



NOTIFICATION OF A CHANGE OF CONSTITUTION OR GOVERNING BODY MEMBERSHIP

NON-GOVERNMENT SCHOOL REGULATION

# Explanatory notes

## When should I use this form?

This form is to be used to notify the Director General, Department of Education, of a change of governing body membership or its constitution.

Note that the transfer of a school to a new governing body requires submission of an [application for registration change](https://www.education.wa.edu.au/dl/7lp9n0).

## Relevant legislation

Section 156B of the *School Education Act 1999* requires the governing body of a registered school to notify the Director General, Department of Education, about the following:

1. A change to the constitution of the governing body by amendment or substitution.
2. A change to the membership of the governing body.

This notice is to be given **no later than 30 calendar days** after the change is made or, in the case of a change to the constitution, within 30 days of the governing body fulfilling its obligation to notify the appropriate regulatory body.

## Change to the governing body’s constitution

Complete Parts A, B and D of this notice.

On receiving the notice, the Director General will examine the changes to determine whether the new arrangements satisfy her that the constitution is satisfactory for the purposes of the *School Education Act 1999*.

## Change to the governing body’s membership

Complete Parts A, C and D of this notice.

On receiving the notice, the Director General will examine the changes to determine whether the new arrangements satisfy her that each member of the governing body is a fit and proper person to operate a school.

To enable the Director General to assess the fitness and propriety of governing body members, the Chair is required to complete a Statutory Declaration (enclosed) in respect of the new governing body member/s.

## Submission

NGSRegulation@education.wa.edu.au; or

151 Royal Street, EAST PERTH, WA 6004

Attention: Regulation Officer (Schools), Non-Government School Regulation

## Enquiries

E: NGSRegulation@education.wa.edu.au

Application form published 8 July 2020

# Part A: Governing body details

## Governing body

|  |  |
| --- | --- |
| Governing body name | Click/tap to enter. |
| Governing body address | Click/tap to enter. |
| Suburb | Click/tap to enter. | Postcode | Click/tap |
| Governing body postal address | Click/tap to enter. |
| Suburb | Click/tap to enter. | Postcode | Click/tap |
| Australian Business Number (ABN) or Australian Company Number (ACN) | Click/tap to enter. |
| Name of governing body Chair | Click/tap to enter. |
| Chair’s email address[[1]](#footnote-1) | Click/tap to enter. |
| Chair’s telephone numbers1 | Landline: Click/tap to enter. | Mobile: Click/tap to enter. |

## List of school(s) operated by the governing body

|  |  |
| --- | --- |
| School name | Click/tap to enter. |
| School name | Click/tap to enter. |
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| School name | Click/tap to enter. |
| School name | Click/tap to enter. |

# Part B: Change to constitution

|  |
| --- |
| Provide a brief overview of the:* nature of the amendments to the governing body’s constitution;
* reasons for the amendments or substitution of a new constitution;
* effective date of the changes [](#Item3);and
* date the new constitution was approved at the General Meeting.
 |
| Click/tap to enter. |
| Which of the following does the governing body have of the school? (check all that apply)

|  |
| --- |
|[ ]  Ownership [](#Item3) |
|[ ]  Management [](#Item3) |
|[ ]  Control [](#Item3) |

 |
| How are conflicts of interest managed by the governing body? (check all that apply) [](#Item3)

|  |
| --- |
|[ ]  The constitution or associated policy specifies how conflicts of interest are to be managed. [](#Item3) |
|[ ]  Conflicts of interest are a standing item for governing body meeting minutes. |
|[ ]  Conflicts of interest are minuted in governing body meeting minutes. |
|[ ]  A member is required to withdraw during governing body discussion of a matter about which the member has a conflict of interest. |
|[ ]  The governing body maintains a register of members’ conflicts of interest. |
|[ ]  Other (please spe |

 |
| What are the quorum requirements for a governing body meeting?Click/tap to enter text. |
| Have the quorum requirements been met for each governing body meeting in the past two years? If not, what has the governing body done to address this?Click/tap to enter text. |
| paperclip icon | Please attach the following: |
| * A copy of the new or amended constitution with changes clearly indicated by supporting annotations.
* Evidence of the governing body fulfilling its obligation to notify the appropriate regulatory body.
* Conflicts of interest policy (where management of conflicts of interest is not specified in the constitution).
 |
| 🡺 | Sign the submission of notice at [Part D](#_Part_D:_Submission). |

# Part C: Change to governing body membership

## Register of new and replaced/retiring governing body members

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **New/Replaced or Retiring** | **Start or End date***as applicable* | **Title***Dr, Mr, Ms, etc.* | **Full legal name** | **Role***Chair, Treasurer, Member, etc.* | **Experience and qualifications relevant to role***New or replaced members only* | **Voting or non-voting***V / NV* |
| Click/tap | Click/tap | Click/tap | Click/tap | Click/tap | Click/tap | Click/tap |
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|  |  |
| --- | --- |
| 🡺 | Complete the statutory declaration at [C2](#_Statutory_declaration).Sign the submission of notice at [Part D](#_Part_D:_Submission). |

## Statutory declaration

*Oaths, Affidavits and Statutory Declarations Act 2005*

This Statutory Declaration must be completed by the Chair of the school’s governing body. Enter or select information in the highlighted fields then print the document. Have your signature witnessed by an authorised witness.

I, Click/tap to enter full name of Click/tap to enter address, Click/tap to enter occupation, sincerely declare as follows:

1. I am the Chair of Click/tap to enter governing body name, the governing body of Click/tap to enter school name and make this declaration in that capacity concerning the members of the management committee, council or board of directors of Click/tap to enter governing body name herein referred to as “the members”.
2. In this declaration, as required by *School Education Act 1999*, section 160(5), a relevant relationship refers to a relationship between a board member and another person, or between two or more board members, which fits one of the following:
* employer and employee
* business partners
* director of a body corporate and the body corporate
* involved in the control or management of a body corporate and the body corporate
* holds an interest in at least 5% of the share capital of a body corporate and the body corporate
* joint trustee or joint beneficiary.

## Chair’s assessment of members’ fitness and propriety

1. The members are required to provide evidence of their eligibility, fitness and propriety to serve as members to me as Chair and I have assessed the evidence so provided.
2. On the basis of my assessment, I am satisfied that all of the members are eligible to serve, and are not disqualified from serving on a management committee, council or board of directors in accordance with **(select one which applies):**

|  |
| --- |
|[ ]  *Associations Incorporation Act 2015* (WA) sections 39 and 40 |
|[ ]  *Corporations Act 2001* (Cth) Part 2D.6 |
|[ ]  *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) Division 279 |
|[ ]  Other (please specify)Click/tap to specify if ‘other’ legislation selected |

1. On the basis of my assessment, I am satisfied that none of the members:
	1. has ever been refused a Working With Children Card or its equivalent in Australia or any other country, except on the basis that they were not engaged in child-related work (Note: in WA this refusal includes being issued with an interim negative notice or a negative notice under the *Working with Children (Criminal Record Checking) Act 2004*); or
	2. has a conflict of interest that cannot be effectively managed by the governing body in accordance with established policies and procedures.
2. I have obtained a statement from each member as to his or her knowledge of the past conduct of the persons and companies with whom he or she has a relevant relationship (as defined in clause 2) and I am of the opinion that **(select one which applies**):

[ ]  none of the members is aware of having a relevant relationship with a person or company who has been convicted within the last five years or, if convicted and imprisoned, released within the last five years, in respect of an offence involving fraud, theft or breach of a fiduciary relationship, however described, whether committed in Australia or elsewhere.

OR

[ ]  in each case of a member who is aware of having a relevant relationship with a person or company who has been convicted within the last five years or, if convicted and imprisoned, released within the last five years, in respect of an offence involving fraud, theft or breach of a fiduciary relationship, however described, whether committed in Australia or elsewhere, the relationship should not preclude that member from membership of the governing body for reasons I have documented.

## Chair’s fitness and propriety

1. I am eligible to serve and am not disqualified from serving as both member and Chair of the management committee, council or board of directors of Click/tap to enter governing body name in accordance with (**select one which applies**):

|  |
| --- |
|[ ]  *Associations Incorporation Act 2015* (WA) sections 39 and 40 |
|[ ]  *Corporations Act 2001* (Cth) Part 2D.6 |
|[ ]  *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) Division 279 |
|[ ]  Other (please specify)Click/tap to specify if ‘other’ legislation selected |

1. I:
	1. have never been refused a Working With Children Card or its equivalent in Australia or any other country, except on the basis that I was not engaged in child-related work (Note: in WA this refusal includes being issued with an interim negative notice or a negative notice under the *Working with Children (Criminal Record Checking) Act 2004)*; and
	2. have no conflict of interest that cannot be effectively managed by the governing body in accordance with established policies and procedures.
2. I: **(select one which applies)**

[ ]  am not aware of having a relevant relationship with a person or company who has been convicted within the last five years or, if convicted and imprisoned, released within the last five years, in respect of an offence involving fraud, theft or breach of a fiduciary relationship, however described, whether committed in Australia or elsewhere.

OR

[ ]  am aware of having a relevant relationship with a person or company who has been convicted within the last five years or, if convicted and imprisoned, released within the last five years, in respect of an offence involving fraud, theft or breach of a fiduciary relationship, however described, whether committed in Australia or elsewhere, and attach a statement as to the nature of that relationship in a sealed envelope addressed to the Director General, Department of Education, and marked “confidential”. Further, I have made the members aware of this relationship.

## Declaration

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* (WA) at Click/tap to enter full name on Click/tap to enter date by:

|  |
| --- |
| (signature) |
| Click/tap to enter full name |

in the presence of:

|  |
| --- |
| (signature of authorised witness) |
| Click/tap to enter full name of authorised witness and qualification\* as such a witness |

Paramedic

Registered Teacher

Midwife

Landgate Officer

Academic (post-secondary institution)

Accountant

Architect

Australian Consular Officer

Australian Diplomatic Officer

Bailiff

Bank Manager

Chartered secretary

Chemist

Chiropractor

Company auditor or liquidator

Court officer (magistrate, registrar or clerk)

Defence Force officer

Dentist

Doctor

Electorate Officer (State – WA only)

Engineer Industrial organisation secretary

Insurance broker

Justice of the Peace (any State)

Lawyer

Local government CEO or deputy CEO

Local government councillor

Loss adjuster

Marriage Celebrant

Member of Parliament

Minister of religion

Nurse

Optometrist

Patent Attorney

Physiotherapist

Podiatrist

Police officer

Post Officer Manager

Psychologist

Public Notary

Public Servant (State or Commonwealth)

Real Estate agent

Settlement agent

Sheriff or deputy Sheriff

Surveyor

Tribunal officer

Veterinary surgeon

**\* Important: This declaration must be made before one of the following persons:**

or any person before whom, under the *Statutory Declarations Act 1959* of the Commonwealth, a Statutory Declaration may be made.

Full definitions of these professions are available at [courts.dotag.wa.gov.au/\_files/Professions\_witness\_statutory\_declarations.pdf](http://courts.dotag.wa.gov.au/_files/Professions_witness_statutory_declarations.pdf)

# Part D: Submission of notice

This notice is submitted by me on behalf of Click/tap to enter text. (governing body name).

I certify that, to the best of my knowledge and belief, all of the information provided in and with this notice is true and correct.

Signed for and on behalf of the governing body \* by:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Click/tap to enter text. |  | Click/tap to enter text. |  |  |  | Click/tap to enter date. |
| Name |  | Position |  | Signature |  | Date |

\* A signatory who is not the Chair of the governing body must attach evidence of authority to make this application on behalf of the governing body.

1. Please ensure that these are direct contact details for the Chair (it is **not** sufficient to provide the Principal’s or school’s phone and email address here). [↑](#footnote-ref-1)