

# SCHOOL REPRESENTATIVE BODY CONSTITUTION

**Darwin Middle School Board**



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## 1. NAME

The name of the board shall be the **Darwin Middle School Board** Incorporated.  
(Hereinafter called 'the board').

## 2. DEFINITIONS

In this constitution, unless the contrary intention appears:

**Act** means the *Education Act*

**Agency** means the NT Government agency responsible for administering the Act with responsibility for school education

**auditor** means a person who is a member of the Institute of Chartered Accountants, Institute of Public Accountants or CPA Australia, and is appointed to audit the accounts by the board or the Chief Executive Officer

**bank** means an Authorised Deposit-taking Institution (ADI)

**chairperson** of the board is the person appointed under Regulation 24 of the Education Regulations

**Chief Executive Officer (CEO)** means the Chief Executive Officer of the Department of Education

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

**invited member** means a person who has been invited to be a member of the board who meets the requirements of Regulation 22(7) of the Education Regulations and who has accepted the invitation

**member** means a member of the board

**Minister** means the Minister for Education

**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

**principal**, in relation to a school, means the person directly responsible for the administration and control of the school

**Regulations** means the Education Regulations

**school** means the **Darwin Middle School** for which the board is established under section 103 of the Act

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

**term of office** means two years for a member of the Board. Invited members may hold office for a shorter period than two years, namely one year as determined by the Darwin Middle School Board.

### 3. OBJECTIVES

- Work together with the school community to create and achieve the long-term vision for the school.
- Represent and advance the interests of students, parents, staff and the broader school community in order to provide the best possible educational opportunities for students.
- Involve the school community in the governance of the school to strengthen and support public education in the community.
- Work cohesively with the two collocated schools on the Bullocky Point educational Precinct; Darwin High School and the Northern Territory School of Distance Education as well as support and advance the City Schools Partnership agreement.

### 4. GUIDING PRINCIPLES

The board will carry out their duties according to the functions and powers in the *Act* and apply the guiding principles according to the Act:

- all students are entitled to an education of a quality that is capable of enabling them to reach their potential and so maximise their achievements and contribution to the community
- education provides the foundation for the social and economic advancement of the Territory
- students and staff of schools are entitled to a safe environment
- parents play a vital role in the education of their children
- the best educational outcomes for students are achieved by parents, schools, communities and non-government organisations working together
- learning environments should be culturally appropriate and reflect the diversity of the Territory
- the social and family context and general wellbeing of students play an important role in their engagement with education and achievement of outcomes.

## 5. FUNCTIONS AND POWERS

- 5.1. The school representative body may, in respect of the school 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 (Commonwealth) 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)<sup>1</sup> 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.
- 5.2. In clause 5.1 (m) **approved** means approved as an item for which a fee may be charged:
- (a) by regulation: or
  - (b) by the CEO.
- 5.3. A school representative body has the powers necessary to perform its functions.

## 6. COMPOSITION AND MEMBERSHIP

- 6.1. The Minister may, on the application of an independent public school board, modify the percentage of parent members of the board by *Gazette* notice .
- 6.2. Elected members of the board shall be elected by their respective bodies at a meeting or meetings called for that purpose no later than 15 March in each year.
- 6.3. The composition of the board totals **13**, calculated as per Regulation 22 (not less than 5, but not more than 19 members). The board membership must include:
- (a) **Seven (7)** parents of students enrolled in the school, elected by the parents of the students enrolled in the school.
  - (b) **Three (3)** teachers at the school, elected by the teachers teaching at the school.
  - (c) the principal.
- 6.4. the council membership may also include:
- (a) **Two (2)** invited members

Persons invited to be a member of the board may be:

- i. persons whom the board 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

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<sup>1</sup> Section 75(2) of the Act refers to the free standard curriculum program

- ii. the Member of the Legislative Assembly for the electoral division in which the school is located; or
- iii. a person nominated by the local government council in the area in which the school is located.

(b) the board must not invite a person to be a member if that person is a teacher at any Government school, including the school for which the board was established.

## **7. TERM OF OFFICE**

- 7.1. When the board is first established, half of its members must retire at the end of their first year of office.
- 7.2. Parents, teachers and students shall hold office for a term of two years.
- 7.3. Invited members may hold office for a shorter period than two years.
- 7.4. A person may not hold office as a member of the board in the same capacity for more than three 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 an invited member.

## **8. CASUAL VACANCIES**

- 8.1. The office of a member of the board becomes vacant if:
  - (a) the member is removed from office by the CEO for misconduct, for failure or incapacity to carry out the duties of the office, or for any other reasonable cause; 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 board or, for the chairperson, to the CEO.
- 8.2. A casual vacancy in the membership of the board, other than a member in the capacity of principal, is to be filled as determined by the board.
- 8.3. 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.
- 8.4. A person who ceases to be a member of the board or to hold a particular office on the board must, as soon as practicable, give to their successor any money, books, records or property of the board in their possession.



## **9. DUTIES OF MEMBERS**

9.1. A member must at all times:

- (a) act solely in the interests of the board and the school
- (b) act with discretion when dealing with issues of a confidential nature
- (c) act in good faith, honestly and for a proper purpose
- (d) exercise appropriate care and diligence
- (e) not use his or her office to improperly gain an advantage (either for the member or another person)
- (f) 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 raised, discussed or considered
- (g) not participate in deliberations or vote as a member of the board in respect of any contract or arrangement in which the member is financially interested and where they otherwise have a conflict of interest
- (h) not act as a delegate or representative of a particular constituency
- (i) at all times act lawfully and within the boundaries of this constitution, the *Education Act* and any NT Government policies, directions and agreements.

9.2. A member must comply with the following board documents:

- (a) Member Duty Statement
- (b) School Board Code of Conduct

## **10. GENERAL MEETINGS (ANNUAL)**

10.1. Each year the principal must:

- (a) give notice to parents of students enrolled in the school of any vacancies in the membership of the board 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, the Regulations or the Minister.

10.2. A meeting to be held as mentioned in clause 10.1 (b) above must not be held later than 15 March.

10.3. The annual general meeting must be held after the annual financial audit has been completed and received.

10.4. Notification of the annual general meeting is to be given not less than 14 days prior to the date of the meeting, and should be given to the school community by such means as the principal considers appropriate and to the broader community through the local media.

## 11. REGULAR AND SPECIAL MEETINGS

- 11.1. The board 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 year.
- 11.2. The chairperson of the board or, if for any reason the chairperson is not available, the principal of the school, may call a meeting of the board.
- 11.3. The chairperson of the board must preside at all meetings of the board. If the chairperson is not present at a meeting, the members present must elect one of their number to preside at the meeting.
- 11.4. The Minister, the CEO or not less than three members of the board may write to the chairperson of the board and request that a special meeting of the board be called for the purpose of dealing with a specific matter
  - (a) Where such a notice is received, the chairperson must call a meeting of the board by giving each member no less than three days written notice of the date, time, place and purpose of the meeting.
  - (b) At such a meeting, only the specified matter must be discussed.
- 11.5. A quorum at a meeting of the board is half of the current membership. Business cannot be conducted unless a quorum is present.
- 11.6. Questions arising at a meeting of the board must be determined by a majority of the votes of the members present and voting.
- 11.7. The person presiding at a meeting of the board only has a deliberative vote and not a casting vote.
- 11.8. If there is a vacancy in the office of chairperson of the board and, but for this clause, the board would not be able to meet to appoint a member to be chairperson of the board the CEO may convene a meeting of the board for that purpose.
- 11.9. Meetings of the board will be open to the school community, except where the board may determine otherwise in the interest of confidentiality and privacy.
- 11.10. The dates and times of regular board meetings will be advertised to reach the school community at least seven days in advance.
- 11.11. Matters can be dealt with out of session by an electronic vote provided that at least seven days' notice except in cases of urgency in which case three days' notice can be provided.

## **12. FINANCES - accounts, general accounting and procurement requirements**

- 12.1. The board must ensure the effective, efficient and appropriate use of school funds and resources having regard, as appropriate, to the governing principles of the *Financial Management Act*, Treasurer's Directions, the *Audit Act* and the *Procurement Act*.
- 12.2. The board must comply with sections 110 and 111 of the Act, Regulations 29 to 36 and department financial and procurement principles and guidelines as set from time to time.
- 12.3. The handling of accounts, money, assets and books, shall be in accordance with department instructions.
- 12.4. Financial accounts and records shall be maintained in accordance with the Act and Regulations, the Australian Accounting Standards and the directions of the department.

## **13. COMMITTEES**

- 13.1. The board may create committees of its members for such purposes as it considers necessary.
- 13.2. The board 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 board considers appropriate.
- 13.3. The board may at its absolute discretion cease the participation of a person in a committee at 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 board.
- 13.5. Where the board seeks to invite a person to be a member of a committee, the board must call for expressions of interest from the school community and the board 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 board may refer to it and on such terms as provided by the board.
- 13.7. A committee does not direct or manage the provision of services that the board is responsible for and:
  - (a) may only report to and make recommendations to a board as a whole
  - (b) may not determine any matter put to it by the board for consideration.

## 14. OFFICE HOLDERS

The office holders of the board shall be:

### 14.1. Chairperson, who:

- (a) is appointed by the board from the parent members of the board (other than a member who is a teacher or principal at **any** Government school) at the first board meeting held after the annual general meeting
- (b) holds office as chairperson for the remainder of their term of office as a member
- (c) has a deliberative vote only
- (d) may resign by giving written notice to the CEO
- (e) if they cease to hold office as a member of the board will also cease to hold office as chairperson.

### 14.2. Secretary who:

- (c) is appointed by the board from the board members (other than the principal, or appointed as per Regulation 37) at the first board meeting held after the annual general meeting
- (d) holds office as secretary for the remainder of their term of office as a member
- (e) is responsible for the keeping of the official records of the board and conducts the official correspondence of the board
- (f) prepares the agenda for each meeting of the board in consultation with the chairperson
- (g) records the minutes of each meeting of the board and forwards copies to each board member prior to the next meeting
- (h) if they cease to hold office as a member of the board, will also cease to hold office as secretary.

### 14.3. Treasurer who:

- (a) is appointed by the board from the board members (other than the principal, or appointed as per Regulation 37) at the first board meeting held after the annual general meeting
- (b) holds office as treasurer for the remainder of their term of office as a member
- (c) if they cease to hold office as a member of the board, will also cease to hold office as treasurer
- (d) if the position becomes vacant, such position shall be filled as the board determines and the person appointed to fill the position shall hold office for the balance of the term of their predecessor
- (e) sees that the account books of the board are kept, and present financial statements as required by the board and the CEO and presents an audited statement covering the preceding year to the annual general meeting and to the CEO.

## 15. MISCELLANEOUS

15.1. The board must:

- (a) comply with the terms of reference determined under section 108(2) of the Act; and
- (b) comply with the guidelines published under section 112 of the Act.

15.2. An application under section 104(2) of the Act must comply with Regulation 28.

15.3. Nothing contained in this constitution shall in any way prejudice or give the board 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 board shall only be made by the chairperson or principal or such other person specifically chosen by the board and provided that such statements reflect the agreed policy or true intent of the board.

15.5. This board may only be abolished by the Minister in accordance with section 114 of the Act.

15.6. Upon abolition any funds remaining after the discharge of all liabilities shall be disposed of in accordance with section 114 of the Act.

15.7. The board shall at all times comply with the *Information Act*.

## 16. AMENDMENT OF THIS CONSTITUTION

The board acknowledges that:

- (a) when amending their constitution, they must use the model template that is published from time to time and consult with their school community when developing their draft document
- (b) they must submit their proposed amended constitution to the department for checking and approval prior to being ratified by the board at a special meeting called for that purpose
- (c) the amended constitution will be ratified by the majority of those members present and voting
- (d) following ratification by the board, a copy of the signed amended constitution and minutes of the meeting will be submitted to the department for filing
- (e) copies of this constitution shall be provided to all members and will be available to the public on request and at any board meeting.

Signed by the Chairperson

  
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Signature  
CATHY SPURR

Date: 9 November 2016

Signed by the Principal

  
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Signature  
MARCUS DIXON

Date: 9 November 2016