



Newcastle East Public School

School Council

Constitution

2018

Updated: Wednesday, 20 March 2019

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1. Name

The name of the School Council shall be Newcastle East Public School Council (“the Council”).

2. Definitions

'Appointed Member' means any person on the Council appointed as a Community Member.

'Budget' means a budget containing anticipated income and expenditure for the financial year.

'Community Member' means any person appointed to the Council from the local community.

'Constituency' means the whole body of voters who are eligible to elect their representatives on the Council.

'Council' means the Newcastle East Public School Council.

'Councillor' means an elected or appointed member, the Executive Member of the Council or the President of the Newcastle East Public School P&C or the identified alternative Executive Member of the P&C.

'Director, Educational Leadership' means the supervisor of the Principal of Newcastle East Public School, regardless of their title.

'Elected Member' means any person on the Council elected by the relevant constituency to represent the Newcastle East Public School staff or parents.

'Executive Committee' means the executive member, the president of the Council and the President of the P&C Association (or the identified alternative P&C Association Member, see Constitution 5.4.2)

'executive member' means the principal, acting or relieving principal of Newcastle East Public School.

'NEPS' means Newcastle East Public School.

'Parent' means the parent, guardian or any person having the custody or care of a child currently enrolled at Newcastle East Public School and is listed on the School office records as such.

'Parent Community' means all parents of students currently enrolled at Newcastle East Public School.

'Parent Member' means any parent elected to the Council as well as the president of the P&C Association or the identified alternative executive member of the P&C.

'P&C' means the NEPS Parents and Citizens Association or similar body.

'Quorum' means the minimum number of persons required to attend a meeting before any business can be transacted.

'School' means Newcastle East Public School

'School Community' means the School Staff and Parent Community of Newcastle East Public School.

'School Staff' means all persons employed by the NSW Department of Education in teaching and non-teaching roles at the School. This includes persons employed at the Newcastle East Public School under externally funded programs and all casual teaching staff working at the School for at least one day per week.

'Student' means any student currently enrolled at Newcastle East Public School.

'Supplementary Services' means support provided to Newcastle East Public School by parents and other members of the community to enrich the educational program of Newcastle East Public School.

3. Aims and Objectives

The Council is an advisory body comprising of members elected from the School Community and appointed community members. The Council acts in conjunction with the Executive Member to consult on school practices, evaluate priorities and review the School's financial management.

4. Role of the Newcastle East Public School Council

The Council will operate within the context of the relevant legislation and the stated policies and priorities of the New South Wales Government and the priorities of the New South Wales Department of Education.

4.1 Responsibility

The Executive Member (and not the Council) is responsible for all aspects of the management of the School. The Council is responsible for ensuring that it acts in accordance with its aims, role and functions as set out in this constitution.

4.2 Functions

Within the framework of state policies, system priorities, the NSW curriculum and available resources, the functions of the Council are to:

4.2.1 consider and advise the Executive Member on:

- a) the goals of the school and the school's implementation of DET policy
- b) development and endorsement of procedures within the school's wellbeing framework
- c) use of school facilities by persons or entities other than the school community
- d) the needs of the school (including areas such as buildings, grounds, facilities, school transport, starting/finishing times and any matter which could affect neighbouring schools)
- e) on school plans and associated budgets
- f) any matter raised by any member of the school community pursuant to clause 9.4.2 of this constitution
- g) any issue which the executive member seeks advice on from the Council
- h) endorse the P&C nominated representative on merit selection panels
- i) liaising with other school and state parent and community bodies to provide advice to executive member as needed
- j) promote a positive image of the school in the local community to increase community involvement

- 4.2.2 review financial reports provided by executive member
- 4.2.3 Prepare and provide an annual report to the school community on its activities to be included in the school's annual school report

5. Membership and Composition

5.1 Composition

The Council includes:

- 5.1.1 principal as executive member;
- 5.1.2 president of the P&C or the identified alternative executive member
- 5.1.3 Three (3) or four (4) parent members elected from and by the parent community;
- 5.1.4 Two (2) School staff members elected from and by the teaching and non-teaching staff; and
- 5.1.5 One (1) or two (2) community members appointed the local community.
- 5.1.6 The total membership of the council will be eight (8) with no more than ten (10) members.

5.2 Executive Member

The principal of the school is automatically the executive member.

5.3 President of the P&C

- 5.3.1 The president of the P&C is automatically a member of the Council.
- 5.3.2 Where the president of the P&C declines to join the Council, the P&C must identify another executive member of the P&C for this position.
- 5.3.3 The president of the P&C or alternative executive member of the P&C is to provide a report of each P&C meeting to the next Council at the next Council meeting. This may be an oral report if agreed by the Council.
- 5.3.4 The principal and school staff are not eligible to be president of the council.

5.4 Elected Members

- 5.4.1 A member of the school staff may not be a Parent Member on the Council. Only one (1) parent member may be currently employed by the NSW Department of education at another school.
- 5.4.2 At least one (1) School Staff member must be employed by the NSW Department of Education as a teacher at Newcastle East Public School.

5.5 Community Members

A community member employed by the NSW Department of Education in a teaching or non-teaching role at the School cannot be a Community Member on the Council.

5.6 Co-opted Members

The Council may co-opt other members of the School Community to assist the Council for a specific purpose and for a specific period. Such positions are advisory. Co-opted members do not have voting rights on the Council.

5.7 General

A person who is a member of a school council at another public school cannot be a member of the Council except with the approval of the Director, Educational Leadership.

6. Tenure of Council

6.1 Term of Office

The term of office for elected members and appointed member(s) shall be one (1) year commencing the day after the Council's Annual General Meeting.

In the event a parent elected member ceases to be a member of the school community, their position on Council will be declared vacant. The school council will fill their position by appointing a parent nominated by the P&C or by a casual vacancy election.

If a staff elected member ceases to be a member of the school staff, their replacement will be nominated by the Executive Member.

If an appointed community member ceases to be a community member, the casual vacancy will be filled by the Council's endorsement of another appropriate community member as per 10.2.

The term of office of people filling casual vacancies ends at the next Annual General Meeting. If there is less than one school term before the next AGM, a non-executive position may be left vacant.

6.2 Consecutive Terms

Elected members and appointed members may hold office for no more than three (3) consecutive terms of office.

7. Election of Councillors

7.1 Elections

Elections for members to represent the parent community and school staff will take place in February or March each year. This may be varied by the executive member in consultation with the presidents of the school council and P&C.

7.2 Method for Election of Parent Representatives

The method for the election of representatives of the parent community is as follows:

- 7.2.1 The principal and the president of the P&C will arrange for the compilation of a list of eligible voters in each constituency before elections take place. The principal or nominated appointee will be the returning officer in all elections.
- 7.2.2 The school staff and the parent community are eligible and entitled to vote for their representatives on the Council.
- 7.2.3 The P&C is responsible for organising the election of parent members.
- 7.2.4 Election procedures will be advertised in the School's newsletter in advance of the election so that all members

of the parent community have the opportunity to nominate and to vote for their particular representatives.

- 7.2.5 Nominations for parent members are to be submitted by the advertised closing date, in writing, on a form provided by the Council. Each nominee must be proposed and seconded by members of the parent community. The nominee must sign the form to indicate their willingness to accept the nomination.
- 7.2.6 If more than the required number of candidates is nominated, the principal and the president of the P&C will ensure that an election is conducted so that all members of the parent community have the opportunity to vote for their representatives.
- 7.2.8 Elections for a parent elected member will take place by secret ballot. This may be held at a regular meeting of the P&C, using the optional preferential voting system, within fourteen (14) days of nominations being declared.
- 7.2.9 The names of the elected members will be published in the School's newsletter.

7.3 Method for Election of Staff Representatives

- 7.3.1 The executive member is responsible for the election of staff representatives.
- 7.3.2 The election may be conducted at a meeting of all eligible school staff to be held in February or March each year.
- 7.3.3 The executive member can invite interested staff to nominate, which must be seconded by another staff member.
- 7.3.4 The nominated representatives may be confirmed by a simple majority of eligible staff members present, bearing in mind that at least one must be employed as a teacher.
- 7.3.5 If more than two eligible staff members nominate, the executive member will organise a secret ballot by eligible staff
- 7.3.6 Such ballot will be completed and the outcome advised in the school newsletter prior to the AGM.

7.4 Method for selection of Community Members

- 7.4.1 Prior to the AGM the outgoing council will identify one or two appropriate people to be invited for appointment as community members. The secretary of the Council will confirm in writing that these people are willing to be appointed and provide a brief CV of relevant qualities and experience.
- 7.4.2 The Council will endorse the community member(s) at the AGM.

8. Council Office Bearers

8.1 Office Bearers

The Council will have the following office bearers:

- 8.1.1 President: Is an elected parent member (other than the president of the P&C). The president may not be a member of any school staff.
- 8.1.2 Secretary: This may be any member of the Council except for the president and executive member, or a school staff member.
- 8.1.3 Executive Member: The role can only be filled by the principal, acting principal or Relieving Principal.

8.2 Election of Office Bearers

Office bearers shall be elected at the first meeting of the newly constituted Council.

8.3 Principal as Executive Member

The Principal as executive member will assume the responsibilities normally associated with the position of Treasurer.

The principal remains accountable under the Public Finance and Audit Act for the management of school finances.

8.4 Co-opting Assistance

Office bearers have the power to co-opt assistance from time to time as approved by Council. Co-opted persons have no voting rights.

8.5 Rules and Responsibilities

The President:

- chairs the meeting
- sets the meeting agenda in conjunction with the executive member
- conducts the meetings in an orderly and efficient manner
- prepares the Council's annual report
- is the official spokesperson for the Council
- prepares a short summary of each Council meeting for the school community – via the school's newsletter
- appoints a chairperson in his/her absence

The Secretary:

- send an agenda to all councillors seven (7) days prior to each meeting
- circulate draft minutes of the previous meeting fourteen (14) days after the meeting
- distribute final draft minutes seven(7)day prior to next meeting
- provide draft minutes to be confirmed at the meeting
- provide summary of confirmed minutes to the school office for inclusion in the school's newsletter
- prepares all correspondence
- maintains official records of the Council; and
- performs other duties as determined by the Council.

The Executive Member:

- Is adviser to the Council on educational matters;
- Is accountable to the Director, Education Leadership for the total management of the School and for the implementation of department policies and priorities
- Sets the meeting agenda in conjunction with the President
- Is responsible for the preparation of school's financial reports as required

- Is responsible for the preparation of the annual financial report to be presented at the annual general meeting;
- Is responsible for the transition from one Council to the next
- Is required to receive, regard advice received from the Council on any of the matters described in paragraph 4.2 of this constitution.

9. Council Meetings

9.1 Frequency

- 9.1.1 The Council will usually meet twice per term.
- 9.1.2 The first meeting of a newly constituted Council will be the first meeting following the Council's Annual General Meeting, see paragraph 8.2 herein.
- 9.1.3 The date, venue and time of Council meetings will be decided by Council.
- 9.1.4 The dates, venues and times of Council meetings will be advertised in the term calendar and the school's newsletter at least fourteen (14) days in advance.

9.2 Quorum

- 9.2.1 A quorum for Council meetings will be five (5).
- 9.2.2 If the quorum is not reached, matters on the agenda may be discussed but no decisions will be made.

9.3 Attendance

- 9.3.1 Councillors are expected to attend all meetings.
- 9.3.2 If a Councillor is unable to attend a meeting, an apology should be forwarded to the Council in advance of the meeting.
- 9.3.3 Should an Elected Member fail to attend two (2) consecutive meetings without approval, their position must be reviewed by the Council.
- 9.3.4 Procedures for filling casual vacancies are described in Section 6.

9.4 Agenda

- 9.4.1 The meeting agenda will be published in the school's newsletter the week prior to the meeting.
- 9.4.2 Any member of the school community who wishes Council to debate a particular matter should forward the item to the Secretary for attachment to the Agenda at least ten (10) days prior to the advertised meeting date.
- 9.4.3 Items not on the published agenda may be dealt with in general business only with the approval of the Council.
- 9.4.4 Meetings are to be no longer than two (2) hours with an extension of fifteen (15) minutes if agreed by a simple majority of those present.
- 9.4.5 Agenda items not dealt with at the meeting will lapse.

10. Council meeting procedures

10.1 Formal meeting procedures will apply

- 10.1.1 Reports will be limited to five (5) minutes.
- 10.1.2 Mover of formal motions may speak for three (3) minutes plus two (2) minutes right of reply before voting takes place.
- 10.1.3 Subsequent speakers may speak for three (3) minutes and speak once only unless to seek clarification or unless the Council moves into committee.

10.2 Voting

- 10.2.1 Each member of the Council present at the meeting will be entitled to one (1) vote.
- 10.2.2 Decision will be taken by simple majority.
- 10.2.3 Co-opted members or visitors will not have voting rights.

10.3 Invitation for Attendance

- 10.3.1 Council may invite members of the School Community to attend a Council meeting for a specific purpose and they may be granted speaking rights by the council. Such visitors have no voting rights and cannot introduce items of business at the meeting.

10.4 Conflict of Interest

- 10.4.1 All members must declare at the start of the meeting any potential or perceived conflict of interest for any agenda item or shall disclose should an item of business arise to which there is a potential or perceived conflict of interest.
- 10.4.2 Any member who knows there is a potential or perceived conflict of interest of another member has the responsibility to disclose that there is a potential or perceived conflict of interest.
- 10.4.3 If a member declares a conflict of interest the Council shall decide on the participation of that member in the activity or vote.

11. Annual General Meeting (AGM)

The AGM will be the last meeting in Term 1.

11.1 Notice of the AGM

- 11.1.1 Notice of AGM will be given fourteen (14) days in advance to the School Community.
- 11.1.2 The quorum for the AGM will be five (5).
- 11.1.3 Items not on the published Agenda will not be dealt with.
- 11.1.4 Reports of all Council activities will be presented at the AGM by the relevant office bearers and conveners of committees of the Council.

12. Special general (extraordinary) meetings

12.1 Procedure

12.1.1 A Special General Meeting of the School Community may be called at any time during the School term when requested by any of the following:

- a) the majority of Councillors;
- b) the representatives of twenty (20) percent of the Parent Community in writing to the President or the Executive Member;
- c) the Principal in writing.

12.1.2 A Special General Meeting will be called for the purposes of:

- a) recommending amendments to the Constitution;
- b) recommending the removal of an appointed member;
- c) dissenting from a Council decision;
- d) recommending dismissal of the present Council; and
- e) Obtaining the views of as many people as possible.

12.1.3 Such a meeting will be held within fourteen (14) school days of the request. Formal meeting procedures will apply.

12.1.4 A Notice of Motion will be published in the School's newsletter at least seven (7) days prior to the meeting date.

12.2 Quorums

12.2.1 A quorum of fifteen (15) will apply where the meeting is called for:

- a) the purposes of recommending amendments to the constitution;
- b) recommending the removal of an appointed member; or
- c) dissenting from a Council decision.

12.2.2 A quorum of fifty (50) will apply where the meeting is called for the purpose of recommending the dismissal of the Council.

12.2.3 No quorum will apply where the purpose of the meeting is to obtain the views of as many people as possible and written submissions will be accepted.

12.3 Voting

12.3.1 All members of the council and School Community are eligible to vote.

12.3.2 To be carried, motions require a two-thirds (2/3) majority of those present and eligible to vote.

12.4 Outcomes of Special General Meetings

12.4.1 Recommendations arising from such meetings must relate to the matters advertised for the purpose of the meeting and no other matters may be raised at that meeting.

12.4.2 A decision to act on any recommendation arising from meetings held to obtain the views of as many people as possible will remain the responsibility of the Council.

- 12.4.3 Recommendations arising from meetings held to amend the Constitution will be forwarded to the Director, Educational Leadership.
- 12.4.4 Recommendations to remove appointed members, to dissent from a Council decision or to seek the dismissal of the present Council will be forwarded to the Secretary, Department of Education by the President and the Executive Member, through the Director, Educational Leadership.

13. Council records

Council records including copies of the Constitution and all agenda, minutes, correspondence, files, financial reports and committee reports will be retained within the School at all times for a period of [REDACTED] years. The president and the executive member must authorise the destruction of any council records.

14. Amendments to the Constitution

Amendments to the Constitution will only be considered at a Special General Meeting of the School Community called for that purpose, see paragraph 12 herein. All proposed amendments will be submitted to the Director, Educational Leadership.

15. Replacement of Council members

15.1 Casual Vacancies

15.1.1 The process for filling casual vacancies is described in section 6.

15.1.2 Where the former Councillor was an office bearer of the Council, that position will be filled by an existing member of the Council by simple majority.

15.2 Removal of Council Member(s)

15.2.1 Any Council member who represents the School Staff may only be removed by the executive member in consultation with the school staff and the president of the school council.

15.2.2 A representative of the Parent Community may only be removed by the parent constituency after a Special General Meeting called by the school council for that purpose. A replacement will be appointed under the established procedures in 6.1 and paragraph 7.2 herein.

16. Dismissal of Newcastle East Public School Council

16.1 Dismissal of Council

16.1.1 Any proposal to dismiss the Council may only be considered at a Special General Meeting called in accordance with clause 12 herein. Any recommendation from the Special General Meeting to dismiss the Council shall be forwarded to the Executive Director through the Director, Educational Leadership, for approval.

16.1.2 If the Council is dismissed, a new Council will be formed in accordance with the established procedures in paragraph 7 herein.

16.1.3 Members of a dismissed Council are eligible for election to a new Council.

17. Resolution of disputes

Where a matter occurs, which cannot be resolved by established Council procedures or by the calling of a Special General Meeting, the Director, Educational Leadership shall resolve the issue in dispute.

18. Recommendation and Approval

This Newcastle East Public School Council Constitution was recommended and dated this _____ day of _____, 2019,

following a Special General Meeting of the school community held on _____, 2019 in accordance with the previous NEPS school council constitution.

Authorised Signatories:

Newcastle East Public School - *School Council, President*

Date

Newcastle East Public School - *School Council, Secretary*

Date

Newcastle East Public School - *P&C President*

Date

Newcastle East Public School – *Executive Member (principal)*

Date

Director, Educational Leadership, *Newcastle Principals Network*

Date