The Effective School Council

The information herein is in accordance with the:
Associations Incorporation Act 1987;
School Education Act 1999;
School Education Regulations 2000;
School Council policy

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Every care has been taken to ensure the accuracy of the information contained herein. The School Education Act 1999 and the School Education Regulations 2000 are the definitive documents in this area. The Department of Education’s procedures for School Councils can be found on the Department’s Education’s Policies website at http://www.dept.wa.edu.au/policies/detcms/portal/  © Copyright WACSSO 2010
Acknowledgments

WACSSO wish to thank those that contributed to the content of this booklet to offer valuable assistance to new, aspiring or current council members.

This booklet outlines the legal requirements and provides questions to use as a starting point to full productive involvement in your council planning and policymaking. Knowing the right questions to ask is only part of the role of a council member. The effective council member must be willing to contribute towards providing the answers to the questions; make the commitment to attend meetings; read papers and policies; think about issues before each council meeting; and canvass the thoughts and opinions of those people they represent on council.

If you ask the questions and help to provide the answers, your time as a council member will be productive and enjoyable.
Overview

**Introduction**
Under the *School Education Act 1999* (the Act), public schools are required to have a council, with parent and/or community members being in the majority. The Act reinforces the importance of the partnership between schools, parents and the wider community so students can achieve the highest standards.

Evidence from overseas and around Australia clearly shows that where a council is fully involved in their school’s planning and policy development, the school functions more efficiently with improved results for students.

**Composition and Membership**
A council is to determine its composition having regard to the nature of the student population and the school community, drawing its membership from among the categories below:

- Parents of students at the school (except where the majority of students at the school are 18 years and over);
- Members of the general community;
- A member of the Parents and Citizens’ Association;
- Staff of the school in addition to the Principal;
- If the council is unincorporated, students of the school who must be 15 years or over, or will reach 15 during that year;
- If the council is incorporated, students of the school who must be 18 years or over, or will reach 18 during that year.

Parent and general community members must form the majority of members, with there being at least one parent.

The principal of the school is automatically a member of the council. A staff member at a school cannot be a parent or community member of the council of that school.

The council may co-opt a member of the local community to be a member of the council for such period, or in relation to such matters, as determined by the council where that person’s
experience, skills or qualifications would enable him or her to contribute to the council’s functions.

A non-incorporated council is to have at least five and not more than 15 members while an incorporated council is to have at least 10 and not more than 15 members.

A council may allocate one position to any other association linked to the school, for example Aboriginal Student Support Parent Awareness Committee.

If a Parents and Citizens’ Association exists at the school, a member may be nominated as a parent or community representative.

*Note: See School Council Composition Flowchart (pages 26 & 27).*

**Meetings**

The meetings of a council are generally to be open to members of the public, but the council may exercise its discretion to close a meeting or part of a meeting if it deals with certain prescribed matters such as contracts, information of commercial value, and information about the personal, professional, or financial affairs of a person.

The council will determine the number of meetings to be held in a year. However, it is required to hold at least one public meeting each calendar year, at which a report is presented on the performance of its functions.

Decisions do not have effect unless made by an absolute majority, comprising enough of the members for their number to be more than 50% of the offices, whether vacant or not.

Each member of the council, including the chairperson but excluding co-opted members, has one equal vote.

**Support Provided to School Councils**

The principal *must* provide the council with any such support services it may reasonably require. Other sources of information and assistance include the District Office, School Policy Branch of the Department of Education and WACSSO.
Joint School Councils
In some circumstances, the Deputy Director General, Schools may approve the establishment of a council to operate jointly for two or more schools. The functions are the same as those listed for non-incorporated councils. The Deputy Director General, Schools will decide the number of members and the composition of the joint council.

Functions of School Councils
The functions of councils are specified in the Act and the School Education Regulations 2000.

School councils:
• Take part in:
  o establishing and reviewing from time to time, the school’s objectives, priorities and general policy directions;
  o the planning of financial arrangements necessary to fund those objectives, priorities and directions;
  o evaluating the school’s performance in achieving them; and
  o formulating codes of conduct for students at the school.
• Determine, in consultation with students, their parents and staff a dress code for students when they are attending or representing the school.
• Promote the school in the community.
• Comply with written directions that the Deputy Director General, Schools may give to a council with respect to the performance of its functions.
• Provide advice to the principal of the school on:
  o a general policy concerning the use in school activities of prayers, songs and material based on religious, spiritual or moral values being used in a school activity as part of religious education; and
  o the implementation of special religious education.
• Review and approve:
  o Charges and contributions for the provision of certain materials, services and facilities;
  o Extra cost optional components of educational programs;
  o Items to be supplied by a student for personal use in an educational program; and
  o Any agreements or arrangements for advertising or sponsorship in relation to the school.

A council does not take part in the day to day management of the school or its staff. A council cannot:
• intervene in the control or management of a school unless by way of performing a function approved for incorporated councils.
• intervene in the educational instruction of students.
• exercise authority over teaching staff or other persons employed at the school.
• intervene in the management or operation of a school fund.

Additional Functions
School councils, both incorporated and non-incorporated, may take on additional functions.

Principals must apply to the Deputy Director General, Schools for approval for the council to take part in the local selection processes of the school principal or any other member of the teaching staff. The Deputy Director General, Schools will only grant approval if he or she thinks it will be in the best interests of the students that the council carry out this function.

Vacancies filled through the central transfer or placement process or the redeployment process regulated by the Public Sector Management (Redeployment and Redundancy) Regulations 1994 are excluded.
A school council needs to be incorporated in order to undertake extended functions such as:

- obtaining funds for the benefit of the school;
- employment of persons other than those referred to in section 235(1) of the Act (other than staff of the Department) or;
- management or operations of facilities at the school.

There are two separate parts to seeking incorporation. The first is gaining approval from the Deputy Director General, Schools to undertake one or more of the above functions.

The second is to comply with processes established by the Department of Commerce as required by the Associations Incorporation Act 1987. Information about these processes can be obtained by contacting the Department of Commerce on 1300 30 40 74 or by referring to the website at http://www.commerce.wa.gov.au/ConsumerProtection/Content/Business/Associations/index.htm
What Happens Now?

Do you know what is expected of you; what decisions you will be involved in making; what questions you and your fellow council members should be asking?

This section provides some questions for you to use as a starting point to ensure you are an effective council member.

Definitions

**Taking part in** means involvement, discussion, consultation, assessment, debate, and negotiation of issues.

**To determine, promote or to approve** means undertaking a stronger, more direct and authoritative role with a greater depth of involvement indicating a clearly defined decision making function.

**To provide** means to offer, supply or to contribute.

**Absolute Majority** means more than 50% of the membership to ratify a decision.

**Fully involved** means active participation and endorsement by the decision-making group as the process of “rubber stamping” a draft plan does not reflect the ultimate ownership of the final plan, which must lie with the whole school community.
Objectives, Priorities and Policies

A function of a council for a school is –
to take part in establishing, and reviewing from time to time
the school’s objectives, priorities and general policy directions. Section 128(a)(i)

Questions council members should be asking:
1. What is the school’s purpose and objectives?
2. What are the Department of Education priorities?
3. What are our strengths and weaknesses?
4. How does the performance of our students compare with similar schools?
5. What amount of change if any will we consider as successful?
6. What are we going to need to do to achieve our objectives?
7. How will we know if we have achieved our objectives?
8. Do we need to speak with any other people or seek professional advice?
9. How do the outcomes we have achieved compare with those set or expected?
10. Is any action needed to correct differences between achieved and expected outcomes?
11. What do we regard as the most important priorities in terms of our children’s education, and which of these should receive special our attention over the next few years?
12. Are our current policies helping the school to move in the right direction?
13. Are parents, staff and students aware of the school’s objectives, priorities and policies?
14. How is the School Annual Report distributed to parents, students and staff at the school?
15. Has the council had input into the content of the School Annual Report?
16. How is the council involved in planning for the school’s future?
17. Would the council benefit from co-opting additional members from the wider community?
18. What assistance does the principal provide to council members to ensure they are informed and sufficiently skilled to take an active role in school planning?
19. Does the School Plan have the support of the council and the local community?
Financial Planning

A function of a council for a school is –
to take part in the planning of financial arrangements necessary to fund those objectives, priorities and directions. Section 128(a)(ii)

Questions council members should be asking:
1. What are the current sources of income for the school? (School grants, school charges, voluntary contributions, hire of facilities, other.)
2. The school’s grants how are calculated and sourced?
3. How are the charges and contributions assembled and do they conform to Department of Education policy and current legislation?
4. Do council members have a copy of the school budget?
5. How is the school budget assembled and is clarification given?
6. Who decides what is included in the school budget?
7. Does the school finance committee include parents?
8. Is the school budget equitable and does it cater for the needs of all students and teachers?
9. Does the school budget accommodate the school’s priorities and directions?
10. Does the school budget make provision for the future purchases of big-ticket items eg school bus?
11. Does the school budget make provision for the replacement of current assets?
12. Does the school have an assets register?
13. Does the school budget make provision for maintenance of equipment, furniture (repair and replacement) and minor works?
14. How does the school community (staff, students and parents) learn about the components of the school budget?
15. How is the expenditure of the school monitored throughout the year?
A function of a council for a school is –
to take part in evaluating the school’s performance in achieving its
objectives, priorities and general policy directions. Section 128(a)(iii)

Questions Council members should be asking:
1. What information do we need to collect?
2. What strategies are we using to do this? Do we need to use any
   other strategies?
3. Is there a clear and reliable process for the collection of
   information that will assist in the management of the school?
4. How can we interpret the information presented? What is it
telling us?
5. Can we see trends? Are the trends significant? What do
   we consider significant? Do we all agree on the direction
   of the trend?
6. Do we need any other information? If so, what is it?
7. What outcomes do we want in terms of performance, priorities
   and policy direction?
8. Are we monitoring the outcomes?
9. Do we need to review or change the outcomes on which we
   will focus?
10. Are we already making sound progress in our priority areas or is
   there more that can be done?
11. Where do we want to be “x” years from now? What is it going
to look like?
12. Who else may wish or need to see this information? What
    format will it take?
13. Have parents, students and staff at the school been included in
    the evaluation?
14. Will the information we gather have any long-term use?
Promoting the School

A function of a council for a school is –
to promote the school in the community Section 128(b)

Questions council members should be asking:
1. Why do we want greater community involvement and support in our school?
2. What features of the school do we want to promote?
3. Whom will we need to target with our promotional strategies?
4. What are the best strategies for promoting the school?
5. How can we promote the role of the council and the P&C in the community?
6. Will active promotion of the school have an impact on school enrolment?
7. Is sponsorship required?
8. Do we need marketing advice and where can we get it?
9. Would the school benefit from public relations expertise or co-opting someone with a PR background as a council member?
10. Could other schools’ promotion have an impact on our school?
11. Are there any grants for innovative projects?
12. What would increase staff and parent commitment to the P&C and council?
13. Do we need to gain more media coverage?
14. Does the school need to look more attractive?
15. Is the image we want of our school reflected in the front office, grounds, and classrooms?
16. Do we have a plan to work in collaboration with surrounding schools or is this an individual school issue?
Codes of Conduct

A function of a council for a school is –
to take part in formulating codes of conduct for students at the school. Section 128(c)

Questions council members should be asking:
1. What do we see as the key elements of appropriate behaviour for our students?
2. What does our community perceive as acceptable behaviour and serious breaches of discipline?
3. What is the Department of Education’s policy on duty of care to the students?
4. Is our behaviour management policy focusing on the “big picture” and not just a list of rules and is the content positive and clearly articulated?
5. How effective is our behaviour management policy? How do we know?
6. Are parents aware that there is a process for them to go through if they are not happy with the schools management of an issue?
7. What are appropriate consequences for breaches of discipline?
8. Are parents, students and staff aware of when suspension and/or exclusion is used?
9. Is there awareness that suspension/exclusion is not always the most appropriate response? (i.e. one size does not fit all). When determining consequences for students are all factors taken into account?
10. How will the school seek to respond to the educational needs of students while on suspension?
11. Do we have a very clear and supported process in place for a student upon return from a suspension? Are the parents involved?
12. Are all students aware of the codes of conduct at the school?
13. Are the principles of procedural fairness reflected in the school’s behaviour management policy?
A function of a council for a school is –
to determine, in consultation with students, their parents and
staff of the school, a dress code for students when they are
attending or representing the school. Section 128(d)

Questions council members should be asking:
1. Is our dress code fair and reasonable for all parents
   and students?
2. Does the dress code respect the cultural background of
   the students?
3. Is the dress code reasonable in the light of community
   expectations and contemporary standards of dress?
4. Does the dress code reflect the various activities carried out by
   students at the school, such as classroom activities, sporting
   activities or extra-curricular activities?
5. Is the dress code consistent with the Department of Education’s
   Dress Requirements for Students policy and the requirement to
   exclude denim?
   Does the dress code take into account health and
   safety considerations?
6. Does the dress code adequately consider equal
   opportunity obligations?
7. Does the dress code provide for some individuality through
   choices within overall garment requirements?
8. Can students and parents easily comply with the dress code,
   having regard to the cost and availability of garments?
9. Does the dress code provide for review and amendment in
   the future?
10. Does the dress code require specific arrangements
    with suppliers?
11. Does the dress code require creation of a school logo?
12. Are the consequences for not complying with the dress code clearly spelled out to all students and parents at the beginning of each year?

13. Are the consequences of non-compliance consistent with the Department of Education’s *Dress Requirements for Students* policy and compliant with the *School Education Regulations 2000*?

14. How can we minimise costs to parents arising from changes to our dress code? For example:

   - giving initial, careful attention to cost and practicality of garment design and features. (In general, the fewer the distinctive elements, the greater the availability of garments at reasonable prices)
   - providing a greater range of options within garment requirements
   - allowing a realistic time for the introduction of the dress code
   - establishing a second hand or swap shop to recycle used items
   - arranging discounts on items with suppliers; and
   - purchasing items from suppliers and retailing them at cost.
School Charges and Contributions

A function of a council for a school is –
to approve charges and contributions for the provision of certain materials, services and facilities under Section 99(4) of the Act.

Questions council members should be asking:
Many of the questions contained under Section 128(a)(ii) are also relevant to this area.

1. What are the key components of the contributions and charges?
2. What is the rationale for the level of contributions and charges?
3. Is the level of contributions and charges appropriate for this school community?
4. Do the charges and contributions requested from parents comply with the legislation and the Department of Education’s policy?
5. Will the money allocated to a specific area be going to that area?
6. Does the “charges sheet” sent to parents clearly differentiate between what charges are compulsory and what contributions are voluntary?
7. Does the school have a policy and procedure for collecting charges and contributions?
A function of a council for a school is –
to approve extra cost optional components of educational programs under Section 100(3) of the Act.

Questions council members should be asking:
1. What are the courses or learning programs that require or have extra-cost components?
2. How will the extra cost components identified?
3. Are the extra cost options reasonable?
4. Can the course/program be run without such costs?
5. How will the school deal with non-payment of these costs?

A function of a council for a school is –
to approve items to be supplied by a student for personal use in an educational program under Section 108(2) of the Act.

Questions council members should be asking:
1. What can we realistically expect parents to provide?
2. Are the items requested for personal use within the ability of the parents at the school to provide?
Advertising and Sponsorship

A function of a council for a school is –
to approve any agreements or arrangements for advertising
or sponsorship in relation to the school under Section 216(5)
of the Act.

Questions council members should be asking:
1. Does the proposal comply with the Department of Education’s
   Sponsorship policy?
3. What will be the benefits to the sponsor/advertiser?
4. What are the expectations of both parties?
5. What is the duration of the agreement?
6. Are we very clear about all the conditions on both parties?
7. What is the impact (costs/benefit) on students, teachers,
   parents and the Department of Education of the sponsorship
   arrangement?
8. What are the benefits of the sponsorship arrangement for
   the school? What are the consequences if we do not enter
   this agreement?
Religious Education

A function of a council for a school is –
to provide advice to the principal of the school on a general policy concerning the use in school activities of prayers, songs and material based on religious, spiritual or moral values being used in a school activity as part of religious education; and to provide advice to the principal on the implementation of special religious education under Sections 68(2) and 70(a).

Questions council members should be asking:
1. Do we have a good knowledge of our school community regarding the religious needs?
2. Have we consulted widely enough on this issue?
3. Do we have any requests from different religious groups within the school community?
4. Are we able to provide alternative arrangements for students who do not take part in religious activities?
Useful Questions and Answers

**Membership**

Q: **How many representatives can the P&C have on the council?**

A: The P&C is entitled to at least one representative on the council.

Q: **If I am a P&C member, but not the elected P&C representative, can I still nominate for one of the parent positions on the council?**

A: Yes. Remember that as a parent representative you must represent the views of all of the parents of students enrolled at the school. As a P&C representative, you represent the view of the P&C Association. Essentially, these two views should generally be much the same, as the P&C is the representative parent group in the school.

Q: **How do parents get to be on the council?**

A: The principal calls for nominations from parents of children enrolled at the school. It is worth remembering that the right intent to undertake a parent representative is essential. Do not allow personal motivation to obscure the purpose of being a council member.

Q: **What if the number of parent nominations exceeds the number of positions available?**

A. Then the principal must organise an election, and the parents of enrolled students at the school must be given the opportunity to vote. (See Section 4 of the Act for the definition of a “parent”.)

Q: **If the school has a limited student population and a small number of parents to call on to fill vacancies on committees and councils, do we have other options for our council?**

A: The Deputy Director General, Schools may give approval for two or more schools to have a joint council. The Deputy Director General, Schools will also determine the number of members to be on the joint council. Discuss this option with your principal.
Q: Can we have students under the age of 15 on the council?
A: Students must be 15 years of age or reach 15 during the year to be eligible to be a voting member of an unincorporated council. If the council is incorporated then the students must be 18 years of age. However, it is advisable to consult members of the student council when the council is addressing issues that directly concern them.

Q: What happens if we cannot get any community members on our council?
A: If you have exhausted every avenue in trying to recruit community members then the positions must be allocated to parents. We recommend recruiting community members for their expertise and skills as they can bring new perspectives to vital issues. They will also enhance and strengthen your council. Remember the parent and community members combined must make up the majority on the council.

Q: Can the school registrar be a member of the council?
A: Yes. The registrar may represent the staff at the school. The principal must call for nominations from all staff for the staff positions on the council. This is not limited to teaching staff. If there are more nominations than positions available then the principal must organise an election.

Q: If I am a paid employee of the Department of Education at the school my children attend, can I be a parent representative on the council?
A: No. The Act is very specific about the composition of the council (see Section 127). The wording in section 127(3)(a) states “a person who is the principal or staff member of a school ... can only be a member of the council in his or her capacity as the principal or a staff member”. Anyone who is an employee of the Department of Education is classed as being on the staff of the school (see Section 235 for categories of staff). This includes the registrar, gardener, teacher assistants etc.
Useful Questions and Answers … cont

Q: What is the maximum time I can be a member of the council?
A: The council will determine the length of office but the maximum term is three years.

Q. Can I re-nominate at the end of my term of office?
A. Yes. In many schools, the terms of council members will be staggered to ensure continuity of knowledge and expertise.

Q: What happens if a position becomes vacant before the term of office ceases?
A: The Principal must call for nominations from suitably qualified people to fill the position on a casual basis. ‘Suitably qualified’ means people who fit the category of the vacancy e.g. parent, staff etc. “Casual basis” means for the residual period of the predecessors term of office, e.g. if the person who leaves has one year left of a three year term, then the new person serves one year.

Q: Can the principal terminate a council membership?
A: No, however the Deputy Director General, Schools may remove a person as a member on the grounds that their continuation would be detrimental to the interests of the council.

A decision by a council to remove a member must be on the grounds stipulated in the School Education Regulations 2000 and endorsed by a resolution of at least 2/3 of the members.

Responsibilities
Q: I am the P&C representative on the council and the P&C has asked that I bring up the subject of homework in relation to a P&C member’s complaint about a particular teacher. Is it okay to do this?
A: The individual making the complaint must direct any complaint against a teacher or regarding schoolwork to the principal. Neither the P&C nor the council should be discussing individual teachers. However, as the result of questions to the principal, the council may participate in a review of the school’s homework policy.
Q: Can the council run the canteen?
A: Yes. Only if the council is an incorporated body. Incorporation is a two step process. The first step is gaining approval from the Deputy Director General, Schools to undertake additional functions. The Deputy Director General, Schools must be convinced that incorporation will be beneficial to the students or improve the management of the facilities. The second step is to gain approval and comply with the processes established by the Department of Commerce as required by the Associations Incorporations Act 1987. There would have to be a very good reason for the council to assume the management of a canteen.

Q: I am not a member of the council but would like to go to the meetings. Is this allowed?
A: Yes. Council meetings must generally be open to the public. However, the council may decide to close part or all of a meeting to members of the public. Grounds for closure of a meeting are listed in Regulation 116 of the School Education Regulations 2000. Non-members are present as observers only and do not have a voice unless they are invited to do so or a vote.

Q: How many times a year does the council meet?
A: The council will determine the number of times it will meet. However, it must hold at least one meeting that is open to the public to present a report on the performance of the council’s functions. A special meeting of the council may be called by parents of students, or by students themselves if over 18 years of age. However, given councils’ intrinsic role and functions, and for valuable continuity it is anticipated that members would want to meet at least once a term.

Q: Is the principal automatically the Chairperson of the council?
A: No. The council members decide who will be the Chairperson. Other council members can often benefit from the experience.
Useful Questions and Answers … cont

Decisions
Q: Who can vote on the council?
A: Each council member (including the chairperson) is entitled to one vote, excluding co-opted members.

Q: How does the council reach a decision?
A: The council reaches a decision by voting on a motion put to it by a member. Note: a decision of a council does not take effect unless the absolute majority of the council membership agrees upon it and not just those present at the meeting.

Q: What is an absolute majority?
A: An absolute majority is more than 50% of all members of the council, not just of those present at a particular meeting. This is easier to explain by example. If your council comprises of 10 members who are all present and voting, then the absolute majority is 6. If you hold a meeting and 7 members turn up, and a motion is voted on with 5 in favour and 2 against, then the motion would be lost. This is a simple majority not an absolute majority which requires 6 in favour. No postal or proxy voting is allowed. Voting by absolute majority means that decisions cannot be made by a very small, unrepresentative number of people.

Q. What if the council needs to meet, will email suffice?
A. No. Email does not allow for open discussion and for all opinions to be heard. Correct two way teleconferencing procedures or videoconferencing is acceptable as long as every member participates for the full meeting or any relevant discussion where voting is required.

Q. What is the quorum for a council meeting?
A. There is no requirement for a quorum for a school council meeting. All motions/decisions to be carried require an absolute majority regardless of how many members attend. This emphasizes the importance of attending and fully participating in meetings or the part of the school you represent might not
have a voice. Councils may include reference to a quorum in their constitution (incorporated council) or terms of reference (non-incorporated council) if they think it is necessary.

Q. Is the P&C able to canvas parent opinion regarding school policy?

A. The P&C is able to discuss school policies at its meetings and with its membership, however anything distributed to the school community (e.g. surveys, letters, flyers) by the P&C on school grounds has to have the approval of the School Principal or acting authority.
School Council Composition

Taking into account the nature of the school population and by observing the ‘Golden Rules’ listed below, the School determines the number of members and the composition of the Council.

- **Parents**: Principal calls for nominations from parents of students enrolled in the school and organises elections as necessary.
- **Community Members**: School Council can actively seek nominations from community members and Council appoints members.
- **P&C Representative**: Elected or appointed by P&C Association, where such an Association exists at the school.

**Must form the majority of the Council**

Staff with children at the school may only represent the staff – they **cannot** be a parent, community or P&C or Association representative.

**School**

- elects a Chairperson from the membership
- decides on the frequency of meetings
- appoints community members
Composition

**Legislated guidelines:** 5 >15 members for a Non incorporated Council 10>15 members for an Incorporated Council. A School Council may consist of members from the following categories.

- **Staff**
  - Principal calls for nominations from all school staff (not restricted to teaching staff) and organises elections as necessary.

- **Association Representative/s**
  - An Association formed at a school to promote the interests of a particular group at the school may be entitled to a representative.

- **Students (High School)**
  - Principal calls for nominations from students 15 years and over (over 18 if incorporated) and organises elections as necessary.

**Council**
- determines term of office for members i.e. between 1 and 3 years
- votes on recommendations put to Council – must have absolute majority to pass

**Golden Rules**
- Principal must be a member
- At least one parent member
- P&C is entitled to a member
- Parents and Community must form the majority of Council.
For more information or to book a FREE training session please phone WACSSO on 9264 4000
www.wacsso.wa.edu.au
info@wacsso.wa.edu.au

Further Information
Incorporation
Department of Commerce
www.commerce.wa.gov.au
Incorporation: 1300 304 074
School Policy Branch
Department of Education
www.det.wa.edu.au
9264 4111
Acts and Regulations
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PO Box 6295 East Perth 6892
151 Royal Street East Perth 6004
Facsimile: (08) 9264 4948
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