DURACK SCHOOL COUNCIL CONSTITUTION

1. NAME

The name of the council shall be the Durack School Council.

(Hereinafter called 'the Council'.)

2. DEFINITIONS

In this constitution, unless the contrary intention appears

ACT means the Education Act of the Northern Territory of Australia.

ADMINISTRATION MANAGER means the person employed within the meaning of the Public Sector Employment and Management Act, to act as Registrar to the school. COUNCIL means the Durack School Council established under S71 of the Education Act, being the recognised constitutional body representative of the school community.

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 as suitable to carry out an audit for the school council.

CHIEF EXECUTIVE (CE) means the Chief Executive Officer, as defined in the Public Sector Employment and Management Act, of the Department of Education and Training.

DIRECTOR SCHOOL PERFORMANCE means the Department of Education officer responsible for the educational region in which the school is situated.

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

MEMBER in relation to the council, means a member of the council.

MINISTER means the Northern Territory Minister for Education.
(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 Chief Executive 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 purposes for which moneys allocated by the Department of Education and Training 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 Chief Executive, supervising 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 Chief Executive

(h) control the manner in which prescribed services are being rendered for the school

(i) advise the Chief Executive in relation to the job description for the position of principal

(j) advise the principal in relation to the job descriptions for teaching and ancillary staff

(k) employ, with the consent of the Chief Executive, such persons as the school council thinks fit, upon such terms and conditions as approved in writing by the Chief Executive

(l) carry out such activities as are approved by the Chief Executive for the purpose of raising funds to be expended on or in relation to the school and to expend such funds accordingly
5. **FINANCE (Regulations 11, 12, 13, 14)**

The income and property of the Council, however derived, shall be applied solely towards the promotion of the objects and purposes of the Council as stipulated in the constitution and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise to any member of the Council except for reimbursement for out-of-pocket expenses and, with the approval of the Chief Executive, for payment for goods and services.

5.1 The financial year of the council is the period beginning on 1 January in each year and ending on 31 December of that year.

5.2 True accounts shall be kept

(a) of all sums of money received and expended by the council and the matter in respect of which the receipt or expenditure takes place

(b) of the property, credits and liabilities of the council.

5.3 The treasurer of the Council shall ensure that official receipts are issued for all moneys received by the council other than over-the-counter sales by a school canteen or book store run by that school council or where the Chief Executive otherwise determines.

5.4 The Council shall cause to be opened with such banks as the council selects, banking accounts in the name of the Council into which all moneys received shall be paid as soon as possible after receipt thereof.

5.5 No cheque shall be drawn on the Council’s bank account unless such payment is in conformity with the council’s budget.

5.6 All cheques shall be signed by such members of the council and school staff as the council may nominate for that purpose. A minimum of two (2) signatures is required for all cheques.

5.7 The handling of accounts, money and books, shall be in accordance with the Departmental instructions.

5.8 A member of the Council who is financially interested in any contract or arrangement made or proposed to be made between the Council and an outside contractor shall disclose that interest at the first meeting of the Council at which the contract or arrangement is first taken into consideration, if that interest then exists or, in any other case, at the first meeting of the Council after the acquisition of that interest.

5.9 No member of the Council shall vote as a member of the Council in respect of any contract or arrangement in which they are
6.5 Invited members, other than the local government member, will hold office for any period not exceeding two (2) years, as determined by the Council and will be eligible for a further term.

6.6 A municipal or community government member shall hold office for two (2) years and will be eligible for a further term.

6.7 No member, other than the principal, may hold office for more than three (3) consecutive terms.

7. **CASUAL VACANCIES** *(Regulation 7)*

(a) Casual vacancies in membership of the Council shall occur when

- a member dies
- a member's term of office expires
- the member is no longer eligible to hold office (i.e. no longer a parent of a student enrolled at the school; convicted of an offence which deems them unsuitable; is physically or mentally harmed to such an extent that they are unable to carry out their duties as a member)
- a member other than the chairperson presents a written notice of resignation to the chairperson of the council
- a member fails to attend three (3) consecutive scheduled meetings of the council without prior approval of the council in which case the member will be deemed to have resigned and shall be advised accordingly.

(b) Casual vacancies in the membership of the Council shall be filled as the Council determines (except that the person who fills the vacancy must in any case be eligible under regulation 4 of the *Education (College and School Councils) Regulations* and the person elected, appointed or invited to fill that casual vacancy shall hold office for the remainder of the office of their predecessor.

(c) When any person ceases to be a member of the Council or to hold any particular office on the Council, they shall immediately hand over to their successor, all books, papers and funds that they held by virtue of their position on the Council.
business shall be dealt with unless the meeting determines otherwise.

9.4.1 The Council may call a special general meeting for the purpose of putting a specific matter before the parent and teacher bodies of the school.

9.4.2 At the request of not less than three (3) members of the Council being from a combination of the parents and the teaching staff the Council shall call a general meeting within 30 days of receiving the request.

9.4.3 Notice of general meetings shall be advertised in the media and in a newsletter to all parents and teaching staff at least seven (7) days in advance of the date of the meeting.

9.5 A quorum for a general meeting shall be half the current membership of the Council.

NOTES Council members must have no less than three (3) days notice in writing of the date, time, place and specific matter/s to be dealt with at a special general meeting.

The purpose of a general meeting is to seek the views of as many members of the school community as possible, so it is important that more than the full membership of the school council attend. The notice provision in clause 9.5 is to encourage the community to attend.

10. PROXIES

Any member of the Council who is unable to attend a particular meeting of the Council may appoint a proxy (either another member or a non-member) with full voting rights. The nomination of the proxy must be given to the chairperson in writing prior to the meeting of the Council. Any member may make use of this provision on no more than two (2) occasions in any year.

11. COMMITTEES

11.1 The Council may appoint such committees as it deems fit to undertake specific areas of responsibility.

11.2 The functions and responsibilities of the committees shall be defined by the Council.

11.3 The membership of the committees shall be filled as determined by the Council.
12.4 the **Treasurer**, who shall

(a) be appointed either

(i) by the Council, from the Council members (other than the principal), at the first council meeting held after the annual general meeting, or

(ii) by the Council, from elsewhere, without voting rights, by 30 April of that year.

Such decision to be made at the first Council meeting held after the annual general meeting.

(b) 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 that position shall hold office for the balance of the term of her/his predecessor

(c) see that the account books of the Council are kept, and present financial statements as required by the Council and the Secretary and present an audited statement covering the preceding year to the annual general meeting and to the Secretary.

13. **MISCELLANEOUS**

13.1 Nothing contained in this constitution and these rules shall in anyway prejudice or give the Council any power whatever to interfere in the rights of the teaching and school support staff and to determine the conduct of their own affairs.

13.2 Public statements made on behalf of the Council shall only be made by the chairperson or principal and provided that such statements reflect the agreed policy or true intent of the Council.

13.3 This Council may only be abolished by the Minister in accordance with Section 71K of the Act.

13.4 Upon abolition any funds remaining after the discharge of all liabilities shall be disposed of in accordance with Section 71K of the Act.