



## MUNDARING PRIMARY SCHOOL COUNCIL

### TERMS OF REFERENCE

#### NAME

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

#### DEFINITIONS

In these terms of reference:

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

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

“**educational programme**” means an organized 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 as defined in section 4 of the School Education Act who is named in the school register as a parent of a student.

“**school**” means Mundaring 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.

“**student**” means student enrolled at the school.

#### PURPOSE

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 will enhance the education provided by the school.

#### FUNCTIONS OF THE COUNCIL

a) The Council has the following powers and duties

- i) 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;
- ii) to determine in consultation with students, their parents and staff a dress code for students when they are attending or representing the school;
- iii) to promote the school in the community;
- iv) 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;

- v) 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;
  - vi) 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;
- b) The Council cannot
- i) intervene in the control or management of the school;
  - ii) intervene in the educational instruction of students;
  - iii) exercise authority over teaching staff or other persons employed at the school; and
  - iv) intervene in the management or operation of a school fund.

#### **MEMBERSHIP OF THE COUNCIL**

- a) The School Education Act provides for the following categories of membership
- i) parents;
  - ii) members of the general community; and
  - iii) staff members of the school.
- b) There shall be nine members on the Council.
- c) The composition of the Council is to include
- i) 4 parents, including the P & C representative;
  - ii) 1 community representative, who does not have a child enrolled at the school; and
  - iii) 4 staff representatives, including the principal.
- d) The Chairperson of the Council may be elected by and from its members, or rotated.
- e) The Secretary of the Council may be elected by and from its members, or rotated.
- f) The principal is automatically a member of the Council.
- g) Parents and members of the general community must form the majority of the members of the Council.
- h) The Council may co-opt a member of the local community to be a member of the Council for such period, or in relation to such matters, as determined by the Council where that person's experience, skills or qualifications would enable him or her to make a contribution to the Council's functions.

#### **APPOINTMENT AND ELECTION OF MEMBERS**

- a) The principal of the school will invite nominations from suitably qualified persons to fill vacancies occurring in the categories referred to above and, except in the case of the general community membership category, will conduct elections where the number of nominees is greater than the vacancies available.
- b) 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.
- c) 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.
- d) A person may not vote in respect of more than one category referred to in rules b) and c) above.
- e) In the category of general community membership positions, the Council may appoint suitably qualified members of the general community from the list of nominees.
- f) The Director General may, from time to time, specify standards or requirements in relation to the conduct of elections.

- g) 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.
- h) A member of the Council (other than the principal) shall hold office for a term not exceeding three years as determined by the Council and may be reappointed more than once.
- i) 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.

#### **CESSATION OR TERMINATION OF MEMBERSHIP**

- a) The office of a member of the Council becomes vacant if the member:
  - i) becomes ineligible to hold office as a member;
  - ii) resigns by written notice delivered to the Council; or
  - iii) is removed from office by the Director General or his delegate.
- b) The Director General or Executive Directors 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.
- c) The Council may remove a person as a member of the Council on the grounds that the person:
  - i) has neglected his or her duty as a member;
  - ii) has misbehaved or is incompetent;
  - iii) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or
  - iv) has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.
- d) The Council must not remove a person as a member unless the person has been given a reasonable opportunity to show that he or she should not be removed from office.
- e) 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.

#### **MEETINGS AND PROCEEDINGS OF THE COUNCIL**

- a) The Council will determine the number of meetings for each year.
- b) 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.
- c) Meetings of the Council are generally to be open to the public.
- d) 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.
- e) The 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*.
- f) The 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:
  - i) a matter affecting a person who is employed at the school;
  - ii) the personal affairs of any person;
  - iii) 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;
  - iv) legal advice obtained, or which may be obtained, by the Council and which relates to a matter to be discussed at the meeting;
  - v) a matter that if disclosed, would reveal:
    - information that has a commercial value to a person and that is held by, or is about, a person other than the Council; or

- 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;
- vi) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.
- g) 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.
- h) 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 20 families of students at the school or at least half the number of families of students at the school, whichever is the lesser number of families.
- i) 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.
- j) 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.
- k) Each Council member, including the chairperson, is entitled to one vote only.
- l) A decision of the Council does not have effect unless it has been made by an absolute majority.
- m) An absolute majority means a majority comprising enough of the members of the Council for their number to be more than 50% of the number of offices whether vacant or not.
- n) Subject to these rules, the procedure and order of business to be followed at a meeting shall be determined by the Council.

#### **FAILURE TO ACT PROPERLY**

- a) 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 give written notice to the Council requiring that the situation be remedied.
- b) If the Minister is of the opinion that a Council has not complied with such a notice, the Minister may dismiss the Council.

#### **COMMITTEES OF THE COUNCIL<sup>1</sup>**

- a) The Council is empowered to appoint such Committees, as it deems necessary.
- b) Membership of Committees is not confined to members of the Council, but at least one Council member is required to serve on each Committee.
- c) 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.
- d) In all cases a Committee makes its recommendations to the Council.

#### **DUTIES TO BE ALLOCATED<sup>2</sup>**

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

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<sup>1</sup> Although Committees are not mentioned in the Act, the information here is provided for guidance

<sup>2</sup> There is a clear expectation in the Act that minutes of meetings will be kept. The above is suggested to ensure compliance  
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