

MINISTERIAL ORDER NO. ...

EDUCATION AND TRAINING REFORM ACT 2006

..... **COLLEGE**

COUNCIL CONSTITUTING ORDER

A. Purpose

The purpose of this Order is to constitute a school council for College.

B. Authorising provisions

This Order is made under section 2.3.2 (1) and (2) and all other enabling provisions of the *Education and Training Reform Act 2006*.

C. Commencement

This Order comes into operation on the day it is made.

PART A - CONSTITUTION

1. Incorporation

A school council is hereby constituted, under section 2.3.2(1) of the *Education and Training Reform Act 2006*, by the name of **Council**, as a body corporate to exercise and discharge the powers, duties and functions that may be conferred or imposed on it by or under that Act in relation to the Government school named *College* situated at

1A. Objectives of the Council

The objectives of the Council with regard to the School are:

- (a) to assist in the efficient governance of the School;
- (b) to ensure that its decisions affecting students of the School are made having regard, as a primary consideration, to the best interest of the students;
- (c) to enhance the educational opportunities of students at the School; and
- (d) to ensure the School and the council comply with any requirements of the *Education and Training Reform Act 2006*, any regulations or a Ministerial Order made under that Act, or a direction, guideline or policy issued under that Act.

1B. Functions of the Council

The functions of the Council with regard to the School are:

- (a) to establish the broad direction and vision of the School within the School's community;
- (b) to arrange for the supply of goods, services, facilities, materials, equipment and other things or matters that are required for the conduct of the School including the provision of preschool programs;
- (c) to raise funds for School related purposes;
- (d) to regulate and facilitate the after-hours use of the School premises and

grounds;

- (e) to exercise a general oversight of the School buildings and grounds and ensure that they are kept in good order and condition;
- (f) to provide for the cleaning and sanitary services that are necessary for the School;
- (g) to ensure that all money coming into the hands of the Council is expended for proper purposes relating to the School;
- (h) to provide meals and refreshments for the staff and students of the School and make charges for those meals or refreshments;
- (i) to inform itself and take into account any views of the School community for the purpose of making decisions in regard to the School and the students at the School;
- (j) to generally stimulate interest in the School in the wider community; and
- (k) to perform any other function or duty or to exercise any power conferred or imposed on the Council:
 - (i) by or under the *Education and Training Reform Act 2006* or any regulations made under that Act; or
 - (ii) by a Ministerial Order made, or direction issued, by the Minister under the *Education and Training Reform Act 2006*.

1C. Powers of the Council

1C.1 For the purpose of meeting its objectives or performing its functions or duties the Council may:

- (a) enter into contracts, agreements or arrangements;
- (b) establish trusts and act as trustee of them;
- (c) subject to section 2.2.4 of the *Education and Training Reform Act 2006* and in accordance with any Ministerial Order made under that Act, charge fees to parents for goods, services or other things provided by the School to a child of the parent; and
- (d) do any other thing that is necessary or convenient to be done for, or in connection with, meeting its objectives or performing its functions or duties.

1C.2 In addition to the powers under clause 1C.1, the Council has any other powers conferred on it by or under the *Education and Training Reform Act 2006*, or any regulations or a Ministerial Order made under that Act.

1C.3 The Council does not have the power to do any of the following:

- (a) employ a teacher with no date fixed for the termination of that employment;
- (b) purchase or acquire for consideration any land or building; or
- (c) unless authorised by or under the *Education and Training Reform Act 2006* or any regulations or a Ministerial Order made under that Act:
 - (i) license or grant any interest in land, including School lands or buildings;
 - (ii) enter into hire purchase agreements;
 - (iii) obtain loan or credit facilities;
 - (iv) form or become a member of a corporation;
 - (v) provide for any matter or thing outside Victoria unless it is related to an excursion by students from the School or the professional development of staff of the School;
 - (vi) purchase a motor vehicle, boat or plane.

1D. Accountability and executive officer

- 1D.1 The Council is accountable to the Minister for Education in respect of the performance by the Council of its functions in accordance with any Order made by the Minister.
- 1D.2 The principal of the School is the executive officer of the Council and must ensure that:
- (a) adequate and appropriate advice is provided to the Council on educational and other matters;
 - (b) the decisions of the Council are implemented; and
 - (c) adequate support and resources are provided for the conduct of Council meetings.

PART B - GENERAL

2. Regulations

Part 3 of the *Education and Training Reform Regulations 2007* apply to the Council.

3. Definitions

3.1 In this Order:

"Composition and Election Provisions" means the Composition and Election provisions of the School Council Composition and Elections Order (Ministerial Order No. 52);

"Council" means the school council constituted by this Order;

"DEECD" means the Department of Education and Early Childhood Development;

"Principal" includes the person or persons for the time being authorised to perform the duties of principal of the School;

"Public Reporting Meeting" means a public reporting meeting as described in regulation 28 of the Education and Training Reform Regulations 2007, as amended from time to time;

"School" means the school referred to in clause 1 of this Order;

"School Council Composition and Elections Order" means Ministerial Order No. 52 made under the *Education and Training Reform Act 2006*, as amended and in force from time to time.

4. Specific clauses to prevail over general clauses

To the extent that there is any inconsistency between:

- (a) clause 1B; or
- (b) clause 1C,

and any other clause in this Order, that other clause will prevail.

5. Council composition and elections

- (a) The Composition and Election Provisions are incorporated in this Order and apply, inter alia, to the Council election process and the tenure of Council members.
- (b) The size and composition of the elected membership of the Council, including members co-opted by the Council, are specified in Schedule 1.
- (c) Options for change in the authorised size and/or composition of the Council membership pursuant to the Composition and Election Provisions are specified in Schedule 2.
- (d) Schedules 1 and 2 are part of this Order.

PART C - POWERS

6. Employment

- 6.1 The Council, in accordance with the *Education and Training Reform Act 2006*, may:
 - (a) employ:
 - (i) teachers for a fixed period not exceeding one year or on a casual basis;
 - (ii) teacher aides; or
 - (iii) any other staff,for the purpose of performing its functions and duties; and
 - (b) employ any person to enable the Council to do anything it is authorised to do by section 2.3.11 or Division 6 of the *Education and Training Reform Act 2006*.
- 6.2 If the Council employs a person under clause 6.1, it may do so on behalf of a group of school councils and the group of school councils may decide from time to time in a manner determined by agreement amongst themselves the time which the person is to spend on each school.

7. Use of buildings and grounds

- 7.1 The Council may:
 - (a) conduct programs in or use;
 - (b) subject to any conditions imposed by the Council, join with any other person or body to conduct programs in or use; or
 - (c) subject to any conditions imposed by the Council, allow any other person or body to conduct programs in or use,any buildings or grounds of the School in relation to which the Council is constituted for the purposes of educational, recreational, sporting or cultural activities for students, the local community or young persons.
- 7.2 The Council may only allow buildings and grounds of the School to be used under clause 7.1 when the buildings or grounds are not required for ordinary School purposes.

8. Council may carry out works

- 8.1 The Council may, in regard to the School, with the approval of the Minister for Education given either generally or in any particular case:
- (a) construct, or carry out any improvements to any building structure on the School grounds, or carry out any improvements in or to the School grounds;
 - (b) enter into a contract with any person for or in relation to the construction or carrying out by that person of any such building structure or improvements or of any other work which the Council is authorised or required by or under the *Education and Training Reform Act 2006* to carry out; or
 - (c) construct or carry out any improvements to any building structure, or carry out any improvements, on, in or to the School grounds or any other land that the Minister for Education has acquired an estate or interest in to provide preschool programs.
- 8.2 The Council may obtain and accept offers or tenders for any work approved by the Minister for Education under this clause that it proposes to carry out.

9. Other school council works

The Council if so authorised by the Minister for Education is authorised and empowered to:

- (a) enter into contracts with another school council for or in connection with:
 - (i) the construction of buildings or structures or the carrying out of improvements on, in or to the grounds of the school in relation to which the council is constituted; or
 - (ii) any other work which the Council is authorised or required by or under the *Education and Training Reform Act 2006* to carry out; and
- (b) do or comply with anything necessary or expedient for carrying the contract into effect.

10. Council may form sub-committee

Subject to the *Education and Training Reform Act 2006* and regulations made under that Act, the Council may form a sub-committee, consisting of at least one member of the Council and any other persons, to assist the Council.

11. Council may delegate powers, duties or functions

Subject to the *Education and Training Reform Act 2006* and regulations made under that Act, the Council may by instrument delegate all or any of the powers, duties or functions conferred or imposed on the Council by or under the *Education and Training Reform Act 2006*, the regulations, a Ministerial Order or a direction issued by the Minister under that Act, except this power of delegation to another person or body.

12. Council may form committees to manage joint facilities

If the Council enters into an agreement under its powers under the *Education and Training Reform Act 2006* for the use of any real or personal property by other persons or bodies, the Council may agree with the other parties to the agreement to

form a committee for the management of the property.

13. Delegation to committee

If the Council agrees to form a committee to manage property under clause 12 the Council may, with the approval of the Minister for Education, delegate by instrument to members of the committee all or any of the Council's powers, duties or functions conferred or imposed on the Council by or under the *Education and Training Reform Act 2006* in relation to that property except this power of delegation.

14. Council may sell property

14.1 The Council may sell equipment, goods or other similar personal property acquired for use in the School.

14.2 If the proceeds from the sale of property under clause 14.1 are less than the amount determined by the Minister for Education, the Council may keep those proceeds.

14.3 If the proceeds from the sale of property under clause 14.1 are equal to or more than the amount determined by the Minister for Education, the Council may keep those proceeds, if the person appointed by the Secretary to the DEECD has given approval for the Council to do so.

14.4 For the purposes of clauses 14.2 and 14.3, a determination of the Minister for Education:

- (a) must be in writing; and
- (b) may be varied or revoked by the Minister in writing.

14.5 The Secretary to the DEECD may appoint a person to give approvals under clause 14.3.

14.6 An approval given under clause 14.3 must be:

- (a) in writing; and
- (b) given before the property is sold.

15. Preschool programs

15.1 Council may provide for preschool programs

(1) If the School provides primary education, the Council may:

- (a) provide preschool programs on the premises of the School or on any other land or premises under the control of the Minister for Education;
- (b) enter into an agreement or arrangement with any other school council or other person or body for that council, person or body to use part of the premises of that school or other premises under the control of the Minister for Education to provide a preschool program on those premises; or
- (c) enter into an agreement or arrangement with any other school council or other person or body to jointly provide a preschool program.

(2) If the Council provides a preschool program or enters into an arrangement

or agreement to provide a preschool program, it must ensure that, in any records kept by the School or the Council, the preschool children using the program are accounted for separately from students enrolled at the School in school programs.

15.2 Council may grant lease or licence over preschool land

The Council may, if authorised in writing by the Minister for Education, either generally or in any specified circumstances, grant a leasehold interest in, or a licence over, land of the School to be used to operate a preschool program or programs for children.

15.3 Fees for preschool programs

The Council or any other person or body authorised by the Council under clause 15.1, may require the payment of fees for the provision of preschool programs and other related services.

15.4 Application of, and accounting for, money received

In relation to any agreement or arrangement made by the Council for the provision of preschool programs under clause 15 the Council must ensure:

- (a) that any fees or other money received by the Council in the course of that provision or those agreements or arrangements is applied to the provision of preschool programs unless directed otherwise by a direction or guideline issued by the Minister for Education; and
- (b) that separate accounts and financial records are maintained in relation to the provision of those programs.

16. Payment of members

16.1 A member of the Council is not to receive any payment for his or her services as a member.

16.2 This does not prevent the Council reimbursing a member for any reasonable expenses incurred in the performance of his or her duties as a member.

17-23. Not used

24. Student dress code

- (1) The Council may determine a student dress code which is to apply to students of the School while they are at the School, travelling to and from School and/or attending School activities.
- (2) A student dress code may cover any matters which the Council considers appropriate in relation to clothing and other items worn, carried or used by students and to grooming, physical appearance and the general presentation of students, including without limiting the generality of the above -
 - (a) whether a school uniform may or must be worn by students, and the school uniform to be worn;
 - (b) clothing (including shoes) to be worn during classes and specified School activities such as sport, laboratory experiments and extra-curricular

- activities, and bags to be taken to School;
 - (c) the grounds on which any student may be exempted from complying with the dress code; and
 - (d) how the dress code may be enforced, provided the methods of enforcement are consistent with section 2.2.19 of the *Education and Training Reform Act 2006*, and the School's Student Code of Conduct (referred to in section 5.2.12 of the *Education and Training Reform Act 2006*).
- (3) The Council may enter into a contract with any person for the supply of school uniforms for students of the School.

25. Power to purchase

The Council may, subject to compliance with any directions issued by the Secretary to the DEECD, purchase goods, equipment or material for the purposes of the School.

26. Children's services

The Council may apply for and obtain under the *Children's Services Act 1996* approval to operate a children's service on premises of the School or on premises under the control of the Minister and may apply for and obtain a licence to operate a children's service and, subject to the *Children's Services Act 1996* and the *Education and Training Reform Act 2006* –

- (1) may operate, either solely or jointly, a children's service on part of the School premises or on other premises under the control of the Minister and may require payment of fees for the service and other related services;
- (2) may enter into a licence agreement, or a lease agreement if authorised in writing by the Minister, with another person for that person to use part of the School premises or other premises under the control of the Minister to provide a children's service or to provide a children's service on behalf of the Council on those premises; and
- (3) may carry out improvements to the School buildings and grounds for the provision of a children's service under subsection (1) or (2).

27. Other powers

27.1 Activities outside School Hours

The Council may conduct or join with any other school council in conducting any educational, recreational or cultural activity for the students of the School outside School hours at the School or any other location.

27.2 Fund Raising

The Council may raise funds for School purposes by conducting local efforts or amusements.

27.3 **Gifts**

- (1) Subject to section 5.2.6 of the *Education and Training Reform Act 2006*, the Council may –
 - (a) accept gifts including real estate, providing that if a gift is encumbered or conditional, consent must be obtained from the Secretary to the DEECD before acceptance of such gifts; and
 - (b) purchase or maintain goods, equipment and material for the carrying out of its powers duties or functions under the *Education and Training Act 2006* or any other Act, but may not purchase any vehicle without the prior consent of the Secretary to the DEECD.
- (2) For the purposes of this clause, 'vehicle' means the same as 'vehicle' in the *Road Safety Act 1986*.

27.4 **Hire or use of Equipment**

- (1) Definitions
In this clause -
"Equipment" includes goods and products but does not include fixtures.
"Equipment agreement" means a contract to hire equipment or a licence to use equipment under which –
 - (a) the Council has the right to use the equipment; and
 - (b) there is no option, right or obligation of the Council or any other person to buy the equipment; and
 - (c) at the end of the contract or licence the School Council has to return the equipment to the other party to the contract or licence.
- (2) The Council may enter into an equipment agreement with another party if the sole or main purpose of entering into the equipment agreement is to benefit the education of students at the School or to assist with the efficient conduct of the School.
- (3) Prior to entering into an equipment agreement the Council must -
 - (a) obtain more than one written quotation or tender for the hire or use of the equipment if the annual cost of the hire or use of the equipment is expected to exceed \$1000; and
 - (b) carry out a financial evaluation of the proposal to hire or use the equipment; and
 - (c) ensure that the equipment to be hired or used has appropriate insurance cover, either through the terms of the equipment agreement or by separate cover.
- (4) The Council must not –
 - (a) enter into an equipment agreement for a continuous period exceeding four years until the Regional Director has approved the entering into of that equipment agreement; and
 - (b) enter into an equipment agreement for the hire or use of equipment previously owned or operated by the Council or for the purposes of the DEECD, and

- (c) commit funds of a non-recurrent nature or funds granted for a specific purpose, towards the costs of an equipment agreement until the donor or provider of the funds has consented to that in writing; or
- (d) enter into an equipment agreement unless it is satisfied that it will be able to meet all the costs of the equipment agreement.

27.5 Reporting

- (1) The Council must report the details of all equipment agreements it has entered into to the Council's Public Reporting Meeting. The report must include a description of the equipment hired or used, the purpose, the duration and the cost of the equipment agreement.
- (2) The costs of each equipment agreement must be fully identified in the Council's audited statement of receipts and expenditure presented to the Council's Public Reporting Meeting.

27.6 Exclusions

Clauses 27.4(3) and 27.5 do not apply to –

- (a) the hire of a video recording, or
- (b) the hire of any other equipment for less than four weeks in any one calendar year where the cost of the hire is less than \$1,000.00.

28. Transport Accident Commission agreements

The Council may enter into one or more agreements with the Transport Accident Commission concerning the provision of staff, facilities, equipment, support or other services for any student of the School who is the subject of a claim under the *Transport Accident Act 1986*.

29. Power to provide goods, services or facilities

- (a) Subject to sub-clauses (b) and (c), the Council may, for the purpose of the efficient conduct of the School, enter into arrangements or agreements, for reward or otherwise, to provide or supply goods, services or facilities to other Government schools or other educational institutions.
- (b) Any arrangement or agreement under sub-clause (a) may only be for goods, services or facilities that the Council is empowered under the *Education and Training Reform Act 2006*, the *Education and Training Reform Regulations 2007*, this Order, or any Ministerial Order made under the *Education and Training Reform Act 2006*, to provide or supply to the School.
- (c) Any arrangement or agreement under sub-clause (a) must comply with any directions issued by the Secretary to the DEECD.

30. Power to purchase by use of purchasing card facilities

- (a) Subject to this clause the Council may enter into arrangements with a financial institution under which the Council may purchase goods, services, equipment

or material only for the purposes of the School by the use of purchasing card facilities provided by the financial institution.

- (b) Any purchase of goods, services, equipment or material under sub-clause (a) must comply with:
 - (i) any guidelines and directions issued by the Minister under section 5.2.1 of the *Education and Training Reform Act 2006*;
 - (ii) any directions issued by the Secretary to the DEECD; and
 - (iii) the terms and conditions relating to the use of any purchasing card issued by the financial institution to the Council from time to time.

31. Not used.

32. Trusts

The Council may act as a trustee of any trust fund established for the benefit of the School or its students with power to do any act or thing authorised under the terms of the relevant trust fund.

This Order is made the _____ day of _____ 201...

The Hon. Martin Dixon, MP
Minister for Education

SCHEDULE 1

..... College ...T ...P ...DEECD ...CO

SCHEDULE 2

SCHOOLCOUNCIL MEMBERSHIP TABLE

Total	Parent members	DEECD employee members	Community members	Max DEECD employees	Max DEECD employee parents*
15	6	5	4	7	2
15	6	4	5	7	3
15	6	3	6	7	4
15	6	2	7	7	5
15	6	1	8	7	6
15	7	5	3	7	2
15	7	4	4	7	3
15	7	3	5	7	4
15	7	2	6	7	5
15	7	1	7	7	6
15	8	5	2	7	2
15	8	4	3	7	3
15	8	3	4	7	4
15	8	2	5	7	5
15	8	1	6	7	6
15	9	5	1	7	2
15	9	4	2	7	3
15	9	3	3	7	4
15	9	2	4	7	5
15	9	1	5	7	6
15	10	5	0	7	2
15	10	4	1	7	3
15	10	3	2	7	4
15	10	2	3	7	5
15	10	1	4	7	6
15	11	4	0	7	3
15	11	3	1	7	4
15	11	2	2	7	5
15	11	1	3	7	6
15	12	3	0	7	4
15	12	2	1	7	5
15	12	1	2	7	6
15	13	2	0	7	5
15	13	1	1	7	6
15	14	1	0	7	6
14	5	4	5	6	2
14	5	3	6	6	3
14	5	2	7	6	4
14	5	1	8	6	5
14	6	4	4	6	2
14	6	3	5	6	3
14	6	2	6	6	4
14	6	1	7	6	5
14	7	4	3	6	2
14	7	3	4	6	3
14	7	2	5	6	4
14	7	1	6	6	5
14	8	4	2	6	2
14	8	3	3	6	3
14	8	2	4	6	4
14	8	1	5	6	5
14	9	4	1	6	2
14	9	3	2	6	3
14	9	2	3	6	4
14	9	1	4	6	5
14	10	4	0	6	2
14	10	3	1	6	3
14	10	2	2	6	4
14	10	1	3	6	5
14	11	3	0	6	3
14	11	2	1	6	4
14	11	1	2	6	5
14	12	2	0	6	4

Total	Parent members	DEECD employee members	Community members	Max DEECD employees	Max DEECD employee parents*
14	12	1	1	6	5
14	13	1	0	6	5
13	5	4	4	6	2
13	5	3	5	6	3
13	5	2	6	6	4
13	5	1	7	6	5
13	6	4	3	6	2
13	6	3	4	6	3
13	6	2	5	6	4
13	6	1	6	6	5
13	7	4	2	6	2
13	7	3	3	6	3
13	7	2	4	6	4
13	7	1	5	6	5
13	8	4	1	6	2
13	8	3	2	6	3
13	8	2	3	6	4
13	8	1	4	6	5
13	9	4	0	6	2
13	9	3	1	6	3
13	9	2	2	6	4
13	9	1	3	6	5
13	10	3	0	6	3
13	10	2	1	6	4
13	10	1	2	6	5
13	11	2	0	6	4
13	11	1	1	6	5
13	12	1	0	6	5
12	5	4	3	5	1
12	5	3	4	5	2
12	5	2	5	5	3
12	5	1	6	5	4
12	6	4	2	5	1
12	6	3	3	5	2
12	6	2	4	5	3
12	6	1	5	5	4
12	7	4	1	5	1
12	7	3	2	5	2
12	7	2	3	5	3
12	7	1	4	5	4
12	8	4	0	5	1
12	8	3	1	5	2
12	8	2	2	5	3
12	8	1	3	5	4
12	9	3	0	5	2
12	9	2	1	5	3
12	9	1	2	5	4
12	10	2	0	5	3
12	10	1	1	5	4
12	11	1	0	5	4
11	4	3	4	5	2
11	4	2	5	5	3
11	4	1	6	5	4
11	5	3	3	5	2
11	5	2	4	5	3
11	5	1	5	5	4
11	6	3	2	5	2
11	6	2	3	5	3
11	6	1	4	5	4
11	7	3	1	5	2
11	7	2	2	5	3
11	7	1	3	5	4
11	8	3	0	5	2
11	8	2	1	5	3

Total	Parent members	DEECD employee members	Community members	Max DEECD employees	Max DEECD employee parents*
11	8	1	2	5	4
11	9	2	0	5	3
11	9	1	1	5	4
11	10	1	0	5	4
10	4	3	3	4	1
10	4	2	4	4	2
10	4	1	5	4	3
10	5	3	2	4	1
10	5	2	3	4	2
10	5	1	4	4	3
10	6	3	1	4	1
10	6	2	2	4	2
10	6	1	3	4	3
10	7	3	0	4	1
10	7	2	1	4	2
10	7	1	2	4	3
10	8	2	0	4	2
10	8	1	1	4	3
10	9	1	0	4	3
9	4	3	2	4	1
9	4	2	3	4	2
9	4	1	4	4	3
9	5	3	1	4	1
9	5	2	2	4	2
9	5	1	3	4	3
9	6	3	0	4	1
9	6	2	1	4	2
9	6	1	2	4	3
9	7	2	0	4	2
9	7	1	1	4	3
9	8	1	0	4	3

Total	Parent members	DEECD employee members	Community members	Max DEECD employees	Max DEECD employee parents*
8	3	2	3	3	1
8	3	1	4	3	2
8	4	2	2	3	1
8	4	1	3	3	2
8	5	2	1	3	1
8	5	1	2	3	2
8	6	2	0	3	1
8	6	1	1	3	2
8	7	1	0	3	2
7	3	2	2	3	1
7	3	1	3	3	2
7	4	2	1	3	1
7	4	1	2	3	2
7	5	2	0	3	1
7	5	1	1	3	2
7	6	1	0	3	2
6	3	2	1	2	0
6	3	1	2	2	1
6	4	2	0	2	0
6	4	1	1	2	1
6	5	1	0	2	1

* A DEECD employee parent is a DEECD employee who is a parent of a child at the school.