

## **KIN KORA STATE SCHOOL PARENTS AND CITIZENS ASSOCIATION CONSTITUTION**

### **1. NAME**

The name of the Association is the Kin Kora State School Parents and Citizens Association ('the Association').

### **2. OBJECTIVES**

The objectives of the Association are to promote the interests, and facilitate the development and further improvement of the Kin Kora State School ('the School').

### **3. FUNCTIONS**

In pursuit of the Association's objectives, the functions of the Association are:

- (a) to foster general community interest in educational matters;
- (b) to endeavour to bring about closer co-operation between the parents of students attending the School, other members of the community and the staff and students of the School;
- (c) to provide advice and recommendations to the Principal of the School on issues and concerns in respect of students and the general operation and management of the School;
- (d) to provide or assist in the provision of financial or other resources or services for the benefit of students of the School;
- (e) to participate in any committee or other body comprising members of the School and wider community, which will contribute to the general benefit of students attending the School;
- (f) to assist a State Preschool Centre and a Special Education Unit of the School (if these exist at the school);
- (g) to perform any other functions as the Minister may determine.

### **4. GENERAL POWERS**

In pursuit of the Association's objectives and subject to resolution passed by a majority of members at a duly constituted meeting, the powers of the Association are:

- (a) to establish sub-committees as the Association considers necessary for specific purposes;
- (b) to conduct within the premises of the School a canteen or tuckshop or other amenity of the School where such an amenity is of benefit to the School community;
- (c) to affiliate with, subscribe to or assist an association or organisation which has objects similar to those of the Association, where such association or organisation prohibits the distribution of its income and property among its or the Association's members;
- (d) to print and publish newsletters, books or leaflets in pursuit of the Association's objects, with due regard for copyright or other intellectual property rights of any party;
- (e) to employ, dismiss or suspend employees as may be necessary for the purposes of the Association, subject to relevant industrial awards or employment agreements;
- (f) to pay any person or supplier for goods or services provided to, or on behalf of, the Association;
- (g) to invest and deal with the money of the Association, in any financial institution approved by the Minister;
- (h) to award Life Membership to members of the Association for long and meritorious service to the Association;
- (i) to remove a person as a member or officer or both, subject to the provisions of this Constitution;
- (j) to seek contributions, donations or sponsorship from members or other persons;

- (k) to sell, improve, develop, exchange, dispose of, and otherwise deal with property in the general control of the Association as approved by the Minister, subject to any conditions approved by the Minister;
- (l) to elect parent members to the school council at a meeting designated for that purpose by a documented process as described in schedule 1 of this document;
- (m) to facilitate consultation with parents of the school community if and when required by the school council; and
- (n) to facilitate communication between the school council, or its members, and parents of the school community.

## **5. SPECIAL POWERS**

In pursuit of the Association's objectives and subject to resolution passed by a majority of members at a duly constituted meeting, the special powers of the Association are:

- (a) with the prior approval of the Minister, to borrow money from a person or financial institution; and
- (b) with the prior approval of the Minister, to enter into any agreement which has as its objects the provision of equipment, amenities, or facilities for the benefit generally of the students attending the School.

## **6. MEMBERSHIP**

### ***Eligibility***

- (a) Parents of students attending the School and any other persons aged 18 years or over, who are interested in the welfare of the School, are eligible to be members of the Association.
- (b) The Principal of the School is a member of the Association.
- (c) Members of the staff of the School are eligible to be members of the Association.
- (d) Members may be granted life membership of the Association.

### ***Application***

- (a) Membership of the Association is annual and subject to the completion of the Association's registration form. See schedule 2 of this Constitution for an example Membership Registration Form and Life Membership Registration Form.
- (b) Membership of the Association lapses at the Annual General Meeting of the Association and is renewable each year by completion of the Association's registration form.
- (c) Persons applying for membership at the Annual General Meeting need not be present to have their application considered.
- (d) Persons applying for membership at a General Meeting must be present at the meeting of the Association at which their application is considered.

### ***Register***

- (a) A Register of Members will be maintained, containing:
  - (i) the member's name and address;
  - (ii) the date on which membership commenced;
  - (iii) the date on which membership ceased;
  - (iv) a statement that the member is either:
    - a parent of a student attending the School; or
    - if the member is not a parent, 18 years of age or over;
  - (v) details of life members including the date life membership was bestowed and the reasons.
- (b) The Register of Members will be available at each meeting of the Association for the purposes of:
  - (i) confirmation of membership; and
  - (ii) recording of new members (Annual General Meeting / General Meeting).

### ***Membership Fees***

Members of the Association are not required to pay a membership fee.

### **Resignation**

A member may resign from the Association at any time by giving notice in writing to the Secretary of the Association.

### **Removal of Member**

- (a) A member may be removed from the Association on each of the following grounds:
- (i) the member is convicted of an indictable offence;
  - (ii) the member, without reasonable excuse, contravenes the *Education (General Provisions) Act 1989* or the Association's Constitution;
  - (iii) the member, engages in conduct that is injurious or prejudicial to –
    - promoting of the interests of the School; or
    - facilitating the development and further improvement of the School; or
    - the good order and management of the School.
- (b) If the Association considers a ground exists to remove a member, the Association must give the member written notice that -
- (i) states that the Association considers a ground exists to remove the member; and
  - (ii) states the ground for the removal; and
  - (iii) outlines the facts and circumstances forming the basis for the ground; and
  - (iv) invites the member to show, within at least fourteen (14) days, why the member should not be removed.
- (c) The Association must consider all written representations made within the stated time.
- (d) Voting on this issue will be by secret ballot and determined by a majority of votes of the members present.
- (e) The Secretary must inform the member of the Association's decision to remove the member by written notice.
- (f) The written notice must be given to the removed member within fourteen (14) days after the Association makes its decision and must state:
- (i) the reasons for the decision; and
  - (ii) the date on which the Association's decision to remove the member takes effect; and
  - (iii) that the person can make a submission to the Minister; and
  - (iv) the Minister's name and address; and
  - (v) the way in which the submission may be made.
- (g) The decision takes effect on the day the notice is given to the removed member, or on the day of effect stated in the notice, whichever is later.
- (h) If the ground for the removal of a member is that the member is convicted of an indictable offence, removal does not take effect until –
- (iv) the end of the time to appeal against the conviction; and
  - (v) if an appeal is made against the conviction, the appeal is finally decided; and
- the removal has no effect if the conviction is quashed on appeal.

### **Submissions Against Removal of Member**

- (a) A removed member can make a submission against their removal as a member to the Minister.
- (b) If a removed member makes a submission to the Minister, the submission must –
- (i) be given to the Minister within fourteen (14) days of the notice of removal being given to the removed member, or a later time if the Minister allows a later time for the giving of the submission; and
  - (ii) be in writing; and
  - (iii) include an address in Australia to which notices for the removed member may be sent; and
  - (iv) state the grounds for the submission and the facts relied on; and
  - (v) include a copy of the notice of removal from the Association.
- (c) A person who has been given notice of their removal as a member and resigns from the Association may not make a submission to the Minister.

## **7. VOTING**

- (a) The Association will exercise a power or perform a duty by majority vote of the members present at a duly constituted meeting of the Association.
- (b) Life members and those members whose names appear in the current Register of Members are entitled to vote at any duly constituted meeting of the Association.
- (c) The President of the Association or the person presiding at any meeting of the Association has a deliberative vote and, in the event of an equality of votes, a casting vote.

***Financial Interest***

- (a) A member who has a direct or indirect financial interest in an issue considered by the Association, executive committee or subcommittee, which could conflict with the proper performance of the member's duties, must disclose the nature of the interest to the meeting as soon as practicable after the relevant facts come to the member's knowledge.
- (b) Unless the Association, executive committee, or subcommittee directs, the interested member must not be present when the issue is considered, or take part in a decision about the issue.
- (c) The interested member must not be present when the Association, executive committee or subcommittee considers whether or not the member is to be present when the nature of the interest is considered.
- (d) If there is another member who has a direct or indirect financial interest in the issue, the other member must not be present when the Association, executive committee, or subcommittee is considering whether or not the first member is to be present when the issue is considered.
- (e) If a member is not present at a meeting of the Association, executive committee, or subcommittee for considering an issue, or for deciding whether or not a member who has an interest can properly perform his/her duties, the remaining members are a quorum for the meeting.

**8. OFFICERS**

Members of the Association will elect at each Annual General Meeting of the Association: a President; at least one Vice-President; a Secretary; a Treasurer; and such additional officers as may be determined by the Association.

- (a) The officers of the Association hold office in an honorary capacity.
- (b) The office of Treasurer may not be held by either the President or the Secretary.
- (c) The Principal of the School may not hold a position as an officer.
- (d) All officers' positions become vacant at the Annual General Meeting.
- (e) Former officers are eligible for re-election.
- (f) The Secretary of the Association will, after each Annual General Meeting, notify the Director-General of Education of the names and addresses of the officers elected.
- (g) No employee of the Association is eligible to hold office.

***Election***

The election of officers of the Association will be conducted in the following manner:

- (a) any two members of the Association may, as proposer and seconder, nominate any other member to serve as an officer;
- (b) nominations may be taken from members present at the Annual General Meeting;
- (c) if a nominee is unable to be present at the Annual General Meeting, a nomination in writing and signed by the proposer, the seconder, and the nominee may be lodged with the Secretary of the Association prior to the Annual General Meeting;
- (d) officers will be elected to office by majority vote of the members present;
- (e) a position which is not filled at the Annual General Meeting may be filled by election from nominees at the next General Meeting of the Association. The person elected will hold office until the next Annual General Meeting of the Association;

- (f) a former officer, or other member of the Association, may be elected to act as an officer until such time as a vacancy is filled.

#### **Vacancies**

- (a) The office of an officer becomes vacant if the officer –
- (i) dies; or
  - (ii) resigns by signed notice. The President gives the signed notice to a Vice-President, Secretary or Treasurer. Other officers give the signed notice to the President.
  - (iii) is absent from three (3) consecutive meetings of the Association, of which the member has been given notice, without the Association's leave and without reasonable excuse.
- (b) The Association may fill any vacant office at a General Meeting of the Association, that person will hold office until the Annual General Meeting.

#### **Removal of Officer**

- (a) An officer may be removed from the Association as a member or an officer on each of the following grounds:
- (i) the officer is convicted of an indictable offence;
  - (ii) the officer, without reasonable excuse, contravenes the *Education (General Provisions) Act 1989* or the Association's Constitution;
  - (iii) the officer, without reasonable excuse, fails to perform the duties of office in a competent manner;
  - (iv) the officer, engages in conduct that is injurious or prejudicial to –
    - promoting of the interests of the School;
    - facilitating the development and further improvement of the School; or
    - the good order and management of the School.
- (b) If the Association considers a ground exists to remove an officer, the Association must give the officer written notice that –
- (i) states that the Association considers a ground exists to remove the officer; and
  - (ii) states the ground for the removal; and
  - (iii) outlines the facts and circumstances forming the basis for the ground; and
  - (iv) invites the officer to show, within at least fourteen (14) days, why the officer should not be removed.
- (c) The Association must consider all written representations made within the stated time.
- (d) Voting on this issue will be by secret ballot and determined by a majority of votes of the members present.
- (e) The Secretary must inform the officer of the Association's decision to remove the officer by written notice.
- (f) The written notice must be given to the officer within fourteen (14) days after the Association makes its decision and must state:
- (i) the reasons for the decision; and
  - (ii) the date on which the Association's decision to remove the officer takes effect; and
  - (iii) that the removed officer can make a submission to the Minister; and
  - (iv) the Minister's name and address; and
  - (v) the way in which the submission may be made.
- (g) The decision takes effect on the day the notice is given to the removed officer, or on the day of effect stated in the notice, whichever is later.
- (h) If the ground for the removal of an officer is that the officer is convicted of an indictable offence, removal does not take effect until –
- (i) the end of the time to appeal against the conviction; and
  - (ii) if an appeal is made against the conviction, the appeal is finally decided; and the removal has no effect if the conviction is quashed on appeal.

#### **Submissions Against Removal of Officer**

- (a) A removed member can make a submission against their removal as an officer to the Minister.
- (b) If a removed officer makes a submission to the Minister, the submission must –
- (i) be given to the Minister within fourteen (14) days of the notice of removal being given to the removed officer, or a later time if the Minister allows a later time for the giving of the submission; and

- (ii) be in writing; and
  - (iii) include an address in Australia to which notices for the person may be sent; and
  - (iv) state the grounds for the submission and the facts relied on; and
  - (v) include a copy of the notice of removal from the Association.
- (c) A person who has been give notice of their removal as an officer and resigns from the Association may not make a submission to the Minister.

***Authority of executive committee in matters of urgency***

- (a) The executive committee of the Association comprises the President, Vice-President (or Vice-Presidents), Secretary and Treasurer.
- (b) The executive committee may exercise a power or perform a duty on behalf of the Association in matters urgency only, providing a majority of the members of the executive committee agrees to do so.
- (c) In order to exercise a power or perform a duty on behalf of the Association in matters of urgency, every effort must be made to consult with all officers of the executive committee, and a majority of the officers must agree to act.
- (d) When voting on matters of urgency, all officers of the executive committee have an equal vote.
- (e) Full particulars of actions taken by the executive committee in matters of urgency will be tabled as soon as practicable at the next General Meeting of the Association, or at a Special Meeting called for that purpose.

**9. SUB-COMMITTEES**

- (a) The Association may establish sub-committees for specific purposes, consistent with the objectives and functions of the Association.
- (b) Sub-committees will operate under the general supervision of, and will be subject to conditions imposed by, the Association, which may include ratification of specific decisions.
- (c) Only members of the Association are eligible to be members of a sub-committee and will be appointed by the Association.
- (d) Members of the sub-committee may recommend the appointment of a Chairperson, Secretary and, if funds are to be raised or expended, a Treasurer. Any recommendation made by the sub-committee is subject to the approval of the Association.
- (e) Officers of the Association are eligible to hold positions on sub-committees.
- (f) The position of Treasurer of the sub-committee may not be held by either the Chairperson or the Secretary of the sub-committee.
- (g) If a subcommittee is authorised by the Association to raise and expend funds, the Treasurer of the subcommittee must-
  - (i) take charge of amounts received by the subcommittee; and
  - (ii) keep a proper record of receipts and expenditure of the subcommittee; and
  - (iii) ensure amounts received by the subcommittee are deposited promptly in an account with a financial institution in the name of the subcommittee, or in another account, as directed by the Association.
- (h) The position of Chairperson, Secretary or Treasurer of a sub-committee may not be held by an employee of the Association.
- (i) If a sub-committee has been authorised by the Association to raise or expend funds, the Association will determine the operating funds of the sub-committee.
- (j) If a sub-committee is authorised to operate a bank account in its own name, the account will be held at the same bank as the Association. The account will be operated by any two of the Chairperson, Secretary and Treasurer of the sub-committee.
- (k) All income of the sub-committee in excess of its approved operating funds will be transferred to the Association as and when the Association determines. Funds raised by the sub-committee for

a particular purpose approved by the Association will be used by the Association for that purpose.

- (l) Each sub-committee of the Association will report progress in writing to every General Meeting of the Association, or as determined by the Association. If the sub-committee is authorised by the Association to raise or expend funds, then the Treasurer of the sub-committee will present a written financial statement with the progress report. The financial statement is subject to audit.
- (m) Timing of meetings of the sub-committee will be determined by a majority of its members, in accordance with its purpose and are subject to any directives by the Association.
- (n) Matters arising at meetings of a sub-committee may be resolved by a majority of votes of members present. The Chairperson of the sub-committee, or the person presiding at the meeting, has a deliberative vote and in the event of an equality of votes, a casting vote.
- (o) At any meeting of a sub-committee a majority of members constitutes a quorum.
- (p) If a quorum is not present, the meeting will adjourn to a date determined by its members.
- (q) The tenure of sub-committees is at the discretion of the Association.

## **10. MEETINGS**

- (a) The Secretary, or nominee, will record all proceedings of any meeting of the Association by way of full and accurate minutes. The Chairperson of that meeting, or the Chairperson of the next meeting, will sign the minutes of the meeting verifying accuracy.
- (b) The President of the Association will be Chairperson for each meeting of the Association, or in the absence of the President, a Vice-President will be Chairperson. In the absence of the President and Vice-President, a member elected by those present at the meeting will be Chairperson for that meeting.

### ***General Meetings***

- (a) General Meetings of the Association will be held usually once each month on a day as determined by resolution of the Association.
- (b) If it is decided by the officers of the Association that the General Meeting of the Association will be held on a different day to that decided by the resolution of the Association under a) above, then the Secretary will give not less than seven (7) days notice of the meeting to all members in a manner determined by the officers.
- (c) The quorum for a General Meeting of the Association is seven (7) members.
- (d) No business of the Association will be transacted at any General Meeting unless a quorum of members is present.
- (e) If a quorum is not present the meeting will be cancelled, in which case the officers may determine a date for the meeting and the Secretary will give not less than seven (7) days notice of the meeting date.
- (f) Where a quorum lapses during a meeting, then the meeting will terminate. All unfinished business will be placed on the agenda for the next General Meeting. Any matters of urgency may be considered by the executive committee.
- (g) All matters considered to be business of the General Meeting can be placed on the agenda by notifying the Secretary prior to the meeting.
- (h) The order of Business at a General Meeting of the Association is:
  - (i) apologies;
  - (ii) confirmation of the minutes of the previous meeting;
  - (iii) business arising from the minutes;
  - (iv) correspondence - inward and outward;
  - (v) business arising from the correspondence;
  - (vi) confirmation of officers' decisions (if any);
  - (vii) Association Treasurer's report and financial statement, and any business arising from Treasurer's report;

- (viii) sub-committee reports and financial statements, and any business arising from sub-committee reports;
- (ix) other reports;
- (x) motions on notice;
- (xi) general business;
- (xii) applications for membership and recording of new members.

**Special Meetings**

- (a) The Secretary of the Association will give at least seven (7) days notice of intention to convene a Special Meeting of the Association.
- (b) The purpose for which the meeting is convened will be the only business of the meeting.
- (c) The business of the Special Meeting will not be transacted unless a quorum is present.
- (d) The quorum for a Special Meeting of the Association is seven (7) members..
- (e) If a quorum is not present the meeting will be cancelled, in which case the officers may determine a date for the meeting and the Secretary will give not less than seven (7) days notice of the meeting date.
- (f) If a quorum lapses during the meeting, the meeting will terminate, in which case the officers may determine a date for the meeting and the Secretary will give not less than seven (7) days notice of the meeting date.
- (g) A Special Meeting may be convened to address:
  - (i) proposed amendments to the Association's Constitution, prior to the Annual General Meeting;
  - (ii) proposed removal of a member of the Association;
  - (iii) proposed removal of an officer of the Association;
  - (iv) proposed dissolution of the Association;
  - (v) business as determined by resolution of members of the Association at a General Meeting of the Association;
  - (vi) business initiated by the officers, or upon written request to the Secretary of a majority of Association members.

**Annual General Meeting**

- (a) The Annual General Meeting of the Association will be held within three (3) months of the close of the Association's financial year.
- (b) The date of the Annual General Meeting of the Association will be determined at the General Meeting held prior to the end of the Association's financial year.
- (c) The Secretary will give fourteen (14) days notice of the intention to convene the Annual General Meeting in a manner determined by the officers.
- (d) All matters considered to be the business of the Annual General Meeting can be placed on the agenda by notifying the Secretary prior to the meeting.
- (e) The quorum for the Annual General Meeting of the Association is seven (7) members..
- (f) No business of the Annual General Meeting will be transacted unless a quorum of members is present.
- (g) If a quorum is not present the meeting will be cancelled, in which case the officers will determine a date for the meeting and the Secretary will give not less than fourteen (14) days notice of the meeting date. If at that meeting a quorum is not present, those members present will be the quorum.
- (h) Where a quorum lapses during a meeting, the meeting will be adjourned to a later date as determined by the officers.
- (i) The order of business at an Annual General Meeting is:
  - (i) welcome to members and introduction of any special visitors;
  - (ii) apologies;
  - (iii) confirmation of minutes of the previous Annual General Meeting;
  - (iv) business arising out of the minutes;

- (v) receipt and adoption of the Association's audited annual financial statement and Treasurer's report (to include all financial sub-committee's audited financial statements);
- (vi) receipt and adoption of the President's Annual Report;
- (vii) **ALL MEMBERSHIPS LAPSE;**
- (viii) applications for membership (to include renewals);
- (ix) election of officers;
- (x) confirmation of continuing sub-committees of the Association (including appointment of members of sub-committees);
- (xi) appointment of the Association's Auditor;
- (xii) general business.

## 11. FINANCIAL YEAR

The financial year of the Association is the period of twelve (12) months ending 31<sup>st</sup> December of each year.

## 12. FINANCE

- (a) The funds of the Association will be lodged in an account with the Commonwealth Bank of Australia, or an institution determined at the Annual General Meeting of the Association and approved by the Minister. The account may be operated by any two (2) of the President, Vice-President, the Secretary and the Treasurer.
- (b) Responsibility for the collection and disbursement of money rests with the President, Secretary and Treasurer.
- (c) All moneys raised by and on behalf of the Association will be handed to the Treasurer of the Association, to be lodged in the name of the Association. The Treasurer shall keep a proper account of receipts and expenditure.
- (d) Money raised for a particular purpose shall be used for that purpose.
- (e) All moneys received by the Association will be used:
  - (i) firstly, for defraying expenditure lawfully incurred by the Association; and
  - (ii) secondly, towards the objects and functions of the Association.
- (f) The cheque account of the Association will be operated by signature of any two (2) officers of the Association.
- (g) Except for the payment of wages, allowances, or petty cash, cheques will be crossed 'Not Negotiable' and marked 'Account Payee Only'.

**Expenditure**

- (a) No expenditure, except as a matter of urgency as approved by a majority of the executive committee, may be incurred without the prior approval of the Association.
- (b) All accounts must be submitted for approval of payment at a General Meeting or Special Meeting of the Association.
- (c) The Secretary or Treasurer may be provided with a petty cash fund.
- (d) The petty cash fund of the Association will be \$50.00, or an amount as determined by resolution of the Association at the Annual General Meeting of the Association. The Secretary or Treasurer will maintain a record of expenditure from the petty cash fund, with receipts. The Secretary or Treasurer will submit a report of expenditure to the General Meeting of the Association.
- (e) All payments, other than from the petty cash fund, will be made by cheque.
- (f) All moneys received will be receipted and banked as soon as possible.
- (g) Proper books and accounts will be kept and maintained, showing correctly the financial affairs of the Association.

**Investments**

The Association may invest funds in the name of the Association, with any financial institution approved by the Minister.

**13. AUDIT****Appointment of Auditor**

- (a) An Auditor for the Association will be appointed at the Annual General Meeting, or where this is not practicable, at a General Meeting or a Special Meeting convened for that purpose.
- (b) The Director-General of Education is to be notified of the Auditor's name, address and qualifications within twenty-eight (28) days of the Auditor's appointment.
- (c) The appointed Auditor may not be a member of the Association, without the prior approval of the Director-General of Education.
- (d) The appointed Auditor will be either:
  - (i) an accountant in public practice; or
  - (ii) a qualified accountant; or
  - (iii) a person with the necessary commercial skills and experience to examine the books and accounts of the Association.
- (e) Where an Auditor is appointed other than on an honorary basis, the Auditor's fees will be determined prior to appointment.

**Annual Audit**

- (a) As soon as possible after the end of the financial year, but prior to the Annual General Meeting, the Treasurer will submit to the Association's Auditor all records of the Association and its sub-committees, which include:
  - (i) minutes of meetings;
  - (ii) records of income;
  - (iii) records of expenditure;
  - (iv) records of assets and liabilities;
  - (v) such other records, as the Auditor considers necessary.
- (b) The audited financial statement will be presented for adoption at the Annual General Meeting of the Association.
- (c) The Secretary will forward a copy of the audited financial statement, adopted at the Annual General Meeting, to the Director-General of Education.

**14. HANDING OVER OF ACCOUNTS**

- (a) The Treasurer of the Association, or of a sub-committee, will hand to the successor in office all records and accounts of the Association, or sub-committee, as soon as that successor has been appointed.

- (b) If a Treasurer of the Association, or of a sub-committee, resigns during the term of office, the Association should arrange for an audit of the records and accounts of the Association or sub-committee to be carried out before handing these to the new Treasurer.
- (c) If a Secretary of the Association or sub-committee resigns during the term of office, the Association should arrange for the Treasurer to inspect the petty cash fund account before handing that account to the new Secretary.
- (d) The accounts will be handed over **following** audit.

#### **15. DISTRIBUTION OF INCOME AND ASSETS**

- (a) The income and property of the Association will be applied:-
  - firstly, to defray expenditure lawfully incurred by the Association; and
  - secondly, towards the objectives and functions of the Association.
- (b) No portion of Association's funds will be distributed, paid, or transferred directly or indirectly to members of the Association.

#### **16. RECORDS**

The Association will provide for the safekeeping of all records of the operations and business of the Association for a minimum period of seven (7) years.

#### **17. DISSOLUTION**

- (a) The Association will be dissolved if:
  - (i) the School has closed; or
  - (ii) the number of members is two or less; or
  - (iii) if seventy-five per cent of the members present at a Special Meeting, convened to consider the question, resolve to dissolve the Association.
- (b) Upon dissolution of the Association, all funds and property under the general control of the Association will be handed to the principal's supervisor to be dealt with as directed by the Minister.
- (c) If any school building fund is wound up or dissolved, or if the endorsement of the Association as a deductible gift receipt for a school building fund is revoked, any surplus assets remaining after the payment of the fund's liabilities will be transferred to another fund or parents and citizens association which has similar objects and to which income tax deductible gifts can be made, as directed by the Minister/Corporation.

#### **18. AMENDMENT OF CONSTITUTION**

- (a) Members may resolve to amend this Constitution at an Annual General Meeting or Special Meeting of the Association.
- (b) The Secretary will forward a copy of the amended Constitution to the Director-General or nominee of the Director-General for approval.
- (c) The amendment is effective from the date of approval by the Director-General or nominee of the Director-General.

## **Schedule 1**

### **Election of Parent Representatives of School Councils**

Under the *Education (General Provisions) Act 1989*, parent members of the school council can be elected in a way outlined in the Constitution of the school's Parents and Citizens Association. To elect parent members of the school council the Parents and Citizens Association should take the following steps.

1. Select a returning officer and up to two scrutineers, who may be the President or other persons who will not be a candidate. The returning officer and scrutineers may vote if eligible. The returning officer and scrutineers do not have to be members of the Association.
2. The returning officer must give public notice of the election stating:
  - the date, time and place of the election;
  - the date, time and place for lodging nominations from eligible candidates;
  - the conditions for eligibility as a candidate and conditions for eligibility to vote;
  - the number of positions to be filled by the election;
  - the method of voting to be used, for example secret ballot, and the method for counting votes, for example first past the post;
  - contacts for further information if required;
  - how votes can be cast; and
  - arrangements for holding the election at an alternative time or place should the election have to be cancelled at short notice.
3. A person is eligible to nominate as a candidate if he or she is a parent of a student enrolled at the school. The term "parent" includes the guardian and every person who is liable to maintain or has the actual custody of the child. A person is eligible to vote in the election if he or she is registered as a member of the Association at the time the public notice of the election is made.
4. Each person nominating as a candidate must complete, sign and date a declaration in the form attached to the end of this schedule.
5. The final date for nominations from eligible candidates is to be fourteen (14) or more days after the notice of election. The date of the election is to be 7 or more days after the closing of nominations. Voting can occur by secret ballot, a show of hands or some other appropriate method.

6. The returning officer must notify the Minister of any nomination by a person who has been convicted of an indictable offence in Queensland. The Minister will determine whether to approve the nomination.
7. Any person who has nominated as a candidate can withdraw the nomination in writing to the returning officer on or before the closing date for nominations.
8. If ballot papers are to be used in the election, the returning officer is to prepare ballot papers showing the names of eligible candidates. The order of names on the ballots should be determined by lot.
9. The returning officer can cancel a nomination due to death or ineligibility at any time up to the election.
10. Any eligible candidate may appoint one scrutineer to examine voting papers when the ballot box is opened. A scrutineer cannot be a candidate, but may be a person eligible to vote. Written notice of appointment of a scrutineer must be received by the returning officer at least five (5) days before the day of the election.
11. If the election is to be held at a meeting the President of the Parents and Citizens Association, or nominee, should chair the election meeting. The quorum for the meeting to elect parent representatives of the school council is one (1).
12. The returning officer should explain the polling procedures to voters, including eligibility to vote (as verified by the Association's register of members), the correct marking of ballot papers (if necessary), casting a vote, the counting of votes, the role of scrutineers (if any) and the declaration of the election.
13. If voting by secret ballot or similar method, the ballot papers should be initialled by the returning officer prior to being issued. Voters must place their ballots in a sealed container (ballot box) to be opened by the returning officer at the end of the designated period of time for voting.
14. The returning officer should take any action he or she considers necessary to ensure that only eligible persons vote, and if a secret ballot is used, that the secrecy of the vote is preserved.
15. Where ballot papers are used voters will make a mark, for example a cross 'x', in the space provided beside the name of each candidate they desire. Each voter can mark candidates' names in this way with the total number of marked names equal to the number of positions available. For example, if three (3) positions are available, then a voter should mark three (3) candidates' names on the ballot paper.

Fewer or more than three (3) marks would make the ballot invalid. Similarly, if voting by a show of hands, each voter would be required to raise his or her hand three times and only three times to indicate support for desired candidates.

16. The returning officer can appoint assistants, who are not candidates nor scrutineers, to help with the counting of votes. If voting by secret ballot, the ballot box is to be opened after the period for voting has finished and the ballot papers are to be examined and counted. Scrutineers may be present at the time, but not candidates, and scrutineers can request to see, but should not touch or handle ballot papers in any way. Scrutineers can also ask the returning officer whether a particular vote is a valid vote.
17. The candidate(s) with more votes than the others is (are) to be declared to have won the election. In the event of tied votes, the returning officer will select the appropriate number of winning candidates by lot from those who tied for votes.
18. Documents used for the election, including ballot papers, tally sheets and valid votes must be stored for a period of five (5) years or the time specified in the *Libraries and Archives Act 1988*.
19. The returning officer declares the result of the election by notifying the Secretary of the Parents and Citizens Association with a signed and dated statement. The statement must indicate the numbers of votes, in figures and words, that each candidate received and specify which candidates have been elected. The statement may be countersigned by scrutineers, if present. Similarly, the President of the Parents and Citizens Association must inform the school council of the elected parent representatives.

### **Special Provisions**

- A. If the election has to be postponed due to unforeseen circumstances, for example flood or bush fires, then any steps taken to conduct the election up to the postponement are still valid.
- B. In some cases the only way that a ballot can be conducted is via postal vote, for example, at schools of distance education. Postal voting might require longer periods of time for voters to make their vote. This should not invalidate the result. The returning officer should state the final date for acceptance of postal votes in the public notice of the election, if this is the method to be used.
- C. If the election is held at a meeting, the duration of the meeting can be extended to several days with periods of adjournment, as stated in the public notice, to enable as many eligible voters as possible, to vote.
- D. A person eligible to vote, or eligible to be a candidate, in the election may make a submission to the Minister contesting the result of the election on the following grounds:

- the election was not held on the date, time or at the place stated in the public notice;
  - nominations were closed before the time or date stated in the public notice;
  - conditions established by the returning officer unreasonably prevented an eligible person from nominating as a candidate; or
  - conditions established by the returning officer unreasonably prevented an eligible person from voting.
- Any submission against the election should be made in writing to the Minister stating all necessary details.

**-Declaration Form Attached-**

**DECLARATION FORM TO BE COMPLETED BY  
CANDIDATES FOR ELECTION TO A SCHOOL COUNCIL  
AND PERSONS CONSENTING TO BECOME APPOINTED MEMBERS OF A SCHOOL COUNCIL**

A person is ineligible to be an elected parent member, elected staff member or appointed member of a school council if the person has been convicted of an indictable offence, unless the Minister gives approval, in accordance with the *Education (General Provisions) Act 1989* for that person to be elected or appointed to the council.

**YOU MUST COMPLETE THIS FORM IF YOU:**

- wish to stand as a candidate for election as a parent or staff member of a school council; or
- wish to become an appointed member of a school council.

**STEP 1.**

**Have you ever been convicted, in Queensland or elsewhere, of any of the following offences:**

- offences defined in the Criminal Code chapter 22 (Offences Against Morality), chapter 32 (Assaults on Females - Abduction), chapter 33 (Offences Against Liberty) or chapter 34 (Offences Relating to Marriage and Parental Rights and Duties)?

YES

NO

(Please tick the appropriate box)

- offences defined in the *Drugs Misuse Act 1986* part 2 (Drug Trafficking)?

YES

NO

(Please tick the appropriate box)

- contraventions committed in Queensland or elsewhere of any provision of law constituting an offence of a similar nature to those at (a) or (b), or involving an assault of a sexual nature?

YES

NO

(Please tick the appropriate box)

**STEP 2.**

If you ticked any of the “**YES**” boxes at **STEP 1.**, please provide details of:

- the type of offence or offences of which you were convicted;
- the court or courts in which you were convicted;
- the date or dates on which you were convicted; and
- any penalty or penalties imposed on you by the court or courts;

in the space provided.

**The information that you provide about any offences of which you have been convicted will be forwarded to the Minister. The Minister will consider the information in deciding whether to give written approval for you to be elected or appointed to a school council.**

**STEP 3.**

**Please read the declaration and put your signature and the date where indicated:**

Declaration

I declare that the details given on this form are correct to the best of my knowledge.

Your signature \_\_\_\_\_

Date \_\_\_\_\_

**STEP 4.**

**If you wish to stand as a candidate for election as a parent or staff member of a school council, give this form to the returning officer for the election with your completed nomination form. If you wish to become an appointed member of a school council, give this form to the official members of the council when you consent to become an appointed member.**





19/09/00

Hi Elizabeth

Sorry about the delay in getting back to you.  
The financial institution the P & C is using is Commonwealth Bank.

Thanks  
Sandy Bambrick

18/09/00

Thanks for submitting the constitution for approval. Could you please advise as to which financial institution the association will banks with?

Thanks

Elizabeth Dayot  
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Executive & Legal Service Branch  
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22 August 2000

Education Queensland  
Cabinet & Legislative Services Unit

**0Executive and Legal Services Branch**  
PO Box 33

BRISBANE ALBERT STREET QLD 4002

Dear Mr McGowan

Please be advised that the Kin Kora State School Parents and Citizens Association, at its meeting held on Wednesday, 19 July 2000 ratified the Kin Kora State School Parents and Citizens Association Constitution by a majority vote.

If you have any further enquiries please contact Heather Warren on 📞 049762576 or email [l-hwarren@bigpond.com](mailto:l-hwarren@bigpond.com)

Yours sincerely,

Sandy Bambrick  
Acting Registrar  
Kin Kora State School