

SECRETARY'S INSTRUCTION

NO 7 FOR SCHOOL ASSOCIATIONS

Statement

This Secretary's Instruction issues directions for the formation, operation and administration of school associations.

Date published: June 2022

Secretary's Instructions No 7 for School Associations

I, Tim Bullard, being the Secretary of the Department of Education make the following instructions, for the purposes of Section 7(1) of the *Education Act 2016*.

1. Purpose

1.1 The purpose of this Instruction is to issue directions for the formation, operation, and administration of school associations.

2. Scope

This Instruction applies to all school associations of State schools.

This Instruction comes into effect on 10 July 2017.

3. Instructions

School associations must comply with these instructions in performing their functions and powers under the Act.

School associations must comply with all Department of Education policies.

Meaning of “must”, “is to” and “may”

The word “must” is to be construed as being mandatory; and

The words “is to” and “are to” are to be construed as being directory; and

The word “may” is to be construed as being discretionary, or enabling, as the context requires.

3.1 Constitution

3.1.1. Development, Amendment and Submission

- a. Prior to submitting a proposed constitution that amends the model constitution, to the Minister under Section 111 of the Act, a school association must:
 - i. Submit an electronic copy of the proposed constitution to Legal Services for review
 - ii. Consider any feedback provided by Legal Services;
 - iii. Have sought, and received, endorsement of a proposed constitution by a majority of members present at a general meeting.
- b. A school association that has either adopted the model constitution without amendment or satisfied the requirements in a) must submit the proposed constitution to the Minister for approval by lodging an electronic copy, along with a copy of the Minutes recording the majority vote of the School Association, with Legal Services.

3.1.2 Register of school associations

A copy of the register of school associations will be published and maintained on the Department of Education website.

3.2 If a committee cannot be formed

3.2.1. If a school association committee cannot be formed, or if an established committee ceases to function as intended:

- a. The Principal, as soon as practicable, must notify the Minister in writing through Legal Services.
- b. This notification must include a detailed explanation of the steps undertaken to attempt to form or maintain a committee, and the reasons why a committee cannot be formed or maintained as intended.
- c. The Principal is to continue to convene School Association General Meetings in line with minimum requirements set out in *the Education Act 2016* and the Constitution until a Committee can be formed.

3.3. Functions of a school association

3.3.1. School Policies

- a. The Principal must engage with the committee during the development of school based policies.
- b. The committee is to participate in the development of school based policies with the purpose of ensuring a wide and inclusive process.
- c. Participation of the committee may include:
 - i. Seeking the views of the school association before a policy is drafted;
 - ii. Seeking feedback from the school association on draft policies.
- d. The Principal may exercise discretion in the implementation of policies including the development of school procedures and guidelines.

3.3.2. School Improvement Plans

- a. All schools are required by the *Australian Education Act 2013* to formulate and implement school improvement plans.
- b. The committee is to participate in the development of School Improvement Plans with the purpose of ensuring a wide and inclusive process.
- c. Participation of the committee may include:
 - i. Seeking the views of the school association before plans are drafted;
 - ii. Seeking feedback from the school association on draft plans;
 - iii. Undertaking implementation activities as outlined in the plans and identified as being the responsibility of the school association.

3.3.3. School's Objectives, Priorities, Strategic Directions and Values

- a. A school association must be involved in the establishment and review of a school's objectives, priorities, strategic directions and values, with the purpose of ensuring a wide and inclusive process.
- b. Participation of the committee may include:
 - i. Seeking the views of the school association before a school's objectives, priorities, strategic directions and values are established;

- ii. Seeking feedback from the school association as part of development and review of matters.

3.3.4. Selection of person to fill a permanent vacancy for the position of Principal

- a. A parent member of the school association must participate on the selection panel for the selection of a person to fill a permanent vacancy for the position of Principal.
- b. In participating on a selection panel, parent members are required to abide by all Department of Education policies and procedures.
- c. Parent members of a selection panel are to have completed appropriate Department of Education training on the selection process.

3.3.5. Advice and recommendations to the Secretary

- a. The Secretary may provide a committee with an opportunity to give advice on any matter they consider appropriate.
- b. A committee must place all such requests on the committee meeting agenda for discussion and action.
- c. If the matter is urgent, the Chairperson of the committee may provide advice.

3.4 Maintaining an authorised deposit-taking institution account

3.4.1. If a committee elects to open, maintain and operate an authorised deposit-taking institution account, the account must be:

- a. Kept with an authorised deposit-taking institution agreed by majority vote of the committee;
- b. Kept in the name of the school association as it appears in their constitution;
- c. Operated by no less than two members of the committee one being the Treasurer and one other member of the committee as nominated by the committee.

3.4.2. Except with the authority of the committee, no payment of an amount exceeding one hundred dollars can be made from the funds of the school association other than by cheque or electronic funds transfer drawn on the school association's authorised deposit-taking institution account.

3.4.3. No cheques or electronic funds transfers may be drawn on the school association's authorised deposit-taking institution account or used except for the payment of expenditure that has been authorised by the committee. This authorisation must be recorded in the Minutes.

3.4.4. All cheques and electronic funds transfers must be signed by the Treasurer and one other member of the committee as nominated by the committee. If the Treasurer is unavailable, the committee must nominate another member of the committee to sign.

3.4.5. Records of all financial transactions must be maintained by the Treasurer, and made available for review by any member of the committee upon their request.

3.5 Fundraising

3.5.1. Raising Funds

- a. All fundraising undertaken by a school association must directly benefit the school.
- b. A committee must agree by majority vote on each instance of fundraising considered by the committee.
- c. The Principal is not required to approve all fundraising of the school association, but his or her views are to be considered when agreeing on a fundraising activity
- d. Requests for access to school facilities and resources as part of a fundraising activity require the approval of the Principal.

3.5.2. Management of Funds as a result of fundraising

- a. All funds raised in each instance of fundraising must be recorded in the financial records of the school association. The record must clearly state the full details of all income and expenditure associated with the fundraising, and total amount of funds raised.
- b. Financial records must be kept for a period of 7 years.
- c. All funds raised in each instance of fundraising must be held in a secure location or deposited into the authorised deposit-taking institution account operated by the school association, within five business days of receipt.

3.6 Conflict of Interest

3.6.1. The Chairperson of the committee, at the commencement of each committee meeting, must ask members to review the agenda and disclose any potential conflict of interest which may require them to be excused from deliberation and decision when that agenda item is raised. This must include declaring any membership or official office-bearing duties of any other associations or committees. This must be recorded in the Minutes.

3.7 Conduct of elections of committee

3.7.1. Returning Officer

- a. The Principal must appoint a returning officer to conduct elections for the members of the committee who are to be elected by a ballot.
- b. The Principal is to appoint a member of the committee who is not from the category of members being elected, or the School Business Manager, as the returning officer.
- c. The returning officer is to utilise the official register of eligible voters in each category.
- d. The returning officer must:
 - i. Publicise the election, including the list of candidates;
 - ii. Make arrangements for the proper counting of votes including appointing themselves and one other person to count votes;
 - iii. Make arrangements for the declaration of the poll.
- e. All nominations must be directed to the returning officer.
- f. The returning officer must retain the results of all ballots in case another vacancy arises and a direct appointment can be made from the same ballot.
- g. Where a ballot is not required the returning officer must:
 - i. Declare the nominees elected;
 - ii. Where vacancies still remain, issue a further call for nominations;

- iii. Where vacancies still remain, advise the committee to appoint members to fill these vacancies.

3.7.2. Election of Chairperson, Deputy Chairperson, Secretary and Treasurer

- a. A committee of a school association must elect a Chairperson, Deputy Chairperson, Secretary and Treasurer at the first meeting of the committee subsequent to the election of the committee.
- b. A committee must elect a Chairperson, Deputy Chairperson, Secretary and Treasurer to fill temporary vacancies of these positions if the vacancy is longer than 30 days.
- c. The following officeholders must be elected:
 - i. A Chairperson, who must be a parent member or community member but must not be an employee of the Department of Education.
 - ii. A Deputy Chairperson who is to be a parent member or community member and where possible is not to be an employee of the Department of Education;
 - iii. A Secretary;
 - iv. A Treasurer.
- d. The Principal must conduct the ballot and:
 - i. Make arrangements for the proper counting of votes including appointing themselves and one other person to count votes;
 - ii. Make arrangements for the declaration of the poll;
 - iii. Retain the results of all ballots in case another vacancy arises and a direct appointment can be made from the same ballot.

3.8 Committee Meetings

3.8.1. Attendance

- a. Notice of meetings of the committee must be provided to committee members no less than seven days in advance of the meeting date.
- b. A committee member must notify the Chairperson if they will be unable to attend the meeting.
- c. If a notification is not received, after absence from three consecutive meetings, the committee may consider the position vacant.
- d. A process to manage prolonged absenteeism of a committee member must be decided by the committee and recorded in the minutes of the meeting at which the process was decided.

3.8.2. Agenda

- a. An agenda, together with any papers relating to issues requiring decisions, must be circulated by the Secretary of the committee of the school association prior to the meeting.
- b. Agenda of meetings must be kept for a period of 7 years.

3.8.3. Minutes

- a. The Secretary of the committee must ensure that minutes are kept of each committee meeting and general meeting.

- b. The minutes must record each decision made by the committee.
- c. The minutes may note the action to be taken as a result of any decision, and who is responsible for undertaking the action.
- d. The committee must agree by a majority vote that the minutes are a true and accurate record of the meeting.
- e. The Agenda, Minutes and other meeting papers of the committee must be stored at the school. Where possible the records are to be stored electronically.
- f. Minutes and papers of committee meetings must be kept for a period of 7 years and made available for inspection to any member of the school association, the Secretary or any person authorised by the Secretary, at any time.

3.9 Sub-committees

3.9.1. The committee may appoint one or more sub-committees and delegate its powers and functions to them.

3.9.2. The committee must state, in writing, the terms of reference of the sub-committee and the powers and functions which are to be delegated to it.

3.9.3. A fixed term sub-committee must have its specific timeframe stated in the terms of reference.

3.9.4. A sub-committee may consist of members of the committee and any other persons as deemed appropriate by the committee.

3.9.5. A sub-committee must be chaired by a member of the committee who is accountable to the committee.

3.9.6. The Chairperson of a sub-committee is to provide reports to meetings of the committee on the activities of the sub-committee at intervals agreed by the committee.

3.9.7. A quorum of a sub-committee meeting is one half of the members of the sub-committee plus one. A sub-committee must not conduct its business unless a quorum present.

3.9.8. A sub-committee must appoint a Secretary to keep accurate records, including minutes and where appropriate financial records of the sub-committee. The records of the sub-committee must be stored with the records of the committee at the school. Where possible the records are to be stored electronically.

3.10 Record Keeping

3.10.1. Register of Members of the School Association

- a. The members of a school association must be recorded on a register.
- b. The Principal of the school is automatically recorded as a member.
- c. All persons listed as the parent or guardian of the child attending the school in the school records will automatically be recorded as members of the school association unless they decide they do not want to be a member and notify the committee of the school association in writing of this decision.
- d. All staff will automatically be recorded as members of the school association unless they decide they do not want to be a member of the school association and notify the committee of the school association in writing of this decision.
- e. All community members of the school association must be recorded on the register including the date on which their nomination was approved by the committee of the school association and the date on which their term expires.
- f. The committee must agree by a majority vote on the format of the register.
- g. The register must be stored at the school. Where possible the register is to be stored electronically.
- h. Maintenance of the register is to be the responsibility of the School Business Manager.
- i. The committee of the school association must notify the School Business Manager of any parent or staff members who do not want to be members of the school association, and any community members approved by the committee.
- j. The register of members of the school association must be updated annually within one month of the school association committee elections.
- k. The register must be made available for inspection by the Secretary or a person authorised by the Secretary at any time.

3.10.2. Financial Records

- a. The committee of the school association must make and keep written financial records in relation to the school association that:
 - i. Correctly record and explain the school association's financial affairs; and
 - ii. Enable true and fair financial statements to be prepared and audited in respect of the school association's financial affairs.
- b. The Treasurer of the school association is to maintain all financial records, which are to include, records of:
 - i. All authorised deposit-taking institution accounts;
 - ii. All income;
 - iii. All payments;
 - iv. All cash transactions and holdings;
 - v. All assets and liabilities.
- c. The financial records of the school association must be stored at the school. Where possible the records are to be stored electronically.

- d. The financial records of the school association must be kept for a period of 7 years and made available for inspection by any member of the committee, the Secretary or a person authorised by the Secretary, at any time.

3.10.3 External Auditing of Financial Affairs

- a. The financial affairs of the school association must be audited annually.
- b. A person appointed as auditor must be:
 - i. A member of CPA Australia who is entitled to use the letters 'CPA' or 'FCPA'; or
 - ii. A member of The Institute of Chartered Accountants in Australia who is entitled to use the letters 'CA' or 'FCA'; or
 - iii. A member of the Institute of Public Accountants who is entitled to use the letters 'MIPA' or 'FIPA'; or
 - iv. An employee of a public sector entity who has the maturity, commercial skills and experience to examine the financial affairs of the school association; or
 - v. An employee of an insurance company, financial institution or other financial or commercial organisation, who has the maturity, commercial skills and experience to examine the financial affairs of the school association.
- c. The person appointed must not be a member of the committee.
- d. The person appointed has all the powers of an authorised auditor.
- e. The auditor is to be appointed in an honorary capacity. Where this is not possible, the auditors fees are to be negotiated and confirmed prior to the appointment and agreed by majority vote of the committee.
- f. The Treasurer must submit to the appointed auditor for examination the records, accounts, books and financial statements of the school association as required by the auditor as soon as possible after the end of the school association year, and before the annual general meeting.
- g. The auditor must be given complete access to the financial affairs of the school association.
- h. The auditor's report must be tabled by the Treasurer at the annual general meeting.
- i. The auditor's report must be stored with the financial records of the school association at the school and kept for a period of 7 years. They must be made available for inspection by the Secretary or a person authorised by the Secretary, at any time.

3.11 Reporting

3.11.1. The Principal to the School Association

- a. The Principal of the school must provide the committee with:
 - i. Financial reports of the school at quarterly intervals;
 - ii. The annual report of the school.

3.11.2 The School Association to the Principal

- a. The committee must provide to the Principal an annual report of the activities of the school association for the period of 12 months preceding the provision of the report.
- b. The annual report of the school association must be received and ratified by the school association at a general meeting.

- c. The annual audited financial statement of the school association must be received and ratified at a general meeting.

3.12 Dispute Resolution

3.12.1. Where a dispute occurs that involves the committee, dispute resolution processes must be followed.

3.12.2. The Chairperson of the committee is to coordinate any dispute resolution processes. Where the Chairperson is involved in the dispute, another member of the committee is to be appointed.

3.12.3. Disputes that are still unable to be resolved must be referred to the Director School Improvement Learning Services.

4. Definitions

Act means	the <i>Education Act 2016</i> (Tas).
Authorised deposit-taking institution means	a body corporate that is an authorised deposit-taking institution for the purposes of the <i>Bank Act 1959</i> (Cwlth).
Committee means	the committee established, in accordance with the Model Constitution for school associations, to manage the affairs of the school association
Committee member means	a member of the Committee of the school association.
Constitution means	the Model Constitution of the school association.
Member means	in relation to the school association, the persons who, or the time being, are members of the school association in accordance with clause 6 of the Model Constitution.
Parent Member means	subject to clause 6.3 of the Model Constitution, each person, for the time being, recorded in the school's records as a parent or guardian of a school student currently enrolled at the school.
Principal means	the individual in charge of the day-to-day operation of a school.
School means	the school, or schools, in respect of which the school association is established, or continued in existence, in accordance with the Act.
School association means	a school association established by the Minister under section 110 of the Act.

Staff Member means subject to clause 6.3 of the Model Constitution, a person who is, for the time being, a member of the State Service (as defined in the *State Service Act 2000* (Tas)) employed, on a permanent basis or fixed-term contract, at the School.

5. Details

Secretary Authorisation:	Tim Bullard
Date authorised:	8 June 2022
Contact Officer Business Unit:	Education Act Implementation Legal Services Unit
Contact Business Unit email:	legal.services@education.tas.gov.au schoolassociations@education.tas.gov.au
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6. History of Changes

Effective date	Last update date	Version no.	Notes
10 July 2017	-	1	New <i>Education Act 2016</i> .
6 February 2018	6 February 2018	2	Business Unit email contacts updated
22 June 2018	6 February	3	Section 3.12.3 updated
25 September 2019	22 June 2018	4	Department of Education Secretary and authorised dates updated
8 June 2022	25 September 2019	5	Additional guidance for schools unable to form a Committee S3.2.1