



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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GOVERNOR'S INSTRUMENTS

APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet
Adelaide, 19 June 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the Honourable Justice Timothy Laurence Stanley as Governor's Deputy of South Australia from 11:30am on Saturday, 21 June 2025 until 4:30pm on Friday, 27 June 2025.

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

Department of the Premier and Cabinet
Adelaide, 19 June 2025

Her Excellency the Governor in Executive Council has been pleased to appoint the auxiliary judicial officers listed for a period commencing on 1 July 2025 and expiring on 30 June 2026, it being a condition of employment that the powers and jurisdictions of office should be exercised only during the time or times the actual duties are being undertaken, but at no other time throughout the period of appointment - pursuant to section 3(1) of the Judicial Administration (Auxiliary Appointments and Powers) Act 1988:

Katrina Jane Bochner as an Auxiliary Judge of the Supreme Court
Graham Walter Dart as an Auxiliary Judge of the Supreme Court
Geraldine Davison as an Auxiliary Judge of the Supreme Court
David Cameron Lovell as an Auxiliary Judge of the Supreme Court
Kevin Gordon Nicholson as an Auxiliary Judge of the Supreme Court
Gregory John Parker as an Auxiliary Judge of the Supreme Court
David Harvey Peek as an Auxiliary Judge of the Supreme Court
Rauf Soulio as an Auxiliary Judge of the Supreme Court
Sydney William Tilmouth as an Auxiliary Judge of the Supreme Court
Joanne Elizabeth Tracey as an Auxiliary Judge of the District Court
Gordon Fraser Barrett as an Auxiliary Judge of the District Court
John Francis Costello as an Auxiliary Judge of the District Court and Environment, Resources and Development Court, and Auxiliary Associate Justice of the Supreme Court
Christina Rose Flourentzou as an Auxiliary Associate Justice of the Supreme Court and Auxiliary Associate Judge of the District Court
Peter Dennis Hannon as an Auxiliary Judge of the District Court
Peter John Norman as an Auxiliary Associate Justice of the Supreme Court and Auxiliary Associate Judge of the District Court
Mark Nicholas Rice as an Auxiliary Associate Judge of the District Court
John Stephen Roder as an Auxiliary Associate Judge of the District Court
Teresa Marie Anderson as an Auxiliary Magistrate
Phillip Edward James Broderick as an Auxiliary Magistrate
Yoong Fee Chin as an Auxiliary Magistrate
Jodie Mareika Carrel as an Auxiliary Magistrate and Auxiliary Deputy President of the South Australian Employment Tribunal
Brett Jonathon Dixon as an Auxiliary Magistrate
John Gerard Fahey as an Auxiliary Associate Judge of the District Court and Auxiliary Magistrate
Paul Marvin Foley as an Auxiliary Magistrate
Terence Frederick Forrest as an Auxiliary Associate Judge of the District Court and Auxiliary Magistrate
Theodore Iuliano as an Auxiliary Magistrate
Barbara Ellen Johns as an Auxiliary Magistrate
Clive William Kitchin as an Auxiliary Magistrate
David Hamilton Bruce McLeod as an Auxiliary Magistrate
Stefan Peter Metanomski as an Auxiliary Magistrate

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

AGO0109-25CS

Department of the Premier and Cabinet
Adelaide, 19 June 2025

Her Excellency the Governor in Executive Council has amended the instrument of appointment of Jodie Mareika Carrell as a Commissioner of the South Australian Employment Tribunal signed on 12 May 2025 and the Minutes of the Executive Council meeting held on 12 May 2025 to correct the appointee's name to Jodie Mareika Carrel.

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

AGO0109-25CS

PROCLAMATIONS

South Australia

Electoral (Accountability and Integrity) Amendment Act (Commencement) Proclamation 2025

1—Short title

This proclamation may be cited as the *Electoral (Accountability and Integrity) Amendment Act (Commencement) Proclamation 2025*.

2—Commencement of Act

The *Electoral (Accountability and Integrity) Amendment Act 2024* (No 58 of 2024) comes into operation on 1 July 2025.

Made by the Governor

with the advice and consent of the Executive Council
on 19 June 2025

South Australia

Statutes Amendment (Small Business Commission and Retail and Commercial Leases) Act (Commencement) Proclamation 2025

1—Short title

This proclamation may be cited as the *Statutes Amendment (Small Business Commission and Retail and Commercial Leases) Act (Commencement) Proclamation 2025*.

2—Commencement of Act

The *Statutes Amendment (Small Business Commission and Retail and Commercial Leases) Act 2024* (No 65 of 2024) comes into operation on 1 July 2025.

Made by the Governor

with the advice and consent of the Executive Council
on 19 June 2025

South Australia

Youth Court (Designation and Classification of Magistrates) Proclamation 2025

under section 9 of the *Youth Court Act 1993*

1—Short title

This proclamation may be cited as the *Youth Court (Designation and Classification of Magistrates) Proclamation 2025*.

2—Commencement

This proclamation comes into operation on 1 July 2025.

3—Designation and classification of magistrates

The auxiliary magistrates named in Schedule 1 are—

- (a) designated as magistrates of the Youth Court of South Australia; and
- (b) classified as members of the Court's ancillary judiciary.

Schedule 1—Magistrates of the Court (auxiliary magistrates)

Teresa Marie Anderson

Phillip Edward James Broderick

Yoong Fee Chin

Brett Jonathon Dixon

John Gerard Fahey

Paul Marvin Foley

Terence Frederick Forrest

Theodore Iuliano

Barbara Ellen Johns

Clive William Kitchin

David Hamilton Bruce McLeod

Stefan Peter Metanowski

Made by the Governor

with the advice and consent of the Executive Council
on 19 June 2025

REGULATIONS

South Australia

Electoral (Miscellaneous) Amendment Regulations 2025under the *Electoral Act 1985***Contents****Part 1—Preliminary**

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Electoral Regulations 2024*

- 3 Insertion of regulations 7A and 7B
 - 7A Notification of changes in registered political party—prescribed particulars
 - 7B Audits by Electoral Commissioner—prescribed requirement
- 4 Insertion of Part 6A
 - Part 6A—Reviewable decisions
 - 20A Reviewable decisions
- 5 Substitution of Part 8
 - Part 8—Election funding, expenditure and disclosure
 - 25 Interpretation—definition of auditor (section 130A)
 - 26 Interpretation—definition of donation (section 130A)
 - 27 Interpretation—definition of political expenditure (section 130A)
 - 28 Interpretation—definition of political expenditure—third party employees (section 130A)
 - 29 Principles for determining amount or value of donations other than money (section 130A)
 - 30 Register of Nominated Entities (section 130JA)
 - 31 Amounts to be paid into State campaign account (section 130L)
 - 32 Advance payments—prescribed manner (sections 130PA, 130PB and 130PC)
 - 33 Modification of Part 13A in certain cases (section 139)
 - 34 Public funding—prescribed period and manner for making of payments (section 130R)
 - 35 Administrative funding for political parties—nomination of party entitled to rely on person (section 130T)
 - 36 Claims for one-off payments of administrative funding (sections 130UA and 130UB)
 - 37 Modification of Part 13A Division 5 in certain cases (section 130WA)
 - 38 Returns—prescribed details (sections 130ZF, 130ZG, 130ZH and 130ZHA)
 - 39 Returns by registered political parties or third parties—prescribed details (sections 130ZN, 130ZO and 130ZP)
 - 40 Returns by associated entities (section 130ZO and 130ZZH)
 - 41 Annual returns for donations received for political expenditure—prescribed details (section 130ZS)
 - 42 Public inspection of returns—prescribed period (section 130ZY)
 - 43 Agent of party to notify Electoral Commissioner of number of candidates to be endorsed (section 139)
 - 44 Agent of party to notify Electoral Commissioner of disendorsement of candidate (section 139)
 - 45 Application and modification of Part 13A where candidate disendorsed by party (section 139)
 - 46 Application and modification of Part 13A until 31 December 2026 in relation to certain dispositions of property (section 139)
 - 47 Application and modification of Part 13A until 31 December 2026 in relation to advance public funding (section 139)
 - 48 Application and modification of Part 13A until 31 December 2026 in relation to early payment of certain advance funding (section 139)
 - 49 Application and modification of Part 13A until 31 December 2026 in relation to repayment of certain amounts (section 139)
 - 50 Application and modification of Part 13A until 31 December 2026 in relation to administrative funding and expenditure (section 139)

6 Insertion of Schedule A1**Schedule A1—Transitional provisions relating to *Electoral (Accountability and Integrity) Amendment Act 2024***

- | | |
|---|--|
| 1 | Interpretation |
| 2 | Returns—political party registration |
| 3 | Dispositions by will |
| 4 | Deductible amount for certain payments under Part 13A Division 4 |
| 5 | Half yearly entitlement for special assistance funding |
| 6 | One-off payments of administrative funding |
| 7 | Returns |
| 8 | Details of associated entities |
-

Part 1—Preliminary**1—Short title**

These regulations may be cited as the *Electoral (Miscellaneous) Amendment Regulations 2025*.

2—Commencement

These regulations come into operation on the day on which section 10 of the *Electoral (Accountability and Integrity) Amendment Act 2024* comes into operation.

Part 2—Amendment of *Electoral Regulations 2024***3—Insertion of regulations 7A and 7B**

After regulation 7 insert:

7A—Notification of changes in registered political party—prescribed particulars

For the purposes of section 43B of the Act, the following particulars are prescribed:

- (a) the party's objects;
- (b) the party's constitution (and notification is to be effected by providing the Electoral Commissioner with an up to date copy of the constitution);
- (c) the procedure for amending the party's constitution;
- (d) the rules for membership of the party, including the procedure for accepting a person as a member and ending a person's membership;
- (e) the party structure;
- (f) the manner in which the party manages its internal affairs;
- (g) the procedure for selecting a person to hold an office in the party or for removing a person from office;
- (h) any officer or member of the party responsible for ensuring the party complies with Part 13A of the Act.

7B—Audits by Electoral Commissioner—prescribed requirement

- (1) For the purposes of section 43C(1) of the Act, before the commencement of an audit of the activities or documents of a political party under that section, notice must be served on the registered officer of the political party setting out—
 - (a) the name of the political party to be audited; and
 - (b) the fact that an audit is to be conducted under section 43C.
- (2) For the purposes of section 43C(1) of the Act, a person performing an audit under that section must, before requiring a party, its agent or any officer of the party to give access to documents or give information or explanations in accordance with section 43C(2), give the party, agent or officer (as the case requires) notice setting out the requirement and the time within which it must be complied with.

4—Insertion of Part 6A

After Part 6 insert:

Part 6A—Reviewable decisions**20A—Reviewable decisions**

For the purposes of section 100(1)(d) of the Act, the following decisions are prescribed:

- (a) a decision of the Electoral Commissioner as to the registration of a nominated entity under section 130JC of the Act;
- (b) a decision of the Electoral Commissioner to remove the name and address of an entity from the Register of Nominated Entities under section 130JD(5) of the Act;
- (c) decision of the Electoral Commissioner under section 130PE(2) of the Act to require repayment of an amount under section 130PA to 130PD of the Act (inclusive);
- (d) a decision of the Electoral Commissioner as to the registration of a third party under section 130ZUD of the Act;
- (e) a decision of the Electoral Commissioner to cancel the registration of a third party on the Electoral Commissioner's own initiative under section 130ZUF(2)(b) of the Act.

5—Substitution of Part 8

Part 8—delete the Part and substitute:

Part 8—Election funding, expenditure and disclosure**25—Interpretation—definition of auditor (section 130A)**

For the purposes of the definition of *auditor* in section 130A(1) of the Act, a person has the prescribed qualifications if the person is a registered company auditor within the meaning of the *Corporations Act 2001* of the Commonwealth.

26—Interpretation—definition of donation (section 130A)

For the purposes of paragraph (n) of the definition of *donation* in section 130A(1) of the Act, the following kinds of dispositions are prescribed:

- (a) a payment by a person or body to an officer or employee of the person or body who is a member of the governing body of a registered political party consisting of remuneration or expenses for the performance of their functions as a member of that governing body;
- (b) a payment of remuneration or expenses by a person or body to an officer or employee of the person or body whose functions as an officer or employee include electoral campaigning for a registered political party, group or candidate, unless the electoral campaigning is the primary employment function of the officer or employee.

27—Interpretation—definition of political expenditure (section 130A)

- (1) For the purposes of paragraph (e) of the definition of *political expenditure* in section 130A(1) of the Act, political expenditure includes expenditure incurred for the following purposes:

- (a) the production, display and distribution of electoral matter;
- (b) stationery for use in the production of electoral matter;
- (c) postage of electoral matter;
- (d) mobile telephones used by a candidate or prescribed staff solely for election campaign purposes;
- (e) employing or engaging a person as prescribed staff under a contract, agreement or other arrangement entered into during the capped expenditure period;
- (f) office accommodation and associated expenditure for a candidate in an election or for prescribed staff, other than office accommodation and associated expenditure in relation to an office that is the headquarters of a registered political party.

- (2) Despite subregulation (1)(e)—

- (a) political expenditure does not include expenditure incurred for the purpose of employing or engaging a replacement for prescribed staff employed or engaged before the commencement of the capped expenditure period; and
- (b) if prescribed staff employed or engaged before the commencement of the capped expenditure period undertake additional hours of work during the capped expenditure period, political expenditure does not include expenditure incurred on remuneration paid to staff for the additional hours of work.

- (3) For the purposes of paragraph (j) of the definition of *political expenditure* in section 130A(1) of the Act, political expenditure does not include expenditure of the following kinds:

- (a) expenditure incurred in employing or engaging—
 - (i) an auditor required for the purposes of the Act; or
 - (ii) any other person for the purpose of ensuring compliance with the Act;
 - (b) expenditure incurred on holding a meeting or advertising for the purposes of selecting or nominating a candidate in an election;
 - (c) expenditure incurred by a registered political party or an organisation for the purpose of holding a meeting relating to the general administration of that party or organisation (including the expenditure incurred in advertising such a meeting);
 - (d) expenditure incurred on the following:
 - (i) motor vehicles and motor vehicle accessories;
 - (ii) maintaining or running a motor vehicle;
 - (iii) insuring or registering a motor vehicle;
 - (iv) televisions and television equipment;
 - (v) radios and radio equipment;
 - (vi) electronic devices or equipment for recording sound or visual images;
 - (vii) photographic equipment;
 - (viii) purchasing computer software, hardware and accessories;
 - (ix) purchasing office furniture and equipment;
 - (x) food and drink;
 - (xi) travel undertaken by a candidate in an election or prescribed staff, and associated accommodation.
- (4) In this regulation—
- associated expenditure***, in relation to office accommodation, includes expenditure on the following:
- (a) rental payments (including on property and office equipment);
 - (b) mortgage and related interest payments;
 - (c) utilities such as gas, water and electricity, telephone and Internet;
- motor vehicle*** has the same meaning as in the *Motor Vehicles Act 1959*;
- prescribed staff*** means a person employed or engaged under a contract, agreement or other arrangement—
- (a) as election campaign staff; or
 - (b) to promote, or assist in the promotion of, a registered political party, candidate or group in an election; or
 - (c) to undertake research relating to a matter in an election.

- (5) A reference in the definition of *prescribed staff* to the promotion of a registered political party does not include a reference to the promotion of the value of membership of a registered political party.

28—Interpretation—definition of political expenditure—third party employees (section 130A)

For the purposes of paragraph (ia) of the definition of *political expenditure* in section 130A(1) of the Act, a person employed or engaged at any time during the capped expenditure period for an election by a third party solely to perform duties as a member of the third party's election campaign staff is an employee of a prescribed kind.

29—Principles for determining amount or value of donations other than money (section 130A)

For the purposes of section 130A(2) of the Act, the amount or value of a donation consisting of, or including, a disposition of property other than money will be determined in accordance with—

- (a) the principle that the amount or value of the property disposed of is the amount or value that a competent valuer of the property would give to the property based on a fair and reasonable valuation of the property; and
- (b) the principle that written evidence should be obtained for the purpose of determining the amount or value of the property disposed of (and that amount or value should reflect the written evidence).

30—Register of Nominated Entities (section 130JA)

For the purposes of section 130JA(2)(c) of the Act, the date on which the associated entity was appointed as a nominated entity of the relevant registered political party is prescribed.

31—Amounts to be paid into State campaign account (section 130L)

- (1) Subject to subregulation (2), for the purposes of section 130L(4) of the Act, a levy paid to a registered political party by a person in respect of the person's membership of the party is not required to be paid into the party's State campaign account.
- (2) If a levy (or part of a levy) referred to in subregulation (1) is to be used for the purposes of political expenditure, the agent of the registered political party must ensure that the levy (or the relevant part of the levy) is transferred into the party's State campaign account as soon as is reasonably practicable.

32—Advance payments—prescribed manner (sections 130PA, 130PB and 130PC)

For the purposes of sections 130PA(1), 130PB(1) and 130PC(1), (2)(c)(ii)(B) and (3) of the Act, the prescribed manner is payment by electronic funds transfer or such other manner as is determined by the Electoral Commissioner.

33—Modification of Part 13A in certain cases (section 139)

In accordance with section 139(2)(g) of the Act, the application of Part 13A of the Act is modified in relation to the resignation of a member of Parliament from a registered political party and the disendorsement of a person by a group, or a person no longer being a member of a group as follows:

- (a) section 130PC applies as if the following subsections were inserted after subsection (2):

- (2a) Despite a preceding provision but subject to subsection (2c), if a candidate for a Legislative Council election (held simultaneously with a general election)—

- (a) was endorsed by a registered political party (the *former party*) at the election at which they were most recently elected; and
 - (b) during their term of office (following that election), resigned from the former party; and
 - (c) is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the general election),

the Electoral Commissioner must pay advance funding to their agent as follows:

- (d) as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate for the Legislative Council election, pay to the candidate's agent 60% of the notional amount for the former party under section 130PC in respect of that election (and this payment will be treated as "Payment A" to the candidate's agent for the purposes of this Division); and
 - (e) as soon as reasonably practicable after the issue of the writs for the general election, pay to the candidate's agent 20% of the notional amount for the former party under section 130PC in respect of the Legislative Council election (and this payment will be treated as "Payment B" to the candidate's agent for the purposes of this Division).

(2b) Despite a preceding provision but subject to subsection (2c), if a candidate for a Legislative Council election (held simultaneously with a general election), other than a candidate of a kind referred to in subsection (2a)—

- (a) was a member of a group of candidates (the *former group*) at the election at which they were most recently elected; and
- (b) during their term of office (following that election), was disendorsed by the group or ceased to be a member of the group; and
- (c) is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the general election),

the Electoral Commissioner must pay advance funding to their agent as follows:

- (d) as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate for the Legislative Council election, pay to the candidate's agent 60% of the notional amount for the former group under section 130PC in respect of that election (and this payment will be treated as "Payment A" to the candidate's agent for the purposes of this Division); and
- (e) as soon as reasonably practicable after the issue of the writs for the general election, pay to the candidate's agent 20% of the notional amount for the former group under section 130PC in respect of the Legislative Council election (and this payment will be treated as "Payment B" to the candidate's agent for the purposes of this Division).

(2c) The total amount paid under subsection (2a) or (2b) to the agent of a candidate cannot exceed the amount equal to 80% of the candidate's applicable expenditure cap for the Legislative Council election.

34—Public funding—prescribed period and manner for making of payments (section 130R)

For the purposes of section 130R(1) of the Act—

- (a) the prescribed period is—
 - (i) if the amount is payable for votes given in an election in respect of which a petition is filed in the Court of Disputed Returns under Part 12 Division 2 of the Act—as soon as is reasonably practicable after the completion of the Court proceedings; or
 - (ii) in any other case—the period ending 120 days after polling day for the election to which the payment relates; and
- (b) the prescribed manner is payment by electronic funds transfer or such other manner as is determined by the Electoral Commissioner.

35—Administrative funding for political parties—nomination of party entitled to rely on person (section 130T)

For the purposes of section 130T(3)(b) of the Act, the Electoral Commissioner must give a person relied on by 2 or more registered political parties an opportunity to nominate the party entitled to rely on the person by giving the person a notice advising the person that—

- (a) the person is being relied on by 2 or more parties for the purposes of Part 13A Division 5 of the Act; and
- (b) the Act prevents the person from being so relied on; and
- (c) the person may nominate the party entitled to rely on the person for the purposes of Part 13A Division 5 of the Act; and
- (d) the nomination must be in writing and sent to the Electoral Commissioner; and
- (e) if no such nomination is received by the Electoral Commissioner within 30 days of the date of the notice, the person is not entitled to be relied on by any of the parties.

36—Claims for one-off payments of administrative funding (sections 130UA and 130UB)

- (1) For the purposes of sections 130UA(3)(a) and 130UB(3)(a) of the Act (and the definition of *prescribed administrative expenditure* in sections 130UA(7) and 130UB(7)), the prescribed date is 1 August 2026.
- (2) The following provisions apply to claims for administrative funding under sections 130UA(1)(b) or 130UB(1)(b) of the Act:
 - (a) a registered political party or non party member (as the case requires) may submit a series of claims for administrative funding under the relevant section;

- (b) a payment of administrative funding may be made in accordance with a claim if the claim includes evidence (such as an invoice) of the liability for prescribed administrative expenditure incurred (even if payment in respect of that liability has not been made at the time of submitting the claim).

Note—

Administrative funding payable under sections 130UA and 130UB of the Act to a registered political party or non-party member is subject to a maximum (see sections 130UA(2) and 130UB(2)).

37—Modification of Part 13A Division 5 in certain cases (section 130WA)

- (1) In accordance with section 130WA(3) of the Act, the application of Part 13A Division 5 of the Act is modified in circumstances where 2 or more registered political parties are associated in respect of an election as follows:
 - (a) section 130U applies as if the following subsections were inserted after subsection (2):
 - (2aaaa) However, if 2 or more registered political parties are associated in respect of an election, only 1 of the parties has a half yearly entitlement for each half yearly period during which the parties are associated.
 - (2aaa) In connection with subsection (2aaaa), if 2 or more registered political parties are so associated, the parties must give the Electoral Commissioner a notice, in a form determined by the Electoral Commissioner and signed by the agents of each party, specifying which party has the half yearly entitlement referred to in that subsection.
 - (2aa) If 2 or more registered political parties are associated for part of a half yearly period, the parties will be taken for the purposes of this Division to be associated for the whole of the half yearly period.
- (2) In accordance with section 130WA(3) of the Act, the application of Part 13A Division 5 of the Act is modified in circumstances where a registered political party and a non party member are associated in respect of an election as follows:
 - (a) section 130U applies as if the following subsections were inserted after subsection (2b):
 - (2c) However, if a registered political party and a non party member are associated in respect of an election, the non party member does not have a half yearly entitlement for each half yearly period during which the registered political party and non party member are associated.

- (2d) If a registered political party and a non party member are associated for part of a half yearly period, the registered political party and non party member will be taken for the purposes of this Division to be associated for the whole of the half yearly period.

38—Returns—prescribed details (sections 130ZF, 130ZG, 130ZH and 130ZHA)

- (1) For the purposes of paragraph (a) of section 130ZF(3) of the Act, paragraphs (a)(i) and (b)(i) of sections 130ZG(3), 130ZH(3) and 130ZHA(3) of the Act, paragraph (d) of the definition of *prescribed details* in section 130ZF and paragraph (c) of the definitions of *prescribed details* in sections 130ZG to 130ZHA (inclusive), the prescribed details that must be included in a return are—
 - (a) a declaration that the donation or loan was not from a foreign entity; and
 - (b) the details set out in subregulation (2).
- (2) For the purposes of subregulation (1)(b), the prescribed details in relation to each donation or loan are as follows:
 - (a) in the case of a donation or loan made—
 - (i) on behalf of the members of an incorporated or unincorporated association—
 - (A) the name and address of the association; and
 - (B) the names of the members of the executive committee (however described) of the association; and
 - (ii) out of a trust fund or out of the funds of a foundation—
 - (A) the names of the trustees of the fund or of the funds of the foundation; and
 - (B) the title (or other description) and address of the trust fund or the name and address of the foundation, as the case requires; and
 - (iii) by or on behalf of a body corporate—
 - (A) the name and address of the body corporate; and
 - (B) the names of the members of the board of the body corporate; and
 - (C) the name of any parent, subsidiary or related body corporate of the body corporate; and
 - (iv) in any other case—the name and address of the person who made the donation or loan;

- (b) in the case of a donation or loan received—
 - (i) from an incorporated or unincorporated association (on behalf of its members)—
 - (A) the name and address of the association; and
 - (B) the names of the members of the executive committee (however described) of the association; and
 - (ii) from a trust fund or the funds of a foundation—
 - (A) the names of the trustees of the fund or of the funds of the foundation; and
 - (B) the title (or other description) and address of the trust fund or the name and address of the foundation, as the case requires; and
 - (iii) from a body corporate—
 - (A) the name and address of the body corporate; and
 - (B) the names of the members of the board of the body corporate; and
 - (C) the name of any parent, subsidiary or related body corporate of the body corporate; and
 - (iv) in any other case—the name and address of the person from whom the donation or loan was received.
- (3) However, a return to which this regulation applies need not include details of the names of—
 - (a) the members of the executive committee of an incorporated association or the board of a body corporate; or
 - (b) any parent, subsidiary or related body corporate of a body corporate,

if those details are contained in a publication that is generally available to be inspected by members of the public and the return identifies the publication and specifies a website address at which it may be accessed or inspected.

39—Returns by registered political parties or third parties— prescribed details (sections 130ZN, 130ZO and 130ZP)

- (1) For the purposes of sections 130ZN(2)(b) and (d), 130ZO(1)(b) and (d) and 130ZP(1)(b) and (d) of the Act and paragraph (d) of the definitions of *prescribed details* in those sections, the prescribed details that must be included in a return are—
 - (a) in the case of an amount received from, or a sum owed to, an incorporated or unincorporated association (on behalf of its members)—

- (i) the name and address of the association; and
 - (ii) the names of the members of the executive committee (however described) of the association; and
- (b) in the case of an amount received from, or a sum owed to, a trust fund or the funds of a foundation—
 - (i) the names of the trustees of the fund or of the funds of the foundation; and
 - (ii) the title (or other description) and address of the trust fund or the name of the foundation, as the case requires; and
- (c) in the case of an amount received from, or a sum owed to, a body corporate—
 - (i) the name and address of the body corporate; and
 - (ii) the names of the members of the board of the body corporate; and
 - (iii) the name of any parent, subsidiary or related body corporate of the body corporate.

Note—

Paragraph (c) of the definition of *prescribed details* in section 130ZN(5), 130ZO(8) and 130ZP(5) of the Act requires disclosure of the name and address of the person from whom the amount or donation (as the case requires) was received or to whom the debt was incurred.

- (2) However, a return to which this regulation applies need not include particulars of the names of—
 - (a) the members of the executive committee of an incorporated association or the board of a body corporate; or
 - (b) any parent, subsidiary or related body corporate of a body corporate,

if those particulars are contained in a publication that is generally available to be inspected by members of the public and the return identifies the publication and specifies a website address at which it may be accessed or inspected.

40—Returns by associated entities (section 130ZO and 130ZZH)

In accordance with section 130ZZH(3) of the Act, the information to be provided in a return under section 130ZO of the Act is reduced such that an associated entity return, other than an associated entity return furnished by a nominated entity of a registered political party, need only set out amounts received or debts incurred for State electoral purposes.

41—Annual returns for donations received for political expenditure—prescribed details (section 130ZS)

For the purposes of section 130ZS(2) of the Act and paragraph (c) of the definition of *prescribed details* in section 130ZS(5), the prescribed details that must be included in a return are—

- (a) in the case of an amount received from an incorporated or unincorporated association (on behalf of its members)—
 - (i) the name and address of the association; and
 - (ii) the names of the members of the executive committee (however described) of the association; and
- (b) in the case of an amount received from a trust fund or the funds of a foundation—
 - (i) the names of the trustees of the fund or of the funds of the foundation; and
 - (ii) the title (or other description) and address of the trust fund or the name and address of the foundation, as the case requires; and
- (c) in the case of an amount received from a body corporate—
 - (i) the name and address of the body corporate; and
 - (ii) the names of the members of the board of the body corporate; and
 - (iii) the name of any parent, subsidiary or related body corporate of the body corporate.

42—Public inspection of returns—prescribed period (section 130ZY)

The prescribed period for the purposes of section 130ZY(5) of the Act is 3 business days.

43—Agent of party to notify Electoral Commissioner of number of candidates to be endorsed (section 139)

- (1) For the purposes of Part 13A of the Act, the agent of a registered political party must, in relation to an election, notify the Electoral Commissioner of the number of House of Assembly districts in which the party intends to endorse candidates for election and the number of candidates that the party intends to endorse for election in any simultaneous Legislative Council election.
- (2) Notification under subregulation (1) must be given in the certificate seeking advance funding lodged by the agent in respect of the election (or at any time before lodgement of that certificate).

44—Agent of party to notify Electoral Commissioner of disendorsement of candidate (section 139)

- (1) For the purposes of Part 13A of the Act, if a candidate endorsed by a registered political party in relation to an election ceases to be so endorsed, the agent of the party must, as soon as is reasonably practicable after the disendorsement (and in any event no later than 7 days after the disendorsement), give to the Electoral Commissioner a notice setting out—
 - (a) the name of the candidate; and
 - (b) the date of the disendorsement.
- (2) The agent must give a copy of the notice under subregulation (1) to the agent of the candidate on the same day on which it is given to the Electoral Commissioner.

45—Application and modification of Part 13A where candidate disendorsed by party (section 139)

In accordance with section 139(2)(g) of the Act, the application of Part 13A of the Act is modified in relation to the disendorsement of a candidate by a registered political party as follows:

- (a) section 130A applies as if the following subsection was inserted after subsection (9):
 - (9) For the purposes of this Part, if a candidate endorsed by a registered political party in relation to an election ceases to be so endorsed—
 - (a) prescribed party expenditure and prescribed candidate expenditure (both within the meaning of section 130Z(3aae)) will not be regarded as political expenditure of the party; and
 - (b) prescribed candidate expenditure (within the meaning of section 130Z(3aae)) will not be regarded as political expenditure of the candidate.;
- (b) section 130I applies as if the following subsection was inserted after subsection (3):
 - (4) If a candidate endorsed by a registered political party in relation to an election ceases to be so endorsed, the agent's appointment as agent of the candidate is taken to be revoked on the date of the disendorsement.;

- (c) section 130Z applies as if the following subsections were inserted after subsection (3):

(3aa) Despite the preceding provisions, if a candidate endorsed by a registered political party in relation to an election ceases to be so endorsed during the capped expenditure period for the election, the following provisions apply:

(a) if—

- (i) a candidate ceases to be endorsed after the hour of nomination; and
- (ii) the party does not endorse another candidate in the relevant electoral district,

any amount allocated by the party to the candidate under subsection (2) prior to the disendorsement is, for the purposes of determining the party's applicable expenditure cap under subsection (1)(b)(i), to be included in the calculation of the sum of the amounts allocated to candidates in accordance with subsection (2);

(b) if the candidate who has ceased to be endorsed subsequently—

- (i) contests the election other than as part of a group of candidates or registered political party; or
- (ii) forms part of a group of candidates; or
- (iii) is endorsed in relation to the election by another registered political party,

the applicable expenditure cap under subsection (1) that applies to the candidate, group or party (as the case requires) is reduced by the sum of the prescribed party expenditure and the prescribed candidate expenditure;

- (c) if paragraph (b)(iii) applies, the maximum amount that the other registered political party may allocate to the candidate under subsection (2) in relation to the election is \$100 000 (2026 indexed) less the sum of the prescribed party expenditure and the prescribed candidate expenditure.
- (3aab) For the purposes of the preceding provisions, if a candidate endorsed by a registered political party in relation to an election ceases to be so endorsed during the capped expenditure period for the election—
 - (a) the agent of a registered political party must, as soon as is reasonably practicable after the disendorsement (and in any event no later than 7 days after the disendorsement), furnish a return to the Electoral Commissioner setting out—
 - (i) the name of the candidate; and
 - (ii) the amount of prescribed party expenditure; and
 - (iii) the amount agreed between the candidate and the agent of the party (if any) under section 130Z(2)(a); and
 - (b) the agent of the candidate must, as soon as is reasonably practicable after the disendorsement (and in any event no later than 7 days after the disendorsement), furnish a return to the Electoral Commissioner setting out—
 - (i) the name of the candidate; and
 - (ii) the amount of prescribed candidate expenditure.
- (3aac) The agent of the registered political party must, so far as is reasonably practicable, make available to the agent of the candidate any records or information in the possession of the party relevant to a return under subsection (3aab)(b).

(3aad) The agent of the registered political party must give the agent of the candidate a copy of the return under subsection (3aab)(a), and the agent of the candidate must give the agent of the party a copy of the return under subsection (3aab)(b), on the same day on which the agent furnishes the relevant return to the Electoral Commissioner.

(3aae) In this section—

prescribed candidate expenditure, in relation to a candidate disendorsed by a registered political party, means political expenditure incurred (prior to the disendorsement) by the candidate (as set out in a return under subsection (3aab)(b)) during the capped expenditure period for the election;

prescribed party expenditure, in relation to a candidate disendorsed by a registered political party, means political expenditure incurred (prior to the disendorsement) by the party (as set out in a return under subsection (3aab)(a)) during the capped expenditure period for the election that—

- (a) in the case of a House of Assembly election—related to the election of the candidate in the relevant electoral district; or
- (b) in the case of a Legislative Council election—was for electoral matter that—
 - (i) expressly mentioned the name or displayed the image of the candidate; and
 - (ii) did not expressly mention the name or display the image of any other candidate endorsed by the party in relation to the Legislative Council election;

related to the election of the candidate has the same meaning as in section 130ZB(3).

46—Application and modification of Part 13A until 31 December 2026 in relation to certain dispositions of property (section 139)

In accordance with section 139(2)(ga) of the Act, Part 13A of the Act is modified in relation to a disposition of property by a body corporate to a related body corporate as follows:

- (a) section 130A applies as if the following subsection was inserted after subsection (3):

- (3a) However, a disposition of property by a body corporate to a related body corporate for no consideration or for inadequate consideration is taken to be a donation made by the body corporate to the related body corporate for the purposes of this Part.

47—Application and modification of Part 13A until 31 December 2026 in relation to advance public funding (section 139)

- (1) In accordance with section 139(2)(ga) of the Act, Part 13A of the Act is modified in accordance with the following subregulations until 31 December 2026.
- (2) Despite Part 13A and subject to subregulation (3), for the purposes of a payment under item 2 of the table in section 130PA(1) of the Act to the agent of a political party—
 - (a) registered after polling day for the general election immediately preceding the election to which the payment relates; and
 - (b) a member of which is a member of Parliament,the notional amount for the party will be taken to be the amount calculated by multiplying—
 - (c) the number of eligible votes given for the member at the previous election at which the member was elected; by
 - (d) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the general election in respect of which the payments under this subregulation are to be made.
- (3) If more than 1 member of a registered political party referred to in subregulation (2) is a member of Parliament, subregulation (2) applies subject to the following limitations:
 - (a) the party is only entitled to a payment under section 130PA of the Act for the election in respect of 1 member;
 - (b) the agent of the party must notify the Electoral Commissioner of the member on which the calculation of the notional amount is to be based.
- (4) Despite Part 13A and subject to subregulations (6) and (7), in relation to a political party (a *new party*) that—
 - (a) was registered after polling day for the Legislative Council election immediately preceding the commencement of this subregulation (the *relevant Legislative Council election*); and
 - (b) a member of which is a member of Parliament who was endorsed by another registered political party at the relevant Legislative Council election (the *former party*),

section 130PC(2)(c) of the Act applies as follows (provided that the member intends to stand as a candidate endorsed by the new party at the Legislative Council election due to be held in 2030):

- (c) the notional amount in respect of the 2030 Legislative Council election for the new party will be taken to be the amount calculated by multiplying—
 - (i) the number of eligible votes given for each candidate or group endorsed by the former party at the relevant Legislative Council election; by
 - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the 2026 general election;
 - (d) section 130PC(2)(c)(ii) and (iii) of the Act apply to the notional amount calculated under paragraph (c) as if it were a notional amount calculated under section 130PC(2)(c)(i)(B) of the Act.
- (5) Despite Part 13A and subject to subregulations (6) and (7), but without limiting subregulation (4), for the purposes of a payment under item 2 of the table in section 130PC(1) of the Act to the agent of a political party—
- (a) registered after polling day for the general election immediately preceding the election to which the payment relates (the **relevant election**); and
 - (b) a member of which is a member of Parliament who is a candidate for election at the relevant election,
- the notional amount for the party will be taken to be the amount calculated by multiplying—
- (c) —
 - (i) if the member was endorsed by another registered political party at the previous Legislative Council election at which the member was elected—the number of eligible votes given for each candidate or group endorsed by that registered political party at that election; or
 - (ii) in any other case—the number of eligible votes given for the member at the previous Legislative Council election at which the member was elected,(as the case requires); by
 - (d) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the relevant election.

-
- (6) If more than 1 member of a registered political party referred to in subregulation (4) or (5) is a member of Parliament, subregulation (4) or (5) (as the case requires) applies subject to the following limitations:
- (a) the party is only entitled to a payment under section 130PC of the Act for the election in respect of 1 member;
 - (b) the agent of the party must notify the Electoral Commissioner of the member on which the calculation of the notional amount is to be based.
- (7) The total amount paid—
- (a) under subregulation (4) to the agent of a registered political party cannot exceed \$50 000 (2026 indexed); or
 - (b) under subregulation (5) to the agent of a registered political party cannot exceed \$100 000 (2026 indexed).
- (8) Despite Part 13A and subject to subregulations (9) and (10), for the purposes of a payment under section 130PC of the Act to the agent of a group of a kind referred to in item 4 of the table in section 130PC(1) where the member of the group who is a member of Parliament was, at the election at which the member was most recently elected, endorsed by a registered political party, the notional amount for the group means the amount calculated by multiplying—
- (a) the number of eligible votes given for each candidate or group endorsed by that registered political party at the election at which the member was most recently elected; by
 - (b) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the election in respect of which the payments under this subregulation are to be made.
- (9) If more than 1 member of a group referred to in subregulation (8) is a member of Parliament, subregulation (8) applies subject to the following limitations:
- (a) the group is only entitled to a payment under section 130PC of the Act for the election in respect of 1 member;
 - (b) the agent of the group must notify the Electoral Commissioner of the member on which the calculation of the notional amount is to be based.
- (10) The total amount paid under subregulation (8), to the agent of a group cannot exceed \$100 000 (2026 indexed).

- (11) Despite Part 13A, for the purposes of a payment under item 3 of the table in section 130PA(1) of the Act to the agent of a member of Parliament who was most recently elected in a Legislative Council election and who is contesting an election in a House of Assembly district (other than as a candidate endorsed by a registered political party), the following provisions apply:
- (a) if 1 or more candidates not endorsed by registered political parties at the most recent general election was or were elected to the House of Assembly (a *successful independent*), the notional amount for the member means the amount calculated by multiplying—
 - (i) the number of eligible votes given for the successful independent who received the lowest number of eligible votes at the election at which they were elected; by
 - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the election in respect of which the payments under this subregulation are to be made;
 - (b) in any other case—the member is to be treated as an entitled candidate for the purposes of the Act (that is, a candidate who is not a recontesting candidate) on or after the day on which the member lodges a certificate under section 130PF of the Act.
- (12) Despite Part 13A, for the purposes of a payment under item 3 or 4 of the table in section 130PC(1) of the Act to the agent of a member of Parliament who was most recently elected in an election for a House of Assembly district and who is contesting (including as a member of a group) a Legislative Council election (other than as a candidate endorsed by a registered political party), the notional amount for the member (or, if the member is contesting as part of a group, the group) means the amount calculated by multiplying—
- (a) the number of eligible votes given for the member at the House of Assembly election at which they were most recently elected; by
 - (b) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the election in respect of which the payments under this subregulation are to be made.
- (13) For the purposes of section 130PG(1) of the Act, the determination of the applicable expenditure cap (being the maximum that an amount payable to the agent of a registered political party under sections 130PA to 130PC cannot exceed) will be based on the number of candidates the party intends to endorse in relation to the election as specified in the certificate under section 130PF of the Act.
- (14) Section 130PG(2) to (5) (inclusive) of the Act apply as if, after "entitled registered political party" (wherever occurring), the words "(other than a party that elects to be treated as a recontesting party)" were inserted.

- (15) A reference in this subregulation to a member of Parliament includes, in relation to an election, a reference to a person who was a member at the time of the dissolution of the Parliament in relation to the election.

48—Application and modification of Part 13A until 31 December 2026 in relation to early payment of certain advance funding (section 139)

In accordance with section 139(2)(ga) of the Act, Part 13A of the Act is modified in relation to the early payment of certain advance funding under section 130PD as follows:

- (a) section 130PD(1)(a) and (b) apply as if the following words were inserted after "percentage of the" wherever occurring:

Electoral Commissioner's reasonable estimate of the

49—Application and modification of Part 13A until 31 December 2026 in relation to repayment of certain amounts (section 139)

In accordance with section 139(2)(ga) of the Act, Part 13A of the Act is modified in relation to the repayment of any amount under section 130PA to 130PD (inclusive) as follows:

- (a) section 130PE applies as if the following subsection was inserted after subsection (2):

- (3) Despite subsection (2)(a), the Electoral Commissioner cannot require the repayment of any amount under section 130PA to 130PD (inclusive) that—

- (a) was paid to a candidate or group in respect of an election that the Electoral Commissioner is satisfied the candidate or group (as the case requires) has good reason for not contesting; and
- (b) was used by the candidate or group for State electoral purposes before the Electoral Commissioner became aware that the candidate or group (as the case requires) would not contest the election.

50—Application and modification of Part 13A until 31 December 2026 in relation to administrative funding and expenditure (section 139)

- (1) In accordance with section 139(2)(ga) of the Act, Part 13A of the Act is modified so that section 130U(1)(b)(i) of the Act does not apply.

Note—

If a registered political party is entitled to administrative funding under section 130U of the Act, the party is entitled to submit a claim for a one-off payment of administrative funding in accordance with section 130UA.

- (2) In accordance with section 139(2)(ga) of the Act, Part 13A of the Act is modified so that the following expenditure in respect of staff of a non party member engaged in administrative or operational matters for the member is administrative expenditure of the non party member:
- (a) expenditure on remuneration of the staff to the extent that that expenditure relates to the time that the staff are engaged in administrative or operational matters for the member;
 - (b) expenditure on training of the staff (including volunteers) in relation to administrative or operational matters for the member;
 - (c) equipment or vehicles used by the staff to the extent that that expenditure relates to use of the equipment or vehicles by the staff whilst engaged in administrative or operational matters for the member;
 - (d) expenditure on office accommodation for the staff and equipment referred to in this subregulation.

6—Insertion of Schedule A1

Before Schedule 1 insert:

Schedule A1—Transitional provisions relating to *Electoral (Accountability and Integrity) Amendment Act 2024*

1—Interpretation

In this Schedule—

amendment Act means the *Electoral (Accountability and Integrity) Amendment Act 2024*.

2—Returns—political party registration

For the purposes of section 43A of the Act (as in force after the commencement of section 6 of the amendment Act), the registered officer of a parliamentary party must furnish a return relating to the party to the Electoral Commissioner by 30 September 2025.

3—Dispositions by will

Part 13A of the Act (as in force immediately before the commencement of section 38 of the amendment Act) applies to a disposition made in accordance with a will of a testator who died before the commencement of that section.

4—Deductible amount for certain payments under Part 13A Division 4

- (1) In connection with paragraph (c)(ii) of section 130PA(2) of the Act, in calculating a notional amount in accordance with that paragraph, the deductible amount is to be determined as if section 130Q(5), (9) and (10) (as enacted by the amendment Act) were in effect on and from the 2022 general election.

- (2) In connection with paragraph (c) of section 130PC(2) of the Act, in calculating a notional amount in accordance with that paragraph, the deductible amount is to be determined as if section 130Q(5), (9) and (10) (as enacted by the amendment Act) were in effect on and from the 2018 Legislative Council election.

5—Half yearly entitlement for special assistance funding

The payment of a claim for a half yearly entitlement for special assistance funding made in accordance with Part 13A Division 5 of the Act (as in force immediately before the commencement of section 26 of the amendment Act) is not affected by the amendments to Part 13A Division 5 of the Act made by the amendment Act.

6—One-off payments of administrative funding

For the purposes of sections 130UA of the Act, a reference to administrative funding in those sections includes a reference to special assistance funding under Part 13A Division 5 of the Act (as in force immediately before the commencement of section 26 of the amendment Act).

7—Returns

- (1) For the purposes of section 130ZF of the Act (as in force immediately before the commencement of section 38 of the amendment Act), a return under that section for a candidate or group whose disclosure period commenced before 1 July 2025 must be furnished to the Electoral Commissioner within 30 days after 30 June 2025 in respect of gifts or loans received between the start of the disclosure period and 30 June 2025.
- (2) For the purposes of section 130ZG of the Act (as in force immediately before the commencement of section 38 of the amendment Act), a return under that section must be provided to the Electoral Commissioner within 30 days after 30 June 2025 in respect of gifts or loans referred to in section 130ZG(1) or (2) made between the start of the disclosure period and 30 June 2025.
- (3) A requirement to provide a return to the Electoral Commissioner under section 130ZH, 130ZI, 130ZN, 130ZO or 130ZP of the Act (as in force immediately before the commencement of section 38 of the amendment Act) is not affected by the amendments to Part 13A made by the amendment Act.
- (4) A return under section 130ZR or 130ZS of the Act for the financial year ending on 30 June 2025 must be provided to the Electoral Commissioner within 30 days after 30 June 2025.

8—Details of associated entities

For the purposes of section 130ZWB(1) of the Act, the details of each entity that the agent of a registered political party knows, or ought reasonably to know, is an associated entity in relation to the party must be furnished to the Electoral Commissioner by 30 September 2025.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 June 2025

No 40 of 2025

STATE GOVERNMENT INSTRUMENTS

BUILDING WORK CONTRACTORS ACT 1995

Exemption

Take notice that, pursuant to Section 45 of the *Building Work Contractors Act 1995*, I, Brett Humphrey as a delegate for the Minister for Consumer and Business Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

SCHEDULE 1

GOOLWA JETTY BUILDERS PTY LTD (BLD 262904)

SCHEDULE 2

Construction of a jetty adjacent to Allotment 1418 Deposited Plan 83262 being a portion of the land described in Certificate of Title Volume 6112 Folio 462, more commonly known as 100 Blanche Parade, Hindmarsh Island SA 5214.

SCHEDULE 3

1. This exemption is limited to domestic building work personally performed by the licensee in relation to the building work described in Schedule 2.
2. This exemption does not apply to any domestic building work the licensee contracts to another building work contractor, for which that contractor is required by law to hold building indemnity insurance.
3. That the owner does not transfer their interest in the land prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of Consumer and Business Services (CBS). Before giving such authorisation, CBS may require the owner to take any reasonable steps to protect the future purchaser(s) of the property, including but not limited to:
 - Providing evidence that an adequate policy of building indemnity insurance is in force to cover the balance of the five-year period from the date of completion of the building work the subject of this exemption;
 - Providing evidence of an independent expert inspection of the building work the subject of this exemption;
 - Making an independent expert report available to prospective purchasers of the property;
 - Giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated: 10 June 2025

BRETT HUMPHREY
Commissioner for Consumer Affairs
Delegate for the Minister for Consumer and Business Affairs

BUILDING WORK CONTRACTORS ACT 1995

Exemption

Take notice that, pursuant to Section 45 of the *Building Work Contractors Act 1995*, I, Brett Humphrey as a delegate for the Minister for Consumer and Business Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

SCHEDULE 1

GREGORY ROBERT MUEHLBERG (BLD 306308)

SCHEDULE 2

Construction of a single storey addition to an existing dwelling at Allotment 102, Deposited Plan 21163, being a portion of the land described in Certificate of Title Volume 5122 Folio 105, more commonly known as 52 Pursell Road, Bugle Ranges SA 5251.

SCHEDULE 3

1. This exemption is limited to domestic building work personally performed by the licensee in relation to the building work described in Schedule 2.
2. This exemption does not apply to any domestic building work the licensee contracts to another building work contractor, for which that contractor is required by law to hold building indemnity insurance.
3. That the licensee does not transfer his interest in the land prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of Consumer and Business Services (CBS). Before giving such authorisation, CBS may require the licensee to take any reasonable steps to protect the future purchaser(s) of the property, including but not limited to:
 - Providing evidence that an adequate policy of building indemnity insurance is in force to cover the balance of the five-year period from the date of completion of the building work the subject of this exemption;
 - Providing evidence of an independent expert inspection of the building work the subject of this exemption;
 - Making an independent expert report available to prospective purchasers of the property;
 - Giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated: 12 June 2025

BRETT HUMPHREY
Commissioner for Consumer Affairs
Delegate for the Minister for Consumer and Business Affairs

CONTROLLED SUBSTANCES (POISONS) REGULATIONS 2011

Revocation of Determination of a Prescribed Health Service Facility

By notice published in the *South Australian Government Gazette* on 26 September 2024, in accordance with Regulation 44A of the *Controlled Substances (Poisons) Regulations 2011*, the Minister for Health and Wellbeing determined the following facility to be a prescribed health service facility:

Integrative Health Solutions, trading as AylaMed, operating at 13 Laffers Road, Belair SA 5052.

Take notice that I, Christopher Picton, Minister for Health and Wellbeing, pursuant to Regulation 44A of the *Controlled Substances (Poisons) Regulations 2011*, hereby revoke that determination.

Dated: 16 June 2025

THE HON CHRISTOPHER JAMES PICTON, MP
Minister for Health and Wellbeing

EDUCATION AND CHILDREN'S SERVICES ACT 2019

Amending the Constitution of a Governing Council for a Government School

I, Caroline Fishpool, Lead Director, Conditions for Learning, Schools and Preschools, consider it necessary to amend the constitution of:

Adelaide North Special School
Allendale East Area School
Ardrossan Area School
Bordertown High School
Burra Community School
Carlton School
Coomandook Area School
Cowell Area School
Elliston Area School
Gladstone High School
Karna Plains School

To ensure that it takes the form of the model constitution for either schools with or without a school-based preschool, and therefore in accordance with Section 40(1) and (2) of the *Education and Children's Services Act 2019*, I amend the governing councils' constitutions such that they now read as follows:

ADELAIDE NORTH SPECIAL SCHOOL GOVERNING COUNCIL INCORPORATED

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- 25. Dissolution
- 26. Prohibition against Securing Profits for Members

GOVERNING COUNCIL MODEL CONSTITUTION
(School without a school-based preschool)

1. Name

The name of the council is Adelaide North Special School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

‘the Act’ means the *Education and Children’s Services Act 2019* as amended.

‘administrative instructions’ means administrative instructions issued pursuant to Section 9 of the Act.

‘administrative unit’ means a government department or attached office.

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

‘affiliated committee’ means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

‘chairperson’ means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘Chief Executive’ means the Chief Executive of the Department for Education.

‘governing council’ means the Adelaide North Special School Governing Council established under Section 34 of the Act.

‘council member’ are the members of the governing council.

‘department’ means the Department for Education.

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

‘general meeting’ means a public meeting of the school community.

‘government school’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

‘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’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term *includes* parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

‘principal’ means the person for the time being designated by the Chief Executive as the principal of the school.

‘regulations’ means the *Education and Children’s Services Regulations 2020*.

‘school’ means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

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

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

(1) at least 14 days written notice has been given to all council members 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 council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

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 forum for the involvement of parents and others in the school community

(ii) determining the educational needs of the local community, and their attitude towards educational developments within the school

(iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.

5.1.2 strategic planning for the school including:

(i) developing, monitoring and reviewing the objectives and targets of the strategic plan

(ii) considering, approving and monitoring human resource and asset management plans.

5.1.3 determine local policies for the school.

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

5.1.5 present plans and reports on the council's operations to the school community and Minister.

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 or Chief Executive.

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 on Council

The functions of the principal on 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 school's strategic plan, the school improvement 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 to council

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 council members
- 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members 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 Adelaide North Special School Governing Council must comprise 9 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 5 Elected parent members
 - 1 Staff member nominated by the staff of the school
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members 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, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 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;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members 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 council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member 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 council member, 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 council member nominated by the Student Representative Council (or equivalent) 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 council member 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 council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members 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 council members within one month of the Annual General Meeting.
 - 9.1.2 The chairperson must not be a member of the staff of the school, 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 14 days written notice is given to all council members 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 council members 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 council member 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) the constitution of the council and the code of practice;
- (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) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the 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 council member.

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 council member 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 statement of accounts to the Annual General Meeting.

10. Vacancies

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

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

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

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;

10.1.5 resigns by written notice to the council;

10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;

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

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

10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or

10.1.10 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 council member 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 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 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 council members, 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 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 meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members 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 council members 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 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a 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 council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a 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 council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members 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. This clause does not apply to the finance advisory committee.
- 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 37 of the Act, a council member 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 council member becomes aware of the interest;
- (ii) not take part in deliberations or decisions of the council with respect to that contract;
- (iii) not vote in relation to the contract; and
- (iv) be absent from the meeting room when any such discussion or voting is taking place.

12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.

12.2.3 If a council member 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 council member and the council; and
- (ii) the member is not liable to account for the profits derived from the contract.

13. **Election of Council Members**

13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 *Eligibility to vote*

Only parents of the school may vote to elect parent council members.

13.3 *Conduct of elections for parent council members*

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (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 council members 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); and
- (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 council member 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 person or persons 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 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees 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
- (ii) 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 positions of elected parent council member positions has 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 Council Members*

- 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 appropriately kept.
- 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, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 *Committees***

The council may appoint committees, comprised of council members or both council members and non-council members, 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 council member.

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; and
- (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. Finance and Accounts

- 16.1 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.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
- 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
 - (i) strategic and other 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;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 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 statement of receipts and expenditure of the council for the year ended as at the designated financial year.

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

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

19. The Common Seal

19.1 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 council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

20.1 The council is responsible for the safe and proper storage of its records.

20.2 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.

21. Amendment of the Constitution

21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.

21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.

21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

ALLENDALE EAST AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

(School without a school-based preschool)

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'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'Chief Executive' means the Chief Executive of the Department for Education.

'governing council' means the Allendale East Area School Governing Council established under Section 34 of the Act.

'council member' are the members of the governing council.

'department' means the Department for Education.

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

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

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'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'—the Act uses the term "person responsible for a child or student". In this constitution, the term "parent" will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

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

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

(1) at least 14 days written notice has been given to all council members 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 council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

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 forum for the involvement of parents and others in the school community

(ii) determining the educational needs of the local community, and their attitude towards educational developments within the school

(iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.

5.1.2 strategic planning for the school including:

(i) developing, monitoring and reviewing the objectives and targets of the strategic plan

(ii) considering, approving and monitoring human resource and asset management plans.

5.1.3 determine local policies for the school.

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

5.1.5 present plans and reports on the council's operations to the school community and Minister.

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 or Chief Executive.

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 on Council

The functions of the principal on 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 school's strategic plan, the school improvement 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 to council
 - 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 council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members 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 Allendale East Area School Governing Council must comprise 17 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 12 Elected parent members
 - 1 Staff member nominated by the staff of the school
 - 1 Community member appointed by the council
 - 2 Student representative(s) nominated by SRC or the students of the school
- 7.2 The majority of council members 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, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 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;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members 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 council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member 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 council member, 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 council member nominated by the Student Representative Council (or equivalent) 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 council member 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 council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members 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 council members within one month of the Annual General Meeting.

- 9.1.2 The chairperson must not be a member of the staff of the school, 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 14 days written notice is given to all council members 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 council members 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 council member 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) the constitution of the council and the code of practice;
 - (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) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
 - 9.4.3 The secretary must ensure that copies of the 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 council member.
 - 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 council member 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 statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 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;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 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 council member 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 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 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 council members, 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 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 meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members 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 council members 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 council members.
 - 11.3.2 Notice of meeting must be given by written notice to all council members within a 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 council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a 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 council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members 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. This clause does not apply to the finance advisory committee.
- 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 37 of the Act, a council member 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 council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member 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 council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members**13.1 Eligibility for Nomination for Election**

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (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 council members 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); and
 - (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 council member 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 person or persons 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 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees 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
- (ii) 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 positions of elected parent council member positions has 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 Council Members

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 appropriately kept.

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, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, 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 council member.

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; and
- (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. Finance and Accounts

16.1 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.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
- (i) strategic and other 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;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
- 18.2.2 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 statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 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 council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 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.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

ARDROSSAN AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

(School without a school-based preschool)

1. Name

The name of the council is Ardrossan Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

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

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘*Chief Executive*’ means the Chief Executive of the Department for Education.

‘*governing council*’ means the Ardrossan Area School Governing Council established under Section 34 of the Act.

‘*council member*’ are the members of the governing council.

‘*department*’ means the Department for Education.

‘*financial year*’ means the year ending 31 December or as varied by administrative instruction.

‘*general meeting*’ means a public meeting of the school community.

‘*government school*’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

‘*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*’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

‘*principal*’ means the person for the time being designated by the Chief Executive as the principal of the school.

‘*regulations*’ means the *Education and Children’s Services Regulations 2020*.

‘*school*’ means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

‘*school community*’ means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

‘*school improvement plan*’ means the agreement signed by the principal and the presiding member of the council that summarises the school’s contribution to improving student learning at the site.

‘*special resolution*’ of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members 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 council members who vote in person or by proxy at that meeting.

‘*student*’ is a person enrolled in the school or approved learning program.

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 forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council’s operations to the school community and Minister.

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 or Chief Executive.
- 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 on Council

The functions of the principal on 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 school's strategic plan, the school improvement 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 to council
 - 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 council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members 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 Ardrossan Area School Governing Council must comprise 12 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 8 Elected parent members
 - 1 Staff member nominated by the staff of the school
 - 2 Student representative(s) nominated by SRC or the students of the school
- 7.2 The majority of council members 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, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 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;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members 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 council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member 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 council member, 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 council member nominated by the Student Representative Council (or equivalent) 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 council member 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 council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members 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 council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, 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 14 days written notice is given to all council members 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 council members 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 council member 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) the constitution of the council and the code of practice;
 - (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) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the 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 council member.
- 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 council member 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 statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 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;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 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 council member 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 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 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 council members, 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 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 meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members 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 council members 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 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a 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 council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a 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 council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members 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. This clause does not apply to the finance advisory committee.
- 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 37 of the Act, a council member 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 council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member 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 council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members**13.1 Eligibility for Nomination for Election**

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by *one* of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (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 council members 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); and
 - (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 council member 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 person or persons 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 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees 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
- (ii) 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 positions of elected parent council member positions has 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 Council Members

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 appropriately kept.

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, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, 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 council member.

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; and
- (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. Finance and Accounts

16.1 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.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

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

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, Regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
- (i) strategic and other 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;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
- 18.2.2 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 statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 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 council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 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.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

BORDERTOWN HIGH SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION
(School *without* a school-based preschool)

1. Name

The name of the council is Bordertown High School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

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

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘*Chief Executive*’ means the Chief Executive of the Department for Education.

‘*governing council*’ means the Bordertown High School Governing Council established under Section 34 of the Act.

‘*council member*’ are the members of the governing council.

‘*department*’ means the Department for Education.

‘*financial year*’ means the year ending 31 December or as varied by administrative instruction.

‘*general meeting*’ means a public meeting of the school community.

‘*government school*’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

‘*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*’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

‘*principal*’ means the person for the time being designated by the Chief Executive as the principal of the school.

‘*regulations*’ means the *Education and Children’s Services Regulations 2020*.

‘*school*’ means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

‘*school community*’ means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

‘*school improvement plan*’ means the agreement signed by the principal and the presiding member of the council that summarises the school’s contribution to improving student learning at the site.

‘*special resolution*’ of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members 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 council members who vote in person or by proxy at that meeting.

‘*student*’ is a person enrolled in the school or approved learning program.

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 forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council’s operations to the school community and Minister.

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 or Chief Executive.
- 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 on Council

The functions of the principal on 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 school's strategic plan, the school improvement 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 to council
 - 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 council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members 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 Bordertown High School Governing Council must comprise 13 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 7 Elected parent members
 - 1 Staff member nominated by the staff of the school
 - 2 Community member(s) appointed by the council
 - 2 Student representative(s) nominated by SRC or the students of the school
- 7.2 The majority of council members 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, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 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;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members 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 council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member 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 council member, 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 council member nominated by the Student Representative Council (or equivalent) 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 council member 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 council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members 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 council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, 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 14 days written notice is given to all council members 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 council members 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 council member 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) the constitution of the council and the code of practice;
 - (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) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the 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 council member.
- 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 council member 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 statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 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;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 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 council member 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 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 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 council members, 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 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 meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members 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 council members 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 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a 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 council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a 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 council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members 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. This clause does not apply to the finance advisory committee.
- 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 37 of the Act, a council member 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 council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member 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 council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members**13.1 Eligibility for Nomination for Election**

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (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 council members 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); and
 - (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 council member 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 person or persons 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 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees 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
- (ii) 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 positions of elected parent council member positions has 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 Council Members

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 appropriately kept.

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, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, 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 council member.

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; and
- (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. Finance and Accounts

16.1 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.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
- (i) strategic and other 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;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
- 18.2.2 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 statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 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 council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 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.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

BURRA COMMUNITY SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

(School without a school-based preschool)

1. Name

The name of the council is Burra Community School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

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

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

‘*chairperson*’ means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘*Chief Executive*’ means the Chief Executive of the Department for Education.

‘*governing council*’ means the Burra Community School Governing Council established under Section 34 of the Act.

‘*council member*’ are the members of the governing council.

‘*department*’ means the Department for Education.

‘*financial year*’ means the year ending 31 December or as varied by administrative instruction.

‘*general meeting*’ means a public meeting of the school community.

‘*government school*’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

‘*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*’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

‘*principal*’ means the person for the time being designated by the Chief Executive as the principal of the school.

‘*regulations*’ means the *Education and Children’s Services Regulations 2020*.

‘*school*’ means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

‘*school community*’ means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

‘*school improvement plan*’ means the agreement signed by the principal and the presiding member of the council that summarises the school’s contribution to improving student learning at the site.

‘*special resolution*’ of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members 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 council members who vote in person or by proxy at that meeting.

‘*student*’ is a person enrolled in the school or approved learning program.

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 forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council’s operations to the school community and Minister.

- 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 or Chief Executive.
- 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 on Council

The functions of the principal on 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 school's strategic plan, the school improvement 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 to council
 - 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 council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members 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 Burra Community School Governing Council must comprise 17 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 12 Elected parent members
 - 1 Staff member nominated by the staff of the school (as per ratio in the administrative instructions).
 - 1 Community member appointed by the council
 - 2 Student representative(s) nominated by SRC or the students of the school
- 7.2 The majority of council members 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, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 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;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members 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 council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member 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 council member, 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 council member nominated by the Student Representative Council (or equivalent) 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 council member 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 council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members 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 council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, 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 14 days written notice is given to all council members 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 council members 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 council member 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) the constitution of the council and the code of practice;
 - (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) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the 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 council member.
- 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 council member 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 statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 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;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 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 council member 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 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 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 council members, 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 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 meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members 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 council members 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 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a 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 council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a 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 council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members 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. This clause does not apply to the finance advisory committee.
- 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 37 of the Act, a council member 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 council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member 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 council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members**13.1 Eligibility for Nomination for Election**

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (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 council members 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); and
 - (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 council member 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 person or persons 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 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees 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
- (ii) 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 positions of elected parent council member positions has 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 Council Members

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 appropriately kept.

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, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, 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 council member.

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; and
- (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. Finance and Accounts

16.1 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.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
- (i) strategic and other 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;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
- 18.2.2 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 statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 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 council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 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.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

CARLTON SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION
(School without a school-based preschool)

1. Name

The name of the council is Carlton School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

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

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

'*Chief Executive*' means the Chief Executive of the Department for Education.

'*governing council*' means the Carlton School Governing Council established under Section 34 of the Act.

'*council member*' are the members of the governing council.

'*department*' means the Department for Education.

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

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

'*government school*' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'*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*' -the Act uses the term "person responsible for a child or student". In this constitution, the term "parent" will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'*principal*' means the person for the time being designated by the Chief Executive as the principal of the school.

'*regulations*' means the *Education and Children's Services Regulations 2020*.

'*school*' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

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

'*school improvement plan*' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'*special resolution*' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members 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 council members who vote in person or by proxy at that meeting.

'*student*' is a person enrolled in the school or approved learning program.

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 forum for the involvement of parents and others in the school community
- (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
- (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.

5.1.2 strategic planning for the school including:

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

5.1.3 determine local policies for the school.

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

5.1.5 present plans and reports on the council's operations to the school community and Minister.

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 or Chief Executive.
- 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 on Council

The functions of the principal on 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 school's strategic plan, the school improvement 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 to council
 - 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 council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members 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 Carlton School Governing Council must comprise 11 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 6 Elected parent members
 - 1 Staff member(s) nominated by the staff of the school (as per ratio in the administrative instructions).
 - 1 Community member(s) appointed by the council
 - 2 Student representative(s) nominated by SRC or the students of the school
- 7.2 The majority of council members 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, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 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;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members 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 council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member 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 council member, 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 council member nominated by the Student Representative Council (or equivalent) 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 council member 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 council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members 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 council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, 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 14 days written notice is given to all council members 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 council members 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 council member 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) the constitution of the council and the code of practice;
 - (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) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the 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 council member.
- 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 council member 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 statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 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;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 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 council member 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 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 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 council members, 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 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 meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members 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 council members 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 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a 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 council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a 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 council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members 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. This clause does not apply to the finance advisory committee.
- 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 37 of the Act, a council member 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 council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member 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 council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members**13.1 Eligibility for Nomination for Election**

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by *one* of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (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 council members 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); and
 - (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 council member 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 person or persons 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 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees 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
- (ii) 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 positions of elected parent council member positions has 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 Council Members

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 appropriately kept.

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, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, 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 council member.

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; and
- (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. Finance and Accounts

16.1 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.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
- (i) strategic and other 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;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
- 18.2.2 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 statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 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 council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 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.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

COOMANDOOK AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION
(School with a school-based preschool)

1. Name

The name of the council is Coomandook Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

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

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘*Chief Executive*’ means the Chief Executive of the Department for Education.

‘*governing council*’ means the Coomandook Area School Governing Council established under Section 34 of the Act.

‘*council member*’ are the members of the governing council.

‘*department*’ means the Department for Education.

‘*financial year*’ means the year ending 31 December or as varied by administrative instruction.

‘*general meeting*’ means a public meeting of the school community.

‘*government school*’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

‘*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*’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

‘*principal*’ means the person for the time being designated by the Chief Executive as the principal of the school.

‘*regulations*’ means the *Education and Children’s Services Regulations 2020*.

‘*school*’ means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

‘*school community*’ means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

‘*school improvement plan*’ means the agreement signed by the principal and the presiding member of the council that summarises the school’s contribution to improving student learning at the site.

‘*special resolution*’ of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members 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 council members who vote in person or by proxy at that meeting.

‘*student*’ is a person enrolled in the school or approved learning program.

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 forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council’s operations to the school community and Minister.

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 or Chief Executive.
- 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 on Council

The functions of the principal on 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 school's strategic plan, the school improvement 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 to council
 - 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 council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members 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 Coomandook Area School Governing Council must comprise 17 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 10 Elected parent members (including preschool parents)
 - 1 Staff member nominated by the staff of the school
 - 2 Community members appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
 - 1 Person nominated by an Aboriginal forum group
- 7.2 The majority of council members 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, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act, or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 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;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members 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 council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member 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 council member, 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 council member nominated by the Student Representative Council (or equivalent) 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 council member 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 council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members 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 council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, 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 14 days written notice is given to all council members 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 council members 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 council member 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) the constitution of the council and the code of practice;
 - (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) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the 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 council member.
- 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 council member 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 statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 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;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 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 council member 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 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 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 council members, 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 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 meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members 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 council members 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 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a 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 council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a 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 council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members 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. This clause does not apply to the finance advisory committee.
- 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 37 of the Act, a council member 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 council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member 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 council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members**13.1 Eligibility for Nomination for Election**

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by *one* of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (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 council members 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); and
 - (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 council member 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 person or persons 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 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees 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
- (ii) 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 positions of elected parent council member positions has 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 Council Members

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 appropriately kept.

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, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, 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 council member.

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; and
- (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. Finance and Accounts

16.1 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.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
- (i) strategic and other 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;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
- 18.2.2 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 statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 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 council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 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.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

COWELL AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

(School without a school-based preschool)

1. Name

The name of the council is Cowell Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

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

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘*Chief Executive*’ means the Chief Executive of the Department for Education.

‘*governing council*’ means the Cowell Area School Governing Council established under Section 34 of the Act.

‘*council member*’ are the members of the governing council.

‘*department*’ means the Department for Education.

‘*financial year*’ means the year ending 31 December or as varied by administrative instruction.

‘*general meeting*’ means a public meeting of the school community.

‘*government school*’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

‘*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*’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

‘*principal*’ means the person for the time being designated by the Chief Executive as the principal of the school.

‘*regulations*’ means the *Education and Children’s Services Regulations 2020*.

‘*school*’ means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

‘*school community*’ means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

‘*school improvement plan*’ means the agreement signed by the principal and the presiding member of the council that summarises the school’s contribution to improving student learning at the site.

‘*special resolution*’ of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members 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 council members who vote in person or by proxy at that meeting.

‘*student*’ is a person enrolled in the school or approved learning program.

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 forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council’s operations to the school community and Minister.

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 or Chief Executive.
- 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 on Council

The functions of the principal on 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 school's strategic plan, the school improvement 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 to council
 - 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 council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members 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 Cowell Area School Governing Council must comprise Cowell Area School 15 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 8 Elected parent members
 - 1 Staff member nominated by the staff of the school
 - 2 Community member(s) appointed by the council
 - 2 Student representative(s) nominated by SRC or the students of the school
 - 1 Affiliated committee member nominated by the Parents and Friends Committee
- 7.2 The majority of council members 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, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 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;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members 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 council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member 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 council member, 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 council member nominated by the Student Representative Council (or equivalent) 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 council member 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 council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members 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 council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, 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 14 days written notice is given to all council members 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 council members 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 council member 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) the constitution of the council and the code of practice;
 - (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) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the 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 council member.
- 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 council member 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 statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 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;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 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 council member 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 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 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 council members, 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 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 meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members 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 council members 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 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a 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 council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a 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 council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members 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. This clause does not apply to the finance advisory committee.
- 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 37 of the Act, a council member 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 council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member 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 council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members**13.1 Eligibility for Nomination for Election**

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by *one* of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (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 council members 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); and
 - (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 council member 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 person or persons 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 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees 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
- (ii) 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 positions of elected parent council member positions has 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 Council Members

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 appropriately kept.

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, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, 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 council member.

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; and
- (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. Finance and Accounts

16.1 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.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

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

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, Regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
- (i) strategic and other 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;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
- 18.2.2 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 statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 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 council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 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.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

ELLISTON AREA SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION
(School without a school-based preschool)

1. Name

The name of the council is Elliston Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

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

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘*Chief Executive*’ means the Chief Executive of the Department for Education.

‘*governing council*’ means the Elliston Area School Governing Council established under Section 34 of the Act.

‘*council member*’ are the members of the governing council.

‘*department*’ means the Department for Education.

‘*financial year*’ means the year ending 31 December or as varied by administrative instruction.

‘*general meeting*’ means a public meeting of the school community.

‘*government school*’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a *special* purpose school.

‘*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*’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term *includes* parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

‘*principal*’ means the person for the time being designated by the Chief Executive as the principal of the school.

‘*regulations*’ means the *Education and Children’s Services Regulations 2020*.

‘*school*’ means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

‘*school community*’ means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a *legitimate* interest in or connection with the school.

‘*school improvement plan*’ means the agreement signed by the principal and the presiding member of the council that summarises the school’s *contribution* to improving student learning at the site.

‘*special resolution*’ of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members 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 council members who vote in person or by proxy at that meeting.

‘*student*’ is a person enrolled in the school or approved learning program.

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 forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council’s operations to the school community and Minister.

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 or Chief Executive.
- 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 on Council

The functions of the principal on 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 school's strategic plan, the school improvement 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 to council
 - 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 council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members 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 Elliston Area School Governing Council must comprise 11 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 6 Elected parent members
 - 1 Staff member nominated by the staff of the school (as per ratio in the administrative instructions)
 - 1 Community member appointed by the council
 - 2 Student representative(s) nominated by SRC or the students of the school
- 7.2 The majority of council members 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, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 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;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members 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 council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member 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 council member, 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 council member nominated by the Student Representative Council (or equivalent) 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 council member 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 council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members 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 council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, 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 14 days written notice is given to all council members 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 council members 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 council member 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) the constitution of the council and the code of practice;
 - (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) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the 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 council member.
- 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 council member 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 statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 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;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 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 council member 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 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 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 council members, 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 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 meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members 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 council members 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 council members.
 - 11.3.2 Notice of meeting must be given by written notice to all council members within a 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 council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a 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 council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members 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. This clause does not apply to the finance advisory committee.
- 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 37 of the Act, a council member 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 council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member 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 council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members**13.1 Eligibility for Nomination for Election**

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (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 council members 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); and
 - (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 council member 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 person or persons 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 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees 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
- (ii) 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 positions of elected parent council member positions has 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 Council Members

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 appropriately kept.

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, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, 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 council member.

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; and
- (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. Finance and Accounts

16.1 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.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
- (i) strategic and other 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;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
- 18.2.2 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 statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 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 council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 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.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits For Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

GLADSTONE HIGH SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION
(School without a school-based preschool)

1. Name

The name of the council is Gladstone High School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

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

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘*Chief Executive*’ means the Chief Executive of the Department for Education.

‘*governing council*’ means the Gladstone High School Governing Council established under Section 34 of the Act.

‘*council member*’ are the members of the governing council.

‘*department*’ means the Department for Education.

‘*financial year*’ means the year ending 31 December or as varied by administrative instruction.

‘*general meeting*’ means a public meeting of the school community.

‘*government school*’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a *special* purpose school.

‘*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*’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term *includes* parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

‘*principal*’ means the person for the time being designated by the Chief Executive as the principal of the school.

‘*regulations*’ means the *Education and Children’s Services Regulations 2020*.

‘*school*’ means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

‘*school community*’ means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a *legitimate* interest in or connection with the school.

‘*school improvement plan*’ means the agreement signed by the principal and the presiding member of the council that summarises the school’s *contribution* to improving student learning at the site.

‘*special resolution*’ of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members 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 council members who vote in person or by proxy at that meeting.

‘*student*’ is a *person* enrolled in the school or approved learning program.

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 forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council’s operations to the school community and Minister.

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 or Chief Executive.
- 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 on Council

The functions of the principal on 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 school's strategic plan, the school improvement 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 to council
 - 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 council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members 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 Gladstone High School Governing Council must comprise 14 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 8 Elected parent members
 - 1 Staff member(s) nominated by the staff of the school (as per ratio in the administrative instructions)
 - 1 Community members(s) appointed by the council
 - 2 Student representative(s) nominated by SRC or the students of the school
 - 1 Member nominated from the Aboriginal Forum
- 7.2 The majority of council members 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, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 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;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members 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 council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member 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 council member, 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 council member nominated by the Student Representative Council (or equivalent) 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 council member 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 council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members 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 council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, 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 14 days written notice is given to all council members 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 council members 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 council member 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) the constitution of the council and the code of practice;
 - (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) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the 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 council member.
- 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 council member 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 statement of accounts to the Annual General Meeting.

10 Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 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;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 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 council member 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 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 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 council members, 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 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 meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members 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 council members 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 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a 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 council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a 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 council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members 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. This clause does not apply to the finance advisory committee.
- 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 37 of the Act, a council member 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 council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member 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 council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members**13.1 Eligibility for Nomination for Election**

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (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 council members 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); and
 - (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 council member 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 person or persons 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 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees 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
- (ii) 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 positions of elected parent council member positions has 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 Council Members

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 appropriately kept.

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, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, 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 council member.

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; and
- (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. Finance and Accounts

16.1 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.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
- (i) strategic and other 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;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
- 18.2.2 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 statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 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 council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 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.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

KAURNA PLAINS SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

(School *without* a school-based preschool)

1. Name

The name of the council is Kaurna Plains School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

'the Act' means the *Education and Children's Services Act 2019* as amended.

'administrative instructions' means administrative instructions issued pursuant to Section 9 of the Act.

'administrative unit' means a government department or attached office.

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

'affiliated committee' means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

'chairperson' means the presiding member of the governing council as referred to in Section 35(3) of the Act.

‘*Chief Executive*’ means the Chief Executive of the Department for Education.

‘*governing council*’ means the Kurna Plains School Governing Council established under Section 34 of the Act.

‘*council member*’ are the members of the governing council.

‘*department*’ means the Department for Education.

‘*financial year*’ means the year ending 31 December or as varied by administrative instruction.

‘*general meeting*’ means a public meeting of the school community.

‘*government school*’ means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a *special* purpose school.

‘*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*’—the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This *term* includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

‘*principal*’ means the person for the time being designated by the Chief Executive as the principal of the school.

‘*regulations*’ means the *Education and Children’s Services Regulations 2020*.

‘*school*’ means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

‘*school community*’ means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

‘*school improvement plan*’ means the agreement signed by the principal and the presiding member of the council that summarises the school’s contribution to improving student learning at the site.

‘*special resolution*’ of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members 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 council members who vote in person or by proxy at that meeting.

‘*student*’ is a person enrolled in the school or approved learning program.

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 forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council’s operations to the school community and Minister.

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 or Chief Executive.
- 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 on Council

The functions of the principal on 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 school's strategic plan, the school improvement 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 to council
 - 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 council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members 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 Kurna Plains School Governing Council must comprise 13 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 7 Elected parent members
 - 1 Staff member nominated by the staff of the school (as per ratio in the administrative instructions)
 - 1 Community member appointed by the council
 - 2 Student representative(s) nominated by SRC or the students of the school
 - 1 ASSPA Committee member
- 7.2 The majority of council members 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, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 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;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

- 8.1 Elected parent members 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 council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member 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 council member, 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 council member nominated by the Student Representative Council (or equivalent) 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 council member 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 council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members 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 council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, 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 14 days written notice is given to all council members 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 council members 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 council member 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) the constitution of the council and the code of practice;
 - (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) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the 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 council member.
- 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 council member 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 statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 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;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 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 council member 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 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 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 council members, 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 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 meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members 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 council members 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 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a 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 council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council**12.1 Meetings**

- 12.1.1 The quorum for a 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 council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members 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. This clause does not apply to the finance advisory committee.
- 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 37 of the Act, a council member 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 council member becomes aware of the interest;
 - (ii) not take part in deliberations or decisions of the council with respect to that contract;
 - (iii) not vote in relation to the contract; and
 - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member 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 council member and the council; and
 - (ii) the member is not liable to account for the profits derived from the contract.

13. Election of Council Members**13.1 Eligibility for Nomination for Election**

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

13.2 Eligibility to Vote

Only parents of the school may vote to elect parent council members.

13.3 Conduct of Elections for Parent Council Members

The principal must conduct elections for parent council members by one of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (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 council members 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); and
 - (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 council member 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 person or persons 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 A contested election must be conducted by secret ballot.

13.7 Scrutineers

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees 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
- (ii) 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 positions of elected parent council member positions has 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 Council Members

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 appropriately kept.

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, copies of the minutes of any meetings must be made available for inspection by any council member.

15. Subcommittees**15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, 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 council member.

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; and
- (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. Finance and Accounts

16.1 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.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
- (i) strategic and other 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;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
- 18.2.2 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 statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 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 council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 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.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

Members of the council must comply with the code of practice approved by the Minister.

23. Dispute Resolution

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

24. Public Access to the Constitution and Code of Practice

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

25. Dissolution

In accordance with Section 43 of the Act, the Minister may dissolve the council.

26. Prohibition against Securing Profits for Members

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

These amendments take effect from the date of publication of this notice in the Gazette.

Dated: 19 June 2025

CAROLINE FISHPOOL
Lead Director, Conditions for Learning, Schools and Preschools
Delegate of the Minister for Education

EDUCATION AND CHILDREN’S SERVICES ACT 2019

South Australia

Education and Children’s Services (Fees) Notice 2025

under the *Education and Children’s Services Act 2019*

1—Short title

This notice may be cited as the *Education and Children’s Services (Fees) Notice 2025*.

Note—

This is a fee notice made in accordance with the *Legislation (Fees) Act 2019*.

2—Commencement

This notice has effect on 21 July 2025.

3—Interpretation

In this notice, unless the contrary intention appears—

Act means the *Education and Children’s Services Act 2019*;

Non-school aged child means a child who is not yet a school aged child;

School aged child means a child who has commenced primary school, or will be commencing primary school later in the same year, or a child who is of or above 6 years of age;

Rural care program means a centre-based child care service which operates within a government preschool facility and is provided in a rural community by the Department for Education under the Act.

4—Fees

For the purposes of the Act, the fees set out in Schedule 1 are prescribed for rural care programs.

In the case of a non-school age child:

Full day session (8:00am-6:00pm)	\$98.00
Morning session (8:00am-1:00pm)	\$49.00
Afternoon session (1:00pm-6:00pm)	\$49.00
Before preschool session (8:00am-9:00am)	\$9.80
After preschool session (3:00pm-6:00pm)	\$29.40
Casual care	\$9.80 per hour
Late collection fee	\$10.00 per 10 minutes or part thereof

In the case of a school aged child:

Before school care (8:00am-9:00am)	\$7.70
After school care (3:00pm-6:00pm)	\$23.10
Vacation care morning (8:00am-1:00pm)	\$38.50
Vacation care afternoon (1:00pm-6:00pm)	\$38.50
Vacation care full day (8:00am-6:00pm)	\$77.00
Late collection fee	\$10.00 per 10 minutes or part thereof

Made by the Minister for Education, Training and Skills

On 16 June 2025

ELECTORAL ACT 1985

Part 6—Registration of Political Parties

Notice is hereby given that the following application for registration as a registered political party under the provisions of Part 6 of the *Electoral Act 1985*, has been received:

Name of Party	Sarah Game Fair Go for Australians
Abbreviation of Party Name	Fair Go for Australians
Name of Applicant	Sarah Leslie Game

Any elector who believes the application is not in accordance with the *Electoral Act 1985* can formally object in writing to the Electoral Commissioner, Level 6, 60 Light Square Adelaide SA 5000 by 5pm (ACST) on Monday, 21 July 2025. Objections must contain the postal address and signature of the objector and detail the grounds upon which the objection is made.

Dated: 19 June 2025

MICK SHERRY
Electoral Commissioner

ENERGY RESOURCES ACT 2000

Application for Grant of Associated Activities Licence—AAL 325

Pursuant to Section 65(6) of the *Energy Resources Act 2000* and delegation dated 19 August 2024, notice is hereby given that an application for the grant of an associated activities licence over the area described below has been received from:

Vamgas Pty Ltd
Impress (Cooper Basin) Pty Ltd

The application will be determined on or after 17 July 2025.

Description of Application Area

All that part of the State of South Australia, bounded as follows:

All coordinates GDA2020, Zone 54

475548.42mE	6971847.15mN
477477.64mE	6971854.51mN
477478.53mE	6971347.59mN
475888.87mE	6970319.31mN
474613.01mE	6970321.38mN
474306.92mE	6970014.79mN
474311.27mE	6969198.10mN
473451.20mE	6968505.78mN
472841.75mE	6968860.03mN
473429.46mE	6969791.18mN
473709.92mE	6970114.75mN
475548.42mE	6971847.15mN

AREA: **4.97** square kilometres approximately

Dated: 17 June 2025

LEE KINNEAR
General Manager
Energy Resources Licensing
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

Application for Grant of Associated Activities Licence—AAL 326

Pursuant to Section 65(6) of the *Energy Resources Act 2000* and delegation dated 19 August 2024, notice is hereby given that an application for the grant of an associated activities licence over the area described below has been received from:

Vamgas Pty Ltd
Impress (Cooper Basin) Pty Ltd

The application will be determined on or after 17 July 2025.

Description of Application Area

All that part of the State of South Australia, bounded as follows:

All coordinates in GDA2020, Zone 54

467192.10mE	6970914.52mN
467467.45mE	6970625.05mN
467522.42mE	6970733.20mN
467776.48mE	6970593.42mN
467726.11mE	6970475.61mN
467768.12mE	6970451.34mN
467845.91mE	6970437.65mN

467945.31mE 6970377.15mN
467976.28mE 6970331.05mN
468007.98mE 6970313.76mN
468194.53mE 6970265.50mN
468371.73mE 6970103.43mN
470126.13mE 6969088.78mN
472481.87mE 6969069.19mN
473451.20mE 6968505.78mN
473400.20mE 6968464.73mN
472470.39mE 6969011.96mN
471547.42mE 6969018.58mN
471547.83mE 6968926.60mN
471348.49mE 6968924.58mN
471347.68mE 6969019.79mN
470105.48mE 6969029.47mN
470096.14mE 6969034.87mN
470055.70mE 6968950.02mN
469878.82mE 6969056.56mN
469917.57mE 6969138.01mN
468828.17mE 6969767.25mN
468789.52mE 6969683.28mN
468609.67mE 6969785.72mN
468649.04mE 6969870.71mN
467432.80mE 6970573.86mN
467169.56mE 6970866.37mN
467192.10mE 6970914.52mN

AREA: **0.52** square kilometres approximately

Dated: 17 June 2025

LEE KINNEAR
General Manager
Energy Resources Licensing
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

Partial Surrender of Petroleum Retention Licence—PRL 188

Notice is hereby given that I have accepted the partial surrender of the abovementioned retention licence under the provisions of the *Energy Resources Act 2000*, pursuant to delegated powers dated 19 August 2024:

No. of Licence	Licensees	Locality	Effective Date	Reference
PRL 188	Bass Oil Cooper Basin Pty Ltd	Cooper Basin	1 November 2024	F2015/000527

Description of Licence Area Remaining

All that part of the State of South Australia, bounded as follows:

Area A

Commencing at a point being the intersection of latitude 26°51'05"S GDA2020 and longitude 140°37'00"E GDA94, thence east to longitude 140°42'45"E GDA2020, south to latitude 26°52'20"S GDA94, west to longitude 140°37'00"E GDA94, and north to the point of commencement.

Area B

Commencing at a point being the intersection of latitude 26°49'15"S GDA2020 and longitude 140°40'45"E GDA2020, thence east to longitude 140°40'50"E GDA94, south to latitude 26°49'30"S GDA2020, west to longitude 140°40'45"E GDA2020, south to latitude 26°49'45"S GDA2020, west to longitude 140°40'40"E GDA2020, south to latitude 26°49'55"S GDA2020, west to longitude 140°40'35"E GDA2020, south to latitude 26°50'05"S GDA2020, west to longitude 140°40'30"E GDA2020, south to latitude 26°50'15"S GDA2020, west to longitude 140°40'25"E GDA2020, south to latitude 26°50'20"S GDA2020, west to longitude 140°40'20"E GDA2020, south to latitude 26°50'25"S GDA2020, west to longitude 140°40'05"E GDA2020, north to latitude 26°50'20"S GDA2020, east to longitude 140°40'10"E GDA2020, north to latitude 26°50'15"S GDA2020, east to longitude 140°40'20"E GDA2020, north to latitude 26°50'05"S GDA2020, east to longitude 140°40'25"E GDA2020, north to latitude 26°49'55"S GDA2020, east to longitude 140°40'30"E GDA2020, north to latitude 26°49'50"S GDA2020, east to longitude 140°40'35"E GDA2020, north to latitude 26°49'40"S GDA2020, east to longitude 140°40'40"E GDA2020, north to latitude 26°49'25"S GDA2020, east to longitude 140°40'45"E GDA2020 and north to the point of commencement.

AREA: **22** square kilometres approximately.

Dated: 11 June 2025

BENJAMIN ZAMMIT
Executive Director
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

Statement of Environmental Objectives—5 Year Review

Pursuant to Section 101(3) of the *Energy Resources Act 2000* (the Act) I, Benjamin Zammit, Executive Director—Regulation and Compliance Division, Department for Energy and Mining do hereby publish the following document as having been approved as a statement of environmental objectives under the Act.

Documents:

- Onshore Otway Basin Production Operations—Statement of Environmental Objectives, Beach Energy, May 2025

This document is available for public inspection on the Environmental Register Section of the following webpage:

<https://www.energymining.sa.gov.au/industry/energy-resources/regulation/environmental-register>

or at the Public Office determined pursuant to Section 107(1) of the Act to be at:

Energy Resources Division
Customer Services
Level 4
11 Waymouth Street
Adelaide SA 5000

Dated: 17 June 2025

BENJAMIN ZAMMIT
Executive Director
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

FISHERIES MANAGEMENT (GENERAL) REGULATIONS 2017

REGULATION 23F

Determination—Taking of Cuttlefish from the Cuttlefish Closure Area

As the delegate of the Minister for Primary Industries and Regional Development, I, Professor Gavin Begg make the following determination for the purposes of Regulation 23F of the *Fisheries Management (General) Regulations 2017* in regard to the taking of cuttlefish from the cuttlefish closure area in the Upper Spencer Gulf, unless this notice is otherwise varied or revoked:

1. Dr Ryan Baring, Flinders University, and his nominated agents (SARDI Observers), who are engaged in the activities under Ministerial exemption ME9903351 may take a maximum of thirty naturally dead individuals of the following cuttlefish species for research purposes:
 - Giant Australian Cuttlefish (*Sepia apama*)
 - New Holland Cuttlefish (*Sepia novaehollandiae*)
2. The taking of cuttlefish species for the purposes of the determination is permitted in the cuttlefish closure area which is in the waters of Spencer Gulf north of the line commencing at the Mean High-Water Springs closest to 33°55'39.892" South 136°34'20.163" East (near Arno Bay) to the Mean High-Water Springs closest to 33°55'39.896" South 137°37'14.557" East (Wallaroo Jetty).
3. The method and gear to collect these species is limited to Demersal otter trawls with dimensions as given in Heldt and Hooper 2023, used on the SARDI Research vessel the *RV Ngerin* during the February—April 2025 Spencer Gulf Prawn fishery-independent surveys.
4. Only cuttlefish landed naturally dead, when using the gear and method described in (3), may be taken for research purposes pursuant to this determination.

Dated: 6 February 2025

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture
Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Ministerial Exemption ME9903351

Take notice that pursuant to Section 115 of the *Fisheries Management Act 2007*, Dr Ryan Baring of Flinders University, Sturt Road, Bedford Park (the 'exemption holder') and his nominated agents, are exempt from Sections 70, 73 and 79 of the *Fisheries Management Act 2007* and Regulations 5(a), 7, Schedule 8 and Clauses 63 and 113 of Schedule 6 of the *Fisheries Management (General) Regulations 2017* but only insofar as the exemption holder and his nominated agents may engage in activities involving the collection of the species listed in Schedule 2, found within the Cuttlefish closure area described in Schedule 1, subject to the conditions set out in Schedule 3, from 7 February 2025 until 30 June 2025, unless varied or revoked earlier.

SCHEDULE 1

The cuttlefish closure area which is in the waters of Spencer Gulf north of the line commencing at the Mean High-Water Springs closest to 33°55'39.892" South 136°34'20.163" East (near Arno Bay) to the Mean High-Water Springs closest to 33°55'39.896" South 137°37'14.557" East (Wallaroo Jetty).

SCHEDULE 2

1. The exemption holder or nominated agent may only take a maximum of up to thirty (30) specimens of any size of the following species:
 - Southern calamari squid (*Sepioteuthis australis*)
 - Blue swimmer crab (*Portunus armatus*)
 - King George whiting (*Sillaginodes punctata*)

- Southern garfish (*Hyporhamphus melanochir*)
 - Skipjack trevally (*Pseudocaranx wrighti*).
2. The exemption holder or nominated agent may only take a maximum of up to thirty (30) naturally dead specimens of any size of the following species:
 - Giant Australian Cuttlefish (*Sepia apama*)
 - New Holland Cuttlefish (*Sepia novaehollandidae*)
 - Port Jackson Shark (*Heterodontus portusjacksoni*).

SCHEDULE 3

1. The nominated agents of the exemption holder pursuant to this Ministerial exemption are:
 - SARDI Observers, 2 Hamra Ave, West Beach SA 5024
2. The method and gear to collect these species is limited to Demersal otter trawls with dimensions as given in Heldt and Hooper (2023), used on the SARDI Research vessel the *RV Ngerin* during the Spencer Gulf Prawn Fishery-independent surveys during the period February-April 2025.
3. The exemption holder or his agents must notify the Department of Primary Industries and Regions (PIRSA) Fishwatch on 1800 065 522 prior to commencing the collection of Giant Australian Cuttlefish on each day and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption notice at the time of making the call and be able to provide information about the area and time of the exempted activity, and the boats involved in undertaking the exempted activity and other related questions.
4. The exemption holder will be deemed responsible for the conduct of all nominated agents conducting the exempted activities under this notice. Whilst engaged in the exempted activity the exemption holder or nominated agents must be in possession of a copy of this notice and it must be produced to a Fisheries Officer if requested.
5. The exemption holder, or agent must not contravene or fail to comply with the *Fisheries Management Act 2007*, or any regulations made under the Act, except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the *Marine Parks Act 2007*. The exemption holder and his agents must comply with any relevant regulations, permits, requirements and directions from the Department for Environment and Water when undertaking activities within a marine park.

Dated: 6 February 2025

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Ministerial Exemption ME9903376

Take notice that, pursuant to Section 115 of the *Fisheries Management Act 2007*, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, delegate of the Minister for Primary Industries and Regional Development, hereby exempt Associate Professor Luciana Moller of the College of Science and Engineering, Flinders University, Bedford, SA, 5042, (the 'exemption holder') or a person acting as her agent, from Sections 71(1)(b) and 71(2) of the *Fisheries Management Act 2007* within the waters specified in Schedule 1, but only insofar as their activities form part of the research project described in Schedule 2, subject to the conditions set out in Schedule 3, from 17 June 2025 for a period of 12 months, unless otherwise varied and revoked.

SCHEDULE 1

Coastal waters of South Australia excluding the Adelaide Dolphin Sanctuary, Sanctuary and Restricted Access zones of any marine park unless authorised under the *Marine Parks Act 2007* and aquatic resources unless otherwise authorised under the *Fisheries Management Act 2007*.

SCHEDULE 2

Research activities associated with the project '*Population identity of Southern Right Whales (*Eubalaena australis*) at the boundary of the Australian eastern and western subpopulations, and of humpback whales (*Megaptera novaeangliae*) utilising South Australian waters*'.

SCHEDULE 3

1. The exempted activities may only occur where consistent with the conditions and requirements of a Scientific Research Permit that has been issued under the *National Parks and Wildlife Act 1972* for the research project listed in Schedule 2.
2. The exemption holder will be deemed responsible for the conduct of all persons conducting the exempted activities under this notice. Any person conducting activities under this exemption must be provided with a copy of this notice, which they must have signed as an indication that they have read and understood the conditions under it.
3. A maximum of 20 Southern Right Whales (*Eubalaena australis*) and a maximum of 10 Humpback Whales (*Megaptera novaeangliae*) can be biopsied within a 12-month period.
4. The collection of tissue samples from Southern Right Whales required for the research projected may only be undertaken using the Paxarms biopsy system.
5. The tagging of Southern Right Whales and Humpback Whales required for the research project may only be undertaken using an Air Rocket Transmitter System.
6. The exemption holder must make all reasonable attempts to minimise interference with the animals' natural activities and must take all reasonable steps to minimise the extent of injury, damage or harm to Southern Right Whales in undertaking the research activity.
7. Any unexpected deaths, injuries or other complications that impact on the wellbeing of any species while undertaking the exempted activity must be reported to the Department of Primary Industries and Regions (PIRSA) on 1800 065 522 as soon as practicable.
8. The following person is authorised to act as an agent under this exemption:
 - Associate Professor Guido Parra, Flinders University, College of Science and Engineering.

9. Before undertaking the exempted activity, the exemption holder or a person acting as an agent must contact PIRSA Fishwatch on 1800 065 522 and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption at the time of making the call and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of agents undertaking the exempted activity and other related questions.
10. While engaging in the exempted activity, the exemption holder or agent must be in possession of a copy of this notice. Such notice must be produced to a Fisheries Officer immediately upon request.
11. The exemption holder must provide a report in writing detailing the outcomes of the research and collection of organisms pursuant to this notice to PIRSA, Fisheries and Aquaculture (Flinders University, Bedford Park SA 5042) within 30 days of the final collection (the exempted activity) with the following details:
 - The date, time and location of sampling;
 - The number and description of all species sampled; and
 - Any other information deemed relevant or of interest that is able to be volunteered.
12. The exemption holder must not contravene or fail to comply with the *Fisheries Management Act 2007* or any regulations made under that Act, except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including but not limited to, the *Marine Parks Act 2007*, the *National Parks and Wildlife Act 1972* and the *Adelaide Dolphin Sanctuary Act 2005*. The exemption holder and agents must comply with any relevant regulations, permits, requirements and directions from the Department for Environment and Water when undertaking activities within a marine park.

Dated: 16 June 2025

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture
Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Variation—Ministerial Exemption ME9903312

Take notice that pursuant to Section 115 of the *Fisheries Management Act 2007*, Ministerial exemption ME9903312 provided to Dr Ryan Baring of Flinders University, Sturt Road, Bedford Park SA 5042 (the “exemption holder”), dated 29 July 2024 and published in the *South Australian Government Gazette* dated 1 August 2024 being the third notice on page 2386 is hereby varied by deleting Clauses (1), (2) and (3) of Schedule 2 and inserting the following:

SCHEDULE 2

1. The nominated agents of the exemption holder pursuant to this Ministerial exemption are:
 - Zoe Doubleday—Future Industries Institute, Mawson Lakes 5095
 - Lauren Meyer—Flinders University, Bedford Park 5042
 - Bethany Jackel—Flinders University, Bedford Park 5042
 - Field assistants from Flinders University—Flinders University, Bedford Park 5042
2. The exemption holder or nominated agent may only take a maximum of up to one hundred and thirty (130) naturally dead Giant Australian Cuttlefish specimens over the term of this notice.
3. Eighty (80) naturally dead Giant Australian Cuttlefish specimens may be collected and retained exclusively at Flinders University and fifty (50) naturally dead Giant Australian Cuttlefish specimens may be used for baited remote underwater video systems within the waters described in Schedule 1.

Dated: 13 June 2025

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture
Delegate of the Minister for Primary Industries and Regional Development

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby revokes the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table.

Address of Premises	Allotment Section	<u>Certificate of Title Volume/Folio</u>
119 Eckert Road, Belvidere SA 5255	Allotments 50 and 51 Deposited Plan 132297 Hundred of Strathalbyn	CT6254/679
67 Highland Valley Road, Strathalbyn SA 5255	Allotment 550 Filed Plan 162113 Hundred of Strathalbyn	CT5805/504

Dated: 19 June 2025

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Barossa Prescribed Water Resources Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies, payable by persons authorised by a water licence, to take or hold water from the prescribed surface water resources, wells and watercourses within the Barossa Prescribed Water Resources Area:

- (1) A levy of 0.771 cents per kilolitre of water allocated as endorsed on the water licence.

The levy does not apply where:

- (1) the water is taken for domestic purposes or for the watering of stock not subject to intensive farming; or
- (2) the water is allocated as a 'recharge recovery' allocation.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Central Adelaide Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies, payable by persons authorised by a water licence to take water from prescribed wells within the Central Adelaide Prescribed Wells Area:

- (1) A levy of 0.771 cents per kilolitre of water allocated as endorsed on the water licence.

The levy does not apply where:

- (1) the water is taken for domestic purposes or for the watering of stock not subject to intensive farming; or
- (2) the water is allocated from the Managed Aquifer Recharge Consumptive Pool.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Dry Creek Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies, payable by persons authorised by a water licence to take water from prescribed wells within the Dry Creek Prescribed Wells Area:

- (1) A levy of 0.771 cents per kilolitre of water allocated as endorsed on the water licence.

The levy does not apply where:

- (1) the water is taken for domestic purposes or for the watering of stock not subject to intensive farming; or
- (2) the water is allocated from the Managed Aquifer Recharge Consumptive Pool.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Far North Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following water levies, payable by persons holding a water allocation, obtained from a water access entitlement on a water licence or an authorisation issued under Section 105 of the *Landscape South Australia Act 2019* from the prescribed wells within the Far North Prescribed Wells Area:

- (1) A levy of 5.38 cents per kilolitre of water allocation obtained from a water access entitlement or authorised from the All Purpose Consumptive pool for the purpose of providing a public water supply;
- (2) A levy of 8.35 cents per kilolitre of water allocation obtained from a water access entitlement or authorised from the All Purpose Consumptive pool to the mining, energy, gas and petroleum sector;
- (3) A levy of 5.38 cents per kilolitre of water allocation obtained from a water access entitlement or authorised from the All Purpose Consumptive pool for the operation of tourist parks and associated irrigation activities;
- (4) A levy of 4.63 cents per kilolitre for water allocation obtained from a water access entitlement or authorised from the All Purpose Consumptive pool for the co-production of water during gas and oil extraction.

The amount of levy payable is based on the water allocation obtained on account of the water access entitlement under the water licence, or the volume of water authorised to be taken under an authorisation issued pursuant to Section 105 of the *Landscape South Australia Act 2019*.

The levy does not apply where:

- (5) the water allocation is obtained on account of a water access entitlement from the Stock and Domestic Consumptive Pool; or
- (6) the water allocation is obtained on account of a water access entitlement from the Cultural Water Consumptive Pool; or

- (7) the water allocation is obtained on account of a water access entitlement from the All Purpose Consumptive Pool for bore-fed wetlands or recreational use; or
- (8) the water is authorised under Section 105 of the *Landscape South Australia Act 2019* and the authorisation is listed on page 40 of the *Water Allocation Plan for the Far North Prescribed Wells Area* adopted on 28 February 2021.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Mallee Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water hereby declare the following levies payable by persons authorised by a water licence to take water from the prescribed wells in the Mallee Prescribed Wells Area:

- (1) A levy per kilolitre of water allocated as endorsed on the water licence of:
 - (i) 2.573 cents per kilolitre of water allocated for the purpose of providing a reticulated water supply; or
 - (ii) 0.829 cents per kilolitre of water allocated where the water allocation on the licence is not for the purpose of providing a reticulated water supply; or
- (2) A levy of \$200,

whichever is the greater.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

In relation to (2) above, a levy does not apply to a water licence that has no entitlement.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the McLaren Vale Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies, payable by persons authorised by a water licence, to take or hold water from the prescribed wells within the McLaren Vale Prescribed Wells Area:

- (1) A levy of 0.771 cents per kilolitre of water allocated as endorsed on the water licence.

The levy does not apply where:

- (1) the water is taken for domestic purposes or for the watering of stock not subject to intensive farming; or
- (2) the water allocated is for 'recharge recovery'.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Musgrave and Southern Basins Prescribed Wells Areas

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies payable by persons authorised by a water licence within the Musgrave and Southern Basins Prescribed Wells Areas:

- (1) A levy of 5.80 cents per unit share of all consumptive pool entitlements with the purpose public water supply.
- (2) A levy of 5.80 cents per unit share of all consumptive pool entitlements with the purpose mining.
- (3) A levy of 3.21 cents per unit share of all other consumptive pool entitlements.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Northern Adelaide Plains Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies, payable by persons authorised by a water licence to take water from prescribed wells within the Northern Adelaide Plains Prescribed Wells Area:

- (1) A levy of 0.771 cents per kilolitre of water allocated as endorsed on the water licence.

The levy does not apply where:

- (1) the water is taken for domestic purposes or for the watering of stock not subject to intensive farming; or
- (2) the water is allocated from the Managed Aquifer Recharge Consumptive Pool.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

*Notice of Establishment of Water Levies in the Lower Limestone Coast,
Padthaway, Tintinara Coonalpyn and Tatiara Prescribed Wells Areas*

Pursuant to Section 76 of the *Landscape South Australia Act 2019* (the Act), I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following water levies payable by persons authorised by a water licence to take water or under Section 105 of the Act from the prescribed wells in the Lower Limestone Coast, Padthaway, Tintinara Coonalpyn and Tatiara Prescribed Wells Areas or by persons holding a forest water licence in the Lower Limestone Coast Prescribed Wells Area:

- (1) A levy of \$247.48 as a fixed charge per water licence; and
- (2) A levy per kilolitre of water allocated as endorsed on the water licence, or authorised under Section 105 of the Act, of:
 - (i) 2.002 cents per kilolitre of water allocated in the Lower Limestone Coast, Padthaway and Tatiara Prescribed Wells Areas where water is allocated for the supply of water by means of reticulated systems by the South Australian Water Corporation established pursuant to the *South Australian Water Corporation Act 1994* or where a water allocation on a water licence is specified as a public water supply;
 - (ii) 0.316 cents per kilolitre of water allocated or authorised in the Lower Limestone Coast, Padthaway, Tatiara and Tintinara Coonalpyn Prescribed Wells Areas where the water allocation on a water licence is an allocation other than those specified in 2(iii) to 2(viii) or where the water allocation is authorised under Section 105 of the Act;
 - (iii) 0.418 cents per kilolitre of water allocated in the Lower Limestone Coast, Padthaway, Tatiara and Tintinara Coonalpyn Prescribed Wells Areas where the water allocation on a water licence is specified as an industrial, aquaculture, industrial-dairy, intensive animal keeping, environmental, Pulp and Paper mill operations or recreational allocation;
 - (iv) 0.032 cents per kilolitre of water allocated in the Lower Limestone Coast, Padthaway, Tatiara and Tintinara Coonalpyn Prescribed Wells Areas, where the water allocation from the unconfined aquifer on a water licence is specified as a delivery supplement allocation;
 - (v) 0.316 cents per kilolitre of water allocated in the Lower Limestone Coast, Padthaway, Tatiara and Tintinara Coonalpyn Prescribed Wells Areas, where the water allocation from the confined aquifer on a water licence is specified as a delivery supplement allocation;
 - (vi) 0.316 cents per kilolitre of water allocated in the Lower Limestone Coast, Padthaway, Tatiara and Tintinara Coonalpyn Prescribed Wells Areas, where the water allocation on a water licence is specified as a specialised production requirement allocation (excluding Specialised production requirement-frost allocations in the Lower Limestone Coast);
 - (vii) 0.105 cents per kilolitre of water allocated in the Lower Limestone Coast Prescribed Wells Areas, where the water allocation on a water licence is specified as a specialised production requirement frost allocation;
 - (viii) 0.316 cents per kilolitre of water allocated in the Lower Limestone Coast Prescribed Wells Areas, where the water allocation is attached to a forest water licence.

The levies do not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

In relation to (1) above, a levy does not apply to a water licence that has no entitlement.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Angas Bremer Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levy payable by persons authorised by a water licence to take water from prescribed wells within the Angas Bremer Prescribed Wells Area:

- (1) A levy of 0.829 cents per kilolitre of water allocated as endorsed on the water licence; or
- (2) A levy of \$200,

whichever is the greater.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

In relation to (2) above, a levy does not apply to a water licence that has no entitlement.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Clare Valley Prescribed Water Resources Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following water levies payable by persons authorised by a water licence to take or hold water from prescribed wells or watercourses in the Clare Valley Prescribed Water Resources Area or to take or hold surface water in the Clare Valley Prescribed Water Resources Area:

- (1) A levy of \$124.98 as a fixed amount per water licence; and
- (2) A levy of 4.459 cents per kilolitre of water entitlement as endorsed on the water licence.

These levies do not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

In relation to (1) above, a levy does not apply to a water licence that has no entitlement.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Eastern Mount Lofty Ranges Prescribed Water Resources Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare a levy payable by persons authorised by a water licence to take water from the Eastern Mount Lofty Ranges Prescribed Water Resources Area:

- (1) Subject to paragraphs (2) and (3), a levy per kilolitre of water of:
 - (i) 0.829 cents per kilolitre where the water allocation endorsed on the licence is specified as an annual volume in kilolitres; or
 - (ii) A levy of \$200,
whichever is the greater (except for a water allocation endorsed on the licence as a Taking Lower Angas Bremer Allocation (LABA) (Flood) in which case paragraph (2) below applies).
- (2) A levy per kilolitre for a water allocation endorsed on the licence of 0.198 cents per kilolitre of water allocated as Taking LABA (Flood).
- (3) No levy will be applied where:
 - (i) the water allocation is endorsed on the licence as Taking LABA (Flood Delivery);
 - (ii) water is taken for domestic purposes; or
 - (iii) water is taken for the watering of stock not subject to intensive farming.

For the purpose of this Notice:

“Taking LABA (Flood)” means an allocation granted to take water sourced from a watercourse in surface water management zones 426AR026 and/or 426BR062, or that flows from these zones, and to be taken by means of a pump or flood gate for the purpose of flood irrigation.

“Taking LABA (Flood Delivery)” means an allocation granted to take water sourced from a watercourse in surface water management zones 426AR026 and/or 426BR062, or that flows from these zones, and to be taken by means of a pump or flood gate as a delivery supplement for the purpose of flood irrigation.

“Eastern Mount Lofty Ranges Prescribed Water Resources Area” means the watercourses and wells prescribed by the *Natural Resources Management (Eastern Mount Lofty Ranges—Prescribed Watercourses and Surface Water Prescribed Area) Regulations 2005* and the wells prescribed by the *Natural Resources Management (Eastern Mount Lofty Ranges—Prescribed Wells Area) Regulations 2005*.

In relation to (1) above, a levy does not apply to a water licence that has no entitlement.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Marne Saunders Prescribed Water Resources Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare a levy payable by persons authorised by a water licence to take or hold water from prescribed wells or watercourses in the Marne Saunders Prescribed Water Resources Area or to take or hold surface water in the Marne Saunders Prescribed Water Resources Area:

- (1) A levy of 0.829 cents per kilolitre of water allocated as endorsed on the water licence; or
- (2) A levy of \$200,

whichever is the greater.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

In relation to (2) above, a levy does not apply to a water licence that has no entitlement.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Morambro Creek and Nyroca Channel Prescribed Water Resources

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies payable by persons authorised by a water licence to take or hold water from the Morambro Creek and Nyroca Channel Prescribed Watercourses including Cockatoo Lake and the Prescribed Surface Water Area:

- (1) A levy of \$0.0037 cents per kilolitre of entitlement, as endorsed on the water licence; and
- (2) A levy of \$247.48 as a fixed charge per water licence.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

In relation to (2) above, a levy does not apply to a water licence that has no entitlement.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Peake, Roby and Sherlock Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare a levy payable by persons authorised by a water licence to take water from the Peake, Roby and Sherlock Prescribed Wells Area:

- (1) A levy of 0.829 cents per kilolitre of water allocated as endorsed on the water licence; or
- (2) A levy of \$200,

whichever is the greater.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

In relation to (2) above, a levy does not apply to a water licence that has no entitlement.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the River Murray Prescribed Watercourse

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies payable by persons authorised by a water licence within the River Murray Prescribed Watercourse:

- (1) A levy per unit share held by the water licensee as endorsed on the water licence of:
 - (i) 2.573 cents per unit share of All Purpose consumptive pool (Class 2) and Metropolitan Adelaide consumptive pool (Class 6);
 - (ii) 0.829 cents per unit share of All Purpose consumptive pool (Class 3 and Class 5);
 - (iii) 0.786 cents per unit share of All Purpose consumptive pool (Class 3 - Qualco Sunlands); or
- (2) A levy of \$200,

whichever is the greater.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

In relation to (2) above, a levy does not apply to a water licence that has no water access entitlement.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Western Mount Lofty Ranges Prescribed Water Resources Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare a levy payable by persons authorised by a water licence to take or hold water from prescribed wells or watercourses in the Western Mount Lofty Ranges Prescribed Water Resources Area or to take or hold surface water in the Western Mount Lofty Ranges Prescribed Water Resources Area:

- (1) A levy of 0.771 cents per kilolitre of water allocated as endorsed on the water licence.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming or by SA Water for the purpose of providing a public water supply.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Western Mount Lofty Ranges Prescribed Water Resources Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following water levy, payable by SA Water Corporation which is authorised by a water licence to take surface water in the Western Mount Lofty Ranges Prescribed Water Resources Area for the purpose of providing a public water supply:

- (1) A fixed charge of \$1,540,177

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

SECTION 105

Notice of Establishment of Water Levy for Water Authorised

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare a levy payable by persons authorised under Section 105 of the *Landscape South Australia Act 2019* from the prescribed water resources of the Western Mount Lofty Ranges Prescribed Water Resources Area, the Barossa Prescribed Water Resources Area, the McLaren Vale Prescribed Wells Area and the Northern Adelaide Plains Prescribed Wells Area:

- (1) A levy of 0.771 cents per kilolitre of water authorised or allocated.

The levy does not apply where the water is taken:

- (i) for domestic purposes; or
- (ii) for the watering of stock that are not subject to intensive farming; or
- (iii) in conjunction with a released 'dilution flow' for environmental/water quality purposes (as specified in the conditions of the authorisation); or
- (iv) for a purpose that is authorised across an entire prescribed water resource or water resource(s); or
- (v) from groundwater as a 'recharge recovery' allocation.

Note: in relation to (iv) above, this includes where a particular purpose is authorised under Section 105 of the *Landscape South Australia Act 2019* generally either across all prescribed water resources of the State (State-wide authorisations) or across a particular water resource of the State. Such authorisations are not limited to taking water from a specified water source(s) or site(s) that is tied to a specified location(s). An example of a state-wide authorised purpose is road making.

This notice has effect in relation to the financial year commencing on 1 July 2025.

Dated: 16 June 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

SECTION 71

*Notice of Levy Payable in 2025-26 by Persons who Occupy Land Outside Council Areas
in the South Australian Arid Lands Landscape Region*

Notice is hereby given pursuant to Section 71 of the *Landscape South Australia Act 2019* ("the Act") that, the annual business plan for the South Australian Arid Lands Landscape Board ("Board") having specified an amount to be contributed by persons who occupy land outside council areas in the South Australian Arid Lands Landscape Region ("rateable land") toward the costs of the Board performing its functions under the Act in the 2025-2026 financial year, the Board has determined and hereby declares the following levy payable by persons who occupy rateable land, based on the area occupied:

- \$77.02 per rateable property <10 ha
- \$269.57 per rateable property 10 ha - <100 ha
- \$539.13 per rateable property 100 ha - <100,000 ha
- \$924.23 per rateable property 100,000 ha or greater

Dated: 10 June 2025

DOUGLAS LILLECRAPP
Presiding Member, South Australian Arid Lands Landscape Board

LIBRARIES BOARD OF SOUTH AUSTRALIA

Fees and Charges Schedule 2025-2026

Description of Activity	Previous Charge 2024-25	Gazetted Charge 2025-26	Last Assessed
* Denotes GST included—please see note at document end			
Services			
<i>Photocopying/Printing</i>			
A4—Black & White	\$0.20	\$0.20	22.3.2024
A4—Colour	\$1.10	\$1.10	22.3.2024
A3—Black & White	\$0.30	\$0.30	22.3.2024
A3—Colour	\$2.20	\$2.20	22.3.2024
<i>Reference Queries/Customer Orders</i>			
B&W Photo quality archival paper—up to A4 size print	\$20.00	\$20.00	22.3.2024
B&W Photo quality archival paper—up to A3 size print	\$23.00	\$23.00	22.3.2024
B&W Photo quality archival paper—up to A2 size print	\$31.00	\$31.00	22.3.2024
Colour Photo quality archival paper—up to A4 size print	\$24.00	\$24.00	22.3.2024
Colour Photo quality archival paper—up to A3 size print	\$27.00	\$27.00	22.3.2024
Colour Photo quality archival paper—up to A2 size print	\$42.00	\$42.00	22.3.2024
Image downloaded and saved	\$10.50	\$10.50	22.3.2024
A4 microfiche/film staff operated	\$3.00	\$3.00	22.3.2024
A3 microfiche/film staff operated	\$4.00	\$4.00	22.3.2024
A2 microfiche/film staff operated	\$10.50	\$10.50	22.3.2024
Scan and save microfilm image	\$12.50	\$12.50	22.3.2024
Priority Service—3 working days maximum	\$1.00	\$1.00	22.3.2024
Express Service—1 working day maximum	\$1.50	\$1.50	22.3.2024
Staff operated scanning (A4/A3)	\$0.30	\$0.30	23.3.2024
<i>Overhead Scanner</i>			
Overhead Scanning, up to 3	\$10.00	\$10.00	22.3.2024
Overhead Scanning, up to 25	\$41.20	\$41.20	22.3.2024
Overhead Scanning, each additional page	\$0.50	\$0.50	22.3.2024
<i>Flatbed Scanner</i>			
Scanning of undigitised material	\$10.00	\$10.00	22.3.2024
Rescanning (max. 2400dpi)	\$20.50	\$20.50	22.3.2024
High-res TIFF files converted to PDF (access copies)—single files, up to 3	\$10.30	\$10.30	22.3.2024
High-res TIFF files converted to PDF (access copies)—consecutive pages, up to 25	\$41.20	\$41.20	22.3.2024
High-res TIFF files converted to PDF (access copies)—each additional consecutive page	\$0.50	\$0.50	22.3.2024
<i>Retrieval</i>			
Retrieval for 1 item	\$20.60	\$20.60	22.3.2024
Retrieval for 5 items	\$41.20	\$41.20	22.3.2024
each subsequent item	\$10.30	\$10.30	22.3.2024
Digitisation and Digital Preservation			
Labour Rate per hour	\$64.90	\$64.90	22.3.2024
<i>AudioVisual</i>			
Digitising from Collections audio format to digital file up to 3 hours	\$30.20	\$30.20	22.3.2024
Digital File Delivery	\$12.05	\$12.05	22.3.2024
Digitising from Collections audio format to digital file over 3 hours POA	POA	POA	22.3.2024
Digitising from collections video format to digital file up to 3 hours	\$30.20	\$30.20	22.3.2024
Digitising from Collections video format to digital file over 3 hours	POA	POA	22.3.2024
Digitising from collections film format to digital file	POA	POA	22.3.2024
<i>Flatbed Scans</i>			
Preservation Standard scan—original material scanned to a minimum of 50Mb (JPEG or TIFF)	\$30.20	\$30.20	22.3.2024
Custom size scanning- original material A3 size or smaller (JPEG or TIFF)	\$177.40	\$177.40	22.3.2024
<i>Overhead Colour Large Format Plans and Black and White Microform Scans</i>			
Overhead/microform scanning up to 3	\$10.30	\$10.30	22.3.2024
Overhead/microform scanning up to 25	\$41.20	\$41.20	22.3.2024
Overhead/microform scanning—each additional page	\$0.55	\$0.55	22.3.2024
<i>Large Format Colour Scans—Roller scanner</i>			
A2-A0	\$31.00	\$31.00	22.3.2024
<i>Large Format Colour Scans—Flatbed scanner</i>			
A2	\$66.75	\$66.75	22.3.2024
A1	\$213.75	\$213.75	22.3.2024
A0	\$283.80	\$283.80	22.3.2024
Transfer file to USB flash drive	POA	POA	22.3.2024

Description of Activity	Previous Charge 2024-25	Gazetted Charge 2025-26	Last Assessed
* Denotes GST included—please see note at document end			
Engagement & Marketing			
Facilities Hire *	POA	POA	22.3.2024
Tours	POA	POA	22.3.2024
External Exhibition Loans	POA	POA	22.3.2024
<i>Seminars</i>			22.3.2024
Hosted by SLSA	POA	POA	22.3.2024
Hosted by PLS	POA	POA	22.3.2024
Other Seminars, short courses and training sessions	POA	POA	22.3.2024
Directorate			
Consultancies *	POA	POA	22.3.2024
Document Delivery **			
<i>Document Delivery from State Library Collections (for Public)</i>			
Photocopying A4	\$0.35	\$0.35	22.3.2024
Photocopying A3	\$0.70	\$0.70	22.3.2024
Special loans overdue fine per day	\$2.30	\$2.30	22.3.2024
<i>Charges to public for items from other libraries *</i>			
Interlibrary photocopying per article (up to 25 pages)			
Core—4 working days—electronic delivery	\$21.10	\$22.40	22.3.2024
Rush—24 Hours Mon to Fri—electronic delivery	\$42.00	\$44.50	22.3.2024
Express—2 working hours Mon to Fri—electronic delivery	\$63.10	\$67.00	22.3.2024
Interlibrary photocopying each additional 25 pages	\$4.50	\$5.20	22.3.2024
<i>Interlibrary Loans to Australian Libraries</i>			
Core—4 working days—including default delivery fees for normal delivery	\$32.40	\$34.40	22.3.2024
Rush—24 Hours Mon to Fri—including default delivery fees for express post	\$59.20	\$62.80	22.3.2024
Express—2 working hours Mon to Fri—including default delivery fees for express post or courier	\$80.10	\$85.00	22.3.2024
Interlibrary Loans from Overseas Libraries	Cost Recovery	Cost Recovery	22.3.2024
Interlibrary Copies from Overseas Libraries	Cost Recovery	Cost Recovery	22.3.2024
<i>Charges to libraries for items from State Library Collections *</i>			
Interlibrary photocopying per article (up to 25 pages)	POA	POA	22.3.2024
Core—5 working days	\$32.40	\$34.40	22.3.2024
Rush—AM/PM Mon to Fri	\$59.20	\$62.80	22.3.2024
Express—2 working hours Mon to Fri	\$80.10	\$85.00	22.3.2024
Interlibrary photocopying each additional 25 pages	\$4.90	\$5.10	22.3.2024
Photocopying A4 & A3 for SA Public Libraries—PLASA levy (staff operated)—Maximum of \$5.00 per request	\$0.35	\$0.35	22.3.2024
<i>Interlibrary Loans to Australian Libraries</i>			
Core—4 working days	\$32.40	\$34.40	22.3.2024
Rush—24 Hours Mon to Fri	\$59.20	\$62.80	22.3.2024
Express—2 working hours Mon to Fri	\$80.10	\$85.00	22.3.2024
Interlibrary Loans to Overseas Libraries	Cost Recovery	Cost Recovery	22.3.2024
Postage and Handling			
Envelopes			
Photocopies etc.			
Up to 2/3 pages in standard business envelope		\$2.00	
Up to 50 A4 or 20 A3 pages		\$7.50	
More than 50 A4 pages		\$7.50	
(Due to weight these can be charged as parcels rather than large letters)			
Photographs A4			
Photo quality prints (A4)—larger sizes see parcel prices listed			
1 to 15 items		\$10.00	
Parcels			
Photographs A3 and or Prints A3 or A2. These will be packages in a mailing tube.		\$23.95	
Letters and DVDs		POA	

Note: In accordance with a GST Ruling received from the Australian Taxation Office, any supply made by the State Library, being a gift deductible entity, will be GST free where the revenue received recovers less than 75% of the cost of the service provided. Fees for services that include GST are denoted by an asterisk (*) next to the charge.

** Document Delivery charges are set by LADD & cannot be changed.

Dated: 19 June 2025

MEGAN BERGHUIS
Director, State Library of South Australia

LIQUOR LICENSING ACT 1997

South Australia

Liquor Licensing (Dry Areas) Notice 2025 (No.1)

under Section 131(1) of the *Liquor Licensing Act 1997*

1—Short title

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2025 (No.1)*.

2—Commencement

This notice comes into operation on 22 June 2025.

3—Interpretation

(1) In this notice—

principal notice means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

4—Consumption etc of liquor prohibited in dry areas

- (1) Pursuant to Section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.
- (2) The prohibition has effect during the periods specified in the Schedule.
- (3) The prohibition does not extend to private land in the area described in the Schedule.
- (4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—
 - (a) a person who is genuinely passing through the place if—
 - (i) the liquor is in the original container in which it was purchased from licensed premises; and
 - (ii) the container has not been opened; or
 - (b) a person who has possession of the liquor in the course of carrying on a business or in the course of their employment by another person in the course of carrying on a business; or
 - (c) a person who is permanently or temporarily residing at premises near the public place and who enters the public place solely for the purpose of passing through it to enter those premises or who enters the public place from those premises for the purpose of leaving the place; or
 - (d) a person who possesses or consumes the liquor for sacramental or other similar religious purposes.
- (5) The Schedule is in substitution for Schedule—Adelaide Park Lands Area 1 in the principal notice.

Schedule 1—Adelaide Park Lands Area 1

1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

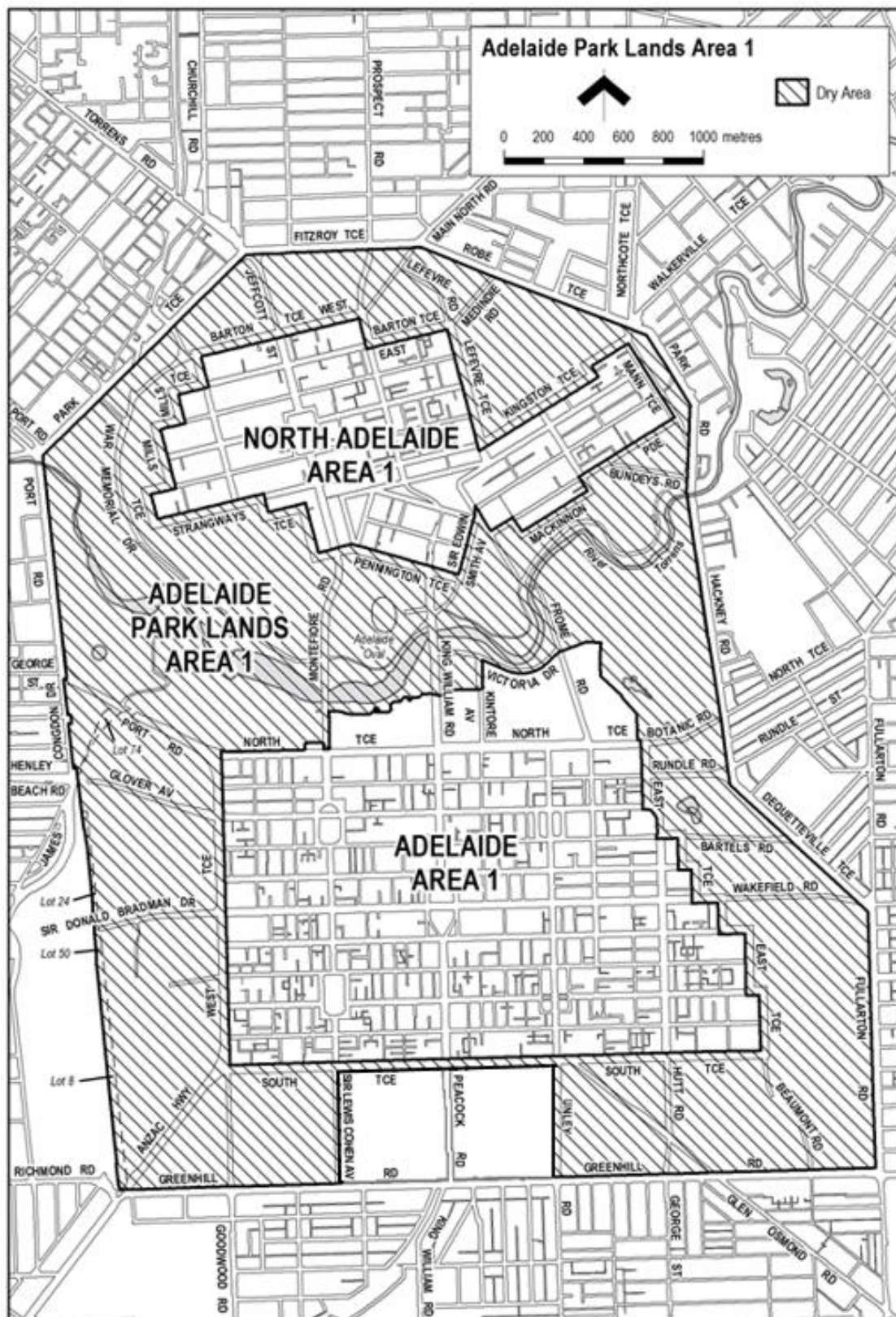
2—Period of prohibition

From 8.00pm on each day to 11.00am on the following day, until 11.00am on 22 June 2028.

3—Description of area

The area in and adjacent to Adelaide and North Adelaide, generally known as the Adelaide Park Lands, together with other land, bounded as follows: commencing at the point at which the western boundary of Fullarton Road, Adelaide, meets the northern boundary of Greenhill Road, Adelaide, then westerly along that northern boundary of Greenhill Road to where this intersects with the western side of Unley Road, Adelaide, then in a northerly direction along the western side of Unley Road to where this intersects with the southern side of South Terrace, Adelaide, then in a westerly direction along the southern boundary of South Terrace to where this intersects with the eastern boundary of Sir Lewis Cohen Avenue, Adelaide, then in a southerly direction along the eastern boundary of Sir Lewis Cohen Avenue to where this intersects the northern boundary of Greenhill Road, then westerly along that northern boundary of Greenhill Road and the prolongation in a straight line of that boundary to the point at which it intersects the western boundary of Lot 8 DP 83004, then generally northerly along that western boundary of Lot 8 and the western boundaries of Lot 50 FP 219636 and Lot 24 DP 90434 to the north-western corner of Lot 24 DP 90434, then in a straight line by the shortest route to the south-western corner of Lot 74 DP 56872, then generally northerly along the eastern boundary of James Congdon Drive, Adelaide, to the south-western boundary of Port Road, Adelaide, then in a straight line by the shortest route across Port Road to the north-eastern boundary of Port Road, then generally northerly along that boundary of Port Road to the point at which the eastern boundary of Port Road meets the south-eastern boundary of Park Terrace, North Adelaide, then generally north-easterly along that south-eastern boundary of Park Terrace, easterly along the southern boundary of Fitzroy Terrace, North Adelaide, and south-easterly along the south-western boundary of Robe Terrace, North Adelaide, to the point at which the south-western boundary of Robe Terrace meets the south-western boundary of Mann Road, North Adelaide, then in a straight line by the shortest route to the point at which the south-western boundary of Park Road, North Adelaide, meets the eastern boundary of Northcote Terrace, North Adelaide, then generally south-easterly and southerly along that boundary of Park Road, southerly along the western boundary of Hackney Road, Adelaide, and southerly and south-easterly along the south-western boundary of Dequetteville Terrace, Adelaide, and the prolongation in a straight line of that boundary to the point at which the prolongation in a straight line of the south-western boundary of Dequetteville Terrace meets the western boundary of Fullarton Road, Adelaide, then southerly along the western boundary of Fullarton Road to the point of commencement, but excluding any part of that area that is within—

- (a) the area defined in Schedule—Adelaide Area 1 as the area to which the prohibition in that Schedule applies; or
- (b) an area defined in Schedule—Adelaide Area 1 as an area excluded from the area to which the prohibition in that Schedule applies; or
- (c) the area defined in Schedule—North Adelaide Area 1 as the area to which the prohibition in that Schedule applies.



Made by the Minister for Consumer and Business Affairs

On 15 June 2025

LIQUOR LICENSING ACT 1997

South Australia

Liquor Licensing (Dry Areas) Notice 2025 (No. 2)

under Section 131(1) of the *Liquor Licensing Act 1997*

1—Short title

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2025 (No. 2)*.

2—Commencement

This notice comes into operation on 22 June 2025.

3—Interpretation

(1) In this notice—

principal notice means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

4—Consumption etc of liquor prohibited in dry areas

(1) Pursuant to Section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.

(2) The prohibition has effect during the periods specified in the Schedule.

(3) The prohibition does not extend to private land in the area described in the Schedule.

(4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—

(a) a person who is genuinely passing through the place if—

(i) the liquor is in the original container in which it was purchased from licensed premises; and

(ii) the container has not been opened; or

(b) a person who has possession of the liquor in the course of carrying on a business or in the course of their employment by another person in the course of carrying on a business; or

(c) a person who is permanently or temporarily residing at premises near the public place and who enters the public place solely for the purpose of passing through it to enter those premises or who enters the public place from those premises for the purpose of leaving the place; or

(d) a person who possesses or consumes the liquor for sacramental or other similar religious purposes.

Schedule 1—Adelaide Park Lands Area 2

1—Extent of prohibition

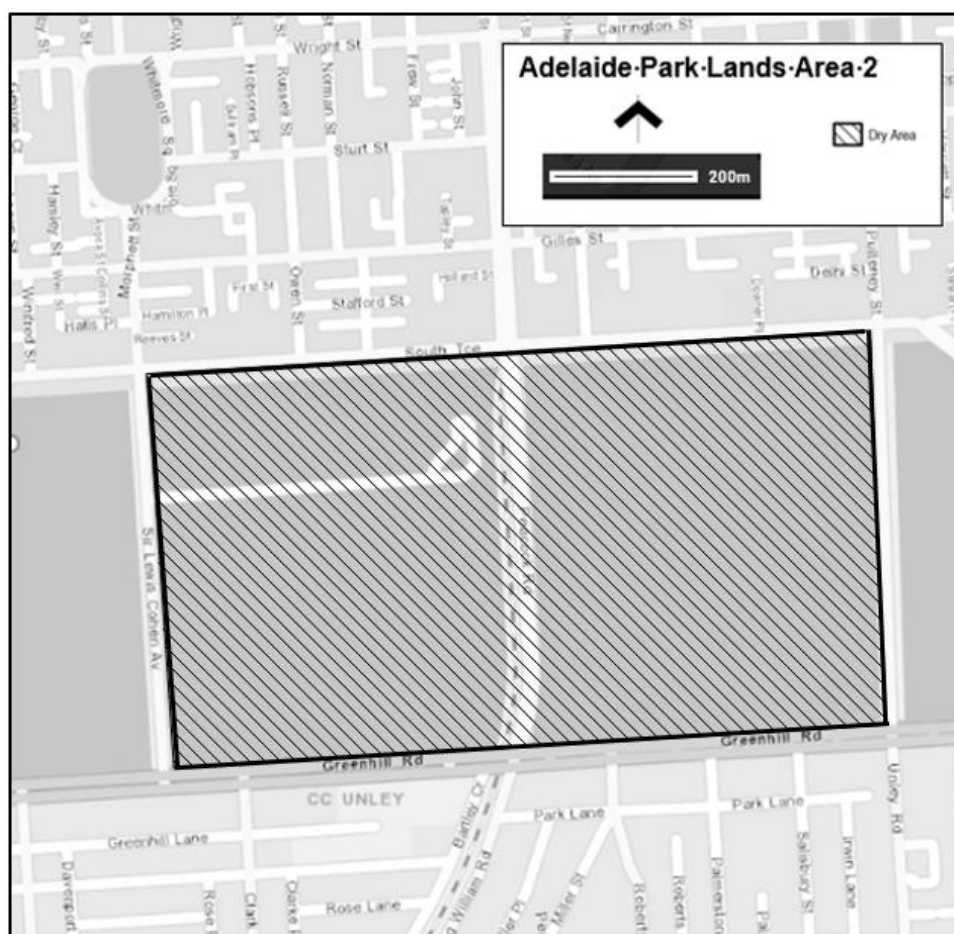
The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

Continuous until 12:00am on the 22 June 2028.

3—Description of area

The area generally known as Blue Gum / Kurangga (Park 20) and Veale Gardens / Walya Yarta (Park 21) contained in the southern part of the Adelaide Park Lands, bounded as follows: commencing at the point at which the northern part of Greenhill Road, Adelaide, meets the western boundary of Unley Road, Adelaide, then westerly along the northern boundary of Greenhill Road until where it intersects the eastern boundary of Sir Lewis Cohen Avenue, Adelaide, then in a northerly direction along the eastern boundary of Sir Lewis Cohen Avenue until where it intersects the southern border of South Terrace, Adelaide, then in an easterly direction along the southern boundary of South Terrace until where it intersects the western border of Unley Road and then in a southerly direction along the western boundary of Unley Road to where this meets the point of commencement.



Made by the Minister for Business and Consumer Affairs

On 15 June 2025

MENTAL HEALTH ACT 2009

Authorised Mental Health Professional

Notice is hereby given in accordance with Section 94(1) of the *Mental Health Act 2009*, that the Chief Psychiatrist has determined the following persons as an Authorised Mental Health Professional:

Dawn Powley
Brenton Briggs

The determination will expire three years after the commencement date.

The Chief Psychiatrist make vary or revoke these determinations at any time.

Dated: 19 June 2025

DR JOHN BRAYLEY
Chief Psychiatrist

PASSENGER TRANSPORT REGULATIONS 2024

Determination of Fares and Charges for Regular Passenger Services within Metropolitan Adelaide

Pursuant to Regulation 155(1)(a) and (1)(b) of the *Passenger Transport Regulations 2024*, I have determined that the fares and charges to be paid by passengers on a regular passenger service are the fares and charges set out in Schedule 1 below.

This Determination replaces the *Determination of Fares and Charges for Regular Passenger Services Within Metropolitan Adelaide* made under the *Passenger Transport Regulations 2024* and published in the Government Gazette on 15 May 2025 (pp 1091-1094).

These fares and charges will be effective from 1 July 2025.

Dated: 17 June 2025

ANASTASIOS KOUTSANTONIS MP
Minister for Infrastructure and Transport

SCHEDULE 1

1. Interpretation

In this determination, unless the contrary intention appears:

concession fare (concession) means a fare for a passenger who holds a valid travel concession card or tertiary student identification card.

off-peak means:

- Monday to Friday between 9.01am to 3.00pm; and
- all day Sunday and public holidays.

peak means all times other than off-peak times.

regular fare (regular) means a fare for a passenger who is not eligible for a concession fare

student fare (student) means a fare for:

- a passenger who holds a valid secondary student identification card; or
- a child from the age of 5 years and under 15 years.

2. Purchase of a Metrocard

Regular	Concession	Student
\$5.00	\$3.50	\$3.50

In addition to the cost of a Metrocard, a minimum recharge amount of \$5.00 applies when purchasing a Metrocard, unless a fare in item 3 or 4 below is loaded onto the Metrocard instead.

3. Paper Singletrip

Peak			Off-peak		
Regular	Concession	Student	Regular	Concession	Student
\$6.60	\$3.30	\$3.30	\$4.40	\$1.50	\$1.50

A Paper Singletrip can be used to transfer to any bus, tram or train service within 2 hours of first validation at no additional charge.

Paper Singletrips are available for purchase from Mobile Ticket Vending Machines onboard trains and trams and from the InfoCentre and Ticket Vending Machines within the Adelaide Railway Station.

Paper Singletrip fares can also be loaded onto a Metrocard. If a Metrocard is required, then a person must pay for the cost of the Metrocard (see item 2 above) in addition to the relevant Paper Singletrip fare.

4. Paper Daytrip

Regular	Concession	Student
\$12.50	\$6.30	\$6.30

Provides unlimited travel on any bus, train or tram services until 4:00am on the following day.

Paper Daytrips are available for purchase from Mobile Ticket Vending Machines onboard trains and trams and from the InfoCentre and Ticket Vending Machines within the Adelaide Railway Station.

Daytrip fares can also be loaded onto a Metrocard. If a Metrocard is required, then a person must pay for the cost of the Metrocard (see item 2 above) in addition to the relevant Daytrip fare.

Two children under 15 years of age travel free at all times on weekends, public holidays or South Australian school holidays when accompanied by an adult using a Daytrip.

5. Metrocard Fare

<i>Peak</i>			<i>Off-peak</i>		
Regular	Concession	Student	Regular	Concession	Student
\$4.55	\$2.25	\$1.60	\$2.60	\$1.30	\$1.30

A Metrocard fare can be used to transfer to any bus, tram or train service within 2 hours of first validation at no additional charge.

6. Tap and Pay Ticket

<i>Peak</i>	<i>Off-peak</i>
\$4.55	\$2.60

Only available for Regular fares.

A Tap and Pay Ticket is available by tapping an acceptable credit/debit card, or linked digital device, on a smart validator on a tram or bus.

Tap and Pay Ticket fares are aggregated daily and charged to the credit/debit card used to travel, or to the credit/debit card linked to the digital device used to travel.

A credit/debit card, or linked digital device, used to purchase a Tap and Pay Ticket can be used to transfer to any tram or bus service within 2 hours of first purchasing the fare, at no additional charge. To transfer, tap this credit/debit card, or linked digital device, on a smart validator on the next service(s).

7. 28-Day Pass

Regular	Concession	Student
\$119.10	\$59.60	\$10.00

Provides unlimited travel on all Adelaide Metro services for 28 consecutive days.

A 28-Day Pass is loaded onto a Metrocard. If a Metrocard is required, then a person must pay the cost of the Metrocard (see item 2 above) in addition to the cost of the relevant 28-Day Pass.

8. 14-Day Pass

Regular	Concession
\$71.80	\$35.80

Provides unlimited travel on all Adelaide Metro services for 14 consecutive days.

A 14-Day Pass is loaded onto a Metrocard. If a Metrocard is required, then a person must pay the cost of the Metrocard (see item 2 above) in addition to the cost of the relevant 14-Day Pass.

9. Visitor Pass (3 days) Metrocard

\$28.90

Provides unlimited travel on all Adelaide Metro services for 3 consecutive days.

10. Cruise Ship Daytrip Metrocard

Regular	Concession
\$10.00	\$5.00

Provides unlimited travel on any bus, train or tram services until 4:00am on the following day.

Two children under 15 years of age travel free at all times when accompanied by an adult using a Cruise Ship Daytrip Metrocard.

The Cruise Ship Daytrip Metrocard is only available to cruise ship passengers with a valid cruise ship identification.

The Cruise Ship Daytrip Metrocard is only sold at the Adelaide Metro Outlet at the Outer Harbor Railway Station and the InfoCentre within the Adelaide Railway Station.

11. Primary School Groups

Unlimited travel on all Adelaide Metro services for an organised school group on a planned school excursion, including for up to 4 adults (Monday to Friday only).

No charge for travel commencing between 9.30am and 3.00pm and only available with an approved group booking.

12. South Australian Seniors Card Holders

South Australian Seniors cards are provided by the Office for Ageing Well at no charge.

Holders of a valid South Australian Seniors card travel for free at all times on any journey.

Holders of a valid South Australian Seniors card must validate their Seniors card on every journey.

13. Carriage of Certain Objects on Trains

Objects that are the subject of a Ministerial determination under Regulation 122(2)(a) of the *Passenger Transport Regulations 2024* (the Regulations) may be carried free on train services during the following times:

- Monday to Friday—9.01am to 3.00pm and 6.01pm until last service, when space is available
- Saturday, Sunday and public holidays—all day, when space is available

At all other times a person, apart from the holder of a valid South Australian Seniors card, travelling with an object that is the subject of a Ministerial determination under Regulation 122(2)(a) of the Regulations must purchase a Concession fare for the object, in addition to the applicable fare for themselves.

Holders of a valid South Australian Seniors card may carry an object that is the subject of a Ministerial determination under Regulation 122(2)(a) of the Regulations for free at all times, when space is available.

14. Special Vehicles

- Class 3 Special Vehicle
- Class 6 Special Vehicle

Fare as determined. Regular fare only (no concessions available).

Ticket Type is Zone.

15. QR Code Ticket

<i>Peak</i>			<i>Off-peak</i>		
Regular	Concession	Student	Regular	Concession	Student
\$4.55	\$2.25	\$1.60	\$2.60	\$1.30	\$1.30

Can be used to transfer to any bus, tram or train service within 2 hours of activation at no additional charge.

Daytrip

Regular	Concession	Student
\$12.50	\$6.30	\$6.30

Provides unlimited travel on any bus, train or tram services until 4:00am on the following day.

Two children under 15 years of age travel free at all times on weekends, public holidays or South Australian school holidays when accompanied by an adult using a Daytrip.

Visitor Pass (3 days)

\$28.90

Provides unlimited travel on all Adelaide Metro services for 3 consecutive days.

28-Day Pass

Regular	Concession	Student
\$119.10	\$59.60	\$10.00

Provides unlimited travel on all Adelaide Metro services for 28 consecutive days.

14-Day Pass

Regular	Concession
\$71.80	\$35.80

Provides unlimited travel on all Adelaide Metro services for 14 consecutive days.

A QR Code Ticket is available via the Adelaide Metro Buy & Go app.

A QR Code Ticket must be validated by holding a linked digital device near a validator until the validator validates the QR Code Ticket. Any time period associated with the fare type purchased (for example, transfers at no additional charge within a 2-hour period) will commence on activation of the QR Code Ticket and not on first validation. Multiple fares for persons travelling together on the same journey can be combined into one QR Code Ticket (up to five fares can be combined).

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 76

*Amendment to the Planning and Design Code**Preamble*

It is necessary to amend the Planning and Design Code (the Code) in operation at 29 May 2025 (Version 2025.10) in order to make the following minor or operational amendments:

- to correct errors in relation to:
 - the application of the Local Heritage Place Overlay over properties in Kangarilla and McLaren Vale
 - the misapplication of the State Heritage Place Overlay over a property in Adelaide
- to remove irrelevant material in relation to the application of the State Heritage Place Overlay over a property that has been sub-divided in Terowie
- to include a new, provisionally listed State Heritage Places in Port Lincoln, Hindmarsh and Kilkenny.

1. Pursuant to Section 76 of the *Planning, Development and Infrastructure Act 2016* (the Act), I hereby amend the Code in order to make the following minor or operational amendments:
- (a) Amend the spatial layer of the Local Heritage Place Overlay so that it applies to (and is linked to Heritage Number 5127 (being ‘Farm complex, ‘Glengrove’; Includes house and cottage’)) the following properties and update the Heritage Adjacency Overlay to reflect this change:
 - (i) 194 Cut Hill Road, Kangarilla (Lot 101, CT5151/449)
 - (ii) 196 Cut Hill Road, Kangarilla (Lot 100, CT5151/448)
 - (b) In Part 11—Local Heritage Places, in the section applying to ‘Onkaparinga’ amend the Table of Local Heritage Places by replacing the words ‘196 Cut Hill Road, Kangarilla’ with the words ‘194-196 Cut Hill Road, Kangarilla’.
 - (c) Amend the spatial layer of the Local Heritage Place Overlay so that it applies to (and is linked to Heritage Number 5210 (being ‘Shop & Residence’)), the following properties and update the Heritage Adjacency Overlay to reflect this change.
 - (i) 182 Main Road, McLaren Vale (CT5309/668)
 - (ii) 184 Main Road, McLaren Vale (CT5941/261)
 - (d) In Part 11—Local Heritage Places, in the section applying to ‘Onkaparinga’ amend the Table of Local Heritage Places by replacing the words ‘184 Main Road, McLaren Vale’ with the words ‘182-184 Main Road, McLaren Vale’.
 - (e) Amend the spatial layer of the State Heritage Places Overlay so that it does not apply to the following property in Terowie and update the spatial layer of the Heritage Adjacency Overlay to reflect this change:
 - (i) CT6097/601 D 81158 A 90.
 - (f) Amend the spatial layer of the State Heritage Place Overlay so that it does not apply to the following property and update the spatial layer of the Heritage Adjacency Overlay to reflect this change:
 - (i) 155-159 Hutt Street, Adelaide (All titles)
 - (g) Amend the spatial layer of the State Heritage Place Overlay so that it applies to the following properties and update the spatial layer of the Heritage Adjacency Overlay to reflect this change:
 - (i) Former A. A. Stenross & Company Boatyard; Axel Stenross Boatshed & living quarters, Barngala Country, 97 Lincoln Highway, Port Lincoln (Heritage Number 28521)
 - (ii) Former Hindmarsh Town Hall Complex (facades) Kaurna Country, 4 Milner Street, Hindmarsh (Heritage Number 28522)
 - (iii) Sisalkraft Factory Complex, Kaurna Country, 356 Torrens Road, Killkenny (Heritage Number 28528)
 - (h) In Part 11 of the Code, under ‘State Heritage Places’ within the section applicable to ‘Port Lincoln’, insert the following row in the table of State Heritage Places immediately after the row applying to ‘Le Brun Street, Port Lincoln’

Barngala Country, 97 Lincoln Highway, Port Lincoln	Former A. A. Stenross & Company Boatyard; Axel Stenross Boatshed & living quarters	B D	28521
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 - (i) In Part 11 of the Code, under ‘State Heritage Places’ within the section applicable to ‘Charles Sturt’, insert the following row in the table of State Heritage Places immediately after the row applying to ‘2 Milner Street, Hindmarsh’

Kaurna Country, 4 Milner Street, Hindmarsh	Former Hindmarsh Town Hall Complex (facades)	E	28522
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 - (j) In Part 11 of the Code, under ‘State Heritage Places’ within the section applicable to ‘Charles Sturt’, insert the following row in the table of State Heritage Places immediately after the row applying to ‘Station Place, Hindmarsh’

Kaurna Country 356 Torrens Road, Killkenny	Sisalkraft Factory Complex	D E	28528
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 - (k) In Part 13—Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the amendments to the Code as described in this Notice.
2. Pursuant to Section 76(5)(a) of the Act, I further specify that the amendments to the Code as described in this Notice will take effect upon the date those amendments are published on the SA planning portal.
- Dated: 17 June 2025

JASON BAILEY
Manager, Code Amendments
Department for Housing and Urban Development
Delegate of the Minister for Planning

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016
SECTION 76
Amendment to the Planning and Design Code

Preamble

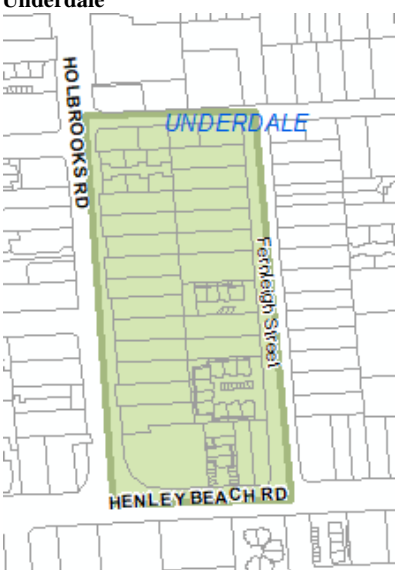
It is necessary to amend the Planning and Design Code (the Code) in operation at 29 May 2025 (Version 2025.10) in order to make changes of form relating to the Code’s spatial layers and their relationship with land parcels. Note: There are no changes to the application of zone, subzone or overlay boundaries and their relationship with affected parcels or the intent of policy application as a result of this amendment.

1. Pursuant to Section 76 of the *Planning, Development and Infrastructure Act 2016* (the Act), I hereby amend the Code in order to make changes of form (without altering the effect of underlying policy), correct errors and make operational amendments as follows:

- (a) Undertake minor alterations to the geometry of the spatial layers and data in the Code to maintain the current relationship between the parcel boundaries and Code data as a result of the following:
 - (i) New plans of division deposited in the Land Titles Office between 21 May 2025 and 10 June 2025 affecting the following spatial and data layers in the Code:

- A. Zones and subzones
- B. Technical and Numeric Variations
 - Building Heights (Levels)
 - Building Heights (Metres)
 - Concept Plan
 - Gradient Minimum Frontage
 - Gradient Minimum Site Area
 - Interface Height
 - Minimum Dwelling Allotment Size
 - Minimum Frontage
 - Minimum Site Area
 - Minimum Primary Street Setback
 - Minimum Side Boundary Setback
 - Future Local Road Widening Setback
 - Site Coverage
- C. Overlays
 - Affordable Housing
 - Airport Building Heights (Regulated)
 - Character Area
 - Coastal Areas
 - Design
 - Environment and Food Production Area
 - Future Road Widening
 - Hazards (Bushfire—High Risk)
 - Hazards (Bushfire—Medium Risk)
 - Hazards (Bushfire—General Risk)
 - Hazards (Bushfire—Urban Interface)
 - Hazards (Bushfire—Regional)
 - Hazards (Bushfire—Outback)
 - Heritage Adjacency
 - Historic Area
 - Limited Land Division
 - Local Heritage Place
 - Noise and Air Emissions
 - State Heritage Place
 - Stormwater Management
 - Urban Tree Canopy

(ii) Improved spatial data for existing land parcels in the following locations (as described in Column A) that affect data layers in the Code (as shown in Column B):

Location (Column A)	Layers (Column B)
<p>Underdale</p> 	<p>TNV's</p> <ul style="list-style-type: none"> - Building Heights <p>Overlays</p> <ul style="list-style-type: none"> - Future Road Widening - Urban Transport Routes

- (b) In Part 13 of the Code—Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the amendments to the Code as described in this Notice.
2. Pursuant to Section 76(5)(a) of the Act, I further specify that the amendments to the Code as described in this Notice will take effect upon the date those amendments are published on the SA planning portal.

Dated: 13 June 2025

GREG VAN GAANS
Director, Geospatial, Data Science and Analytics,
Department for Housing and Urban Development
Delegate of the Minister for Planning

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SUBDIVISION 2, SECTION 163

Establishment of Schemes-Basic Infrastructure—Initiation of Scheme

Preamble

Section 163(1) of the *Planning, Development and Infrastructure Act 2016* (the Act) allows the Minister for Planning (Minister) to initiate a basic infrastructure scheme in, or in connection with, a designated growth area.

Section 163(6) of the Act provides that the Minister will initiate a scheme by preparing a draft outline that includes information about the nature and scope of the infrastructure and identifies the designated growth area to which the scheme will apply, as well as other information prescribed in subsection (6).

Pursuant to Section 163(11) of the Act, after acting under this section on the advice of the State Planning Commission, the Minister must publish the draft outline of a basic infrastructure scheme in the Government Gazette.

NOTICE

I, Nick Champion, Minister for Planning, pursuant to Section 163(11) of the *Planning, Development and Infrastructure Act 2016* (the Act) publish the draft outline of the following basic infrastructure scheme that has been initiated in accordance with the provisions of Section 163 of the Act:

- *Concordia Growth Area Basic Infrastructure Scheme—Draft Outline* (Attachment 1)

Dated: 13 June 2025

HON NICK CHAMPION MP
Minister for Planning

ATTACHMENT 1

Concordia Infrastructure Scheme—Draft Outline

Approval to Proceed with Initiation of a Basic Infrastructure Delivery Scheme

Pursuant to Section 163(3)(a) of the *Planning, Development and Infrastructure Act 2016*

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1. Introduction
 - 1.1 Rationale for the Scheme
 - 1.2 Designated Growth Area
 2. Nature and Intended Scope
 - 2.1 How the Scheme supports Anticipated Development
 - 2.2 Infrastructure Staging and Prioritisation
 - 2.3 Scope of Proposed Scheme
 3. Infrastructure Scheme Costs and Benefits
 - 3.1 Preparation of Scheme
 - 3.2 Infrastructure Costs Investigations
 4. Funding Arrangements
 5. Infrastructure Delivery and Assets Transfer
- Appendix A—Map of Designated Growth Area
- Appendix B—List of Affected Properties
- Appendix C—Infrastructure Scheme Principles
- Appendix D—Preliminary Infrastructure Investigations

1. Introduction

An Infrastructure Delivery Scheme under Part 13 of the *Planning, Development and Infrastructure Act 2016* (the Act) is proposed in relation to the provision of necessary infrastructure to support the development of the Concordia Growth Area, as outlined in the Concordia Code Amendment.

The Minister for Planning (the Minister) has initiated a Basic Infrastructure Scheme (the Scheme) for the Concordia Growth Area pursuant to Section 163(3)(a) of the Act by preparing a draft outline of the Scheme (the Draft Outline).

This Draft Outline is consistent with the requirements set out in Section 163(6) of the Act. It details the nature and intended scope of the Scheme and relevant information about the various elements of the Scheme, including nature of investigations to be carried out and information to be collected for the Scheme.

Consultation on the Draft Outline with the nominated individuals and entities has been carried out in accordance with Section 163(10) of the Act.

The Minister has initiated the Scheme on advice of the State Planning Commission (Commission), as required by Section 163(4) of the Act.

1.1 *Rationale for the Scheme*

The Concordia Growth Area (CGA) is shown in the *Greater Adelaide Regional Plan* (GARP) as a 'Future Greenfield Growth Area'. The designated growth area was also identified as 'Future urban growth areas - unzoned' and 'Planned Urban Lands to 2045 (Urban Boundary)' in both the 2010 and 2017 iterations of the former *30-Year Plan for Greater Adelaide* (30-Year Plan).

In April 2023, the Minister approved the initiation of the Concordia Code Amendment (the Code Amendment). This Code Amendment seeks to rezone land to facilitate a new, master planned residential community and provide for the broad range of land uses and activities required to service a community including mixed use activity centres, educational facilities, employment land, open space and recreation areas.

The proposed master planned residential community is expected to provide approximately 10,000-12,000 new homes for 25,000-30,000 residents. The increase in population would be large enough to support the provision of new infrastructure and social, education, recreation, commercial and retail services to support the new master planned community.

The Chief Executive of the Department for Housing and Urban Development (Chief Executive) is the 'Designated Entity' responsible for conducting this Code Amendment process given the significance of the growth area and the need for a cross-government approach to infrastructure coordination and delivery.

The Minister's approval of the Concordia Code Amendment Proposal to Initiate was also subject to the condition that all necessary agreements or deeds are executed as required to secure the funding and/or delivery of infrastructure required to accommodate the development of the CGA.

An Infrastructure Delivery Scheme under Part 13 of the Act was identified as the most appropriate infrastructure delivery mechanism to support the objectives of the proposed Code Amendment for the following reasons:

- Early investigations highlighted a broad range of basic infrastructure as defined under Section 162 of the Act, including roads and stormwater management infrastructure, would reasonably necessary to support expected residential development.
- Significant trunk infrastructure is likely to reasonably necessary to support expected residential development.
- There are multiple landowners (45) over fragmented land ownership (75 parcels), making it difficult to coordinate infrastructure delivery to support the development of the CGA over time.
- There will be a need to coordinate the infrastructure delivery with agreed scope and expected timeframes for development of the CGA.

In identifying the Scheme as the most appropriate mechanism, the assessment against key principles is summarised in **Appendix C**.

On this basis, the Scheme seeks to facilitate coordination, funding, timing and the delivery of necessary infrastructure by establishing a mechanism that can evolve over the duration of the proposed development, while providing certainty, efficiency and transparency for stakeholders.

1.2 *Designated Growth Area*

The designated growth area for the Scheme is identified as the Concordia Growth Area (CGA), as identified in the proposed Code Amendment and as shown in the map in **Appendix A**.

Given the land within the CGA is subject to a proposed Code Amendment to increase development potential, including the division of land and future sale of resulting allotments, it is considered the CGA meets the definition of a *designated growth area* pursuant to Section 162 of the Act.

In constituting the designated growth area, consideration has also been given to:

- the area which will benefit from the basic infrastructure to be provided under the proposed scheme (evidenced by the draft Code Amendment affected area)
- the extent to which the area will provide fair and sufficient funds over time with respect to the provision of the basic infrastructure under the proposed scheme
- the extent to which the designated growth area overlaps with other schemes under the Act, of which there are none at the time of the Scheme's initiation.

1.2.1 *Concordia Growth Area CGA)*

The Concordia Growth Area (CGA) is located approximately 40 km north-east of the Adelaide CBD, to the immediate north-east of the Township of Gawler, and approximately 6 kilometres from the town of Lyndoch.

The GCA comprises approximately 980 hectares of land located entirely within the boundaries of The Barossa Council. The land is situated on both Kaurana and Ngadjuri Country.

There are a total of 75 allotments within the bounds of the following roads:

- Calton Road;
- Barossa Valley Way;
- Kalbeeba Road;
- Teusner Road;
- Bergen Road;
- Ironbark Road; and
- Martin Road.

At the time of initiating the Draft Outline, there are three (3) major land holders within the CGA:

- Concordia Land Trust (CLT) controls 633 hectares (67%);
- Mr Charles Teusner (Teusner) controls 112ha (12%);
- Metro Homes (Metro) controls 135ha (14%); and
- Independents control 100ha (7%).

The above land holders are representative of known interests in the land, with the respective parties having this interest represented in direct ownership, options of sale or other such arrangements.

Affected privately owned land parcels are identified in **Appendix B**.

2. Nature and Intended Scope

As outlined in Section (162)(1) of the Act, basic infrastructure can include any of the following types of infrastructure:

- Roads or causeways, bridges, culverts associated roads.
- Stormwater management infrastructure.
- Embankments, wells, channels, drains, drainage.
- Water infrastructure and sewerage infrastructure.
- Communications networks.
- Electrical and gas infrastructure.

The Basic Infrastructure Scheme for Concordia is limited to the provision and funding arrangements for basic infrastructure considered to be reasonably necessary for the purposes of development that is proposed to be undertaken within the CGA (on account of the draft Code Amendment).

The basic infrastructure will support, service or promote significant development that is proposed or to be undertaken within the designated growth area, and it is reasonably necessary and efficient to coordinate the design, construction and funding of basic infrastructure under a scheme due to the scale of the proposed development and basic infrastructure to be provided.

2.1 Anticipated Development

The Scheme seeks to ensure appropriate agreements are in place to facilitate the coordination, funding, timing and delivery of basic infrastructure to support the development anticipated by the Concordia Code Amendment.

Pursuant to Section 73(5) of the Act, the Concordia Code Amendment initiation was approved in April 2023, subject to conditions imposed by the Minister for Planning.

The Concordia Code Amendment Proposal to Initiate can be accessed via the [Plan SA website](#).

2.2 Intended Scope of Proposed Scheme

In accordance with Section 163(7) of the Act, the following principles have been taken into account when considering the nature and intended scope of basic infrastructure captured within the proposed scheme:

- Fit for purpose
- Capable of adaptation (where practicable or appropriate)
- Capable of augmentation or extension to accommodate growth or changing circumstances over time (where practicable or appropriate)
- Where appropriate, designed to built capacity for the future
- Designed and built to a standard that is appropriate
- Capable of being procured and delivered in a timely manner to facilitate and promote orderly and economic development.

2.2.1 Transport Infrastructure

A transport specialist has been engaged to undertake transport assessment. Early assessment indicates the anticipated transport infrastructure needs based on the expected traffic volume. More detailed traffic investigations will be undertaken to determine the full impact and scope of interventions required for the Scheme and to support the Code Amendment. **Appendix D** identifies some elements considered for further investigation.

Total costs and traffic infrastructure costs are yet to be estimated, however, early investigations undertaken indicate that infrastructure upgrades to accommodate the ultimate growth front will likely consist of:

- Roads and intersection upgrades; and
- Upgrades to bridge crossings.

Through the development of the Scheme, additional engineering analysis will be undertaken to determine direct impacts associated with the development of the CGA. These investigations will assist in determining the charges to facilitate infrastructure provision.

2.2.2 Stormwater Management Infrastructure

A stormwater specialist has been engaged to develop a Stormwater Management Strategy. Early assessment indicates the anticipated stormwater management infrastructure needs based on the initial modelling, opportunities and constraints. More detailed stormwater investigations will be undertaken to determine the full impact and scope of major stormwater management infrastructure (e.g. retention/detention basins/wetlands, channel restoration/water biodiversity corridor, culvert upgrade and in-road drainage infrastructure) required for the Scheme and to support the Code Amendment. **Appendix D** identifies some elements considered for further investigation.

Early assessment indicates that infrastructure upgrades to accommodate the ultimate growth front will likely consist of several stormwater management interventions that should be implemented as part of the Scheme.

The interventions will aim to control the flow of water from the site throughout and post development and to mitigate the level of flooding, erosion, discharge into the North Para River to the west and Whitelaw Creek to the south to manage and remediate waterways and to meet the Water Sensitive Urban Design pollutant reduction targets. Consideration will be given to climate change impacts, environmental and cultural significance and sensitivity along the waterway corridors and protection of the downstream receiving waters.

Interventions such as designated detention basins and culvert road crossings will assist to ensure the required infrastructure is constructed in a timely manner and in line with the current stormwater investigations.

2.2.3 Water, Sewerage, Communication Networks, Electrical and Gas Infrastructure

Investigations are underway to understand the existing capacity and serviceability of the CGA by SA Water (water and sewerage), NBN (communication networks) and SA Power Networks (electrical infrastructure).

The Scheme will look to align delivery plans for these essential infrastructure services. Investigations into the provision of these services and whether such infrastructure will be included as part of the Scheme, and/or how they interact with the Scheme, are to be conducted throughout the Infrastructure Scheme development and delivery processes.

2.3 Infrastructure Staging and Prioritisation

The Concordia Growth Area is expected to be developed at different times based on landowner preferences and market demands. The Scheme and its supporting documentation and plans will outline the optimal staging, and the infrastructure required to be constructed to fully develop the growth area, based on staging investigations. Development will likely start in the middle section of the Designated Growth Area, north of Barossa Valley Way, where single landowner holdings are. This will ensure that there is an orderly sequence to the rollout that prevents land locking any of the allotments in future stages, or unnecessarily restricting development.

A benefit of the Scheme is the ability for it to keep track of development and determine when new infrastructure should be delivered, even if development and growth occurs in multiple locations. This can be achieved by applying triggers linked to broader growth outcomes, rather than being development specific.

The analyses undertaken as part of the Concordia Master Plan and the Code Amendment investigations base their recommendations on a high growth scenario anticipated to occur over years. Noting the 'winding up' provisions under the Section 184 of the Act are not time sensitive, it is appropriate that the Scheme operates for as long as required to deliver the growth outcomes envisaged.

In preparing the Scheme, staging priorities and an equitable land budget will be considered to ensure that residential yields and infrastructure costs are being evenly apportioned for the landowners/developers. Considerations will be given to the most cost-effective infrastructure solutions.

3. Infrastructure Scheme Costs and Benefits

In the absence of a Scheme, the coordination of infrastructure would need to occur through the use of Land Management Agreements (LMAs) and Infrastructure Agreements (referred to as Deeds). This can be resource intensive and require all landowners to agree and sign individual LMAs and Deeds for each infrastructure type with each of the infrastructure providers/asset owners. This can significantly prolong the development process and may result in poor and uncoordinated development outcomes when landowners do not agree.

The CGA is comprised of a large number of landowners, with a fragmented allotment pattern which would make delivery of major infrastructure difficult, without appropriate coordination mechanisms in place. In developing the Scheme and funding arrangement, consideration will also be given to how best apportion contribution relative to benefit.

The Scheme can be applied to all parcels within the designated growth area and intends to provide a mechanism to adapt to the changing circumstances as the development progresses. On the other hand, individual LMAs and Deeds provide limited ability to be adjustable as they represent an agreement at a fixed time and are difficult to update, as agreement is required from all landowners every time changes are required.

The development of the Scheme will look to secure infrastructure requirements from the various agencies and stakeholders, which will include timing and scope of works to ensure that infrastructure is able to be delivered in line with the preferred staging identified in the Scheme.

Further, an Infrastructure Scheme enables investigations to proceed without regard to allotment boundaries or land ownership patterns to ensure that infrastructure design is optimised to provide the greatest benefit considered against the potential cost of the infrastructure. Landowners are consulted in the development of the Draft Infrastructure Scheme but are not directly involved with the investigations undertaken, which allows for multiple investigations to proceed in parallel.

As detailed investigations proceed for the future Scheme, further consideration of the costs and benefits of the Scheme will be assessed as more detail and understanding of infrastructure costings become available.

3.1 Preparation of Scheme

The preparation of a Basic Infrastructure Scheme generally requires:

- Procurement of professional planning, engineering, technical and financial advice
- Preparation of the Scheme Outline
- Preparation of detailed infrastructure plans and costing
- Preparation of an appropriate charging model to allow an infrastructure charge to be determined
- Finalisation of the Scheme.

A coordinated approach to development through the establishment of the Scheme is envisaged to create efficiencies and cost savings to councils and landowners into the future. These efficiencies and cost savings are attributable to:

- An investment in strategic planning to understand future infrastructure demands
- A clear and consistent catalogue of required infrastructure

- Avoidance of interim infrastructure solutions and sacrificial infrastructure works
- Avoidance of repeated/constant use of legal tools
- Construction of infrastructure to future capacity
- Understanding of timing and triggers for works to be undertaken
- Ability for parties to undertake 'Works in Kind' and receive credit against the works.

3.2 *Infrastructure Costs Investigations*

Estimated costs for each type of infrastructure required for the Scheme are being investigated. Early, high-level investigations were undertaken to inform the preparation of the Draft Outline and the initiation of the Infrastructure Scheme. These investigations highlighted the extent of infrastructure which may be required to support the CBA as being substantial. This infrastructure is considered to be beyond the scope of those which could typically be funded and delivered through a land division process by a single developer, highlighting the need for any cost to be shared between landowners.

The table below provides an overview of the infrastructure capacity considerations which were undertaken and the potential level of intervention which may be required to serve the CGA.

Infrastructure Type	Existing Conditions/Capacity	Potential Interventions Required
Roads/Bridges	Harris Road/Cheek Avenue Railway Bridge <ul style="list-style-type: none"> • Existing bridge to be removed identified as unsafe • New bridge is required to cross future rail and creek • Current road is at capacity current bridge is under capacity and needs repair 	<ul style="list-style-type: none"> - Demolition of existing Bridge and Road - New road and pedestrian bridges approx. 8m high and 40m in length - New bridge approx. 14m in height and 50m in length to cross creek - Road upgrade - Service easement pathway - Possible land acquisitions
Roads/Bridges	Cheek Avenue Road Upgrade <ul style="list-style-type: none"> • Road construction upgrade/ Concordia Boundary to Barossa Valley Way • Current road is at capacity • Major electrical service corridor • Untreated intersections exist 	<ul style="list-style-type: none"> - Likely interim minimum upgrades for first stages of CGA development - Approximately 1.5km of road upgrade - Demolition of existing Road - New pavement - New kerbing - Widening of road - Existing Service relocations - Design consideration for existing dwellings and associated infrastructure - Possible land acquisitions
Roads/Bridges	New intersection at Cheek Avenue Barossa Valley Way <ul style="list-style-type: none"> • Intersection treatment likely required—medium to high risk • Intersection is at capacity 	<ul style="list-style-type: none"> - Signalised intersection or roundabout subject to further investigation. - Possible private property acquisitions
Roads/Bridges	Cheek Avenue Extension from Barossa Valley Way to Calton Road <ul style="list-style-type: none"> • Road construction upgrade Barossa Valley Way to Calton Road. • Road is at capacity and untreated intersections exist. 	<p>Likely interim minimum upgrades for first stages of CGA development</p> <ul style="list-style-type: none"> - Demolition of existing Road - New pavement - New kerbing - Widening of road Existing Service relocations Design consideration for existing dwellings and associated infrastructure
Roads/Bridges	New intersection at Cheek Avenue Calton Road <ul style="list-style-type: none"> • Intersection treatment likely required • Existing deed in place with separate developer 	<ul style="list-style-type: none"> - Signalised intersection or roundabout subject to further investigation. - Designed for uplift from existing developer deed - Deed in place with existing developer to be lifted/alterd.
Roads/Bridges	Cheek Avenue Extension from Calton Road to Schomburgk Drive <ul style="list-style-type: none"> • Road construction upgrade Calton Road to Schomburgk Drive • Existing deed in place with separate developer 	<ul style="list-style-type: none"> - Deed in place with existing developer to be lifted/alterd. - Approx. 500m of new road designed to accommodate traffic uplift as a result of CGA - New pavement - New kerbing

Infrastructure Type	Existing Conditions/Capacity	Potential Interventions Required
Roads/Bridges	Internal Collector Road/s <i>Internal roads that are identified as being required under the scheme to interconnect separately owned land parcels</i>	<ul style="list-style-type: none"> - Possible 3km internal road construction early intervention required - Roads critical for service pathways and connectivity of fragmented land ownership
Roads/Bridges	Concordia Road, Barossa Valley Way Intersection <ul style="list-style-type: none"> • Intersection treatment likely required—medium to high risk • Potential safety hazards with current road network • Existing infrastructure re-locations 	<ul style="list-style-type: none"> - Major Intersection Investigation and Upgrade incl. railway station and rail crossing location - Existing road may require realignment - Location of railway station possible raised road/rail or level crossing - Significant infrastructure likely to require relocation
Roads/Bridges	Barossa Valley Way Upgrade <ul style="list-style-type: none"> • Road design may not anticipate uplift from CGA. • Possible realigning existing road • If connection to Harris Road isn't undertaken this intervention will likely be required. 	<ul style="list-style-type: none"> - 80kph road Investigation and upgrades - Significant infrastructure likely to require relocation - Road upgrade and pedestrian access likely required
Roads/Bridges	Kalbeeba Road, Barossa Valley Way Intersection <ul style="list-style-type: none"> • Intersection treatment likely required due to uplift in traffic volumes and new bypass construction bringing heavy vehicles into network. • Realigning existing road 	<ul style="list-style-type: none"> - Major Intersection Investigation and Upgrade - 80kph road Investigation and upgrades - Significant infrastructure likely to require relocation - Road upgrade and pedestrian access likely required
Roads/Bridges	New Internal Road, Barossa Valley Way Intersection <ul style="list-style-type: none"> • Intersection treatment likely required • Realigning existing road 	<ul style="list-style-type: none"> - Major Intersection Investigation and Upgrade
Roads/Bridges	New Internal Road, Heavy Vehicle By-Pass <ul style="list-style-type: none"> • Extensive 80km/hr speed Road • Will require limited intersections to new CGA development 	<ul style="list-style-type: none"> - Major Investigation and new road - Envisaged traffic from Sturt Highway to Barossa Valley Way travelling enroute to Murray Bridge - Road designed to divert heavy vehicles from Murray Street Gawler - Initial phase two multi directional lanes with potential for future duplication.
Roads/Bridges	New Road and Bridge crossing North Para River for Heavy Vehicle By- Pass <ul style="list-style-type: none"> • Extensive bridge crossing for heavy vehicle by-pass. • Designed to cater for future duplication of two laned road to 4 lanes. 	<ul style="list-style-type: none"> - Major Investigation and new road and Bridge Crossing - Envisaged traffic from Sturt Highway to Barossa Valley Way travelling enroute to Murray Bridge - Road designed to divert heavy vehicles from Murray Street Gawler
Roads/Bridges	Sturt Highway Interchange <ul style="list-style-type: none"> • Extensive ramps and interchange connecting new heavy vehicle by-pass with Sturt Highway 	<ul style="list-style-type: none"> - Major Investigation and new road and connection. - Will connect Concordia with Roseworthy. - Will provide traffic diversion for heavy vehicles. - Will link Concordia to Light Regional and existing employment lands.
Roads/Bridges	Roundabouts <ul style="list-style-type: none"> • Subject to the finalisation of the transport Investigations 	<ul style="list-style-type: none"> - The transport investigation has highlighted the need for several roundabouts where internal roads connect to The Barossa Valley Way and the future heavy vehicle bypass road.

Infrastructure Type	Existing Conditions/Capacity	Potential Interventions Required
Roads/Bridges	Signalised Intersections <ul style="list-style-type: none"> • Subject to the finalisation of the transport Investigations 	<ul style="list-style-type: none"> - The transport investigation has highlighted the need for several signalised intersections where internal roads connect to The Barossa Valley Way and the future heavy vehicle bypass road.
Stormwater Management	Retention/Detention Basins <ul style="list-style-type: none"> • The Stormwater Management Report has identified several key basins 	<ul style="list-style-type: none"> - The basins will be required to restrict the flow of Stormwater coming from the site. - The basins will need to be located in strategic locations to ensure they protect riparian areas and restrict the flows into North Para River and Whitelaw Creek to mitigate erosion and downstream impacts. - Basin locations will need to consider the interconnection of stormwater through multiple separately owned land holdings.
Stormwater Management	Stormwater Culvert Road Crossings <ul style="list-style-type: none"> • The Stormwater Management Report has identified that several culverts and road crossings will be required 	<ul style="list-style-type: none"> - Internal road culvert crossings - Possible external road culvert crossings
Essential Water Infrastructure	<ul style="list-style-type: none"> • Limited capacity to service the proposed urban development 	<ul style="list-style-type: none"> - Investigations underway to determine the extent of the portable water infrastructure required to cater for proposed urban development
Essential Sewer Infrastructure	<ul style="list-style-type: none"> • No reticulated sewerage provision to the existing community. 	<ul style="list-style-type: none"> - Investigations underway to determine how wastewater will be treated <p>Substantial infrastructure and upgrades likely required to cater for proposed urban development</p>
Essential Communication Network	<ul style="list-style-type: none"> • NBN Co in-service infrastructure exists within the vicinity of the proposed development site 	<ul style="list-style-type: none"> - Investigation underway to confirm the capacity to service the proposed urban development
Essential Electrical Infrastructure	<ul style="list-style-type: none"> • Existing 33kV overhead powerlines located within the proposed development site • 33kv transformers located within proximity to the site • Major upgrades required 	<ul style="list-style-type: none"> - All 33KV Infrastructure will require upgrading to an 11KV network. - A further 66V transmission line will be required to run parallel to the existing ElectraNet high voltage system together with two new substations to service the new 11/66KV system. <p>(An interim solution to convert part of the 33KV system to 11KV could achieve 1.8MVA for some interim capacity.)</p>
Essential Gas Infrastructure	<ul style="list-style-type: none"> • No existing gas infrastructure within the CGA. Will require future upgrades. 	<ul style="list-style-type: none"> - The existing 280mm trunk main located at Carlton Road, Gawler East, be extended into the proposed subdivision. This extension can be progressively installed to service future residential development in the affected area

In considering the potential benefits of an infrastructure scheme, it is recognised that the infrastructure identified above is consistent with that which can be accounted for in a Basic Infrastructure Scheme. An Infrastructure Scheme allows for the costs of infrastructure to be shared between landowners, avoiding a single developer from obligations to deliver infrastructure which would exceed the financial viability of a project, or the actual infrastructure demands from a single application.

This, in turn, will provide a direct benefit to landowners who would seek to undertake development upon the land being rezoned.

In addition, there would be the ability for future costs of the Scheme including capital cost of infrastructure, procurement and design of infrastructure and construction of infrastructure to be recoverable through the Scheme once operational. The Scheme Coordinator would oversee these aspects to ensure that they are delivered to the appropriate standard and cost, providing a further benefit to landowners through this oversight.

An Infrastructure Funding Plan will be delivered to inform the Scheme, providing detailed cost estimates for the identified infrastructure and identifying the responsible party for delivery of the infrastructure. These investigations are critical to appropriately scoping and costing the infrastructure to ensure sufficient funding is collected to fund all infrastructure required as part of the Scheme.

The development of the Draft Scheme will provide detail relating to the escalation of the applied contribution rate and review periods which apply to the Scheme. The cost investigations will also provide for an analysis of beneficiaries and contributors for the development of the Funding Plan.

Details and assumptions will be further developed through ongoing investigations to ensure that the Scheme key principles are taken into consideration.

4. Funding Arrangements

Potential funding arrangement for the Scheme may include the following:

Funding Options	How it may be Utilised
Provision of funds from public sources	Proposed to be incorporated. Investigations will consider opportunities to source or apply for funds through grants programmes or budgetary submissions as may be appropriate for the relevant infrastructure.
Provision of funds from private sources	Proposed to be incorporated. Developer funded and delivered infrastructure (no shared major infrastructure) through land division process and provision of Works in Kind by developing parties.
Exemptions from 1 or more taxes, levies or local government rates imposed under a law of the State	Further investigations will be undertaken to determine appropriateness of utilising this funding option. Where the contribution is already collected for a particular infrastructure as part of the Scheme, intent is not to duplicate the charges.
Charges on land (Imposition of a charge under Subdivision 7 of Part 13 of the PDI Act, including by establishing a designated growth area)	<p>Proposed to be incorporated. Major/regional infrastructure required within the Scheme will be delivered through a charge applied on the land as it is developed. This charge would cover an apportioned cost of all infrastructure required, along with the administration of the Scheme and is anticipated to be applied on developable land within the designated growth area.</p> <p>Further investigations will be undertaken to understand the costs in order to ensure the charge on the land is established in a way that will provide sufficient cash flow to support infrastructure delivery when required.</p> <p>In considering whether to include the charge of land, various funding options including alternative sources of funding and any schemes or arrangements that are already in place, or already planned with respect to the provision of basic infrastructure or the undertaking of works in the designated growth area (or in an adjacent or related area).</p>
Scheme contributions (Collection of contributions under Subdivision 8 of Part 13 of the PDI Act, including by designating the relevant contribution area or areas)	<p>If a charge is utilised under Subdivision 7, then this contribution mechanism is unlikely to be required.</p> <p>Further investigations will be undertaken to determine appropriateness of utilising this funding option.</p>
Scheme rebates and other adjustments in relation to contributions that would be payable under Subdivision 7 or Subdivision 8)	Further investigations will be undertaken to determine appropriateness of utilising this funding option.
Provide for any charge or other amount to be imposed, collected, rebated or adjusted according to a determination of ESCOSA, or of some other specified person or body (including a determination that is made after the scheme has been approved under this section)	Further investigations will be undertaken to determine appropriateness of utilising this funding option for essential services such as water, sewerage, electrical infrastructure.
Works in Kind	Proposed to be incorporated, allowing a landowner or developer, acting on behalf of a landowner, to voluntarily deliver or procure any portion of the identified works within a Scheme, subject to first presenting a proposal to the Scheme Coordinator and obtaining written agreement.
Provide for other matters determined by the Minister	To be considered based on further investigation.

In accordance with Section 163(9) of the Act, the proposal for the imposition of a charge under Subdivision 7 has taken into account:

- The extent that it is reasonable that other sources of funding be used instead; and
- Whether there are any schemes or arrangements (including with respect to the imposition of separate or other rates or charges) that are already in place, or already planned (and known to the Minister) with respect to the provision of basic infrastructure or the undertaking of works in the designated growth area (or in an adjacent or related area).

In considering other funding methods that might otherwise be available for the CGA, it is recognised that the proposed rezoning of the land is largely driving any requirement to upgrade infrastructure outside of standard asset renewal programs which may exist.

Given this, there is an assumption that infrastructure upgrades required to service the CGA will largely need to be funded by landowners or their agents developing that land, or by existing or future asset owners. As detailed investigations are undertaken to inform the Scheme, these inputs will inform the development of the funding plan and likely funding sources. In developing a funding arrangement, consideration will be given to the principles outlined in Section 166(2) and 166(5) of the Act.

5. Infrastructure Delivery and Assets Transfer

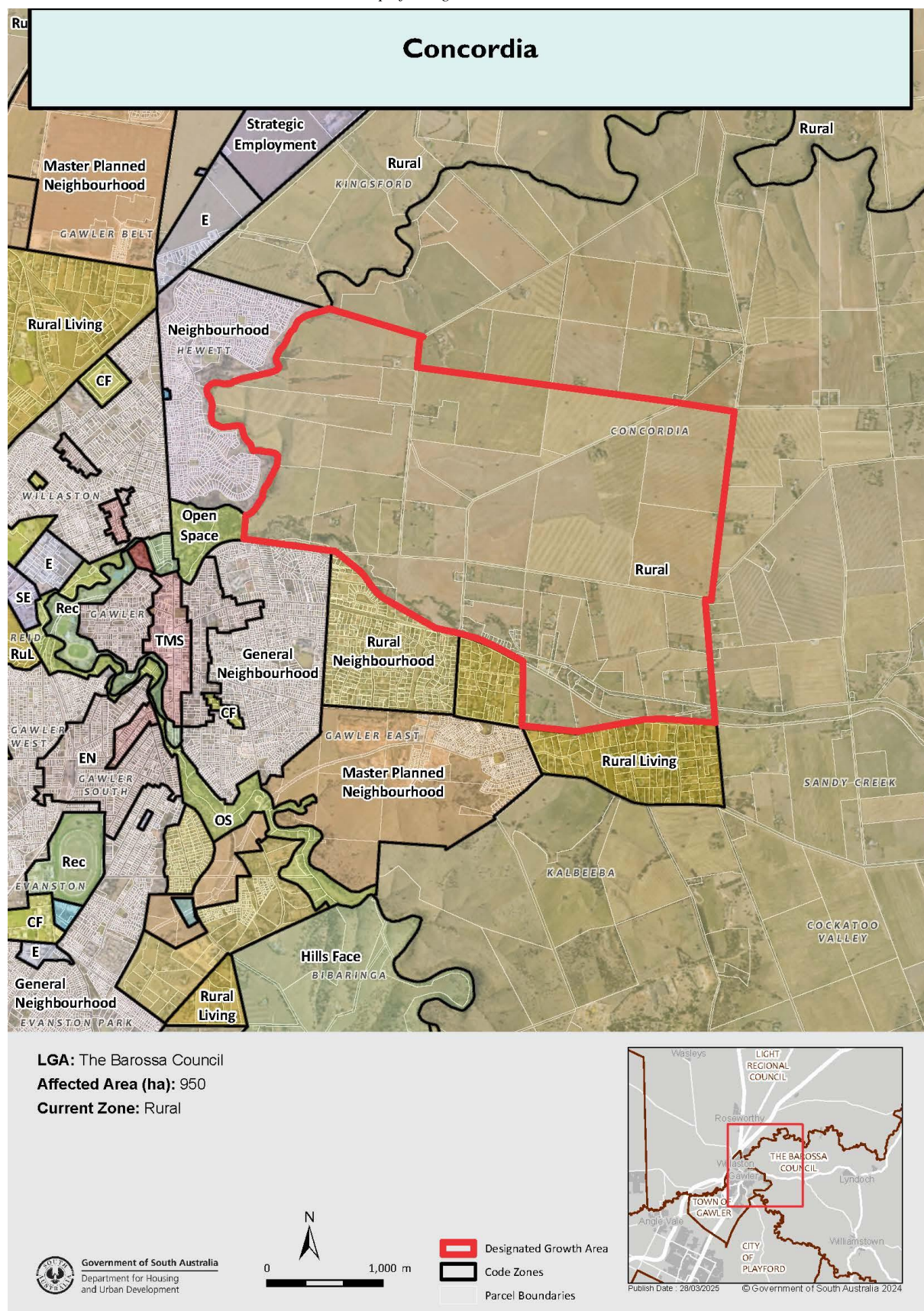
The Scheme will have the ability to support the following types of infrastructure outlined in the below table, which also identifies proposed construction responsibilities and assets that might be expected to be transferred to another entity when the Scheme is completed.

All public infrastructure delivered through the Scheme is anticipated to be ultimately vested to Council or the State Government. Any utility infrastructure provided is anticipated to be vested to a service provider such as SA Water.

Where constructions are undertaken by developers, approval, the design, construction, and handover of the asset must comply with the protocols and standards of the specific asset owner.

Asset Type	Construction Responsibility	Asset Owner
Roads or causeways, bridges or culverts associated with State Government roads	<ul style="list-style-type: none"> • Developer and or • Department for Infrastructure and Transport 	Department for Infrastructure and Transport
Roads or causeways, bridges or culverts associated with Council roads	<ul style="list-style-type: none"> • Developer 	Barossa Council
Stormwater management infrastructure	<ul style="list-style-type: none"> • Developer • Council (in cases where upgrades are required for existing infrastructure) 	Barossa Council
Embankments, wells, channels, drains, drainage hole, or other forms of works or earthworks connected with provision of the preceding infrastructure	<ul style="list-style-type: none"> • Developer • Council (in cases where upgrades are required for existing infrastructure) 	Barossa Council
Essential infrastructure, such as that required for the generation of electricity, distribution and supply of electricity or other forms of energy, water or sewerage infrastructure, and communication networks	<ul style="list-style-type: none"> • Trunk infrastructure— respective utility/service providers • Local network/connections— Developer 	Respective utility/service providers

APPENDIX A
Map of Designated Growth Area



APPENDIX B
List of Affected Properties

Certificate of Title (CT)	Property Details	Certificate of Title (CT)	Property Details
CT5675/44	163 Martin Road, Concordia	CT5757/584	Allot 382 Barossa Valley Way, Concordia
CT5675/433	Allot 14 Martin Road, Concordia	CT6025/69	133 Kalbeeba Road, Concordia
CT5207/519	Allot 1 Martin Road, Concordia	CT5781/157	298 Barossa Valley Way, Kalbeeba
CT5820/228	Allot 4 Martin Road, Concordia	CT5408/587	6 Lawes Court, Kalbeeba
CT5795/623	116 Martin Road, Concordia	CT5202/378	5 Lawes Court, Kalbeeba
CT6196/977	Allot 419 Martin Road, Concordia	CT6059/376	381 Barossa Valley Way, Concordia
CT5808/85	Lot 420 Concordia Road, Concordia	CT6025/70	121 Kalbeeba Road, Concordia
CT5174/164	173 Teusner Road, Concordia	CT5908/450	107 Kalbeeba Road, Concordia
CT5207/518	Section 262 Concordia Road, Concordia	CT6043/17	31 Ann Milroy Lane, Kalbeeba
CT5509/119	Allot 1 Martin Road, Concordia	CT5799/562	277 Barossa Valley Way, Concordia
CT6196/978	Section 262 Concordia Road, Concordia	CT6011/556	281 Barossa Valley Way, Concordia
CT5479/535	Allot 3 Cheek Avenue, Gawler East	CT5802/617	289 Barossa Valley Way, Concordia
CT5508/849	Allot 5 Martin Road, Concordia	CT5258/149	21 Wheatsheaf Avenue, Concordia
CT6196/978	Section 261 Concordia Road, Concordia	CT5593/850	22 Wheatsheaf Avenue, Concordia
CT5082/907	115 Cheek Avenue	CT5806/554	287 Barossa Valley Way, Concordia
CT5624/564	19 Harris Road, Concordia	CT5553/882	17 Wheatsheaf Avenue, Concordia
CT5321/522	31 Martin Road, Concordia	CT5593/726	16 Wheatsheaf Avenue, Concordia
CT6205/55	32 Martin Road, Concordia	CT5802/741	291 Barossa Valley Way, Concordia
CT5570/395	Lot 420 Concordia Road, Concordia	CT6101/572	297 Barossa Valley Way, Concordia
CT5664/337	Section 264 Concordia Road, Concordia	CT5796/305	299 Barossa Valley Way, Concordia
CT5784/84	61 Teusner Road, Concordia	CT5559/158	301 Barossa Valley Way, Concordia
CT6181/651	8 Harris Road, Concordia	CT5593/849	8 Wheatsheaf Avenue, Concordia
CT6196/976	3 Concordia Road, Concordia	CT5189/327	324 Barossa Valley Way, Kalbeeba
CT6170/585	47 Concordia Road, Concordia	CT5901/827	356 Barossa Valley Way, Kalbeeba
CT5629/233	48 Concordia Road, Concordia	CT5447/85	358 Barossa Valley Way, Kalbeeba
CT5629/239	74 Springbett Road, Concordia	CT5445/127	Allot 298 Barossa Valley Way, Kalbeeba
CT6059/375	114 Springbett Road, Concordia	CT6043/18	Allot 202 Ann Milroy Lane, Kalbeeba
CT5691/847	135 Kalbeeba Road, Concordia	CT5269/890	79 Kalbeeba Road, Kalbeeba
CT5285/394	Piece 1 Barossa Valley Way, Concordia	CT5901/828	338 Barossa Valley Way, Kalbeeba
CT5629/235	Allot 2 Concordia Road, Concordia	CT5884/616	146 Calton Road, Kalbeeba
CT5201/781	26 Concordia Road, Concordia	CT5605/909	142 Calton Road, Kalbeeba
CT5118/269	23 Wheatsheaf Avenue, Concordia	CT5445/164	9 Lawes Court, Kalbeeba
CT5629/237	319 Barossa Valley Way, Concordia	CT5445/153	390 Barossa Valley Way, Kalbeeba
CT5923/652	329 Barossa Valley Way, Concordia	CT5848/33	166 Calton Road, Kalbeeba
CT5982/490	353 Barossa Valley Way, Concordia	CT5619/515	8 Ann Milroy Lane, Kalbeeba
CT5264/826	265 Barossa Valley Way, Concordia	CT5403/452	4 Concordia Road, Concordia
CT5923/651	337 Barossa Valley Way, Concordia	CT5569/880	Allot 375 Calton Road, Kalbeeba
CT5482/469	341 Barossa Valley Way, Concordia	CT5482/469	341 Barossa Valley Way, Concordia

APPENDIX C
Infrastructure Scheme Principals

Principle	Principle Description	Assessment against the Principles
Fit for Purpose	The model will secure sufficient funding to ensure the infrastructure is constructed as required.	The number of landowners within the designated growth area provide opportunities for the cost of required infrastructure elements to be shared as the land is developed. The Scheme will be developed to provide appropriate costings of infrastructure and timing of when works may be required. The Scheme will be reliant on development within the growth area to generate revenue. Market demand and pace of development will influence eventual timing of when infrastructure is delivered.

Principle	Principle Description	Assessment against the Principles
Equity	Infrastructure should be properly scoped and costed, with the apportioned contribution relative to benefit. <i>Costs are attributed to developers, should be confined to improvements necessitated by the development.</i>	The Scheme will enable infrastructure requirements to be detailed and costed, with the apportioned contribution able to be shared between parties that benefit from the Code Amendment. The analysis underpinning the scheme will demonstrate that the Scheme is able to cover costs arising from development. These investigations will ensure that infrastructure costs will be shared proportionally to asset owners whose assets require upgrade.
Evidence Based	Infrastructure should be properly scoped and costed to ensure contributions are focused on funding the actual infrastructure and do not become a 'tax' on new housing development.	The scope of the required infrastructure for the area will be underpinned by extensive investigations undertaken. Of note, investigations relating to traffic, and stormwater infrastructure, service infrastructure and site specific requirements will be central to the infrastructure scheme with other supporting reports providing input. This will ensure that an evidence-based approach is used to develop the Infrastructure Scheme.
Future Proofing	Infrastructure Schemes should be developed to build capacity for the future and provide ability for connection.	The progression of the Infrastructure Scheme has been informed by supporting work undertaken by future developers and Council for the future growth of the area. The scheme will be developed with regard for the future potential growth as identified in the Greater Adelaide Regional Plan.
Transparency	Funding mechanisms should be transparent to build investor confidence and public trust.	The Infrastructure Scheme model requires landowner engagement throughout the process. Further detail on the Infrastructure Scheme will be provided to landowners once the coordinator has finalised the drafting of the Scheme. The Scheme Coordinator will be responsible for monitoring and reporting on the Scheme, with details relating to the performance and operation of the Scheme provided in a public platform through the publishing requirements defined within the Act. This requires that the Draft Outline is published on the PlanSA website, which can include redacted information that it not suitable for public dissemination.
Governance	There should be appropriate governance and oversight to ensure accountability of decision-making around the delivery of the infrastructure required.	The Scheme will require the appointment of a Scheme Coordinator to oversee the development and delivery of the ISP and Scheme. The coordinator is required to operate under a code of conduct ensuring that there is a high level of governance over the Scheme. In addition, a supporting working group with relevant experts will be established to provide advice and support to both the secretariat (DHUD) and the individual Scheme Coordinator.
Timing and Delivery	Infrastructure design should be capable of being procured and delivered in a timely manner.	Investigations undertaken to develop the Scheme will provide a clear program of works detailing infrastructure staging and requirements. This will ensure that appropriate information is provided to accelerate detailed design and construction planning for infrastructure delivery when it is required.

APPENDIX D

Preliminary Infrastructure Investigations

Infrastructure Type	Issues Identified	Potential Treatment	Indicative Timing/Priority
Roads/Bridges	Harris Road/Cheek Avenue Railway Bridge <ul style="list-style-type: none"> Existing bridge to be removed-high risk New bridge is required to cross future rail 	<ul style="list-style-type: none"> - Demolition of existing Bridge and Road - New road and pedestrian bridge - Road upgrade - Service easement pathway 	Low-medium Priority (if required) 5-10 Years (Note- may not be required in the early stages of the development. Subject to developer investigation throughout detailed design.)
Roads/Bridges	Cheek Avenue Road Upgrade <ul style="list-style-type: none"> Road construction upgrade/Concordia Boundary to Barossa Valley Way 	<ul style="list-style-type: none"> - Demolition of existing Road - New pavement - New kerbing - Widening of road - Existing Service relocations 	High Priority 1-5 Years (Note minor upgrades for initial stage/s may be required early with major upgrades triggered by determined traffic volumes)

Infrastructure Type	Issues Identified	Potential Treatment	Indicative Timing/Priority
Roads/Bridges	New intersection at Cheek Avenue Barossa Valley Way <ul style="list-style-type: none"> Intersection treatment likely required—medium to high risk 	<ul style="list-style-type: none"> Signalised intersection or roundabout subject to further investigation. 	High Priority 1-5 Years (Note minor upgrades for initial stage/s may be required early with major upgrades triggered by determined traffic volumes)
Roads/Bridges	Cheek Avenue Extension from Barossa Valley Way to Calton Road Road construction upgrade Barossa Valley Way to Calton Road.	<ul style="list-style-type: none"> Demolition of existing Road New pavement New kerbing Widening of road Existing Service relocations 	High Priority 1-5 Years (Note minor upgrades for initial stage/s may be required early with major upgrades triggered by determined traffic volumes)
Roads/Bridges	New intersection at Cheek Avenue Calton Road Intersection treatment likely required—medium to high risk	<ul style="list-style-type: none"> Signalised intersection or roundabout subject to further investigation. 	High Priority 1-5 Years (Note minor upgrades for initial stage/s may be required early with major upgrades triggered by determined traffic volumes)
Roads/Bridges	Cheek Avenue Extension from Calton Road to Schomburgk Drive <ul style="list-style-type: none"> Road construction upgrade Calton Road to Schomburgk Drive 	<ul style="list-style-type: none"> New pavement New kerbing 	High Priority 1-5 Years (Note- will be required early to facilitate traffic moving southwards and away from Murry Street which is at capacity)
Roads/Bridges	Internal Collector Road/s <i>Internal roads that are identified as being required under the scheme to interconnect separately owned land parcels</i>	<ul style="list-style-type: none"> Road construction early intervention Will be required to facilitate development connections to multiple privately owned land parcels and create service corridors 	Medium-High Priority 1-10 Years
Roads/Bridges	Concordia Road, Barossa Valley Way Intersection <ul style="list-style-type: none"> Intersection treatment likely required—medium to high risk Realigning existing road Location of Railway Station Possible Level Crossing 	<ul style="list-style-type: none"> Major Intersection Investigation and Upgrade incl. railway station location and timing of rail 	High Priority 1-5 Years (Note minor upgrades for initial stage/s may be required early with major upgrades triggered by determined traffic volumes)
Roads/Bridges	Kalbeeba Road, Barossa Valley Way Intersection <ul style="list-style-type: none"> Intersection treatment likely required—medium to high risk Realigning existing road 	<ul style="list-style-type: none"> Major Intersection Investigation and Upgrade Will be required depending on timing of the Bypass Road works 	Medium Priority 5-10 Years
Roads/Bridges	New Internal Road, Barossa Valley Way Intersection <ul style="list-style-type: none"> Intersection treatment likely required Realigning existing road 	<ul style="list-style-type: none"> Major Intersection Investigation and Upgrade Will be required to facilitate access to land development 	High Priority 1-5 Years
Roads/Bridges	New Internal Road, Heavy Vehicle By-Pass <ul style="list-style-type: none"> Extensive 80km/hr speed Road Will require limited intersections to new CGA development 	<ul style="list-style-type: none"> Major Investigation and new road Envisaged traffic from the CGA as well as Sturt Highway to Barossa Valley Way travelling enroute to Murray Bridge 	Medium Priority 5-10 Years (Note- may be required earlier to reduce traffic moving southwards and away from Murry Street which is at capacity. Subject to DIT timing)

Infrastructure Type	Issues Identified	Potential Treatment	Indicative Timing/Priority
Roads/Bridges	<i>New Road and Bridge crossing North Para River for Heavy Vehicle By-Pass</i> <ul style="list-style-type: none"> Extensive bridge crossing for heavy vehicle by-pass. Designed to cater for future duplication of two laned road to 4 lanes. 	<ul style="list-style-type: none"> Road designed to divert heavy vehicles from Murray Street Gawler Initial phase two multi directional lanes with potential for future duplication. Major Investigation and new road and Bridge Crossing Envisaged traffic from the CGA as well as Sturt Highway to Barossa Valley Way travelling enroute to Murray Bridge Road designed to divert heavy vehicles from Murray Street Gawler 	Medium Priority 5-10 Years (Note- may be required earlier to reduce traffic moving southwards and away from Murry Street which is at capacity. Subject to DIT timing)
Roads/Bridges	<i>Sturt Highway Interchange</i> <ul style="list-style-type: none"> Extensive ramps and interchange connecting new heavy vehicle by-pass with Sturt Highway 	<ul style="list-style-type: none"> Major Investigation and new road and connection. Will connect Concordia with Roseworthy. Will provide traffic diversion for heavy vehicles. Will link Concordia to Light Regional and existing employment lands and south to Adelaide. 	Medium Priority 5-10 Years (Note- may be required earlier to reduce traffic moving southwards and away from Murry Street which is at capacity. Subject to DIT timing)
Roads/Bridges	<i>Roundabouts</i> <i>Subject to the finalisation of the transport Investigations</i>	<ul style="list-style-type: none"> The transport investigation has highlighted the need for several roundabouts where internal roads connect to The Barossa Valley Way and the future heavy vehicle bypass road. 	Medium-High Priority 1-10 Years
Roads/Bridges	<i>Signalised Intersections</i> <i>Subject to the finalisation of the transport Investigations</i>	<ul style="list-style-type: none"> The transport investigation has highlighted the need for several signalised intersections where internal roads connect to The Barossa Valley Way and the future heavy vehicle bypass road. 	Medium-High Priority 5-10 Years
Stormwater Management	<i>Retention/Detention Basins</i> <i>The Stormwater Management Report has identified several key basins</i>	<ul style="list-style-type: none"> The basins will be required to restrict the flow of Stormwater coming from the site. The basins will need to be located in strategic locations to ensure they protect riparian areas and restrict the flows into North Para River and Whitelaw Creek to mitigate erosion. 	Medium-High Priority 5-10 Years
Stormwater Management	<i>Stormwater Culvert Road Crossings</i> <i>The Stormwater Management Report has identified that several culverts and road crossings will be required</i>	<ul style="list-style-type: none"> Internal road culvert crossings External road culvert crossings 	Medium-High Priority 5-10 Years
Essential Water Infrastructure	Limited capacity to service the proposed urban development	<ul style="list-style-type: none"> Investigations underway to determine the extent of the portable water infrastructure required to cater for proposed urban development 	High Priority Prior to occupation
Essential Sewer Infrastructure	No reticulated sewerage provision to the existing community.	<ul style="list-style-type: none"> Investigations underway to determine how wastewater will be treated Substantial infrastructure and upgrades likely required to cater for proposed urban development 	High Priority Prior to occupation
Essential Communication Network	<ul style="list-style-type: none"> NBN Co in-service infrastructure exists within the vicinity of the proposed development site 	<ul style="list-style-type: none"> Investigation underway to confirm the capacity to service the proposed urban development 	High Priority Prior to occupation

Infrastructure Type	Issues Identified	Potential Treatment	Indicative Timing/Priority
Essential Electrical Infrastructure	<ul style="list-style-type: none"> Existing 33kV overhead powerlines located within the proposed development site 33kv transformers located within proximity to the site Major upgrades required 	<ul style="list-style-type: none"> All 33KV Infrastructure will require upgrading to an 11KV network. A further 66V transmission line will be required to run parallel to the existing ElectraNet high voltage system together with two new substations to service the new 11/66KV system. An interim solution to convert part of the 33KV system to 11KV could achieve 1.8MVA for some interim capacity. 	High Priority Interim solution prior to occupation
Essential Gas Infrastructure	<ul style="list-style-type: none"> No existing gas infrastructure within the CGA. Will require future upgrades. 	<ul style="list-style-type: none"> The existing 280mm trunk main located at Carlton Road, Gawler East, be extended into the proposed subdivision. This extension can be progressively installed to service future residential development in the affected area. 	High Priority prior to occupation

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 42

*Practice Directions**Preamble*

The State Planning Commission may issue a practice direction for the purposes of this Act.

A practice direction may specify procedural requirements or steps in connection with any matter arising under this Act.

A practice direction must be notified in the Gazette and published on the SA planning portal.

A practice direction may be varied or revoked by the State Planning Commission from time to time by a further instrument notified in the Gazette and published on the SA Planning Portal.

NOTICE

Pursuant to Section 42(4)(b) of the *Planning, Development and Infrastructure Act 2016*, I, Sally Smith, delegate of the State Planning Commission:

(a) vary *State Planning Commission Practice Direction 8—Council Swimming Pool Safety Inspections 2019*; and

(b) fix 1 July 2025 as the day on which the varied *State Planning Commission Practice Direction 8—Council Swimming Pool Safety Inspections 2019* will come into operation.

Dated: 17 June 2025

SALLY SMITH
Deputy Chief Executive
Delegate, State Planning Commission

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 42

*Practice Directions**Preamble*

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A practice direction may be varied or revoked by the State Planning Commission from time to time by a further instrument notified in the Gazette and published on the SA Planning Portal.

NOTICE

Pursuant to Section 42(4)(b) of the *Planning, Development and Infrastructure Act 2016*, I, Craig Holden, Chair, State Planning Commission:

(a) vary *State Planning Commission Practice Direction 12 (Conditions) 2020*; and

(b) fix the day on which *State Planning Commission Practice Direction 12 (Conditions) 2020* is published on the SA Planning Portal as the day on which the varied practice direction will come into operation.

Dated: 16 May 2025

CRAIG HOLDEN
Chair, State Planning Commission

PRIMARY INDUSTRY FUNDING SCHEMES ACT 1998

MINISTERIAL NOTICE

Sheep Industry Fund

Pursuant to Regulation 6(1)(a)(ii) of the *Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 2014*, under the *Primary Industry Funding Schemes Act 1998*, an amount of 0 cents per sheep is set for the dog fence rebuild contribution commencing 1 July 2025.

Dated: 16 June 2025

HON CLARE SCRIVEN MLC

Minister for Primary Industries and Regional Development

PROOF OF SUNRISE AND SUNSET ACT 1923

Almanac for July, August, September 2025

Pursuant to the requirements of the *Proof of Sunrise and Sunset Act 1923*, I Jon William Whelan, Chief Executive, Department for Infrastructure and Transport, at the direction of the Minister for Infrastructure and Transport, publish in the Schedule hereto an almanac setting out the times of sunrise and sunset on every day for the three calendar months July, August and September 2025.

Dated: 10 June 2025

JON WILLIAM WHELAN

Chief Executive, Department for Infrastructure and Transport

SCHEDULE

Sunrise and Sunset Times for Adelaide 2025

Latitude: South 34° 56' Longitude: East 138° 36'
GMT+9.50 hours (Daylight saving GMT+10.5 hours)

<i>Date</i>	July		August		September	
	Rise <i>hr min</i>	Set <i>hr min</i>	Rise <i>hr min</i>	Set <i>hr min</i>	Rise <i>hr min</i>	Set <i>hr min</i>
1	7 24	17 15	7 10	17 34	6 35	17 57
2	7 24	17 15	7 09	17 35	6 33	17 57
3	7 24	17 16	7 08	17 35	6 32	17 58
4	7 24	17 16	7 07	17 36	6 31	17 59
5	7 24	17 17	7 06	17 37	6 29	17 59
6	7 24	17 17	7 05	17 38	6 28	18 00
7	7 23	17 18	7 04	17 38	6 26	18 01
8	7 23	17 18	7 03	17 39	6 25	18 02
9	7 23	17 19	7 02	17 40	6 24	18 02
10	7 23	17 19	7 01	17 41	6 22	18 03
11	7 22	17 20	7 00	17 41	6 21	18 04
12	7 22	17 20	6 59	17 42	6 19	18 04
13	7 22	17 21	6 58	17 43	6 18	18 05
14	7 21	17 22	6 57	17 43	6 17	18 06
15	7 21	17 22	6 56	17 44	6 15	18 07
16	7 20	17 23	6 55	17 45	6 14	18 07
17	7 20	17 24	6 54	17 46	6 12	18 08
18	7 20	17 24	6 52	17 46	6 11	18 09
19	7 19	17 25	6 51	17 47	6 09	18 10
20	7 18	17 25	6 50	17 48	6 08	18 10
21	7 18	17 26	6 49	17 49	6 06	18 11
22	7 17	17 27	6 48	17 49	6 05	18 12
23	7 17	17 28	6 46	17 50	6 04	18 12
24	7 16	17 28	6 45	17 51	6 02	18 13
25	7 15	17 29	6 44	17 52	6 01	18 14
26	7 15	17 30	6 43	17 52	5 59	18 15
27	7 14	17 30	6 41	17 53	5 58	18 15
28	7 13	17 31	6 40	17 54	5 56	18 16
29	7 12	17 32	6 39	17 54	5 55	18 17
30	7 12	17 32	6 37	17 55	5 54	18 18
31	7 11	17 33	6 36	17 56		

*NOTE: Daylight Saving Time is subject to change.

Sunrise and Sunset times calculated on 20/11/24. Certified correct: A. Dolman, 2 June 2025

RETURN TO WORK ACT 2014

Industry Premium Rates Determination 2025-2026

In accordance with the power delegated to me by the Board of the Return to Work Corporation of South Australia ('the Corporation') under the current Instrument of Delegation of the Corporation, I, Michael Francis, Chief Executive Officer, determine that the Industry Premium Rates for the purpose of Section 142 of the *Return to Work Act 2014* ('the Act') are as follows:

Part 1—Preliminary Matters

1. This determination may be cited as the *Industry Premium Rates Determination 2025-2026*.
2. The Industry Premium Rates Determination is made pursuant to subsection 142(1) of the Act and published in the Government Gazette in accordance with subsection 142(2)(a) of the Act.
3. This determination commences on 1 July 2025.
4. If before 1 July 2026, an Industry Premium Rates Determination has not been made for the 2026-2027 period, this determination will apply pending the making of such a determination.

Part 2—Terms of Industry Premium Rates Determination

1. This determination establishes the Industry Premium Rates set out in the Appendix to this determination.
2. The industry premium rate for each South Australian Industry Classification (SAIC) referred to in Column 1 of the Appendix, is fixed by the Corporation as the industry premium rate (expressed as a percentage) opposite each SAIC in Column 3 of the Appendix.
3. Any *RTWSA Premium Provisions*, *RTWSA Premium Order (Return to Work Premium System)* and *RTWSA Premium Order (Retro-Paid Loss Arrangement)* having application for the 2025-2026 premium period will be applied for the purpose of detailing how the industry premium rate is used in the premium calculation for an employer in respect of whom those Premium Orders apply.

Part 3—Specified criteria for fixing Industry Premium Rates

1. In respect of the premium rate applicable to the classes of industry, the Industry Premium Rates Determination takes into account the criteria prescribed in Regulation 56 of the *Return to Work Regulations 2015*.

I confirm that this is a true and correct record of the decision of the Corporation made in the exercise of my delegated authority.

Dated: 29 May 2025

M. FRANCIS
Chief Executive Officer

APPENDIX

Return to Work Corporation of South Australia
ReturnToWorkSA Industry Premium Rates 2025-2026

Column 1	Column 2	Column 3
SAIC Code Number	Industry Description	Industry Premium Rate per \$100
AGRICULTURE, FORESTRY AND FISHING		
011101	Nursery Production	3.247
011301	Turf Growing	3.452
011401	Floriculture Production	3.703
012101	Mushroom Growing	3.761
012201	Vegetable Growing	3.758
013101	Grape Growing	2.761
013406	Apple, Pear, Stone Fruit, Berry Fruit, Kiwifruit and Citrus Growing	3.513
013701	Olive growing	3.998
013901	Other Fruit and Tree Nut Growing	3.440
014406	Sheep-Beef Cattle Farming	5.410
014501	Grain-Sheep or Grain-Beef Cattle Farming	3.145
014901	Other Grain Growing	2.971
015901	Other Crop Growing n.e.c.	4.649
016001	Dairy Cattle Farming	6.783
017101	Poultry Farming (Meat)	5.175
017201	Poultry Farming (Eggs)	5.391
018001	Deer Farming	5.174
019101	Horse Farming	5.388
019201	Pig Farming	6.841
019306	Beekeeping	4.598
019901	Other Livestock Farming n.e.c.	4.797
020101	Offshore Longline and Rack Aquaculture	3.016
020201	Offshore Caged Aquaculture	3.073
020301	Onshore Aquaculture	2.925
030101	Forestry	2.908

Column 1	Column 2	Column 3
SAIC Code Number	Industry Description	Industry Premium Rate per \$100
030201	Logging	5.345
041101	Rock Lobster and Crab Potting	3.208
041201	Prawn Fishing	2.749
041301	Line Fishing	4.507
041901	Other Fishing	5.204
042001	Hunting and Trapping	5.815
051001	Forestry Support Services	2.976
052201	Shearing Services	7.070
052901	Other Agriculture and Fishing Support Services	3.140
MINING		
060001	Coal Mining	3.108
070001	Oil and Gas Extraction	1.971
080101	Iron Ore Mining	2.790
080201	Bauxite Mining	3.594
080301	Copper Ore Mining	1.821
080401	Gold Ore Mining	3.354
080501	Mineral Sand Mining	2.675
080601	Nickel Ore Mining	3.594
080701	Silver-Lead-Zinc Ore Mining	3.221
080901	Other Metal Ore Mining	4.106
091101	Gravel and Sand Quarrying	3.561
091901	Other Construction Material Mining	4.257
099001	Other Non-Metallic Mineral Mining and Quarrying	2.594
101101	Petroleum Exploration	4.444
101201	Mineral Exploration	1.166
109001	Other Mining Support Services	2.206
109002	Drilling and Boring Support Services	2.951
MANUFACTURING		
111106	Meat Processing	7.429
111107	Livestock Processing	5.413
111201	Poultry Processing	5.259
111301	Cured Meat and Smallgoods Manufacturing	8.286
112001	Seafood Processing	3.531
113101	Milk and Cream Processing	3.584
113201	Ice Cream Manufacturing	1.495
113301	Cheese and Other Dairy Product Manufacturing	4.352
114001	Fruit and Vegetable Processing	4.204
115001	Oil and Fat Manufacturing	3.652
116101	Grain Mill Product Manufacturing	1.744
116201	Cereal, Pasta and Baking Mix Manufacturing	3.671
117101	Bread Manufacturing (Factory based)	4.427
117201	Cake and Pastry Manufacturing (Factory based)	3.253
117301	Biscuit Manufacturing (Factory based)	5.606
117401	Bakery Product Manufacturing (Non-factory based)	1.511
118101	Sugar Manufacturing	4.113
118201	Confectionery Manufacturing	4.194
119101	Potato, Corn and Other Crisp Manufacturing	4.668
119201	Prepared Animal and Bird Feed Manufacturing	5.022
119901	Other Food Product Manufacturing n.e.c.	3.868
121101	Soft Drink, Cordial and Syrup Manufacturing	2.265
121201	Beer Manufacturing	1.541
121301	Spirit Manufacturing	1.767
121401	Wine and Other Alcoholic Beverage Manufacturing	1.765
122001	Cigarette and Tobacco Product Manufacturing	4.668
131101	Wool Scouring	3.392
131201	Natural Textile Manufacturing	3.005
131301	Synthetic Textile Manufacturing	2.680
132001	Leather Tanning, Fur Dressing and Leather Product Manufacturing	2.813
133101	Textile Floor Covering Manufacturing	2.209

Column 1	Column 2	Column 3
SAIC Code Number	Industry Description	Industry Premium Rate per \$100
133201	Rope, Cordage and Twine Manufacturing	2.507
133301	Cut and Sewn Textile Product Manufacturing	3.364
133401	Textile Finishing and Other Textile Product Manufacturing	2.379
134001	Knitted Product Manufacturing	2.468
135101	Clothing Manufacturing	2.234
135201	Footwear Manufacturing	3.312
141101	Log Sawmilling	5.669
141201	Wood Chipping	3.892
141301	Timber Resawing and Dressing	7.140
149101	Prefabricated Wooden Building Manufacturing	3.931
149201	Wooden Structural Fitting and Component Manufacturing	3.573
149301	Veneer and Plywood Manufacturing	5.578
149401	Reconstituted Wood Product Manufacturing	3.013
149901	Other Wood Product Manufacturing n.e.c.	3.756
149902	Wooden Containers Manufacturing	5.592
151001	Pulp, Paper and Paperboard Manufacturing	3.632
152101	Corrugated Paperboard and Paperboard Container Manufacturing	3.774
152201	Paper Bag Manufacturing	5.958
152301	Paper Stationery Manufacturing	2.894
152401	Sanitary Paper Product Manufacturing	4.203
152901	Other Converted Paper Product Manufacturing	4.336
161106	Printing	1.339
161206	Printing Support Services	1.054
162007	Reproduction of Recorded Media	0.400
170101	Petroleum Refining and Petroleum Fuel Manufacturing	1.427
170901	Other Petroleum and Coal Product Manufacturing	2.126
181101	Industrial Gas Manufacturing	1.652
181201	Basic Organic Chemical Manufacturing	2.627
181301	Basic Inorganic Chemical Manufacturing	2.544
182101	Synthetic Resin and Synthetic Rubber Manufacturing	5.789
182901	Other Basic Polymer Manufacturing	4.413
183101	Fertiliser Manufacturing	3.621
183201	Pesticide Manufacturing	2.689
184101	Human Pharmaceutical and Medicinal Product Manufacturing	2.015
184201	Veterinary Pharmaceutical and Medicinal Product Manufacturing	2.711
185101	Cleaning Compound Manufacturing	2.500
185201	Cosmetic and Toiletry Preparation Manufacturing	1.575
189101	Photographic Chemical Product Manufacturing	2.361
189201	Explosive Manufacturing	2.893
189901	Other Basic Chemical Product Manufacturing n.e.c.	2.281
191101	Polymer Film and Sheet Packaging Material Manufacturing	3.222
191201	Rigid and Semi-Rigid Polymer Product Manufacturing	4.616
191301	Polymer Foam Product Manufacturing	4.296
191401	Tyre Manufacturing	3.883
191501	Adhesive Manufacturing	2.354
191601	Paint and Coatings Manufacturing	2.677
191602	Inks and Toners Manufacturing	0.727
191901	Other Polymer Product Manufacturing	5.074
192001	Natural Rubber Product Manufacturing	3.600
201001	Glass and Glass Product Manufacturing	3.108
202101	Clay Brick Manufacturing	3.534
202901	Other Ceramic Product Manufacturing	2.598
203101	Cement and Lime Manufacturing	1.106
203201	Plaster Product Manufacturing	5.383
203301	Ready-Mixed Concrete Manufacturing	5.266
203401	Concrete Product Manufacturing	7.354
209001	Other Non-Metallic Mineral Product Manufacturing	5.631
211001	Iron Smelting and Steel Manufacturing	3.760
212106	Iron and Steel Casting	6.725
212201	Steel Pipe and Tube Manufacturing	3.040
213106	Alumina Production	2.743

Column 1	Column 2	Column 3
SAIC Code Number	Industry Description	Industry Premium Rate per \$100
213201	Aluminium Smelting	4.001
213301	Copper, Silver, Lead and Zinc Smelting and Refining	4.505
213901	Other Basic Non-Ferrous Metal Manufacturing	5.930
214101	Non-Ferrous Metal Casting	2.919
214201	Aluminium Rolling, Drawing, Extruding	3.057
214901	Other Basic Non-Ferrous Metal Product Manufacturing	2.765
221001	Iron and Steel Forging	5.668
222101	Structural Steel Fabricating	4.384
222201	Prefabricated Metal Building Manufacturing	4.192
222301	Architectural Aluminium Product Manufacturing	4.160
222401	Metal Roof and Guttering Manufacturing (except Aluminium)	3.160
222901	Other Structural Metal Product Manufacturing	4.651
223101	Boiler, Tank and Other Heavy Gauge Metal Container Manufacturing	6.831
223901	Other Metal Container Manufacturing	2.768
224001	Sheet Metal Product Manufacturing (except Metal Structural and Container Products)	3.730
229101	Spring and Wire Product Manufacturing	4.251
229201	Nut, Bolt, Screw and Rivet Manufacturing	2.776
229301	Metal Coating and Finishing	4.520
229901	Other Fabricated Metal Product Manufacturing n.e.c.	3.163
229902	Cutlery and Hand Tool Manufacturing	10.312
231101	Motor Vehicle Manufacturing	2.854
231201	Motor Vehicle Body and Trailer Manufacturing	4.969
231301	Automotive Electrical Component Manufacturing	2.663
231901	Other Motor Vehicle Parts Manufacturing	3.405
239101	Shipbuilding and Repair Services	5.441
239102	Submarine Building and Repair Services	1.654
239201	Boatbuilding and Repair Services	4.162
239301	Railway Rolling Stock Manufacturing and Repair Services	2.706
239401	Aircraft Manufacturing and Repair Services	0.660
239901	Other Transport Equipment Manufacturing n.e.c.	2.620
241101	Photographic , Optical and Ophthalmic Equipment Manufacturing	0.490
241201	Medical and Surgical Equipment Manufacturing	1.763
241901	Other Professional and Scientific Equipment Manufacturing	0.547
242101	Computer and Electronic Office Equipment Manufacturing	0.511
242201	Communication Equipment Manufacturing	0.543
242901	Other Electronic Equipment Manufacturing	0.444
243101	Electric Cable and Wire Manufacturing	2.737
243201	Electric Lighting Equipment Manufacturing	2.165
243901	Other Electrical Equipment Manufacturing	2.466
244101	Whiteware Appliance Manufacturing	2.690
244901	Other Domestic Appliance Manufacturing	2.755
245101	Pump and Compressor Manufacturing	3.518
245201	Fixed Space Heating, Cooling and Ventilation Equipment Manufacturing	1.747
246101	Agricultural Machinery and Equipment Manufacturing	3.401
246201	Mining and Construction Machinery Manufacturing	2.717
246301	Machine Tool and Parts Manufacturing	2.646
246901	Other Specialised Machinery and Equipment Manufacturing	3.038
249101	Lifting and Material Handling Equipment Manufacturing	5.051
249901	Other Machinery and Equipment Manufacturing n.e.c.	3.262
251101	Wooden Furniture and Upholstered Seat Manufacturing	3.362
251201	Metal Furniture Manufacturing	4.526
251301	Mattress Manufacturing	4.523
251901	Other Furniture Manufacturing	3.355
259101	Jewellery and Silverware Manufacturing	1.337
259201	Toy, Sporting and Recreational Product Manufacturing	3.712
259901	Other Manufacturing n.e.c.	2.193
ELECTRICITY, GAS, WATER AND WASTE SERVICES		
261101	Fossil Fuel Electricity Generation	0.690
261901	Other Electricity Generation	0.658
262001	Electricity Transmission and Distribution	0.605

Column 1	Column 2	Column 3
SAIC Code Number	Industry Description	Industry Premium Rate per \$100
264001	On Selling Electricity and Electricity Market Operation	0.564
270001	Gas Supply	0.912
281101	Water Supply	0.858
281201	Sewerage and Drainage Services	2.208
291101	Solid Waste Collection Services	5.439
291901	Other Waste Collection Services	5.921
292101	Waste Treatment and Disposal Services	5.726
292201	Waste Remediation and Materials Recovery Services	6.490
	CONSTRUCTION	
301101	House Construction	2.520
301901	Other Residential Building Construction	3.517
302001	Non-Residential Building Construction	2.561
310101	Heavy and Civil Engineering Construction	2.996
321101	Land Development and Subdivision	1.497
321201	Site Preparation Services	3.915
322101	Concreting Services	6.061
322201	Bricklaying Services	6.134
322301	Roofing Services	7.535
322401	Structural Steel Erection Services	5.803
323106	Plumbing Services	3.085
323206	Electrical Services	2.039
323306	Air Conditioning and Heating Services	3.633
323406	Fire and Security Alarm Installation Services	2.179
323901	Other Building Installation Services	4.094
324106	Plastering and Ceiling Services	5.944
324206	Carpentry Services	5.149
324306	Tiling and Carpeting Services	4.369
324406	Painting and Decorating Services	4.588
324506	Glazing Services	5.737
329101	Landscape Construction Services	4.190
329201	Hire of Construction Machinery with Operator	3.757
329901	Other Construction Services n.e.c.	5.328
	WHOLESALE TRADE	
331101	Wool Wholesaling	2.827
331201	Cereal Grain Wholesaling	3.526
331901	Other Agricultural Produce Wholesaling	2.139
331902	Other Agricultural Supply Wholesaling	0.621
332101	Petroleum Product Wholesaling	1.371
332201	Metal Wholesaling	4.031
332202	Mineral Wholesaling	1.934
332301	Industrial and Agricultural Chemical Product Wholesaling	1.478
333101	Timber Wholesaling	3.512
333201	Plumbing Goods Wholesaling	2.022
333901	Builders Hardware Goods Wholesaling	1.972
333902	Household Hardware Goods Wholesaling	1.127
341101	Agricultural and Construction Machinery Wholesaling	1.617
341901	Other Specialised Industrial Machinery and Equipment Wholesaling	1.675
349101	Professional and Scientific Goods Wholesaling	0.634
349201	Computer and Computer Peripheral Wholesaling	0.424
349301	Telecommunication Goods Wholesaling	0.712
349401	Other Electrical and Electronic Goods Wholesaling	0.781
349402	Photographic Equipment Wholesaling	0.400
349901	Other Machinery and Equipment Wholesaling n.e.c.	1.344
350101	Car Wholesaling	1.381
350201	Commercial Vehicle Wholesaling	2.142
350301	Trailer and Other Motor Vehicle Wholesaling	2.095
350401	Motor Vehicle New Parts Wholesaling	2.325
350501	Motor Vehicle Dismantling and Used Parts Wholesaling	2.771
360101	General Line Grocery Wholesaling	2.938

Column 1	Column 2	Column 3
SAIC Code Number	Industry Description	Industry Premium Rate per \$100
360201	Meat Wholesaling	5.516
360202	Poultry and Smallgoods Wholesaling	2.240
360301	Dairy Produce Wholesaling	2.803
360302	Milk Vending	4.665
360401	Fish and Seafood Wholesaling	3.007
360501	Fruit and Vegetable Wholesaling	4.311
360601	Liquor and Tobacco Product Wholesaling	1.379
360901	Other Grocery Wholesaling	3.247
360902	Confectionery and Soft Drink Wholesaling	2.208
371101	Textile Product Wholesaling	0.872
371201	Clothing and Footwear Wholesaling	0.450
372001	Pharmaceutical and Toiletry Goods Wholesaling	0.865
373101	Furniture and Floor Covering Wholesaling	1.343
373201	Jewellery and Watch Wholesaling	0.852
373301	Kitchen and Dining ware Wholesaling	1.137
373401	Toy and Sporting Goods Wholesaling	1.086
373501	Book and Magazine Wholesaling	1.289
373601	Paper Product Wholesaling	1.460
373901	Other Goods Wholesaling n.e.c.	1.563
380001	Commission-Based Wholesaling	1.504
380002	Wholesaling goods not physically handling any stock	0.742
RETAIL TRADE		
391101	Car Retailing	1.591
391201	Motor Cycle Retailing	1.586
391301	Trailer and Other Motor Vehicle Retailing	1.908
392101	Motor Vehicle Parts Retailing	1.439
392201	Tyre Retailing	3.673
400001	Fuel Retailing	2.597
411001	Supermarket and Grocery Stores	1.910
412102	Fresh Fish Retailing	1.370
412106	Fresh Meat and Poultry Retailing	3.230
412206	Fruit and Vegetable Retailing	1.701
412301	Liquor Retailing	1.355
412901	Other Specialised Food Retailing	1.532
421101	Furniture Retailing	2.970
421201	Floor Coverings Retailing	2.070
421301	Housewares Retailing	1.695
421401	Manchester and Other Textile Goods Retailing	2.974
422101	Electrical , Electronic and Gas Appliance Retailing	1.244
422102	Photographic Equipment Retailing	0.496
422201	Computer and Computer Peripheral Retailing	1.199
422901	Other Electrical and Electronic Goods Retailing	1.549
423106	Hardware and Building Supplies Retailing	2.001
423206	Garden Supplies Retailing	2.560
424106	Sport and Camping Equipment Retailing	0.791
424206	Entertainment Media and Musical Instrument Retailing	0.447
424306	Toy and Game Retailing	0.400
424406	Newspaper and Book Retailing	0.997
424506	Marine Equipment Retailing	1.473
425101	Clothing Retailing	1.435
425201	Footwear Retailing	0.940
425301	Watch and Jewellery Retailing	0.752
425901	Other Personal Accessory Retailing	1.321
426001	Department Stores	1.778
426002	General Variety Stores	2.442
427101	Pharmaceutical, Cosmetic and Toiletry Goods Retailing	0.934
427201	Stationery Goods Retailing	0.914
427301	Antique and Used Goods Retailing	3.553
427302	Coin and stamp dealing	0.400
427401	Flower Retailing	2.586

Column 1	Column 2	Column 3
SAIC Code Number	Industry Description	Industry Premium Rate per \$100
427901	Other Store-Based Retailing n.e.c.	1.232
427902	Tobacco Products Retailing	1.968
431001	Non-Store Retailing	0.801
432001	Retail Commission-Based Buying and/or Selling	0.765
ACCOMMODATION AND FOOD SERVICES		
440001	Accommodation	2.127
451101	Cafes and Restaurants	1.797
451201	Takeaway Food Services	1.160
451301	Catering Services	3.058
452001	Pubs, Taverns and Bars	2.127
453001	Clubs (Hospitality)	2.549
TRANSPORT, POSTAL AND WAREHOUSING		
461001	Road Freight Transport	7.444
461002	Towing Services	5.056
462101	Interurban and Rural Bus Transport	3.809
462201	Urban Bus Transport (Including Tramway)	2.599
462301	Taxi and Other Road Transport	3.495
471006	Rail Freight Transport	1.656
472001	Rail Passenger Transport	2.550
481001	Water Freight Transport	3.623
482001	Water Passenger Transport	2.872
490001	Scheduled Air and Space Transport	1.574
490002	Non-Scheduled Air and Space Transport	1.101
501001	Scenic and Sightseeing Transport	2.885
502101	Pipeline Transport	0.967
502901	Other Transport n.e.c.	1.112
510101	Postal Services	1.436
510201	Courier Pick-up and Delivery Services	6.131
521101	Stevedoring Services	4.796
521201	Port and Water Transport Terminal Operations	3.408
521901	Other Water Transport Support Services	1.729
522001	Airport Operations and Other Air Transport Support Services	0.492
529101	Customs Agency Services	0.909
529201	Freight Forwarding Services	2.179
529202	Freight Forwarding Services - not physically handling any stock	0.402
529206	Freight Forwarding Services (Water)	1.611
529901	Other Transport Support Services n.e.c.	2.743
529902	Radio Base Operation	1.775
530101	Grain Storage Services	3.098
530906	Other Warehousing and Storage Services	3.519
530907	Cold Storage	6.976
INFORMATION MEDIA AND TELECOMMUNICATIONS		
541101	Newspaper Publishing	0.793
541201	Magazine and Other Periodical Publishing	0.743
541301	Book Publishing	0.794
541401	Directory and Mailing List Publishing	0.826
541901	Other Publishing (except Software, Music and Internet)	0.763
542001	Software Publishing	0.400
551101	Motion Picture and Video Production	0.841
551201	Motion Picture and Video Distribution	0.610
551301	Motion Picture Exhibition	1.319
551401	Post-production Services and Other Motion Picture and Video Activities	0.675
552101	Music Publishing	0.795
552201	Music and Other Sound Recording Activities	0.400
561001	Radio Broadcasting	0.400
562101	Free-to-Air Television Broadcasting	0.447
562201	Cable and Other Subscription Broadcasting	0.446
570001	Internet Publishing and Broadcasting	0.864
580106	Wired Telecommunications Network Operation	0.664

Column 1	Column 2	Column 3
SAIC Code Number	Industry Description	Industry Premium Rate per \$100
580206	Other Telecommunications Network Operation	0.632
580901	Other Telecommunications Services	0.628
591001	Internet Service Providers and Web Search Portals	0.635
592101	Data Processing and Web Hosting Services	0.419
592201	Electronic Information Storage Services	0.958
601001	Libraries and Archives	0.400
602001	Other Information Services	0.400
FINANCIAL AND INSURANCE SERVICES		
621001	Central Banking	0.440
622101	Banking	0.444
622201	Building Society Operation	0.400
622301	Credit Union Operation	0.427
622901	Other Depository Financial Intermediation	0.400
623001	Non-Depository Financing	0.402
624006	Financial Asset Investing	0.400
631006	Life Insurance	0.400
632101	Health Insurance	0.564
632206	General Insurance	0.485
633001	Superannuation Funds	0.408
641101	Financial Asset Broking Services	0.400
641901	Other Auxiliary Finance and Investment Services	0.400
642001	Auxiliary Insurance Services	0.492
RENTAL, HIRING AND REAL ESTATE SERVICES		
661101	Passenger Car Rental and Hiring	1.402
661901	Other Motor Vehicle and Transport Equipment Rental and Hiring	1.665
662001	Farm Animal and Bloodstock Leasing	3.074
663101	Heavy Machinery and Scaffolding Rental and Hiring	2.819
663201	Video and Other Electronic Media Rental and Hiring	0.875
663901	Other Goods and Equipment Rental and Hiring n.e.c.	3.545
663902	Party Hire	5.472
664001	Non-Financial Intangible Assets (Except Copyrights) Leasing	0.400
671101	Residential Property Operators	1.719
671201	Non-Residential Property Operators	1.298
672001	Real Estate Services	0.492
PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES		
691001	Scientific Research Services	0.400
692101	Architectural Services	0.400
692201	Surveying and Mapping Services	0.883
692301	Engineering Design and Engineering Consulting Services	0.400
692401	Other Specialised Design Services	0.402
692501	Scientific Testing and Analysis Services	0.545
693101	Legal Services	0.497
693201	Accounting Services	0.400
694001	Advertising Services	0.452
695001	Market Research and Statistical Services	0.435
696101	Corporate Head Office Management Services	0.452
696201	Management Advice and Related Consulting Services	0.400
697001	Veterinary Services	1.174
699101	Professional Photographic Services	1.437
699901	Other Professional, Scientific and Technical Services n.e.c.	0.464
700001	Computer System Design and Related Services	0.400
ADMINISTRATIVE AND SUPPORT SERVICES		
721101	Employment Placement and Recruitment Services	1.750
721201	Labour Supply Services	0.704
721202	Employment Programs	2.380
722001	Travel Agency and Tour Arrangement Services	0.460
729101	Office Administrative Services	0.451

Column 1	Column 2	Column 3
SAIC Code Number	Industry Description	Industry Premium Rate per \$100
729201	Document Preparation Services	1.268
729301	Credit Reporting and Debt Collection Services	0.739
729401	Call Centre Operation	0.806
729901	Other Administrative Services n.e.c.	0.741
731101	Building and Other Industrial Cleaning Services	4.729
731201	Building Pest Control Services	4.379
731301	Gardening Services	3.834
731302	Tree Lopping and Arborist Services	7.492
732001	Packaging Services	2.596
PUBLIC ADMINISTRATION AND SAFETY		
751001	Central Government Administration	0.444
752001	State Government Administration	0.459
753001	Local Government Administration	2.436
754001	Justice	0.648
755101	Domestic Government Representation	0.492
755201	Foreign Government Representation	0.492
760001	Defence	2.916
771101	Police Services	2.139
771201	Investigation and Security Services	4.135
771202	Security Support Services	2.082
771301	Fire Protection and Other Emergency Services	3.694
771401	Correctional and Detention Services	3.677
771901	Other Public Order and Safety Services	4.365
772001	Regulatory Services	0.570
EDUCATION AND TRAINING		
801001	Preschool Education	1.469
802101	Primary Education	0.845
802201	Secondary Education	0.832
802301	Combined Primary and Secondary Education	0.891
802401	Special School Education	1.823
810101	Technical and Vocational Education and Training	1.445
810201	Higher Education	0.549
821101	Sports and Physical Recreation Instruction	1.425
821201	Arts Education	1.415
821901	Adult, Community and Other Education n.e.c.	1.321
822001	Educational Support Services	1.341
HEALTHCARE AND SOCIAL ASSISTANCE		
840101	Hospitals (Except Psychiatric Hospitals)	2.136
840201	Psychiatric Hospitals	1.839
851101	General Practice Medical Services	0.474
851201	Specialist Medical Services	0.400
852001	Pathology Services	1.487
852002	Diagnostic Imaging Services	0.418
853101	Dental Services	0.467
853201	Optometry, Optical Dispensing and Audiology Services	0.470
853301	Physiotherapy Services	0.611
853401	Chiropractic and Osteopathic Services	0.400
853901	Other Allied Health Services	0.870
853902	Nursing Services (own account)	3.062
859101	Ambulance Services	3.092
859901	Other Health Care Services n.e.c.	1.020
859902	Community Health Centres (Medical)	2.138
859903	Community Health Centres (Paramedical)	3.804
860101	Aged Care Residential Services	3.594
860901	Other Residential Care Services	4.390
871001	Child Care Services	2.103
879001	Other Social Assistance Services	2.739

Column 1	Column 2	Column 3
SAIC Code Number	Industry Description	Industry Premium Rate per \$100
ARTS AND RECREATION SERVICES		
891001	Museum Operation	1.713
892101	Zoological and Botanical Gardens Operation	3.286
892201	Nature Reserves and Conservation Parks Operation	3.057
900101	Performing Arts Operation	2.373
900201	Creative Artists, Musicians, Writers and Performers	0.408
900301	Performing Arts Venue Operation	1.670
911101	Health and Fitness Centres and Gymnasia Operation	1.361
911201	Sports and Physical Recreation Clubs and Sports Professionals	1.361
911202	Thoroughbred Horse Racing	23.812
911301	Sports and Physical Recreation Venues, Grounds and Facilities Operation	1.498
911401	Sports and Physical Recreation Administrative Service	0.915
912101	Horse and Dog Racing Administration and Track Operation	1.798
912901	Other Horse Racing Activities	10.241
912902	Other Dog Racing Activities	1.459
913106	Amusement Parks and Centres Operation	1.754
913901	Amusement and Other Recreational Activities n.e.c.	1.718
920101	Casino Operation	1.655
920201	Lottery Operation	0.799
920901	Other Gambling Activities	0.731
OTHER SERVICES		
941101	Automotive Electrical Services	2.169
941201	Automotive Body, Paint and Interior Repair	3.509
941203	Automotive Glass Replacement and Repair Services	1.964
941901	Other Automotive Repair and Maintenance	2.712
942101	Domestic Appliance Repair and Maintenance	2.358
942201	Electronic (except Domestic Appliance) and Precision Equipment Repair and Maintenance	0.658
942901	Other Machinery and Equipment Repair and Maintenance	2.513
942902	Agricultural, Farm, Construction and Earthmoving Machinery and Equipment Repair and Maintenance	1.526
949101	Clothing and Footwear Repair	1.136
949901	Other Repair and Maintenance n.e.c.	2.286
951101	Hairdressing and Beauty Services	1.272
951201	Diet and Weight Reduction Centre Operation	2.550
952001	Funeral Services	2.099
952002	Crematorium and Cemetery Services	5.638
953101	Commercial Laundries and Linen Hire Services	5.791
953102	Laundrettes and Dry-Cleaners	3.284
953201	Photographic Film Processing	0.926
953301	Parking Services	2.764
953401	Brothel Keeping and Prostitution Services	1.754
953901	Other Personal Services n.e.c.	1.736
953902	Pet Care Services	4.241
954001	Religious Services	0.840
955101	Business and Professional Association Services	0.719
955201	Labour Association Services	1.113
955901	Other Interest Group Services n.e.c.	1.892
955902	Political Parties	0.400
960101	Private Households Employing Staff	3.071
NON-CLASSIFIABLE		
990001	Non-Classifiable Economic Unit	23.812

RETURN TO WORK ACT 2014

*Publication of Designated Manners and Forms Notice 2025**Preamble*

Subsection 4(15) of the *Return to Work Act 2014* (“the Act”) provides that the Return to Work Corporation of South Australia (“the Corporation”) may, by notice in the Gazette, designate manners and forms for the purposes of the Act.

In accordance with the power delegated to me by the Corporation under the current Instrument of Delegation of the Corporation, I, Michael Francis, Chief Executive Officer, designate pursuant to the Sections of the Act specified herein the forms by which information is to be provided by an employer.

Part 1—Preliminary Matters

1. This notice may be cited as the *Publication of Designated Manners and Forms Notice 2025*.

Part 2—Designated Forms*2. Employer Remuneration Return*

Pursuant to subsection 149(1) of the Act, I give notice that the form at Attachment 1 is the designated form for the purpose of that subsection in respect of a return required at the beginning of the 2025-26 premium period.

This form will come into effect on 1 July 2025, and supersedes only the form designated under subsection 149(1) of the Act previously published in the Government Gazette No. 40 dated 6 June 2024.

Part 3—Designated Manners

3. Employers may supply the information required in the form designated in Clause 2 of this Notice titled ‘Employer remuneration return’ in the following designated manners:
 - 3.1 by post
 - 3.2 by phone
 - 3.3 by email
 - 3.4 by lodging via ReturntoWorkSA’s website
4. The information shall be deemed to have been provided if one of the designated manners in Clause 3 of this Part is used.
5. No signature is required for the purposes of Clause 3.2, 3.3 and 3.4 of this Part.

I confirm that this is a true and correct record of the decision of the Corporation made in the exercise of my delegated authority.

Dated: 29 May 2025

M. FRANCIS
Chief Executive Officer

ATTACHMENT 1



www.rtwsa.com
13 18 55

ABN 83 687 563 395

Employer remuneration return

Return to Work Act 2014

Login to online services at www.rtwsa.com to complete this form online

Employer name

Employer number

Postal address

Location number

Location address

Provide completed return by

15 September 2025

SECTION A – Actual remuneration

You are required under section 149 of the *Return to Work Act 2014* (the Act) to complete this return by 15 September 2025 and provide it to us in relation to financial year 2024-25.

Please fill in the actual remuneration paid by you as an employer to workers employed by you for this location during the 2024-25 financial year for each period indicated. If nil please write 'nil'. If you have more than one location, you must provide a separate return for each location.

Please note that a working director is defined as a director who receives salary or wages under a contract of service with the employer.

Section 1 – All workers (include superannuation, working directors and apprentices)	Period	Actual remuneration									
		\$									
		\$									
		\$									
Section 2 – Apprentices (see note below)		\$									
		\$									

- Please note - only complete Section 2 if you employed during the 2024-25 financial year:
- an apprentice who was trained under an approved training contract in an occupation declared to be a 'trade' under section 6 of the *South Australian Skills Act 2008* (or former Act); or
 - for Group Training Organisations only** – a trainee who was trained under an approved training contract (with a group training organisation) in an occupation which is a declared 'vocation' under section 6 of the *South Australian Skills Act 2008* (or former Act)

Number of workers

Provide the total number of workers you employed in South Australia during the 2024-25 financial year whose remuneration has been included above (include working directors, apprentices and trainees).

Company directors

Under section 5(8) of the Act the actual remuneration (i.e. salary, wages, superannuation, etc.) paid or payable to a working director for the financial year must be provided.

Only complete if you employed a working director during the 2024-25 financial year.

Family name	First and middle name	Actual remuneration									
		\$									
		\$									
		\$									

Labour hire

Please fill in details of **all** businesses (**labour hire suppliers**) who have supplied labour to you during the 2024-25 financial year.
You can ensure your labour suppliers are registered with ReturnToWorkSA by using our employer lookup at www.rtwsa.com.

Labour supply business name	ABN	Total contract amount paid during 2024-25
<input type="text"/>	<input type="text"/>	\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<input type="text"/>	<input type="text"/>	\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

If more, attach list.

! Premium calculation – choice

If you would like us to calculate your premium for the 2025-26 financial year based on the actual remuneration you paid your workers in the 2025-26 financial year, **you do not need to provide any further information. Go to SECTION C – DECLARATION to finalise your return.**

Benefits of this option:

- ReturnToWorkSA will not adjust your premium at the end of the financial year – there is no extra bill or refund, providing you with certainty of your insurance costs.

If you would like us to calculate your premium for the 2025-26 financial year based on the estimated remuneration you expect will be payable to your workers during the 2025-26 financial year, **you must complete both SECTION B – ESTIMATED REMUNERATION and SECTION C – DECLARATION.**

- If you choose this option, ReturnToWorkSA will adjust your premium at the end of the financial year when your actual remuneration is known – you will receive an additional bill or a refund.

SECTION B – Estimated remuneration

! ONLY COMPLETE THIS SECTION IF YOU WOULD LIKE YOUR PREMIUM FOR THE 2025-26 FINANCIAL YEAR CALCULATED USING ESTIMATED REMUNERATION.

Please provide the estimated remuneration that you expect will be payable to your workers during the 2025-26 financial year. If you have more than one location, you must provide a separate return for each location.

	Estimated remuneration
Section 1 – All workers (include superannuation, working directors and apprentices)	\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Section 2 – Apprentices (see note below)	\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Please note - only complete Section 2 if you employ or expect to employ during the 2025-26 financial year:

- an apprentice who was trained under an approved training contract in an occupation declared to be a 'trade' under section 6 of the *South Australian Skills Act 2008* (or former Act); or
- **for Group Training Organisations only** – a trainee who was trained under an approved training contract (with a group training organisation) in an occupation which is a declared 'vocation' under section 6 of the *South Australian Skills Act 2008* (or former Act)

SECTION C – Declaration

I have included all relevant items of remuneration such as wages (including the wages of working directors), superannuation payments, salary sacrifice amounts, non-cash components of remuneration and payments to subcontractors as deemed workers. I hereby declare that:

- the information in this return is true and complete in every respect; and
- all workers have been paid the correct wages and entitlements in accordance with law.

I have documents which verify that such payments were made, as well as documents to support the employment of apprentices or trainees with a group training organisation and remuneration paid to them.

I understand that ReturnToWorkSA relies upon this return to calculate premiums under the *Return to Work Act 2014* (the Act) and I may be liable for a fine of \$50,000 or imprisonment for 2 years for dishonestly giving a return under the Act knowing the return to be false or misleading.

For assistance please refer to the Remuneration guide on the ReturnToWorkSA website www.rtwsa.com.

I declare that the information I have given on this form is complete and correct in every respect to the best of my knowledge and belief.

Date ____ / ____ / ____

	Name (BLOCK LETTERS)
	Position/title
	Organisation
Signature of employer, public officer or authorised person	Phone

Provide your completed form to ReturnToWorkSA by: **Post** 400 King William Street, Adelaide SA 5000 or GPO Box 2668, Adelaide SA 5001

Fax (08) 8233 2990 **Email** premium@rtwsa.com **Phone** 13 18 55 **Visit our website** www.rtwsa.com

RETURN TO WORK ACT 2014

RTWSA Premium Order (Retro-Paid Loss Arrangement) 2025-2026

The Board of the Return to Work Corporation of South Australia ('the Corporation') after consultation with the Minister publishes the principles fixing the manner in which a premium payable by an employer (or person who proposes to become an employer) will be calculated for the purposes of Section 143 of the *Return to Work Act 2014* ('the Act'), referred to as the 'RTWSA Premium Order (Retro-Paid Loss Arrangement) 2025-2026' ('this Order').

This Order fixes the manner in which such a premium is to be calculated for the Retro-Paid Loss Arrangement authorised under subsection 143(7)(e) of the Act for the period beginning 1 July 2025 to and including 30 June 2026.

Part 1—Preliminary Matters

1. This Order is the RTWSA Premium Order (Retro-Paid Loss Arrangement) 2025-2026 published pursuant to subsection 143(3) of the Act.
2. This Order takes effect on 1 July 2025.

Part 2—Application

3. This Order applies to employers who, in accordance with subsection 143(7)(e) of the Act, on application and at the discretion of the Corporation, satisfy specified criteria so as to pay a premium determined according to an alternative set of principles. The Corporation delegates to its Chief Executive Officer the function and power to specify such criteria.
4. In accordance with subsection 143(7)(e) of the Act and as determined in Part 7 of the RTWSA Premium Order (Return to Work Premium System) 2025-2026 this Order fixes such an alternative set of principles for calculating premiums (to be known as the Retro-Paid Loss Arrangement premium calculation).
5. If, before 1 July 2026, a RTWSA Premium Order (Retro-Paid Loss Arrangement) has not been made for the 2026-2027 period (or such further period thereafter), this Order continues to apply pending the making of such an order.
6. The terms and conditions in the RTWSA Premium Provisions 2025-2026 apply to, and in respect of, a Retro-Paid Loss Arrangement unless this Order provides otherwise.
7. In this Order, words and expressions have the same meaning as they have in the RTWSA Premium Provisions 2025-2026, unless this Order provides otherwise.

Part 3—Retro-Paid Loss Arrangement Premium Calculation

8. The Retro-Paid Loss Arrangement premium calculated at the commencement of the premium period is the initial premium, determined in accordance with Part 6 of this Order.
9. The Retro-Paid Loss Arrangement premium is then recalculated at each adjustment date as the adjusted premium, determined in accordance with Part 6 of this Order.

Part 4—Returns and Payment Terms

10. Any initial premium will be payable in accordance with the provisions in the then current Payment of Statutory Payments Notice.
11. Any adjusted premium is to be paid in full on the date specified on the adjustment note.

Part 5—Adjustment Dates

12. In this Order:
 - 12.1 adjustment date, in relation to the Retro-Paid Loss Arrangement, means each of the following dates:
 - (a) the date that is 15 months after the date of the commencement of the premium period (the first adjustment date),
 - (b) the date that is 27 months after the date of the commencement of the premium period (the second adjustment date),
 - (c) the date that is 39 months after the date of the commencement of the premium period (the third adjustment date),
 - (d) the date that is 48 months after the date of the commencement of the premium period (the fourth adjustment date).

Part 6—Calculation of Initial Premium and Adjusted Premium

13. The method for calculating the premium for an employer or group of employers:
 - 13.1 at the commencement of the premium period, the premium (initial premium) is calculated as defined in the RTWSA Premium Order (RTW Premium System) 2025-2026, but where, in calculating base premium, 'ra, rb...rn' are each part of the total remuneration in respect of the 2025-2026 premium period, being a part of the total remuneration attributable to each of the employer's relevant SAICs.
 - 13.2 at the 15 month adjustment date, the premium (adjusted premium) is as follows:

$$P = (BP - A) \times 0.6 + C + SUR + GST + WHS$$
 but not more than P_{max} .
 - 13.3 at the 27 month adjustment date, the premium (adjusted premium) is as follows:

$$P = (BP - A) \times 0.5 + C + SUR + GST + WHS$$
 but not more than P_{max} .
 - 13.4 at the 39 month adjustment date, the premium (adjusted premium) is as follows:

$$P = (BP - A) \times 0.4 + C + SUR + GST + WHS$$
 but not more than P_{max} .
 - 13.5 at the 48 month adjustment date, the premium (adjusted premium) is as follows:

$$P = (BP - A) \times 0.4 + C + SUR + GST + WHS$$
 but not more than P_{max} .

Where:

BP is the base premium calculated in accordance with Part 4 of the RTWSA Premium Provisions 2025-2026 but where 'ra, rb...rn' are each part of the total remuneration in respect of the 2025-2026 premium period, being a part of the total remuneration attributable to each of the employer's relevant SAICs.

A is the Apprentice and Trainee incentive amount, if any, for an employer or group of employers determined with respect to the premium period or part thereof in accordance with Part 5 of the RTWSA Premium Provisions 2025-2026.

SUR is the Supplementary Underwriting Rate being a premium adjustment (either a decrease or an increase) to allow the premium of an employer, within a particular category or class, to be adjusted. Any adjustment is at the discretion of the Corporation and subject to the claims experience and a specific risk assessment of the employer by the Corporation.

GST is the Goods and Services Tax as defined in Part 2 of the RTWSA Premium Provisions 2025-2026.

WHS is the work health and safety registration fee as defined in accordance with Part 2 of the RTWSA Premium Provisions 2025-2026.

P is the adjusted premium for the time being payable by an employer or group of employers in respect of the premium period (including, where adjustments are required to be made to that premium by reason of the operation of this Order, the premium so payable by reason of those adjustments).

C is the total of the cost of claims for an employer or group of employers as defined in Part 8 of this Order in respect of claims with a date of injury in the premium period. For this purpose date of injury is the date the person suffered the injury, or the deemed date of injury under the Act.

P_{max} is the maximum premium that is payable by an employer or group of employers calculated in accordance with Part 7 of this Order.

14. The method to apportion adjusted premium for each member of a group at each adjustment date (the adjusted premium) is as follows:

$$P_E = \frac{P \times BP - A}{BP_G - A_G}$$

Where:

P_E is the premium for the time being payable by an employer who is a member of a group in respect of the premium period calculated in accordance with 13.2, 13.3, 13.4 and 13.5 of Part 6 of this Order (including, where adjustments are required to be made to that premium by reason of the operation of this Order, the premium so payable by reason of those adjustments).

BP is the base premium for an employer that is a member of a group calculated in accordance with Part 4 of the RTWSA Premium Provisions 2025-2026, but where 'ra, rb...rn' are each part of the total remuneration in respect of the 2025-2026 premium period, being a part of the total remuneration attributable to each of the employer's relevant SAICs.

A is the Apprentice and Trainee incentive amount, if any, for an employer determined with respect to the premium period or part thereof in accordance with Part 5 of the RTWSA Premium Provisions 2025-2026.

BP_G is the sum of the BP for all the members of a group of which the employer is a member.

A_G is the sum of A for all members of a group of which the employer is a member.

Part 7—Maximum and Minimum Premium Payable

15. For the purposes of this Order, the maximum premium (P_{max}) that is payable by an employer or group of employers in respect of the premium period is calculated as follows:

$$P_{\max} = [(BP \times 2) - A] + SUR + GST + WHS$$

16. Despite any other provision of this Order, an initial premium or an adjusted premium is to be no less than the minimum premium specified in the RTWSA Premium Provisions 2025-2026.

Part 8—Cost of Claims

17. Cost of claims means the total of:

- 17.1 costs paid on, and in respect of, each claim for compensation allocated to a particular employer (irrespective of whether the claim for compensation was withdrawn by the worker, accepted or rejected); and
- 17.2 for claims in which a worker has or is expected to have an entitlement for a lump sum payment in accordance with Part 4 Division 6 and/or Part 4 Division 7 of the Act where the payment has not been made, the cost of claims will include an estimate assessed by the Corporation of the outstanding liability for expected lump sum payment(s); and
- 17.3 for claims in which a worker is a seriously injured worker (as defined in Part 2 Division 4 of the Act), the current and most accurate estimate assessed by the Corporation of the outstanding liability for each claim.

18. The costs of each claim are the total costs for the claim, as described in clause 17 of this Part, based on the evidence available at the time of the relevant adjustment date.

19. Excluded from the costs of each claim are:

- 19.1 Costs associated with claims for unrepresentative injuries,
- 19.2 Costs associated with successfully prosecuted fraudulent claims,
- 19.3 Actual recoveries for compulsory third party and common law actions under Section 66 of the Act,
- 19.4 the amount of income support paid in the first two weeks of a worker's incapacity where the Corporation has undertaken the liability of the employer in accordance with subsection 64(14) of the Act, and
- 19.5 Claims costs in excess of \$500,000.

20. But, in any case where a single event leads to 3 or more individual claims, the maximum total combined costs of all those claims in relation to that event will not exceed \$1,000,000.

Part 9—Exit to Self-Insurance

21. If an employer to whom this Order applies is registered as a self-insured employer under Section 129 of the Act:

- 21.1 within 15 months from the commencement of the premium period, premium will be calculated in accordance with clause 13.1 of Part 6 of this Order; or
- 21.2 on or after 15 months and prior to 48 months from the commencement of the premium period, the adjusted premium will be payable within 28 days of commencement of the self-insurance registration. The calculation of adjusted premium will be based on the balance of all premium that would have been payable under Part 6 of this Order, by applying the adjustment formula applicable immediately prior to commencement of the self-insurance registration with C (in that formula). This will be calculated as at the date immediately prior to commencement of the self-insurance registration.

I confirm that this is a true and correct record of the decision of the Board of the Corporation made on the 22nd day of May 2025.

Dated: 22 May 2025

G. MCCARTHY
Board Chair

RETURN TO WORK ACT 2014*RTWSA Premium Order (Return to Work Premium System) 2025-2026*

The Board of the Return to Work Corporation of South Australia ('the Corporation') after consultation with the Minister publishes the principles fixing the manner in which a premium payable by an employer (or person who proposes to become an employer) will be calculated for the purposes of Section 143 of the Return to Work Act 2014 ('the Act'), referred to as the 'RTWSA Premium Order (Return to Work Premium System) 2025-2026' ('this Order'). This Order fixes the manner in which such a premium is to be calculated so as to take effect on 1 July 2025 and up to and including 30 June 2026.

Part 1—Preliminary Matters

This Order is the RTWSA Premium Order (Return to Work Premium System) 2025-2026 published pursuant to subsection 143(3) of the Act and takes effect on 1 July 2025.

Part 2—Application

1. This Order applies to all employers other than a newly registered employer in the circumstance described in clause 2 or unless another Order applies.
2. A newly registered employer, who commenced to be an employer after 1 July 2022 and who employed workers after 1 July 2022, who is not subject to the transfer of business provisions in Section 160 of the Act, will have their premium calculated in accordance with Part 6 of the RTWSA Premium Provisions 2025-2026 until that employer has experienced a full premium period.
3. If before 1 July 2026, a RTWSA Premium Order (Return to Work Premium System) has not been made for the 2026-2027 period, this Order continues to apply pending the making of such an Order.
4. The terms and conditions in the RTWSA Premium Provisions 2025-2026 apply unless this Order provides otherwise.
5. In this Order, words and expressions have the same meaning as they have in the RTWSA Premium Provisions 2025-2026, unless this Order provides otherwise.

Part 3—Calculation of premium payable by an employer

6. The premium payable by an employer for a premium period, or part thereof, is to be calculated by the following formula:

$$P = BP \times (1 - D) + C^* - A + SUR + GST + WHS$$

* C is subject to a maximum of $3 \times D \times BP$

Where:

P is the total premium

D is the base premium discount factor calculated in accordance with Part 4 of this Order

BP is the base premium calculated in accordance with Part 4 of the RTWSA Premium Provisions 2025-2026

C is the cost of claims calculated in accordance with Part 5 of this Order

A is the Apprentice and Trainee incentive amount, if any, for an employer determined with respect to the premium period or part thereof in accordance with Part 5 of the RTWSA Premium Provisions 2025-2026

SUR is the Supplementary Underwriting Rate being a premium adjustment (either a decrease or an increase) to allow the premium of an employer, within a particular category or class, to be adjusted. Any adjustment is at the discretion of the Corporation and subject to the claims experience and a specific risk assessment of the employer by the Corporation.

GST is the Goods and Services Tax as defined in Part 2 of the RTWSA Premium Provisions 2025-2026

WHS is the work health and safety registration fee as defined in Part 2 of the RTWSA Premium Provisions 2025-2026

Part 4—Base premium discount factor

7. The base premium discount factor (D) for an employer is as follows:

- 7.1. Where the employer's annualised Base Premium is less than \$10,000, the premium discount factor is 0.05.
- 7.2. Where the employer's annualised Base Premium is or exceeds \$10,000 and is less than \$50,000, the premium discount factor is 0.1.
- 7.3. Where the employer's annualised Base Premium is or exceeds \$50,000 and is less than \$100,000, the premium discount factor is 0.15.
- 7.4. Where the employer's annualised Base Premium is or exceeds \$100,000 and is less than \$500,000, the premium discount factor is 0.2.
- 7.5. Where the employer's annualised Base Premium is or exceeds \$500,000 and is less than \$1,000,000, the premium discount factor is 0.25.
- 7.6. Where the employer's annualised Base Premium is or exceeds \$1,000,000 the premium discount factor is 0.30.

Part 5—Cost of claims

8. Cost of claims means income support payments, where:

- 8.1. payments were made in the financial year preceding the premium period to which the premium applies, and
- 8.2. the payments were paid with respect to claims with a date of injury in the three financial years preceding the commencement of the premium period to which the premium applies, but excluding:
 - 8.2.1. the amount of income support paid in the first two weeks of a worker's incapacity where the Corporation has undertaken the liability of the employer in accordance with subsection 64(14) of the Act, and
 - 8.2.2. the income support payments paid in respect of claims arising from an unrepresentative injury as defined by Section 4 of the Act, and
 - 8.2.3. the income support payments associated with successfully prosecuted fraudulent claims.

Part 6—Group Training Organisation arrangement

9. Where an employer is registered with the South Australian Government as meeting the National Standards for Group Training Organisations in the relevant premium period, the premium (P) will be calculated in accordance with the following formula:

$$P = BP - A + SUR + GST + WHS$$

10. This arrangement shall only apply if the employer has registered and obtained a separate employer number with ReturnToWorkSA for the purpose of reporting apprentice and trainee remuneration.

Part 7—Alternative set of Principles (Retro Paid Loss Arrangement)

11. For the purposes of Section 143(7)(e) of the Act, the RTWSA Premium Order (Retro-Paid Loss Arrangement) 2025-2026 is an alternative set of principles for the payment of premium for an employer or employers.

Part 8—Provision of a deposit, bond or guarantee or other security

12. As permitted by Section 143(7) of the Act the Corporation will be entitled, in its discretion, to require any employer within a class set out below to provide security for the due payment of premium or other money due to the Corporation. Such security may, at the discretion of the Corporation, be constituted by a deposit, bond, guarantee, and/or a security over assets of that employer or over the assets of any person or entity providing a guarantee.

13. The following classes of employer are specified for the purposes of Section 143(7)(f):

- (a) An employer who has been or is a non-compliant employer;
- (b) An employer in respect of which any manager, director, officer or other person having material influence over the affairs of the employer:
 - (i) has previously been a manager director officer or person having material influence over the affairs of a non-compliant employer; or
 - (ii) is a related person to a manager, director, officer or other person having material influence over the affairs of a non-compliant employer;
- (c) An employer who would be capable of being treated as a member of a group under the *Payroll Tax Act 2009* where any other member of the group has been or is a non-compliant employer;
- (d) An employer who is or has been or is an associated entity of a non-compliant employer;
- (e) An employer who has not disclosed information to which the Corporation is entitled under either Section 149 or 150 of the Act in a timely manner.

14. In this Part 8 the following terms have the meanings set out below:

“**non-compliant employer**” is an employer who has defaulted in the payment of premium or other money due to the Corporation, within the 3 years prior to the commencement of this Premium Order or who has failed to comply with Section 128 of the Act or any equivalent provision in prior legislation;

“**associated entity**” means entities that are associated under Section 50AAA of the *Corporations Act 2001* of the Commonwealth;

“**related person**” means spouse, domestic partner, parent, grandparent, child, grandchild, stepchild, brother, sister, stepbrother, stepsister, half-brother, half-sister, aunt, uncle, cousin or a spouse or domestic partner of any of those persons.

I confirm that this is a true and correct record of the decision of the Board of the Corporation made on the 22nd day of May 2025.

Dated: 22 May 2025

G. MCCARTHY
Board Chair

RETURN TO WORK ACT 2014
RTWSA Premium Provisions 2025-2026

The Board of the Return to Work Corporation of South Australia (‘the Corporation’) after consultation with the Minister publishes the following terms and conditions that will apply in relation to the calculation, imposition and payment of premiums for the purposes of subsection 138(1) of the *Return to Work Act 2014* (‘the Act’) and these terms and conditions will be referred to as the ‘RTWSA Premium Provisions 2025-2026’.

The RTWSA Premium Provisions 2025-2026 apply for the premium period 2025-2026 (and each premium period thereafter until modified in accordance with subsection 138(1) of the Act).

Part 1—Preliminary Matters

1. These terms and conditions apply to the calculation, imposition and payment of premiums on or after 1 July 2025.

Part 2—Definitions

2. For the purposes of the RTWSA Premium Provisions 2025-2026, RTWSA Premium Order (Return To Work Premium System) 2025-2026 (as amended from time to time) and the RTWSA Premium Order (Retro-Paid Loss Arrangement) 2025-2026 (as amended from time to time) the following definitions will apply except where otherwise modified:

apprentice: A person who is or will be trained by their employer under an approved training contract in an occupation declared to be a 'trade' under Section 6 of the *South Australian Skills Act 2008*.

approved training contract: Has the same meaning as a contract approved as a training contract under the *South Australian Skills Act 2008*.

ceasing employer: A registered employer that ceases to be an employer required to be registered under Part 9 of the Act.

employer: Has the same meaning as in Section 4 of the Act.

financial year: The period from 1 July in a calendar year to 30 June in the next calendar year with a **full financial year** being the whole of that 12-month period and **part financial year** being any period less than the whole 12-month period.

GST: The Goods and Services Tax, has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

GTO: A Group Training Organisation which is registered as such under the National Standards for Group Training Organisations in South Australia and which has a registered office in South Australia.

industry premium rate: A rate that corresponds to a SAIC as determined by the Corporation from time to time and published in the Government Gazette.

new employer: An employer who takes over a business on account of a transfer of business as defined by Section 160 of the Act.

newly registered employer: An employer who has not been registered for one full premium period.

old employer: An employer who has disposed of a business under a transfer of business as defined by Section 160 of the Act.

period: Includes any financial year, or as provided in Part 8.

premium period: Refers to any financial year for which premium is calculated.

Regulations: The *Return to Work Regulations 2015*.

remuneration: is the remuneration payable by an employer to or for the benefit of workers during a premium period and includes all liabilities for payment made or to be made to or for the benefit of a worker which by the determination of the Corporation constitutes remuneration but does not include payments determined by the Corporation not to constitute remuneration.

SAIC: South Australian Industry Classification.

the Act: *Return to Work Act 2014*.

trainee: A person who is or will be trained by their employer under an approved training contract (entered into prior to 23 May 2013 or with a GTO) in an occupation which is a declared 'vocation' under Section 6 of the *South Australian Skills Act 2008*.

WHS: The work health and safety registration fee calculated for each financial year and collected by the Corporation on behalf of SafeWork SA in accordance with Schedule 5 of the *Work Health and Safety Act 2012*.

Part 3—Liability to pay premiums

- For the purposes of Section 139(1) of the Act, an employer will be liable to pay a premium for each premium period.

Part 4—Calculation of Base Premium for employers

- Pursuant to Section 142(4) of the Act, the base premium (BP) is to be calculated in accordance with the following formula:

$$BP = (Ra \times Ia) + (Rb \times Ib) + \dots (Rn \times In)$$

Where:

Ra, Rb, ...Rn are each a part of the total remuneration in respect of the period:

- for which the premium is to be calculated; or
- preceding the period for which the premium is to be calculated,

as chosen by the employer at the time of completing the return for the current premium period, being a part of the total remuneration attributable to each of the employer's relevant SAICs.

Ia, Ib, ...In are each an industry premium rate expressed as a percentage that corresponds to each relevant SAIC applicable to the employer.

Non-payment or underpayment of remuneration lawfully payable will not reduce the remuneration used as a basis for calculation of an employer's base premium.

Part 5—Apprentice and Trainee Incentive Amount

- The Apprentice and Trainee incentive amount (A) for an employer is to be calculated in accordance with the following formula:

$$A = (Aa \times Ia) + (Ab \times Ib) + \dots (An \times In)$$

Where:

Aa, Ab, An are each a part of the total remuneration payable by the employer to:

- apprentices (as defined in Part 2) in respect of the period for which the premium is to be calculated, being a part of the total remuneration attributable to a SAIC applicable to the employer.
- trainees (as defined in Part 2) but only for the term or the balance of the term of an approved training contract (as defined in Part 2) entered into prior to 23 May 2013 and in respect of the period for which the premium is to be calculated, being a part of the total remuneration attributable to a SAIC applicable to the employer.
- in the case of an employer who is a GTO, GTO trainees (both as defined in Part 2) employed by that GTO in respect of the period for which the premium is to be calculated, being a part of the total remuneration applicable to a SAIC applicable to the employer.

Ia, Ib, ...In are each an industry premium rate being a percentage rate that corresponds to each relevant SAIC applicable to the employer.

- If the employer has not supplied a return with respect to remuneration (as required under the Act) in respect of any relevant period, the apprentice and trainee incentive amount ("A") is taken to be zero for the purposes of the calculation of the employer's premium but the premium may be recalculated when the required return as to remuneration has been supplied.

Part 6—Premium payable by a newly registered employer

7. Where an employer is a newly registered employer, the premium payable (“P”) is calculated in accordance with the following formula:

$$P = (BP - A) + SUR + GST + WHS$$

Where:

P is the premium payable for a premium period or part thereof

SUR is the Supplementary Underwriting Rate being a premium adjustment (either a decrease or an increase) to allow the premium of an employer, within a particular category or class, to be adjusted. Any adjustment is at the discretion of the Corporation and subject to the claims experience and a specific risk assessment of the employer by the Corporation.

Part 7—Transfer of Business

8. For the purposes of Section 160 of the Act it is determined that the claims history of the old employer will be applied to the calculation of the premium payable by the new employer in the following circumstances:

- 8.1. Where the new employer has employed workers who constituted all or a majority of the workers employed by the old employer at any time at the business location or locations transferred to the new employer, and
- 8.2. The workers at any time carried out activities/services for the new employer that are the same or similar to activities/services carried out by those workers for the old employer.

In any other case involving a transfer of business pursuant to Section 160 of the Act, the Corporation will be entitled in its discretion to apply claims experience with respect to the employer before the transfer to the employer who takes over the business on account of the transfer.

These provisions apply whether or not the business of the new employer or the activities and/or services performed are at the same business location.

Part 8—Designated period and designated minimum premium

9. For the purposes of Section 143(9)(a) of the Act, the designated period is a financial year.
10. For the purposes of Section 143(9)(b) of the Act, the designated minimum premium is \$200, subject to any instalment payment rounding.

Part 9—Cessations

11. For the purposes of Section 139(3) of the Act, the Corporation will calculate a ceasing employer’s refund as follows:
 - 11.1. the ceasing employer’s premium (“**final premium**”) will be calculated in accordance with the formula in Part 3 of the RTWSA Premium Order (Return to Work Premium System) 2025-2026, but where, in calculating base premium, ‘Ra, Rb, ...Rn’ is the remuneration declared in the return for the current premium period multiplied by the percentage of that period that the ceasing employer was registered; and
 - 11.2. if the premium already paid by the ceasing employer is greater than the final premium, the ceasing employer is entitled to a refund of an amount equal to the difference between the premium already paid and the final premium.
12. If the premium already paid by a ceasing employer in the current premium period is less than the final premium, the ceasing employer is required to pay the Corporation an amount equal to the difference between the premium already paid in the current premium period and the final premium (being an adjusted premium).
13. For the avoidance of doubt, nothing in this Part 9 impacts the Corporation’s power under Section 144(6)(b) of the Act.

I confirm that this is a true and correct record of the decision of the Board of the Corporation made on the 22nd day of May 2025.

Dated: 22 May 2025

G. MCCARTHY
Board Chair

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER***Road Closure—Portion of Ormerod Street, Naracoorte*

By Road Process Order made on 12 March 2024, the Naracoorte Lucindale Council ordered that:

1. Portion of Ormerod Street, Naracoorte, situated adjoining Allotment 10 in Filed Plan 105719 and Allotments 100 and 101 in Deposited Plan 80983, Hundred of Naracoorte, more particularly lettered ‘A’, ‘B’ and ‘C’ in Preliminary Plan 23/0009 be closed.
2. Transfer the whole of the land subject to closure to Southern Australia Wool Products Pty. Ltd. (ACN 008 149 540) in accordance with the Agreement for Transfer dated 5 November 2024 entered into between the Naracoorte Lucindale Council and Southern Australia Wool Products Pty. Ltd. (ACN 008 149 540).
3. The following easement is to be granted over portions of the land subject to closure:

Grant to the South Australian Water Corporation an easement for water supply purposes over the land marked ‘A’ in Deposited Plan 134614.

Grant to the South Australian Water Corporation an easement for sewerage purposes over the land marked ‘B’ in Deposited Plan 134614.

Grant to Distribution Lessor Corporation (subject to Lease 8890000) an easement for the transmission of electricity by underground cable over the land marked ‘C’ in Deposited Plan 134614.

On 12 June 2025 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 134614 being the authority for the new boundaries.

Pursuant to Section 24 of the *Roads (Opening and Closing) Act 1991*, notice of the order referred to above and its confirmation is hereby given.

Dated: 19 June 2025

B. J. SLAPE
Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991
SECTION 24

NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER

Road Closure—Portion of Public Road (Shearers Road), Tarlee

By Road Process Order made on 28 April 2025, the Clare and Gilbert Valleys Council ordered that:

- 1. Portion of Public Road (Shearers Road), Tarlee, situated adjoining Pieces 94 and 95 in Filed Plan 216309, Hundred of Gilbert, more particularly delineated and lettered ‘A’ in Preliminary Plan 24/0035 be closed.
- 2. Transfer the whole of the land subject to closure to Patrick Joseph Connell and Mary Louise Connell in accordance with the Agreement for Transfer dated 30 August 2024 entered into between the Clare and Gilbert Valleys Council and Patrick Joseph Connell and Mary Louise Connell.

On 12 June 2025 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 137455 being the authority for the new boundaries.

Pursuant to Section 24(5) of the *Roads (Opening and Closing) Act 1991*, notice of the order referred to above and its confirmation is hereby given.
Dated: 19 June 2025

B. J. SLAPE
Surveyor-General

2024/07561/01

SOUTH AUSTRALIAN SKILLS ACT 2008

Part 4—Apprenticeships, Traineeships and Training Contracts

Pursuant to the provision of the *South Australian Skills Act 2008*, the South Australian Skills Commission (SASC) gives notice that determines the following qualification and training contract conditions for Trades or Declared Vocations, in addition to those published in past gazette notices.

*Trade/ #Declared Vocation/ Other Occupation	Qualification Code	Qualification Title	Nominal Term of Training Contract	Probationary Period	Supervision Level Rating
Advanced Tradesperson (Electrical Instrumentation) #	UEE40420	Certificate IV in Electrical—Instrumentation	24	60	H
Condition/s	Entry into this trade requires Certificate III in Electrotechnology Electrician or a current ‘Unrestricted Electrical Licence’ (or its equivalent). Not available for school-based traineeships.				

Dated: 19 June 2025

COMMISSIONER CAMERON BAKER
Chair of the South Australian Skills Commission

SURVEY ACT 1992

Fees and Levies Received by the Institution of Surveyors, Australia, South Australia Division Inc.

It is hereby notified that the below fees and charges to be levied by the Institution of Surveyors, Australia, South Australia Division Inc. for the 2025-26 financial year have been approved by Hon Nick Champion MP, Minister for Planning.

Inspection of Register..... \$15.15
First Registration or Licence and Renewal of Registration or Licence \$315.00
Late Renewal Charge and Issue of Duplicate Certificate of Registration or Licence ... \$100.50
Plan Levy on lodgement of survey plans \$182.00

Dated: 16 June 2025

J. ODDY
Registrar, Institution of Surveyors,
Australia, South Australia Division Inc.

LOCAL GOVERNMENT INSTRUMENTS

CITY OF ADELAIDE

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Supplementary Election of 4 Councillors for Central Ward

Nominations open on Thursday, 26 June 2025 and close at 12 noon Thursday, 10 July 2025. Candidates must submit a profile of not more than 1,000 characters with their nomination and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

More information about nominating, including the candidate handbook that outlines the criteria and requirements for nominating, can be accessed at www.ecsa.sa.gov.au or by phoning 1300 655 232.

Nominate online at: www.ecsa.sa.gov.au

Dated: 19 June 2025

MICK SHERRY
Returning Officer

CITY OF VICTOR HARBOR

LOCAL GOVERNMENT ACT 1999

Naming of Road

The City of Victor Harbor hereby gives notice pursuant to Section 219(1) of the *Local Government Act 1999*, and in accordance with the Council's Resolution OC1402025 of Ordinary Council Meeting held Monday, 26 May 2025 that the unnamed roads, as part of Clifton Victor Harbor land division located 4576 Victor Harbor Road, Hindmarsh Valley be named the following roads and walkway:

Ocean Breeze Parade, Seaside Loop, Sunset Drive, Coastline View, Driftwood Way, Serenity Street, Wanderers Street, Silver Sands Street, Honeyeater Street, Eucalyptus Street, Grevillea Street, Nightingale Street and walkway Wildflower Walk.

A copy of this notice and further information can be obtained from the Council's offices at 1 Bay Road, Victor Harbor SA 5211, during ordinary business hours or on the Council's website at www.victor.sa.gov.au.

Dated: 19 June 2025

VICTORIA MACKIRDY
Chief Executive Officer

THE BAROSSA COUNCIL

Naming of Roads

Notice is hereby given that pursuant to Section 219 of the *Local Government Act 1999*, The Barossa Council on 20 May 2025 resolved that the roads within the land divisions north of Kalimna Road, Nuriootpa—being 53-57 Kalimna Road, Allotment 200 Research Road, 771, 785 and 795 Research Road, Nuriootpa at Allotment 300 and 302 Kalimna Road, Nuriootpa be named as follows: King Way, Burgemeister Drive, Riedel Avenue, Bahnisch Street, Habib Street, Noack Court, Klimowicz Avenue and Plush Court.

Dated: 20 May 2025

MARTIN MCCARTHY
Chief Executive Officer

COPPER COAST COUNCIL

Assignment of Names for Public Roads

Notice is hereby given pursuant to Section 219 of the *Local Government Act 1999*, that the Copper Coast Council resolved to assign street names to the newly developed roads in Kadina, as detailed below:

Kadina Central, Kadina

- Berry Boulevard
- Coffey Close
- Correll Street
- Harrison Street
- Liddy Lane
- Phillips Street
- Rowe Road
- Sutton Street

Dated: 18 June 2025

DYLAN STRONG
Chief Executive Officer

DISTRICT COUNCIL OF KIMBA

LOCAL GOVERNMENT ACT 1999

Resignations of Councillors

Notice is hereby given in accordance with Section 54(6) of the *Local Government Act 1999*, that two vacancies have occurred in the office of Area Councillor, due to the resignations of Councillor James Haskett and Councillor Anthony Scott, effective Wednesday, 11 June 2025.

Dated: 16 June 2025

DEBRA LARWOOD
Chief Executive Officer

MOUNT BARKER DISTRICT COUNCIL

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Close of Roll for Supplementary Election

A supplementary election will be necessary to fill the vacant position of councillor for South Ward.

The voters roll for this supplementary election will close at 5pm on Monday, 30 June 2025.

You are entitled to vote in the election if you are enrolled on the State electoral roll for the council ward. If you have recently turned 18 or changed your residential or postal address, you must complete an electoral enrolment form available online at www.ecsa.sa.gov.au

If you are not eligible to enrol on the State electoral roll you may still be entitled to enrol to vote if you own or occupy a property in the council area. Contact the council to find out how.

Nominations to fill the vacancy will open on Thursday, 24 July 2025 and will be received until 12 noon on Thursday, 7 August 2025.

The election will be conducted by post with the return of ballot material to reach the Returning Officer no later than 12 noon on polling day, Monday, 22 September 2025.

Dated: 19 June 2025

MICK SHERRY
Returning Officer

DISTRICT COUNCIL OF STREAKY BAY

Application of Dogs By-law 2025

Pursuant to Section 246(4a) of the *Local Government Act 1999* (**the Act**), notice is hereby given that at its meeting on 20 May 2025, the District Council of Streaky Bay resolved, pursuant to the power contained in Section 246(3)(e) of the Act and for the purposes of Clause 9.1 of *By-law 5—Dogs 2025*, that the Local Government land or public places listed below are declared ‘dog on leash’ areas at all times:

- Doctors Beach—from Eyre Avenue Reserve to end of the Caravan Park
- Eyre Avenue—from Linklater Street to Wells Street
- Streaky Bay Foreshore—Philip Street to End of Alfred Terrace Lawn Area
- Slidy Beach Reserve
- Pioneer Park
- Back Beach carpark, walkway and beach entrance areas
- Hally’s Beach and Whistling Rock’s Carpark, walkway and beach entrance areas
- Streaky Bay Jetty Platform, Alfred Terrace, Streaky Bay
- Streaky Bay Youth Precinct
- Little Islands Beach Entrance, Carpark and walkway
- the Haslam Foreshore and Playground areas
- Haslam Jetty, Haslam
- Haslam Campground
- The Sceale Bay Foreshore reserve
- The Baird Bay and Tractor Beach Campground areas
- Perlubie Beach Carpark and beach areas
- Yanerbie Foreshore and beach areas
- Speeds Point Campground
- Granites Carpark and Boardwalk
- Smoothpool Carpark

The effect of the Council’s resolution is that dogs must be under effective control by leash when on the land identified above in accordance with the Council’s *Dogs By-law 2025*. Further details of the land and maps showing each of the locations subject of the resolution are available for inspection on the Council’s website at www.streakybay.sa.gov.au.

Dated: 19 June 2025

DAMIAN CARTER
Chief Executive Officer

DISTRICT COUNCIL OF STREAKY BAY

Application of Local Government Land By-law 2025

Pursuant to Section 246(4a) of the *Local Government Act 1999* ("the **Act**"), notice is hereby given that at its meeting on 20 May 2025, the District Council of Streaky Bay resolved, pursuant to the power contained in Section 246(3)(e) of the Act that:

1. for the purpose of Clause 9.3 of *By-law 4—Local Government Land 2025* ("the **By-law**"), the Local Government land commonly known as the Streaky Bay Youth Precinct that is comprised in CR5898/133 and is a park, is land on which the Council's permission is required to consume, carry or be in possession or in charge of any liquor thereon;
2. for the purpose of Clause 9.10.4 of the By-law, Council's permission must be obtained to moor a boat to all Local Government land and foreshore areas in the Council's area, but only where a boat is moored to that Local Government land or foreshore for a period of more than 24 hours;
3. for the purpose of Clause 9.11.2 of the By-law, permission of the Council must be obtained to launch or retrieve a boat (or boat of a specified class) at or on the Streaky Bay Moore's Boat Ramp other than in accordance with the conditions specified on a sign displayed on or in the vicinity of that boat ramp;
4. for the purpose of Clause 10.10 of the By-law and subject to the *Tobacco and E-Cigarette Products Act 1997*, smoking is prohibited on the whole of the land commonly known as the Streaky Bay Youth Precinct that is comprised in CR5898/133; and
5. for the purpose of Clause 9.15.2.2 of the By-law, the following land is designated as a camping area where camping is permitted subject to the conditions determined by the Council and displayed on signage on or near the land:
 - (a) the portion of the land comprised in CR5800/427, which is known as the Perlubie Beach Campground;
 - (b) the portion of the land comprised in CR6276/180, which is known as the Streaky Bay RV Park;
 - (c) the portion of the land comprised in CR5755/889, which is known as the Haslam Campground;
 - (d) the portion of the land comprised in CR5996/690, that is known as the Baird Bay Campground; and
 - (e) the portion of the parcels of land comprised in CR5755/919 and CR5771/262 which are known as the Tractor Beach Campground.

Further details of the land and maps showing each of the locations subject of the resolution are available for inspection on the Council's website at www.streakybay.sa.gov.au.

Dated: 19 June 2025

DAMIAN CARTER
Chief Executive Officer

PUBLIC NOTICES

NATIONAL ENERGY RETAIL LAW

*Notice of Draft Determination and Draft Rule
Notice of Final Rules and Final Determinations
Notice of Extension for Draft Determination*

The Australian Energy Market Commission (AEMC) gives notice under the National Energy Retail Law as follows:

Under s 256, the making of a draft determination and related draft rule on the *Improving the ability to switch to a better offer* (Ref. RRC0062) proposal. Written requests for a pre-determination hearing must be received by **26 June 2025**. Submissions must be received by **31 July 2025**.

Under ss 259, 260 and 261, the making of the *National Energy Retail Amendment (Improving consumer confidence in retail energy plans) Rule 2025 No. 3* (Ref. RRC0058) and related final determination. Schedules 1 and 2 of this Rule commence on **1 July 2026**. Schedules 3 and 4 of this Rule commence on **26 June 2025**.

Under ss 259, 260 and 261, the making of the *National Energy Retail Amendment (Assisting hardship customers) Rule 2025 No. 2* (Ref. RRC0060) and related final determination. Schedule 1 of this Rule commences on **30 December 2026** and Schedule 2 of this Rule commences on **26 June 2025**.

Under s 266, the time for making the draft determination on the *Improving the application of concessions to bills* (Ref. RRC0063) proposal has been extended to **3 July 2025**.

Submissions can be made via the [AEMC's website](#). Before making a submission, please review the AEMC's [privacy statement](#) on its website, and consider the AEMC's [Tips for making a submission](#). The AEMC publishes all submissions on its website, subject to confidentiality.

Written requests should be sent to submissions@aemc.gov.au and cite the reference in the title. Before sending a request, please review the AEMC's privacy statement on its website.

Documents referred to above are available on the AEMC's website and are available for inspection at the AEMC's office.

Australian Energy Market Commission
Level 15, 60 Castlereagh St
Sydney NSW 2000
Telephone: (02) 8296 7800
www.aemc.gov.au

Dated: 19 June 2025

TRUSTEE ACT 1936

PUBLIC TRUSTEE

Estates of Deceased Persons

In the matter of the estates of the undermentioned deceased persons:

ALI Ali Haroun late of 51 Tiparra Avenue Park Holme Retired Taxi Driver who died 24 July 2023
COWLING Shirley Doris late of 333 Marion Road North Plympton Retired Office Worker who died 17 January 2025
CRAWFORD Margaret Elizabeth late of 43 Condada Avenue Park Holme Retired Librarian who died on or about 13 November 2024
HILL Audrey Lola late of 1 Steele Street Campbelltown Retired retail worker who died 29 November 2024
MODRA Kevin late of 58 Chief Street Brompton Retired Labourer who died 15 February 2025
NEILL Brenton Francis late of 29 Greenbank Grove Hackham West Retired Police Officer who died 1 March 2025
PHILLIPS Gary Wayne Ronald late of 1 Friar Street Enfield Retired Wood Machinist who died 20 November 2024
TAPE Jasmine late of 160- 164 Military Road Semaphore of no occupation who died 17 February 2025
TOMALA Genevieve Christine late of 63 Jenkins Avenue Whyalla Norrie of no occupation who died on or about 5 October 2024
WELLER Rosemary Janet late of 3 Hazel Grove Ridgehaven Retired Dressmaker who died 13 March 2025

Notice is hereby given pursuant to the *Trustee Act 1936* (SA), the *Succession Act 2023* (SA) and the *Family Relationships Act 1975* (SA) that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee at GPO Box 1338, Adelaide 5001, full particulars and proof of such claims, on or before the 18 July 2025 otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated: 19 June 2025

T. BRUMFIELD
Public Trustee

NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

Notices must be emailed by 4 p.m. Tuesday, the week of publication.

Submissions are formatted per the gazette style and a proof will be supplied prior to publication, along with a quote if applicable. Please allow one day for processing notices.

Alterations to the proof must be returned by 4 p.m. Wednesday.

Gazette notices must be submitted as Word files, in the following format:

- Title—the governing legislation
- Subtitle—a summary of the notice content
- Body—structured text, which can include numbered lists, tables, and images
- Date—day, month, and year of authorisation
- Signature block—name, role, and department/organisation authorising the notice

Please provide the following information in your email:

- Date of intended publication
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- Name and organisation to be charged for the publication—Local Council and Public notices only
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All instruments appearing in this gazette are to be considered official, and obeyed as such