

# SCHOOL ASSOCIATIONS: FREQUENTLY ASKED QUESTIONS

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# School Associations

## 1. What is a School Association?

A School Association works together for the benefit of the school. This includes parents, school staff and the community working with the school's Principal to achieve shared outcomes for learners attending the school, and for the benefit of the whole school community.

## 2. Who is required to have a School Association?

All Tasmanian State schools, including colleges, are required to have a School / College Association and are established under the *Education Act 2016*.

## 3. What is the name of our School Association?

The name of a School Association is established under the *Education Act 2016* and is "School Name" Association. For example, "Kingston High School Association" or "Hellyer College Association".

School Associations cannot use "Inc" or "Incorporated" after their association name. See [question 7](#) about Incorporation.

## 4. What are the functions of a School Association?

A School Association is to:

- Foster cooperation among teachers, students, parents and the school community, as well as fostering the value and benefits of education generally.
- Participate in:
  - the development of school policies
  - the formulation and implementation of plans for the improvement of the school
  - establishing and reviewing, from time to time, the school's objectives, priorities, strategic directions and values
  - the planning of financial arrangements necessary to fund those objectives, priorities, strategic directions and values
  - evaluating the school's performance in achieving those objectives, priorities, strategic directions and values
  - providing advice on the selection of the person to be the permanent Principal of the school.
- Provide advice and recommendations as required on any matter relating to policy with respect to State schools.

School Associations can raise funds for the benefit of the school and to determine how those funds will be used.

## 5. Which school policies should the School Association be consulted on?

The School Association should participate in the development of all new school policies and the review of existing school policies as required. This may be undertaken differently in each school.

When developing a new policy or reviewing an existing policy, the School Association Committee should be given sufficient time to consider the topic and provide relevant input for consideration.

## 6. Where can I access the Department of Education's policies and processes?

The Department of Education publishes a number of their policies and processes on their website. For a full list visit the [Policy Library](#) on our website.

## Incorporation

### **7. Are all School Associations Incorporated?**

Yes. All State School Associations are incorporated under the *Education Act 2016*. Associations have previously been able to obtain incorporation status under the *Associations Incorporation Act 1964*, but it is no longer required or available.

The word Incorporated, or the abbreviation “Inc” cannot be used after the School Associations’ name as it is only for associations incorporated under *Associations Incorporation Act 1964*.

### **8. What does it mean for our School Association to be incorporated under the Education Act 2016?**

Incorporation establishes the association as a separate legal entity from its members and the Department of Education (or Crown). It provides members with immunity from liability for actions taken or not taken in good faith while exercising any powers or functions of the School Association. This means a member of the School Association cannot be found personally liable for any debts that a School Association incurs, if they are acting honestly and carefully.

Incorporation also allows associations to continue to be able to apply for grants that specify they can only be provided to incorporated groups.

### **9. How do School Associations identify their incorporation status?**

All School Associations can identify their incorporated status by including the statement:

“[Name of School Association] is an incorporated School Association established under section 110 of the *Education Act 2016 (Tas)*”. For example “Kingston High School Association is an incorporated School Association established under section 110 of the *Education Act 2016 (Tas)*”.

### **10. Does a School Association need to pay fees or lodge annual returns to Consumer Affairs?**

School Associations are no longer required to pay fees or lodge an annual return with Consumer Affairs.

### **11. How does incorporation under the Education Act 2016 affect our Parents and Friends group?**

The incorporation offered under the *Education Act 2016* only applies to School Associations and does not apply to Parents and Friends groups, unless they are established as sub-committees of their association.

To establish a sub-committee, a Terms of Reference document is to be established by the Committee, outlining who is involved, how they operate and their purpose. A member of the School Association Committee is to be the chair of the sub-committee and is responsible for reporting back to the Committee as written in the Terms of Reference.

## Constitutions

## **12. What is a constitution?**

All School Associations have a constitution which, along with the [Education Act 2016](#), [Education Regulations 2017](#), [Ministerial Instructions](#) and [Secretary Instructions](#), govern the roles, responsibilities and functions of each School Association. A constitution is a legal document and must be complied with.

All School Association Constitutions can be found [here](#).

## **13. How does a School Association make a change to their constitution?**

The two main sections of the constitution that are commonly adjusted are:

- The School Association Year (from 31 March to another date)
- The maximum Committee size between 11 and 15 members (inclusively).

The template [model constitution](#) can be found on the Department of Education's website, which identifies the areas that are usually adjusted (as above).

A proposed constitution does not commence until notification of approval is received from the Minister.

To seek the Minister's approval of a proposed constitution:

- The proposed constitution is adopted by a majority vote at a general meeting of the School Association with the Minutes recording the majority vote of the Committee and those present at the general meeting.
- Submit an electronic copy of the proposed constitution and a copy of the Minutes to [Legal.Services@education.tas.gov.au](mailto:Legal.Services@education.tas.gov.au).

If a Committee would like to make any other amendments to the constitution, then they need to ensure it is in accordance with the requirements of the *Education Regulations 2017* and submit the draft to the Legal Services for review.

If the changes are considered appropriate by Legal Services, the proposed constitution will need to be supported by a majority vote (as outlined above).

## **14. Where will the approved constitutions be published?**

All approved constitutions are centrally published on the [Education Department website](#).

# **Membership**

## **15. Who is a member of the School Association?**

Parents, guardians and school Staff members (including the Principal) are automatically members of the School Association and Community members can apply to join the School Association.

If a Parent is also a Staff member (permanent or fixed term-contract) at the school they are counted as a Staff member. Someone engaged as a relief teacher or casual employee, is not considered a Staff member of the School Association.

Staff members (including those who are also parents at the school) have the same voting rights as Parent members and approved community members and their participation is only limited by their ability to hold the Committee position of Chairperson.

Parent and Staff members can elect to 'opt out' of the Association. In most schools, the School Business Manager is responsible for maintaining a record of membership.

## **16. What is a Community Member and who can be one?**

Community members are people who are interested in being involved in the School Association but are not current parents or staff at the school. This can include parents whose children have left the school, grandparents or local business owners/representatives. A person must apply to become a Community member of the School Association. The application is to be made in writing and sent to the School Association Committee. The Committee must endorse community membership before they can become a member.

## **17. Are students members of the School Association?**

Students may be engaged with School Associations as Student Representatives but cannot be members of the Association. The Principal can appoint Student Representatives to attend Committee meetings. At the Committee meetings the student is a representative of the student body and can provide insight and opinion to the matters being discussed from a student perspective to inform the vote. Due to not being of legal age, a Student Representative is not a member of the Committee or Association and is not entitled to vote.

The Student Representative/s can table voting results from their own Student Representative Council (SRC) on matters being considered by the Committee – for consideration by the Committee in their deliberations.

The Principal is a daily link to the students and in cooperation with the School Association can source their views to support the decision making processes of the Committee. Sub-committees are further opportunities for additional student involvement, providing leadership opportunities for students.

Students at the school are also able to attend Committee meetings as observers in addition to the Student Representatives appointed by the Principal.

## **18. What is the register of members?**

The 'register of members' records the members of the School Association who are eligible to vote in elections. This is all members, including parents, staff and approved community members.

The records of parent and staff members on Department systems can be used as the member register for parents and staff. There is no need to maintain this information separately.

A separate member register must be kept of all community members who are eligible to vote in elections, as well as their contact details.

It is a requirement that the School Association keep a record of any parents or staff members who have elected not to be members of the School Association.

# **Committee**

## **19. What is the difference between the School Association and the School Association Committee?**

The School Association is an incorporated entity (a body corporate established under an Act of Parliament is an incorporated entity) and is made up of Parents, Staff and approved Community Members.

The School Association Committee is an elected group of School Association Members for administrative and decision making as a representative group of the School Association.

## **20. Who can be on the School Association Committee?**

Anyone from the School Association (Parent, Staff or Community members) can nominate to be on the Committee. The maximum number of Committee Members depends on the maximum listed in the School Association Constitution, however a Committee can function with a minimum of five elected members.

To ensure the Committee is representative of the Association members, it must consist of:

- no less than three parent members
- no more than three community members
- at least one staff member, but no more than three staff members
- the Principal.

## **21. What are the elected specified officeholder positions in the Committee and when are they elected?**

At the first Committee meeting after the Annual General Meeting (AGM) Each School Association is required to elect a:

- Chairperson (who must be a parent member or a community member, and not an employee of the Department of Education)
- Deputy Chairperson (who must be a parent member or a community member, and if possible not an employee of the Department of Education)
- Secretary (who can be a parent member, community member or staff member)
- Treasurer (who can be a parent member, community member or staff member).

## **22. Is the Principal a member of the Committee?**

The Principal is an automatic member of the Committee and not subject to the election or rotation of office processes.

The Principal is not counted as a Staff Member in the Committee composition included in Schedule I of the model constitution. For example: a Committee can have up to three Staff Members, this means that a Committee can include three Staff Members, plus the Principal.

The Principal is counted in the number of Committee members required to be present at a Committee meeting to make quorum.

## **23. Is the Principal required to attend School Association Committee meetings?**

The Principal is a member of the School Association Committee and required to attend Committee meetings. If unable to attend, the Principal must notify the Chairperson.

## **24. What happens if we cannot form a Committee?**

If a School Association Committee cannot be formed, or if an established Committee ceases to function as intended:

- The Principal, as soon as practicable, must notify the Minister in writing through Legal Services.
- 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.

## **25. How can the School Business Manager assist our School Association Committee?**

The School Business Manager is responsible for maintaining the members' register in accordance with the Secretary's Instruction.

A School Business Manager can be a member of the School Association Committee, as an elected Staff Member.

The School Business Manager may be the returning officer of an election of Parent Members and Community Members.

The School Association Committee may work with the School Business Manager to ensure the records of the Association are stored in accordance with the Secretary's Instructions.

## **26. Can the School Association Committee have its own social media page (e.g. Facebook)?**

Yes. The School Association is responsible for monitoring any social media pages it establishes.

# **Committee Meetings**

## **27. What is the quorum of a Committee meeting (including annual general meetings)?**

A majority of the current elected Committee (including the Principal). For example: for a Committee of 11, the quorum at a Committee meeting is 6.

A Principal is a member of the Committee and is included in the numbers above.

## **28. Does the Chairperson have a casting vote at Committee meetings?**

Yes, if there are an equal number of votes of the Committee members present at a Committee meeting, the chairperson of the meeting has a casting vote in addition to their initial vote.

## **29. Does the Chairperson have a casting vote at general meetings?**

No, the chairperson does not have a casting vote in general meetings.



### **30. How regularly does the Committee need to meet?**

The Committee must meet at least once per term.

## **Financial Affairs**

### **31. Can a School Association have a bank account?**

A School Association may have a bank account to carrying out their functions. To reduce the time and effort required to manage the account(s), it is recommended that School Associations keep a minimal number of accounts, preferably one.

### **32. What name does the School Association's bank account need to be?**

The account(s) must be in the name of the School Association as it appears in the Constitution, for example "Campbell Street Primary School Association".

### **33. What should be included in the quarterly financial update to the School Association?**

The Principal is required to provide the School Association a financial update on a quarterly basis (once a term).

An example of the type of information a Principal can provide includes a copy of the schools budget to discuss the line items, and answering any questions from Association. This gives the Principal the opportunity to address any issues in relation to over/under spend, timing, and potential issues or areas of need.

The School Association can use this process to clearly understand where fundraising activities may be best targeted during the year, and the process is also useful in discussing with the Principal where future funding gaps may occur.

In addition, it provides an opportunity for the Principal to explain how the school receives its funding, when funding is determined, and any staffing limitations due to budget constraints.

### **34. Do all Schools Association's finances need to be externally audited each year?**

Yes, the financial affairs (bank accounts, fundraising ledgers etc.) of all School Associations must be audited annually. There is no ability to apply for an exemption.

This audit is intended to be in an honorary capacity, and where possible to be a limited expense to the School Association. There are a number of people within the Department who could potentially undertake the audit, for example: a School Business Manager from a nearby school or a parent of the school (that is not on the Committee) with audit experience. For more information around the audit requirements and who can perform the audit see Secretary's Instructions No. 7 or the School Association Handbook Volume I.

### **36. Who does the Treasurer need to provide the annual audit report to?**

The auditor's report must be tabled by the Treasurer at the Annual General Meeting. The auditor's report must be stored with the financial records of the School Association at the school and kept for seven years. They must be made available for inspection by the Secretary of the Department of Education, or a person authorised by the Secretary, at any time.

## Sub-Committee

### **37. What is a sub-committee and who can be on one?**

The School Association Committee can share some of their activities with sub-committee groups. A sub-committee is a group of people given a particular task or area to focus on.

There is no maximum number of members on a sub-committees. The Chair of the sub-committee must be a School Association Committee member, and is responsible for providing updates to the rest of the Committee at agreed intervals. Anyone who is a member of the School Association can be on a sub-committee, they don't have to be on the Committee.

Sub-committees are governed by a Terms of Reference document which outlines the powers and functions of the group, who is a member, how meetings will be organised and when information will be distributed. The Terms of Reference for each sub-committee is approved by the School Association Committee.

Sub-committees can be set up for a set period of time (fixed term) for a specific purpose or event, or can have an ongoing role within the School Association (standing). Sub-committees are covered by the School Associations incorporation, and the legal protection that accompanies that status.

### **38. Do all sub-committees need a Terms of Reference?**

Yes. All sub-committees need to operate with a Terms of Reference and report directly to the School Association Committee. A [template Terms of Reference](#) can be accessed on the Department's website.

### **39. When would a School Association use a sub-committee?**

Examples of the activities that can be delegated to a sub-committee are:

- specific fundraising activities
- event coordination
- school canteen
- school uniform shop
- parents and friends groups.

## Parents and Friends groups

#### **40. Can our school just have a Parents and Friends group rather than a School Association Committee?**

No. All State schools are required to have a School Association. However, parents and friends groups can be structured as a sub-committee of the School Association Committee.

#### **41. What are the benefits of our Parents and Friends group being a Sub-Committee?**

Parents and Friends groups who are structured as a sub-committee of the School Association are provided with the same level of indemnity and liability protection as the School Association.

This structure creates one entity for parents to become involved with and the opportunity to share the member resourcing across multiple sub-committees.

The incorporation structure under the Education Act simplifies the requirements of being incorporated under the *Association Incorporations Act 1964*.

The Department of Education cannot provide advice or support for Parents and Friends groups who are not a sub-committee of the School Association.

## **Restricted Activities**

#### **42. What are Restricted Activities?**

Restricted Activities are:

- employing a person, or people
- holding or otherwise dealing with real property
- borrowing money from any person or organisation
- loaning money to any person or organisation
- entering into a contract with a price or value of more than \$5 000.

Before entering into any of the above arrangements, the School Association must apply to the Secretary, Department of Education. This process will allow the Secretary to ensure that proper governance and risk management strategies are in place to protect Association and the Crown.

The process outlined in the [Ministerial Instruction](#) guides School Associations through the appropriate risk assessment as part of the application for approval to the Secretary.

#### **43. What is “real property”?**

Real property includes land, trees growing on the land, and anything affixed to the land (called ‘fixtures’) such as building and other improvements. It also includes a leasehold interest in land created by a weekly, monthly or other periodic tenancy, or a lease for fixed period, whether or not the leasehold interest is created by a written agreement. A thing that is not affixed to land, such as an item of equipment, is not real property.

#### **44. What is considered a contract?**

A contract is an agreement (an offer and acceptance of that offer) between two or more parties to do or not do something specific for compensation (money or services). It does not need to be in writing. When a School Association is purchasing something for a value greater than \$5 000, it is considered to be entering into a contract and the Restricted Activity process needs to be followed. For more information on Restricted Activity see [question 42](#).

#### **45. If a School Association employs a person, are they covered by the Department of Education's Workers compensation cover?**

No, the School Association and its employees are not covered by the Tasmanian Risk Management Fund (TRMF) for worker's compensation cover.

If a School Association is approved to employ persons, the Association is required to have their own worker's compensation cover.

#### **46. Why do we require the Secretary's approval to commence Restricted Activities?**

Restricted Activities are potentially high risk and may require additional insurance or other protections to limit risks and protect the School Association. The process outlined in the [Ministerial Instruction](#) guides School Associations through the appropriate risk assessment as part of the application for approval to the Secretary.

#### **47. How do we apply for approval to undertake a Restricted Activity?**

The [Applications for undertaking a restricted activity form](#) can be found on the Department's website. Applications and supporting documentation should be emailed to [schoolassociations@education.tas.gov.au](mailto:schoolassociations@education.tas.gov.au).

## **Fundraising**

#### **48. Can a School Association fundraise?**

Yes, a School Association has the power to raise funds for the benefit of the school.

#### **49. Who decides how funds raised should be spent/allocated?**

The School Association Committee is responsible for deciding how any funds they raise should be spent at the school. Best practice is to choose what the money will be spent on before the fundraising starts. This gives the school community a clear understanding of why they should contribute, and who will benefit from their contribution.

#### **50. Why do School Associations fundraise?**

School Association fundraise to support and benefit their school. This could be for additional class resources, a class trip, new play equipment etc.

#### **51. How can the School Association fundraise?**

There are many different activities that a School Association can do to fundraise for their school. For example:

- student activities – free dress or dress up days (i.e. crazy hair day), organised game tournaments (i.e. computer games, board games, skipathon, hula hoop contest), zero waste fashion show, pet parade, car wash, pre-loved clothing swaps
- product sales – school alumni merchandise (i.e. class of year), plastic-free lunch sets, gift stalls (Mothers' and Fathers' Day), plant sales (i.e. cuttings or plants grown from seed), handmade cards, silent auctions, Easter/Christmas hamper raffles, compilation ebooks/books (family recipes, life hacks/tips for other parents or for students – i.e. one tip I would share about growing up)
- food sales – popcorn days, school garden/farm produce sales, coffee/breakfasts (i.e. for parents at drop off time etc.)
- more ideas – a back to school labelling/naming station, a Principal Challenge fundraiser, parent time/skill donations, engraved bricks/pavers for sponsorship of facilities, silent auctions or raffles for donated goods or services.

These are just suggestions, there are many more options.

## **52. Who can be involved in organising or running fundraising?**

The School Association Committee is usually responsible for organising and running fundraising for a school. Some School Associations have a fundraising sub-committee that is responsible for all fundraising activities or a specific event. For more information about sub-committees and who can be a member see [question 37](#).

# **More Questions**

## **53. We've got more questions, where do we go?**

Questions about School Associations should be sent to [schoolassociations@education.tas.gov.au](mailto:schoolassociations@education.tas.gov.au).