

Part 5 Parent and community involvement in Government schools

21 Definitions

In this Part:

deductible gift recipient, see section 30.227(2) of the *Income Tax Assessment Act 1997* (Cth).

school body means:

- (a) a school representative body; or
- (b) a school management council; or
- (c) a multi-school management council.

school representative body includes joint school representative body.

22 Composition of school representative bodies

- (1) For section 103(5) of the Act, the composition of a school representative body must be in accordance with this regulation.
- (2) A school representative body must consist of not less than 5, but not more than 19, members.
- (3) The number of members of a school representative body must be specified in the constitution of the body.
- (4) A school representative body (other than a joint school representative body) must consist of members in the following classes:
 - (a) parents of students enrolled in the Government school for which the body is established, including parents of preschool students, elected to office by the parents of students enrolled in that school;
 - (b) at least one teacher (other than the principal) who teaches at the Government school for which the body is established, who may be a preschool teacher, elected to office by the teachers who teach at that school;
 - (c) the principal of the Government school for which the body is established.

- (5) A joint school representative body must consist of members in the following classes:
- (a) at least one parent of a student enrolled in each of the Government schools for which the body is established, who may be a parent of a preschool student, elected to office by the parents of students enrolled in that school;
 - (b) at least one teacher (other than the principal) who teaches at any of the schools for which the body is established, who may be a preschool teacher, elected to office by the teachers who teach at those schools;
 - (c) the principal of each school for which the body is established.
- (6) A school representative body (including a joint school representative body) may also include as members:
- (a) subject to subregulations (7) and (8), one or more persons invited to be a member; and
 - (b) if the Government school, or any of the Government schools, for which the body is established provides secondary education, up to 2 students.
- (7) A person invited to be a member of a school representative body may be:
- (a) a person whom the body considers to have special qualifications, knowledge or experience that will be able to assist it in the performance of its functions by the giving of information or advice; or
 - (b) the member of the Legislative Assembly for the electoral division in which the Government school, or any of the Government schools, for which the body is established is located; or
 - (c) a person nominated by the local government council for the area in which the Government school, or any of the Government schools, for which the body is established is located.
- (8) However, a teacher at a Government school, including the Government school, or any of the Government schools, for which a school representative body is established must not be invited to be a member of the body.

- (9) A person may only be:
- (a) a member of a school representative body in one capacity, that is, as a parent, teacher, principal or, where relevant, invited member or student; and
 - (b) a representative of only one of the Government schools for which a joint school representative body is established.
- (10) Subregulation (11) applies if:
- (a) a parent of a student enrolled in the Government school, or one of the Government schools, for which a school representative body is established is a member of that body; and
 - (b) the student ceases to be enrolled in that Government school.
- (11) The parent may continue as a member until the end of their term of office.

23 Term of office

- (1) For section 103(6) of the Act, the prescribed term of office of a member of a school representative body is 2 years.
- (2) However, the term of office of a person who is invited to be a member under regulation 22(6)(a) may be a shorter period than 2 years.
- (3) A person may not hold office as a member of a school representative body in the same capacity for more than 3 consecutive terms other than as:
- (a) a principal; or
 - (b) a member of the Legislative Assembly, or person nominated by a local government council, who is invited to be a member under regulation 22(6)(a).
- (4) Despite subregulation (1), on a school representative body being first established, one-half of its members (or the whole number nearest to, but not more than, one-half if the total number of members is an uneven number) must retire at the end of their first year of office.

- (5) The office of a member of a school representative body becomes vacant if:
- (a) the member is removed from office by the CEO under section 103(7) of the Act; or
 - (b) the member is no longer eligible to hold office; or
 - (c) the member resigns by notice in writing given to the chairperson of the school representative body or, for the chairperson, to the CEO.

24 Chairperson of school representative body

- (1) For section 103(8)(a) of the Act, a school representative body must appoint one of its members mentioned in regulation 22(4)(a) or 22(5)(a) (other than a member who is a teacher or principal at any Government school) to be its chairperson.
- (2) Subject to this regulation, a member appointed under subregulation (1) holds office as chairperson for the remainder of the person's term of office as a member.
- (3) A member appointed under subregulation (1) may resign as chairperson by giving written notice to the CEO.
- (4) A member appointed under subregulation (1) who ceases to hold office as a member of the school representative body also ceases to hold office as chairperson.
- (5) A member is eligible to be reappointed as chairperson.

25 Casual vacancies

- (1) For section 103(8)(b) of the Act, a casual vacancy in the membership of a school representative body, other than a member in the capacity of principal, is to be filled as determined by the body.
- (2) A person elected or appointed to fill a casual vacancy:
- (a) must be eligible to hold office; and
 - (b) holds office for the balance of the term of the member who created the vacancy by ceasing to be a member.
- (3) A person who ceases to be a member of a school representative body or to hold a particular office on a school representative body must, as soon as practicable, give to their successor any money, books, records or property of the body in their possession.

26 General meetings

- (1) Subject to subregulation (2), in each year the principal as a member of a school representative body or each of the principals who is a member of a joint school representative body must:
 - (a) give notice to parents of students enrolled in the Government school of which they are the principal of the vacancies, if any, in the membership of the body for the year; and
 - (b) ensure that, as soon as practicable after giving notice, one or more meetings is held at which members are elected to fill vacancies and such other business is conducted as is required by the Act, these Regulations or the Minister.
- (2) A meeting to be held as mentioned in subregulation (1)(b) must not be held later than 15 March.

27 Meetings

- (1) The chairperson of a school representative body or, if for any reason the chairperson is not available, the principal of the Government school, or any of the Government schools, for which the body is established, may call a meeting of the body.
- (2) The Minister, the CEO or not less than 3 members of a school representative body may, by written notice given to the chairperson of the body, request that a meeting of the body be called for the purpose of considering any matter specified in the notice.
- (3) Without limiting the manner in which a notice may be given under subregulation (2), it may be given to the chairperson by delivering it, addressed to the chairperson, to the principal of the Government school, or any of the Government schools, for which the school representative body is established.
- (4) On being given a notice under subregulation (2), the chairperson must call a meeting of the school representative body by giving to each member of that body not less than 3 days' written notice of:
 - (a) the date, time and place of the meeting; and
 - (b) any matter specified in the notice under subregulation (2).
- (5) A meeting called under subregulation (2) must not deal with any business other than that specified in the notice under that subregulation.
- (6) The chairperson of a school representative body must preside at any meeting of the body at which the chairperson is present.

- (7) If the chairperson is not present at a meeting, the members present must elect one of their number to preside at the meeting.
- (8) A quorum at a meeting of a school representative body is one-half of the members for the time being in office.
- (9) Questions arising at a meeting of a school representative body must be determined by a majority of the votes of the members present and voting.
- (10) The person presiding at a meeting of a school representative body only has a deliberative vote and not a casting vote.
- (11) If there is a vacancy in the office of chairperson of a school representative body and, but for this subregulation, the body would not be able to meet to appoint a member to be chairperson of the body, the CEO may convene a meeting of the body for that purpose.

28 Independent public school boards

- (1) An application under section 104(2) of the Act must:
 - (a) have had its making supported by a motion passed at a general meeting of the independent public school board before it is made; and
 - (b) be made in writing; and
 - (c) state the reasons for the application; and
 - (d) show how the views and interests of parents will be adequately represented on the board.
- (2) In determining an application under section 104(2) of the Act, the Minister:
 - (a) must have regard to:
 - (i) whether the views and interests of parents will be adequately represented on the independent public school board; and
 - (ii) whether the community in which the school is located supports the application; and
 - (b) must be satisfied that the board can comply with the requirements of Part 6 of the Act relevant to the board.

- (3) The Minister must make a decision on an application under section 104(2) of the Act as soon as practicable after receiving it and, in any event, not later than 30 days after receiving it.
- (4) The Minister may, in respect of an application under section 104(2) of the Act, decide:
 - (a) to approve the application; or
 - (b) to refuse the application; or
 - (c) to vary the application and approve it as varied.
- (5) As soon as practicable after making a decision on an application under section 104(2) of the Act, the Minister must give written notice of the decision to the board.
- (6) If the Minister approves an application under section 104(2) of the Act (whether with or without variation), the independent public school board must, as soon as practicable after being notified under subregulation (5), publish on the school's website the information mentioned in subregulation (1)(d) as included in the application.
- (7) An approval of an application under section 104(2) of the Act has effect for the period (not exceeding 2 years) determined by the Minister and specified in the notice under subregulation (5).
- (8) On an approval ceasing to have effect, section 103(5) of the Act applies to the independent public school board without modification.
- (9) An independent public school board may make a fresh application under section 104(2) of the Act at any time, whether or not an approval of an earlier application under that section then has effect.
- (10) However, if an independent public school board decides not to make a fresh application as mentioned in subregulation (9), it must notify the Minister of that fact and of the date on which the current approval will expire.

29 Limit on power to enter into agreements

- (1) This regulation applies to a school body (other than a joint school representative body) for section 106(1)(b) of the Act.
- (2) A school body must not:
 - (a) give an indemnity or guarantee; or
 - (b) enter into a derivative transaction; or

- (c) subscribe for, or otherwise acquire, or dispose of, shares in, or debentures or other securities of, a corporation; or
- (d) except with the approval of the CEO:
 - (i) borrow or lend money; or
 - (ii) acquire or dispose of real property; or
 - (iii) enter into a contract or other arrangement for the provision of a service under which the total annual cost, on a calendar year basis, is more than 10% of the money allocated to the school body by the Agency for that year; or
 - (iv) enter into a contract or other arrangement for the construction or improvement of a building or other structure on land under which the total cost is in excess of the threshold amount; or
 - (v) enter into a funding agreement with any person or body.
- (3) In subregulation (2)(d)(iv):

threshold amount means the threshold amount for ***minor new works*** set out in the Treasurer's Directions issued under section 38 of the *Financial Management Act*.

30 Prescribed services

For sections 107(1)(h) and 119(1)(f) of the Act, the services of maintenance and general upkeep are prescribed.

31 Optional extras

- (1) This regulation applies to a school body other than a joint school representative body.
- (2) For sections 107(1)(m) and 119(1)(i) of the Act, the following are prescribed materials, services or facilities not covered by section 75(2) of the Act for which a fee may be charged:
 - (a) the provision of instructional support or instructional resources;
 - (b) extra-curricular programs or activities;
 - (c) entry costs associated with performances, productions or events;
 - (d) the provision of materials or services that are a higher cost alternative to those required for the standard curriculum program;
 - (e) the provision of equipment or of other materials, services or facilities.

Examples for subregulation (2)(a)

Printing for personal use and internet access for recreational purposes.

Example for subregulation (2)(b)

Instrumental music tuition.

Example for subregulation (2)(d)

The use of mahogany in woodwork instead of standard pine.

Example for subregulation (2)(e)

Hire of a notebook computer or musical instrument.

32 Voluntary contributions

- (1) This regulation applies to a school body other than a joint school representative body.
- (2) For sections 107(1)(n) and 119(1)(j) of the Act, the following are the prescribed purposes for which voluntary contributions may be sought from parents:
 - (a) donations to a building or a library trust fund, if the school body is a deductible gift recipient;
 - (b) financial contributions for a specific purpose designated by the Government school, or any of the Government schools, for which the school body is established;

- (c) financial contributions or donations of any kind to the Government school, or any of the Government schools, for which the school body is established.

33 Ownership of materials and property

- (1) If a school body (other than a joint school representative body) purchases materials or other property wholly or partly from money mentioned in section 110(1)(a) of the Act, the materials or other property belong to the Minister.
- (2) If a school body (other than a joint school representative body) purchases materials or other property wholly from money mentioned in section 110(1)(b) or (c) of the Act, the materials or other property belong to the school body.
- (3) Subregulation (4) applies if a school management council purchases materials or other property on behalf of a joint school representative body wholly from money mentioned in section 110(1)(b) of the Act.
- (4) The materials or other property belong to whichever school management council (established for one of the Government schools for which the joint school representative body is established) is nominated by the joint school representative body.

34 Accounts

- (1) A school body (other than a joint school representative body) must open an **official bank account** under the name of the school body with an ADI and may open other bank accounts with an ADI.
- (2) A school management council may, on behalf of a joint school representative body, open a bank account with an ADI.
- (3) A school body must obtain the approval of the CEO to the opening of a bank account, including an official bank account
- (4) A school body must deposit in an official bank account opened under subregulation (1) all of its money mentioned in section 110(1)(a) or (c) of the Act.
- (5) Money in an official bank account opened under subregulation (1) is held on behalf of the Minister.
- (6) A school body may deposit in a bank account (other than an official bank account opened under subregulation (1)) money mentioned in section 110(1)(b) of the Act.

- (7) A joint school representative body may determine the **use of money** in a bank account opened under subregulation (2) for the purpose of joint projects for the benefit of the Government schools for which the body is established.
- (8) An account mentioned in subregulation (7) is to be managed by one of the Government schools for which the joint school representative body is established as nominated by that body for that purpose.
- (9) A school body must keep separate **records of transactions** for each account held by it.
- (10) A school body must ensure that money cannot be withdrawn from an account held by it without the signature of **at least 2 persons** nominated by the school body, with the approval of the CEO, as **signatories for the account**.

35 Expenditure of money

- (1) A school representative body or school management council must not, except with the written approval of the CEO, use money in a bank account opened by it other than on, or in relation to, the Government school for which it is established.
- (2) A joint school representative body or multi-school management council must not, except with the written approval of the CEO, use money in a bank account opened by it, or for it, other than on, or in relation to, any of the Government schools for which it is established.

36 General accounting requirements

A school body must ensure that:

- (a) **interest earned** on money in an account is credited to the account; and **[term deposit]**
- (b) an instrument authorising the withdrawal of money from an account in favour of a person specified in the instrument is only capable of authorising a direct payment from the account to that person; and
- (c) there is a record made of all money received by the school body, except as otherwise determined by the CEO by instrument given to the body; and

- (d) each account of the school body is **audited** by a person who is:
 - (i) a member of the Institute of Chartered Accountants, Institute of Public Accountants ACN 004 130 643 or CPA Australia; and
 - (ii) appointed to audit the account by the school body or the CEO; and
- (e) an auditor or a firm of auditors is not appointed to audit the accounts of the school body for a term of more than 3 years; and
- (f) the person who audits an account of the school body prepares a written report that includes:
 - (i) a statement of receipts, payments and balance on hand with respect to the account; and
 - (ii) any other information that is directed in writing by the CEO to be included; and
- (g) the report mentioned in paragraph (f) is presented to the next annual general meeting held in accordance with regulation 25(1)(b); and
- (h) a copy of a report mentioned in paragraph (f) is sent to the CEO as soon as practicable after the annual general meeting to which it is presented; and
- (i) a person is appointed, whether or not a member of the school body, with the duty of:
 - (i) maintaining books of each account of the school body; and
 - (ii) banking all money received for an account of the school body; and
 - (iii) subject to regulation 33(10), making payments out of the account as authorised by the school body.

37 Secretary and treasurer to school body

- (1) For section 111(4) of the Act, a school body may request the principal of the Government school, or of any of the Government schools, for which it is established to direct the registrar of that Government school to act as either the secretary or treasurer, or as both secretary and treasurer, to the school body.

- (2) On receiving a request under subregulation (1), the principal may, subject to subregulation (3), give, or refuse to give, the direction sought by the request.
- (3) The principal must not give a direction that would require the registrar to work, or attend meetings of the school body, outside the registrar's normal working hours unless:
 - (a) the registrar agrees to comply with the direction; and
 - (b) the Agency has made arrangements under which the registrar will be paid for doing such work or attending such meetings.
- (4) The registrar must comply with a direction given by the principal.
- (5) In this regulation:

registrar, in relation to a Government school, means the person holding the position of registrar of the school.

38 Powers of CEO with respect to school representative body

For section 113(6)(a) of the Act, the prescribed period is 12 months.

Part 6 Non-Government schools

39 Registrar of non-Government schools

For section 123(2) of the Act, to be appointed as the registrar a person is required to be employed under an Executive Contract of Employment as defined by section 3(1) of the *Public Sector Employment and Management Act*.

40 Application fee for registration

For section 129(2) of the Act, the prescribed fee for an application for the registration of a non-Government school is 1 500 revenue units.

41 Code of conduct

For sections 134(3) and 152 of the Act, the code of conduct is set out in Schedule 2.

42 Application fee for variation of registration

For section 154(1) of the Act, the prescribed fee for an application for the variation of the registration of a non-Government school is 200 revenue units.