Department of Education

GOVERNMENT OF WESTERN AUSTRALIA

Shaping the future

Public School Councils and Boards

Information Package

D23/1068445
24 April 2023

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ROLES AND RESPONSIBILITIES OF SCHOOL COUNCILS OR BOARDS

The functions of councils or boards are prescribed by the *School Education Act 1999* and the *School Education Regulations 2000* as follows:[1]

Take part in

- establishing and reviewing from time to time, the school's objectives, priorities and general policy directions[2]
- planning financial arrangements necessary to fund those objectives, priorities and directions[3][4][5]
- evaluating the school's performance in achieving those objectives, priorities and directions[6]
- formulating codes of conduct for students at the school[7]
- take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff if prior approval is given by the relevant Director of Education.[8][9][10]

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[1] The Director General (or delegate) may approve additional functions for a council or board. Section 129 of the *School Education Act 1999*. * The Director General's delegates are the Deputy Director General, Schools (for all public schools); and Director of Education (only for schools in their region).
[2] Section 128(a)(i) of the *School Education Act 1999* and the Department of Education *School Improvement and Accountability policy* (section 4.3) and *School Improvement and Accountability Framework*.
[3] The principal submits the school's annual budget and any major revision to the budget which has an impact on the original programs and priorities to the council or board for noting. See Section 128(a)(ii) of the *School Education Act 1999* and Department of Education's *Financial Management in Schools Finance and Accounting* manual Section 5.4(f)(i).
[4] Where the balance of a reserve account is no longer required or is more than required, the surplus amount should be re-allocated to other areas in need following noting by the school board/council. See Department of Education's *Financial Management in Schools Finance and Accounting* manual.
[5] Principals provide relevant financial reports to the council or board. See Department of Education's *Financial Management in Schools Finance and Accounting* manual. The School Compliance Program confirms there is a record of the council having noted the school budget.
[6] Section 128(a)(iii) of the *School Education Act 1999*
[7] Section 128(c) of the *School Education Act 1999*
[8] A council of a school that is not an Independent Public School may apply to the Director General or delegate to take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff. The Director General's delegate for a school that is not an Independent Public School is the Deputy Director General, Public Schools; and only for schools in their region the Director of Education. An Independent Public School board takes part in the selection of, but not the appointment of, the school principal. An Independent Public School board may apply to the Director General or delegate to take part in the selection of, but not the appointment, of any other member of the teaching staff. Where the school is an Independent Public School, the Director General's delegate is the school Principal.
[9] Participation in selection processes by a representative of the council or board is restricted to positions determined through local selection and will not include vacancies filled through the central transfer or placement process or the redeployment process regulated by the *Public Sector Management (Redeployment and Redundancy) Regulations 1994*. Section 129(2) of the *School Education Act 1999*
[10] Members of Parliament who are also members of a council are prevented from participating in school selection processes by the *Public Sector Management Act 1994*.

Approve[11]

- a charge or contribution determined by the principal for the provision of materials, services and facilities[12]
- the costs determined by the principal to be paid for participation in an extra cost optional component of the school's educational program[13]
- the items determined by the principal to be supplied by a student for the student's personal use in the school's educational program[14]
- an agreement or arrangement for advertising or sponsorship in relation to a government school.[15]

Determine

- in consultation with students, their parents and staff of the school, a dress code for students when they are attending or representing the school.[16]

Provide advice to the principal of the school

- on a general policy concerning the use in school activities of prayers, songs and material based on religious, spiritual or moral values being used in a school activity as part of religious education[17]on allowing time for the special religious education of students in the school, up to a total of 40 hours in a year.[18]

Promote

- the school in the community.[19]

A school's Funding Agreement (with Schedules) is noted by the school chair of the school council or board.[20]

Incorporated councils or boards
Incorporated councils or boards may also undertake additional functions with the approval of the Deputy Director General, Schools:

- *obtain funds for the benefit of the school*[21]
- *employ persons other than a person referred to in section 235(1) of the School Education Act 1999*[22]

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[11] The Department of Education's School Compliance Program confirms there is a record of the council having provided approval.
[12] Section 99(4) of the *School Education Act 1999*
[13] Section 100(3) of the *School Education Act 1999*
[14] Section 108(2) of the *School Education Act 1999*
[15] Section 216(5) of the *School Education Act 1999* The principal uses the Department's *Document for Incoming Sponsorship to a Public School* and enters into an agreement with a sponsor.
[16] Section 128(d) of the *School Education Act 1999*
[17] Section 70 of the *School Education Act 1999*
[18] Section 69(2) of the *School Education Act 1999*
[19] Section 128(b) of the *School Education Act 1999*
[20] Department of Education *Funding Agreement for Schools*
[21] Regulation 113(a) of the *School Education Regulations 2000*
[22] Regulation 113(b) of the *School Education Regulations 2000*

- *manage or operate facilities at the school,[23] such as:*

  - *a canteen*
  - *a swimming pool*
  - *residential accommodation for students*
  - *a school farm or horticultural centre.*

Incorporated councils or boards may:

- *obtain funds (for example, through fundraising) for the benefit of the school[24]*
- *purchase property for the use of the school.[25]*

Incorporated councils or boards may not borrow money.[26]

For advice on incorporation:
Associations Branch
Department of Mines, Industry and Regulation
Website: https://www.commerce.wa.gov.au/consumer-protection/associations-and-clubs
Phone: 1300 304 054

Leadership Institute, Department of Education
Phone: 1300 610 801

Responsibilities of a council or board

- comply with the council or board's terms of reference (constitution for incorporated bodies), the Department of Education's *Councils and Boards in Public Schools policy and procedures*, the *School Education Act 1999* and the *School Education Regulations 2000*
- liaise with other groups/committees associated with the school (e.g. the Parents and Citizens' Association)
- hold an annual public meeting at least once in every calendar year that is open to the public. An annual report will be presented at the meeting to advise the school community of the performance of the council or board in the last year[27]
- hold at least two (2) ordinary meetings per year[28]
- hold meetings that are generally open to the public.[29]

Incorporated councils or boards
Incorporated councils or boards must also comply with the requirements of the Associations Incorporation Act 2015 and Associations Incorporation Regulations 2016.

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[23] Regulation 113(c) of the *School Education Regulations 2000*
[24] Regulation 113(a) of the *School Education Regulations 2000*
[25] Section 131 of the *School Education Act 1999* - any property acquired is vested in the Minister for Education and Training
[26] Department of Education's *Councils and Boards in Public Schools policy and procedures*
[27] Regulation 117 of the *School Education Regulations 2000* Members must participate in meetings in person. In person may include via telephone, web conference. Members cannot send a proxy.
[28] School Compliance Program, Financial Services, Department of Education
[29] Regulation 115(3) of the *School Education Regulations 2000* Members must participate in meetings in person. In person may include via telephone, web conference. Members cannot send a proxy.

What a council or board does not do

- manage the day to day running of the school (for example, staff management, and student assignment to classes)
- discuss individual issues relating to teachers, staff, students or parents
- represent specific interest groups, or permit special interests to dominate the agenda of the council or board
- intervene in the control or management of the school – either directly or indirectly[30]
- intervene in the educational instruction of students[31]
- borrow money[32] or obtain credit[33]
- purchase property[34]
- exercise authority over teaching staff or other persons employed at the school[35]
- performance manage the principal or any other Department of Education employee.[36]

Incorporated councils or boards
Incorporated councils or boards may:

- *obtain funds (for example, through fundraising) for the benefit of the school*[37]
- *purchase property for the use of the school.*[38]

Incorporated councils or boards may not borrow money.[39]

Role of council or board members

- parent members of council or boards bring their perspective as a parent at the school, as well as context of the wider school community.
- student members of council or boards bring their experience as students at the school.
- community members may bring expertise such as business skills that the council or board is looking for at that time.
- department employees bring their educational expertise.

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[30] Section 132(a) of the *School Education Act 1999*
[31] Section 132(b) of the *School Education Act 1999*
[32] Department of Education's *Councils and Boards in Public Schools policy and procedures*
[33] Regulation 113 of the *School Education Regulations 2000* Department of Education's *Councils and Boards in Public Schools policy and procedures* Section 2.
[34] Section 131 of the *School Education Act 1999*
[35] Section 132(c) of the *School Education Act 1999*
[36] Section 132(c) of the *School Education Act 1999*
[37] Regulation 113(a) of the *School Education Regulations 2000*
[38] Section 131 of the *School Education Act 1999* - any property acquired is vested in the Minister for Education and Training
[39] Department of Education's *Councils and Boards in Public Schools policy and procedures*

LEGAL FRAMEWORK OF SCHOOL COUNCILS OR BOARDS

All public school council or boards in Western Australia are regulated by the *School Education Act 1999*, *School Education Regulations 2000* and the individual council or board's terms of reference (constitution for incorporated bodies).

The Act outlines the composition of a council or board which is:

- the principal (automatically included)
- mandated parent members (except where the majority of students are 18 years of age or over)
- staff members
- general community representation
- optional co-opted community and industry representation
- student representation (15+ years for an unincorporated council or board)[40]
- allocation of a member of another association in relation to the school or group of schools to which the school belongs.[41]

While there is not a specific membership category for the Parents and Citizens' Association (P&C), the association may nominate a representative to be considered for the parent or general community category of membership (subject to the conditions of the applicable membership category). A member of the council or board who is also a P&C member, is then considered a representative of that membership category and is not representative of the P&C.

The Act provides for how a council or board is established and operates, including how members are elected or appointed and outlines the structure of a council or board.

NOTE:

- *Parents and members of the community must make up the majority of a council or board's membership in schools where the majority of students at the school are under the age of 18. For this purpose, the principal is included in the staff membership category.*
- *Students and members of the community must make up the majority of a council or board's membership where the majority of students at the school are over the age of 18. For this purpose, the principal is included in the staff membership category.*
- *A person who is a staff member of the school, and a parent or community member, may only be a member of the council or board in his or her capacity as a staff member.*[42]

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[40] Section 127(1)(d) of the *School Education Act 1999* - no student under 18 years of age can be a committee member of an incorporated council or board.

[41] For example, an alumni association, but not a Parents and Citizens' Association.

[42] A person listed on the school's appointed staffing list. NB: A relief teacher who occasionally works at the school on a casual basis (paid hourly) will not appear on the school's appointed staffing list. If a person who has a child enrolled at the school, who is also a relief teacher for the school, wishes to nominate for a parent position on the council or board they should discuss their individual situation with the principal prior to nominating. Some issues that could be considered include whether the person works regularly at the school/is likely to act in a position, any potential for conflict of interest and the effect on the current composition of the council or board, given that parents and community members must form a majority of members. Both the parent/teacher and the principal should be satisfied that there are no issues that are likely to impact on the person's ability to represent the parent perspective before proceeding with a nomination.

A standard terms of reference for unincorporated councils or boards is available on the Department of Education's *School Councils or boards website*. The Department's School Compliance Program confirms the school has a council and there is a record of the council having adopted an approved terms of reference.

Incorporated councils or boards
A model constitution for incorporated councils or boards is available from Leadership Institute. Phone: 1300 610 801

Legal liability

Section 137 of the *School Education Act 1999* provides protection against liability for members of unincorporated councils or boards where they have acted in good faith.

Unincorporated councils or boards:

- are covered for personal liability while performing functions of the council or board under the Department of Education's General Liability and Professional Liability insurance coverage with RiskCover, the Department's "insurer"[43]
- may be provided with legal advice by the Department of Education or the State Solicitor's Office.

Incorporated councils or boards
Incorporated councils or boards:

- *do not have protection against liability provided by section 137 of the School Education Act 1999*
- *are not covered for personal liability while performing functions of the council or board under the Department of Education's General Liability and Professional Liability insurance coverage with RiskCover*
- *will not be afforded legal advice by the Department of Education or the State Solicitor's Office.*

An incorporated council or board that has been approved to undertake an additional function (such as operating a school canteen) needs to:

- *have an agreement with the school for the use arrangements of the canteen*
- *issue employment contracts to employees and process pay including superannuation from its own bank accounts*
- *have appropriate accountability and financial reporting processes in place*
- *engage volunteers (separately from the school's process)*
- *have appropriate insurance[44] which should extend to cover employees and employer's liability (workers' compensation cover), volunteer, personal accident, and general liability (including personal injury liability and professional negligence)*
- *seek its own legal advice.*

[43] A member of an unincorporated council or board would be covered, for example, for an injury that occurred while attending a council or board meeting.
[44] One option for incorporated councils is to arrange insurance through the Western Australian Council of State School Organisation (WACSSO). WACSSO can be contacted on 9264 4000 or info@wacsso.wa.edu.au

For advice on incorporation:
Associations Branch
Department of Mines, Industry and Regulation
Website: https://www.commerce.wa.gov.au/consumer-protection/associations-and-clubs
Phone: 1300 304 054

Leadership Institute, Department of Education
Phone: 1300 610 801

ESTABLISHING AND MAINTAINING A SCHOOL COUNCIL OR BOARD

Public schools are required to have a council.[45] Independent Public School councils are known as boards.

Principals establishing a council or board may wish to refer to information available on Ikon and the Department's *Councils or boards* website. This includes:

- roles and responsibilities
- legal framework
- membership
- public sector functions
- role of the chairperson
- role of the principal
- role of the secretary
- joint councils or boards
- new member induction
- code of conduct
- nominations and elections.

Suggestions for establishing councils or boards

Step 1: Hold a parent and school community information session

Invite interested people in the school community to attend a parent and community information session. At the information session:

- provide information on the roles and responsibilities of council or boards.
- circulate nomination forms for membership of the council or board.
- discuss how membership of the council or board will represent the best interests of the students and the school community.

[45] Section 126 of the *School Education Act 1999* - unless the school (not an Independent Public School) has been exempted by the Minister for Education and Training.

Step 2: Prepare a draft terms of reference
Councils or boards need to comply with the relevant provisions of the *School Education Act 1999* and the *School Education Regulations 2000* and adopting an approved terms of reference can make this easier for members to understand.

The model terms of reference provided by the Department of Education meets the requirements of the legislation for an unincorporated council or board and can be found on the Department's *Councils or boards* website

If the council or board proposes to add to or alter the model terms of reference template, advice on complying with the legislation is available from the Leadership Institute: phone 1300 610 801.

Incorporated councils or boards
Incorporated councils or boards must have a constitution.

Incorporated council or board constitutions must comply with the relevant provisions of the School Education Act 1999, School Education Regulations 2000 and the Associations Incorporation Act 2015 and Associations Incorporation Regulations 2016.

The model constitution for incorporated councils or boards provided by the Department of Education meets the requirements of the legislation. To obtain a copy, contact the Leadership Institute phone 1300 610 801..

The Deputy Director General, Schools is responsible for approving incorporated council or board constitutions. After approval by the Deputy Director General, Schools, councils or boards must also submit the constitution to the Commissioner for Consumer Protection at the Department of Mines, Industry Regulation and Safety. The constitution will not take effect until it is approved by the Commissioner.

Information for councils or boards considering incorporation is provided in the Councils and Boards in Public Schools policy and procedures

For advice on incorporation:
Associations Branch
Department of Mines, Industry and Regulation
Website: https://www.commerce.wa.gov.au/consumer-protection/associations-and-clubs
Phone: 1300 304 054

Leadership Institute, Department of Education
Phone: 1300 610 801

Step 3: Appoint or elect members to the council or board

The principal seeks nominations for membership of the council or board.

Parents, students, and staff may be appointed to the appropriate category of membership of the council or board if there is only one nominee for each position. Where it is applicable to the membership category, a Screening Clearance Number must be issued by the Department of Education's Screening Unit before an appointment is made. [46]

In applicable categories, where nominations for council or board membership exceed the number of positions, the principal conducts an election.[47]

For more details on the categories of membership, see Membership.

Step 4: Hold the first council or board meeting

At the first meeting the council or board will:

- consider the model terms of reference and any provisional decisions if necessary
- seek agreement on the terms of reference from the council or board
- provide an induction pack for the new members and background information on their new roles
- appoint a chairperson and secretary to manage the affairs of the council or board
- set the agenda for the upcoming issues the council or board needs to consider.

Incorporated councils or boards

If an incorporated council or board wishes to alter its constitution this must be done by special resolution.[48]

The amended constitution must then be lodged with and approved by the Deputy Director General, Schools and after this with the Commissioner for Consumer Protection at the Department of Mines, Industry Regulation and Safety.[49] The amended constitution does not have effect until all the policy and legislation requirements have been met and following approval by the Commissioner for Consumer Protection.

For advice on incorporation:

Associations Branch
Department of Mines, Industry and Regulation
Website: https://www.commerce.wa.gov.au/consumer-protection/charities-and-associations
Phone: 1300 304 054

Leadership Institute, Department of Education
Phone: 1300 610 801

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[46] *Criminal History Screening for Department of Education Sites policy and procedures* and *Councils and Boards in Public Schools policy and procedures*
[47] Principals can access voting support materials, including an electronic voting tool, through Ikon.
[48] Section 30 of the *Associations Incorporation Act 2015*
[49] Section 30 of the *Associations Incorporation Act 2015* and *Councils and Boards in Public Schools policy and procedures*

Suggestions for maintaining councils or boards

Meeting frequency

Under the Act, a council or board must hold at least 2 meetings annually. The number is recorded in the terms of reference. While this is the minimum, a council or board may choose to have 1 meeting per school term to accommodate all the required business into a workable timeframe. When deciding upon a number, consider member's travel time and their other personal or professional obligations.

The council or board is also required to hold at least one formal open public meeting each year. Fourteen days' notice must be given before the open public meeting, which can be combined with another event (e.g., the end of year parent evening). The frequency of meetings must be defined in the terms of reference.

Meeting agendas and a schedule of business

Meeting agendas should focus on high level and strategic matters related to the legislated functions of the council or board. A schedule of business highlights the agenda items the council or board members could discuss at different times of the year and helps ensure that they meet all their obligations. Some agenda items may need to relate to school operational deadlines, such as the need to approve the school fees, charges and contributions before being communicated to parents.

Rotating the chair role

It is best practice for the council or board to change ownership of the chair role on an annual basis. This allows the responsibility to be shared and encourages the development of new skills and capabilities. A selection process can take base at the first meeting of the year. The chair is chosen from the membership of the council or board with an absolute majority voting process. Should there be a tie in votes, there is the "name of the hat" method, in which, both names go into a hat and first drawn out is the chair for the year. This alleviates the need for co-chairing, as this option has the potential for all board members to lose clarity on their roles and responsibilities.

Holding meetings online

Meetings can be held online using video-conference applications. The principal should ensure that the application chosen has appropriate security and is in line with department policy. The main principle is that the behaviour and conduct of a member during an online meeting should be the same as if they were attending the meeting in person. Further meeting protocols that should be considered prior to holding online meetings. These include:

- ensuring that the member is sitting in a private area where no other person can hear or join the meeting
- using devices that have cameras and microphones in good working order to enhance the quality of the meeting.
- being mindful that all can see and hear, not only the other members, but any objects or people in each other's background
- for the sake of openness, the Chair may want to ask members to keep their cameras on
- eliminating background noise by asking members to mute their microphones unless they are talking. A person could be nominated to assist with this function and monitoring the use of the "raised hand" emojis if used by individual members wishing to speak.
- Ensuring that individual members should not text each other separately during the meeting or take screen shots. The only meeting records that should be kept are the minutes, and these should be kept as per normal procedures.

These may be added to the council or board's Code of Conduct (see the Code of Conduct section).

MEMBERSHIP OF SCHOOL COUNCILS OR BOARDS

Section 127 of the *School Education Act 1999* specifies the membership categories as:

- parents/adult students
- members of the general community
- staff of the school (in addition to the principal who is automatically a member)
- students 15 years and over.

Identifying quality members is a critical part of the process of establishing and maintaining a successful council or board. It is imperative that schools have broad networks to ensure a wide variety of people are considered.

A council or board seeks to be representative of the school community. In determining the composition (or the balance between categories), regard should be given to the nature of the student population of the school and the social, cultural, lingual, economic or geographic factors that may be relevant to the school.

Parents (or where relevant students) and community members must form the majority of the council or board. [50]

The number of members of the council or board may vary but must no less than 5 and not more than 15.[51]*[52]The exact number for each membership category is listed in the terms of reference.

The principal will invite nominations from all persons in each membership category to fill vacancies in the council or board membership.[53] (see the Nominations and Elections section).

Prior to being appointed to the council or board, nominees (with the only exceptions being students under 18 years of age and existing Department of Education employees) undergo a National Police History Check. That is, before the announcement of the election result (where there has been an election) and before any confirmation of appointment is made.[54]

Where members of the public attend an ordinary council or board meeting, they do so as observers, unless invited by the Chairperson.

Parent/student category

Primary school councils or boards have parent members to bring the perspective of the the students and families enrolled at the school.

Secondary school councils or boards may have both parents and students aged 15 years and over, or who will reach 15 years during the calendar year. Where the school has a majority of students who are adults, membership is drawn from students at the school.

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[50] Section 127(4) of the *School Education Act 1999*
[51] Regulation 106(1)(a) of the *School Education Regulations 2000*
* An incorporated council or board is to have at least 10 members and not more than 15 members.
[52] Regulation 106(1)(c) - If a council or board operates for 2 or more schools jointly, it is to have such number of members as is determined by the Minister for Education and Training.
[53] Regulation 108 of the *School Education Regulations 2000*
[54] *Criminal History Screening for Department of Education Sites policy and procedures* and *Councils and Boards in Public Schools policy and procedures*

Incorporated councils or boards

No student under 18 years of age can be a member of an incorporated council or board.[55] An incorporated council or board is to have at least 10 members and not more than 15 members.[56]

For advice on incorporation:

Associations Branch
Department of Mines, Industry and Regulation
Website: https://www.commerce.wa.gov.au/consumer-protection/associations-and-clubs
Phone: 1300 304 054

Leadership Institute, Department of Education
Phone: 1300 610 801

There must always be at least one parent/adult student member.[57]

People who are eligible to nominate for a category are also eligible to vote for that category.[58] That is, only parents vote for the parent members, only students vote for the student members.

If the P&C nominates a parent member, that nomination is treated the same as any other parent nomination and is required to face an election (with all parents voting and all parent candidates considered, not just P&C members) if there are more nominations than positions.[59]

Community category

Any member of the community considered to have suitable qualifications or experience is eligible to be placed on the list of nominees for the community category of membership.

Community members have contemporary expertise required by the council or board. Examples of contemporary expertise include current employment with an employer working in partnership with the school, or business skills that are required at the time.

There will not be an election to appoint community members. The council or board may appoint suitably qualified persons from the list of nominees by vote in a meeting.[60]

If the P&C nominates a community member, that nomination is treated the same as any other community nomination and is considered by the council or board with the other community member nominees. Community members are appointed by the council or board, not elected.[61]

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[55] Section 127(1)(d) of the *School Education Act 1999*
[56] Regulation 106(1)(b) of the *School Education Regulations 2000*
[57] Section 127(a) of the *School Education Act 1999* and Regulation 107(2) of the *School Education Regulations 2000*
[58] Regulation 109 of the *School Education Regulations 2000*
[59] Regulation 107(3) of the *School Education Regulations 2000*
[60] Regulation 108(2)(b) of the *School Education Regulations 2000*
[61] Regulation 107(3) of the *School Education Regulations 2000*

Staff category

The principal is automatically a member of the council or board.[62] For the purpose of establishing the correct composition in membership representation, the principal is included in the staff membership category.

Staff employed at the school are eligible to be staff members on the council or board.[63] [64]

All staff employed at the school are eligible to vote for staff members.[65]

Staff who are also parents or community members may only serve on the council or board in their capacity as Department of Education employees.[66]

Co-opted category

The council or board may co-opt a member of the local community to be a member of the council or board for a specified period, or in relation to such matters, as determined by the council or board where that person's experience, skills or qualifications would enable him or her to make a contribution to the council or board's functions.[67]

There will not be an election to appoint co-opted members. The council or board may appoint suitably qualified persons from the list of nominees by vote or consensus in a meeting.[68]

A co-opted member is appointed to the council or board for a specific purpose or project. The term of the co-opted member is determined by the length of the project. A co-opted member is not entitled to a vote and is not a full member of the council or board.[69]

Parents and Citizens' associations

A school's Parents and Citizens' Association (P&C) is a valuable but separate entity to the council or board. Members of the council or board and the P&C often work together on different projects. A P&C can nominate one of their members for either a parent or a community member position depending on the individual circumstances of the nominee. For more information, see the Parent and Community member category information.

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[62] Section 127(2) of the *School Education Act 1999*
[63] Section 127(3) of the *School Education Act 1999*
[64] A person listed on the school's appointed staffing list. NB: A relief teacher who occasionally works at the school on a casual basis (paid hourly) will not appear on the school's appointed staffing list. If a person who has a child enrolled at the school, who is also a relief teacher for the school, wishes to nominate for a parent position on the council or board they should discuss their individual situation with the principal prior to nominating. Some issues that could be considered include whether the person works regularly at the school/is likely to act in a position, any potential for conflict of interest and the effect on the current composition of the council or board, given that parents and community members must form a majority of members. Both the parent/teacher and the principal should be satisfied that there are no issues that are likely to impact on the person's ability to represent the parent perspective before proceeding with a nomination.
[65] Regulation 109(3) of the *School Education Regulations 2000*
[66] Section 127(3) of the *School Education Act 1999*
[67] Regulation 112 of the *School Education Regulations 2000*
[68] Regulation 112 of the *School Education Regulations 2000*
[69] Regulation 140(a) of the *School Education Regulations 2000* Co-opted members are present by virtue of some particular attribute or knowledge which is considered likely to be of assistance to a council or board in a given situation and as such they do not have voting rights.

PUBLIC SECTOR FUNCTIONS FOR SCHOOL COUNCILS OR BOARDS

The functions and governance of councils or boards are mandated in the *School Education Act 1999*, and the *School Education Regulations 2000*. Public sector functions are provided below.

The Director General of Education role

The Director General has delegated certain duties in relation to the governance of council or boards to the Deputy Director General, Schools and the relevant Director of Education.

Staff Selection

A council of a school that is not an Independent Public School may apply to the Director General or delegate to take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff.[70]

An Independent Public School board takes part in the selection of, but not the appointment of, the school principal. An Independent Public School board may apply to the Director General or delegate^ to take part in the selection of, but not the appointment, of any other member of the teaching staff.[71]

Directions may be given to the council or board

The council or board may be given directions in writing by the Director General or delegate* with respect to the performance of its functions, either generally or in relation to a particular matter.[72]

Elections

The principal may be given directions by the Director General in relation to the conduct of elections.[73]

The Director General may inquire into any matter affecting an election or appointment of the council or board.[74]

If an irregularity has occurred, the Director General may:

- declare the results of an election or appointment invalid
- order an election or appointment
- order a new election or appointment to be conducted.[75]

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[70] Section 129(2) of the *School Education Act 1999*
^ Where the school is an Independent Public School, the Director General's delegate is the school Principal.
[71] Section 129(2) of the *School Education Act 1999*
[72] Section 135(1)(2) of the *School Education Act 1999* * The Director General's delegate for all public schools is the Deputy Director General, Schools; and only for schools in their region the Director of Education.
[73] Regulation 108(3) of the *School Education Regulations 2000*
[74] Regulation 109(4) of the *School Education Regulations 2000*
[75] Regulation 108(4) of the *School Education Regulations 2000*

Joint councils or boards

A council or board may operate for two or more schools jointly.[76]

The Deputy Director General, Schools will determine:

- the number of members of a joint council or board[77]
- the composition of a joint council or board.[78]

Incorporated councils or boards

In the case of governance groups which are incorporated, these councils or boards' functions are mandated in the School Education Act 1999, School Education Regulations 2000 and the Associations Incorporation Act 2015 and Associations Incorporation Regulations 2016.

The provisions above for unincorporated councils or boards also apply to incorporated governance groups.

In addition to the functions for unincorporated councils or boards, incorporated councils or boards may apply to the Deputy Director General, Schools to take on additional functions to:

- *obtain funds for the benefit of the school*
- *employ persons other than public service officers*
- *manage or operate facilities at the school (such as a canteen, swimming pool, residential accommodation for students, school farm or horticultural centre).*[79]

Note:
A school's Parents and Citizens' (P&C) Association is incorporated under the umbrella of the Western Australian Council of State Schools Organisations Inc. (WACSSO) and may, therefore, fulfil these functions.

Council or board constitution

The Deputy Director General, Schools is responsible for approving constitutions that comply with the provisions of the School Education Act 1999, the School Education Regulations 2000 and the Associations Incorporation Act 2015 and Associations Incorporation Regulations 2016. The standard constitution provided by the Department of Education complies with these provisions.

For advice on incorporation:

Associations Branch
Department of Mines, Industry and Regulation
Website https://www.commerce.wa.gov.au/consumer-protection/associations-and-clubs
Phone: 1300 304 054

Leadership Institute, Department of Education
Phone: 1300 610 801

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[76] Section 125(2) of the *School Education Act 1999*
[77] Regulation 106(1)(c) of the *School Education Regulations 2000*
[78] Regulation 107(4) of the *School Education Regulations 2000*
[79] Regulation 113 of the *School Education Regulations 2000*

Termination of Membership

The Director General may remove a member of the council or board if continuation would be detrimental to the interests of the council or board.[80]

The Minister for Education and Training role

The Minister may dismiss an unincorporated council or board that is not performing its legislatively required functions.[81]

Dismissal of council or board

A council or board may be dismissed if its conduct is:

- in breach of the *School Education Act 1999*
- incompetent, inadequate, or improper.[82]

The Minister will advise the council or board by written notice, stating:

- the particulars of the allegations against it
- requiring that the situation be remedied within the time specified in the notice.[83]

If the Minister is not satisfied the council or board has complied with the notice, the Minister may, by order of the *Government Gazette*, dismiss the council or board.[84]

Incorporated councils or boards

MINISTER FOR EDUCATION AND TRAINING

The Minister may:

- *may dismiss an unincorporated council or board, but this does not apply to an incorporated council or board*[85]
- *approve that a council or board may perform additional functions where the council or board is incorporate*[86,87]
- *make an application to the Supreme Court for an incorporated council or board to be wound up if the council or board is in breach of the School Education Act 1999 (or Associations Incorporation Act 2015) or its conduct is incompetent, inadequate or improper.*[88]

COMMISSIONER FOR CONSUMER PROTECTION DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY

For incorporated councils or boards, the Commissioner requires the constitution to comply with the provisions specified in Schedule 1 of the Associations Incorporation Act 2015, the School Education Act 1999 and the School Education Regulations 2000. The standard constitution provided by the Department of Education complies with these provisions.

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[80] Regulation 111(2) of the *School Education Regulations 2000*
[81] Section 130 of the *School Education Act 1999*
[82] Section 138(2) of the *School Education Act 1999*
[83] Section 138(2) of the *School Education Act 1999*
[84] Section 138(3) of the *School Education Act 1999*
[85] Section 138 of the *School Education Act 1999*
[86] Section 130 of the *School Education Act 1999*
[87] Section 113 of the *School Education Regulations 2000*
[88] Section 139 of the *School Education Act 1999*

The Commissioner has other powers under the Associations Incorporation Act 2015.

Ending an association

There are a number of ways in which an association's incorporation can cease. These include the:

- *association's members voluntarily applying for its cancellation;*
- *Commissioner for Consumer Protection ordering its cancellation;*
- *association's members voluntarily applying for its winding up;*
- *association or its members, creditors or the Commissioner applying to Supreme Court for its winding up; or*
- *Minister for Education and Training making an application to the Supreme Court for its winding up.*[89]

An association's incorporation may also come to an end if its members choose to either amalgamate (merge) the association with another incorporated association to form a new incorporated association or becoming registered as a different type of body corporate under another law.[90]

For advice on incorporation:

Associations Branch
Department of Mines, Industry and Regulation
Website: https://www.commerce.wa.gov.au/consumer-protection/associations-and-clubs
Phone: 1300 304 054

Leadership Institute, Department of Education
Phone: 1300 610 801

ROLE OF THE CHAIRPERSON OF A SCHOOL COUNCIL OR BOARD

The chairperson leads the council or board. They:

- work in partnership with the principal
- ensure a wide variety of people are considered for membership and that members are representative of the school community, for example gender, social, cultural, lingual, economic or geographic factors relevant to the school
- chair and convene council or board meetings[91]
- ensure minutes of meetings are taken and reviewed
- provide leadership to the council or board
- manage the business of the council or board
- declare the result of decisions and motions
- uphold council or board decisions
- work with the principal to induct members
- ensure the council or board stays focused on supporting the school to achieve the best outcomes for students
- prepare and present an annual report to members and the school community at annual public meetings[92]

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[89] Section 139 of the *School Education Act 1999*
[90] https://www.commerce.wa.gov.au/consumer-protection/deregistering-incorporated-association
[91] Regulation 115(2) of the *School Education Regulations 2000*
[92] Regulation 117(c) of the *School Education Regulations 2000*

- comply with any directions of the council or board in relation to the venue and time of meeting and giving notice of the meeting[93]
- resolve disputes as required
- facilitate mediation meetings as required
- represent the school in the community and at formal functions.

The council or board chairperson may also participate as an ex-officio member of all sub-committees established by the council or board.

Incorporated councils or boards
In addition to the above, the chairperson of an incorporated council or board:

- *has a second or casting vote where voting has taken place at a general meeting and the votes are divided equally[94]*
- *declares resolutions[95]*
- *undertakes to manage the membership of the council or board to ensure compliance with the legislation and oversees the association's meeting procedures are consistent with the constitution.*

The chair is elected by, and from, the council or board's membership.[96]

The council or board chair effectively leads meetings. This entails:
- preparing the agenda and relevant papers with the principal
- ensuring that meeting processes comply with the council or board's terms of reference[97]*
- ensuring meetings are run efficiently and achieve their purpose
- ensuring all members have the opportunity to be heard
- ensuring the meeting focuses on whole of school outcomes rather than personal affairs
- ensuring the minutes from the previous meeting are confirmed as accurate and signing and dating those minutes
- starting and finishing meetings on time
- notifying the council or board of any apologies received
- tabling all correspondence, in and out
- facilitating the resolution of any conflict.

Reference
Department of Education and Early Childhood Development Victoria (2009) *Making the Partnership Work* (used with permission).

[93] Regulation 115(2) of the *School Education Regulations 2000*
[94] Regulation 57(6) of the *Associations Incorporation Regulations 2016*
[95] Regulation 59 of the *Associations Incorporation Regulations 2016*
[96] Section 127(6) of the *School Education Act 1999*
[97] Regulation 115(2) of the *School Education Regulations 2000* * Incorporated councils or boards have a constitution.

ROLE OF THE PRINCIPAL ON A SCHOOL COUNCIL OR BOARD

The principal is automatically a member of the council or board.[98] The principal's role as school leader is to manage the administration of the school, the staff of the school and the educational instruction of students.

The role of the principal on the council or board is to:

- form a council unless a school has been exempted from this requirement[99]
- provide advice and guidance to the council or board in relation to legislative requirements and school policy; establish a plan for the school in consultation with the board/council and the school's teaching staff setting out its objectives and how the objectives and priorities will be achieved[100]
- in consultation with the board/council and the school's teaching staff to monitor and report on the school's performance in relation to the plan referred to above[101]
- submit the school's annual budget to the council or board for noting[102]
- submit proposed major revisions to the budget, which have an impact on the original programs and priorities, to the council or board for noting[103]
- submit proposed contributions, charges and fees and personal items list to the council or board for approval[104]
- invite nominations to fill vacancies in the council or board membership[105]
- conduct elections (where elections are applicable to the membership category)[106]
- assist in identifying appropriate general community representatives to be placed on the list of nominees
- provide the council or board with support services[107]
- work with Department business units on issues such as funding to the school, school maintenance and capital works and provide the information council or board members require on these processes
- support members to understand the scope of the functions of a council or board, which does not include intervening in the control or management of the school, including the issues referred to above, either directly or indirectly
- represent the Department of Education.

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[98] Section 127(2) of the *School Education Act 1999*
[99] Section 125(1) of the *School Education Act 1999* – Independent Public Schools are required to have a board
[100] Section 63(1)(e) of the *School Education Act* 1999
[101] Section 63(1)(f) of the *School Education Act* 1999
[102] Department of Education's *Financial Management in Schools Finance and Accounting* manual
[103] Department of Education's *Financial Management in Schools Finance and Accounting* manual
[104] Department of Education's *Financial Management in Schools Finance and Accounting* manual and Contributions, Charges and Fees Manual
[105] Regulation 108(1) of the *School Education Regulations 2000*
[106] Regulation 108(2)(a)(c)(d) of the *School Education Regulations 2000*
[107] Section 134 of the *School Education Act 1999* School support staff may undertake the role of the secretary. Where this occurs the school support staff member is not a member of the council or board.

ROLE OF THE SECRETARY ON A SCHOOL COUNCIL OR BOARD

Where there is such a position, the secretary manages the administration affairs of the council or board.

The role of the secretary is to:

- co-ordinate the correspondence of the council or board
- ensure that full and correct minutes of the meetings and proceedings of the council or board are kept in a minute book and are signed by the chairperson after every meeting
- serve formal notice to council or board members and the community, at the direction of the chairperson, in advance of:
  - ordinary, special and annual public meetings
  - motions
- keep and maintain in an up-to-date condition a register of the members of the council or board relevant personal details, screening outcomes and lengths of tenure*
- keep a list of nominees of members of the general community that may be appointed to the council or board in the category of general community membership[108]
- keep and maintain the terms of reference (if applicable),^ and have copies of the terms of reference available to all members
- ensure every member has access to inspect the records and documents of the council or board
- have custody records and of the council or board** and if a department employee, keep these records up to date in the school's CAB register. If they are not an employee, then this may be delegated to be updated by the principal, on the secretary's behalf.
- have custody of all other records held by the council or board.

It is good practice for council or board meeting minutes to be made available to the school community.

^ Incorporated councils or boards have a constitution.

Incorporated councils or boards

In addition to the above, incorporated councils or boards have other requirements, through the Associations Incorporation Act 2015 and Associations Incorporation Regulations 2016, which must be met. These requirements include, but are not limited to, the requirement to maintain a register of the incorporated association's members and record any changes to the membership[109]; the requirement to attempt to resolve disputes within a specified timeframe;[110] and the duties of members and office holders such as the secretary and treasurer.[111]

The model constitution for incorporated councils or boards provided by the Department of Education meets the requirements of the legislation.

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[108] Regulation 108(2)(b) of the *School Education Regulations 2000*
[109] Section 53 of the *Associations Incorporation Act 2015*
[110] Regulation 19 of the *Associations Incorporation Regulations 2016*
[111] Division 2 Composition of committee and duties of members of *the Associations Incorporation Regulations 2016*

Note:
**This can be done with the use of the Department's online register CAB (see the Recording Screening Results and Tenure Information section). Please note that it is a requirement to obtain consent first, as councils or boards may be in breach of the Privacy Act 1988 (Commonwealth).*

***Councils or boards keep their records electronically in the CAB register. Principals are required to produce council or board records as part of the Department's school compliance program.*

JOINT SCHOOL COUNCILS OR BOARDS

Schools may apply to have one council or board that operates jointly for two or more schools.

Principals are required to apply to the Minister via the Leadership Institute to both establish and/or dissolve a joint arrangement. More information about this process is available from the Leadership Institute: phone 1300 610 801.

Applying to establish a joint council or board arrangement

Step 1

In planning to become a joint council or board, a letter is required that outlines:
- how a joint council or board will benefit the students and the schools concerned
- the consultation that has occurred between the school communities
- a draft terms of reference.

The principals and a council or board member from each school will need to sign the letter

One of the principals must be nominated for purposes relating to the filling of council or board vacancies and the conduct of elections.

Step 2
For non-IPS schools, the Director of Education is required to endorse the joint application, prior to approval. If the application request is approved by the Director General it will be forwarded to the Minister for Education and Training. The *School Education Act 1999* states that the Minister must give approval for joining councils or boards and once approved, publish notice of the joint arrangement in the *Government Gazette*.[112]

Step 3
Once schools have been notified of approval, follow the process outlined in the Establishing a School Council or board. A joint CAB register will be created by the Leadership Institute and maintained by the nominated principal. All principals and other delegated staff will have view access to the joint CAB register.

[112] Section 126(1)(b) of the *School Education Act 1999*

Applying to dissolve a joint council or board arrangement

Step 1

In planning to dissolve a joint council or board arrangement, a letter is required that outlines:

- why becoming separate entities is now required and how it will benefit the students and the schools concerned
- the consultation that has occurred between the school communities
- a draft terms of reference for each new council or board.

The principals and a council or board member from each school will need to sign the letter.

Step 2

For non-IPS schools, the Director of Education is required to endorse the dissolve application, prior to approval. If the dissolve request is approved by the Director General, it will be forwarded to the Minister for Education and Training. The *School Education Act 1999* states that the Minister must give approval for dissolving the existing joint arrangement and once approved, publish notice of the dissolution in the *Government Gazette*.[113]

Step 3

Once principals have received the Minister's approval in writing, follow the process outlined in the Establishing a School Council or board section. Separate CAB registers will be created by the Leadership Institute.

Advice for both establishing and dissolving joint councils or boards is available from the Leadership Institute: phone 1300 610 801.

NEW MEMBER INDUCTION

Induction ensures new council or board members are suitably prepared to fulfil the role by providing information, familiarisation and socialisation.

A typical induction covers the following:

Information about the school

- glossary of common terms and acronyms
- the school business or strategic plan and the Department of Education's strategic directions
- organisational structure
- the role of key stakeholders
- relevant school policies
- copy of the report from the latest school review
- reporting requirements
- compliance obligations.
- A copy of the school's Statement of Expectation

Information about the council or board

- role of the council or board (see attachment to Nomination Form at Appendix B of the *Councils and Boards in Public Schools policy and procedures*
- legal obligations of a council or board member

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[113] Section 126(1)(b) of the *School Education Act 1999*

- terms of reference
- code of conduct
- role of the principal
- role of the chairperson
- council or board structure (including committees)
- council or board procedures
- minutes from recent council or board meetings
- procedures for managing conflicts of interests
- council or board annual calendar of activities
- register of members (contact information for other council or board members).

It may be beneficial to:

- provide information in a written pack; or through a secure on-line facility such as Connect
- invite experienced council or board members, including those from neighbouring schools to act as mentors
- meet with the chairperson and principal
- conduct briefing sessions with individual council or board members and staff
- provide access to the information modules or the interactive online professional learning 'Good Governance' produced by the Department
- organise a 2-hour face-to-face 'Introduction to school councils and boards' delivered by the department's accredited principal facilitators. This can be a useful induction for new members as well serve as a refresher for existing members. Advice on choosing the most suitable form of induction training is available from the Leadership Institute: phone 1300 610 801.

Information about completing Aboriginal and Torres Strait Islander cultural awareness online training

It is mandatory for all board members to complete the Aboriginal and Torres Strait Islander cultural awareness training available online. The course provides information about Aboriginal and Torres Strait Islander culture and history and provides historical and contemporary information, with audio and images, to build knowledge and encourage reflection.

It takes about 30 minutes to complete and is organised by the principal who arranges access via Ikon.

Code of Conduct

All council and board members are representatives of the Department, and as such, must ensure their conduct maintains the integrity of the Department.

Best practice encourages a Principal and Chair to lead the review of the council or board Code of Conduct on an annual basis, preferably at the first meeting held. Members can be asked to sign that they understand and agree to abide by the Code of Conduct.

The following suggestions are a guide only for schools developing a council or board code of conduct or council or board protocols. They are based on the Department's Code of Conduct and Standards.

(INSERT SCHOOL COUNCIL OR BOARD TITLE) Code of Conduct	
Behave professionally and with integrity	The council or board member's primary consideration is that the best interests of students is central to their function. Members behave in a manner that will not damage the reputation of the council or board, the school or the Department. The council or board "speaks as one voice" in the public arena once a decision has been made. Council or board members are expected to represent the school community. Members do not represent one viewpoint or the view of an individual or for example, political or religious affiliations. Council or board members therefore regularly seek the views and opinions of the whole school community, especially when policies are being developed. A council or board is accountable to both its local school community and the Director General or delegate.[114] A council or board abides by all the relevant legislation and industrial agreements. The council or board does not intervene in the control or management of the school - either directly or indirectly.[115]
Create cultural safety	The council or board actively creates an environment where people feel culturally safe, where cultural identity is valued and not challenged or denied.
Embrace equity, diversity and inclusion	The council or board is reflective of the diversity of the students, families and school community. The council or board values the different characteristics, abilities, strengths and perspectives of all members.
Maintain safety and wellbeing	A council or board encourages members to behave in a civil and respectful manner, avoiding discrimination, harassment and bullying. Conflict between council or board members is dealt with respectfully and fairly and in a manner that reflects the principles of natural justice. The principal is responsible for ensuring all members maintain all relevant criminal screening.
Maintain accurate records	Minutes will accurately and objectively record actions, events and decisions to ensure transparency and accountability. It is recommended that agendas and minutes be made available to the school community.
Protect official and confidential information	The council or board is not an appropriate forum for the discussion of individual school staff, students, parents or other members of the school community.

[114] Where the school is not an independent public school, the Director General's delegate is the Director of Education

[115] Principals have the legislated responsibility for the control and management of the school (SEA s.63(1)(b)). The Department of Education has established processes to enable Principals to undertake these functions, including for the distribution of funding to the school, school maintenance and capital works. Principals work with Department business units and provide the information council or board members require on these processes. Principals support members to understand the scope of the functions of a council or board.

	Council or board members respect the need for confidentiality and privacy with regard to sensitive matters that might arise at council or board meetings, especially where there are matters of a personal nature relating to staff, students or parents. A council or board member treats discussions relating to individuals with discretion, protecting the confidentiality and privacy of the people involved. If they are approached regarding an operational, the parent should be encouraged to speak with the principal or classroom teacher. Matters concerning policy or procedure can be placed on the meeting agenda and approached in a generic sense to protect the privacy of individuals involved.
Behave honestly	Members of the council or board do not engage in dishonest, misleading, fraudulent, or corrupt behaviour.
Declare and manage conflicts of interest	Council or board members ensure personal or private interests, and those of family or associates, do not conflict with, or influence, their decision making. Council or board members declare any conflicts of interest when they arise. Council or board members who have declared a conflict of interest are not entitled to vote on that issue.[116] There is no requirement for council or board members who are also current members of Parliament or local government or are planning to nominate as candidates for an election to resign from the council or board. However, it may be appropriate for these council or board members not to attend council or board meetings in the period leading up to the election if the council, board or the member considers there is a real or perceived conflict of interest.

ABOUT NOMINATIONS

Nominations

When a vacancy arises in the council or board the principal is to call for nominations from the whole school population for the relevant category of membership. For example, if there is a vacancy for a parent member, all parents are to be given the opportunity to nominate.

A person may nominate themselves. A member coming to the end of their current tenure may choose to re-nominate themselves for another new tenure.

Nominations use the school's prescribed nomination form and should include a short candidate profile. A nomination template can be found in the Policy Library on Ikon, under the Public School Council and Board procedure.

Eligibility of nominees and voters

To be suitably qualified for a membership position on the council or board:

- parents are to have children enrolled at the school
- staff are to be employed at the school

[116] Where the council or board is incorporated, Sections 42 and 43 of the Associations Incorporation Act 2015 applies.

- community members have contemporary expertise required by the council or board. Examples of contemporary expertise include current employment with an employer working in partnership with the school, or business skills that are required at the time.

The membership categories that require an election if there are more than one nomination are:

- parents/adult students
- staff of the school
- students 15 years and over 18.

Incorporated councils or boards
Members of an incorporated council or board must be 18 years or older.

In certain membership categories if the number of nominations exceeds the number of positions then an election is to be held.

People who are eligible to nominate for a category are also eligible to vote for that category. That is, only parents vote for the parent members, only students vote for the student members and only staff vote for the staff members.[117] Each parent whose name and address has been provided to the school at the time of the application for enrolment is eligible to vote and is to be provided with the opportunity to vote.[118]

A person can become ineligible to hold office as a member before the end of their term. For example, a parent member becomes ineligible when they no longer have children enrolled at the school; and a community member becomes ineligible when they no longer have the contemporary expertise required.

A member themselves, or the council or board, may identify that a member has become ineligible to hold office because they are no longer suitably qualified. Where this occurs, the member resigns their position.

See also the Membership of School Council or Boards section.

Casual vacancies

The same process is to be undertaken for a casual vacancy as for any other vacancy however the person nominated/elected will only hold office for the remainder of the term of office which applied to the original office holder.[119]

Parents and Citizens' association nominations

A school's Parents and Citizens' Association (P&C) is a valuable but separate entity to the council or board. Members of the council or board and the Parents and Citizens' Association often work together on different projects.

A P&C can nominate one of their members for either a parent **or** a community member position, depending on the individual circumstances of the nominee.

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[117] Regulation 109 of the *School Education Regulations 2000*
[118] Regulation 109 of the *School Education Regulations 2000*
[119] Regulation 110 of the *School Education Regulations 2000*

If the P&C nominates a parent member, that nomination is treated the same as any other parent nomination and is required to face an election (with all parents voting and all parent candidates considered, not just P&C members) if there are more nominations than positions.[120]

If the P&C nominates a community member, that nomination is treated the same as any other community nomination and is considered by the council or board with the other community member nominees. Community members are appointed, not elected.[121]

ABOUT ELECTIONS

Principals can access voting support materials, including an electronic voting tool, through Ikon.

The following process is a guideline for a paper election process. Electronic election packages, ballot papers and ballot counting methods are available in every School Survey account.The principal usually appoints a returning officer, to minimise the risk of disputes.

Commencement date and close date of ballots

The principal determines the date of commencement of issuing ballot papers and the time and the close of the ballot regarding:

- time required to circulate to the school community and return ballot papers
- time required to finalise the election.

The election package

The Election Package distributed to eligible voters contains:

- a ballot paper or ballot paper link to School Survey via email
- an envelope marked 'Ballot Paper' (if paper based)
- any voting instructions
- candidate profiles if available.

The ballot paper

The order of names of nominees for election that appear on the ballot paper is drawn by lot by the principal as soon as practicable following the close of nominations.

The First Past the Post counting method is used. Ballot papers are marked as follows:

- If only 1 office is to be filled at the election, an elector is to mark the ballot paper by placing a cross or tick in the box opposite the name of the nominee whom the elector wishes to elect.
- If 2 or more offices are to be filled at the election, an elector is to mark the ballot paper by placing a cross or tick in the box opposite the name of each candidate whom the elector wishes to elect but is not to place ticks in more boxes than the number of offices to be filled. If an electronic ballot is used as part of the School Survey ballot process, then voters would place an electronic mark next the nominees, according to how many places are required to be filled (e.g. if there are 2 places then they would put a mark next to 2 nominee's names). The nominee(s) with the most votes are the overall winners; as tallied by the School Survey system. **The marks are not to be interpreted as a 'preferential voting' system**.

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[120] Regulation 107(3) of the *School Education Regulations 2000*
[121] Regulation 107(3) of the *School Education Regulations 2000*

Ballot boxes

The principal provides such ballot boxes as are necessary for the election at convenient places for use by voters (staff, students and/or parents as is relevant). Before a ballot box is used, the principal ensures that it is empty and secure in such a way as to prevent anything being removed from the box.

The counting of votes

Votes are to be counted by the 'First Past the Post' method as soon as practicable after the time of the close of the ballot and in the presence of at least one scrutineer. The scrutineer is appointed by the principal. If the principal is aware that the vote may be contentious, nominees may be permitted to also appoint a scrutineer each.

In the event of a tie, the names are to be placed in a hat and drawn out.

Declaration of the result

The result should be declared by the principal to the whole school population as soon as practicable after the votes have been counted and **after** the requirement for the Department's Nationally Coordinated Criminal History Check (NCCHC) has been met.[122]

RECORD SCREENING AND TENURE INFORMATION ON CAB

The Department's online register, CAB (Councils and Boards) helps all school users manage members screening, tenure lengths, training information and more. It can be accessed by Department staff via Ikon.

The CAB register:

- automatically verifies criminal history screening status of school council or board members ensuring all members are suitable
- stores and manages school council or board membership using one centralised online system
- automatically sends them follow up notifications when actions are due to be done
- give principals a view on the council or board's governance health to assist them in sharing information to the council or board Chair
- helps principals review all active and historical council or board members
- helps gain stability of information when school leadership changes.

[122] Department of Education *Criminal History Screening for Department of Education policy and procedures*

SUPPORT AVAILABLE FOR PRINCIPALS AND MEMBERS

Principals, council and board chairs and members can contact the Leadership Institute:

- for clarification and advice on council and board matters
- gain assistance with the online register CAB
- to enquire about council or board training to suit their school
- to give feedback on advice and support materials provided by the Department.

Phone 1300 610 801 or email schoolcouncils-boards@education.wa.edu.au

The Department also invites principals and chairs from councils and boards to attend the Boards and Councils Advisory Group (BCAG). It provides advice on improving the effectiveness of public school boards and councils. Chaired by the Deputy Director General Schools, the BCAG meets twice per year, with each person attending one meeting. This gives the greatest opportunity to hear from people from a variety of school contexts.