SEAVIEW DOWNS PRIMARY SCHOOL GOVERNING COUNCIL

CONSTITUTION

Issued December 2003
Updated March 2005

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14/1/19

MINISTER FOR EDUCATION AND CHILD DEVELOPMENT

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GOVERNING COUNCIL MODEL CONSTITUTION

1 NAME

The name of the Council is Seaview Downs Primary School Governing Council Incorporated.

2 INTERPRETATION

In this constitution, unless the contrary intention appears:

'the Act' means the *Education Act* 1972 as amended.

'administrative instructions' means administrative instructions issued pursuant to section 96 of the Act.

'administrative unit' - means the Department of Education and Children's Services in which persons are employed in accordance with the *Public Sector Act 2009.*

'adult' means a person who has attained 18 years of age.

'affiliated committee' means a committee affiliated with the Council and the constitution of which is approved by the Minister in accordance with section 86 of the Act.

'Chairperson' means the presiding member of the Council as referred to in section 84(1)(a)(iii) & (iv) of the Act.

'Chief Executive' means the Chief Executive of the Department of Education and Children's Services in accordance with section 11 of the Act.

'Council' means the Seaview Downs Primary School Governing Council.

'councillors' are the members of the Council.

'Department' means the Department of Education and Children's Services established pursuant to the *Public Sector Act 2009.*

'financial year' means the year ending 31 December or as varied by administrative instruction.

'general meeting' means a public meeting of the school community.

"Governance Agreement' means the agreement signed by the Principal, Chairperson of the Council and the Chief Executive for the School Council to become a Governing Council.

'Government school' means a school established under section 5 of the Act, for the purpose of providing courses of instruction in pre-school, primary or secondary education.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent' in relation to the school means the parent of a child attending the school and the parent of a child enrolled, but not yet attending at the school.

'parent of a child' includes -

(a) a person who has legal custody or guardianship of the child; and
(b) a person standing *in loco parentis* to the child,

but does not include a parent of the child where another parent or person has legal custody or guardianship of the child to the exclusion of that parent.

'Principal' means the head teacher of the school within the meaning of the Act.

'Regulations' means regulations made under the Act.

'school' means the Seaview Downs Primary School Governing Council.

'school community' means all parents, students and staff of the school and all other persons who have a legitimate interest in or connection with the school.

'Site Learning Plan' means the agreement signed by the Principal and the Chairperson of the Council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the Council means a resolution for the purposes of amending the constitution or to remove an office holder from office, passed by a duly convened meeting of the Council if -

(1) at least 21 days written notice has been given to all councillors specifying the intention to propose the resolution as a special resolution; and

(2) it is passed by a majority of not less than three quarters of councillors who vote in person or by proxy at that meeting.

'student' is a person attending the school, or enrolled but not yet attending the school.

3 OBJECT

The object of the Council is to involve the school community in the governance of the school to strengthen and support public education in the community.

4 POWERS OF THE GOVERNING COUNCIL

4.1 In addition to the powers conferred under the Act, the Council may:

4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive;

4.1.2 enter into contracts;

4.1.3 construct any building or structure for the benefit of the school or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive;

4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;

4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.

4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5 FUNCTIONS OF THE COUNCIL

5.1 In the context of the Council's joint responsibility with the Principal for the governance of the school, the Council must perform the following functions:

5.1.1 involve the school community in the governance of the school by:

(i) providing a focus and a forum for the involvement of parents and the school community;
(ii) ascertaining the educational needs of the local community and the attitude of the local community to educational developments within the school; and
(iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.

5.1.2 set the broad direction and vision of the school.

5.1.3 strategic planning for the school including:

(i) developing, monitoring and reviewing the objectives and targets of the strategic plan; and
(ii) considering, approving and monitoring human resource and asset management plans.

5.1.4 determine policies for the school including policies for the safety, welfare and discipline of students.

5.1.5 determine the application of the total financial resources available to the school including the regular review of the budget.

5.1.6 monitor and review the Site Learning Plan.

5.1.7 report to the school community and the Minister on:

(i) the strategic plan;
(ii) the finances of the school;
(iii) operational plans and the Council's operations.

5.2 The Council must be responsible for the proper care and maintenance of any property owned by the Council.

5.3 The Council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;

5.3.2 residential facilities for the accommodation of students.

5.4 The Council may raise money for school related purposes.

5.5 The Council may perform other functions as determined by the Minister.

5.6 The Council may do all those acts and things incidental to the exercise of these functions.

5.7 The Council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6 FUNCTIONS OF THE PRINCIPAL IN COUNCIL

The functions of the Principal in Council are undertaken in the context of the Principal's joint responsibility with the Council for the governance of the school.

6.1 The Principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and Regulations.

6.2 The Principal must also:

6.2.1 implement the Site Learning Plan and school policies;

6.2.2 provide accurate and timely reports, information and advice relevant to the Council's functions;

6.2.3 report on learning, care, training and participation outcomes;

6.2.4 supervise and promote the development of staff employed by the Council;

6.2.5 be responsible for the financial, physical and human resource management of the school;

6.2.6 be an *ex-officio* member of Council with full voting rights;

6.2.7 be the returning officer for the election, nomination and appointment of councillors;

6.2.8 chair the first meeting of the Council held for the purpose of receiving nominations from nominating bodies, the direct appointment of councillors by the Council and the election of office holders;

6.2.9 contribute to the formulation of the agenda of Council meetings.

7 MEMBERSHIP

7.1 The Seaview Downs Primary School Governing Council must comprise 20 councillors including:

18 elected parents of the school

1 Principal (ex-officio)

1 teacher representative

7.2 The majority of councillors must be elected parents of the school.

7.3 At the time of election, nomination or appointment, persons who are on the staff of a Government school, employees of the Minister's administrative unit, and those appointed under the Act, *Children's Services Act* 1985 and *Technical and Further Education Act* 1975 must not comprise the majority of elected parent members and must not comprise the majority of councillors.

7.4 In considering any nominations to the Council by a nominating body or direct appointments by the Council, the Council must observe the requirements of 7.3.

7.5 A person is not eligible for election, appointment or nomination to the Council, if the person:

7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or

7.5.2 has been convicted of any offence prescribed by administrative instruction.

8 TERM OF OFFICE

8.1 Elected parent councillors will be appointed for a term not exceeding two years, except in the case of the first Council only, where one-half (or, if the total number of councillors to be elected is odd, the highest integer that is less than one-half) of the parent councillors elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.

8.2 A councillor nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:

8.2.1 for the first Council only, where two or more affiliated committees each nominate a councillor, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.

8.2.2 the nomination may be revoked, in writing by the affiliated committee.

8.3 Any councillor nominated by the Student Representative Council or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing by the nominating body.

8.4 A councillor elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.

8.5 Each councillor directly appointed by the Council, will serve for a period not exceeding two years.

8.6 Upon expiry of term of office, each councillor will remain incumbent until the position is declared vacant at the Annual General Meeting.

8.7 Councillors are eligible for subsequent re-election, re-nomination or re-appointment.

9 OFFICE HOLDERS AND EXECUTIVE COMMITTEE

9.1 Appointment

9.1.1 The office holders of the Council are the Chairperson, deputy Chairperson, Secretary and Treasurer who must be elected by the Council from amongst its councillors within one month of the Annual General Meeting.

9.1.2 The Chairperson must not be a member of the staff of the school or a person employed in an administrative unit for which the Minister is responsible.

9.1.3 The Treasurer must not be a member of the staff of the school.

9.1.4 The Council may appoint an executive committee comprising the office holders and the Principal, which is to

(i) meet to carry out business delegated or referred by the Council; and
(ii) report to subsequent Council meetings.

9.2 Removal from office

9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.

9.2.2 An office holder of the Council may be removed from office, but not from membership of the Council, by special resolution of the Council, provided that:

(i) at least 21 days written notice is given to all councillors and to the office holder concerned, of any proposed resolution, giving reasons for the proposed removal;
(ii) the office holder is given the right to be heard at the Council meeting;
(iii) voting on the special resolution is by secret ballot.

9.3 The Chairperson

9.3.1 The Chairperson must

(i) call and preside at the meetings of the Council and the executive committee;
(ii) in consultation with the Principal and Secretary, prepare the agenda for all Council meetings;
(iii) include on the agenda any item requested by the Principal;
(iv) facilitate full and balanced participation in meetings by all councillors and decide on the manner in which meetings are conducted and matters of order;
(v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.

9.3.2 The Chairperson must act as spokesperson on behalf of the Council unless an alternative spokesperson has been appointed by the Council. The spokesperson may only comment on Council matters.

9.3.3 In the Chairperson's absence or inability to act, the deputy Chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the Chairperson and deputy Chairperson of the Council are absent or unable to preside at a meeting, a councillor elected by the Council must preside.

9.4 The Secretary

9.4.1 The Secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The Secretary is responsible for ensuring the maintenance and safekeeping of:

(i) (i) the constitution and the code of practice of the Council;
(ii) official records of the business of the Council and a register of minutes of meetings;
(iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the Council;
(iv) register of councillors;
(v) contracts or agreements entered into by the Council; and

(vi) copies of policies of the Council.

9.4.3 The Secretary must ensure that copies of this constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The Secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the Secretary must ensure that a copy of the meeting agenda is forwarded to each councillor.

9.4.6 The Secretary must conduct the official correspondence of the Council.

9.4.7 The Secretary must ensure that the minutes of meetings are recorded and forwarded to each councillor prior to the next meeting.

9.5 The Treasurer

9.5.1 The Treasurer must be the Chairperson of the Finance Advisory Committee of the Council and preside at the meetings of this committee.

9.5.2 The Treasurer must:

(i) ensure that the Council's financial budgets and statements are prepared;
(ii) submit a report of those finances to each Council meeting;
(iii) present the Council's audited accounts to the Annual General Meeting.

10 VACANCIES

10.1 Membership of the Council ceases when the councillor:

10.1.1 dies; or

10.1.2 in the case of an elected councillor or a councillor nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed; or

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;or

10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school; or

10.1.5 resigns by written notice to the Council; or

10.1.6 is removed from office by the Minister in accordance with section 97 of the Act; or

10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors; or

10.1.8 has been convicted of any offence prescribed by administrative instruction; or

10.1.9 is absent from three consecutive Council meetings without leave of absence approved by the Council. Acceptance of an apology at a Council meeting will be deemed a grant of such leave.

10.2 The Council may appoint a person to temporarily fill a casual vacancy in its membership until a councillor can be elected, nominated or appointed in accordance with this constitution.

11 MEETINGS

11.1 General Meetings of the school community

11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.

11.1.2 The Chairperson of the Council must call and preside at general meetings of the school community, the timing to be agreed between the Council Chairperson and the Principal of the school.

11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.

11.1.4 A general meeting must be held:

(i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the Council and/or declare election results;
(ii) for any other reason relating to the affairs, functions or membership of the Council, determined by agreement between the Council Chairperson and the Principal.

11.1.5 The period between each Annual General Meeting must not exceed 16 months.

11.1.6 A general meeting must be held to elect councillors, to discuss the finances of the Council or for any other reason relating to the affairs or functions of the Council:

(i) at the request of the Chief Executive;
(ii) by the resolution of the Council;
(iii) at the request of 20 parents of the school or one half of the parents of the school, whichever is less.

11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 Council Meetings

11.2.1 The Council must meet at least twice in each school term.

11.2.2 Notice of meeting must be given at the previous Council meeting or by at least 7 days written notice distributed to all councillors or in an emergency by such other notice as the Council may determine.

11.2.3 A conference by telephone or other electronic means between the councillors will be taken to be a meeting of the Council provided that all procedures in this constitution relating to Council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 Extraordinary Council Meetings

11.3.1 The Chairperson of the Council must call an extraordinary meeting of the Council by written request from at least 3 councillors.

11.3.2 Notice of meeting must be given by written notice to all councillors within reasonable time, setting out the time, date, place and object of the meeting.

11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 Voting

11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:

(i) a contested election; or
(ii) a special resolution to remove an office holder from office.

11.4.2 For the purposes of voting on a special resolution, each councillor is entitled to appoint another councillor as his/her proxy by notice in the form issued as an administrative instruction.

12 PROCEEDINGS OF THE COUNCIL

12.1 Meetings

12.1.1 The quorum for the Council meeting is a majority of the filled positions of the Council.

12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those councillors present determine.

12.1.3 Except in the case of a special resolution, a decision of the majority of those councillors present and eligible to vote is the decision of the Council.

12.1.4 The Chairperson must have a deliberative vote only. In the event of an equality of votes, the Chairperson does not have a second or casting vote and the motion must be taken to be defeated.

12.1.5 The Council or any committee of Council may, at its discretion, allow non-members who have special interests or knowledge relevant to the Council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote.

12.1.6 Where there are one or more vacancies in the membership of the Council, the Council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).

12.1.7 The Council may from time to time determine procedures to facilitate and expedite its business.

12.2 Conflict of interest

12.2.1 In accordance with section 94 of the Act, a councillor who has a direct or indirect pecuniary interest in a contract or proposed contract with the Council must:

(i) disclose the nature of the interest to the Council as soon as the councillor becomes aware of the interest; and

(ii) not take part in deliberations or decisions of the Council with respect to that contract.

12.2.2 A disclosure of such an interest must be recorded in the minutes of the Council.

12.2.3 If a councillor discloses an interest in a contract or proposed contract:

(i) the contract is not liable to be avoided by the Council on any ground arising from the fiduciary relationship between the councillor and the Council; and

(ii) the member is not liable to account for the profits derived from the contract.

13 ELECTION OF COUNCILLORS

13.1 Eligibility for nomination for election

Subject to 7.5, all persons who are parents of the school are eligible to nominate for election as a councillor.

13.2 Eligibility to vote

Only parents of the school may vote to elect councillors.

13.3 Conduct of elections for parent councillors

The Principal must conduct elections of parent councillors by *one* of the following methods, as determined by the Council:

(i) an election at a general meeting of the school community; *or*
(ii) a postal ballot of the parents of the school.

13.4 Notice of election

13.4.1 The timetable for an election must be determined by the Council, in consultation with the Principal.

13.4.2 Notice of the date and time for an election must be specified by the Principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

(i) fix the period during which nominations for election as councillors must be accepted and outline the process to be followed;
(ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); or
(iii) in the case of the postal ballot:

(a) fix the date by which ballot papers must be available and advise how they may be obtained; and
(b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the Council, the Principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a councillor must be:

(i) in a form approved by the Principal; and
(ii) received by the Principal at or before the time the nomination is due.

13.5 Election without ballot

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the Principal may declare that the vacancy or vacancies has or have been filled by the persons or person nominated.

13.6 Contested elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 The process for conducting the ballot for a contested election must be in accordance with administrative instructions.

13.7 Scrutineers

The Principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes, as he or she thinks fit. A candidate in the election cannot be a scrutineer.

13.8 Declaration of election

13.8.1 The Principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

(i) at a general meeting of the school community; or
(iii) in the form generally used to communicate with the school community.

13.8.2 The new Council comes into operation at the declaration of the election.

13.9 Further nomination for unfilled positions

After the result of an election has been declared and if the required number of elected parent councillor positions have not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

13.10 Nomination and appointment of councillors

13.10.1 As soon as is practicable after the declaration of the results of an election, the Principal must call and preside at the first Council meeting for the purpose only of:

(i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
(ii) electing office holders.

13.10.2 The first meeting of the Council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the Council may proceed to the election of office holders.

14 MINUTES

14.1 Proper minutes of Council meetings, the Annual General Meeting and general meetings of the school community must be entered into books kept for that purpose.

14.2 The minutes must be confirmed at the next respective annual, general or Council meeting and signed by the Chairperson of the meeting at which the proceedings took place or by the Chairperson of the subsequent meeting.

14.3 Upon reasonable notice, the books containing the minutes of any meetings must be made available for inspection by any councillor.

15 COMMITTEES

15.1 Committees

The Council may appoint committees, comprised of councillors or both councillors and non-councillors, which will meet as directed by the Council and report to the Council at subsequent Council meetings. Any committee must consist of at least three people and at least one of those must be a councillor.

15.2 Terms of reference

The Council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

15.3.1 The Council must establish a Finance Advisory Committee to advise the Council on budgetary and financial matters, including the preparation of the preliminary budget showing:

(i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
(ii) the proposed expenditure to be made;
(iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the Council and must include
(i) The Treasurer;
(ii) the Principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16 DELEGATION

16.1 Subject to 16.2, the Council may delegate its functions or powers to its committees, and may delegate its functions or powers to another school council but only with the prior written consent of the Chief Executive.

16.2 The Council cannot delegate any of its functions or powers in relation to the approval of the school's budget and the annual financial statement.

16.3 Any conferral of delegation must be properly recorded in the minutes.

17 ACCOUNTS TO BE KEPT AND OTHER FINANCIAL MATTERS

17.1 The Council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

17.2 All accounts must be operated on the basis of the designated financial year.

17.3 The accounts must be kept in accordance with provisions of the Act, Regulations, administrative instructions and this constitution.

17.4 The funds of the Council must only be expended for school related purposes.

17.5 The Council may transfer funds as it thinks fit to:

17.5.1 an affiliated committee;
17.5.2 another existing or proposed Government school.

18 AUDIT

18.1 The Council must arrange for any accounts under its control to be audited at least once in every year, as soon as possible after the end of the financial year, or at such other time as determined by administrative instruction.

18.2 The Council may arrange for accounts to be audited at such other intervals as the Council determines, by a person appointed by the Council.

18.3 The Council must make available for inspection at any time by the Chief Executive or the Auditor-General, any accounts under its control, including all relevant records and papers connected with an account.

18.4 The audit of any accounts under the control of the Council must be in accordance with the provisions of the Act, Regulations, administrative instructions and this constitution.

19 REPORTING TO THE SCHOOL COMMUNITY AND THE MINISTER

19.1 The Council must report to the school community at least once a year, at the Annual General Meeting called by the Chairperson.

19.2 At that meeting:

19.2.1 the Chairperson must report on:

(i) strategic and operational plans;
(ii) the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting of the school community; and
(iii) the outcomes of those proceedings in relation to the functions of the Council;

19.2.2 the Treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the Council, and a copy of the audited statement of receipts and expenditure of the Council for the year ended as at the designated financial year.

19.3 Where any statement has not been audited by the time the Annual General Meeting is held, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

19.4 The Council must report to the Minister at least once a year, in accordance with administrative instructions.

20 THE COMMON SEAL

20.1 The Council must have a common seal. The common seal must be affixed only by resolution of the Council and in the presence of two Councillors one of whom must be the Principal or the Chairperson of the Council.

20.2 Every use of the seal must be recorded in the minute book of the Council.

21 RECORDS

21.1 The Council is responsible for the safe and proper storage of its records.

21.2 The Council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.