Flavour Infused Wine Spritz	750ml	Glass	Treasury Wine Estates Australia Limited	Marine Stores Ltd
Volando Tequila Ranch Water Soda & Lime	330ml	Aluminium	VOLANDO Group Pty Ltd	Statewide Recycling
Musashi Energy Blue Raspberry Flavour Zero Sugar	250ml	Aluminium	Vitaco Health Australia Pty Ltd	Statewide Recycling
Musashi Energy Purple Grape Flavour Zero Sugar	250ml	Aluminium	Vitaco Health Australia Pty Ltd	Statewide Recycling
Gagas Gut Loving Dairy Free Coconut Kefir Berry Beets	700ml	Glass	Vital Biome Pty Ltd t/as Gaga's Ferments	Statewide Recycling
Gagas Gut Loving Dairy Free Coconut Kefir Natural	700ml	Glass	Vital Biome Pty Ltd t/as Gaga's Ferments	Statewide Recycling
Gagas Gut Loving Dairy Free Coconut Kefir Prana Chai Turmeric	700ml	Glass	Vital Biome Pty Ltd t/as Gaga's Ferments	Statewide Recycling
Gagas Gut Loving Dairy Free Coconut Kefir Vanilla	700ml	Glass	Vital Biome Pty Ltd t/as Gaga's Ferments	Statewide Recycling
Gagas Gut Loving Organic Australian Apple Cider Vinegar	750ml	Glass	Vital Biome Pty Ltd t/as Gaga's Ferments	Statewide Recycling
23rd St Peachy Keen with Vodka	300ml	Aluminium	Vok Beverages Pty Ltd	Statewide Recycling
Beenleigh Hard Orange Crush	375ml	Aluminium	Vok Beverages Pty Ltd	Statewide Recycling
Five Eleven Distilling Hard Ginger Beer	375ml	Aluminium	W & A Reid Pty Ltd t/as Five Eleven Distilling	Marine Stores Ltd
Five Eleven Distilling Hard Pink Lemonade	375ml	Aluminium	W & A Reid Pty Ltd t/as Five Eleven Distilling	Marine Stores Ltd
Woolshed Brewery Hazy Pale Ale	375ml	Aluminium	Wilkadene Pty Ltd t/as Woolshed Brewery	Marine Stores Ltd
Woolshed Brewery Hazy Pale Ale	375ml	Aluminium	Wilkadene Pty Ltd t/as Woolshed Brewery	Marine Stores Ltd
Woolshed Brewery The Big Ride Summer Ale	375ml	Aluminium	Wilkadene Pty Ltd t/as Woolshed Brewery	Marine Stores Ltd
Woolshed Brewery The Big Ride Summer Ale	375ml	Aluminium	Wilkadene Pty Ltd t/as Woolshed Brewery	Marine Stores Ltd
Woolstore Brewery & Tiny Fish Brew Co WTF Red Ale	375ml	Aluminium	Woolstore Brewery Pty Ltd	Marine Stores Ltd
Avena Original Oat Dairy Drink Alpina	200ml	LPB—Gable Top	ZAYME Pty Ltd	Statewide Recycling
Club Colombia Dorada Helles Lager	330ml	Glass	ZAYME Pty Ltd	Statewide Recycling
Cola & Pola	330ml	Glass	ZAYME Pty Ltd	Statewide Recycling
Poker Lager Classica	330ml	Glass	ZAYME Pty Ltd	Statewide Recycling
Pony Malta	330ml	Glass	ZAYME Pty Ltd	Statewide Recycling

ENVIRONMENT PROTECTION ACT 1993

SECTION 69

Variation to Existing Approval of Collection Depot

I, Nicholas Stewart, Delegate of the Environment Protection Authority ('the Authority'), pursuant to Section 69 of the *Environment Protection Act 1993* (SA) ('the Act') hereby:

1. *Variation to Existing Approval of Collection Depot:*

Vary the approval of the collection depot listed at Schedule 1 of this notice, that was granted under the Act prior to the date of this Notice and impose the conditions of this approval to be as follows:

1.1 *Approval of Collection Depot:*

The collection depot identified by reference to the following matters is approved:

- (a) the name of the collection depot described in Column 1 of Schedule 1 of this Notice;
- (b) the name of the company identified in Column 2 of Schedule 1 of this Notice;
- (c) the name of the proprietor of the depot identified in Column 3 of Schedule 1 of this Notice;
- (d) the location of the depot described in Columns 4-7 of Schedule 1 of this Notice.

The collection depot listed at Schedule 1 of this Notice is approved in relation to all classes of containers, which were approved under the Act, at or subsequent to the date of this Notice, as Category B Containers.

1.2 *Conditions of Approval:*

Impose the following conditions on the approval:

1. If the Approval Holder's name or postal address (or both) changes, then the Approval Holder must inform the Authority in writing, within 28 days of the change occurring.
2. If the collection depot is sold to another party, the Approval Holder must inform the Authority in writing, within 28 days of settlement.
3. The Approval Holder who wishes to cease operation of the depot shall notify the Authority in writing no less than 14 days from the date of closing.
4. The Approval Holder, or a person acting on his or her behalf, must not pay a refund on, or seek reimbursement for, containers that the Approval Holder, or the person acting on his or her behalf, knows were not purchased in South Australia.
5. The Approval Holder must ensure that prominent signage is displayed, detailing the offence and the penalties under Section 69 the Act, for presenting interstate containers for refund.

Dated: 12 June 2025

NICHOLAS STEWART
Delegate of the Environment Protection Authority

SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Depot Name	Company Name	Proprietors	Depot Location Street	Depot Location Suburb	Certificate of Title/Volume	Collection Area
Pooraka Bottle and Can Recycling	Browns Pooraka Pty Ltd	Browns Pooraka Pty Ltd	10-12 Ween Road	Pooraka	4058/150	Metro

FISHERIES MANAGEMENT (GENERAL) REGULATIONS 2017

REGULATION 23A(1)

Determination—Taking of Bivalve Filter-Feeding Molluscs in Port Adelaide River Estuary

As delegate of the Minister for Primary Industries and Regional Development, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, make the following determination for the purposes of Regulation 23A(1) of the *Fisheries Management (General) Regulations 2017* in regard to the taking of bivalve molluscs in the Port Adelaide River estuary, unless this notice is otherwise varied or revoked:

Mr Ely Woods, Director of East West Dive & Salvage (SA) Pty Ltd and his nominated agents (authorised employees of East West Dive & Salvage (SA) Pty Ltd), may take bivalve filter-feeding molluscs within the waters of the Port Adelaide River Estuary excluding the waters of aquatic reserves (unless otherwise authorised under the *Fisheries Management Act 2007*) but only to the extent that it is incidental to the trialling and development of an in-water cleaning and capture system, subject to the following conditions in the Port Adelaide River estuary between:

- Latitude 34°50'15.5"S Longitude 138°30'25.1"E; and
- Latitude 34°47'10.7"S Longitude 138°28'09.5"E where there is suitable berthing infrastructure.

This determination is made subject to the following conditions:

1. All equipment used in the trialling and development of the in-water cleaning and capture system within the Port Adelaide River must be appropriately decontaminated in accordance with the AQUAVETPLAN Operational Procedures Manual—Decontamination.
2. All bivalve molluscs collected incidentally during the trialling and development of the in-water cleaning and capture system must be disposed of appropriately in accordance with AQUAVETPLAN Operational Procedures Manual—Disposal.
3. The incidental taking of bivalve filter-feeding molluscs as contemplated by this determination may only occur between 5 June 2025 and 4 June 2026 unless this notice is otherwise varied or revoked.

Dated: 4 June 2025

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture
Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Ministerial Exemption ME9903372

Take notice that pursuant to Section 115 of the *Fisheries Management Act 2007*, Professor Charlie Huveneers of Flinders University, Sturt Road, Bedford Park (hereinafter referred to as the "exemption holder") and his nominated agents, are exempt from Section 70 of the *Fisheries Management Act 2007* (the Act) and Clauses 74 and 96 of Schedule 6 of the *Fisheries Management (General) Regulations 2017* within the waters specified in Schedule 1 but only in so far as the activities are consistent with the educational activities specified in Schedule 2, using the gear specified in Schedule 3 (the 'exempted activity'), subject to the conditions specified in Schedule 4, from 5 June 2025 until 4 June 2026, unless varied or revoked earlier.

SCHEDULE 1

Activities undertaken under this exemption may only be conducted in waters excluding specially protected areas greater than 10 metres in depth and only within the area bounded by the following coordinates:

- 34°45'00"S 138°17'00"E
- 34°47'00"S 138°17'00"E
- 34°47'00"S 138°15'00"E
- 34°45'00"S 138°15'00"E (GDA 94).

SCHEDULE 2

Activities consistent with the teaching of scientific sampling techniques conducted as part of the courses provided by Flinders University on Fisheries Management and Science (BIOL3752).

SCHEDULE 3

1 x prawn trawl net with a cod end of a maximum mesh size of 50mm.

SCHEDULE 4

1. The exemption holder will be deemed responsible for the conduct of all persons conducting the exempted activities under this notice. Any person conducting activities under this exemption must be provided with a copy of this notice, which they must have signed as an indication that they have read and understand the conditions under it.
2. Nominated agents of the Exemption Holder are:
 - Teaching staff of the College of Science and Engineering Sciences, Flinders University.
3. The exemption holder or nominated agents may be assisted in the exempted activity by enrolled Students of the College of Science and Engineering Sciences, Flinders University while under direct supervision of the exemption holder or a nominated agent.
4. The Ministerial exemption holder or nominated agent must ensure that the exempted activity is limited to a maximum of one night in total.
5. The Ministerial exemption holder or nominated agent must ensure that all species caught during the exempted activity are returned to the water as soon as practicable.
6. The Ministerial exemption holder or nominated agent must ensure any protected species incidentally caught while undertaking the exempted activity must be returned to the water unencumbered as soon as reasonably practicable.
7. The Ministerial Exemption holder or agent must ensure that the exempted activity is conducted during the night between sunset and sunrise (as published in the *South Australian Government Gazette* pursuant to the requirements of the *Proof of Sunrise and Sunset Act 1923*) and may only use the South Australian Research and Development Institute (SARDI) Research Vessel, *Ngerin*.
8. The Ministerial Exemption holder or nominated agent must not conduct any other fishing activity, whilst undertaking the exempted activity.
9. At least 1 hour before conducting an activity under this notice, the exemption holder or nominated agent must contact the Department of Primary Industries and Regions (PIRSA) FISHWATCH on 1800 065 522 and answer a series of questions about the exempted activity. The exemption holder or nominated agent will need to have a copy of this notice in their possession at the time of making the call and be able to provide information about the area and time of the exempted activity, the specific gear to be used, vehicles and/or boats involved, the number of permit holders undertaking the exempted activity and other related questions.
10. The Ministerial exemption holder or nominated agent must provide a report in writing detailing the activities carried out pursuant to this notice to PIRSA, Fisheries and Aquaculture (GPO Box 1625, Adelaide SA 5001) within 14 days of the activity being completed with the following details:
 - the date and time of the sampling
 - the gear used
 - the number and description of all species caught and their fate
 - any interactions with protected species and their fate
 - any other information regarding size, breeding or anything deemed relevant or of interest that is able to be volunteered.
11. While engaging in the exempted activity, the exemption holder and agents must be in possession of a signed copy of this notice and carry their identification card issued by Flinders University. Such notice and identification must be produced to a PIRSA Fisheries Officer if requested.
12. The Ministerial exemption holder, or agent must not contravene or fail to comply with the Act, or any regulations made under the Act, except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the *Marine Parks Act 2007*, the *Adelaide Dolphin Sanctuary Act 2005*, or the *River Murray Act 2003*. The exemption holder and his agents must comply with any relevant regulations, permits, requirements and directions from the Department for Environment and Water when undertaking activities within a marine park.

Dated: 4 June 2025

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

HOUSING IMPROVEMENT ACT 2016

Rent Control

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby fixes the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table. The amount shown in the said table shall come into force on the date of this publication in the Gazette.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Maximum Rental per week payable
4 McKenzie Road, Elizabeth Downs SA 5113	Allotment 269 Deposited Plan 7072 Hundred of Minno Para	CT5271/510	\$348.00

Dated: 12 June 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
26 Dundee Avenue, Holden Hill SA 5088 previously also known as CT3223/129, no longer current and removed	Allotment 25 Deposited Plan 7479 Hundred of Yatala	CT5602/606

Dated: 12 June 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
57 Nedland Crescent, Port Noarlunga South SA 5167	Allotment 283 Deposited Plan 8395 Hundred of Willunga	CT5461/910		\$0.00
2 Larkhill Road, Elizabeth North SA 5113	Allotment 602 Deposited Plan 6445 Hundred of Munno Para	CT5608/321		\$230.00

Dated: 12 June 2025

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

HYDROGEN AND RENEWABLE ENERGY ACT 2023

Application for Grant of Associated Infrastructure Licence—AIL 4

Pursuant to Section 32(3) of the *Hydrogen and Renewable Energy Act 2023*, notice is hereby given that an application for an associated infrastructure licence over area described below has been received from:

Emeroo BESS Pty Ltd

Description of Application Area

All that part of the State of South Australia, bounded as follows:

All coordinates GDA2020, Zone 53

767783.67mE	6409878.52mN
767902.94mE	6409878.45mN
767902.96mE	6409398.98mN
767783.69mE	6409399.17mN
767783.67mE	6409878.52mN

AREA: **0.06** square kilometres approximately

The application may be inspected at the offices of the Department for Energy and Mining located at Level 4, 11 Waymouth Street, Adelaide, SA 5000. To arrange an inspection, please contact the Department via email at DEM.ERDLicensing@sa.gov.au.

Dated: 3 June 2025

MICHAEL SMITH
Director, Regulatory Risk and Resource Tenure
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

LIVESTOCK ACT 1997

SECTION 33

Prohibition of Entry into and Movement within South Australia of Decapod Crustaceans (Order Decapoda) and Polychaete Worms (Class Polychaeta)

Pursuant to Section 87 of the *Livestock Act 1997*, I, Skye Fruean, Chief Inspector of Stock, delegate of the Minister for Primary Industries and Regional Development, revoke the notice made pursuant to Section 33 of the *Livestock Act 1997* on 27 October 2023, published in the Gazette on 2 November 2023 at page 3698.

Pursuant to Section 33 of the *Livestock Act 1997* and for the purposes of controlling and eradicating *White Spot Disease*, an exotic disease of *decapod crustaceans*, I, Skye Fruean, Chief Inspector of Stock, delegate of the Minister for Primary Industries and Regional Development, prohibit the entry into, and movement within, South Australia of:

1. live *decapod crustaceans* and/or *polychaete worms*, whether wild-caught or cultivated, originating from, or which have moved through:
 - (a) the *Queensland White Spot Disease movement restriction area*; or
 - (b) the *New South Wales White Spot Disease Clarence River Control Zone*; or
 - (c) the *New South Wales White Spot Disease Evans and Richmond Rivers Control Zone*; and
2. dead *decapod crustaceans* and/or *polychaete worms*, whether wild-caught or cultivated, originating from, or which have moved through:
 - (a) the *Queensland White Spot Disease movement restriction area*, the *New South Wales White Spot Disease Clarence River Control Zone* or the *New South Wales White Spot Disease Evans and Richmond Rivers Control Zone* that are intended for human consumption unless the conditions of the *Australian Biosecurity Import Conditions* are met; or
 - (b) the *Queensland White Spot Disease movement restriction area* or the *State of New South Wales* that are intended for fishing bait; and
3. fittings used in connection with cultivation or commercial catch of *decapod crustaceans* or *polychaete worms* described in subclauses (1) and (2); and
4. live or dead *decapod crustaceans* and/or *polychaete worms*, not being *decapod crustaceans* or *polychaete worms* described in subclauses (1) and (2), that have been in contact with any of the following:
 - (a) live or dead *decapod crustaceans* or *polychaete worms* described in subclauses (1) and (2); or
 - (b) water that had previously held live or dead *decapod crustaceans* or *polychaete worms* described in subclauses (1) and (2); or
 - (c) fittings that had previously been used in connection with *decapod crustaceans* or *polychaete worms* described in subclauses (1) and (2),

except to the extent, and subject to the conditions, set out in Parts A to F below or unless prior written approval of the Chief Inspector of Stock has been obtained and all conditions of the approval are complied with.

Except as expressly provided, the exceptions in Parts A to F are independent of one another.

Part A: cooked *decapod crustaceans* for human consumption

The entry into, and movement within, South Australia of dead *decapod crustaceans* described in subclause (2) or subclause (3) above is permitted if:

- (a) they have been processed as *cooked product* before entering South Australia; and
- (b) they were securely packaged upon being processed as *cooked product* and remain so at the time of entering South Australia and thereafter until after they have been delivered to a *point of sale* in South Australia; and
- (c) upon entering South Australia they are transported directly to a *point of sale* in South Australia.

Part B: uncooked *decapod crustaceans* for human consumption

The entry into, and movement within, South Australia of uncooked dead *decapod crustaceans* which originated from outside the *Queensland White Spot Disease movement restriction area*, the *New South Wales White Spot Disease Clarence River Control Zone* or the *New South Wales White Spot Disease Evans and Richmond Rivers Control Zone* but have moved through the *Queensland White Spot Disease movement restriction area*, the *New South Wales White Spot Disease Clarence River Control Zone* or the *New South Wales White Spot Disease Evans and Richmond Rivers Control Zone* is permitted if:

- (a) they were moved through the *Queensland White Spot Disease movement restriction area*, the *New South Wales White Spot Disease Clarence River Control Zone* or the *New South Wales White Spot Disease Evans and Richmond Rivers Control Zone* in sealed bins, containers or packaging and remain in the secured bins, containers, or packaging at the time of entering South Australia and thereafter until after they have been delivered to a point of sale in South Australia and sold for human consumption; and
- (b) the name, address, postcode and State or Territory of the grower and/or the commercial fisher and the packer are clearly displayed on the outer surface of each individual bin, container, or packaging; and
- (c) upon entering South Australia they are transported directly to a point of sale in South Australia for human consumption.

Part C: gamma irradiated product for processing and/or distribution as fishing bait

The entry into, and movement within, South Australia of uncooked dead *decapod crustaceans* or *polychaete worms* originating from, or which have moved through the State of *New South Wales* or the *Queensland White Spot Disease movement restriction area* (in Parts C and D, “the product”) is permitted if:

- (a) the product was subject to *gamma irradiation treatment* within the *Queensland White Spot Disease movement restriction area* or the *State of New South Wales*; and
- (b) upon entering South Australia, the product is transported directly to a *processing/distribution facility*; and
- (c) an *inspector* is notified no less than 48 business hours prior to the planned time of arrival of the product at the *processing/distribution facility* of:
 - (i) the name, address and contact details (telephone and email) of the person importing the product into South Australia; and
 - (ii) the description of the product including species, weight, type of packaging and number of packages; and
 - (iii) the estimated date and time of arrival of the product; and
- (d) the product did not come into contact with any untreated *decapod crustaceans* or *polychaete worms* described in subclauses (1), (2) or (4) above after the *gamma irradiation treatment*; and
- (e) the product is moved into South Australia and transported to the *processing/distribution facility*:
 - (i) in refrigerated transport; and
 - (ii) in sealed containers that only contain individually sealed packets of *gamma irradiated product* that are labelled with:
 - (1) date of capture; and
 - (2) origin of capture; and
 - (3) the symbols “50kGy” to indicate the product was irradiated with this dose; and
 - (4) the relevant gamma irradiation lot number;and the outer containers are clearly marked as containing *gamma irradiated product*; and
 - (iii) accompanied by a copy of the relevant Certificate of Irradiation; and
 - (iv) as soon as possible after the arrival of the product at the processing/distribution facility, the SA Chief Inspector of Stock is informed in writing via email by the first person receiving the product in South Australia of the date and time of the arrival of the product at its destination (email details of SA Chief Inspector of Stock: pursa.biosecuritysa@sa.gov.au); and
- (f) unless sold by retail at the processing/distribution facility for use as fishing bait in the individually sealed packets in which it was transported there, or intended for distribution in the individually sealed packets in which it was transported to the processing/distribution facility, the product is processed and/or packaged at the processing/distribution facility for distribution for use as fishing bait in accordance with the requirements of Part D; and
- (g) unless sold by retail at the processing/distribution facility for use as fishing bait, either in the individually sealed packets in which it was transported there or, as applicable, in the individual containers into which it was finally packaged there, the product is transported directly from the processing/distribution facility to a retail point of sale in South Australia for use as fishing bait; and
- (h) the product to which Part C paragraph (g) applies is transported to the point of sale either in the individually sealed packets in which it was transported to the processing/distribution facility, or, as applicable, in the containers into which it was finally packaged there, and in either case remains in the applicable packaging until sold by retail; and
- (i) the product is accompanied at all times by documentation that contains a statement to the effect that the product originated from the State of *New South Wales* or the *Queensland White Spot Disease movement restriction area* and as a result, must be dealt with in accordance with the requirements in Part C paragraphs (a) to (i) and Part D paragraphs (a) to (d) of this Notice.

Part D: requirements for processing and packaging

The requirements that apply for the purposes of Part C paragraph (f) are that:

- (a) the product remains identifiable with appropriate marks on containers and boxes with the lot number allocated to the product by the Treatment Facility and with the name of the Treatment Facility; and
- (b) a copy of the Certificate of Irradiation is kept with the product at all times prior to it being finally packaged; and
- (c) without limiting paragraph (a) each individual container into which the product is finally packaged is clearly labelled with:
 - (i) the name of the *Treatment Facility*; and
 - (ii) the relevant lot number; and
 - (iii) the details of the volume of product that was irradiated in that lot; and
 - (iv) the symbols “50kGy” to indicate that the product was irradiated with this dose; and

- (d) any waste product produced during processing or packaging (for example, water or organic matter) is disposed of to either the public sewer (for water) or to a Waste Depot (for waste other than water).

Part E: cleaned and disinfected fittings

The entry into, and movement within, South Australia of fittings used in connection with cultivation or commercial catch of *decapod crustaceans* or *polychaete worms* described in subclauses (1) and (2) is permitted on the condition that:

- (a) the fittings have been cleaned and disinfected to remove all traces of live or dead *decapod crustaceans* or *polychaete worms*; and
(b) a record of the cleaning date is made available to an inspector upon request.

Part F: product previously coming into contact with cleaned and disinfected fittings

The entry into, and movement within, South Australia of live or dead *decapod crustaceans* or *polychaete worms*, not being *decapod crustaceans* or *polychaete worms* described in subclause (1(b)), (in Part C, “the product”) that have been in contact with fittings that had previously been used in connection with *decapod crustaceans* or *polychaete worms* described in subclauses (1) and (2) is permitted on the condition that:

- (a) the fittings had been *cleaned and disinfected* to remove all traces of live or dead *decapod crustaceans* or *polychaete worms* before the product was in contact with the fittings; and
(b) a record of the cleaning date is made available to an *inspector* upon request.

Definitions

In this Notice:

Australian Biosecurity Import Conditions means the conditions for the intended product as described in the Department of Agriculture, Fisheries and Forestry’s Australian Biosecurity Import Conditions which can be found at <https://bicon.agriculture.gov.au/>

Certificate of Irradiation, in relation to a product, means a certificate that:

- (a) certifies that *gamma irradiation treatment* was applied to the product at the *Treatment Facility* on the date stated on the certificate; and
(b) bears an individual lot number assigned by the *Treatment Facility*; and
(c) describes the product that was treated including the species and total weight of the product; and
(d) is signed by an employee of the *Treatment Facility* who is authorised to sign the certificate on behalf of the *Treatment Facility*.

Cleaned and disinfected means to clean and disinfect in accordance with the Queensland Department of Agriculture and Fisheries *Recommended procedure for decontaminating fishing apparatus and vessels* which can be found at <https://www.dpi.qld.gov.au/business-priorities/biosecurity/animal-biosecurity-welfare/animal-health-pests-diseases/list-animal-pest-disease/white-spot-disease/decontamination>.

Cooked product means product comprising or containing *decapod crustaceans* that has been cooked, in premises approved by and under the control of the relevant state government agency that regulates food safety, to a minimum time and temperature standard where all the protein in the *decapod crustaceans* is coagulated and no uncooked meat remains.

Decapod crustacean means any crustacean of the Order Decapoda and includes, but is not limited to school, tiger and banana prawns, yabbies or pink nippers, shrimp, slipper lobsters, crabs, and hermit crabs.

Exotic disease has the same meaning as in the *Livestock Act 1997*.

Gamma irradiation treatment means treatment by irradiation at a gamma irradiation dose of at least 50 kilo Gray (kGy).

Gamma irradiated product means product treated by irradiation at a gamma irradiation dose of at least 50 kilo Gray (kGy).

Inspector means an inspector appointed under the *Livestock Act 1997*.

Point of sale means a place at which product is processed and/or sold, whether by wholesale or retail, on a commercial basis.

New South Wales White Spot Disease Clarence River Control Zone means the zone described in Schedule 2 of this Notice.

New South Wales White Spot Disease Evans and Richmond Rivers Control Zone means the zone described in Schedule 3 of this Notice.

Polychaete worm means any worm of the Class Polychaeta and includes, but is not limited to, bristle worms.

Processing/distribution facility means a facility in South Australia which undertakes the processing and/or on-selling of uncooked *decapod crustaceans* and/or *polychaete worms* that have been subject to *gamma irradiation treatment* within the *Queensland White Spot Disease movement restriction area* for use as fishing bait.

Public sewer means a sewer operated by a council or any other authority established under the *Local Government Act 1999*, a water supply authority (within the meaning of the *Water Industry Act 2012*), a State-owned corporation (*South Australian Water Corporation Act 1994* or a subsidiary of such a corporation) or any other public or local authority.

Queensland White Spot Disease movement restriction area means the area described in Schedule 1 of this Notice.

Treatment Facility means a treatment facility that applies *gamma irradiation treatment* to *decapod crustaceans* and/or *polychaete worms*.

Waste Depot means a place at which waste may be treated or stored in accordance with an approval under the *Local Government Act 1999* or a place approved as a Waste Depot or waste facility under any other Act.

White Spot Disease means the disease that is caused by the virus Whispovirus (Family Nimaviridae), also known as infection with white spot syndrome virus.

A reference to dead animals of a particular kind includes a reference to parts of animals of that kind and to a product consisting of parts of, or which is derived from, animals of that kind.

SCHEDULE 1

- (1) The **Queensland White Spot Disease movement restriction area** comprises that portion of the State of Queensland, as currently defined in the Queensland Department of Agriculture and Fisheries Notice under Section 129 and Regulation 94 of the *Biosecurity Act 2014* (Qld) and the *Biosecurity Regulation 2016* (Qld) for White Spot Disease as in force from time to time, as the area within the White Spot Biosecurity Zone outside Biosecurity Area 1. Mapping and spatial points can be found at www.daf.qld.gov.au.

Note: Any *decapod crustaceans* or *polychaete worms* originating from, or which have moved through, the *Queensland White Spot Disease movement restriction area* are likely to be subject to a permit or other regulatory requirement under Queensland law. The requirements in this Notice apply within South Australia and are separate and additional to any regulatory requirements under Queensland law.

SCHEDULE 2

- (1) The ***New South Wales White Spot Disease Clarence River Control Zone*** comprises that portion of the State of New South Wales defined as the “Clarence River Control Zone” in the New South Wales Department of Primary Industries Control Order under Section 62 of the *Biosecurity Act 2015* (NSW) for White Spot Disease as in force from time to time. Mapping and spatial points are available from NSW Department of Primary Industries and Regions www.dpi.nsw.gov.au.

Note: Any *decapod crustaceans* or *polychaete worms* originating from, or which have moved through, the *New South Wales White Spot Disease Clarence River Control Zone* are likely to be subject to a permit or other regulatory requirement under NSW law. The requirements in this Notice apply within South Australia and are separate and additional to any regulatory requirements under NSW law.

SCHEDULE 3

- (1) The ***New South Wales White Spot Disease Evans and Richmond Rivers Control Zone*** comprises that portion of the State of New South Wales defined as the “Evans and Richmond Rivers Control Zone” in the New South Wales Department of Primary Industries Control Order under Section 62 of the *Biosecurity Act 2015* (NSW) for White Spot Disease as in force from time to time. Mapping and spatial points are available from NSW Department of Primary Industries and Regions www.dpi.nsw.gov.au.

Note: Any *decapod crustaceans* or *polychaete worms* originating from, or which have moved through, the *New South Wales White Spot Disease Evans and Richmond Rivers Control Zone* are likely to be subject to a permit or other regulatory requirement under NSW law. The requirements in this Notice apply within South Australia and are separate and additional to any regulatory requirements under NSW law.

This Notice will remain in force until varied or revoked by a subsequent Notice.

Dated: 3 June 2025

SKYE FRUEAN
Chief Inspector of Stock
Delegate of the Minister for Primary Industries and Regional Development

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:

Petrina Roennfeldt

The determination will expire three years after the commencement date.

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

Dated: 12 June 2025

DR JOHN BRAYLEY
Chief Psychiatrist

MINING ACT 1971

Applications for Miscellaneous Purposes Licences

Notice is hereby given in accordance with Section 56H of the *Mining Act 1971*, that Eight applications for Miscellaneous Purposes Licences have been received:

Applicant: OZ Minerals Prominent Hill Operations Pty Ltd (ACN 091 546 691)
Location: CL 6164/642, Mount Eba area, approximately 125km southeast of Coober Pedy.
Area: 33.24 hectares approximately
Purpose: Aries Pipeline Replacement Project
Reference: 2025/000009-1

Applicant: OZ Minerals Prominent Hill Operations Pty Ltd (ACN 091 546 691)
Location: CL 6164/642, Mount Eba area, approximately 125km southeast of Coober Pedy.
Area: 2.99 hectares approximately
Purpose: Aries Pipeline Replacement Project
Reference: 2025/000009-2

Applicant: OZ Minerals Prominent Hill Operations Pty Ltd (ACN 091 546 691)
Location: CL 6164/642, Mount Eba area, approximately 130km southeast of Coober Pedy.
Area: 5.32 hectares approximately
Purpose: Aries Pipeline Replacement Project
Reference: 2025/000009-3

Applicant: OZ Minerals Prominent Hill Operations Pty Ltd (ACN 091 546 691)
Location: CL 6164/642, Mount Eba area, approximately 135km southeast of Coober Pedy.
Area: 1.53 hectares approximately
Purpose: Aries Pipeline Replacement Project
Reference: 2025/000009-4

Applicant: OZ Minerals Prominent Hill Operations Pty Ltd (ACN 091 546 691)
Location: CL 6164/642, Mount Eba area, approximately 135km southeast of Coober Pedy.
Area: 13.99 hectares approximately
Purpose: Aries Pipeline Replacement Project
Reference: 2025/000009-5

Applicant: OZ Minerals Prominent Hill Operations Pty Ltd (ACN 091 546 691)
 Location: CL 6189/897, Millers Creek area, approximately 145km southeast of Coober Pedy.
 Area: 2.06 hectares approximately
 Purpose: Aries Pipeline Replacement Project
 Reference: 2025/000009-6

Applicant: OZ Minerals Prominent Hill Operations Pty Ltd (ACN 091 546 691)
 Location: CL 6189/897, Millers Creek area, approximately 145km southeast of Coober Pedy.
 Area: 0.71 hectares approximately
 Purpose: Aries Pipeline Replacement Project
 Reference: 2025/000009-7

Applicant: OZ Minerals Prominent Hill Operations Pty Ltd (ACN 091 546 691)
 Location: CL 6189/897, Millers Creek area, approximately 145km southeast of Coober Pedy.
 Area: 1.58 hectares approximately
 Purpose: Aries Pipeline Replacement Project
 Reference: 2025/000009-8

To arrange an inspection of the proposal at the Department for Energy and Mining, please call the Department on (08) 8463 3103.

An electronic copy of the proposal can be found on the Department for Energy and Mining website:

<https://www.energymining.sa.gov.au/industry/minerals-and-mining/mining/community-engagement-opportunities>

Written submissions in relation to this application are invited to be received at the Department for Energy and Mining, Mining Regulation, Attn: Business Support Officer, GPO Box 618, Adelaide SA 5001 or dem.miningregrehab@sa.gov.au by no later than 10 July 2025.

The delegate of the Minister for Energy and Mining is required to have regard to these submissions in determining whether to grant or refuse the application and, if granted, the terms and conditions on which they should be granted.

When you make a written submission, that submission becomes a public record. Your submission will be provided to the applicant and may be made available for public inspection.

Dated: 12 June 2024

GEMMA-KATE HAMMOND
 A/Mining Registrar
 Delegate for the Minister for Energy and Mining
 Department for Energy and Mining

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 126

Decision by the Minister for Planning

Preamble

1. By notice published in the *South Australian Government Gazette* on 8 December 2022 at page 6877, the Delegate of the Minister for Planning declared that Section 108(1)(c) of the *Planning, Development and Infrastructure Act 2016* (the PDI Act) applied in respect of any development of a kind specified in the Schedule of that notice (the declaration).
2. On 7 March 2023 Renascor Resources (the Proponent), lodged an application under Section 111(2)(d) of the PDI Act for development authorisation for the construction and operation of a Battery Anode Material (BAM) manufacturing facility and related development within the ambit of the declaration (the development).
3. The development has been the subject of an Environmental Impact Statement and an Assessment Report under Sections 111(2)(e) and 113 of the PDI Act.
4. I am satisfied that an appropriate Environmental Impact Statement and Assessment Report have been prepared in relation to the development, in accordance with the requirements of Part 7, Division 2, Subdivision 4 of the PDI Act, and I have had regard to all relevant matters under Section 115(5) of the PDI Act.
5. I have decided to grant a provisional development authorisation for the development under Section 115(6) of the PDI Act, reserving a decision on specified matters until further assessment of the development.
6. I am delegating all of my powers and functions under Section 115 of the PDI Act in relation to the development, including those matters in respect of which I have reserved my decision, to the Deputy Chief Executive, Department for Housing and Urban Development.

Decision

1. Pursuant to Section 115 of the *Planning, Development and Infrastructure Act 2016* (the PDI Act), and having due regard to the matters set out in Section 115(5) of the Act and all other relevant matters, I:
 - (a) grant a provisional development authorisation in relation to the development, subject to the conditions set out in Part B below;
 - (b) pursuant to Section 115(6) of the PDI Act, reserve the decision on the matters specified in Part A of this authorisation until further assessment of the development;
 - (a) specify, for the purposes of Section 115(7)(b)(i) of the PDI Act, all matters which are the subject of conditions or reserved matters herein as matters in respect of which the conditions of this authorisation may be varied or revoked, or new conditions attached; and
 - (b) specify, for the purposes of Section 115(9)(b) of the PDI Act, the period of three (3) years from the date of this authorisation as the time within which substantial work must be commenced on site, failing which I may cancel this authorisation.
2. I hereby delegate my powers and functions under Section 115 of the PDI Act, in relation to the development, to the Deputy Chief Executive, Department for Housing and Urban Development, including those matters in respect of which I have reserved my decision. This delegation allows for sub-delegation of relevant powers and functions by the Deputy Chief Executive.

PART A: MATTERS RESERVED FOR FURTHER ASSESSMENT AND APPROVAL

1. **A Works Program** that identifies the stages or phases of construction of the development.
2. **A Stage Details Plan** for each stage that is identified in the Works Program, prepared in consultation with relevant State Agencies and the City of Salisbury (where relevant), which must include:
 - (a) final detailed designs for all permanent components of the BAM Facility, water intake and outfall pipes to SA Water's Bolivar outfall channel, and related civil infrastructure, including site plans, building floor plans, elevations, cross-sections, specifications and details of cut and fill; and
 - (b) final stormwater management plan including civil drawings for the upgrade/enlargement of the northern stormwater channel, with the retention of as much existing vegetation across the site as possible, developed in consultation with Council;
 - (c) final external materials selections and finishes for all permanent elements of the development; and
 - (d) final lighting plan for the development, demonstrating compliance with *Australian/New Zealand Standard AS/NZS 4282:2023—Control of Obtrusive Effects of Outdoor Lighting*; and
 - (e) a final landscaping plan for the Robinson Road frontage, and the 10m wide green buffer around the northern, southern and western site boundaries as shown in Appendix 2 (Site Plans and Layout) of the EIS; and
 - (f) final detailed plans for all temporary construction components (i.e. laydown areas, works compounds, storage areas, concrete batching plants etc.).
3. **Updated Air Emissions Modelling**, prepared in consultation with the EPA, including an assessment based on the final detailed design and selected impact-mitigation technologies (including the dust collectors) to confirm the results predicted in the EIS.
4. **A Construction Environment Management Plan (CEMP)**, prepared in consultation with the Environment Protection Authority; the Department for Environment and Water; the Country Fire Service; and the City of Salisbury. The CEMP must (at a minimum) detail the predicted impacts of the development on the following matters, the measures that will be implemented to manage and monitor the predicted impacts on those matters, and the predicted effectiveness of the measures:
 - (a) soil erosion and drainage
 - (b) geomorphology and groundwater
 - (c) flora and fauna
 - (d) weeds and pests
 - (e) air quality
 - (f) noise and vibration
 - (g) waste and litter
 - (h) soil contamination and spill hazards
 - (i) traffic
 - (j) Aboriginal heritage and
 - (k) local community impacts.The CEMP shall include the following sub-plans:
 - (a) Noise and Vibration Management Plan
 - (b) Soil, Erosion and Drainage Management Plan
 - (c) Dust Management Plan
 - (d) Waste Management and Minimisation Plan
 - (e) Fire and Emergency Management Plan
 - (f) Cultural Heritage Management Plan
5. **An Operational Environmental Management Plan (OEMP)**, prepared in consultation with the Environment Protection Authority; Department for Environment and Water; the Country Fire Service; the and the City of Salisbury. The OEMP must include an annual review procedure, including the provision of reporting to the Minister for Planning. The OEMP must (at a minimum) detail the predicted impacts of the major development on the following matters, the measures that will be implemented to manage and monitor the predicted impacts on those matters, and the predicted effectiveness of the measures:
 - (a) soil erosion and drainage
 - (b) geomorphology and groundwater
 - (c) flora and fauna
 - (d) weeds and pests
 - (e) air quality and greenhouse gas emissions
 - (f) noise and vibration
 - (g) water quality
 - (h) waste and litter
 - (i) soil contamination and spill hazards
 - (j) fuel and chemical storage
 - (k) traffic; and
 - (l) local community impacts.

The OEMP shall include the following sub-plans:

- (a) Waste Management and Minimisation Plan
 - (b) Fire and Emergency Management Plan
 - (c) Cultural Heritage Management Plan
6. **A Road and Traffic Management Plan**, prepared in consultation with the relevant road authority (City of Salisbury and/or the Department for Infrastructure and Transport) under the *Local Government Act 1999* and the *Highways Act 1926* for the construction and operational phases of the development. The Plan must address the following matters:
- (a) the type of vehicles to be used, their distributions and frequency.
 - (b) safety impacts associated with transport of oversized and/or specialist componentry.
 - (c) traffic management strategies (where required) including speed limits along the length of the route.
7. **A Road Infrastructure Agreement** and/or deed for the upgrade of Robinson Road (between the intersection with Waterloo Corner Road and the BAM facility entrance), and any other required road infrastructure upgrades and ongoing maintenance arrangements as a result of the proponent's development, where relevant, entered into between the proponent and the relevant road authority (City of Salisbury and the Department for Infrastructure and Transport) under the *Local Government Act 1999* and the *Highways Act 1926*.
8. **A Stormwater Infrastructure Agreement**, outlining the financial arrangements and/or contributions, timeframe and responsibilities associated with the upgrade/enlargement of the northern stormwater channel as a result of the proponent's development, located within SA Water owned land, entered into between the proponent and the landowner (SA Water) and the relevant stormwater infrastructure authority (City of Salisbury) under the *Local Government Act 1999*.
9. **Building Rules compliance** must be assessed and certified for each stage or component of the development by an accredited professional (or by a person determined by the Minister) and a copy of all relevant certification documentation must be provided to the Minister. In assessing Building Rules compliance, the accredited professional (or a person determined by the Minister) must refer to the relevant fire authority (the SA Country Fire Service) for comment and report.

PART B: GENERAL CONDITIONS

10. In regard to the satisfaction of the reserved matters and general conditions (as outlined in Parts A and B of the Decision Notice), documentation submitted by the proponent shall be considered by an across government Working Group, chaired by the Department for Housing and Urban Development—Planning and Land Use Services. The Working Group shall comprise relevant state agency and local government representatives (plus the proponent), from which advice to the Department and/or Minister for Planning (the Minister) will be provided to determine whether each reserved matter or condition has been satisfactorily addressed, or whether further information is required.
11. Except where minor amendments may be required by other legislation or by conditions imposed herein, the construction, operation, use and maintenance of the development must be undertaken in accordance with the approved plans and details, drawings, designs and specifications:
- (a) Set out in the application:
 - (i) Battery Anode Material (BAM) Facility—Environmental Impact Statement—May 2024 (including Appendices 1 to 18)
 - (ii) Battery Anode Material (BAM) Facility—Response Document—January 2025 (including Appendix A and Tonkin Memorandum—3 May 2024)
 - (b) Set out in the final and approved:
 - (i) Works Program;
 - (ii) Stage Details Plan for each stage identified in an approved Works Program;
 - (iii) Construction Environment Management Plan (CEMP) and sub-plans;
 - (iv) Operational Environmental Management Plan (OEMP) and sub-plans;
 - (v) Road and Traffic Management Plan;
- To the extent of any inconsistency, and subject to any contrary intention, a later document will prevail over an earlier one.
12. The development (including all stages and components) must be substantially completed within eight (8) years of the date of this authorisation, failing which an extension of time may be sought from the Minister prior to the expiry of that period or the authorisation may be cancelled.
13. Should the development not be substantially completed within eight (8) years of the date of this authorisation, and no extension of time sought before such expiry and subsequently approved, the state and condition of the land and buildings must be reinstated, so far as is reasonably practicable, to the state and condition that the land and buildings were in immediately before the commencement of the development.
14. No building works on any part of the site of the development may commence until a favourable decision has been notified to the proponent by the Minister in respect of the reserved matters (PART A) and until a development authorisation under Section 115(2) of the *Planning, Development and Infrastructure Act 2016* is granted for the relevant stage or component as is approved in the Works Program.
15. The implementation of the CEMP and OEMP must be continuously monitored and reviewed to ensure compliance with the measures to manage and monitor relevant impacts and the effectiveness of those measures and updated (with approval of the Minister) as necessary. Each review must be made publicly available and a copy provided to the Minister until all construction stages or components are complete.
16. No damage, disturbance or interference with any Aboriginal site, object or remains (together, heritage), nor any excavation of land for the purpose of uncovering Aboriginal heritage, is permitted unless and until authorisations from the Minister for Aboriginal Affairs under Sections 21 and 23 of the *Aboriginal Heritage Act 1988* (SA) have been obtained.
17. Council, utility or state agency maintained infrastructure that is demolished, altered, removed or damaged without lawful authority in the implementation of the development, must be reinstated to council, utility or state agency specifications as applicable. All costs associated with these works must be met by the proponent.

18. The upgrade of Robinson Road, between the intersection with Waterloo Corner Road and the BAM facility entrance, must be completed to the road authority's satisfaction prior to the commencement of commercial operation of Stage 1 of the BAM facility.
19. All road infrastructure upgrades must be completed to the standard required to enable use of the identified vehicle type (as specified in the Road and Traffic Management Plan), to the satisfaction of the relevant road authority.
20. All road infrastructure upgrades, unless otherwise identified, are to be funded by the proponent.
21. Should the proponent or any subsequent owner or operator of the BAM facility intend that the operation of the BAM facility or portion of it will cease, the Minister must be advised as soon as is reasonably practicable. Furthermore, a Decommissioning and Rehabilitation Plan (DRP) must be prepared in consultation with relevant government agencies and the local council and must be submitted to the reasonable satisfaction of the Minister.
The DRP must be prepared nine months prior to the time that the operation (or relevant portion of it) is scheduled to cease, and include information related to:
 - (a) identifying assets to be rehabilitated, remediated, decommissioned and/or removed, along with those that are proposed to be retained and the proposed tenure and management arrangements
 - (b) confirming responsibility for costs associated with rehabilitation, remediating, decommissioning and/or removing and retaining assets
 - (c) handover arrangements for useable assets
 - (d) responsibility for future management and maintenance of useable assets; and
 - (e) measures, if required, to remove fuel and chemical storage and wastewater treatment facilities in accordance with relevant legislation and standards.
22. Decommissioning of the development and rehabilitation of the site must be undertaken in accordance with the approved DRP.
23. All external lighting, including for car parking areas and buildings within the BAM facility must be designed and constructed to conform with Australian/New Zealand Standard AS/NZS 4282:2023—Control of Obtrusive Effects of Outdoor Lighting. Lighting must be located, directed and shielded, and of such limited intensity, as far as reasonably practicable, that no unreasonable nuisance is caused to any person beyond the boundary of the site.
24. All vehicle car parks, driveways and vehicle entry and manoeuvring areas at or providing access to and from the BAM facility must be designed and constructed in accordance with the relevant Australian Standards and appropriately line marked.
25. All loading and unloading, parking and manoeuvring areas at or providing access to and from the BAM facility must be designed and constructed to ensure that all vehicles can safely traffic the site and enter and exit the subject land in a forward direction.
26. All stormwater design and construction must be in accordance with Australian Standards and recognised engineering best practice to ensure that stormwater does not adversely affect any adjoining property or public road.
27. All liquids or chemical substances that are to be stored at the BAM facility and that have the ability to cause environmental harm must be located within a bunded compound that has a capacity of at least 120% of the volume of the largest container or 133% if flammable, in accordance with the *EPA Bunding and Spill Management Guidelines (2016)*.
28. Replacement trees shall be planted within 12 months of completion of construction at the following rates:
 - if the development relates to a regulated tree—2 trees to replace a regulated tree; or
 - if the development relates to a significant tree—3 trees to replace a significant tree.

A site plan showing the location of the replacement trees shall be provided to Planning and Land Use Services, Department for Housing and Urban Development (spcapplications@sa.gov.au) at the time of replanting.

Replacement trees cannot be within a species specified under Regulation 3F(4)(b) of the *Planning, Development and Infrastructure (General) Regulations 2017*, and cannot be planted within 3 metres of an existing dwelling or an existing in-ground swimming pool; or

Payment of an amount calculated in accordance with the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* be made into the relevant Planning and Development Fund in lieu of planting 1 or more replacement trees. Payment shall be made prior to the undertaking of development on the land.
29. Unless otherwise specifically provided for in these conditions, or otherwise agreed to in writing with the Minister, all costs necessary for compliance with these conditions must be met solely by the proponent.

ADVISORY NOTES

- (a) The proponent is advised that all conditions must be met including monitoring, mitigation and reporting requirements as detailed in relevant management plans. Failure to comply with a condition is a breach of the *Planning, Development and Infrastructure Act 2016* (as applicable), under which this authorisation is given.
- (b) An accredited professional undertaking Building Rules assessments for each stage or component must ensure that the assessment and certification for any stage or component is consistent with this provisional development authorisation and the approved Works Program (including any conditions or advisory notes that apply in relation to this provisional development authorisation).
- (c) Construction of each stage or component of the development may commence only after a Building Rules assessment and certification has been undertaken in relation to that stage or component and has been issued by an accredited professional undertaking Building Rules assessments, and the Minister for Planning has received a copy of the relevant certification documentation.
- (d) Pursuant to Regulation 103 of the *Planning, Development and Infrastructure (General) Regulations 2017*, a Certificate of Occupancy is required for all new buildings, excluding Class 10 structures. The Applicant must comply with all relevant requirements of Regulation 103 including a report from the relevant fire authority (SA Country Fire Service) per Regulation 103(D).
- (e) In accordance with the *National Heavy Vehicle Law (South Australia) Act 2013*, the proponent must apply to the National Heavy Vehicle regulator to obtain permits for use of Restricted Access Vehicles and/or High Productivity Vehicles on public roads, where access for such vehicles is currently not available. This might include such things as construction equipment and vehicles carrying large indivisible construction materials. This might also include access for vehicles such as Road Trains or Performance Based Standards (PBS) vehicles to transport commodities.

- (f) Prior to the use of any High Productivity Vehicles, the Department for Infrastructure and Transport requires that any additional road infrastructure upgrades required to facilitate this use, must be completed to the satisfaction of the relevant road authority.
- (g) The proponent, and all agents, employees and contractors, such as construction crew, are reminded of their obligations under the *Aboriginal Heritage Act 1988* (AH Act) that excavation of land to uncover, damage, disturbance of, or interference with, any Aboriginal site, object or ancestral remains (known and unknown) is unlawful without ministerial authorisation under Sections 21 and 23 of the AH Act. Before commencing construction, the proponent should consider the amendments to the AH Act, which include increased penalties for breaches of the AH Act, see <https://www.agd.sa.gov.au/aboriginal-affairs-and-reconciliation/aboriginal-heritage/changes-to-the-aboriginal-heritage-act>.

The proponent, and all agents, employees and contractors, such as construction crew, are reminded of requirements under the AH Act, particularly the requirement to immediately report the discovery of human remains to SA Police and notify the Attorney-General's Department—Aboriginal Affairs and Reconciliation (AGD-AAR) if any Aboriginal sites or objects are uncovered during any on-ground activities associated with the development. Before construction, the proponent should consider AGD-AAR's 'A Guide to Aboriginal Heritage in South Australia' see https://www.agd.sa.gov.au/_data/assets/pdf_file/0011/908417/A-guide-to-Aboriginal-heritage-in-South-Australia.pdf.

- (h) The proponent is reminded of requirements under the *Native Title Act 1993* particularly those requiring consultation with appropriate representatives of any relevant Aboriginal Groups in relation to any known sites of significance in the area and any Native Title Claims over the sea bed and adjacent lands.
- (i) The proponent is reminded of requirements under the *Native Vegetation Act 1991* and the *Native Vegetation Regulations 2017*, particularly that native vegetation clearance must be undertaken in accordance with a management plan that has been approved by the Native Vegetation Council that results in a significant environmental benefit on the property where the development is being undertaken, or a payment is made into the Native Vegetation Fund of an amount considered by the Native Vegetation Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by Section 21(6) or (6a) of the *Native Vegetation Act 1991*, prior to any clearance occurring.
- (j) The proponent is reminded of requirements under the *National Parks and Wildlife Act 1972*, particularly as permits are required for the 'taking of protected animals', such for the capture and relocation of animals during construction and the destruction or relocation of animals during operation.
- (k) The proponent is reminded of requirements under the *Landscape South Australia Act 2019*, with respect to drilling wells and the taking of groundwater within a prescribed groundwater resources area. This includes groundwater that will be extracted during construction; groundwater that will infiltrate stormwater basins/channels on an ongoing basis; and the taking of groundwater for use in operation of the facility. The proponent should contact the Water Licensing Branch of the Department for Environment and Water on DEWwaterlicensing@sa.gov.au prior to construction and/or operation to confirm the requirements.
- (l) The proponent is reminded that an environmental authorisation (license) may be required for components of this development. Before commencing operations, the applicant/operator should contact the Environment Protection Authority on EPALicensing@sa.gov.au for information about the licensing application process and requirements.
- (m) The proponent/owner/operator is reminded of their general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) to not pollute the environment in a way which causes or may cause environmental harm.
- (n) The proponent is reminded of requirements under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* not to undertake any activity that could have a significant effect on any matter of National Environmental Significance without the approval of the Commonwealth Minister for the Environment and Water.
- (o) For any regulated tree to be retained, their critical root zones shall be fenced and protected to prevent accidental damage and to ensure material stockpiling or vehicle movements do not impact these trees during construction works. Where appropriate additional protection measures, which comply with the Australian Standard 4970:2009 Protection of Trees on Development Sites, must be implemented and complied with at all times.
- (p) In preparing the final detailed design for all permanent components of the BAM facility and the final stormwater management plan, as required under Reserve Matter 2, the Applicant should have regard to the following matters in consultation with the City of Salisbury and relevant State Agencies:
 - (i) The downstream drainage capacity impacts and potential (and frequency) of flooding of St Kilda Road.
 - (ii) Allowances made for existing external inflows, i.e. upstream flows, east of Robinson Road.
 - (iii) Pump infrastructure requirements for emptying the retention/detention basin, including risks associated with pump failure.
 - (iv) The detailed design of the proposed Discharge Pipeline and Suction Pipeline and associated easement that should consider the provision for the critical existing and proposed Greater Edinburgh Parks outfall channel.
- (q) In preparing the final landscaping plan, as required under Reserve Matter 2, the Applicant shall use its best efforts to retain as much existing vegetation across the site as possible. This is particularly relevant to the proposed new stormwater channel along the eastern site boundary with Robinson Road.
- (r) Should the proponent wish to vary the development or any portion of it, an application to the Minister must be submitted, provided that the development application variation remains within the ambit of the Environmental Impact Statement and Assessment Report referred to in this development authorisation. If an application variation involves substantial changes to the proposal, pursuant to Section 114 of the *Planning, Development and Infrastructure Act 2016* (as applicable), the proponent may be required to prepare an amended Environmental Impact Statement for public consultation. An amended Assessment Report may also be required to assess any new issues not covered by the original Assessment Report and the decision made pursuant to Section 115 of the *Planning, Development and Infrastructure Act 2016* (as applicable).
- (s) The Minister has a specific power to require testing, monitoring and auditing under Section 117 of the *Planning, Development and Infrastructure Act 2016* (as applicable).
- (t) In regard to Conditions 4 and 5, the CEMP and OEMP must be prepared taking into consideration, and with explicit reference to, relevant *Environment Protection Act 1993* policies and guidance documents, including but not limited to:
 - the *Landscape South Australia Act 2019*

- the *Environment Protection (Air Quality) Policy 2016*
- the *Environment Protection (Commercial and Industrial Noise) Policy 2023*
- the *Environment Protection (Water Quality) Policy 2015*
- the *Environment Protection (Waste to Resources) Policy 2010*
- the *Environment Protection (Used Packaging Materials) Policy 2012*
- the *Environment Protection Authority Bunding and Spill Management Guideline 2016*
- *Environment Protection Authority Handbooks for Pollution Avoidance*
- the International Erosion Control Association Australasia ‘*Field Guides for Construction Site Managers and Buildings*’ and associated design fact sheets.
- the Environment Protection Authority guideline ‘*Construction environmental management plan (CEMP) 2019*’
- any other relevant legislative requirements, Guidelines and Australian Standards.

Dated: 2 June 2025

HON ANDREA MICHAELS MP
Minister for Consumer and Business Affairs
Delegate of the Minister for Planning

POLICE ACT 1998

Authorisation to Conduct Oral Fluid Screening

I, Grant Stevens, Commissioner of Police, do hereby notify that on and from 29 May 2025, the following persons were authorised by the Commissioner of Police to conduct oral fluid screening as defined in and for the purposes of the:

- *Police Act 1998*
- *Police Regulations 2014*

PD Number	Officer Name
74454	Nicholas Blandford
73463	Robert Cowood
75777	Lukas Lane-Geldmacher
75253	Rhys Williams

Dated: 7 June 2025

GRANT STEVENS
Commissioner of Police

Reference: 2024/1962

POLICE ACT 1998

Authorisation to Conduct Urine Screening

I, Grant Stevens, Commissioner of Police, do hereby notify that on and from 29 May 2025, the following persons were authorised by the Commissioner of Police to conduct urine screening as defined in and for the purposes of the:

- *Police Act 1998*
- *Police Regulations 2014*

PD Number	Officer Name
74554	Nicholas Blandford
72204	Sandra Chilman
73463	Robert Cowood
75777	Lukas Lane-Geldmacher
79138	David Mothersole
75253	Rhys Williams

Dated: 7 June 2025

GRANT STEVENS
Commissioner of Police

Reference: 2024/1962

PROFESSIONAL STANDARDS ACT 2004

The CPA Australia Professional Standards Scheme

Pursuant to Section 14 of the *Professional Standards Act 2004*, I authorise the publication in the Gazette of the CPA Australia Professional Standards Scheme.

Pursuant to Section 15(1)(a) of the *Professional Standards Act 2004*, I specify 21 August 2025 as the date of commencement of the CPA Australia Professional Standards Scheme.

Dated: 27 May 2025

HON KYAM MAHER MLC
Attorney-General

THE CPA AUSTRALIA PROFESSIONAL STANDARDS SCHEME
Professional Standards Act 1994 (NSW)

Preamble

- A. CPA Australia Ltd (CPA Australia) is an occupational association for the purposes of the *Professional Standards Act 1994* (NSW) (the Act).
- B. The Scheme is prepared by CPA Australia for the purposes of limiting Occupational Liability to the extent to which such liability may be limited under the Act.
- C. The Scheme applies to all participating members referred to in Clause 2 of the Scheme unless otherwise stated in that clause.
- D. The Scheme will have force in New South Wales, Australia and is intended to apply in all Australian states and territories. To the extent that the Scheme applies to limit liability in the other jurisdictions, it is subject to the professional standards legislation of those jurisdictions.
- E. CPA Australia has furnished the Council with a detailed list of the risk management strategies to be implemented in respect of its members, and details of the means by which those strategies are to be implemented.
- F. CPA Australia has furnished the Council with details of its insurance standards and professional indemnity insurance claims monitoring process. CPA Australia will not amend these insurance standards while the Scheme is in force without prior approval of the Council.
- G. CPA Australia has advised its members to whom the Scheme applies that they must have the benefit of a professional indemnity insurance policy that complies with the association's insurance standards and that the member remains liable for any difference between the amount payable to a plaintiff under the policy and the monetary ceiling specified in the Scheme.
- H. CPA Australia has furnished the Council with details of its complaints system and discipline system.
- I. CPA Australia and its members to whom the Scheme applies have undertaken to comply with all reporting obligations associated with the scheme, in furtherance of the statutory objects of improvement of the occupational standards of its members, and protection of the consumers of such members' services.
- J. CPA Australia has undertaken to remit all Fees payable under the *Professional Standards Regulation 2024* (NSW) to the Council as and when these become due.
- K. The Scheme is intended to commence on 21 August 2025 and remain in force for 5 years from its commencement unless, prior to that time, it is revoked, its operation ceases, or it is extended.
- L. Occupational liability limited by this Scheme may also be subject to the provisions of Commonwealth legislation, which may provide for a different limitation of liability, or unlimited liability, in a particular case, and thereby alter the effect of the Scheme.

THE CPA AUSTRALIA PROFESSIONAL STANDARDS SCHEME

1. Occupational Association

- 1.1 The CPA Australia Professional Standards Scheme (the Scheme) is a scheme under the *Professional Standards Act 1994* (NSW) (the Act) prepared by the CPA Australia Ltd (CPA Australia) whose business address is Level 20, 28 Freshwater Place, Southbank Victoria 3006.

2. Persons to whom the Scheme Applies

- 2.1 The Scheme applies to:
 - 2.1.1 all members of CPA Australia who hold a current Public Practice Certificate issued by CPA Australia; and
 - 2.1.2 all persons to whom the Scheme applies, by virtue of the Act and the Corresponding Laws of other jurisdictions in which the Scheme applies.
(collectively "Participants" and each a "Participant").
- 2.2 A person referred to in Clause 2.1.1 may, on application, be exempted from participation in the Scheme by CPA Australia with effect from the date specified CPA Australia.

3. Jurisdiction

- 3.1 The Scheme applies in New South Wales.
- 3.2 In addition to New South Wales, the Scheme is intended to operate in Australian Capital Territory, Northern Territory, Queensland, South Australia, Tasmania, Victoria and Western Australia in accordance with the Professional Standards Legislation of those states and territories and subject to the requirements of that legislation ("the Corresponding Laws"), so that references to a provision of the Act, the application of the Scheme to a liability, the limit of a liability under the Act, or what constitutes Occupational Liability, are intended to pick up the relevant provisions of the Corresponding Laws, applied mutatis mutandis, to the extent that is necessary for the application of the Scheme in any of those jurisdictions.

4. Limitation of Liability

- 4.1 This Scheme only affects the Occupational Liability of a Participant for Damages arising from a single Cause of Action to the extent to which the liability results in Damages exceeding \$2 million.
- 4.2 If a Participant who is, or was, at the time of the Act or omission giving rise to Occupational Liability, a Participant to whom the Scheme applies, or applied, and against whom a proceeding relating to Occupational Liability is brought, is able to satisfy the court that the Participant has the benefit of an Insurance Policy in respect of the Occupational Liability relating to the Cause of Action (including any amount payable by the Participant by way of excess under or in relation to the Insurance Policy):
 - (a) of a kind which complies with the standards determined by CPA Australia;
 - (b) insuring such person against the Occupational Liability to which the Cause of Action relates; and
 - (c) under which the amount payable in respect of that Occupational Liability is not less than the applicable monetary ceiling specified in Clauses 4.3, 4.4 and 4.5 of this Scheme,then that Participant is not liable in Damages in relation to that Cause of Action above the amount specified in the monetary ceiling in accordance with the relevant table set out at Clauses 4.3, 4.4 and 4.5 of this Scheme.

- 4.3 The Category 1 monetary ceiling is an amount specified in the table below:

Groups	Monetary Ceiling
1. Participants who at the Relevant Time were in an Accounting Practice which generated total annual Fee income, for the financial year immediately preceding the Relevant Time, of less than \$10 million.	\$2 million
2. Participants other than those in Groups 1 and 3.	\$10 million
3. Participants who at the Relevant Time were in an Accounting Practice which generated total annual Fee income, for the financial year immediately preceding the Relevant Time, greater than \$20 million.	\$75 million

- 4.4 The Category 2 monetary ceiling is an amount specified in the table below:

Groups	Monetary Ceiling
1. Participants who at the Relevant Time were in an Accounting Practice which generated total annual Fee income, for the financial year immediately preceding the Relevant Time, of less than \$10 million.	\$2 million
2. Participants other than those in Groups 1 and 3.	\$10 million
3. Participants who at the Relevant Time were in an Accounting Practice which generated total annual Fee income, for the financial year immediately preceding the Relevant Time, greater than \$20 million.	\$20 million

- 4.5 The Category 3 monetary ceiling specified in the table below:

Groups	Monetary Ceiling
1. Participants who at the Relevant Time were in an Accounting Practice which generated total annual Fee income, for the financial year immediately preceding the Relevant Time, of less than \$10 million.	\$2 million
2. Participants other than those in Groups 1 and 3.	\$10 million
3. Participants who at the Relevant Time were in an Accounting Practice which generated total annual Fee income, for the financial year immediately preceding the Relevant Time, greater than \$20 million.	\$20 million

- 4.6 Clause 4.2 does not limit the amount of Damages to which a Participant is liable if the amount is less than the amount specified for the purpose in this Scheme in relation to a Participant.

- 4.7 In circumstances where the services provided by a Participant comprise a combination of Category 1 services and any of:

- (a) Category 2 services;
- (b) Category 3 services;
- (c) Category 2 services and Category 3 services,

the Participant's liability under this scheme for Damages in respect of a proceeding in relation to Occupational Liability in excess of the applicable amount specified in Clause 4.1 will be determined in accordance with those provisions of the scheme relating to Category 1 services only.

- 4.8 In circumstances where the services provided by a Participant comprise a combination of Category 2 services and Category 3 services, the Participant's liability under this scheme for Damages in respect of a proceeding in relation to Occupational Liability in excess of the applicable amount specified in Clause 4.1 will be determined (subject to Clause 4.7) in accordance with those provisions of the scheme relating to Category 2 services only.

- 4.9 This Scheme limits the Occupational Liability in respect of a Cause of Action against a Participant and founded on an act or omission committed by that Participant during the period when the Scheme was in force.

- 4.10 This Scheme only limits the amount of Damages for which a Participant is liable if and to the extent that the Damages exceed the amount specified in Clause 4.1. Where the amount of Damages in relation to a Cause of Action exceeds the amount specified in Clause 4.1, liability for Damages will be limited to the amount specified in the applicable other provisions of this Clause 4, as provided for by Section 28 of the Act.

- 4.11 Nothing in this Scheme is intended to increase, or has the effect of increasing, a Participant's liability for Damages to a person beyond the amount that, other than for the existence of this Scheme, the Participant would be liable in law.

- 4.12 Notwithstanding anything to the contrary contained in this Scheme if, in particular circumstances giving rise to Occupational Liability, the liability of any Participant is capped both by this Scheme and also by any other scheme under Professional Standards Legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap on the liability of such Participant arising from such circumstances which is higher shall be the applicable cap.

5. Conferral of Discretionary Authority

- 5.1 CPA Australia has discretionary authority, on application by a Participant to specify in relation to that Participant a higher maximum amount of liability than would otherwise apply under the Scheme, in all cases or in any specified case or class of case.

6. Commencement and Duration

- 6.1 The Scheme will commence:

- 6.1.1 in New South Wales, the Northern Territory, Tasmania, Western Australia, Victoria, and Queensland, on 21 August 2025; and
- 6.1.2 in the Australian Capital Territory and in South Australia, on this same date, or such other later date, provided the date is specified in the relevant Minister's notice in relation to the Scheme; or
- 6.1.3 in all other cases, on this same date subject to the statutory provisions of each applicable jurisdiction.

- 6.2 The Scheme will be in force in all applicable jurisdictions for 5 years from the date of its commencement in New South Wales.
- 6.3 Clause 6.2 is subject to the provisions of each jurisdiction in relation to the revocation, extension, or cessation of a scheme.

7. Definitions

- 7.1 Relevant definitions for the purpose of this scheme are as follows:

“Accounting Practice” means the activities of a member including those who provide Public Accounting Services through an Approved Practice Entity (in accordance with the requirements of By-Law 9.3 of the By-Laws).

“Act” means *Professional Standards Act 1994* (NSW).

“Approved Practice Entity” means such entities as defined as an Approved Practice Entity in By-Law 9.3 of the By-Laws.

“By-Laws” means the By-Laws of CPA Australia Ltd.

“Category 1 services” means:

- (a) all services required by Australian law to be provided only by a registered company auditor;
- (b) all other services provided by a registered company auditor in their capacity as auditor;
- (c) all services the deliverables from which:
 - (i) will be used in determining the nature, timing and extent of audit procedures in the context of an audit of a financial report; or
 - (ii) will be incorporated into the financial report of an entity; or
 - (iii) are required by law or regulation to be filed with a regulator (excluding returns signed by a registered tax agent).

“Category 2 services” means:

- (a) services to which Chapter 5 or Chapter 5A of the *Corporations Act 2001* (Cth) applies;
- (b) services provided pursuant to Section 233(2) of the *Corporations Act*;
- (c) services to which the *Bankruptcy Act 1966* (Cth) applies; or
- (d) services arising out of any court appointed liquidation or receivership.

“Category 3 services” means any services provided by a Participant in the performance of their occupation, which are not Category 1 or Category 2 services.

“Cause of Action” means and includes all causes of action arising from the same source or originating cause.

“Corresponding Laws” means the *Professional Standards Act 2004* (Qld) *Professional Standards Act 2003* (Vic), the *Professional Standards Act 2004* (SA), the *Professional Standards Act 1997* (WA), the *Professional Standards Act 2005* (Tas), the *Professional Standards Act* (NT), and the *Civil Law (Wrongs) Act 2002* (ACT).

“Court” has the same meaning as it has in the Act.

“Damages” has the same meaning as it has in the Act.

“Fee” means a payment made to a Participant in exchange for services but excludes disbursements and goods and services taxes.

“Insurance policy” means an insurance policy that complies with By-Law 9.8 of the By-Laws and Section 27 of the Act.

“Occupational Liability” has the same meaning as it has in Section 4 of the Act.

“Participant” means any person to whom the Scheme applies in accordance with Clause 2.1.

“Public Accounting Services” means those services defined as Public Accounting services in the By-Laws.

“Public Practice Certificate” means a public practice certificate issued by CPA Australia Ltd, permitting a member to provide Public Accounting Services.

“Relevant Time” means, in respect of a liability potentially limited by the Scheme, the period from the time(s) of the act(s) or omission(s) giving rise to the liability until the date that is seven years after the last such act or omission took place.

RETIREMENT VILLAGES ACT 2016

SECTIONS 5(2) AND 5(3)

Exemption from the Application of Section 57(1)

Take notice that I, Nat Cook, Minister for Seniors and Ageing Well, pursuant to Sections 5(2) and 5(3) of the *Retirement Villages Act 2016* (the Act), hereby exempt the Southern Mallee District Council, as operator of the Pinnaroo Retirement Village, from the requirements of Section 57(1) of the Act, subject to the conditions set out in Schedule 1 and Schedule 2.

This exemption applies only in respect of:

1. Unit 3, Pinnaroo Retirement Village, 1-3 Jenkins Terrace, Pinnaroo SA 5304.

SCHEDULE 1

1. The exemption is provided on condition that Southern Mallee District Council ensures that the tenanting of Unit 3 to persons other than eligible persons will not detract from the rights of eligible residents of Pinnaroo Retirement Village.

SCHEDULE 2

2. The exemption is provided on condition that the Administrator of the Act will undertake a review of the occupancy of Unit 3 every 12 months, commencing 12 months from the date of publication of the exemption in the *South Australian Government Gazette*.

Dated: 6 June 2025

NAT COOK
Minister for Seniors and Ageing Well

RETIREMENT VILLAGES ACT 2016

SECTION 59(1)

Voluntary Termination of Retirement Village Scheme

Take notice that I, Nat Cook, Minister for Seniors and Ageing Well, pursuant to Section 59(1) of the *Retirement Villages Act 2016*, hereby terminate the Paradise Retirement Village retirement village scheme situated at 695 Lower North East Road, Paradise SA 5075 and comprising all of the land and improvements in Certificate of Title Register Book Volume 6149 Folio 754. I do so being satisfied for the purposes of Section 59(2) of the Act that there are no retirement village residents in occupation. The termination will take effect on the day upon which the retirement village endorsement is cancelled.

Dated: 6 June 2025

NAT COOK
Minister for Seniors and Ageing Well

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER***Road Closure—Portion of Bruhns Road, Manoora*

By Road Process Order made on 27 March 2025, the Clare and Gilbert Valleys Council ordered that:

1. Portion of Bruhns Road, Manoora, situated adjoining Allotment 102 in Filed Plan 176174, Hundred of Saddleworth, more particularly delineated and lettered 'A' in Preliminary Plan 24/0024 be closed.
2. Transfer the whole of the land subject to closure to Anembo Pty. Ltd. (ACN: 007 605 165) in accordance with the Agreement for Transfer dated 21 February 2025 entered into between the Clare and Gilbert Valleys Council and Anembo Pty. Ltd. (ACN: 007 605 165).

On 3 June 2025 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 136948 being the authority for the new boundaries.

Pursuant to Section 24(5) of the *Roads (Opening and Closing) Act 1991*, notice of the Order referred to above and its confirmation is hereby given.

Dated: 12 June 2025

B. J. SLAPE
Surveyor-General

2024/05311/01

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER***Road Closure—Portion of Glenarbon Court, Para Hills*

By Road Process Order made on 24 February 2025, the City of Salisbury ordered that:

1. Portion of Glenarbon Court, Para Hills, situated adjoining Allotment 52 in Deposited Plan 14380, Hundred of Yatala, more particularly delineated and lettered 'A' in Preliminary Plan 24/0003 be closed.
2. Transfer the whole of the land subject to closure to Stephen John Lycett Rogers in accordance with the Agreement for Transfer dated 24 February 2025 entered into between the City of Salisbury and Stephen John Lycett Rogers.

On 3 June 2025 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 137337 being the authority for the new boundaries.

Pursuant to Section 24(5) of the *Roads (Opening and Closing) Act 1991*, notice of the Order referred to above and its confirmation is hereby given.

Dated: 12 June 2025

B. J. SLAPE
Surveyor-General

2024/00569/01

ROADS (OPENING AND CLOSING) ACT 1991
SECTION 24

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER**

Road Closure—Portion of Government Road, Renmark West

By Road Process Order made on 24 January 2025, the Renmark Paringa Council ordered that:

1. Portion of Government Road, Renmark West, situated adjoining Allotment 426 in Filed Plan 177632 and Allotment 425 in Filed Plan 177631, Renmark Irrigation District, more particularly delineated and lettered 'A' and 'B' in Preliminary Plan 23/0016 be closed.
2. Transfer the whole of the land marked 'B' subject to closure to Richard Humphrey Howie and Michelle Lee Medhurst in accordance with the Agreement for Transfer dated 24 January 2025 entered into between the Renmark Paringa Council and Richard Humphrey Howie and Michelle Lee Medhurst.
3. Transfer the whole of the land marked 'A' subject to closure to H.J. Howie Pty. Ltd. in accordance with the Agreement for Transfer dated 24 January 2025 entered into between the Renmark Paringa Council and H.J. Howie Pty. Ltd.
4. The following easement is to be granted over portion of the land subject to closure:

Grant an easement for water supply purposes in favour of Allotment 82 in Deposited Plan 137076 over the land marked 'A' in Deposited Plan 137076.

On 4 June 2025 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 137076 being the authority for the new boundaries.

Pursuant to Section 24 of the *Roads (Opening and Closing) Act 1991*, notice of the order referred to above and its confirmation is hereby given.

Dated: 12 June 2025

B. J. SLAPE
Surveyor-General

2023/05341/01

ROADS (OPENING AND CLOSING) ACT 1991
SECTION 24

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER**

Road Closure—Portion of Unmade Public Road, Robe

By Road Process Order made on 17 March 2025, the District Council of Robe ordered that:

1. Portion of Public Road (Boomaroo Park Road), Robe, situated adjoining Section 445, Hundred of Waterhouse, more particularly delineated and lettered 'A' in Preliminary Plan 24/0033 be closed.
2. Transfer the whole of the land subject to closure to Duncan Thomas Young and Anne Heather Young in accordance with the Agreement for Transfer dated 30 January 2025 entered into between the District Council of Robe and Duncan Thomas Young and Anne Heather Young.

On 4 June 2025 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 137306 being the authority for the new boundaries.

Pursuant to Section 24(5) of the *Roads (Opening and Closing) Act 1991*, notice of the order referred to above and its confirmation is hereby given.

Dated: 12 June 2025

B. J. SLAPE
Surveyor-General

2024/07082/01

LOCAL GOVERNMENT INSTRUMENTS

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 St Peters Ward.

The voters roll for this supplementary election will close at 5pm on Monday, 30 June 2025.

You are entitled to vote in the election if you are enrolled on the State electoral roll for the council ward. 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.

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 ward. Contact the council to find out how.

Nominations to fill the vacancy will open on Thursday, 24 July 2025 and will be received until 12 noon on Thursday, 7 August 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, 22 September 2025.

Dated: 12 June 2025

MICK SHERRY
Returning Officer

TOWN OF GAWLER

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Close of Roll for Supplementary Election

A supplementary election will be necessary to fill the vacant position of Mayor.

The voters roll for this supplementary election will close at 5pm on Monday, 30 June 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.

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, 24 July 2025 and will be received until 12 noon on Thursday, 7 August 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, 22 September 2025.

Dated: 12 June 2025

MICK SHERRY
Returning Officer

ADELAIDE HILLS COUNCIL

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Close of Roll for Supplementary Election

A supplementary election will be necessary to fill two vacant positions of councillor for Valleys Ward.

A supplementary election will also be necessary to fill the vacant position of councillor for Ranges Ward.

The voters rolls for these supplementary elections will close at 5pm on Monday, 30 June 2025.

You are entitled to vote in an election if you are enrolled on the State electoral roll for the council ward. 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.

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 ward. Contact the council to find out how.

Nominations to fill the vacancies will open on Thursday, 24 July 2025 and will be received until 12 noon on Thursday, 7 August 2025.

The elections 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, 22 September 2025.

Dated: 12 June 2025

MICK SHERRY
Returning Officer

MOUNT BARKER DISTRICT COUNCIL

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 Ward Councillor-South Ward, due to the resignation of Councillor Narelle Hardingham, effective 3 June 2025.

Dated: 12 June 2025

ANDREW STUART
Chief Executive Officer

DISTRICT COUNCIL OF ORROROO CARRIETON

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Close of Roll for Supplementary Election

A supplementary election will be necessary to fill the vacant positions of two area councillors.

The voters roll for this supplementary election will close at 5pm on Monday, 30 June 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.

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, 24 July 2025 and will be received until 12 noon on Thursday, 7 August 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, 22 September 2025.

Dated: 12 June 2025

MICK SHERRY
Returning Officer

YORKE PENINSULA COUNCIL

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Close of Roll for Supplementary Election

A supplementary election will be necessary to fill the vacant position of Mayor.

The voters roll for this supplementary election will close at 5pm on Monday, 30 June 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.

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, 24 July 2025 and will be received until 12 noon on Thursday, 7 August 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, 22 September 2025.

Dated: 12 June 2025

MICK SHERRY
Returning Officer

PUBLIC NOTICES

NATIONAL ENERGY RETAIL LAW

Notice of Initiation

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

Under s 251, The Justice and Equity Centre (JEC) has requested the *Establishing a regulatory framework for gas disconnections* (Ref. RRC0068) proposal. The proposal seeks to establish a regulatory framework for gas temporary disconnections and permanent abolishments. Submissions must be received by **10 July 2025**.

Under s 251, the Energy Consumers Australia (ECA) has requested the *Updating the framework for gas connections* (Ref. RRC0069) proposal. The proposal seeks to require gas network distributors to charge customers the full upfront cost of new connections. Submissions must be received by **10 July 2025**.

Submissions can be made via the [AEMC's website](#). Before making a submission, please review the AEMC's [privacy statement](#) on its website, and consider the AEMC's [Tips for making a submission](#). The AEMC publishes all submissions on its website, subject to confidentiality.

Documents referred to above are available on the AEMC's website and are available for inspection at the AEMC's office.

Australian Energy Market Commission
Level 15, 60 Castlereagh St
Sydney NSW 2000
Telephone: (02) 8296 7800
www.aemc.gov.au

Dated: 12 June 2025

NATIONAL GAS LAW

Notice of Initiation

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

Under s 303, the Energy Consumers Australia (ECA) has requested the *Updating the framework for gas connections* (Ref. GRC0085) proposal. The proposal seeks to require gas network distributors to charge customers the full upfront cost of new connections. Submissions must be received by **10 July 2025**.

Under s 303, The Justice and Equity Centre (JEC) has requested the *Establishing a regulatory framework for gas disconnections* (Ref. GRC0086) proposal. The proposal seeks to establish a regulatory framework for gas temporary disconnections and permanent abolishments. Submissions must be received by **10 July 2025**.

Submissions can be made via the AEMC's website. Before making a submission, please review the AEMC's [privacy statement](#) on its website, and consider the AEMC's [Tips for making a submission](#). The AEMC publishes all submissions on its website, subject to confidentiality.

Documents referred to above are available on the AEMC's website and are available for inspection at the AEMC's office.

Australian Energy Market Commission
Level 15, 60 Castlereagh St
Sydney NSW 2000
Telephone: (02) 8296 7800
www.aemc.gov.au

Dated: 12 June 2025

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

EMAIL: governmentgazettesa@sa.gov.au

PHONE: (08) 7133 3552

WEBSITE: www.governmentgazette.sa.gov.au

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

Printed and published weekly by authority of T. FORESTO, Government Printer, South Australia
\$8.80 per issue (plus postage), \$443.00 per annual subscription—GST inclusive
Online publications: www.governmentgazette.sa.gov.au