

MINISTERIAL ORDER NO.

EDUCATION AND TRAINING REFORM ACT 2006

..... **SCHOOL**

COUNCIL CONSTITUTING ORDER

A. Purpose

The purpose of this Order is to constitute a council forSchool.

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) and (2) 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
.....*School*, Government school No.,
Road,

1A. Objectives of the school council

The objectives of the school council with regard to any school in relation to which it is constituted 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 complies 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 school council

The functions of the school council with regard to any school in relation to which it is constituted 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 school council

1C.1 For the purpose of meeting its objectives or performing its functions or duties a school 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 A school 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 of Victoria unless it is related to an excursion by students from a school in relation to which the council is constituted or the professional development of staff of that school;
 - (vi) purchase a motor vehicle, boat or a plane.

1D. Accountability

- 1D.1 The school 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 a school is the executive officer of the school council and must ensure that:
- (a) adequate and appropriate advice is provided to the school council on educational and other matters;
 - (b) the decisions of the school council are implemented; and
 - (c) adequate support and resources are provided for the conduct of school council meetings.

PART B - GENERAL

2. Applicable regulations

Part 3 of the *Education and Training Reform Regulations 2007* shall apply to the school council.

3. Definitions

3.1 In this Order:

"Composition and Election provisions" has the meaning given in the School Council Composition and Elections 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 Council Composition and Elections Order" means Ministerial Order no.52 made under the *Education and Training Reform Act 2006*, as that Order is amended and is in force from time to time.

3.2 A reference to "a" or "the" school means a school in respect of which the school council is constituted.

3A. Special provisions relating to Nominee membership category

3A.1 This Order is subject to this clause 3A, and this clause 3A prevails over any other clause of this Order to the extent of any inconsistency.

3A.2 In addition to the membership categories in clause 5B.2 of the Composition and Election Provisions the school council shall have a membership category entitled the "Nominee member" category. The total number of members in this category is listed immediately before the letter "N"

appearing opposite the name of the school in *Schedule 1*. A person or organisation listed in *Schedule 1* under the heading “Appointer” (for the purposes of this clause 3A referred to as “Appointer”) is authorised to appoint persons to the Nominee member category of the school council in accordance with the terms of *Schedule 1*.

- 3A.3 (a) Clause 5B.3 (a) of the Composition and Election Provisions does not apply to the school council to the extent that it requires more than one third of the school council’s total membership to comprise members elected to the Parent member category.
- (b) At least one third of the school council's total membership must comprise members elected to the Parent member category (**if any**) and members appointed to the Nominee member category.
- 3A.4 (a) Clause 5B.4 of (this Order) **the Composition and Election Provisions** shall not apply to the school council.
- (b) The school council may approve a **request, other than a request to change the Appointer’s right to recommend appointment of up to ... members to the Nominee category, to** change (to) the total number of school council members and/or the composition of the school council once in any twelve month period provided that -
- (i) the requirements of clauses 3A.3 (b) and 5B.3 are complied with and the proposed total size of the school council is between 6 and 15 members; and
- (ii) the proposed change to the total number of school council members and/or the composition of the school council is approved by a minimum 75% majority vote of the school council’s total membership.
- (c) **In the Composition and Election Provisions** reference in clauses 5B.5, 5B.6 and 5B.7 to clause 5B.4 shall be **construed** as a reference to clause 3A.4 (b) **of this Order**.
- (d) If a change approved under clause 3A.4 (b) -
- (i) involves a decrease in the number of Appointers and/or Nominee members, the school council must decide which Appointer/s and/or Nominee member/s is/are to be removed from office; and
- (ii) involves an increase in the number of Appointers and/or Nominee members, the school council must specify the name/s of the new Appointer/s, or specify which current Appointer/s may nominate an additional Nominee member or members.
- 3A.5 (a) Clause 5C shall not apply to the persons appointed to the Nominee member category of the school council.
- (b) The term of office for members appointed to the Nominee member category of the school council shall be the term of office specified in Schedule 1 (if any). If no term of office is specified in Schedule 1 for the Nominee member category, then a person appointed to that membership category shall continue in office, subject to clauses 3A.7 and 5R.1, until such time as the Appointer in respect of that person, by writing delivered to the principal, revokes that appointment or appoints another person to the position occupied by that person.

- 3A.6 Clauses 5E.5 and 5U.1 (b) shall apply to the school council as if a reference to “election or co-option” includes a reference to “appointment”, and a reference to “elected or co-opted” includes a reference to “appointed”.
- 3A.7 (a) Clause 5R.1 (f) shall apply as if it extended to apply to a person who is a member of the school council and who, being appointed to the Nominee member category, ceases to be eligible for appointment to this membership category under clause 3A.2 and *Schedule 1*.
- (b) Notwithstanding clause 5R.1, a casual vacancy is created when a person who is elected, co-opted or appointed to the Parent member category, DEECD employee member category or Community member category is appointed to the Nominee member category of the school council.
- (c) When a person who is a member of the school council (other than a member *ex officio*) in the Nominee member category becomes a DEECD employee during their term of office in circumstances where that causes the school council to be in breach of clause 5B.3A(a), a casual vacancy is created.
- 3A.8 A casual vacancy in the Nominee member category shall be filled by the appointment of a person to that position by the Appointer in respect of the person whose position is the subject of the casual vacancy.
- 3A.9 If a person is appointed to the school council in the Nominee member category, then that person is not eligible to -
- (a) become a Parent member or a DEECD employee member of the school council;
- (b) accept a nomination to stand as a candidate for election to the Parent member or DEECD employee category;
- (c) become a Community member; or
- (d) be co-opted to the Community member category,
- until that person’s appointment is revoked, that person’s term of office (if any) expires, a casual vacancy is created in respect of that person’s position, or the Appointer in respect of that person revokes the appointment of that person or appoints another person to the position occupied by that person in accordance with clause 3A.5(b).
- 3A.10 (a) The definition of "Maximum DEECD Parents" in Clause 5A.1 shall not apply to the school council.
- (b) In this Order, "Maximum DEECD Parents" means, for each election, the number in the column entitled “Max DEECD employee parents” in the school council membership table in *Schedule 2* (having regard to the school council’s size and composition in *Schedule 1*), less the number of Parent category members who are DEECD employees and whose term of office does not expire on 31 March of the year in which the election is held, less the number of Nominee category members who are DEECD employees and whose term of office does not expire on 31 March of the year in which the election is held.

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. School council composition and elections

- (a) The Composition and Election provisions, as amended and in force from time to time, are deemed to be a part of this Order and have effect accordingly.
- (b) *Schedules 1 and 2*, which deal with the composition of the school council, are part of this Order and have effect accordingly.

PART C – POWERS

6. Employment of staff

6.1 The school 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 school 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 school buildings and grounds for activities

7.1 The school 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 any 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 school council may only allow buildings and grounds of a school to be used under clause 7.1 when the buildings or grounds are not required for ordinary school purposes.

8. School council may carry out works

8.1 The school council may, in regard to any school in relation to which it is constituted, 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 school 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. School council authorised to perform works for another school council

The school 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 school 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. School council may form sub-committee

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

11. School council may delegate powers, duties or functions

Subject to the *Education and Training Reform Act 2006* and any regulations made under that Act, the school 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*, any regulations or a Ministerial Order made under that Act, or a direction issued by the Minister under that Act, except this power of delegation to another person or body.

12. School council may form committees to manage joint facilities

If the school 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 school council may agree with the other parties to the agreement to form a committee for the management of the property.

13. Delegation

A school council that agrees to form a committee to manage property under clause 12 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. School council may sell property

- 14.1 The school council may sell equipment, goods or other similar personal property acquired for use in any school in relation to which it is constituted.
- 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 school 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 school council may keep those proceeds, if the person appointed by the Secretary to the DEECD has given approval to the school 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 School councils may provide for preschool programs

- (1) If a school provides primary education, the school council may:
- (a) provide preschool programs on the premises of that 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 school 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 school 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

A council of any school in relation to which it is constituted 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

A council of any school in relation to which it is constituted, 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

A school council that provides or makes agreements or arrangements for the provision of preschool programs under clause 15 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 school council may determine a student dress code which is to apply to students of the school while they are at school, travelling to and from school and/or attending school activities.

(2) A student dress code may cover any matters which a school council considers appropriate in relation to clothing and other items worn, carried or used by students; 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 school 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 school 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 school 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 school 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

A school 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

A school 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*, a school 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 school council has the right to use the equipment; and
 - (b) there is no option, right or obligation on the school 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) A school 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 a school 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) A school 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 school 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) A school 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 \$1000.00.

28. Transport Accident Commission agreements

The school 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 clauses (b) and (c), a school council may, for the purpose of the efficient conduct of the school in respect of which it is constituted, 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 clause (a) may only be for goods, services or facilities that the school 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 in respect of which it is constituted.
- (c) Any arrangement or agreement under 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, a school council may enter into arrangements with a financial institution under which the school 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 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 school council from time to time.

31. Not used.

32. Trusts

The school 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.

PART D - TRANSITIONAL PROVISIONS

33. Transitional provisions

33.1

- (a) Subject to sub-clause (b), this clause 33 operates until and inclusive of the date of the declaration of the poll in 201... (or, if no election is held that year, 1 April of that year);
- (b) Clause 33.12 operates until and inclusive of the day after the date of the declaration of the poll in 201... (or, if no election is held that year, 31 March of that year).

33.2 Subject to clause 33.11, during the operation of this clause the Composition and Election provisions, namely clauses 5A to 5V of the School Council Composition and Elections Order (Ministerial Order No.52), except clauses 5A, 5B.3 (insofar as it defines eligibility for election), 5B.3A (a) and 5R thereof, do not operate.

33.3 The school council shall consist of a total of 15 members, comprising eight **Parents**, five **DEECD employees** and two Community members.

33.4 (a) By instrument of appointment made on the date of this Order ...parents and ...DEECD employees are appointed as members of the council from the date this clause takes effect until and inclusive of the date of declaration of the poll in 201...

(b) The school council may, prior to the date of declaration of the poll in 201... (or, if no election is held that year, on 31 March of that year), appoint up to four persons who are eligible for appointment to the DEECD employee member category to that category of the school council for a term of office until and inclusive of the date of declaration of the poll in 201... (or, if no election is held that year, on 31 March of that year).

(c) The school council may, prior to the date of declaration of the poll in 201... (or, if no election is held that year, on 31 March of that year), appoint up to two persons who are eligible for appointment to the Community member category to that category of the school council for a term of office until and inclusive of the date of declaration of the poll in 201... (or, if no election is held that year, on 31 March of that year).

33.5 The school council may, prior to the date of the declaration of the poll in 201... (or, if no election is held that year, 31 March of that year), fill any casual vacancy that occurs in the membership of the school council, by appointing to the school council a person who is eligible for election or appointment (as the case may be) to the relevant membership category, provided that any person who fills a

vacant position created by a casual vacancy shall only serve the unexpired portion of the vacating member's term of office.

- 33.6 Not used.
- 33.7 A **parent appointed under clause 33.4** who does not have a child enrolled at the school at the time of the Notice of Election and Call for Nominations for any school council election shall cease to be a member of the council on that date, and a casual vacancy is thereby created.
- 33.8 In the event that the school council is unable to comply with the quorum provisions of Part 3 of the *Education and Training Reform Regulations 2007* owing to the number of casual vacancies in its membership, the Minister administering section 2.3.2 of the *Education and Training Reform Act 2006* may fill any casual vacancy that occurs in the membership of the school council by appointing to the school council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.9 In the event that the Minister administering section 2.3.2 of the *Education and Training Reform Act 2006* is satisfied that a school council member no longer intends to attend school council meetings, but a casual vacancy has not been created in respect of that member's position on the school council, the Minister administering section 2.3.2 of the *Education and Training Reform Act 2006* may remove the person as a school council member and appoint to the school council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.10 (a) The school council may not conduct any school council meeting unless the quorum provisions of Part 3 of the *Education and Training Reform Regulations 2007* are satisfied.
- (b) Subject to clause 33.10(c), the school council must not decide any matter unless a majority of the school council members present are not DEECD employees.
- (c) If at any time the membership of the school council is such that it is impossible for the school council to decide a matter in accordance with clause 33.10(b), the school council may nonetheless decide to fill a casual vacancy under clause 33.5 or appoint or co-opt a member under clause 33.4(b) and (c).
- (d) Subject to subclauses 33.10(a), 33.10(b), and 33.10(c), an act or decision of the school council is not invalid, and the school council is properly constituted, notwithstanding -
- (i) a vacancy in the office of a member (including a Community member);

- (ii) a defect or irregularity in or in connection with the appointment or co-option of a member;
- (iii) a casual vacancy is not filled; or
- (iv) for any other reason the total number of school council members stated in clause 33.3 has not been appointed.

33.11 The first school council election must be completed between the 2011 school year commencement date and 31 March 201... in respect of eight Parent member positions and four DEECD employee member positions and the Composition and Election provisions (except clause 5D.3) shall apply to that school council election.

33.12 The term of office of members of the school council elected at the school council election referred to in clause 33.11 shall commence on the day after the date of declaration of the poll in 201....

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

Hon Martin Pike, MP
Minister for Education

SCHEDULE 1

SCHEDULE 2

SCHOOL COUNCIL 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.