

TERMS OF REFERENCE
WINTHROP PRIMARY SCHOOL COUNCIL
(Adopted at the meeting of the School Council held 6th June, 2002
Revised at School Council meeting of 5th August 2003)

1. Name

The name of the Council is the Winthrop Primary School Council.

2. Definition

“**Council**” means Winthrop Primary School Council.

“**Director-General**” means the chief executive officer of the Education Department defined in section 229 of the School Education Act.

“**Educational Programme**” means an organised set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student’s individual needs as defined in section 4 of the School Education Act.

“**Minister**” means the Minister responsible for administering the School Education Act.

“**Parent**” means parent defined in section 4 of the School Education Act and named in the School register as a Parent of a Student.

“**School**” means Winthrop Primary School.

“**School Education Act**” means the *School Education Act 1999*.

“**School Fund**” means the General Purposes Fund and a fund referred to in section 110 of the School Education Act as defined in Section 4 of the School Education Act.

“**Staff**” means persons employed at the School by the Department of Education as members of the teaching staff, public service officers as wages staff or other officers.

“**Student**” means student enrolled at the School.

3. Purpose

- 3.1 The Council is formed with the fundamental purpose of enabling Parents and members of the community to engage in activities that are in the best interests of Students and that will enhance the education provided by the School.

4. Powers and Duties of the Council

4.1 The Council has the following powers and duties:

4.1.1 to take part in:

- establishing and reviewing from time to time, the School's objectives, priorities and general policy directions;
- the planning of financial arrangements necessary to fund those objectives, priorities and directions;
- evaluating the School's performance in achieving them; and
- formulating codes of conduct for Students at the School;

4.1.2 to determine in consultation with Students, their Parents and Staff a dress code for Students when they are attending or representing the School;

4.1.3 to promote the School in the community;

4.1.4 to approve:

- charges and contributions for the provision of certain materials, services and facilities under section 99(4) of the School Education Act;
- extra cost optional components of educational programmes, under section 100(3) of the School Education Act;
- items to be supplied by a student for use in an Educational Programme, under section 108(2) of the School Education Act; and
- any agreements or arrangements for advertising or sponsorship in relation to the School under section 216(5) of the School Education Act;

4.1.5 to provide advice to the principal of the School on:

- a general policy concerning the use in School activities of prayers, songs and material based on religious, spiritual or moral values being used in a School activity as part of religious education; and
- the implementation of special religious education under section 69(2) of the School Education Act;

4.1.6 with the approval of the Minister or the Director-General, as the Minister's delegate, to:

- take part in the selection of, but not the appointment of, the School principal or any other member of the teaching staff under section 129(2) of the School Education Act;

4.1.7 to do all things necessary or convenient to be done for or in connection with the carrying out of its functions.

- 4.2 The Council cannot
 - 4.2.1 intervene in the educational instruction of students;
 - 4.2.2 exercise authority over teaching staff or other persons employed at the School
 - 4.2.3 intervene in the management or operation of the School Fund.
- 4.3 The School Council seeks to foster a strong collaborative relationship between the council and the P&C as the parent body. (Inserted August 2003).

5. Membership of the Council

- 5.1 The number of members of the Council shall be at least 5 but not more than 15, but shall otherwise be determined by the Council.
- 5.2 The Council is to determine its composition:
 - 5.2.1 having regard to the nature of the Student population of the School and the social, cultural, lingual, economic or geographic factors that may be relevant to the School,
 - 5.2.2 the functions of the Council and any changes in those functions; and
 - 5.2.3 with a view to including members of the general community, and staff of the School, and allocating a membership position to a member of an association referred to in section 149 of the School Education Act.
- 5.3 The Chairperson of the Council is to be elected by and from its members.
- 5.4 The Principal shall be an ex-officio member of the Council;
- 5.5 Membership of the Council is to be drawn from the following categories:
 - (a) parents;
 - (b) members of the general community
 - (c) staff of the school
 - (d) students.
- 5.6 The Parents and Citizens' Association may nominate one of its members to be a member of the Council in the membership category referred to in rules 5.5 (a) or (b) as is relevant to the nominee.
- 5.7 The Council may allocate a membership position to a member of an association referred to in section 149 of the School Education Act in the membership category relevant to the nominee.
- 5.8 Parents and members of the general community must form the majority of members of the Council.
- 5.8 There must be at least one Parent member of the Council.

5.9 The Council may co-opt a member of the local community to be a member of the Council where that person's experience, skills or qualifications would enable him or her to make a contribution to the Council's functions.

6.0 Appointment and Election of Members

6.1 The Principal of the School will invite nominations from eligible persons to fill vacancies occurring in the categories referred to in rule 5.5 above and, except those in the general community membership category, will conduct elections where the number of nominees is greater than the vacancies available.

6.2 Eligible to vote in the category of Parent membership positions is each parent whose name and address has been provided to the school under section 16(1)(b)(ii)(I) of the School Education Act, or if neither parent's name and address has been so provided, each person who is responsible for the student.

6.3 Eligible to vote in the category of Staff membership positions is each person to whom section 235(1) of the School Education Act applies and whose usual place of work is at the school.

6.4 Deleted. (Amendment August 2003)

6.5 A person may not vote in respect of more than one category referred to in rules 6.2, 6.3 and 6.4.

6.6 In the category of general community membership positions, the Council may appoint suitably qualified members of the general community from the list of nominees.

6.7 The Director-General may, from time to time, specify standards or requirements in relation to the conduct of elections.

6.8 The Director-General may inquire into any matter affecting an election or appointment of a member of the Council and if any irregularity has occurred may declare the results of an election or appointment invalid, or order an election or appointment or a new election or appointment to be conducted.

6.9 A member of the Council (other than the principal) shall hold office for a term **determined by the Council**, up to a maximum of three years and may be reappointed more than once.

6.10 Any member appointed or elected to a casual vacancy in the Council shall hold office for the balance of the term of the member of the Council whose seat on the Council has become vacant.

7.0 Cessation or Termination of Membership

7.1 The office of a member of the Council becomes vacant if the member:

7.1.1 becomes ineligible to hold office as a member;

- 7.1.2 resigns by written notice delivered to the Council; or
 - 7.1.3 is removed from office by the Director-General of Education or his delegate.
- 7.2 The Director General, or the Deputy Director General or Executive Directors, Schools, as delegates of the Director-General, may remove a person as a member of the Council on the grounds that the continuation of the person as a member would be detrimental to the interests of the Council.
- 7.3 The Council may remove a person as a member of the Council on the grounds that the person:
- 7.3.1 has neglected his or her duty as a member;
 - 7.3.2 has misbehaved or is incompetent;
 - 7.3.3 is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of their function as a member; or
 - 7.3.4 has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.
- 7.4 The Council must not remove a person as a member unless the person has been given a reasonable opportunity to show that they should not be removed from office.
- 7.5 A decision of the Council to remove a person from office is to be made by resolution of a majority comprising enough of the members for their number to be at least two thirds of the number of offices, whether vacant or not.

8.0 Meetings and Proceedings of the Council

- 8.1 The Council will determine the number of meetings for each year.
- 8.2 The Chairperson of the Council is to convene Council meetings in accordance with the directions of the Council in relation to the venue and time of meeting and giving notice of the meeting.
- 8.3 Meetings of the Council are generally to be open to the public.
- 8.4 The Council is to hold each calendar year at least one meeting that is open to the public, 14 days' notice of which has been given to Parents and in which a report is presented on the performance of the Council's functions.
- 8.5 A Council may decide to close to members of the public a meeting or part of the meeting on the grounds set out in rule 8.6 unless the meeting is the annual public meeting or a special meeting called under regulation 118 of the *School Education Regulations 2000*.
- 8.6 A Council may decide to close to members of the public a meeting or part of the meeting if it deals with any of the following:

- 8.6.1 a matter affecting a person who is employed at the school;
- 8.6.2 the personal affairs of any person;
- 8.6.3 a contract entered into, or which may be entered into, by the Council and which relates to a matter to be discussed at the meeting;
- 8.6.4 legal advice obtained, or which may be obtained, by the Council and which relates to a matter to be discussed at the meeting;
- 8.6.5 a matter that if disclosed, would reveal –
 - (i) information that has a commercial value to a person and that is held by, or is about, a person other than the Council; or
 - (ii) information about the business, professional, commercial or financial affairs of a person and that is held by, or is about, a person other than the Council;
- 8.6.6 information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

- 8.7 A decision to close a meeting or part of the meeting and the reason for the decision are to be recorded in the minutes of the meeting.

- 8.8 The Chairperson is to convene a special meeting of the Council if the meeting is called for in a notice to the Chairperson setting out the purposes of the proposed meeting that is provided by at least twenty (20) families of students at the school or at least half the families of students at the school whichever is the lesser number of families.

- 8.9 The Chairperson is not to convene a meeting under rule 8.8 if the purposes of the proposed meeting are not relevant to the Council's functions.

- 8.10 A meeting convened under Rule 8.8 is to deal only with matters relevant to the purposes set out in the notice received by the Chairperson.

- 8.11 Each Council member, including the Chairperson, is entitled to one vote only.

- 8.12 A decision of the Council does not have effect unless it has been made by an absolute majority.

- 8.13 An absolute majority means a majority comprising enough of the members of the Council for their number to be more than fifty percent (50%) of the number of offices whether vacant or not.

- 8.14 Subject to these rules, the procedure and order of business to be followed at a meeting shall be determined by members of the Council present at the meeting.

9. Failure to act properly

- 9.1 In the event that the Council breaches the School Education Act, or the conduct of the Council is incompetent, inadequate or improper, the Minister may require that the situation be remedied.
- 9.2 If the Minister is of the opinion that a Council has not complied with such a notice, the Minister may dismiss the Council.

10. Committees of the Council

- 10.1 The Council is empowered to appoint such Committees, as it deems necessary.
- 10.2 Membership of Committees is not confined to members of the Council, but at least one Council member is required to serve on each Committee.
- 10.3 The duties of any Committee shall be clearly defined by the Council and where appropriate a specific date shall be set for the completion of the tasks assigned to the Committee.
- 10.4 In all cases a Committee makes its recommendations to the Council.

11. Duties to be allocated

- 11.1 The Council is to allocate to a member or members the following duties:
 - 11.1.1 co-ordinate the correspondence of the Council;
 - 11.1.2 ensure that full and correct minutes of the meetings and proceedings of the Council are kept; and
 - 11.1.3 have custody of all books, documents, records and registers of the Council.

12. Schedules to Terms of Reference

Amended to include Schedule B August 2003).

12.1 The Council shall maintain as Schedule A a record of decisions about its membership, appointment and election of members, cessation or terminations of members, meetings and proceedings, activities and terms of reference made pursuant to its powers which is to be included as a part of the Terms of Reference.

12.2 The Council shall maintain as Schedule B an Annual Calendar and Schedule of Policies for Review.

Schedule A to the Terms of Reference for Winthrop Primary School Council

This schedule sets out matters which have been determined by the Council in accordance with the terms of reference and with School Education Act and Regulations.

Topic	Decision	Date determined	Date last reviewed	Date for next Review
Incorporation	That the Winthrop Primary School Council not apply for Incorporation	6.6.02	5.8.03	Term 3 meeting 2004
Membership	That the Membership of the Council be as follows: Principal – ex-officio member P&C Representative to be appointed by the P&C* 3 Staff representatives 4 Parent representatives	6.6.02	5.8.03	Term 3 meeting 2004
Terms of office	That the following terms of office be adopted: Principal – ongoing – ex officio position P&C – to be determined by P&C up to a maximum of three years ** Staff representatives – 2 year staggered terms Parent representatives – 2 year staggered terms	6.6.02	5.8.03	Term 3 meeting 2004
Consecutive terms	That a member may only serve for two consecutive terms after which he or she will not qualify for re-election. (This is a limitation of 6.9 above). The election meeting can make exception if sufficient nominees are not forthcoming.	6.6.02	5.8.03	Term 3 meeting 2004
Parent representative elections	That elections for Parent representatives on the Council be held annually	6.6.02	5.8.03	Term 3 meeting 2004

(4 positions)	as soon as is practicable after the Annual Reporting Meeting usually at a special meeting to be held immediately prior to a General P&C Meeting Nominations for Parent vacancies to be sought via the school newsletter			
Staff representative elections (3 positions)	That elections for Staff representative positions To be held annually as soon as is practicable after the Annual reporting meeting usually at a staff meeting Nominations for Staff vacancies to be sought at that meeting	6.6.02	5.8.03	Term 3 meeting 2004
Meetings	That meetings be held at least once per term with an Annual Reporting Meeting, section 140(c), to be held in Term 2 and the meeting which reviews charges and contributions relating to but not exclusive to Sections 99, 100 and 108 of the School Education Act be held in Term 3. The time and venue of each meeting to be determined at the previous meeting, and notice of such meetings to be published in the School Newsletter at least 14 days prior to the meeting.	6.6.02	5.8.03	Term 3 meeting 2004
Quorum	Quorum to consist of 6 members, at least two Parent representatives and two Staff representatives	6.6.02	5.8.03	Term 3 meeting 2004
Temporary vacancies	Temporary vacancies caused by the planned absence of a	6.6.02	5.8.03	Term 3 2004

	representative due to Long Service Leave or other long term commitments (causing absence for two (2) or more consecutive meetings) may be filled by a representative duly elected for that purpose. In the case of a Staff representative at a staff meeting, in the case of a Parent representative in a special meeting convened immediately prior to a School Council Meeting. Notice of such an election to be included in the notice of meeting in the School newsletter.			
Election of Chair and Secretary	These roles to be allocated by a vote of the Council Members at the Term 3 Meeting each year.	6.6.02	5.8.03	Term 3 meeting 2004

P&C Decisions – Refer to P&C Minutes - recorded here for reference.

P&C Representative	<p>That the P&C representative on the School Council be appointed annually during a P&C General Meeting to be held in Term 3 and that the appointee is eligible for reappointment each year up to a maximum of three (3) years.</p> <p>Motion That the P&C representative on the School Council be appointed annually at the P&C AGM. for a period of 1 year.</p> <p>Moved D Cook Seconded L Rich Carried.</p> <p>That the P&C appointed representative on the School Council be appointed as a member of the P&C Executive (if not already an Executive Member) to report School Council matters to the P&C Executive</p> <p>Discussion at the meeting of 11.8.03 of the manner of reporting did not result in a motion.</p>	<p>P&C Meeting 17.6.02</p> <p>11.8.03</p>	As required
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Winthrop Primary School Council Terms of Reference

Schedule B: Annual Calendar and Schedule of Policies for Review

Term	Activity	Notes
1	Check for any casual vacancies on council due to departing staff or families	
1	Confirm 1 st meeting date	Date tentatively set at term 4 meeting
2	Annual reporting meeting	
2	Call for nominations	Staff representatives Parent representatives
2	Organise Elections	Staff representatives Parent representatives
3 (September meeting)	Approval of fees and charges for new year	
3 (September meeting)	Approval of items for personal used for new year	
3 (September meeting)	Approval of proposed additional items charges for new year	

Policy/Document Or Decision	Comments	Date of last review	Recommended review date
Terms of Reference	Adopted June 6 th 2002 based on recommendations accompanying curriculum framework. Pursuant to legislation	5.8.03	Term 3 2004
Dress Code	Pursuant to legislation		Term 3 2006 (minutes 5.8.03)
Communications	Arose from parent request (Minutes 10.6.03)	5.8.03	Term 3 2004 (minutes 5.8.03)
Promotion of School in community	Pursuant to legislation		To be standing agenda item