

NEMARLUK SCHOOL COUNCIL CONSTITUTION

1. NAME

The name of the council shall be the Nemarluk School Council Incorporated.
(Hereinafter called 'the council').

2. DEFINITIONS

In this constitution, unless the contrary intention appears:

Act means the *Education Act* (NT).

Administration Manager means the person employed within the meaning of the *Public Sector Employment and Management Act*, to act as administration to the school.

auditor means a person who is a member of the Institute of Chartered Accountants or CPA Australia, or a person approved by the Chief Executive Officer as suitable to carry out an audit for the school council.

bank means a bank, building society or credit union with the approval of the Chief Executive.

chairperson means the chairperson of the of the school council.

Chief Executive (CE) means the Chief Executive of the agency responsible for administering the Act.

Council means the Nemarluk School Council established under S71 of the *Education Act*, being the recognised constitutional body representative of the school community.

department means the NT Government agency responsible for administering the Act with responsibility for school education.

Director School Performance means the departmental officer responsible for the school.

invited member means a person who has been invited to be a member of the council, and who has accepted the invitation.

member means a member of the council.

Minister means the Northern Territory Government Minister responsible for the Act.

parent has the meaning as defined by section 4(1) of the Act and includes the person who has the actual custody of a child and the person with whom a child resides.

preschool organisation means the organisation or body, if any, of parents and teachers who attend the preschool of a primary school for which a school council has been established.

principal has the same meaning as 'head teacher' as defined in section 4(1) of the Act and means the person to whom the administration and control of the school is committed.

Regulations means the Education (College and School Councils) Regulations (NT).

school means the Namarluk School for which the council is established pursuant to section 71 of the Act.

school community means the teaching staff, parents, students and other persons who have a direct involvement or interest in the school.

School Support Staff means those members of the Northern Territory Public Service appointed from time to time to the school.

student means a person enrolled at the school.

teaching staff means the body of professional teachers appointed from time to time to the school.

3. FUNCTIONS AND POWERS (sections 71C and 71D of the Act)

3.1 Subject to clause 3.3 the council may:

- (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 CE of those needs;
- (c) consider and advise the principal and CE on initiatives in community education and, in particular, on means for improving links between the school, parent 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 Principal and/or CE 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 purpose for which moneys allocated by the department 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 buildings or grounds are not required for their usual purposes;
- (g) exercise general control of the buildings and grounds of the school, including, with the consent of the CE, controlling the conduct of work being carried out to or in relation to those buildings or grounds, upon such terms and conditions as are approved in writing by the CE;
- (h) control the manner in which prescribed services are being rendered for the school;
- (i) advise the CE 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 CE, such persons as the school council thinks fit, upon such terms and conditions as is approved in writing by the CE;
- (l) carry out such activities as are approved by the CE 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.

3.2 Subject to clause 3.3, the council has the power to do such things as are necessary or convenient to be done for, or in connection with, the performance of its functions.

3.3 Where a school management council or a group school management council is also established for the school pursuant to section 71(5) of

the Act then the council may **only** exercise functions a), c), j) and k) of the functions set out in clause 3.1.

4. OBJECTIVES

- a. Represent and further the interests of students, teachers, support staff and parents of the school in order to provide the best possible educational opportunities for students attending the school and in particular
 - i. To foster home/school relations and the involvement of parents/caregivers in the education of their children.
 - ii. To develop relationships and engage with other bodies with similar objectives.
- b. Develop community awareness and understanding of children with special needs.

5. COMPOSITION AND MEMBERSHIP (Regulation 4)

- 5.1 Elected members of council shall be elected by their respective bodies at a meeting or meetings called for that purpose prior to the 15 March in each year.
- 5.2 The composition of the council shall be as follows:
 - (a) **Six** parents other than such parents who are teachers at the school, elected by the parents of the students attending the school.
 - (b) **Two** teachers at the school elected by the teachers teaching at the school.
 - (c) The principal.
 - (d) **One** member of the preschool organisation.
 - (e) One or more of the following persons, not exceeding two in total at any time, as the council may from time to time invite to be members:
 - (i) not more than two persons who the council considers to have knowledge and experience that would assist the council in the exercise of its powers and functions and includes Special Education Support Officers or,
 - (ii) the member of the Legislative Assembly for the electoral division in which the school is situated or,

- (iii) a person nominated by the municipal or community council, or any other body performing functions of local government in, the area in which the school is situated.

The council shall not invite a person to be a member if that person is an employee for the purposes of the *Public Sector Employment and Management Act* employed as a teacher in any school.

6. TERM OF OFFICE

- 6.1 Where the council is first established, one half of its members shall retire at the end of their first year of office (parents, teachers, students and preschool organisation member only).
- 6.2 Parents, teachers and students shall hold office for a term of two years.
- 6.3 The preschool organisation member shall hold office for a term of one year.
- 6.4 The terms of office for invited members are as follows:
 - (a) invited members referred to in section 5.2(e)(i) and 5.2(e)(ii) shall hold office for two years or such shorter period as the council determines and will be eligible to be invited for a further term.
 - (b) invited members referred to in section 5.2(e)(iii) shall hold office for two years and will be eligible to be invited for a further term.
- 6.5 No member other than the principal may hold office for more than four consecutive terms of office.

7. CASUAL VACANCIES

- 7.1 The Minister may remove a council member where the member:
 - (a) is absent, without good reason, from three consecutive meetings of the council;
 - (b) is convicted of an offence which deems them unsuitable; or
 - (c) is physically or mentally harmed to such an extent that they are unable to carry out their duties as a member.

- 7.2 The office of a member shall become vacant where:
- (a) a member dies;
 - (b) a member's term of office expires;
 - (c) a member is no longer eligible to hold office;
 - (d) a member other than the chairperson presents a written notice of resignation to the chairperson; or
 - (e) a member has been removed by the Minister.
- 7.3 A casual vacancy, other than the principal, shall be filled as the council determines as long as the vacancy is filled in accordance with the membership requirements. The person elected, appointed or co-opted shall hold office for the balance of the term of their predecessor.
- 7.4 Where a person ceases to be a member, or where a member ceases to hold a 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 office.

8. DUTIES OF MEMBERS

- 8.1 A member must:
- a) at all times act solely in the interests of the council and the school and not as a delegate or representative of a particular constituency
 - b) act in good faith, honestly and for a proper purpose
 - c) exercise appropriate care and diligence
 - d) not use his or her office to improperly gain an advantage (either for the member or another person)
 - e) disclose a financial interest in any contract or arrangement made or proposed to be made at the first meeting at which the contract arrangement is first considered
 - f) not participate in deliberations or vote as a member of the council in respect of any contract or arrangement in which the member is

financially interested and where they otherwise have a conflict of interest

- g) act with discretion when dealing with issues of a confidential nature.

9. GENERAL MEETINGS

- 9.1 Each year, the principal must:
- a) give notice of any vacancies in the council membership; and
 - b) ensure that prior to 15 March in each year (unless with the consent of the Minister or person authorised by the Minister), an annual general meeting/s is held at which members are elected to fill the vacancies and conduct other business as required.
- 9.2 The annual general meeting must be held after the audit referred to in clause 12.4 has been completed.
- 9.3 Notification of the annual general meeting should be given not less than 14 days prior to the date of the meeting, and shall be given to the school community by such means as the principal considers appropriate and to the broader community through the local media.

10. COUNCIL MEETINGS

- 10.1 The council must, 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.
- 10.2 The chairperson may call meetings of the council. If the chairperson is not available, the principal may call meetings of the council.
- 10.3 The chairperson shall chair all council meetings. If the chairperson is not present, the members present will appoint one of the members to chair the meeting.
- 10.4 The Minister, CE, or not less than three members may write to the chairperson of a council and request a meeting for the purpose of dealing with a specific matter.

- (a) Where such notice is received, the chairperson shall convene a council meeting by giving each member no less than three days notice in writing of the date, time, place and purpose of the meeting.
 - (b) At such a meeting, only the specific matter may be discussed.
- 10.5 At any meeting of the council half of the current membership of the council will constitute a quorum. Business cannot be conducted unless quorum is present.
 - 10.6 Questions arising at a council meeting will be determined by the majority of the votes of the members present and voting.
 - 10.7 The chairperson has a deliberative vote only.
 - 10.8 Meetings of the council will be open to the school community, except where the council may determine otherwise in the interest of confidentiality and privacy.
 - 10.9 The dates and times of meetings of the council will be advertised at least seven days in advance.

11. FINANCES - ACCOUNTS

- 11.1 The council shall open and maintain a bank account known as the school council official account (the account) with an Authorised Deposit-taking Institution (ADI) approved by the CE.
- 11.2 The council may, with the approval of the CE, open and maintain one or more further bank accounts with one or more ADIs. Such additional accounts shall be in the name of the council and all moneys received shall be paid into accounts as soon as possible after receipt.
- 11.3 The council shall deposit into and hold in the account all moneys received by the council including those referred to in section 71G of the Act.
- 11.4 The council shall keep separate records of transactions concerning each account.
- 11.5 The council must at all times have four nominated signatories to sign for payments made by the council and all payments must be signed by at least two of those signatories.

- 11.6 Subject to clause 11.8, the income and property of the council shall only be applied on or in relation to the school and in accordance with this constitution.
- 11.7 In expending its moneys the council shall comply with Northern Territory Government procurement principles.
- 11.8 If for any reason the council considers that it may be necessary to expend moneys from the school account on another Government school, the council must seek the written consent of the CE pursuant to Regulation 12.

11.9 Establishment and Operation of Gift Fund

- (a) Namarluk School Council Inc (Namarluk) must maintain a fund (Gift Fund):
- (i) to which gifts of money or property for the principal purpose of Namarluk are to be made;
 - (ii) to which any money received by Namarluk because of those gifts is to be credited; and
 - (iii) that does not receive any other money or property.
- (b) If the Gift Fund is wound up or if the endorsement (if any) of Namarluk School Council as a deductible gift recipient is revoked, any surplus assets of the Gift Fund remaining after the payment of liabilities attributable to it, shall be transferred to a fund, authority or institution to which income tax deductible gifts can be made.
- (c) In the event of the abolition of Namarluk School Council in terms of section 71K of the Education Act, any surplus assets of the Gift Fund remaining after the payment of liabilities attributable to it, shall be transferred to a fund, authority or institution to which income tax deductible gifts can be made.
- (d) Namarluk School Council must maintain a separate bank account for the Gift Fund.
- (e) Receipts issued for gifts to the Gift Fund must state:
- (i) the name of Namarluk School Council Inc;
 - (ii) the Australian Business Number of Namarluk; and
 - (iv) the fact that the receipt is for a gift.

12. FINANCES - GENERAL ACCOUNTING REQUIREMENTS

- 12.1 If the council has more than one bank account then it shall keep separate records of all transactions in relation to each account, and interest earned on an account must be credited to that account.
- 12.2 No payment shall be drawn on a council bank account unless such payment complies with the council's budget.
- 12.3 The principal shall ensure that official receipts are issued for all moneys received by the council other than over-the-counter sales by the school canteen or book store run by or on behalf of the council or where the CE otherwise determines.
- 12.4 The council shall ensure that each account is audited, and a statement of receipts, payments and balance on hand with respect to the account is prepared by an auditor. This must occur no later than 27 February in each year unless approved by the Minister.
- 12.5 The auditor must be:
- (a) a member of the Institute of Chartered Accountants or CPA Australia; or
 - (b) approved by the CE as suitable to carry out the audit.
- 12.6 The statement prepared by the auditor must be forwarded to the CE as soon as possible following the annual general meeting at which the statement was presented.
- 12.7 The auditor must comply with departmental policies and procedures and certify as to the correctness of the accounts of the council and shall provide a report to the members present at the annual general meeting.
- 12.8 In the auditor's report, and in certifying the accounts, the auditor shall state:
- (a) whether they have obtained all of the information required to audit the accounts
 - (b) whether, in their opinion, the accounts are properly drawn up to show a correct view of the financial position of the council according to the information at their disposal

- (c) whether departmental policies and procedures relating to the administration of the funds of the council have been observed.

12.9 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 servant of the council.

12.10 The handling of accounts, money, assets and books, shall be in accordance with departmental instructions.

12.11 No portion of the income or property of the council shall be paid or transferred, by any means whatsoever, to any council member except for reimbursement for out-of-pocket expenses upon the presentation of appropriate receipts.

12.12 Financial accounts and records shall be maintained in accordance with Australian Accounting Standards and the directions of the department.

12.13 All Electronic Funds Transfers (EFT) must have two effective authorisation codes.

13. COMMITTEES

13.1 The council may create committees of its members for such purposes as it considers necessary.

13.2 The council may from time to time invite one or more persons from the school community to participate in the activities of a committee for such period as the council considers appropriate.

13.3 The council may at its absolute discretion cease the participation of a person in a committee as such time as it considers appropriate.

13.4 A person who is invited to participate in a committee is not an invited member of the council for the purposes of clause 5.2(f).

- 13.5 Where the council seeks to invite a person pursuant to clause 13.2 the council must call for expressions of interest from the school community and the council shall then invite one or more participants from such persons as may express an interest. Persons invited to participate on a committee must be invited on the basis of their knowledge and expertise relevant to the particular activities or role of the committee.
- 13.6 A committee may consider such matters as the council may refer to it and on such terms as provided by the council.
- 13.7 A committee may only report to and make recommendations to council as a whole and it may not determine any matter put to it by the council for consideration.

14. OFFICERS

The officers of the council shall be:

- 14.1 the **chairperson**, who shall:
- be appointed by the council from the parent members of the council (other than a member who is a teacher, principal or acting principal at **any** Government school)
 - hold office as chairperson for the remainder of their term of office as member of the council
 - have a deliberative vote only.
- 14.2 the **council secretary***, who shall
- be appointed by the council from the council members (other than the principal) at the first council meeting held after the annual general meeting
 - be responsible for the keeping of the official records of the council and conduct the official correspondence of the council
 - prepare the agenda for each meeting of the council in consultation with the chairperson
 - record the minutes of each meeting of the council and forward copies to each council member prior to the next meeting
- 14.3 the **treasurer***, who shall
- be appointed by the council from the council members (other than the principal) at the first council meeting held after the annual general meeting
 - hold office as treasurer of the council up to and including the following annual general meeting – if the position becomes vacant, such position shall be filled as the council determines

and the person appointed to fill the position shall hold office for the balance of the term of his or her predecessor

- see that the account books of the council are kept, and present financial statements as required by the council and the CE and present an audited statement covering the preceding year to the annual general meeting and to the CE.

**The school council may request the principal to direct the administration manager/business manager of the school to act as either secretary or treasurer, or both, to the school council. See Regulation 15 for further details.*

15. MISCELLANEOUS

- 15.1 The council must comply with all guidelines published from time to time by the Minister pursuant to Section 71J of the Act.
- 15.2 The council must act in accordance with all CE approvals.
- 15.3 Nothing contained in this constitution shall in anyway prejudice or give the council any power to interfere in the rights of the teaching and school support staff, or student representative council to determine the conduct of their own affairs.
- 15.4 Public statements made on behalf of the council shall only be made by the chairperson or principal or such other person specifically chosen by the council and provided that such statements reflect the agreed policy or true intent of the council.
- 15.5 This council may only be abolished by the Minister in accordance with section 71K of the Act.
- 15.6 Upon abolition any funds remaining after the discharge of all liabilities shall be disposed of in accordance with section 71K of the Act.
- 15.7 The council shall at all times comply with the *Information Act* (NT).

16. AMENDMENT OF THIS CONSTITUTION

- 16.1 This constitution may only be amended at a meeting called for that purpose and upon the majority of those present and voting.

- 16.2 Any proposed amendments to this constitution shall be approved by the relevant Director School Performance prior to being ratified by the council.
- 16.3 Following approval by the relevant Director School Performance and ratification by the council, a copy of the amended constitution will be submitted to the Department of Education and Children's Services for filing.
- 16.4 Copies of this constitution and any amendments signed and dated by the chairperson shall be sent to all members and will be available to the public on request and at any council meeting.

Signed _____
Chairperson

Signed _____
Principal

Date _____

Date _____