

Mount Hawthorn Primary Schools Board

TERMS OF REFERENCE

These Terms of Reference are to be read in conjunction with the provisions of the *School Education Act 1999* and the *School Education Regulations 2000*.

DEFINITIONS

1. In these Terms of Reference:
 - **"Absolute majority"** means more than 50% of the number of offices of Member (whether vacant or not).
 - **"Act"** means the *School Education Act 1999*.
 - **"Board"** means the Mount Hawthorn Primary Schools Board
 - **"Chair"** means the Chairperson of the Board.
 - **"Committee"** means a committee convened by the Board.
 - **"Meeting"** means a meeting of the Board.
 - **"Member"** means a member of the Board.
 - **"Parent"** means parent as defined in section 4 of the Act.
 - **"Principals"** means the Principal of the Mount Hawthorn Primary School and the Principal of the Mount Hawthorn Education Support Centre.
 - **"Regulations"** means the *School Education Regulations 2000*.
 - **"School"** means the Mount Hawthorn Primary School and the Mount Hawthorn Education Support Centre.
 - **"Student"** means a student enrolled at the School.

2. In these Terms of Reference, the singular includes the plural and vice versa.

APPLICATION

3. These Terms of Reference apply to the Board, a Council established under section 125(2) of the Act to operate jointly for the Mount Hawthorn Primary School and the Mount Hawthorn Education Support Centre.

PURPOSE

4. The purpose of the Board is to enable Parents and members of the community to engage in activities that support and enhance the education provided to Students by the School.

FUNCTIONS AND POWERS OF THE BOARD

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

6. In accordance with section 132 of the Act, the Board **cannot**:
- a. intervene in the control or management of the School;
 - b. intervene in the educational instruction of Students;
 - c. exercise authority over employees of the School; and/or
 - d. intervene in the management of School finances.

MEMBERSHIP

7. The Act and the Regulations apply to:

- a. appointment to the Board; and
- b. election to the Board.

8. The Board shall be made up as follows:

- a. the Principals;
- b. up to seven parent representatives (one of whom shall represent the Mount Hawthorn Education Support Centre);
- c. up to five staff representatives; and
- d. one community representative.

9. A Member shall hold office for a term of 2 years.

10. A Member may serve consecutive terms.

CHAIR

11. The Chair shall be elected from Members, by vote of Members for a term of one year.

12. A Member may serve consecutive terms as Chair.

MEETINGS

13. The provisions of the Act and the Regulations apply to Meetings.

14. There shall be at least one Meeting per School term.

15. The Chair will convene Meetings in accordance with the directions of the Board by giving 14 days notice of the venue, date and time of the Meeting to members.

16. Meetings shall generally be open to the public.

ATTENDANCE AT MEETINGS

17. The Board may grant a member a leave of absence from Meetings for such period and for such reasons as the Board shall think fit.

18. A Member who is absent from three consecutive Meetings without a leave of absence from the Board shall be asked to explain their absence by the Chair.

PROCEEDINGS OF THE BOARD

19. At least 7 calendar days before a Meeting, the Principals shall ensure that the following documents are forwarded to Members:

- a. minutes of the previous Meeting;
- b. agenda for the Meeting; and
- c. any documents relevant to the business to be discussed at the Meeting.

20. Quorum at a Meeting shall be 50% plus one of the Members.

21. A decision at a Meeting does not have effect unless it has been made by an absolute majority of the Members.

22. At least once every calendar year, the Board shall review and endorse:

- a. the School Business Plan;
- b. the School Budget;
- c. the School Operational Plan;

- d. the School Annual Report; and
- e. such School policies as the Board sees fit

23. At least once every calendar year, the Board shall report on its performance to the School community.

CONDUCT OF BOARD BUSINESS BETWEEN MEETINGS

24. A Member may, by notice in writing which (may include email), forward to the Chair a proposed resolution for a vote ("Notice").

25. On receiving a Notice, the Chair is to forward the proposed resolution to Members along with any documentation provided by the proposing Member.

26. Members shall communicate their vote to the Chair within 48 hours after receiving the Notice ("Voting Period").

27. Within the Voting Period, a Member may request the Chair to convene a Meeting to decide the proposed resolution. If such a request is made, then the Chair shall convene a Meeting.

28. If no Member requests a Meeting, then at the expiration of the Voting Period, the Chair shall advise Members of the results of the vote on the proposed resolution.

29. Any Member failing to communicate their vote to the Chair before the expiration of the Voting Period is deemed to have voted against the proposed resolution.

30. Any resolution by Notice shall be ratified at the next Meeting.

COMMITTEES

31. To assist it to carry out its functions, the Board may convene a committee.

32. A Committee shall include at least one Member but its composition shall otherwise be at the discretion of the Board.

33. The Board may give written direction to a Committee and a Committee shall comply with any such direction.

34. A Committee may make recommendations to the Board but may not exercise any power or function of the Board.

35. By notice in writing signed by the Chair, the Board may, at any time, disband a Committee for any reason the Board sees fit.

THE BOARD MAY CO-OPT PERSONS

36. To assist it to carry out its functions, the Board may co-opt a person to the Board for such period and for such purposes as the Board shall decide.

37. A person co-opted by the Board may, at the invitation of the Board, attend Meetings but shall not be entitled to vote on any matter to be decided by the Board.

CORRESPONDENCE, MINUTES & CUSTODY OF DOCUMENTS

38. The Principals shall:

- a. co-ordinate the correspondence of the Board;
- b. ensure that accurate minutes of all Meetings are taken and maintained; and
- c. take custody of all books, documents, records and registers of the Board.

REVIEW

39. The Board shall review these Terms of Reference at least once every three calendar years.

PROTECTION FROM LIABILITY

40. An action in tort does not lie against a Member for anything that the Member has done in good faith as a member of the Board.

AMENDMENT

41. These Terms of Reference may be amended at a Meeting.

INCONSISTENCY

42. The Act or the Regulations (as appropriate to the context) shall prevail to the extent of any inconsistency between these Terms of Reference and the Act and/or the Regulations.

Date of Document: 11 May 2016

Adopted by Board: 25 May 2016