

UNLOCK YOUR SCHOOL'S FUTURE

Legal framework of School Boards (unincorporated)

All public schools in Western Australia are regulated by the *School Education Act 1999*, the *School Education Regulations 2000* and the individual Board's *Terms of Reference*.

The Act (1999) provides the means by which Board members are elected or appointed and outlines the structure of a Board including:

- mandated parent representation;
- mandated staff representation (the principal is automatically included);
- mandated community and industry representation;
- co-opted membership to council and/or sub-committees; and
- optional student representation (15+ years).

The Board's *Terms of Reference* specify the size of the membership (and configuration), the objectives and functions of the Board, accountability requirements, the role of the Chair, and rules of operation.

The Act (1999) documents the functions of School Boards and the *Education Regulations 2000* further elaborate on their structure, roles, responsibilities and functions.

Legal liability

Section 137 of the *School Education Act 1999* provides appropriate protection for members of Independent Public School Boards.

Section 137:

- (1) An action in tort does not lie against a person for anything that the person has done in good faith as a member of a Council.
- (2) Subsection (1) does not relieve a Council that is an incorporated association under the Associations Incorporation Act 1987 of any liability that it might have for the doing of anything referred to in that subsection.
- (3) In this section, a reference to the doing of anything includes a reference to the omission to do anything.

Personal injury cover for Board members is provided under a miscellaneous policy provided by Riskcover to the Department. Members would be covered, for example, for an injury that occurred while attending a Board meeting (if they were not otherwise insured).