

# CONSTITUTION OF CENTRALIAN MIDDLE SCHOOL INCORPORATED

## 1 NAME

The name of the council shall be the *Centralian Middle School Council Incorporated*, 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.

**BANK** means a bank, building society or credit union with the approval of the Chief Executive.

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

**COUNCIL** means the Centralian Middle School Council Incorporated established under S71 of the *Education Act*, being the recognised constitutional body representative of the school community.

**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 and Training or successors.

**PARENT** means the parent or legal guardian of any student enrolled at the school including the person who has actual custody of a student and the person with whom a student resides.

**PRINCIPAL** means the person to whom the administration and control of the school is committed.

**REGISTRAR** means the person employed within the meaning of the *Public Sector Employment and Management Act*, to act as registrar/business manager to the school.

**SCHOOL SECRETARY** means the person employed within the meaning of the *Public Sector Employment and Management Act*, to act as secretary to the school.

**SCHOOL** means Centralian Middle School.

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

**SRC** means the Student Representative Council of the school being the recognised constitutional body representative of students enrolled at the school.

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**TEACHING STAFF** means the body of registered teachers appointed from time to time to the school.

**THE DEPARTMENT** means the Department of Education and Training or its successors.

### **3 FUNCTIONS** (*Education Act, 71C*)

The council shall be bound by the decisions of a fully constituted meeting of the council and the functions of the council shall be further to the aims and interests of the school. Particular functions of the council are:

- 3.1 examine the manner in which the educational policies of the Northern Territory are to be implemented at the school and, to this end, to advise the principal accordingly;
  - 3.2 inquire into and identify the particular educational needs of the community served by the school and advise the Chief Executive of those needs;
  - 3.3 consider and advise the principal and Chief Executive on initiatives in community education and, in particular, on means for improving links between the school, parent organisations, other associations and the community in general;
  - 3.4 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;
  - 3.5 within the scope allowed by the functions and powers conferred or imposed upon it, determine the purposes for which moneys allocated by the Department to the school are to be expended and to expend those funds accordingly;
  - 3.6 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;
  - 3.7 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;
  - 3.8 control the manner in which prescribed services are being rendered for the school;
  - 3.9 advise the Chief Executive in relation to the job description for the position of principal;
  - 3.10 advise the principal in relation to the job descriptions for teaching and school support staff;
  - 3.11 employ such persons, other than a person who is an employee within the meaning of the PSEMA, as the council thinks fit under the terms and conditions prescribed by the Educational Services (Schools) General Award;
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- 3.12 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;
- 3.13 perform such other functions as the Minister, by instrument in writing, confers upon the school council.

#### **4 OBJECTIVES**

The council shall be responsible for approving and supporting the school's annual objectives.

#### **5 MEMBERSHIP**

The composition of the council shall be made up as follows:

- (a) 6 or more parents, other than such parents who are teachers at the school, elected by the parents of the students attending the school;
- (b) 2 teachers elected by teachers teaching at the school;
- (c) 2 students elected by the SRC;
- (d) the principal who shall be a member of the council and who shall inform and advise the school council on matters being considered by it;
- (e) the council may approve up to 2 invited members provided:
  - (i) at least half of the council's members are parents of children attending the school;
  - (ii) no more than one third of the total members of the council can be teachers at any government school (this includes the principal).

#### **Notes:**

- 1. Parents who work at the school in non-teaching positions are eligible to be parent members of the council.
- 2. The school's registrar is not a member of the school council.
- 3. All members of the council shall have voting rights.

#### **6 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.

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- 6.1 The financial year of the council is the period beginning on 1 January in each year and ending on 31 December of that year.
  - 6.2 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.
  - 6.3 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.
  - 6.4 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.
  - 6.5 No cheque shall be drawn on the council's bank account unless such payment is in conformity with the council's budget.
  - 6.6 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 signatures is required for all cheques.
  - 6.7 Once at least in each financial year of the council, not later than 27 February (unless the Minister or person authorised by the Minister consents otherwise) in each year for the immediately preceding year, the accounts of the council shall be examined by an auditor appointed by the council and approved by the Chief Executive. The auditor shall certify as to the correctness of the accounts of the council and shall report thereon to the members present at the annual general meeting. In the auditor's report, and in certifying to the accounts, the auditor shall state
    - (a) whether she or he has obtained all of the information required to audit the accounts
    - (b) whether, in her or his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the council according to the information at her or his disposal and the explanations given to her or him and as shown by the books of the council
    - (c) whether the rules relating to the administration of the funds of the council have been observed.
  - 6.8 The auditor
    - (a) has a right of access to the accounts, books, records, vouchers and documents of the council
    - (b) may require from the members of the council such information and explanations as may be necessary for the performance of the auditor's duties
    - (c) may, in relation to the accounts of the council, examine any member of the council or any servant of the council.
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- 6.9 The handling of accounts, money and books, shall be in accordance with the departmental instructions.
- 6.10 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.
- 6.11 No member of the council shall vote as a member of the council in respect of any contract or arrangement in which they are financially interested and if they do so vote their vote shall not be counted.

## **7 TERMS OF OFFICE** (Regulation 5)

- 7.1 Members of the council being members by virtue of their office (i.e. principal,) shall be members during the currency of their terms of office.
- 7.2 Elected members of the council other than teacher and student representatives shall hold office for two years provided that where the council is first established one half of the elected members shall retire at the end of their first year of office.
- 7.3 Retiring members of the council shall be eligible for re-election.
- 7.4 Elected members of council shall be elected by their respective bodies at meetings called for that purpose prior to the annual general meeting each year.  
*Refer 10.1, 10.3*
- 7.5 Invited members will hold office for any period not exceeding two years, as determined by the council and will be eligible for a further term.
- 7.6 No member, other than the principal, may hold office for more than three consecutive terms.

## **8 CASUAL VACANCIES** (Regulation 7)

- 8.1 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
  - a member other than the chairperson presents a written notice of resignation to the chairperson of the council
  - a member fails to attend three 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.
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- 8.2 Casual vacancies in the membership of the school council shall be filled as the school council determines in accordance with section 5 *Membership* and the person elected, appointed or invited to fill that casual vacancy shall hold office for the remainder of the office of her or his predecessor.
- 8.3 When any person ceases to be a member of the council or to hold any particular office on the council, she or he shall immediately hand over to her or his successor, all books, papers and funds which he or she held by virtue of her or his position on the council.

## **9. COUNCIL MEETINGS** (Regulation 9)

- 9.1 The council should, where practicable, meet once per month during the school year, and in any case not less than eight (8) times (including the annual general meeting) in any calendar year.
- 9.2 Meetings of the council should be held in the school and open to the school community.
- 9.3 The dates and times of meetings of the council shall be advertised seven days in advance.
- 9.4 The council may call additional meetings as members deem to be necessary.
- 9.5 At any meeting of the council half of the current membership of the council shall constitute a quorum.
- 9.6 At any meeting of the council only members of the council, the Chief Executive's nominee or those invited to do so by the council may address the meeting.

## **10. GENERAL MEETINGS** (Regulation 8 and 9)

- 10.1 The council shall report annually not later than 15 March (unless the Minister or person authorised by the Minister consents otherwise) in each year to an annual general meeting of parents, teaching staff, members of the student representative council and other interested persons called for that purpose.
  - 10.2 The report shall consist of a statement by the chairperson of the matters dealt with and decisions made by the council and an audited financial statement detailing the income and expenditure of the council during the preceding year.
  - 10.3 At the annual general meeting, retiring members of the council will relinquish their positions, and those parents, teachers and students who have been elected by their respective organisations will take their positions on the council.
  - 10.4 Notice of general meetings shall be advertised in the media and in a newsletter to all parents, teaching staff and the student representative council at least 14 days in advance of the date of the meeting.
  - 10.5 A quorum for a general meeting shall be half the current membership of the council.
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10.6 A special general meeting may be called by the council for the purpose of seeking feedback on a specific matter from parents, teachers and students of the school. The school community must have no less than 7 days notice in writing of the date, time, place and specific matter/s to be addressed.

## 11. 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 occasions in any year.

## 12. COMMITTEES

- 12.1 The council may appoint such committees as it deems fit to undertake specific areas of responsibility.
- 12.2 The functions and responsibilities of the committees shall be defined by the council.
- 12.3 The membership of the committees shall be filled as determined by the council and will not be limited to school council members only.
- 12.4 Any committee so formed shall appoint its own chairperson, provided the chairperson is a member of the school council.
- 12.5 The chairperson of the committee shall be responsible for presenting regular reports covering the activities of the committee to the council.
- 12.6 All decisions of the committees are to be referred to the council for consideration and ratification.
- 12.7 Committees shall meet as determined by the council.
- 12.8 Committee meetings shall not be open to the public unless the committee and/or council determines that it should be.

## 13. OFFICERS (Regulation 6)

The officers of the council shall be

- 13.1 the **chairperson**, who shall
    - be appointed by the council from the parent members of the council (other than a member who is a teacher, principal or acting principal at any government school)
    - preside at each meeting of the council and at general meetings, except when unavailable in which event the council shall appoint a chairperson for that meeting from the members present
    - have a deliberative vote only
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13.2 the **council secretary**, who shall

- be responsible for the keeping of the official records of the council
- prepare the agenda for each meeting of the council in consultation with the chairperson
- record the minutes of each meeting of the council and forward copies to each council member prior to the next meeting
- conduct the official correspondence of the council

13.3 the **treasurer**, who shall

- (a) be the school's registrar;
- (b) see that the account books of the council are kept, and present financial statements as required by the council and the Chief Executive and present an audited statement covering the preceding year to the annual general meeting and to the Chief Executive.

#### **14. MISCELLANEOUS**

- 14.1 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, or student representative council to determine the conduct of their own affairs.
- 14.2 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.
- 14.3 This council may only be abolished by the Minister in accordance with Section 71K of the Act.
- 14.4 Upon abolition any funds remaining after the discharge of all liabilities shall be disposed of in accordance with Section 71K of the Act.

#### **15. AMENDMENT OF THIS CONSTITUTION**

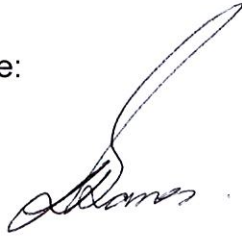
- 15.1 This constitution and these rules may only be amended at a general meeting called for that purpose and upon the majority vote of those present and voting provided that notice of the meeting and the specific reason for calling the meeting have been given in accordance with clauses 10.4 and 10.6.
  - 15.2 Copies of this constitution and any amendments thereto duly signed and dated by the chairperson shall be sent to the teaching staff, the parents and the student representative council and shall be available to the public at any council or general meeting.
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15.3 An amendment to this constitution shall be notified in writing to the Chief Executive within seven days of the date of the amendment and, such notice shall contain the text of the amendment.

Chairperson's name:

Signature:

A handwritten signature in black ink, appearing to be 'Alman', written over a faint, larger signature.

Date:

17/6/10