

Division 10 Accommodation

101 Compliance with boarding school standard

Any person or body providing facilities for the accommodation of students enrolled in a Government school must ensure that the facilities meet any relevant Australian Standard.

Part 6 Parent and community involvement in Government schools

Division 1 Objects of Part

102 Objects of Part

The objects of this Part are:

- (a) to recognise the importance of parents and communities in the governance of Government schools; and
- (b) for that purpose, to provide for the establishment and operation of school representative bodies and require principals of Government schools to take reasonable steps to establish them; and
- (c) to recognise that independent public school boards are accountable to their local communities for the achievement of educational outcomes for children and young persons in those communities; and
- (d) to provide for the establishment of a parent consultative group at a Government school at which there is not a school representative body and at which it is not reasonably practicable for one to be established.

Division 2 School representative bodies

103 Establishment of school representative body

- (1) The principal of a government school must, if there is no school representative body established for the school, take reasonable steps each year to ensure that one is established for the school.
- (2) Subject to subsection (3), the Minister may, by *Gazette* notice, at the request of a body involved in the management of, or from the community served by, one or more Government schools, establish a school representative body for the Government school or schools.

- (3) The Minister must not establish a school representative body under subsection (2) unless the Minister is satisfied that the school representative body will operate, on its establishment, in accordance with this Part.
- (4) A school representative body:
 - (a) for a Government school that is an independent public school, may be referred to as an independent public school board; and
 - (b) for any other Government school, may be referred to as a school council; and
 - (c) for more than one Government school, may be referred to as a joint school representative body.
- (5) Subject to section 104(2), a school representative body consists of members in the classes of members prescribed by regulation, of which at least 50% must be parents of students enrolled at the Government school or any of the Government schools for which the school representative body is established.
- (6) The members of a school representative body hold office on the terms and conditions prescribed by regulation.
- (7) Without limiting subsection (6), the CEO may remove a member of a school representative body from office:
 - (a) for misconduct; or
 - (b) for failure or incapacity to carry out the duties of the office; or
 - (c) for any other reasonable cause.
- (8) The Regulations may:
 - (a) specify the procedure for the appointment of a chairperson; and
 - (b) provide for the filling of casual vacancies; and
 - (c) specify:
 - (i) how meetings may be called; and
 - (ii) how many members constitute a quorum at a meeting; and
 - (iii) how questions arising at a meeting are to be determined; and

- (iv) the business to be conducted, and procedure to be followed, at a meeting; and
- (v) the records to be kept of meetings.

104 Independent public school boards

- (1) An independent public school board must perform its functions in a way that achieves the best educational outcomes for the students enrolled in the school.

Note for subsection (1)

Section 103(4)(a) provides that a school representative body of an independent public school may be referred to as an independent public school board.

- (2) The Minister may, on the application of an independent public school board, modify by *Gazette* notice the application to the board of section 103(5) or of any regulations made under that subsection.
- (3) Regulations may specify the procedure to be followed by the Minister in relation to an application, including any of the following:
- (a) matters to which the Minister must have regard;
 - (b) the powers that the Minister may exercise;
 - (c) the period within which the Minister must determine an application.
- (4) The Minister must, by *Gazette* notice, publish notice of a modification mentioned in subsection (2) ceasing to apply as soon as practicable after that circumstance occurs.

105 Restrictions on school representative body

- (1) Subject to subsection (2), a school representative body must:
- (a) comply with the terms of reference determined under section 108(2); and
 - (b) comply with the guidelines published under section 112(1).
- (2) The Minister may, on any terms and conditions that the Minister considers appropriate, exempt a school representative body from complying with subsection (1)(b).

106 Incorporation of school representative body

- (1) A school representative body:
 - (a) is a body corporate with perpetual succession and a common seal; and
 - (b) except for a joint school representative body, is capable in its corporate name, subject to the regulations, of:
 - (i) entering into agreements; and
 - (ii) acquiring, holding, dealing with and disposing of real and personal property; and
 - (c) is capable of suing and being sued in its corporate name.
- (2) A school representative body must adopt the model constitution published under section 108(3) (with variations in particulars as mentioned in section 108(4)) as the constitution of the body at any time on or after its establishment.
- (3) All courts, judges and persons acting judicially must take judicial notice of the common seal of a school representative body affixed to a document and are to presume that it was duly affixed.
- (4) A school representative body:
 - (a) represents the Territory; and
 - (b) enjoys the privileges, rights or immunities of the Crown in right of the Territory; and
 - (c) is within the shield of the Crown in right of the Territory.

107 Functions of school representative body

- (1) Subject to subsection (2), a school representative body may, in respect of the Government school or any of the Government schools for which the school representative body is established, do any of the following:
 - (a) examine how the educational policies of the Territory are to be implemented at the school and advise the principal accordingly;
 - (b) inquire into, and identify, the particular educational needs of the community served by the school and advise the CEO with respect to those needs;

- (c) consider and advise the principal and CEO with respect to community education initiatives and, in particular, on means for improving links between the school, parent organisations and the community in general;
- (d) assess, from time to time, the following needs and make recommendations to the CEO with respect to satisfying them:
 - (i) the needs of the school for buildings, facilities and equipment;
 - (ii) the needs of students, teachers and other staff;
- (e) within the scope allowed by the functions conferred on the body, determine the purposes for which money allocated by the Agency to the school is to be expended and expend money paid by the Agency to the school;
- (f) determine whether, and regulate how, the buildings or grounds of the school may be used for the conduct of activities for the benefit of the community served by the school at any time when they are not required for school purposes;
- (g) exercise general control over the buildings and grounds of the school, including (with the consent of the CEO) controlling, on any terms and conditions approved in writing by the CEO, the conduct of work carried out in or on them;
- (h) control the manner in which services of a kind prescribed by regulation are provided for the school;
- (i) advise the CEO about the job description for the position of principal;
- (j) advise the principal about the job descriptions for teaching and ancillary staff;
- (k) in accordance with the *Fair Work Act 2009* (Cth) and any relevant award, employ persons on any terms and conditions that are approved in writing by the CEO;
- (l) carry out any activities, if approved by the CEO, for raising money to be expended on, or in relation to, the school and expend that money accordingly;
- (m) determine fees that may be charged for the provision to a student of any approved materials, services or facilities not covered by section 75(2) that a parent of the student chooses to have provided to the student;

- (n) seek voluntary contributions from parents of students enrolled in the school for a purpose prescribed by regulation;
 - (o) perform any other functions as directed by the CEO.
- (2) A joint school representative body does not have the functions mentioned in subsection (1)(e), (g), (h), (k), (m) or (n).

Note for subsection (2)

A school management council has these functions. See section 119.

- (3) Subsection (4) applies if both a school representative body (not being a joint school representative body) and a school management council or multi-school management council are established in respect of a Government school.
- (4) The school representative body must not, except with the approval of the CEO, perform a function under subsection (1) that is also a function of the school management council or multi-school management council under section 119.
- (5) In subsection (1)(m):

approved means approved as an item for which a fee may be charged:

- (a) by regulation; or
- (b) by the CEO.

108 Powers of, and terms of reference and model constitution for, school representative body

- (1) A school representative body has the powers necessary to perform its functions.
- (2) The Minister may, in writing given to the school representative body, determine terms of reference for the body.
- (3) The Minister may prepare and publish a model constitution for a school representative body.
- (4) A model constitution published under subsection (3) may specify particulars that may be varied by a school representative body on adopting it.

109 Power to make grants

The Minister may make a grant of money to a school representative body, other than a joint school representative body, on any terms and conditions that the Minister considers appropriate.

110 Money of school representative body

- (1) The money of a school representative body consists of:
 - (a) for a school representative body other than a joint school representative body – money allocated by the Agency to the Government school in respect of which the body is established; and
 - (b) money raised under section 107(1)(l); and
 - (c) money granted under section 109.
- (2) The Regulations may provide for:
 - (a) the opening and operation of bank accounts by a school representative body; and
 - (b) the purposes for which money in a bank account may be used; and
 - (c) the auditing of the accounts of a school representative body; and
 - (d) the ownership of materials or other property purchased by a school representative body.

111 Financial records

- (1) A school representative body must keep financial records of any money received by the body and any dealings with that money.
- (2) Financial records must be kept in the manner prescribed by regulation or in any manner, consistent with the Regulations, that is specified in writing by the CEO acting with the advice of the Treasurer.
- (3) The CEO, or a person authorised in writing for that purpose by the CEO, may, at any time, inspect or audit the financial records of a school representative body.
- (4) The Regulations may provide for the appointment of a secretary or treasurer to a school representative body.

112 Guidelines

- (1) The CEO may prepare and publish guidelines, not inconsistent with this Act, for or in relation to the performance by school representative bodies of functions conferred on them by this Act.
- (2) Without limiting subsection (1), guidelines may be made about the following matters:
 - (a) regulating the establishment of committees to help a school representative body perform its functions;
 - (b) regulating the calling of meetings of:
 - (i) school representative bodies or committees mentioned in paragraph (a); or
 - (ii) parents and teachers;
 - (c) regulating proceedings and voting at meetings mentioned in paragraph (b);
 - (d) accountability requirements;
 - (e) regulating:
 - (i) a school representative body's provision of meals or refreshments for the staff or students of the school, or any of the schools, for which the body is established; and
 - (ii) the amounts the body may charge for providing those meals or refreshments;
 - (f) subject to section 111, regulating:
 - (i) the manner in which a school representative body is to keep proper accounts of any money received by the body and any dealings with that money; and
 - (ii) the auditing of those accounts;
 - (g) the respective functions of the principal, the teachers and the school representative body, and how their functions relate to each other;
 - (h) without limiting paragraph (g), prohibiting a school representative body, or a member of such a body when acting in that capacity, from directing teachers in relation to their professional duties;

- (i) prohibiting members of a school representative body from being financially interested, directly or indirectly, in work carried out for, or services rendered for the benefit of, the school, or any of the schools, for which it is established:
 - (i) if the work or services are authorised by the body; and
 - (ii) unless each financial interest is approved by the CEO.

113 Powers of CEO with respect to school representative body

- (1) The CEO may investigate any suspected failure by a school representative body to comply with a requirement of the body under this Act, including non-compliance with a legal, financial or governance obligation.
- (2) The CEO may, whether or not following an investigation under subsection (1), give a direction to a school representative body about the performance of its functions, if the CEO considers it appropriate to do so having regard to how the body is performing or not performing its functions.
- (3) A school representative body must comply with a direction given to the body under subsection (2) within the period specified in the direction.
- (4) If a school representative body does not comply with a direction in accordance with subsection (3), the CEO may give the body a written notice (a **show cause notice**) that:
 - (a) states the action (the **proposed action**) that the CEO is proposing to take in relation to the body; and
 - (b) states the grounds for the proposed action; and
 - (c) gives a brief description of the facts and circumstances forming the basis for the grounds; and
 - (d) invites the school representative body to show within a stated period (the **show cause period**) why the proposed action should not be taken.
- (5) The show cause period must end no sooner than 30 days after the show cause notice is given to the school representative body.

- (6) After considering any response received from the school representative body within the show cause period, the CEO may:
 - (a) by notice given to the school representative body, suspend the body from operating for a period specified in the notice that is not longer than the period prescribed by regulation; or
 - (b) take any other action that the CEO has power to take; or
 - (c) decide not to take any action.
- (7) Action may be taken under subsection (6)(a) or (b) only if it was a proposed action stated in the show cause notice.
- (8) Action may be taken under subsection (6)(a) only if the CEO considers that the seriousness of the circumstances is such that it is necessary to take that action.

114 Abolition of school representative body

- (1) The Minister may, by written notice given to a school representative body, abolish the school representative body if:
 - (a) the Government school, or each Government school, for which the body is established is closed; or
 - (b) the school representative body so requests; or
 - (c) in the opinion of the Minister, the school representative body is not complying with the requirements of this Part applicable to school representative bodies.
- (2) Subject to subsection (3), any person who has possession of the money, books, records or property of a school representative body abolished under subsection (1), or of a school mentioned in subsection (1)(a), must deal with it or them as directed by the Minister.
- (3) The Minister may use money, books or property mentioned in subsection (2) for the purposes of any Government school or school representative body.
- (4) The school representative body for a Government school mentioned in subsection (1)(a) may direct that, on the abolition of the body, money, books and property belonging to the body be given to:
 - (a) the Minister for the benefit of a specified Government school;
or

- (b) a specified school representative body.
- (5) Money, books and property mentioned in subsection (4) must, as the case requires:
 - (a) be used by the Minister for the benefit of the specified Government school; or
 - (b) become the money, books and property of the specified school representative body.

115 Non-application of other Acts

Unless express provision is made to the contrary in this Act or the Regulations, the *Financial Management Act*, the *Audit Act* and the *Procurement Act* do not apply to a school representative body.

Division 3 Parent consultative groups

116 Establishment of parent consultative group

- (1) This section applies to a Government school at which:
 - (a) there is not a school representative body; and
 - (b) it is not reasonably practicable for one to be established.
- (2) The principal of the Government school, or the principals of more than one Government school, may establish an unincorporated **parent consultative group** for the Government school or schools.
- (3) Any of the following may be appointed as a member of a parent consultative group:
 - (a) a parent of a student enrolled in the school or any of the schools for which the group is established;
 - (b) a member of the community served by the school or any of the schools for which the group is established who is interested in promoting the welfare of the school.

117 Functions of parent consultative group

- (1) A parent consultative group has the following functions:
 - (a) to promote the interests of the Government school or schools for which the group is established;
 - (b) to develop and maintain community interest in educational matters;

- (c) if requested by the principal of the Government school or any of the Government schools for which the group is established – to provide advice and recommendations about:
 - (i) any issue relating to students enrolled in the school; or
 - (ii) the general operation and management of the school.
- (2) To avoid doubt, a parent consultative group does not have power:
 - (a) in relation to the control or management of the Government school or any of the Government schools for which the group is established; or
 - (b) to intervene in the educational instruction of students; or
 - (c) to exercise authority over teachers or other staff employed by the Government school or any of the Government schools for which the group is established; or
 - (d) in relation to school financial matters; or
 - (e) to perform any function of a school representative body.

Division 4 School or multi-school management councils

118 Establishment of school or multi-school management council

- (1) The Minister may, by *Gazette* notice, establish:
 - (a) a school management council for the Government school specified in the notice; or
 - (b) a multi-school management council for the Government schools specified in the notice.
- (2) The Minister may act under subsection (1) even if a school representative body has been established for the Government school, or a joint school representative body has been established for the Government schools, in respect of which the council is established.
- (3) The Minister must establish a school management council or multi-school management council under subsection (1) if:
 - (a) a school representative body has not been established for the school; or

- (b) a joint school representative body is proposed to be established for the school and one or more other Government schools; or
 - (c) the school representative body has been abolished under section 114; or
 - (d) the school representative body has ceased to operate effectively or at all.
- (4) A school management council or multi-school management council consists of the person or persons appointed by the Minister.
- (5) The principal of the Government school for which a school management council is established, or of any of the Government schools for which a multi-school management council is established, may be appointed under subsection (4).
- (6) Sections 106, 108, 109, 110, 111, 112 and 114 apply to a school management council or multi-school management council in the same way as they apply to a school representative body.

119 Functions of management council

- (1) Subject to subsection (2), a school management council or multi-school management council may, in respect of the Government school or any of the Government schools for which it is established, do any of the following:
- (a) inquire into, and identify, the particular educational needs of the community served by the school and advise the CEO with respect to them;
 - (b) assess, from time to time, the following needs, and make recommendations to the CEO with respect to satisfying them:
 - (i) the needs of the school for buildings, facilities and equipment;
 - (ii) the needs of students, teachers and other staff;
 - (c) within the scope allowed by the functions conferred on the council, determine the purposes for which money allocated by the Agency to the school is to be expended and expend it accordingly;
 - (d) determine whether, and regulate how, the buildings or grounds of the school may be used for the conduct of activities for the benefit of the community served by the school at any time when they are not required for school purposes;

- (e) exercise general control over the buildings and grounds of the school, including controlling (on any terms and conditions that the council considers appropriate) the conduct of work carried out in or on them;
 - (f) control the manner in which services of a kind prescribed by regulation are provided for the school;
 - (g) in accordance with the *Fair Work Act 2009* (Cth) and any relevant award, employ persons on any terms and conditions that are approved in writing by the CEO;
 - (h) carry out any activities, if approved by the CEO, for raising money to be expended on or in relation to the school and expend that money accordingly;
 - (i) determine fees that may be charged for the provision to a student of any approved materials, services or facilities not covered by section 75(2) that a parent of the student chooses to have provided to the student;
 - (j) seek voluntary contributions from parents of students enrolled in the school for a purpose prescribed by regulation;
 - (k) perform any other functions as directed by the CEO.
- (2) If both a joint school representative body and a school management council are established in respect of a Government school, the school management council does not have the functions mentioned in subsection (1)(a), (b), (d) or (h).
- (3) In subsection (1)(i):

approved means approved as an item for which a fee may be charged:

- (a) by regulation; or
- (b) by the CEO.

120 Non-application of other Acts

Unless express provision is made to the contrary in this Act or the Regulations, the *Financial Management Act*, the *Audit Act* and the *Procurement Act* do not apply to a school management council or multi-school management council.