

# NO NAME SCHOOL COUNCIL CONSTITUTION

MAY 2008

## 1 NAME

The name of the Council shall be the **NO NAME SCHOOL COUNCIL**.  
(Hereinafter called the Council)

## 2 DEFINITIONS

In this constitution, unless the contrary intention appears:

**ACT** means the *Education Act* of the Northern Territory

**BANK** means a bank, building society or credit union with approval of the Secretary.

**COUNCIL** means the NO NAME School Council established under S17 of the *Education Act*, being the recognised constitutional body representative of the school community.

**MEMBER** in relation to the council, means a member of the Council.

**MINISTER** means the Northern Territory Minister for Education.

**PARENT** means the parent or legal guardian of any student enrolled at the school including the person who has actual custody of a student and the person with whom the student resides.

**PRESCHOOL ORGANISATION** means the organisation or body if any, of parents and teachers of children who have not attained the age of six years and who attend the preschool of a primary school for which a School Council has been established.

**PRINCIPAL** means the person to whom the administration and control of the school is committed.

**REGISTRAR** means the person employed within the meaning of the *Public Sector Employment and Management Act*, of the Department of Education.

**SECRETARY** means the Chief Executive Officer of DEET, as defined in the *Public Sector Employment and Management Act*, of the Department of Education.

**SCHOOL** means the NO NAME School (and includes the Wanguri Preschool).

**SCHOOL COMMUNITY** means the teaching staff, parents, students and other persons who have direct involvement or an interest in the school,

**STUDENT REPRESENTATIVE COUNCIL** or **SRC** means the recognised representative body of students enrolled at the school.

**TEACHING STAFF** means the body of professional teachers appointed from time to time to the school.

**3. FUNCTIONS** (Education Act, 71c)

The School Council may exercise the following functions in respect of the school

- a Examine the manner in which the educational policies of the Territory are to be implemented at the school and to this end, to advise the Principal accordingly;
- b inquire into and identify the particular educational needs of the community served by the school and advise the Secretary of those needs;
- c consider and advise the Principal and Secretary of initiatives in community education and, in particular, on means of improving links between the School, parents organisations, other associations and the community in general.
- d assess, from time to time, the needs of the School in relation to buildings and facilities, equipment and needs of students and teachers and other staff and make recommendations to the Secretary with respect to the provision of those needs.
- e within the scope allowed by the functions and powers conferred or imposed upon it, determine the purposes for which monies allocated by the Department of Education to the school are to be expended and to expend those funds accordingly;
- f determine and regulate the conduct of activities for the benefit of the local community served by the school at any time when the school's building or grounds are not required for their usual purposes;
- g exercise a general oversight of the buildings and grounds of the school, including, with the consent of the Secretary, supervising the conduct of work being out to or in relation to those buildings or grounds, upon such terms and conditions as are approved in writing by the Secretary;
- h control the manner in which prescribed services are being rendered for the School
- i advise the Secretary in relation to the job description for the position of Principal:
- j advise the Principal in relation to the job descriptions for teaching and school support staff.
- k employ, with the consent of the Secretary, such persons, other than a person who is an employee within the meaning of the Public Service Act or an employee or officer within the meaning of the Teaching Service Act, as the School Council thinks fit, upon such terms and conditions as approved in writing by the Secretary.
- l carry out such activities as are approved by the Secretary for the purpose of raising funds to be expended on or in relation to the School and to expend such funds accordingly
- m perform such other functions as the Minister, by instrument in writing, confers upon the School Council.

**4 MEMBERSHIP**

The composition of the Council shall be made up as follows:

- a Minimum of 5 up to a maximum of 19 parents other than parents who are teachers at the school, elected by the parents of the students attending the school.
- b Up to 6 teachers elected at a general meeting of teachers

**NOTE: 1** The Council may invite up to three persons to assist Council, and/or the local member of the Legislative Assembly and/or nominee of the Municipal or Community Council

- c the Principal who shall be a member of the Council with voting rights, and who shall inform and advise the School Council on matters being considered by it;
- d one member of the NO NAME Pre-school Association elected at a general meeting of its members

**NOTE: 2.** a majority of members of each School Council shall be parents elected under 4a.

**NOTE: 3** of those elected under 4b, the number who are officers or employees within the meaning of the Teaching Service Act shall not in the aggregate exceed one third of the total number of members of Council.

**NOTE: 4** The Council may request the Secretary or Registrar to be Secretary/Treasurer of the Council. (See Reg.15 and Section 11b of this Constitution.

## **5 FINANCE**

The income and property of the Council, however derived, shall be applied solely towards the promotion of the objects and purposes of the Council as stipulated in the constitution and no portion thereof shall be paid or transferred directly or indirectly, by dividend, bonus, or otherwise to any member of the Council except for reimbursement for out-of-pocket expenses and, with the approval of the Secretary, for payment of goods and services.

- 5.1 The financial year of the Council is the period beginning on 1 January in each year and ending 31 December of that year.
- 5.2 True accounts shall be kept
  - a. of all sums of money received and expended by the council and the matter of which the receipt or expenditure takes place; and
  - b. of the property, credits and liabilities of the Council.
- 5.3 The Treasurer of the Council shall ensure that official receipts are issued for all monies received by the Council other than the over the counter sales by the school canteen or book room store run by that School Council or where the Secretary otherwise determines.
- 5.4 The Council shall cause to be opened with such banks as the Council selects banking accounts in the name of the Council into which all monies received shall be paid as soon as possible after receipt thereof.
- 5.5 No cheque shall be drawn on the Council's bank account unless such payment is in conformity with the council's budget.
- 5.6 All cheques shall be signed by such members of the Council and school staff as the Council may nominate for that purpose. A minimum of two signatures is required for all cheques.
- 5.7 Once at least in each financial year of the Council, not later than 27 February in each year for the immediately preceding year, the accounts of the Council, shall be examined by an auditor appointed by the Council and approved by the Secretary. The auditor shall certify as to the correctness of the accounts of the council and shall report thereon to the members present at the Annual General Meeting. In the Auditors' report, and in certifying to the accounts the auditor shall state:
  - a. whether he has obtained all the information required to audit the accounts;
  - b. whether in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Council according to the information at his

disposal and the explanations given to him and as shown by the books of the Council and

- c. whether the rules relating to the administration of the funds of the Council have been observed.
- 5.8 The auditor:
- a. has a right of access to the accounts, books, records, vouchers and documents of the Council
  - b. may require from the members of the Council such information and explanations as may be necessary for the performance of the auditor's duties.
  - c. may, in relation to the accounts of the Council, examine any member of the Council or any persons having financial dealings with the Council.
- 5.9 The handling of accounts, money and books, shall be in accordance with the Departmental instructions.
- 5.10 A member of the Council who is financially interested in any contract or arrangement made or proposed to be made between the Council and an outside contractor shall disclose that interest at the first meeting of the Council at which the contract or arrangement is first taken into consideration, if that interest then exists, or, in any other case, at the first meeting of the Council after the acquisition of that interest.
- 5.11 No member of the Council shall vote as a member of the Council in respect of any contract or arrangement in which they are financially interested and if they do so vote their vote shall not be counted.

## 6 **TERMS OF OFFICE** (Note: Must comply with Regulation 5)

- 6.1 Members of the Council being members by virtue of their office shall be members during the currency of their terms of office
- 6.2 Elected members of the Council other than the member representing the Pre-School Association shall hold office for two years provided that when the Council is first established one half of the elected members shall retire at the end of their first year of office.
- 6.3 The member representing the Pre-School Association shall be elected by the Pre-School Association for a term of one year.
- 6.4 Retiring members of the Council shall be eligible for re-election.
- 6.5 Elected members of Council shall be elected by their respective bodies at meetings called for that purpose prior to March 15 in each year.
- 6.6 Invited member, other than the local government member, will hold office for any period not exceeding two years, as determined by the Council and will be eligible for a further term.
- 6.7 A municipal or community government member shall hold office for two years and will be eligible for a further term.
- 6.8 No member, other than the Principal, may hold office for more than 3 consecutive full terms.

## 7 **CASUAL VACANCIES**

- a Casual vacancies in membership of the Council shall occur when:
  - i a member dies
  - ii a member's term of office expires
  - iii a member other than the Chairperson presents a written notice of resignation to the Chairperson of the Council

- iv member fails to attend three consecutive scheduled meetings of the Council without prior approval of the Council in which case the member will be deemed to have resigned and shall be advised accordingly.
- b Casual vacancies in the membership of the School Council shall be filled as the School Council shall determine (except that the person who fills the vacancy must in any case be eligible under Regulation 4 of the *Education College and School Councils* Regulations and the person elected, appointed or invited to fill that casual vacancy shall hold office for the remainder of the office of their predecessor.
- c When any person ceases to be a member of the Council or to hold any particular office on the Council, they shall immediately hand over to their successor, all books, papers and funds which they held by virtue of their position on the Council.

## **8. COUNCIL MEETINGS**

- 8.1 Council reserves the right to determine its own Code of Conduct of meetings and initially will adopt the Code of Conduct as outlined in the Code of Conduct of School Council Meetings within the document "Practical Guide for School Councils".
- 8.2 The Council should, where practicable, meet once per month during the school year, and in any case not less than eight times (including the Annual General Meeting) in any calendar year.
- 8.3 Meetings of the Council shall be open to the school community and shall be held in the school.
- 8.4 The dates and times of meetings of the Council shall be advertised 7 days in advance.
- 8.5 The Council may call additional meetings as members deem to be necessary
- 8.6 At any meeting of the Council one half of the current membership of the Council shall constitute a quorum.
- 8.7 At any meeting of the Council only members of the Council, the Secretary's nominee or those invited to do so by the Council may address the meeting.

## **9 GENERAL MEETINGS** (See Regulation 8 and 9)

- 9.1 The Council shall report annually not later than 15 March (unless the Minister consents otherwise) in each year to an Annual General Meeting of parents, teaching staff and other interested persons called for that purpose.
- 9.2 The report shall consist of a statement by the Chairperson of the matters dealt with and decisions made by the Council and an audited financial statement detailing the income and expenditure of the Council during the preceding year.
- 9.3 At an Annual General Meeting, retiring members of the Council will relinquish their positions, and those parents, teachers and students who have been elected by their respective organisations will take their positions on the Council.
- 9.4 The teaching staff and Pre-School Association may ask for specific items or business to be placed on the agenda of a General Meeting and those items of business shall be dealt with unless the meeting determines otherwise.
- 9.5 The Council may call a Special General Meeting for the purpose of putting a specific matter before the parent, teacher or student bodies of the school
- 9.6 At the request of not less than three members, being from a combination of the parents, the teaching staff, and the Student Representative Council the Council shall call a meeting within 14 days of receiving the request.

**NOTE :** Members must have no less than three days notice in writing of the date, time, place and specific matter/s to be dealt with at the Special General Meeting

9.7 Notice of General Meetings shall be advertised in the media and in a newsletter to all parents, teaching staff at and the Student Representative Council at least 7 days in advance of the date of the meeting.

9.8 A Quorum for a General Meeting shall no less than 2/3rds of the current membership of the Council

**NOTE:** The purpose of a General Meeting is to seek the views of as many members of the school community as possible, so it is important that more than the full membership of School Council attend. The notice provision in clause 9.5 is to encourage the community to attend.

## 10 PROXIES

Any member of the Council who is unable to attend a particular meeting of the Council may appoint a proxy (either another member or a non-member) with full voting rights. The nomination of the proxy must be given to the Chairperson in writing prior to the meeting of the Council. Any member may make use of this provision on no more than two occasions in any year.

## OFFICERS

The officers of the Council shall be:

- a The Chairperson, who shall:
  - i be appointed by the Council from the parent members of the Council (other than a member who is a Principal or Acting Principal at any Government School).
  - ii preside at each meeting of the Council and at General meetings, except when unavailable in which event the Council shall appoint a Chairperson for that meeting.
  - iii have a deliberate vote only
- b The Council Secretary, who shall:
  - i be responsible for the keeping of the official records of the Council
  - ii prepare the Agenda for each meeting of the Council in consultation with the Chairperson.
  - iii record the minutes of each meeting of the Council and forward copies to each member prior to the next meeting.
  - iv conduct the official correspondence of the Council
- c The Treasurer, who shall:
  - i see that the account books of the Council are kept, and present financial statements as required by the Council and the Secretary and present an audited statement covering the preceding year to the Annual General Meeting and to the Secretary.

## 11 COMMITTEES

- 11.1 The Council may appoint such committees as it deems fit to undertake specific areas of responsibility.
- 11.2 The functions and responsibilities of the committees shall be defined by the Council
- 11.3 The membership of the committees shall be filled as determined by the Council.
- 11.4 Any committee so formed shall appoint its own Chairperson.

- 11.5 The Chairperson of the committee shall be responsible for presenting regular reports covering the activities of the committee to the Council.
- 11.6 All decisions of the committee are to be referred to the Council for consideration and ratification.
- 11.7 Committee shall meet as determined by the Council.
- 11.8 Committee meetings shall not be open to the public.

**12 MISCELLANEOUS**

- 12.1 Nothing contained in this Constitution and these rules shall in any way prejudice or give Council any power whatever to interfere in the rights of the teaching and ancillary staff, to determine the conduct of their own affairs.
- 12.2 Public statements made on behalf of the Council shall only be made by the Chairperson or Principal and provided that such statements reflect the agreed policy or true intent of then Council.
- 12.3 This Council may only be abolished by the Minister in accordance with Section 71K of the Act.
- 12.4 Upon abolition any funds remaining after the discharge of all liabilities shall be disposed of in accordance with Section 71K of the Act.

**13 AMENDMENT OF THIS CONSTITUTION**

- 13.1 This Constitution and these rules may only be amended at a General Meeting called for that purpose and upon the majority vote of two-thirds of those present and voting provided that notice of the meeting and the specific reason for calling the meeting have been given in accordance with Clauses 9.6 and 9.5 of this Constitution.
- 13.2 Copies of this Constitution and any amendments thereto duly signed and dated by the Chairperson shall be sent to the teaching staff, the PTA and shall be available to the public at any Council or General Meeting.
- 13.3 An amendment to this Constitution shall be notified in writing to the Secretary and the Minister within seven days of the date of the amendment and, such notice shall contain the text of the amendment.

**NOTE:** By including the date of the Constitution (from last amendment) on the document Council members can ensure that they have the latest copy and keep a check that it is consistent with the current Act and Regulations.

Signed \_\_\_\_\_ Signed \_\_\_\_\_

Date \_\_\_\_\_