

CONSTITUTION

of

ROBERTSON STATE PRIMARY SCHOOL COUNCIL



Table of Contents

	Page No.
INTRODUCTION	4
PROVISIONS OF THE CONSTITUTION.....	5
1. AUTHORITY FOR CONSTITUTION.....	5
2. AMENDMENTS TO THE CONSTITUTION	5
3. NAME	5
4. DEFINITION OF TERMS USED IN THIS CONSTITUTION.....	5
5. OBJECTS OF SCHOOL COUNCILS.....	6
6. FUNCTIONS OF THE SCHOOL COUNCIL	6
7. MEMBERSHIP.....	6
8. INELIGIBILITY FOR MEMBERSHIP ON CONVICTION FOR INDICTABLE OFFENCE	7
8.1. DECLARATION BY CANDIDATE FOR ELECTION AS A STAFF MEMBER	7
8.2. DECLARATION BY PERSON CONSENTING TO BE APPOINTED AS AN APPOINTED MEMBER.....	7
8.3 MEMBER OF SCHOOL COUNCIL TO NOTIFY OF CONVICTION FOR INDICTABLE OFFENCE	7
9. MEMBERS' TERM OF OFFICE	8
9.1. TERM OF OFFICE OF ELECTED OR APPOINTED MEMBER.....	8
9.2. SPECIAL PROVISIONS FOR FIRST TERMS OF OFFICE	8
10. SCHOOL COUNCIL ELECTIONS	8
10.1. RETURNING OFFICER.....	8
10.2. PERSONS ENTITLED TO VOTE	9
10.3. PERSONS ENTITLED TO BE ELECTED	9
10.4. NOTICE OF ELECTION.....	9
10.5. NOMINATION OF CANDIDATES.....	9
10.6. PROCEDURE FOR CONDUCTING AN ELECTION	9
11. POST-BALLOT PROCEDURES.....	10
11.1. SCRUTINEERS	10
11.2. EXAMINATION AND COUNTING OF VOTES.....	10
11.3. DECLARATION OF RESULT.....	11
11.4. ELECTION NOT TO BE INVALID IN CERTAIN CIRCUMSTANCES.....	11
12. PROCEDURE FOR APPOINTMENT OF APPOINTED MEMBER.....	11
13. PROCEDURE FOR CO-OPTION OF A STUDENT MEMBER.....	11
14. NOTIFICATION OF ELECTED PARENT MEMBERS BY ASSOCIATION	11
15. PRESIDENT'S NOTICE ABOUT AN ALTERNATIVE ASSOCIATION MEMBER.....	12

School Council Constitution

16. CHAIRPERSON.....	12
17. COUNCIL BUSINESS	12
17.1 TIME AND PLACE OF MEETINGS.....	12
17.2. QUORUM	13
17.3. CONDUCT OF MEETINGS.....	13
17.4. ATTENDANCE BY PROXY	13
17.5. ORDER OF BUSINESS AT MEETINGS	13
17.6. MINUTES	14
17.7. COUNCIL RECORDS	14
SCHEDULE 1	15
SCHEDULE 2	17

INTRODUCTION

The 1997 amendments to the *Education (General Provisions) Act 1989* ("the Act") refer to the role of the chief executive (Director-General of Education) in preparing a model constitution for school councils¹ and the requirement for school councils to have regard to the model when preparing and adopting amendments to their own constitutions².

This model constitution should be seen as just that - a model. It provides a framework, although it may be used by a council as its constitution, or amended to suit an individual council's needs.

It has been prepared to provide detailed guidance for the operation of school councils, particularly where the Act imposes certain constraints, for example, in relation to matters such as elections and meetings.

The model constitution contains annotations which:

- provide direct reference to relevant sections of the Act;
- identify the clauses which may not be amended or removed because of the constraints of the Act; and
- provide brief notes on the implications under the Act of any amendments to the constitution which the council may propose.

In proposing amendments to the model constitution, councils must be aware of the need to comply with the mandatory aspects of the Act, and particularly of sections 59 ("Constitution for school council") and 60 ("Model constitutions for school councils"). With operational experience, councils will be in a better position to propose appropriate amendments to their constitutions.

A council's constitution should be seen as a framework within which the council is able to conduct its business in an equitable and effective manner, and in compliance with the *Education (General Provisions) Act 1989* and *Education (General Provisions) Regulation 1989*. It is an important reference point for the operation of councils.

¹ see section 60 "Model constitutions for school councils"

² see section 60 "Model constitutions for school councils"

PROVISIONS OF THE CONSTITUTION

1. AUTHORITY FOR CONSTITUTION

- (1) This constitution is made under the authority of the *Education (General Provisions) Act 1989*.
- (2) This constitution was approved by the Director-General of Education on 12 May 1998.

2. AMENDMENTS TO THE CONSTITUTION

- (1) Any amendment to the constitution must be made in the way set out in the Act.
- (2) An amendment to the constitution has no effect until it is approved by the Director-General of Education.

3. NAME

The name of the school council is "Robertson State Primary School Council".

4. DEFINITION OF TERMS USED IN THIS CONSTITUTION

- (1) The words and expressions used in this constitution have the meanings given to them by the *Education (General Provisions) Act 1989*.

- (2) Unless a contrary intention applies:

"Act" refers to the *Education (General Provisions) Act 1989*.

"association" means the parents and citizens association formed for the school.

"chairperson" means chairperson of the school council;

"clause" refers to a clause of this constitution.

"official member", of a school council, means —

the school's principal; or

the president of the association.

"parent" includes a guardian and every person who is liable to maintain or has the actual custody of a child who is a student.

"school" means the school for which the school council is formed.

"staff" means all persons who are employed by the department and assigned to the school.

"student" means a student of the school.

5. OBJECTS OF SCHOOL COUNCILS

The object of the school council is to improve student learning outcomes by exercising specified functions for guiding the broad strategic direction of the school.

6. FUNCTIONS OF THE SCHOOL COUNCIL

(1) The school council has the following functions for the school :

- (a) approving plans and policies of a strategic nature and other documents affecting strategic matters, including the annual estimate of revenue and expenditure for the school; and
- (b) monitoring the school's strategic direction, including selecting a person to participate as a full member on the selection panel appointed to select a principal for the school whenever a vacancy in that office occurs and where the chief executive has determined that a merit selection process is required to fill the vacancy; and
- (c) monitoring the implementation of the plans, school policies and other documents, mentioned in (a); and
- (d) advising the principal about strategic matters.

(2) For the purposes of carrying out the functions specified in (1), the council must have regard to the documents listed in schedule 2.

(3) The school council must carry out its functions in a way that achieves the best learning outcomes for the school's students.

(4) Despite (1) and (3), a school council may not -

- (a) interfere with the principal's management of the day to day operations of the school and its curriculum; or
- (b) make operational decisions about the use of teaching or learning resources in the school; or
- (c) make decisions about the individual teaching style used, or to be used, at the school; or
- (d) make a decision that is contrary to law or a written policy of the Department of Education.

(5) The school council may not -

- (a) have control of funds; or
- (b) enter into contracts; or
- (c) acquire, hold, dispose of or deal with, property; or
- (d) sue or be sued.

(6) The school council must not establish a committee or subcommittee.

7. MEMBERSHIP

The members of the school council are:

- (a) the principal of the school; and
- (b) the president of the association; and
- (c) three (3) parents elected in the way set out in the association's constitution; and
- (d) three (3) staff elected in the way set out in this constitution; and
- (f) zero (0) appointed members appointed in the way set out in this constitution; and

8. INELIGIBILITY FOR MEMBERSHIP ON CONVICTION FOR INDICTABLE OFFENCE

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 an approval in accordance with the Act³.

8.1. DECLARATION BY CANDIDATE FOR ELECTION AS A STAFF MEMBER

- (1) At the time of accepting nomination as a candidate, the nominee must complete the declaration in the form contained in Schedule 1 of this constitution and ensure that the declaration is received by the returning officer before 4.00 p.m. on the final date for the receipt of nominations of candidates.
- (2) If the declaration indicates that the nominee has been convicted of an indictable offence, the returning officer must forward the declaration to the Minister for Education.
- (3) The nominee must not be elected to the school council unless the returning officer has received the Minister's approval.

8.2. DECLARATION BY PERSON CONSENTING TO BE APPOINTED AS AN APPOINTED MEMBER

- (1) At the time of consenting to be an appointed member, the person consenting must complete the declaration in the form contained in Schedule 1 of this constitution and give the completed declaration to the official members.
- (2) If the declaration indicates that the person has been convicted of an indictable offence, the official members must forward the declaration to the Minister for Education.
- (3) The person must not be appointed to the school council unless the official members have received the Minister's approval.

8.3 MEMBER OF SCHOOL COUNCIL TO NOTIFY OF CONVICTION FOR INDICTABLE OFFENCE

- (1) If a person is convicted of an indictable offence while an elected staff member, elected parent member or appointed member of a school council, the person must give written notice to the chairperson of the conviction within 7 days after the conviction.
- (2) From the date of the receipt of the notice by the chairperson, the person's membership is terminated.
- (3) The chairperson must forward the notice to the Minister for Education.

³ See Schedule 1 for a list of the types of offences for which an incoming member will be asked to declare any convictions.

- (4) The person must not be restored as a member unless the chairperson receives written notice from the Minister that the person is restored as a member, and may be subsequently re-elected or reappointed, despite the conviction.
- (5) On the day the chairperson receives such notice from the Minister, the person is restored as a member and, if another person has been elected or appointed to fill the vacancy, the other person's appointment ends.
- (6) If a person is restored as a member, the person's term of office as a member ends at the time it would have ended if the person had not been convicted of the offence.

9. MEMBERS' TERM OF OFFICE

9.1. TERM OF OFFICE OF ELECTED OR APPOINTED MEMBER

- (1) The term of office of each elected or appointed member starts on a day determined by the school council.
- (2) The term of office of an elected or appointed member must be not longer than 2 years.
- (3) The school council may reduce the term of office of an elected or appointed member only to create uniformity in the end dates of members' terms of office.
- (4) The provisions of this subclause are, however, subject to the provisions of the constitution concerning the terms of office of first elected members.

9.2. SPECIAL PROVISIONS FOR FIRST TERMS OF OFFICE

- (1) On establishment, the school council consists only of the official members.
- (2) However, a school council consisting of the official members may only perform the functions necessary for election of the council's elected members.
- (3) As soon as practicable after the school council is established, the official members of the school council must organise the election of the council's elected members.
- (4) The official members of the school council must determine which of the elected offices are to be held for a term other than 2 years.
- (5) The written notice of the first election for the school council of the results of the election must show clearly which of the elected offices are to be held for a term other than 2 years.
- (6) The records of the school council must show clearly which of the elected offices are to be held for a term other than 2 years.
- (7) Each member first elected to those offices holds office for a term not longer than 3 years.

10. SCHOOL COUNCIL ELECTIONS

10.1. RETURNING OFFICER

- (1) For a staff election, the official members must appoint a returning officer for the election.

- (2) For a student election, the principal is the returning officer, or must appoint another person to be the returning officer for the election.

10.2. PERSONS ENTITLED TO VOTE

- (1) The persons entitled to vote at a staff election are all persons who are staff and who attend a meeting called for the purpose of electing the staff members.

10.3. PERSONS ENTITLED TO BE ELECTED

- (1) The persons entitled to be elected at a staff election are all persons who are staff, with the exception of the principal.

10.4. NOTICE OF ELECTION

- (1) The returning officer must give public notice of the holding of an election not less than 28 days before the date of the election.
- (2) The notice must name the date of the election and the final date for the receipt of nominations.
- (3) The final date for receipt of nominations must be not less than 14 days after the date of giving of the public notice and not less than 14 days prior to the date of the election.
- (4) Also, the notice must name the place for the meeting at which the election is to be conducted, the day or days on which the meeting is to be held, and the start and end times for the meeting, including any time when the meeting is to be adjourned.

10.5. NOMINATION OF CANDIDATES

- (1) Any person who is entitled to vote at an election may nominate as a candidate in the election any person who is entitled to be elected by completing a nomination paper in the form approved by the returning officer.
- (2) To accept a nomination, the person named on a nomination paper as the nominee must:
 - (a) sign and date the nomination paper; and
 - (b) ensure that the signed and dated nomination paper is received by the returning officer by the final date for the receipt of nominations of candidates.

10.6. PROCEDURE FOR CONDUCTING AN ELECTION

- (1) After the final date for receipt of nominations, the returning officer must, without unreasonable delay, cause voting papers to be prepared setting out the names of the candidates in an order determined by the returning officer by lot.
- (2) At the meeting at which the election is to be conducted, the returning officer must cause a voting paper to be given to every person entitled to vote at the election.
- (3) The returning officer must cause to be recorded the name of each person to whom a voting paper is given at the meeting at which the election is conducted.

- (4) The voting paper must be in the form approved by the returning officer.
- (5) The meeting at which an election is conducted must not start after 8.30 a.m. on the first day of the election, nor end before 4.00 p.m. on the last day of the election, however, the meeting may be adjourned at the time or times specified on the notice of election.
- (6) Each voter must indicate his or her vote on the voting paper in the way described in the voting instructions on the voting paper.
- (7) Each voter must deposit his or her completed voting paper into a sealed ballot box before leaving the meeting.
- (8) The returning officer must take such steps as he or she considers necessary to ensure that only persons entitled to vote at an election have voted and that the secrecy of the ballot is preserved.

11. POST-BALLOT PROCEDURES

11.1. SCRUTINEERS

- (1) Each candidate may appoint, by written notice to the returning officer, one scrutineer for the examination of the voting papers received by the returning officer, to be present when the returning officer opens the ballot box containing the voting papers on the day of the election.
- (2) A notice of an appointment of a scrutineer by a candidate must be received by the returning officer not less than 5 days prior to the day of the election.
- (3) No election is invalid by reason of the failure of any candidate to appoint a scrutineer or the failure of a person appointed as a scrutineer to carry out the duties of a scrutineer.

11.2. EXAMINATION AND COUNTING OF VOTES

- (1) After the meeting at which the election was conducted and on the day of the election, the returning officer must, in the presence of the scrutineers but not of the candidates, and with the aid of any assistants, who are not candidates, as the returning officer may appoint, cause the ballot box containing the voting papers to be opened and the voting papers to be examined.
- (2) If, in examining a voting paper, the returning officer forms the opinion that the intention of the voter cannot with certainty be ascertained, the voting paper must be rejected by the returning officer and no votes on that voting paper may be counted.
- (3) If, in examining a voting paper, the returning officer forms the opinion that a vote is indicated on other than a voting paper in the form approved by the returning officer, the vote must not be counted.
- (4) If, in examining the voting papers, the returning officer forms the opinion that:
 - (a) the number of voting papers in the ballot box is not equal to the number of persons who have been recorded by the returning officer, or at the returning officer's instruction, as having voted in the election;
 - (b) any voting paper has been altered or otherwise interfered with after being placed in the ballot box and prior to the ballot box being opened by the returning officer or at the returning officer's instruction;

the returning officer must declare the ballot to be invalid and make arrangements for the holding of another ballot

to determine the result in the election.

- (5) After examining the voting papers, the returning officer must ascertain the number of votes received by each candidate.
- (6) The candidate who receives, or the candidates who receive, more votes than any other candidates in the election must be declared by the returning officer to have won the election.
- (7) Where two or more candidates have received an equal number of votes, the returning officer must determine by lot which of the candidates is to be declared elected.

11.3. DECLARATION OF RESULT

When the returning officer has determined which of the candidates is to be declared elected, he or she must prepare, sign and date a written statement, which may be countersigned by any scrutineers who are present, containing the numbers in words as well as figures of the votes for each candidate and declaring the result of the election.

11.4. ELECTION NOT TO BE INVALID IN CERTAIN CIRCUMSTANCES

No election is invalid by reason of:

- (a) any formal error or defect in any declaration made, or in giving public notice under this constitution; or
- (b) the giving of any such public notice being out of time; or
- (c) any delay in holding the election at the time appointed; or
- (d) any inadvertent failure to give to any person entitled to vote at the election any notice or ballot paper; or
- (e) any other error or defect of a purely formal nature, which is not relevant to the outcome of the election.

12. PROCEDURE FOR APPOINTMENT OF APPOINTED MEMBER

- (1) The members present at a meeting of the school council may decide:
 - (a) who is to be asked to become an appointed member; or
 - (b) to seek nominations from persons wishing to become an appointed member, before deciding who is to be asked to become an appointed member.

13. PROCEDURE FOR CO-OPTION OF A STUDENT MEMBER

Not applicable.

14. NOTIFICATION OF ELECTED PARENT MEMBERS BY ASSOCIATION

As soon as practicable after the election of any parent member elected in the way set out in the association's constitution, the returning officer must notify the official members of the result of the election in writing.

15. PRESIDENT'S NOTICE ABOUT AN ALTERNATIVE ASSOCIATION MEMBER

- (1) If the president of the association has appointed an alternative association member, the president must give the chairperson written notice of:
 - (a) the alternative association member's name and address; and
 - (b) the date on which the alternative association member's appointment starts; and
 - (c) the date on which the alternative association member's appointment ends.
- (2) The notice must be given to the chairperson at least 2 days before the day of the first meeting after the alternative member's appointment starts.
- (3) Despite the start and end dates stated in the notice, the president may attend any meeting in the place of and instead of the alternative association member.
- (4) If the president revokes the appointment of an alternative association member, the president must give the chairperson written notice of the date of the revocation at least 2 days before the day of the next meeting following the revocation.

16. CHAIRPERSON

- (1) Whenever a vacancy in the office of chairperson occurs, the members present at a meeting must elect the chairperson from among themselves.
- (2) In the case of the first chairperson, the chairperson must be elected at the first meeting after the setting up of the school council by official and elected members.

17. COUNCIL BUSINESS

17.1 TIME AND PLACE OF MEETINGS

- (1) School council meetings are to be held at the times and places the council decides.
- (2) However, the school council must meet at least twice in each semester.
- (3) The chairperson may call a meeting at any time and must call a meeting if asked, in writing, to do so by the Minister, the chief executive or at least the number of members constituting a quorum for the school council.
- (4) The chairperson must, where possible, give written notice of the time and place of a meeting of the school council to each of the members at least 7 days before the day of the meeting.
- (5) The council may hold meetings, or permit members to take part in meetings, by telephone, video link, or another form of communication that allows reasonably contemporaneous and continuous communication between the members taking part in the meeting.
- (6) A member who is permitted by the school council to take part in such a meeting is taken to be present at the meeting.

- (7) The council may decide that any meeting or part of a meeting may be closed to observers.

17.2. QUORUM

- (1) The quorum for the Robertson State Primary School Council is five (5).
- (2) If the quorum is not present within 30 minutes after the advertised starting time of a school council meeting, the meeting must be adjourned to a time and place decided by the chairperson and notified to the members of the council in accordance with subclause 17.1

17.3. CONDUCT OF MEETINGS

- (1) The chairperson is to preside at all school council meetings at which the chairperson is present.
- (2) If the chairperson is absent, another member chosen by the members is to preside.
- (3) A question at a meeting (other than a question about an amendment to the constitution) is decided by a majority of the votes of the members present.
- (4) Each member present at the meeting has a vote on each question to be decided and, if the votes are equal, the member presiding has a casting vote.
- (5) A member present at the meeting who abstains from voting is taken to have voted in the negative.

17.4. ATTENDANCE BY PROXY

- (1) A member may not attend a meeting of a school council by proxy.
- (2) However, the principal may attend up to two meetings a year by proxy.

17.5. ORDER OF BUSINESS AT MEETINGS

The order of business at a school council meeting is:

- (a) apologies;
- (b) confirmation of minutes of previous meeting;
- (c) business arising from minutes of previous meeting;
- (d) correspondence;
- (e) business arising from the correspondence;
- (f) reports;
- (g) motions on notice;
- (h) general business;
- (i) next meeting;

or any other order proposed by the chairperson, or other member presiding at the meeting, and agreed to by the members present at the meeting.

17.6. MINUTES

- (1) The school council must cause to be recorded particulars of all proceedings at meetings of the school council, including:
 - (a) the names of the members present at each meeting of the school council; and
 - (b) the names of any persons who are not members present at each meeting of the school council; and
 - (c) the names of any members voting against a resolution carried at a school council meeting and any members abstaining from voting who wish to have their dissent or abstention recorded in the minutes of that meeting.
- (2) The minutes of each school council meeting must be submitted for confirmation at the next school council meeting.
- (3) A copy of the minutes of each meeting must be distributed to all members of the school council as soon as possible after the meeting.

17.7. COUNCIL RECORDS

- (1) The records of the council include all documents held by the council that it has created or acquired in the course of carrying out its functions.
- (2) School council records include, but are not limited to:
 - (a) minutes of school council meetings; and
 - (b) all records that come into existence in connection with a school council election, including all ballot papers.
 - (c) The school council must cause all school council records to be dealt with in accordance with the *Libraries and Archives Act 1988*

SCHEDULE 1

**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 ONE

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 below.

[illegible]

STEP 3.

Declaration

Your signature _____
Date _____

STEP 4.

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.

SCHEDULE 2

**DOCUMENTS TO WHICH THE COUNCIL MUST HAVE REGARD FOR THE PURPOSES
OF CARRYING OUT ITS FUNCTIONS UNDER CLAUSE 6(1)**

- (1) Partnership Agreement, including:
 - (a) Technology Plan;
 - (b) Assets and Facilities Plan; and
 - (c) Workforce Plan;
- (2) Annual Operational Plan, including the school budget;
- (3) School Annual Report;
- (4) Behaviour Management Plan;
- (5) Textbook Hire Schemes and Textbook Allowance, where the school for which the council is formed offers secondary education; and
- (6) Change of Hours, where the school for which the council is formed offers preschool education.