



Department of
Education

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.

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 its approval by the Annual General Meeting or other General Meeting.

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 in respect of the new governing body member/s.

Submission

Level 9, 20 Walters Drive OSBORNE PARK WA 6017; or

PO Box 1766 OSBORNE PARK WA 6916

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

Enquiries

T: (08) 9441 1947

E: NGSRegulation@education.wa.edu.au

Application form published 3 July 2018

Part A: Governing body details

Governing body

Governing body name			
Governing body address			
Suburb		Postcode	
Governing body postal address			
Suburb		Postcode	
Australian Business Number (ABN) or Australian Company Number (ACN)			
Name of governing body Chair			
Chair's email address ¹			
Chair's telephone numbers ¹	Landline:	Mobile:	

List of school(s) operated by the governing body

School name	

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).

Part B: Change to constitution

Provide a brief overview of the:

- nature of the amendments to the governing body's constitution;
- the reasons for the amendments or substitution of a new constitution; and
- the effective date of the changes.

 Please attach the following:

- A copy of the new or amended constitution.
- Evidence of submission or approval of the new or amended constitution by the relevant authority (eg. Department of Mines, Industry Regulation and Safety).

➔ Sign the submission of notice at [Part D](#).

C2. 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, _____ (name) of _____
(address), _____ (occupation), sincerely declare as follows:

1. I am the Chair of _____ (governing body name), the governing body of _____ (school name) and make this declaration in that capacity concerning the members of the management committee, council or board of directors of _____ (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

3. 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.

4. 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 (specify) _____

5. On the basis of my assessment, I am satisfied that none of the members:
- (a) 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
 - (b) has a conflict of interest that cannot be effectively managed by the governing body in accordance with established policies and procedures.
6. 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

7. 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

_____ (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 (specify) _____

8. I:
- (a) 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
 - (b) have no conflict of interest that cannot be effectively managed by the governing body in accordance with established policies and procedures.

9. 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

_____ (place) on _____ (date) by:

(Signature of person making the declaration)

in the presence of:

(Signature of authorised witness)

(Name of authorised witness and qualification* as such a witness)

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

Academic (post-secondary institution)	Electorate Officer (State – WA only)	Podiatrist
Accountant	Engineer Industrial organisation secretary	Police officer
Architect	Insurance broker	Post Officer Manager
Australian Consular Officer	Justice of the Peace (any State)	Psychologist
Australian Diplomatic Officer	Lawyer	Public Notary
Bailiff	Local government CEO or deputy CEO	Public Servant (State or Commonwealth)
Bank Manager	Local government councillor	Real Estate agent
Chartered secretary	Loss adjuster	Settlement agent
Chemist	Marriage Celebrant	Sheriff or deputy Sheriff
Chiropractor	Member of Parliament	Surveyor
Company auditor or liquidator	Minister of religion	Teacher
Court officer (magistrate, registrar or clerk)	Nurse	Tribunal officer
Defence Force officer	Optometrist	Veterinary surgeon
Dentist	Patent Attorney	
Doctor	Physiotherapist	

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](https://courts.dotag.wa.gov.au/files/Professions_witness_statutory_declarations.pdf)

