

The new *Education Act*

INFORMATION SHEET – Changes for School Councils

A new *Education Act* has been passed by the Northern Territory Parliament and is now the law. This information sheet tells you about some of the changes affecting school councils in the *Education Act* and Education Regulations.

Part 6 Parent and Community Involvement in Government Schools recognises the importance of parents and communities in the governance of schools and establishes school representative bodies.

- There are three types of school representative body - independent public school boards, school councils and joint school representative bodies – with more flexibility allowed in their membership.
- There is also the option to set up an informal parent consultative group.
- Part 5 of the Education Regulations updates meeting and financial management requirements for school representative bodies.

The changes for school councils start on 1 April 2016 (section 2)

The changes for school representative bodies will begin on 1 April 2016. A separate information sheet, *Step-by-step: what to consider before your AGM*, details requirements for councils to plan and prepare for the main changes, which will be to adopt the new model constitution; to decide whether to change their membership; and to check financial arrangements are up-to-date. School councils will be able to take time to implement the changes during 2016.

New definition of parent (section 6)

The definition of a parent member of a school representative body now includes parents of Aboriginal or Torres Strait Islander children where they are recognised as a parent under Aboriginal or Torres Strait Islander customary law or tradition.

School principal must take steps to set up a school representative body (section 103(1))

Principals must make a definite attempt every year to interest parents in forming a school representative body. Where it is not possible to set up a representative body, the principal can set up a parent consultative group (section 116).

Three types of school representative body (section 103(2) – (4))

There are two new types of school representative body. In addition to school councils, there are independent public school boards and joint school representative bodies.

Independent public school boards are set up to govern independent public schools (IPS). IPS have greater autonomy to deliver education in their community.

A joint school representative body is established to govern two or more schools. It provides shared advisory and strategic functions over those schools and is able to fundraise for the benefit of participating schools. It does not have financial or operational responsibilities which are undertaken by the principal for each of the schools.

Parents must make up 50% of the membership (section 103(5))

Parents of students enrolled at the school must make up at least 50% of the membership of a school representative body. An independent public school board can ask the Minister to approve less than 50% parent membership (section 104(2) and regulation 24) where they can show that the views of parents are adequately represented on the board. This approval lasts for up to two years.

Types of members (regulation 22)

School representative bodies may still choose between 5 and 19 members. Apart from a 50% minimum of parents and the principal, only one teacher is required. For a joint school representative body a minimum of 50% parents, the principal from each school, and one teacher from any of the schools, is required. This allows representative bodies to add more invited members or, for secondary schools, up to two student members, if they wish.

Members can only represent one category of member at any one time.

Terms of office and chair (regulations 23 & 24)

All members have a term of two years except for invited members who can be appointed for less than two years. A member may only serve three consecutive terms except for principals, local Members of the Legislative Assembly and local government nominees whose number of terms are not limited. The chairperson of the representative body must be a parent member and that person must not be a teacher at any government school.

Removing a member of a school representative body (section 103(7))

The Chief Executive of the Department of Education can remove a member of a school representative body for misconduct, incapacity or failure to carry out their duties or other reasonable cause. The Minister for Education can abolish a school representative body (section 114).

Complying with departmental guidelines (section 105(1)(b))

The Act specifies that school representative bodies must comply with any guidelines published by the Chief Executive under section 112.

Limits on financial dealings and school representative bodies (section 106(1) and regulation 29)

School councils and independent public school boards (not joint school representative bodies) can enter into agreements and acquire, hold, deal with and dispose of real and personal property. However regulation 29 prohibits the giving of indemnities or guarantees, entering into derivative transactions or dealing in shares. It also requires the Chief Executive's approval before:

- borrowing or lending money or dealing in property;
- entering into a service contract over 10% of annual allocated funding,
- entering into an infrastructure agreement over the minor new works threshold, and
- entering into a funding agreement.

Model constitution (section 106(2))

School representative bodies must adopt the model constitution. The model constitution has both fixed and amendable provisions.

Functions - budget allocation and expenditure (section 107(1)(e))

School councils and independent public school boards can decide how global school budget funding

allocated to the school is expended. The council or board can directly expend that portion of the funding that is paid into its bank accounts.

A joint school representative body does not have financial functions (section 107(2)) although it can decide how to spend its fundraised monies. Where there is a joint school representative body, the school management councils established for each participating school carry out these functions.

Charging for optional extra items (section 107(1)(m) and regulation 31)

School councils and independent public school boards can set fees for optional extra items that a student may choose as part of their education. The items are not part of the free standard curriculum. This is new to the Act but has been standard practice in schools. Regulation 31 sets out the types of items which may be included in fees.

Requesting voluntary contributions (section 107(1)(n) and regulation 32)

School councils and independent public school boards can request voluntary contributions (donations) from parents. This is new to the Act but has been standard practice in schools. Regulation 32 sets out the types of items that can be included in voluntary contributions.

Power to exempt, waive or refund fees (section 181)

Any fees charged under the Act can be cancelled, waived or refunded where there is hardship or other special circumstances. Parents should talk to their school principal if they have questions about payment of fees or charges.

Additional functions - childcare (section 107(1)(o))

The Chief Executive of the Department of Education (previously the Minister) can approve additional functions for councils and boards. This should make the process simpler for councils and boards to take on management of crèches or childcare services.

Parent consultative groups (section 116)

A principal can set up a parent consultative group where it's not possible to set up a school representative body. It may include parents and community members. It is not incorporated (is not a legal association) and does not make decisions but provides advice to the principal.

Further information

For further details talk to your school principal.

Information is also available at www.education.nt.gov.au, email legislation.services@nt.gov.au or phone (08) 8901 4990.