

Summary

- School councils play a vital role in Victorian government schools and are established and operate under the Education and Training Reform Act 2006 (Vic), the Education and Training Reform Regulations 2017 (Vic) and a constituting Order.
- Understanding their legislated powers and functions, as well as the functional split between the school council and the principal is critical for the effective functioning of the school council.
- The powers and functions specific to each school council are set out in their constituting Order.
- School councils are also required to comply with state and federal laws, relevant Ministerial Orders and certain department policies when exercising their powers and functions.

Details

A well-informed and effective school council strengthens community confidence in the school and helps to build and secure the school's reputation.

Understanding the distinction in roles and responsibilities between school council and the principal supports the effective and efficient operations of the council and the school. School council powers and functions are set out in this policy. Responsibility for all other aspects of running a school rests with the principal, with support from the department and other members of school staff.

A school council's constituting Order constitutes the school council as a body corporate and specifies the council's powers, functions and objectives.

[Ministerial Order 1280 Constitution of Government School Councils 2020 \(DOCX\)](#) updates the constituting Order for all school councils with effect from 1 January 2021.

School council functions, powers and objectives

School council functions, powers and objectives are set out in various instruments, including the Education and Training Reform Act 2006, the Education and Training Reform Regulations 2017, Ministerial Orders and the school council's own constituting Order.

The following information sets out the various functions, powers and objectives prescribed in the Education and Training Reform Act and the Education and Training Reform Regulations.

Further information on school council powers and functions is available in the Guidance and Resources tabs, including links to other department policies relating to specific school council functions and powers, such as the Child Safe Standards, occupational health and safety and finance.

Functions of school council

The key functions of school council with regard to the school are:

- to establish the broad direction and vision of the school within the school's community
- to arrange for the supply of:
 - goods
 - services
 - facilities
 - materials
 - equipment
 - other things or matters required for the conduct of the school, including the provision of preschool programs
- to raise funds for school related purposes
- to regulate and facilitate the after-hours use of the school premises and grounds
- to exercise a general oversight of the school buildings and grounds and ensure they are kept in good order and condition
- to provide for the cleaning and sanitary services that are necessary for the school
- to ensure that all money coming into the hands of the council is expended for proper purposes relating to the school
- to provide meals and refreshments for the staff and students of the school and make charges for those meals or refreshments
- to inform itself and take into account any views of the school community for the purpose of making decisions in regard to the school and the students at the school
- to generally stimulate interest in the school in the wider community
- to prepare the School Strategic Plan and review the Annual Implementation Plan — to be signed by the president and the principal
- to report annually (the Annual Report) to the school community and to the department on:
 - the school's financial activities
 - the School Strategic Plan, and
 - any other matters that are determined by the Minister
- to manage the hire, licence and shared use of school facilities
- to determine the dates for the school's student-free days:
 - in accordance with the number of student-free days each calendar year specified by the Secretary of the department
- to perform any other function or duty, or to exercise any power conferred or imposed on the council by or under:
 - the Education and Training Reform Act 2006, or
 - any regulations made under that Act
 - a Ministerial Order made, or direction issued, by the Minister under the Education and Training Reform Act.

Information on the role and responsibilities of the various school council officer bearers (such as the principal as Executive Officer and the school council president) is available on [School Councils – Composition and Officer Bearers](#).

Powers of school council

For the purpose of meeting its functions and objectives, and in accordance with any conditions or limitations set out in the Education and Training Reform Act, the Education and Training Reform Regulations, Ministerial Order or the school council's constituting Order, school councils may:

- enter into contracts, agreements or arrangements
- form sub-committees
- sell property acquired for use in the school
- for primary schools, provide preschool programs
- use any funding provided to the school, for any purpose related to the school, provided the funding was not provided for a specified purpose
- establish trusts and act as trustee of them
- employ staff (noting the exception in relation to the employment of teachers)
- charge fees to parents for goods, services or other things provided by the school to a child of the parent:
 - subject to section 2.2.4 of the Education and Training Reform Act, and
 - in accordance with any Ministerial Order made under that Act
- conduct programs in or use, or allow any other person or body to conduct programs in or use, any of the school's buildings or grounds for the purpose of educational, recreational, sporting or cultural activities for students, the local community or young persons, but only when the buildings or grounds are not required for ordinary school purposes
- with the applicable approval from the Minister, construct or carry out any improvements to any school building structure or school grounds
- do any other thing that is necessary or convenient to be done for, or in connection with, meeting its objectives or performing its functions or duties
- do anything else conferred on it by or under the Education and Training Reform Act, or any regulations or a Ministerial Order made under that Act.

Important: A school council does not have the power to:

- employ a teacher for longer than twelve months or with no date fixed for the termination of that employment;
- purchase or acquire for consideration any land or building; or
- unless authorised by or under the Education and Training Reform Act or any regulations or a Ministerial Order made under that Act:
 - license or grant any interest in land, including school lands or buildings;
 - enter into hire purchase agreements;
 - obtain loan or credit facilities;
 - form or become a member of a corporation;
 - provide for any matter or thing outside Victoria unless it is related to an excursion by students from the school or the professional development of staff of the school;
 - purchase a motor vehicle, boat or plane.

Objectives of school council

The objectives of a school council are set out in the school council's constituting Order and section 2.3.4 of the Education and Training Reform Act and are to:

- assist in the efficient governance of the school
- ensure that its decisions affecting students of the school are made having regard, as a primary consideration, to the best interest of the students
- enhance the educational opportunities of students at the school

- ensure the school and the council complies with any requirements of the Education and Training Reform Act, the Education and Training Reform Regulations, a Ministerial Order or a direction, guideline or policy issued under the Education and Training Reform Act.

These school council objectives must be taken into account by school council members when exercising any of their powers, duties or functions.

Delegation of school council powers, duties and functions

The Education and Training Reform Regulations allow school councils to delegate their powers, duties or functions. However, a school council cannot delegate any of its functions in relation to the approval of the school budget or Annual Report.

A school council must generally obtain written approval from the Minister for Education if they wish to delegate a power or duty to a person or body, other than the principal.

- The delegation must be recorded in the minutes of the meeting of school council and a register of delegations must be kept by the school council.
- The instrument/documentation setting out the delegations, and the terms and conditions of the delegations, must be signed by the president of the school council and delivered to the delegates.
- A person or body to whom a delegation has been made must provide a written report about any activities performed as a delegate at each ordinary meeting of the school council.

A [Delegations Fact Sheet](#) and [template instrument of delegation for school councils](#) is available to support school councils with the delegations process.

Confidentiality

School council decisions will usually affect the school community, and they generally need to be clearly communicated to, and understood by, the school community.

However, school council members must feel confident their deliberations and any differing views during council discussions are treated confidentially by other members.

School councillors must only use the information they gain in the course of their duties as a councillor for its intended purpose of achieving school council decisions and responsibilities.

School councillors must not use information to obtain an advantage for themselves or another person or to cause detriment to the school council.

Ministerial Order 1280: Constitution of Government School Councils

Coming into operation on 1 January 2021, the new Ministerial Order No 1280 — Constitution of Government School Councils 2020 consolidates and replaces the following Ministerial Orders:

- Ministerial Orders No 38 and 108: Order amending the Constituting Orders of the School Councils of all State Schools
- Ministerial Order No 52: School Council Composition and Elections Order
- Ministerial Order No 53: Order amending the Constituting Orders of the School Councils of all Government Schools (2008)
- Ministerial Order No 198: Order amending Ministerial Order 52 (2009)
- Ministerial Order No 311: Order amending Ministerial Order 52 (2010)
- Ministerial Order No 383: Order amending the Constituting Orders of Government School Councils (2010)
- Ministerial Order No 399: Order amending Ministerial Order 52 (2010)
- Ministerial Order No 470: School Plan and Annual Report Order (2011)
- Ministerial Order No 487: Order amending Ministerial Order 52 (2011)
- Ministerial Order No 784: Amendment to School Plan and Annual Report Order (2015)
- Ministerial Order No 928: Power of School Council to Grant a Licence in Relation to School Lands or Buildings (2016)
- Ministerial Order No 1018: Order amending the Constituting Orders of the School Councils of all Government Schools (2018)
- Ministerial Order No 1086: Order amending the Constituting Orders of the School Councils of all Government Schools (2018)
- Ministerial Order No 1098: Order amending the Composition and Election Provisions (2018)
- Ministerial Order No 1127: School Cleaning in Government Schools (2018)
- Ministerial Order No 1174: Banking services for School Councils (2019)

The objectives, functions and powers of school council remain set out in the Education and Training Reform Act 2006 (the Act). There is no material change to a school councils' functions or powers under the Act. Rather, Ministerial Order 1280: Constitution of Government School Councils:

- updates the existing Orders to use plain English and simpler language
- removes duplication of matters that are already provided for in the Act and
- clarifies school councils' powers and functions and responsibilities in respect of various areas of school administration.

Summary of clarification of school council roles and responsibilities

Clause 31: Power to purchase by use of purchasing card facilities

The purchase by a school council of goods and services, equipment or material using purchasing card facilities must be for a school-related purpose. The purchases must comply with any applicable guidelines issued by the Minister and any applicable policies or procedures about the school council's use of purchasing cards issued by the Secretary (as amended from time to time).

Clause 34: Gifts

A school council may accept gifts (including real estate) provided that any encumbrance or condition that attaches to the gift is approved by the Secretary before the school council accepts the gift.

Clause 35: Installation and Operation of Closed Circuit Television (CCTV)

Where a school council exercises its powers and functions in relation to the installation and operation of CCTV, it must do so in accordance with any policy issued by the department (and amended from time to time).

Clause 36: Cleaning

This clause will:

- apply to all school councils (the previous Ministerial Order currently only applies to metropolitan schools)
- provide that schools councils, in discharging their functions to provide school cleaning services, must comply with any applicable department policies and procedures.

Clause 38: Use of school buildings and grounds for activities

School councils must ensure that, where use of school premises is allowed under section 2.3.11 of the Act (Use of schools building and grounds for activities):

- that use complies with any applicable department policies and procedures and
- appropriate insurance coverage is maintained in relation to that use, and those activities either by the council or by the other person or body that conducts the program.

Clause 40: Construction works

This provision was previously provided for in the Ministers' instrument of financial authorisations.

Clause 41: Early Childhood Services

Updates the meaning of early childhood services in the Order to:

- an education and care service within the meaning of the Education and Care Services National Law Act 2010 (Vic) or
- a children's service within the meaning of the Children's Services Act 1996 (Vic).

Clause 42: School Plan (known as School Strategic Plan)

A school plan (known as a School Strategic Plan) must be prepared in accordance with any guidelines issued by the department (and amended from time to time).

Clause 43: Curriculum planning

A school council does not determine the curriculum programs to be followed in the school. However, the school council may inform itself and take into account the views of the school community. The council may advise the principal of its views and those of the community regarding the curriculum programs in the school.

Clause 45: International Education

Provides that international education activities must be conducted in accordance with department policies and procedures, and requires the principal to provide the school council with an annual report of the school's compliance with an International Student Program in accordance with Commonwealth legislation.

Related policies

- Child Safe Standards
- Cleaning
- Contractors – Insurance and Contract Arrangements
- Finance Manual – Financial Management for Schools
- OHS Management System (OHSMS) Overview
- Out of School Hours Care – Decision Making Regarding the Provision of OSHC
- Parent Payments
- Procurement in Schools
- School Council – Composition and Office Bearers
- School Council – Conduct and Conflict of Interest
- School Council – Elections
- School Council – Liability and Legal proceedings
- School Council – Meetings
- School Council – Overview
- School Council – Subcommittees
- School Council – Training and Good Governance
- Student Dress Code

Relevant legislation

- Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations 2017 (Vic)
- Ministerial Order 1280 Constitution of Government School Councils 2020 (Word)
- Ministerial Order 1359 Child Safe Standards
- Ministerial Direction 145 Special Religious Instruction in Government Schools
- Ministerial Order 1006 Principal (Selection Procedures and Grounds for Review)
- Ministerial Order 1039 School Council Employees (Employment Conditions, Salaries, Allowances and Selection)
- Occupational Health and Safety Act 2004 (Vic)