

GUIDELINES

SCHOOL REPRESENTATIVE BODY CONSTITUTIONS

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This document should be read in conjunction with the **School representative body** policy and guidelines.

1. INTRODUCTION

There are three types of school representative body for Northern Territory government schools. Independent public schools may have an independent public school board, any other government school may have a school council and bodies that represent more than one government school may be referred to as a joint school representative body.

This guideline applies to all three types of school representative body.

A school representative body is an incorporated body with perpetual succession and a common seal, established for government schools to have powers and functions for school governance. They operate under the legislative framework provided by Part 6 of the *Education Act* and the Education Regulations.

Each school representative body must develop a proposed constitution using the model constitution template that applies for their particular type of school representative body. Model constitutions for school councils and independent school boards are at Attachments A and B, and a model constitution for joint school representative bodies will be published at a later date. Information on the components of the model constitution is provided in this guideline.

All new school representative body constitutions, and any subsequent proposed amendments, must be sent to School Operations North for checking and approval by the appropriate delegate before being ratified by the school representative body.

The constitution should be reviewed annually to ensure that all members are familiar with the contents and allow the school representative body to consider amending the constitution as necessary.

2. DEFINITIONS

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Common seal for an incorporated body is a stamp used to stamp documents with the name of the incorporated body to show that the body has officially approved the document. All courts, judges and persons acting judicially must take judicial notice of the common seal that a school representative body has affixed to a document.

Constitution for an incorporated body is the document by which that body is formed and governed. The content of a constitution will be largely determined by the legislation under which the body is incorporated. The relevant legislation for a school representative body is the *Education Act* and the Education Regulations.

Parent is the child's father, mother or any other person who has parental responsibility for the child but excludes a person standing in the place of a parent of a child on a temporary basis. A parent of an Aboriginal child includes a person who is regarded as a parent of the child under Aboriginal customary law or Aboriginal tradition as defined in Section 6 of the Act.

Perpetual succession, for a school representative body, is the capacity to continue so long as the school representative body is legally in existence.

3. ROLES AND RESPONSIBILITIES

Chief Executive will approve independent public school board constitutions.

Regional Directors will approve constitutions for all school representative bodies except those for independent public school boards.

School Operations North Project Officer will manage the checking and approval process for all proposed new and amended school representative body constitutions.

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Explanation of model constitution components

All clauses in the school representative body model constitution are mandatory and must remain unchanged except where schools wish to add information relevant to their school in sections marked <*>.

4.1. Name

The school representative body name should reflect the current school name.

4.2. Definitions

This section defines common terms used within the constitution. All standard definitions in the model constitution must be used. Additional definitions can be included if applicable.

4.3. Objectives

The school representative body may insert their own objectives which must not vary from the scope of functions as described in the Act. The objects of the Act include facilitating the operation of schools as safe and supportive learning environments and providing for the involvement of parents and communities in the governance of government schools.

4.4. Guiding principles

The guiding principles of the constitution are mandatory and are intended to guide and influence the exercise of powers and functions under the Act. They set out the principles that all people involved in the administration of the education of children or young people must apply.

4.5. Functions and powers

The school representative body is an incorporated body with members elected by the school community under an approved constitution. The school representative body assumes relevant functions conferred on it under the *Education Act* and the Education Regulations (Sections 107 and 108 of the Act refer).

The wording for the functions and powers has been taken directly from the Act and must not be changed.

Joint school representative bodies, new schools and schools that operate under a school management council should refer to section 107 of the Act and include the appropriate sections from the following points in their constitutions:

- 4.5.1. <(2) A joint school representative body does not have the functions mentioned in subsection (1)(e), (g), (h), (k), (m) or (n).>**
- 4.5.2. <(3) Subsection (4) applies if both a school representative body (not being a joint school representative body) and a school management council or a multi-school management council are established in respect of a government school.>**
- 4.5.3. <(4) The school representative body must not, except with 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.>**

4.6. Composition and membership

The Act and Regulations (Section 103(5) of the Act and Regulation 22 refer) set out the requirements for school representative body membership.

School representative bodies can have not less than five, but not more than 19 members and, other than for independent public school boards that apply for a variation, at least half of the members must be parents of students enrolled at the school.

The number of members must be specified in the constitution.

The school representative body (including a joint school representative body) must have the school principal and elected parent and teacher members and may also have one or more invited members. Schools that provide secondary education may also have up to two students who are elected by the students who attend the school.

A person may only be a member of a school representative body in one capacity, that is, as a

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parent, teacher, principal, or where relevant, invited member or student.

4.6.1. Parents

Parent members are elected to office by the parents of students enrolled in the school.

Other than for independent public school boards that apply for a variation (Regulation 28 refers), at least half of the school representative body's members must be parents of students enrolled at the school, including parents of preschool students.

Joint school representative bodies must have at least one parent member, who may be a parent of a preschool student, for each of the schools for which the body is established.

The school representative body chairperson (including the chairperson of an independent public school board) **must** be a parent member who is not a teacher at any government school (Regulation 24 refers).

4.6.2. Teachers

Teacher members are elected to office by the teachers who teach at the school. The school principal will ensure that elections for teaching staff members of the school representative body are carried out by their peer group prior to the Annual General Meeting.

Other than for joint school representative bodies, the school representative body membership must include at least one teacher (other than the principal) who teaches at the school or preschool.

A joint school representative body must have at least one teacher (other than the principal) who teaches at any of the schools for which the joint school representative body is established. The teacher member may be a preschool teacher.

4.6.3. School principal

The school principal is always a member of the school representative body. Joint school representative bodies must include the principal of each school for which the school representative body is established.

4.6.4. Students

Where the school provides secondary education, the school representative body membership may include up to two students who are elected by the students at the school. The school principal will ensure that elections for student members are carried out by their peer group prior to the Annual General Meeting.

The number of student members must be included in the overall requirement of no more than 19 members.

4.6.5. Invited members

The school representative body may include one or more invited members. A person invited to be a member may be:

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- a person whom the school representative 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
- the Member of the Legislative Assembly for the electoral division in which the school (or schools for joint school representative bodies) is located
- a person nominated by the local government body for the area in which the school (or schools for joint school representative bodies) is located.

However, a teacher at any Government school must not be invited to be a member.

4.7. Term of office

The term of office for parent, teacher and student members is two years and they may not hold office in the same capacity for more than three consecutive terms (Regulation 23 refers). A parent may continue as a member until the end of their term of office if their child has ceased to be enrolled in the school (Regulation 22(10) and (11) refers).

The principal may serve more than three consecutive terms as the principal is always a member of the school representative body.

The term of office for invited members may be a shorter period than two years and, other than the local Member of the Legislative Assembly or local government body nominee, they may not hold office in the same capacity for more than three consecutive terms.

When the school representative body is first established, half of its elected members must retire at the end of their first year of office to ensure that, for future elections, not all members retire at the same time.

4.8. Casual vacancies

The school representative body determines how casual vacancies are to be filled. A person elected or appointed to fill a casual vacancy must be eligible to hold office and will hold office for the balance of the term of their predecessor (Regulation 25 refers).

4.9. Duties of members

Members of the school representative body have a duty to act in accordance with the constitution. Schools can add their own requirements to this section.

4.10. General meetings (Annual)

All school representative bodies must hold an annual general meeting (AGM) each year, between 1 January and 15 March (Regulation 26 refers). The principal must give notice, to parents of students enrolled in the school, of vacancies, if any, in the school representative body. Notification of the AGM in both the school and broader community should be published in the local media no less than 14 days prior to the date of the meeting.

A quorum requires half of the school representative body members in office to be present at the meeting. School representative body business cannot proceed unless a quorum is present.

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The AGM will include written reports from the principal and chairperson on the matters dealt with and decisions made by the school representative body and a written report on the school accounts prepared by an auditor appointed by the school representative body (Regulations 36(f) and (g) refer).

The auditor must be a member of the Institute of Chartered Accountants, Institute of Public Accountants or CPA Australia. The auditor or firm of auditors must not be appointed to audit the school representative body's accounts for a term of more than three years.

The written audit report for each school account must include a statement of receipts, payments and balance on hand and any other information directed by the Chief Executive of the department. The school must send a copy of the audit reports to the department Chief Executive as soon as practicable after the AGM.

4.11. Regular and special meetings

The proper planning and professional running of a school representative body meeting ensures that the meeting achieves its purpose, that people are treated fairly and get an opportunity to voice their opinion.

School representative bodies must meet at least eight times per year, including the AGM, and there is capacity for a school representative body meeting to be called for a specified purpose (Regulation 27 refers).

A quorum requires half of the school representative body members in office to be present at the meeting. School representative body business cannot proceed unless a quorum is present.

Questions arising at a school representative body meeting must be determined by a majority of the votes of the members present and voting. All school representative body members have an equal vote, including the chairperson. The Act does not allow for any member to have a deciding (casting) vote in the event of a tied decision. In the event of a tie, the matter will be lost.

4.12. Finances

The school must comply with the appropriate governing principles (Attachment C refers) of the *Financial Management Act*, *Treasurer's Directions*, the *Audit Act* and the *Procurement Act* in addition to requirements in the *Education Act*, Regulations and department guidelines (Sections 110 and 111 of the Act and Regulations 29 to 36 refer).

4.13. Committees

School representative bodies may appoint committees as necessary to undertake specific areas of responsibility.

A committee does not direct or manage the provision of services that the school representative body is responsible for and committee recommendations must be put to the school representative body for endorsement or approval. Decisions made by the school representative body on committee recommendations are final and may not be overturned by the committee.

Any committees formed shall appoint a chairperson from the school representative body membership who is responsible for presenting regular reports covering the activities of the committee to the school representative body. Committees may invite people who are not school representative body members to assist with their work by calling for expressions of interest from the school community. Committees are an ideal means of enabling more people to contribute to the work of the school.

School representative bodies may choose to outline the name and number of committees in their constitution. For example: Finance Committee, Policy committee etc.

4.14. Officer holders

Information about the school representative body offices of chairperson, secretary and treasurer is listed in the Regulations (Regulations 24 and 37 refer).

Regulation 37 outlines the requirements that must be followed if school representative bodies wish to arrange for the school administration manager or business manager to act as the school representative body secretary and/or treasurer.

4.15. Miscellaneous

This section covers compulsory elements that each school representative body must comply with.

4.16. Amendment of this constitution

Approval process for proposed new and amended constitutions

- Schools must consult with their school community about the content of their proposed constitution before liaising with School Operations North to ensure that the proposed constitution content is in line with legislation.
- School Operations North forwards the proposed constitution to the relevant regional director, or for independent public schools boards, the Chief Executive, for approval.
- School Operations North forwards the approved document to the school for the school representative body to ratify the approved constitution.
- The school sends a copy of the approved constitution (signed and dated by the school representative body chairperson and school principal) and minutes signed by the chairperson to School Operations North for filing on the department's electronic records system.

The date of signing the constitution is the date that the school representative body ratifies the constitution that has been approved by the Regional Director, or for independent public school boards, the Chief Executive.

School representative body members can refer to the date that the constitution was ratified to ensure they have the latest copy and can check that it is consistent with the current Act and Regulations.

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Attachment A – School council model constitution

Attachment B – Independent public school board model constitution

Attachment C – Factsheet –Finance Governing Principles for School Representative Bodies