

NORTHERN TERRITORY OF AUSTRALIA
EDUCATION (SCHOOL COUNCILS) REGULATIONS
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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1983, No. 3*

Regulations under the *Education Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Education Act*.

Dated this twenty-fifth day of January, 1983.

E.E. JOHNSTON
Administrator

EDUCATION (SCHOOL COUNCILS) REGULATIONS

PART I - INTRODUCTORY

1. CITATION

These Regulations may be cited as the Education (School Councils) Regulations.

2. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Education Amendment Act 1982*.

3. DEFINITIONS

In these Regulations, unless the contrary intention appears -

"account" means an account referred to in regulation 11(1);

"member", in relation to a school council, means a member of the school council;

* Notified in the *Northern Territory Government Gazette* on 4 February, 1983.

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"school council" means a school council established under section 71(1) of the Act;

"School Council General Account", in relation to a school council, means the school council's account referred to in regulation 11(1)(b);

"School Council Official Account", in relation to a school council, means the school council's account referred to in regulation 11(1)(a).

PART II - CONSTITUTION AND OPERATION OF SCHOOL COUNCILS

4. CONSTITUTION OF SCHOOL COUNCIL

(1) For the purposes of section 71(3) of the Act, a school council shall, in respect of the Government school for which it is established, subject to this regulation, consist of the following members:

- (a) parents of students attending that Government school, other than such parents who are teachers at that Government school, elected at an annual general meeting by the parents of such students;
- (b) teachers at that Government school elected at an annual general meeting by the teaching staff of that Government school;
- (c) where that Government school is a secondary school - one or 2 senior students of the secondary school, elected by the students of that secondary school;
- (d) the head teacher of that Government school, *ex officio*; and
- (e) in addition, if the members so decide, they may co-opt, subject to this regulation, persons up to a maximum of 3 who, in the opinion of that school council, will assist that school council in the exercise of its powers and the performance of its functions.

(2) Unless the Minister otherwise determines by notice in the *Gazette*, a school council shall consist of not less than 5 and not more than 19 members.

(3) A majority of members of each school council shall be parents elected under sub-regulation (1)(a).

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5. TERM OF OFFICE

(1) Subject to sub-regulation (3) and regulation 7, a member referred to in regulation 4(1)(a), (b) and (c) shall hold office for a term of 2 years.

(2) A member co-opted by a school council under regulation 4(1)(e) shall hold office for 2 years, or such shorter period as the school council determines, and shall be eligible to be co-opted for a further term.

(3) Where a school council is first established, one-half of its members referred to in sub-regulation (1) shall retire at the end of their first year of office (for the purposes of this sub-regulation, "one-half" shall, if the total number of members referred to is uneven, mean the integer nearest to but not more than one-half of the number of such members).

(4) A member, other than a member referred to in regulation 4(1)(d), shall not hold office for more than 3 consecutive terms referred to in sub-regulation (1).

6. CHAIRMAN OF SCHOOL COUNCIL

(1) A school council shall, as the occasion requires, appoint one of its members referred to in regulation 4(1)(a) to be its Chairman.

(2) Subject to sub-regulation (4), a member appointed under sub-regulation (1) shall hold office as Chairman of the school council for the remainder of his term of office as a member.

(3) A member appointed under sub-regulation (1) may resign his office as Chairman of the school council by writing signed by him and delivered to the Secretary.

(4) Where a person appointed under sub-regulation (1) ceases to hold office as a member of the school council before the expiration of his term of office as a member, he shall thereupon cease to hold office as Chairman.

(5) Subject to regulation 5(4), a Chairman of a school council is eligible to be reappointed as Chairman of the school council.

7. CASUAL VACANCIES

(1) The Minister may remove a member from office where the member -

(a) is absent, without good cause, from 3 consecutive meetings of the school council;

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- (b) is convicted of an offence which, in the opinion of the Minister, is such as to make him unsuitable to remain a member; or
 - (c) is physically or mentally incapacitated to such an extent that he is incapable of carrying out his duties as a member.
- (2) The office of a member shall become vacant where -
- (a) he dies;
 - (b) his term of office expires;
 - (c) other than where he is the Chairman of a school council, he resigns by notice in writing given to the Chairman of the school council; or
 - (d) in pursuance of sub-regulation (1), he is removed from office by the Minister.
- (3) A casual vacancy in the membership of a school council, other than the member referred to in regulation 4(1)(d), shall be filled as the school council shall determine and the person elected, appointed or co-opted to fill that casual vacancy shall hold office for the balance of the term of his predecessor.
- (4) Where a person ceases to be a member, or where a member ceases to hold a particular office on the school council, he shall immediately hand over to his successor all books, papers and funds which he held by virtue of that office.

8. GENERAL MEETINGS

(1) Subject to sub-regulation (2), in each year the member referred to in regulation 4(1)(d) shall give notice of a meeting or meetings for the purpose of electing persons to fill the vacant positions, if any, in the membership of the school council and to carry out such other business as is required by the Act, these Regulations, or as the Minister determines.

(2) The member referred to in sub-regulation (1) shall not, in pursuance of that sub-regulation, call for a meeting or meetings in each year -

- (a) until after the audit referred to in regulation 14(d) has been completed; and
- (b) later than 15 March.

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9. MEETINGS

(1) The Chairman of a school council or, if for any reason the Chairman of the school council is not available, the member referred to in regulation 4(1)(d) of the school council, may convene meetings of that school council.

(2) The Minister, the Secretary, or not less than 3 members may, by notice in writing given to the Chairman of a school council, request that a meeting of the school council be convened for the purpose of considering the matter or matters specified in the notice.

(3) Without prejudice to any other method of giving the notice, a notice may be given for the purpose of sub-regulation (2) to the Chairman of a school council by delivering the notice, addressed to the Chairman, to the head teacher of the Government school for which the school council is established.

(4) Where a notice has been given under sub-regulation (2) to the Chairman of a school council, the Chairman shall convene a meeting of the school council by giving to each member not less than 3 days notice in writing of the date, time and place of the meeting and of the matter or matters specified in the notice.

(5) At a meeting convened for the purpose of sub-regulation (2), no business shall be dealt with other than business arising out of a matter specified in the notice given under that sub-regulation in respect of that meeting.

(6) The Chairman of a school council shall preside at all meetings of the school council at which he is present.

(7) Where the Chairman of a school council is not present at a meeting of the school council, the members present shall appoint one of their number to preside at the meeting.

(8) A quorum at a meeting of a school council is constituted by not less than one-half for the time being of the members and no business shall be conducted at a meeting unless a quorum is present.

(9) Questions arising at a meeting of a school council shall be determined by a majority of the votes of the members present and voting.

(10) The person presiding at a meeting of a school council has a deliberative vote only.

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(11) Where there is a vacancy in the office of Chairman of a school council and, but for this sub-regulation, the school council would not be able to appoint a member to be the Chairman of the school council, the Secretary may convene a meeting of the school council for that purpose.

10. POWERS AND FUNCTIONS OF SCHOOL COUNCIL NOT AFFECTED BY VACANCIES

The exercise of a power, or the performance of a function, by a school council is not affected by a vacancy in the membership of the school council.

PART III - ACCOUNTS OF SCHOOL COUNCIL

11. SCHOOL COUNCIL SHALL OPEN AND MAINTAIN CERTAIN ACCOUNTS

(1) A school council shall open and maintain, at a bank or banks approved by the Secretary for such purpose -

(a) an account, to be known as the "School Council Official Account", of the school council's moneys referred to in section 71G(a) and (c) of the Act; and

(b) an account, to be known as the "School Council General Account", of the school council's moneys referred to in section 71G(b) of the Act,

and may, with the approval of the Secretary, at a bank or banks approved by the Secretary for that purpose, open and maintain such other accounts as it thinks fit.

(2) A school council shall pay all moneys received by it into the accounts referred to in sub-regulation (1) in accordance with that sub-regulation.

(3) A school council shall hold moneys in the School Council Official Account on behalf of the Minister.

(4) A school council shall keep separate records of transactions concerning each account.

(5) A school council shall nominate among its members those persons who shall be signatories to the cheques of an account and such cheques shall be signed by not less than 2 of the signatories so nominated.

12. EXPENDITURE OF MONEYS

A school council shall not, except with the approval in writing of the Secretary, expend moneys from an account other than on, or in relation to, the Government school for which it is established.

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13. OWNERSHIP OF MATERIALS AND PROPERTY PURCHASED BY SCHOOL COUNCIL

Where a school council purchases materials or property -

- (a) partly or wholly from the School Council Official Account - such materials and property are the materials and property of the Minister; and
- (b) wholly from an account other than the account referred to in paragraph (a) - such materials and property are the materials and property of the school council.

14. GENERAL ACCOUNTING REQUIREMENTS

A school council shall ensure that -

- (a) interest earned on moneys in an account is credited to the account;
- (b) a payment made from an account is made by "Not Negotiable" cheque;
- (c) a receipt is issued for money received by the school council, other than -
 - (i) in respect of over-the-counter sales by a Government school canteen or book store run by that school council; or
 - (ii) where the Secretary, by instrument in writing, otherwise determines;
- (d) each account is audited, and a statement of receipts, payments and balance on hand with respect to the account is prepared, by a person appointed by the school council and approved by the Secretary for that purpose, not later than 27 February in each year for the immediately preceding year;
- (e) at each annual general meeting, there is presented to it, in respect of each account, the statement referred to in paragraph (d) relating to that account;
- (f) a copy of the statement referred to in paragraph (d) relating to an account is forwarded to the Secretary as soon as practicable after the meeting referred to in paragraph (e) at which that statement was presented; and

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- (g) a person is appointed, whether a member or otherwise, whose duty it is to -
 - (i) maintain books of each account; and
 - (ii) bank all moneys received for an account and, subject to regulation 11(5), make payments, as authorized by the school council, out of the account.

15. SECRETARY AND TREASURER TO SCHOOL COUNCIL

(1) A school council may request the head teacher of the Government school for which it is established to direct the secretary or registrar of that Government school to act as secretary and treasurer to the school council.

(2) Upon the receipt of an application referred to in sub-regulation (1), the head teacher may -

- (a) subject to sub-regulation (3), give a direction referred to in sub-regulation (1); or
- (b) reject the application.

(3) The head teacher referred to in sub-regulation (1) shall not give under sub-regulation (2)(a) a direction referred to in sub-regulation (1) where the direction would require the person the subject of that direction to work, or attend meetings of the school council to which that direction relates, outside of that persons's normal working hours, unless -

- (a) that person agrees to comply with that direction; and
- (b) the Department of Education has arranged with the Commissioner within the meaning of the *Public Service Act* for that person to receive recompense for work or attendance outside of that person's normal working hours arising as a consequence of that person's compliance with that direction.

(3) A person the subject of a direction given under sub-regulation (2)(a) shall comply with that direction.

PART IV - MISCELLANEOUS

16. PRESCRIBED SERVICES

For the purposes of section 71C(h) of the Act, "prescribed services" means repair, maintenance and general upkeep.