

PROCEDURES

Establish and Abolish a School Representative Body

Responsibility of: School Operations

Effective Date: February 2017

Next Review Date: February 2019

Target Audience: School and department staff/Parents/
Community

DoE File: FILE2017/7933

EDOC 2017/72911

Version Number: 1.0

This document should be read in conjunction with the [School Representative Bodies policy](#) and the [School Representative Body Constitution guidelines](#).

1. INTRODUCTION

Under the [Education Act](#) (the Act), the Minister may establish and abolish a school representative body. Once established, a school council, independent public board or joint school representative body is a body corporate, therefore its own legal entity, with members elected under an approved constitution. This guideline outlines how to establish and abolish a school representative body.

2. DEFINITIONS

Constitution is a document that governs a school representative body. The content of a constitution is mostly determined by the Act and the [Education Regulations](#) (the Regulations).

Good faith for the purpose of this document, means a person acting honestly and in the best interests of the school representative body.

'In-principle' support, for the purpose of this document, means a pre-approval to prepare and establish or abolish a school representative body.

Interim school representative body, for the purpose of this document, means a group of elected members intended to hold office as a member of a school representative body when it is formally established. An interim school representative body can be an interim council, an interim board or an interim body.

3. ROLES AND RESPONSIBILITIES

The Minister for Education is responsible for:

DoE Guidelines: Establish and abolish a School Representative Body

- where appropriate, approve a request to establish a school representative body and publish a notice in the Northern Territory Gazette
- where circumstances warrant such action, approve to abolish a school representative body and provide written notice to the body.

The Chief Executive will:

- where appropriate, endorse a request to establish a school representative body and forward all documentation to the Minister for Education for approval and gazettal.
- where circumstances warrant such action, endorse a request to abolish a school representative body and forward all documentation to the Minister for Education for decision.

The Regional Director will:

- where appropriate, provide 'in-principle' support to establish a school representative body
- where circumstances warrant such action, provide 'in-principle' support to abolish a school representative body
- where recommended by School Operations, approve a draft constitution for a school representative body.

School Operations will:

- provide timely and accurate advice to school representative bodies
- process requests to establish a school representative body
- where circumstances warrant such action, process requests to abolish a school representative body
- process all new and amended constitutions and ensure compliance with the Act, the Regulations, and relevant department policy and guidelines.

The Principal will:

- facilitate the request to establish or abolish a school representative body
- inform and ensure compliance with relevant department policy and guidelines.

Teachers will:

- elect teacher members for a school representative body.

Parents will:

- elect parent members for a school representative body.

4. ESTABLISH A SCHOOL REPRESENTATIVE BODY

Most schools will already have a school council, independent public board or a joint school representative body in place. The below process will mostly be relevant to a new school. Where a school representative body is not established, a school management council will be established for the school. See [School Management Council guidelines](#) for further information.

The principal is responsible for the following process and will work in partnership with the school community. There are six steps to establish a school representative body.

STEP ONE: SEEK SUPPORT FROM SCHOOL OPERATIONS

The principal seeks 'in-principle' support to establish a school representative body from the Regional Director, via email through School Operations. If 'in-principle support' is provided in writing by the Regional Director, the next step is to consult the school community.

STEP TWO: MEET WITH SCHOOL COMMUNITY

The principal must hold a meeting with the school community, including parents, teachers, students (if a secondary school) and any other interested persons.

Where possible, a speaker with experience in school representative bodies should be invited to present the facts and to answer questions. This could be anyone who is familiar with the functions and responsibilities of a school representative body, for example, a chairperson on an existing school representative body.

At the meeting it must be determined whether the group should continue with the application and if so, determine the size and composition of the body in line with the [School Representative Body Constitutions guidelines](#), the Act and the Regulations.

The department's model constitution, as per the [School Representatives Body Constitution guidelines](#), must be used as the governance structure.

STEP THREE: ELECT AND INVITE MEMBERS

The members of a school representative body must be elected.

- **Parents:** parents of students enrolled at the school call a meeting to elect the parent members
- **Teachers:** teachers at the school elect their teacher members
- **School principal:** the school principal automatically becomes a member
- **Students:** where the school is a secondary school, the student body/representative council elect student member/s
- **Invited members:** where a school representative body wishes to include invited members in the constitution, person(s) may be invited to form part of the school representative body.

The elected parents, teachers, students (where applicable) and the principal meet as the interim school representative body. Persons that meet the prerequisite of an invited member (as outlined in the model constitution) may be invited to attend the first meeting.

At the first meeting of members, a chairperson is elected from the parent members of the body. A secretary and treasurer must also be elected. A school representative body may

request the principal to direct the secretary or registrar of the school, or of any of the government schools, to act as either secretary or treasurer, or as both to the body (Regulation 37(3)(a) and (b) refer).

Office holder elections and invited members must be recorded in the minutes of the meeting.

Once positions are filled and persons are formally invited, this group is now the interim school representative body until formally approved.

STEP FOUR: ADOPT THE MODEL CONSTITUTION

At the meeting, the interim school representative body must adopt the model constitution. Any additional or discretionary factors to the constitution should be discussed by the group and voted on. School Operations can answer questions and provide advice.

A copy of the proposed constitution must be sent to School Operations to ensure compliance with the Act and the Regulations. School Operations forward it to the Regional Director for approval. Once approved, the department will provide notification to the interim school representative body via email.

After receiving notification, the interim school representative body must meet again to ratify (approve) their constitution at a special general meeting. Three days' notice of the special general meeting specifying the purpose of the meeting must be provided to members.

STEP FIVE: APPROVAL AND GAZETTE NOTICE

Members of the interim school representative body write to the Chief Executive requesting establishment of a school representative body under the Act. A copy of the constitution signed by the chairperson and principal and the minutes evidencing approval must be attached to the request.

The request is to be sent to School Operations where it is processed through the department to the Minister for Education for approval. The Minister must be satisfied that the school representative body will operate in accordance with the Act.

If approved, the Minister will formally announce the establishment of a school representative body in the Northern Territory Government Gazette. The gazettal notice is forwarded to the new school representative body and acts as proof of incorporation.

STEP SIX: ESTABLISHMENT OF A SCHOOL REPRESENTATIVE BODY

Once gazetted, the body becomes incorporated under the Act. This means that the body acts as its own legal entity, where individual members are protected from legal claims, providing their actions and decisions are made in good faith in carrying out their functions. The interim school representative body formally becomes a school representative body.

5. ABOLISH A SCHOOL REPRESENTATIVE BODY

Under section 114 of the Act, the Minister may abolish a school representative body where:

- the school (for which a school representative body is established) closes;
- it requests to be abolished; or
- in the opinion of the Minister, the body is not complying with the requirements of the Act.

Prior to requesting or recommending a school representative body to be abolished, the school and body must consult the school community.

Where a school representative body is abolished, assets must be disposed of or transferred. Assets can be transferred to another government school, to another school representative body or school management council, as directed by the Minister through School Operations.

Where a school representative body has been established to replace a school management council, the school management council must be abolished and the assets transferred to the replacement body. This process is facilitated through School Operations.