



## APPLECROSS PRIMARY SCHOOL BOARD

# TERMS OF REFERENCE

Updated Term 4 2017

These terms of reference are to be read in conjunction with the provisions for the School Education Act 1999 and the School Education Regulations 2000 as amended from time to time (including, without limitation, Part 3 Division 8 of the School Education Act 1999 and Part 6 of the School Education Regulations 2000) To the extent of any conflict or inconsistency between these terms of reference and the School Education Act 1999 or the School Education Regulations 2000, the School Education Act 1999 or the School Education Regulations 2000 shall prevail.

### **1. NAME**

The name of the Council is the **Applecross Primary School Board**.

### **2. DEFINITIONS**

In these terms of reference:

- **"Act"** means the School Education Act 1999.
- **"Board"** means "Council" as defined in the Act.
- **"Parent"** means parent as defined in section 4 of the Act.
- **"School"** means Applecross Primary School.
- **"Student"** means student enrolled at the School.

### **3. PURPOSE**

The Board is formed with the fundamental purpose of enabling Parents and members of the community to engage in activities that are in the best interests of Students and will enhance the education provided by the School.

### **4. FUNCTIONS AND POWERS OF THE BOARD**

The Board has the functions and powers set out in the Act.

### **5. MEMBERSHIP**

- a) All Board members elected or co-opted are required to obtain a Compulsory National Police History Check in pursuant to section 233 of the School Education Act within 14 days of being appointed to the Board.
- b) The number of members is determined by the Board however it must be at least 5 and not more than 15. **(SER r.106(1)(a)(2))**
- c) The Board may co-opt a member of the local community to be a member of the Board for such period, or in relation to such matters, as determined by the Board where that person's experience, skills or qualifications would enable him or her to make a contribution to the Board's functions **(SER r.112)**.
- d) The Chair is to be elected from the Board by vote of Board members for a term of two years and then subsequently for a year at a time to a maximum of four years in total.

### **6. ELECTIONS AND APPOINTMENT OF MEMBERS**

Members of the Board are appointed for a term of two years and then subsequently for a further term once or more than once **(SER r.110(1)(b))**.

- a) The P&C Association may nominate one of its members to be considered for membership of the Board in the membership category of parents or as is relevant to the nominee **(SER r.107(3))**.
- b) The Chair is to be elected from the Board by vote of Board members for a term of two years and then subsequently for a year at a time to a maximum of four years in total. (previously numbered 6.c below);
- c) The Principal of the school will invite nominations from all persons in each category to fill vacancies in the Board membership **(SER r.108(1))**.
- d) New member nominations to fill vacant positions are to be presented to Board Members at the first meeting following the vacancy, with appointment commencing as from the next meeting after membership considerations have been made and confirmed.
- e) If there are more nominees than places available on the Board:
  - i. the Principal will conduct an election to appoint parents or staff **(SER r.108(2)(a)(c)(d))**; and
  - ii. in the category 'community members' the choice of nominee will be decided by the Board rather than by election **(SER r.108(2)(b))**.
  - iii. Only those people eligible for a position are eligible to vote for representatives for that position **(SER r.109(1)(2)(3)(4)(5))**.

- f) Parent members are to be elected from and by parents (**SER r.108(2)(a)**). Parents eligible to vote are
  - i. each parent whose name and address has been provided to the school **SEAs.16(1)(b)(ii)(I)** (**SER r.109(1)(a)**); or
  - ii. if neither parent's name and address has been so provided in relation to a particular student, each person who is responsible for the student (**SER r.109(1)(b)**).

## **7. MEETINGS, DECISIONS AND PROCEEDINGS OF THE BOARD**

- a) There will be a minimum of one Board meeting per school term.
  - i. The Second Board meeting of the year will be an "Annual public meeting" that is open to the public (**SER r.117(a)**).
  - ii. The Chair will give to all members and parents not less than 14 days formal notice of this annual public meeting (**SER r.117(b)**).
  - iii. The Annual Report will be presented at this meeting to advise the school community of the performance of the Board in relation to its functions since the previous annual public meeting (**SER r.117(c)**).
- b) The Chair of the Board will convene Board meetings in accordance with the directions of the Board by giving 14 days notice of the venue, date and time of meeting unless otherwise agreed by a majority of Board members.
- c) Minutes of the preceding meeting will be circulated 7 days before a meeting and tabled at the commencement of each meeting.
- d) Notice of business to be discussed and supporting documentation will be provided to members no later than 7 days before a Board meeting.
- e) All decisions relating to Board business are to be taken by vote of Board members.
- f) A vote by a Board member, including the Chair, represents a single vote.
  - i. Instead of a meeting, any Board member may submit any proposed resolution to the Board for a vote by notice. Notice must be communicated in writing and may include email.
  - ii. The proposing Board member must notify the Chair accordingly, and the Chair must give each Board member notice describing the proposed resolution so submitted, together with adequate documentation in connection with such proposed resolution to enable the Board members to make a decision.
- g) Each Board member must communicate its vote by notice to the Chair and each other (Board member) within 48 hours (Voting Period) after receipt of the Chair's notice of the proposed resolution.
- h) Any Board member may, by notifying all Board members within the Voting Period, request that the proposed resolution is to be decided at a meeting duly called for that purpose (and if such a meeting is requested, the Chair must call such a meeting).
- i) If a meeting is not requested, then at the expiration of the Voting Period the Chair must give each Board member a confirmation notice tabulating the votes on the proposed resolution and stating the results of the vote.
- j) Any Board member failing to communicate its vote in a timely manner during the Voting Period is deemed to have voted against the proposed resolution. Any resolution by notice will be ratified at the following Board meeting.

- k) A simple majority of votes will decide matters in Board meetings. In the event of equal votes with respect to decision under consideration by the Board, such decision shall be deferred until such time as the chair and the Principal are able to reasonably address the primary concerns of those Board members that were against such decision with the ultimate aim of achieving a simple majority following a re-vote and a Board meeting or via written resolution.
- l) Decisions requiring an absolute majority of affirmative votes by Board members include:
  - i. Matters that may affect or impact the reputation of the School;
  - ii. Matters that fundamentally alter the operation of the School;
  - iii. Matters of a non-routine nature that require governmental approvals/consent; or
  - iv. Any matter that the Chair and the Principal deem appropriate.

## 8. **QUORUM**

At a meeting of the Board, 60% of members present in person at the meeting constitute a quorum.

- a) Each Board Member is entitled to one vote only (**SER r.119(3)**);
- b) A co-opted member is not entitled to a vote (**SEA s.140(a)**);
- c) Procedures for counting of votes will be a show of hands;
- d) Voting on issues will be recorded in the Minutes;
- e) A decision of the Board will not take effect unless it has been made by an absolute majority (**SER r.119(2)**);
- f) An absolute majority means a majority comprising enough of the current members of the Board for their number to be more than 50% of the number of members of the Board (**SER r.119(1)**). (If there are 14 members, then an absolute majority is 8 votes. If only 8 people attend a meeting, it still requires 8 votes to form an absolute majority).
- g) A motion which is passed will be declared by the Chair as a resolution. A declaration by the Chair is evidence of the fact.

## 9. **BUSINESS**

The business of the Board includes but is not limited to:

- a) all business required of it by the Department of Education or the Principal of the School;
- b) an annual review of the School Business Plan addressing the following considerations in a manner it sees fit:
  - i. delivery of the business plan;
  - ii. any necessary changes to the business plan;
- c) an annual review of School codes; and
- d) promotion of the School.
- e) the Board will formally report to its school community at least once each calendar year.
- f) All business will be attended to within a reasonable time.

## **10. COMMITTEES**

- a) The Board may appoint a committee composed of parents, community members or appropriate experts to address its business, but at least one Board member is required to serve on each Committee.
- b) The duties of a committee appointed by the Board will be clearly defined and stated in writing.
- c) Where appropriate, a specific date shall be set for completion of tasks assigned to the committee.
- d) The committee will provide its recommendations and relevant reports to the Board.

## **11. DUTIES TO BE ALLOCATED**

The Board allocates to the following member or members the following duties:

- a) The Chair and Principal will co-ordinate the correspondence of the Board.
- b) The Chair will ensure that full and correct minutes of the meetings and proceedings of the Board are kept.
- c) The Principal will have custody of all books, documents, records and registers of the Board.

## **12. REVIEW**

The Board's Terms of Reference and Code of Conduct are to be reviewed by the Board at the end of each calendar year.

*Terms of Reference reviewed and updated  
by Applecross Primary School Board  
Thus done and signed by  
School Board Chair: Sanchia Dashlooty  
Date: 23 November 2017*