PARENTS & CITIZENS' ASSOCIATION CONSTITUTION

FOR

ELIMBAH STATE SCHOOL

DATE ADOPTED: 14-03-2023

TABLE OF CONTENTS

Preamble 3

Part I – General 3

1 DEFINITIONS 3

Part II – Functions and Powers 4

2 NAME 4

3 OBJECTIVES 4

4 STATUS OF ASSOCIATION 4

5 FUNCTIONS 5

6 PERFORMANCE OF FUNCTIONS 5

7 GENERAL POWERS 5

8 SCHOOL COUNCIL 6

9 SCHOOL BUILDING FUNDS 7

10 CONSTITUTION SUBJECT TO APPLICABLE LAWS 7

11 CONSENT OF THE DIRECTOR-GENERAL FOR CERTAIN ACTIVITIES 7

12 AUTHORITY OF ASSOCIATION 8

13 PROCEEDINGS 8

Part III – Members, Officers and Bodies 8

14 MEMBERSHIP 8

15 OFFICERS OF THE ASSOCIATION 11

16 EXECUTIVE COMMITTEE 13

17 SUBCOMMITTEES 14

18 DISPUTE RESOLUTION 15

19 FINANCIAL INTEREST 15

20 REMOVAL OF MEMBERS AND OFFICERS OF AN ASSOCIATION 16

Part IV – Meetings and Voting 18

21 MEETINGS 18

22 VOTING 21

Part V – Finance, Audit and Records 21

23 FINANCE 21

24 AUDIT 24

25 HANDING OVER OF ACCOUNTS TO SUCCESSORS 26

26 NO DISTRIBUTION TO MEMBERS 26

27 RECORDS 26

Part VI – Adoption and Amendment of Constitution 26

28 ADOPTION OF CONSTITUTION 26

29 AMENDMENT OF CONSTITUTION 26

Part VII – Dissolution of the Association 27

30 DISSOLUTION 27

SCHEDULE 1– P&C ASSOCIATION MEMBERSHIP REGISTER 28

SCHEDULE 2 – CODE OF CONDUCT FOR P&C ASSOCIATION 29

Elimbah State School Parents and Citizens' Association Constitution – adopted 14-03-2023

Preamble

The *Education (General Provisions) Act 2006 (Qld)* (the Act) states that all Parents & Citizens' Associations must have a constitution and that such constitutions will have no effect unless approved by the Director-General (or delegate) of the Department of Education (the Department). Under section 38(3) of the *Education (General Provisions) Regulation 2017 (Qld)* (the Regulation), the Director-General of the Department may prepare a model constitution for P&C Associations. This model constitution (the Constitution) has been prepared under that section and will replace your current constitution.

Part I – General

1 DEFINITIONS

In this Constitution, unless the context otherwise requires and subject to the provisions of the Act:

"Accounting Manual" means the latest version of the document titled "P&C Accounting Manual" that is published by the Department as amended from time to time.

"Act" means the *Education (General Provisions) Act 2006* as amended from time to time.

"Association" means the [name of School] Parents and Citizens' Association.

"Constitution" means this model constitution and all schedules thereto.

"Department" means the Department of Education or the State Government Department responsible for administration of the Act.

"Director-General" means the Director-General of the Department or such other person as may from time to time hold the position as chief executive of the Department and includes, where context permits, an appropriately qualified officer of the Department to whom the chief executive's functions under the Act have been delegated in accordance with section 432 of the Act.

"Executive Committee" means the executive committee of the Association as referred to in clause 16.1.

"Gazette" means the Queensland Government Gazette https://www.forgov.qld.gov.au/publish-gazette

"Minister" means the Minister responsible for administering the Act and includes, where context permits, an appropriately qualified person to whom the Minister's functions under the Act have been delegated in accordance with section 431 of the Act.

"Officers" mean the officers of the Association as elected in accordance with clause 15.1.1.

"P&C Association" means a parents and citizens' association established under Chapter 7 of the Act.

"Parent" of a child has the meaning given in section 10 of the Act.

"Principal" means the Principal of the School for which the Association is formed.

"Principal's supervisor" means, in relation to the Principal of a School, the officer employed in the Department who holds the position of the Principal's supervisor.

"Regulation" means the *Education (General Provisions) Regulation 2017* (Qld) as amended from time to time.

"Relevant Agreement" means an agreement benefiting persons who receive educational instruction at the School.

"Responsible Person" means, for the purpose of establishing and maintaining a school building fund, a person who has a degree of responsibility to the general community including, for example a person who:

performs a significant public function

a) is a member of a professional body having a code of ethics or rules of conduct
b) is officially charged with spiritual functions by a religious institution
c) is a director of a company whose shares are listed on the Australian Stock Exchange
d) has received formal recognition from government for services to the community, or
e) an office holder of a community organisation (for example, the President of a P&C Association.

"SBFA Act" means the *Statutory Bodies Financial Arrangements Act 1982 (Qld).*

"School" means the Elimbah State School, being the State instructional institution, as defined in the Act, for which the Association has been formed.

"School Council" for a School, means the school council established for the School under the Act.

Part II – Functions and Powers

2 NAME

The name of the association is the Elimbah State School Parents and Citizens' Association (the Association).

3 OBJECTIVES

The objectives of the Association are to work in productive partnership with the principal and school community to promote the interests of the school, facilitate its development and further improvement, and to achieve the best possible outcomes for students.

4 STATUS OF ASSOCIATION

4.1 The Association is an unincorporated association established under Chapter 7 of the Act.

4.2 Section 133 of the Act provides that the Association is a statutory body under the *Statutory Bodies Financial Arrangement Act 1982 (Qld)* (SBFA Act) and the Association's powers under the Act are affected by Part 2B of the SBFA Act.

4.3 The Association is considered to be a government entity by the Australian Taxation Office (ATO) and is income tax exempt, when the association complies with P&C 'model constitution' requirements.

4.4 The Association is sanctioned under the *Collections Act 1966 (Qld)* to conduct fundraising activities that align with their objective of school improvement, but cannot be registered as a charity with the Australian Charities and Not-for-profits Commission (ACNC).

5 FUNCTIONS

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

5.1 foster community interest in educational matters

5.2 try to bring about closer co-operation between the Parents of children attending the School and other members of the community, staff members of the School and students of the School

5.3 if asked by the principal, or of its own volition, give advice and recommendations to the principal about:

a) issues relating to persons who receive educational instruction at the School

b) the general operations and management of the School

5.4 give, or assist in the giving of, financial or other resources or services for the benefit of persons who receive educational instruction at the School

5.5 perform any other functions, not inconsistent with the Act, as the Minister may decide.

6 PERFORMANCE OF FUNCTIONS

6.1 In the performance of its functions, the Association must comply with the Act and any written directions the Minister may give the Association about:

a) complying with Departmental policies that apply to the Association, or

b) any matter relevant to the performance of the Association's functions.

7 GENERAL POWERS

7.1 The Association has the powers conferred on it by, or derived by it from, the Act, the Regulation, the SBFA Act and any other legislation (including subordinate legislation) relevant to Parents & Citizens' Associations including the powers listed in this clause.

7.2 The Association may establish subcommittees in accordance with clause 17.

7.3 The Association may conduct at the premises of the School a tuckshop or other amenity if the Association reasonably believes the tuckshop or amenity is likely to:

a) help staff members of the School in their professional duties, or

b) help students of the School in their studies.

7.4 The Association may employ such persons as considered necessary for the purposes of the Association, subject to relevant laws, industrial awards and employment agreements.

7.5 The Association may enter into Relevant Agreements provided that:

a) where the Association alone proposes to enter into the Relevant Agreement, it has the written approval of the Principal generally for the type of Relevant Agreement or for the particular Relevant Agreement

b) the Association deals with any money it receives under the Relevant Agreement as the Principal may direct or, otherwise, as the Association believes appropriate, consistent with its objectives, and

c) the Relevant Agreement contains any conditions required by the Principal by notice given to the Association or published in the Gazette.

7.6 Where an Association makes a resolution to enter into a Relevant Agreement, the Association's President may sign the agreement.

7.7 The Association may commence proceedings in the name of the Association in accordance with clause 13.

7.8 Subject to and in accordance with the SBFA Act, the Association may:

a) borrow money

b) invest money

c) operate a deposit and withdrawal account with a financial institution

d) establish a school building fund in accordance with clause 9 of this Constitution, and

e) enter into certain other transactions or arrangements in accordance with the SBFA Act, subject to any necessary approvals being obtained as required under the SBFA Act.

8 SCHOOL COUNCIL

8.1 If a School Council exists at the School, the Association's President is an official member of the School Council.

8.2 As an official member, the Association's President is not eligible to be an elected member or appointed member of the School Council.

8.3 An Association's President may appoint another Association member (the **alternative association member**) to attend meetings of the School Council in place of the Association President, when the Association President cannot attend meetings.

8.4 The Association's President must give notice to the School Council's chairperson about the appointment of an alternative association member, in accordance with the School Council's constitution.

8.5 The alternative association member may exercise the rights and duties of the Association's President at the School Council meeting provided that, if the Association's President is the chairperson of the School Council, the alternative association member may not preside at the School Council meeting, unless the alternative association member is chosen to preside by the School Council members.

8.6 An elected member or appointed member of the School Council is ineligible for appointment by the Association President as the alternative association member.

8.7 With regard to the School Council, the Association must approve the draft School Council constitution in accordance with sections 109(4) and 109(6) of the Act.

8.8 Where a School Council for the School exists, the elected Parent members of the School Council must be elected under this Constitution as follows:

a) prior to holding a meeting for the purpose of electing Parent members, the Association must ascertain from the Principal the number of Parent members to be elected to the School Council

b) any two members of the Association (the Nominating Members) may nominate a Parent of a child attending the school (the Candidate) to be an elected parent member of the School Council

c) the nomination may be made:

   i) in person, by the Nominating Members, at the relevant meeting, or

   ii) if the Candidate cannot be present at the relevant meeting, by giving the Secretary, before the relevant meeting, a nomination in writing signed by the Nominating Members and the Candidate

d) if there is only one nomination for a position, the Candidate who receives the votes of a majority of the members present at the meeting will be an elected to the position, and

e) if there is more than one nomination for a position, the Candidate who receives the most votes of the members present at the meeting will be elected to the position.

9 SCHOOL BUILDING FUNDS (SUNSET PROVISIONS)

NOTE: P&Cs CAN NO LONGER ESTABLISH A SCHOOL BUILDING FUND

9.1 Where a P&C operated a school building fund prior to 14 December 2022 and has been granted permission by the ATO to retain and expend the fund until an agreed date (or prior to 13 December 2025), the Association must comply with the following rules set out in clauses 9.2 to 9.10 of this Constitution.

9.2 The Association must credit interest earned on the fund to the fund.

9.3 The Association must not credit any new gifts or other money, other than interest, to the fund.

9.4 The school building fund must be controlled by a subcommittee of the Association, the majority of whom must be Responsible Persons such that the school building fund satisfies the requirements to be a public fund.

9.5 The Association must use the school building fund solely for the acquisition, construction or maintenance of a building used, or to be used, as a school or college by the School.

9.6 The Association may use the money in the school building fund to pay for the reasonable costs of managing the school building fund. Examples of costs include bank fees and charges, accounting and audit fees relating directly to the school building fund.

9.7 The Association must not distribute directly or indirectly any portion of the school building fund or its income to its members or their associates.

9.8 The ATO must be notified of any changes made to this Constitution that affect the school building fund's rules or dissolution or winding up provisions.

9.9 The ATO must be notified at the first occurrence of:

a) the winding up of the school building fund

b) the dissolution of the Association, or

c) dissolution of the fund.

9.10 The Association must document schedules, dates and procedures to either wind up (close off) or transfer DGR funds to a registered school DGR fund prior to December 2025. It is advisable to close off the association DGR fund as early as possible (not in December 2025).

10 CONSTITUTION SUBJECT TO APPLICABLE LAWS

This Constitution (including the powers of the Association referred to in it) is subject to, and must be read in conjunction with, all applicable laws, including:

a) the Act and Regulation

b) the SBFA Act

c) the *Auditor-General Act 2009 (Qld).*

11 CONSENT OF THE DIRECTOR-GENERAL FOR CERTAIN ACTIVITIES

If the object of an activity of the Association is, or includes, one or more of the following matters, the consent of the Director-General must be obtained before the activity is carried out:

a) the construction of improvements to the premises of the School

b) the addition of a fixture to the premises of the School

c) the purchase of furniture for the School.

12 AUTHORITY OF ASSOCIATION

The Association may, without derogating from the authority of the Principal in the Principal's capacity as the person in charge of the School, exercise the authority in relation to the School that is consistent with the functions of the Association, **provided that** the Association must not exercise any authority over the staff, or over the control or management, of the School.

13 PROCEEDINGS

13.1 Subject to clause 13.2, a proceeding may be started and conducted in the name of the Association by:

a) the Association's President, or

b) another member of the Association appointed in writing for that purpose by the President.

13.2 The Association must obtain the Minister's approval before starting any proceeding.

13.3 A document starting proceedings against the Association (including for example, a notice of claim under the *Personal Injuries Proceedings Act 2002*) and any other document relevant to the proceeding must be served on a member of the Association's Executive Committee.

13.4 As soon as practicable after being served with a document, the person served with the document must give the Director-General a copy of the document.

13.5 The Minister may give the Association a written direction about a proceeding started by or against the Association under this clause and the Association must comply with the direction.

Part III – Members, Officers and Bodies

14 MEMBERSHIP

14.1 Eligibility

14.1.1 The following persons are eligible to be members of the Association:

a) a Parent of a child attending the School

b) a staff member of the School, or

c) an adult who is interested in the school's welfare

14.2 The Principal/Acting Principal of the School is automatically a member of the Association.

14.2.1 An employee of the Association is eligible to be a member of the Association.

14.3 **Membership of the Association**

14.3.1 A person must apply for membership of the Association by completing and submitting, personally, by post or email an application for membership to the Association in the form of the example at Schedule 3.

14.3.2 The Association requires a person who applies for membership of the Association and who is an adult who is not either the Parent of a child attending the School or a staff member of the School, to hold a current and valid Blue Card (or exemption) and to provide the current Blue Card number in the application for membership.

14.3.3 Membership of the Association is renewable each year at the annual general meeting of the Association. A member who wishes to reapply for membership must complete and submit personally, by post or email, a new application for membership to the Association in the form of the example at Schedule 3 prior to or at, the annual general meeting.

14.3.4 Persons applying for membership at an annual general meeting of the Association need not be present at the annual general meeting to have their application considered.

14.3.5 Persons applying for membership at a general meeting need not be present at the meeting of the Association at which their application is considered.

14.3.6 A person who applies for membership of the Association is taken to be a member if membership is not refused by the Association within two months after the person applies for membership.

14.4 **Refusal of Membership**

14.4.1 The Association may refuse an application for membership in accordance with this clause 14.4.

14.4.2 A person is refused membership of the Association if the Association gives the person notice of the refusal **and** the reasons for the refusal within two months after the person applies for membership.

14.4.3 However, membership is not refused if the person receives notice of the association's refusal of the application but does not receive notice of the reasons for the refusal within two months after the person applies for membership.

14.5 **Consideration of grounds for refusal by Association**

14.5.1 The Association must determine (by secret ballot) by a majority vote of members present at a meeting of the Association, whether a ground exists to refuse a person's application for membership. For example, it may be a ground for refusal of membership of a person, if the person has, at the time of application for membership, committed any act or done anything which, if the person was already a member of the Association, would be grounds for removal under clause 20.3.

14.5.2 If the Association considers a ground exists to refuse a person's membership, the Association must give the person written notice stating:

a) the action the Association proposes to take under this clause

b) the grounds for the proposed action;

c) an outline of the facts and circumstances forming the basis for the grounds; and

d) an invitation for the person to show, within a stated time of at least 14 days, why the proposed action should not be taken.

14.6 **Consideration of submissions from refused person**

14.6.1 The Association must consider all written representations made to it within the stated time at a general meeting or special meeting and determine by a majority of votes of members present (by secret ballot) whether a ground to refuse membership of the person still exists.

14.6.2 If the Association still considers that a ground exists, the Association must notify the person of the Association's decision to refuse membership of the person by written notice to the person within 14 days after the Association makes its decision. If the decision was made to refuse membership, the notice must state:

a) the reasons for the decision
b) the date on which the Association's decision to refuse membership of the person takes effect
c) that the person may make a submission to the Minister for a review of the decision
d) the Minister's name and address, and
e) the way in which the submission may be made.

14.6.3 A person who is refused membership of an Association may make a submission for a review of the decision to the Minister, which must:

a) be in writing
b) include an address in Australia to which notices for the person who is refused membership may be sent
c) state fully the grounds for the submission and the facts relied on
d) include a copy of the notice of refusal of membership, and
e) be given to the Minister within 14 days of the notice of refusal of membership being given to the person, or, if the Minister allows a later time for the giving of the submission, the later time.

14.6.4 A person who is dissatisfied with the review decision may also apply, as provided under the Queensland Civil and Administrative Tribunal (QCAT) Act for a review of the decision to refuse membership, as if the person had been a member of the Association and been removed from the Association.

14.7 Register of Members

14.7.1 The Association must establish and maintain a register of members of the Association (Schedule 1) which must contain the following information:

a) each member's name and postal address or email address
b) the date each member of the Association became a member
c) for a person who ceases to be a member of the Association, the date the person ceased to be a member
d) for a person who is not a Parent of a student attending the School or a staff member of the school or institution established under section 14 of the Act, a current and valid Blue Card number, and
e) for honorary life members of the Association, the date honorary life membership was awarded and the basis for the award.

14.7.2 The register of members should be available at each meeting of the Association.

14.8 Membership Fees

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

14.9 Resignation of Members

A member may resign from the Association at any time by giving notice in writing to the Secretary of the Association. The notice of resignation takes effect when the notice is given or, if a later time is stated in the notice, the later time.

14.10 Award of Honorary Life Membership

14.10.1 An Association, other than an interim P&C Association, may decide to award a person who is or was a member of the Association honorary life membership of the Association only on the basis that person has given long and meritorious service to the Association.

14.10.2 Honorary life membership may be proposed by any member of the Association in confidence through the Executive Committee or as otherwise determined by the Association at an annual general meeting.

14.10.3 The decision to award a person honorary life membership must be made by a two-third majority vote of the members present at an annual general meeting of the Association.

14.10.4 A person who is the subject of a proposed resolution to award the person honorary life membership must not:

a) be present during discussions about the proposal, or voting on it, at a meeting of the Association

b) vote on the proposal.

15 OFFICERS OF THE ASSOCIATION

15.1 Officers and Eligibility to Hold Office

15.1.1 Subject to clauses 15.1.3, 15.1.4 and 15.3 below, at each annual general meeting of the Association, the members of the Association must elect the following Officers from its members:

a) a President

a) at least one Vice-President

b) a Secretary

c) a Treasurer

d) any additional Officers as decided by the Association.

15.1.2 The Officers of the Association hold office in an honorary capacity.

15.1.3 The office of Treasurer must not be held by the person who is the President or Secretary of the Association.

15.1.4 The Principal may not hold a position as an Officer of the Association.

15.1.5 Subject to the restrictions elsewhere in this Constitution, a retired Officer or former Officers are eligible for re-election.

15.1.6 Subject to the restrictions elsewhere in this Constitution, School staff are eligible for election as an Officer, although the number of relevant staff members of the School who may be members of the Executive Committee must not be more than one-third of the number of members of the Executive Committee.

15.1.7 No employee (including a contractor) of the Association or its subcommittees is eligible to hold a position as an Officer.

15.2 **Vacancies**

15.2.1 The position of an Officer becomes vacant if the Officer:

a) dies

b) resigns his or her Office by signed notice given to:

i) in the case of the President - a Vice-President or the Secretary or Treasurer of the Association, or

ii) in the case of another Officer - the President of the Association

c) is absent from three consecutive meetings of the Association where:

i) there is a quorum for each meeting not attended

ii) the member has been given notice of the meetings in accordance with this Constitution

iii) the absences have been without the Association's leave and without reasonable excuse.

15.2.2 For the purpose of calculating whether the Officer has been absent from three consecutive meetings, if the Officer attends a meeting during the relevant period, where there is no quorum, this is counted as attendance at a meeting.

15.2.3 A notice under clause 15.2.1(b) takes effect on the date the notice is given or, if a later time is stated in the notice, the later time.

15.2.4 An election to fill a casual vacancy in the position of an Officer of the Association may be held at a general meeting of the Association.

15.2.5 A position which is not filled at an annual general meeting may be filled by election at the next general meeting of the Association.

15.3 **Election**

15.3.1 At each annual general meeting of the Association, members of the Association at the meeting must elect Officers of the Association.

15.3.2 Officers of the Association may only be elected as follows:

a) any two members of the Association (the **Nominating Members**) may nominate another member (the **Candidate**) to be an Officer

b) the nomination may be made:

i) in person, by the Nominating Members, at the relevant meeting, or

ii) if the Candidate cannot be present at the relevant meeting, by giving the Secretary, before the meeting, a nomination in writing signed by the Nominating Members and the Candidate.

c) if there is only one nomination for a position, the Candidate will be elected to the relevant office if the Candidate receives the votes of a majority of the members at the meeting

d) if there is more than one nomination for a position, the Candidate who receives the most votes will be elected to the relevant office.

e) if 2 or more candidates each receive an equal number of votes, that are more than those received by any other single candidate, the candidate elected to the office must be decided, at the meeting, by lot between the 2 or more candidates;

f) if each candidate receives an equal number of votes, the candidate elected to the office must be decided, at the meeting, by lot between all candidates.

15.4 Notification of Officers

The Secretary of the Association must, as soon as practicable upon the formation of the Association and after each annual general meeting (or, in the case of an election to fill a casual vacancy, the relevant general meeting), give to the Regional Director the name and postal address or email address of each of the elected Officers.

16 EXECUTIVE COMMITTEE

16.1 Executive Committee

16.1.1 The Association has an Executive Committee that is comprised of the following Officers of the Association:

a) the President
b) the Vice-President or Vice-Presidents
c) the Secretary
d) the Treasurer.

16.1.2 Subject to clause 16.1.3, when Officers of the Association are elected at an annual general meeting, the number of relevant staff members of the School who may be members of the Executive Committee must not be more than one-third of the total number of members of the Executive Committee. In this clause 02, the term "relevant staff member" means a staff member of the School who is not a parent of a child attending the School.

16.1.3 Clause 02 does not apply to the Association if:

a) the Director-General reasonably believes that complying with that requirement would prevent all of the positions of the Executive Committee being filled; and
b) the Director-General notifies the Association that it is not required to comply with that clause or its statutory equivalent (being section 126(2) of the Act).

16.2 Roles and Responsibilities of Executive Committee

16.2.1 The following describes the key functions of the Officers of the Association:

- The **President** provides leadership and is the accountable officer of the Association. Their role is to act as a representative of the Association, encourage communication between the Association, School administration and the community and encourage participation in the Association. The President will be the Chair of meetings and conduct them in an efficient and timely fashion, being familiar with the rules, constitution and other documents governing Association operations. The President is an official member of the school council for the School, if one exists.
- The **Vice-President** provides essential support for the President and possibly other members of the Executive Committee. They will Chair those meetings from which the President is absent and carry out any duties that have been delegated by the President. They should also be familiar with the rules, constitution and other documents governing Association operations.
- The **Secretary** collates the agenda papers for each meeting, (including subcommittee reports) and assists the President in preparing an agenda for each meeting. They prepare and present minutes of the Association's meetings, record and deal with correspondence in/out as directed and generally organise, record and maintain information pertaining to the activities of the Association.
- The **Treasurer** has the overall responsibility for the financial management of the Association, including all subcommittee accounts. In their role they must comply with

the Accounting Manual in all respects. They prepare an annual budget and annual operational plan for the Association in consultation with other members of the Association's Executive Committee. It is the Treasurer's responsibility to keep accurate accounts of receipts and expenditure.

16.3 **Authority of Executive Committee in Matters of Urgency**

16.3.1 The Executive Committee may, by a majority vote of the Executive Committee, take any necessary action regarding urgent matters relating to the performance of the Association's functions.

16.3.2 The Executive Committee may not remove a person as a member or an Officer of the Association.

16.3.3 All Officers of the Executive Committee have an equal vote when voting on matters of urgency.

16.3.4 Full particulars of the action taken by the Executive Committee under clause 16.3.1, must be tabled at the next scheduled general meeting of the Association or at a special meeting called for that purpose. However, a failure by the Executive Committee to comply with this clause, does not affect the validity of the action.

17 SUBCOMMITTEES

17.1 The Association may establish subcommittees it considers appropriate for purposes consistent with the objectives and functions of the Association (including for example, subcommittees for special purposes such as a swimming club or tuckshop).

17.2 Subcommittees may only act within the scope of the authority given to the subcommittee by the Association and must follow any direction given by the Association to the subcommittee.

17.3 Without limiting section 17.2, subcommittees will operate under the general supervision of the Association, and will be subject to conditions the Association considers appropriate.

17.4 Subject to clause 17.6, the Association must appoint particular members of the Association to be the Chairperson, Secretary and, if funds are to be raised or spent by the subcommittee, Treasurer of the subcommittee.

17.5 Officers of the Association are eligible to hold positions on subcommittees.

17.6 The Chairperson or Secretary of the subcommittee cannot be the Treasurer of the subcommittee.

17.7 Each subcommittee of the Association will, subject to a contrary direction by the Association, provide a written report of its progress to every general meeting of the Association. If the subcommittee is authorised by the Association to raise or spend funds, then the Treasurer of the subcommittee will present a written financial statement, at every general meeting of the Association. The subcommittee accounts will be subject to an audit as part of the Association's accounts.

17.8 The timing and frequency of meetings of each subcommittee will, subject to an alternative direction by the Association, be determined by a majority of the votes of the members present of the relevant subcommittees.

17.9 Matters arising at a meeting of a subcommittee are decided by a majority of the votes of members present at the subcommittee meeting, where each member present has a vote on the matter. If the votes on a question are equal, the person presiding at the meeting also has a casting vote.

17.10 If a quorum is not present at a subcommittee meeting, the meeting will adjourn to a date determined by its members, subject to an alternative direction by the Association.

17.11 The tenure of each subcommittee is at the discretion of the Association.

18 DISPUTE RESOLUTION

18.1 The Association must endeavour to work together, with their community and with the School, in compliance with the Code of Conduct for P&C Association (Schedule 2 of this Constitution) and in an open and collaborative manner.

18.2 If a dispute arises between members of the Association, the President should lead a process acting as a facilitator to resolve the dispute.

18.3 If the President is involved in the dispute, the Vice-President should lead the dispute resolution process.

18.4 If both the Principal and the President are involved in the dispute, the President/Principal should submit a written request for mediation to the Principal's supervisor.

19 FINANCIAL INTEREST

19.1 In this clause 19, "**relevant entity**" means:

a) the Association, or

b) the Executive Committee, or a subcommittee, of the Association.

19.2 If a member of a relevant entity (the "Interested Member") has a direct or indirect financial interest in an issue being considered, or about to be considered, by the relevant entity and the interest could conflict with the proper performance of the Interested Member's duties in relation to the consideration of the issue then, as soon as practicable after the relevant facts come to the Interested Member's knowledge, the Interested Member must disclose the nature of the interest to a meeting of the relevant entity. The disclosure must be recorded in the relevant entity's minutes.

19.3 Unless the relevant entity directs, the Interested Member must not be present when the relevant entity considers the issue or take part in a decision of the relevant entity about the issue.

19.4 The Interested Member must not be present when the relevant entity is considering whether to give a direction under clause 19.3.

19.5 If there is another member of the relevant entity (the "Second Member") who must, under clause 19.2, also disclose an interest in the issue, the Second Member must not:

a) be present when the relevant entity is considering whether to give a direction under clause 19.3, or

b) take part in making the decision about giving the direction.

19.6 If:

a) because of this clause 19, a member of the relevant entity is not present at a meeting of the relevant entity for considering or deciding an issue, or for considering or deciding whether to give a direction under section 19.3, and

b) there would be a quorum for the relevant entity if the member were present, then, the remaining members of the relevant entity present are a quorum for the relevant entity for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.

20 REMOVAL OF MEMBERS AND OFFICERS OF AN ASSOCIATION

20.1 Nominated Persons and Removed Persons

In this clause 20:

a) "**Nominated Person**" means a person who is a member, or a member and Officer, of the Association

b) "Remove" a Nominated Person means:

i) if the person is a member only of the Association – remove the person as a member of the Association, or

ii) if the person is a member of the Association and an Officer – remove the person as a member and Officer of the Association, or as an Officer of the Association only

c) "**Removed Person**" means a Nominated Person who has been Removed by the Association under clause 20.4

d) "**Notice of Removal**" means a notice, under clause 20.4.6 from an Association to a Nominated Person Removing the Nominated Person.

20.2 Removal of Nominated Person

The Association may remove a Nominated Person only in accordance with this clause 20.

20.3 Grounds for Removal of Nominated Person

Each of the following is a ground for Removing a Nominated Person:

a) the Nominated Person is convicted of an indictable offence

b) the Nominated Person, without reasonable excuse, contravenes the Act or this Constitution

c) for a Nominated Person who is an Officer of the Association, the Nominated Person, without reasonable excuse, fails to perform the duties of the office held in a competent manner

d) the Nominated Person, engages in other conduct that is injurious or prejudicial to:

i) the promotion of the interests of, or the facilitating of the development and further improvement of the School, or

ii) the good order and management of the School.

20.4 Procedure for Removal of a Nominated Person

20.4.1 The Association must determine by majority vote of members present at a general meeting or a special meeting convened for the purpose of considering the removal of the Nominated Person, whether a ground to Remove the Nominated Person exists.

20.4.2 If the Association considers a ground exists to Remove a Nominated Person, the Association must give the Nominated Person written notice stating:

a) the action the Association proposes to take (proposed action) under this clause

b) the grounds for the proposed action

c) the relevant facts and circumstances forming the basis for the grounds, and

d) an invitation for the Nominated Person to show, within a stated time of at least 14 days, why the proposed action should not be taken.

20.4.3 The Nominated Person remains a member of the Association until the removal decision of the Association takes effect and should be permitted to attend and vote at meetings, including all meetings called to consider the subject of their removal.

20.4.4 The Association must consider all written representations made to it within the stated time at a general meeting or special meeting and determine by majority of votes of members present (in a secret ballot) whether a ground to Remove the Nominated Person exists.

20.4.5 If the Association still considers that a ground exists to Remove the Nominated Person then the Association may:

a) if the proposed action was to Remove the Nominated Person as a member only – Remove the Nominated Person as a member, or

b) if the proposed action was to Remove the Nominated person as an Officer only – Remove the Nominated Person as an Officer, or

c) if the proposed action was to Remove the Nominated Person as both a member and an Officer – Remove the Nominated Person as both a member and an Officer, or as an Officer only.

20.4.6 The Association must notify the Nominated Person of the Association's decision to Remove the Nominated Person by written notice to the Nominated Person within 14 days after the Association makes its decision and the notice must state:

a) the reasons for the decision;

b) the date on which the Association's decision to Remove the Nominated Person takes effect in accordance with clause 20.4.7;

c) that the person may make a submission to the Minister against the decision;

d) the Minister's name and address; and

e) the way in which the submission may be made.

20.4.7 Subject to clause 20.4.8 the decision referred to in clause 20.4.6 takes effect on the day on which the notice is given to the Nominated Person, or if a later day is stated in the notice, the later day.

20.4.8 If the Nominated Person is Removed as an Officer of the Association because the Nominated Person is convicted of an indictable offence:

a) the Removal does not take effect until:

i) the end of the time to appeal against the conviction,

ii) if an appeal is made against the conviction, the appeal is finally decided, and

b) the Removal has no effect if the conviction is quashed on appeal.

20.5 **Submissions Against Removal of Removed Person**

20.5.1 A Removed Person may make a submission for a review of the decision to the Minister, which must:

a) be in writing

b) include an address in Australia to which notices for the Removed Person may be sent

c) state fully the grounds for the submission and the facts relied on

d) include a copy of the notice of removal, and

e) be given to the Minister within 14 days of the notice of removal being given to the Removed Person, or, if the Minister allows a later time for the giving of the submission, the later time.

20.5.2 A person who is dissatisfied with the review decision may also apply, as provided under the Queensland Civil and Administrative Tribunal (QCAT) Act for a review of the decision to remove membership, as if the person had been a member of the Association and been removed from the Association.

20.5.3 A Removed Person who resigns or purports to resign from the Association as a member or Officer after receipt of the Notice of Removal may not make a submission against their Removal to the Minister.

Part IV – Meetings and Voting

21 MEETINGS

21.1 Presiding at Meetings

21.1.1 The President of the Association must preside at all meetings of the Association at which the President is present.

21.1.2 If the President is absent from an Association meeting, but a Vice-President of the Association is present, a Vice-President nominated, and confirmed by majority vote at the meeting, must preside at that meeting.

21.1.3 If neither the President nor a Vice-President is present at an Association meeting, or those offices are vacant, a member elected by those present at the meeting must preside.

21.2 Minutes of Meetings

The Secretary, or nominee, will record proceedings of any meeting of the Association in writing by way of concise and accurate minutes. The person presiding at that meeting, or the person presiding at the next meeting, will sign the minutes of the meeting verifying the accuracy of the minutes as accepted by the Association.

21.3 Annual General Meetings

21.3.1 The annual general meeting of the Association must be held by 31 March in the year following the end of the preceding financial year of the Association.

21.3.2 Subject to clause 21.3.1, at the last general meeting for the year (to be held before 31 December) the Association may determine the date of the following year's annual general meeting.

21.3.3 At least **14 days** before the day of the annual general meeting, notice of the annual general meeting must be given in writing personally, or by post or email to each member of the Association. However, a resolution passed at the annual general meeting is not invalid merely because a member of the Association did not receive notice of the meeting.

21.3.4 A quorum for an annual general meeting of the Association is ***7***

21.3.5 No business of an annual general meeting will be conducted unless a quorum of members is present.

21.3.6 If a quorum is not present at an annual general meeting then the meeting will be adjourned and the Officers will determine another date for the meeting and the Secretary will give notice of the meeting in accordance with clause 21.3.3.

21.3.7 If a quorum lapses during an annual general meeting, the meeting will be adjourned to a later date as determined by the Officers and the Secretary will give notice of the meeting in accordance with clause 21.3.3.

21.3.8 A member may place an item of business of the Association on the agenda for an annual general meeting by notifying the Secretary in writing, prior to the meeting.

21.3.9 The order of business to be conducted at an annual general meeting of the Association must be undertaken in the following order:

a) welcome to members and introduction of any special visitors
b) apologies
c) confirmation of minutes of the previous annual general meeting
d) business arising from the minutes of the previous annual general meeting
e) receipt and adoption of the Association's audited annual financial statement and Treasurer's report (to include all relevant subcommittees' audited financial statements) [should the audit not be available the meeting cannot proceed and must be adjourned until such time as the audit is available for consideration by the members]
f) receipt and adoption of the President's annual report
g) receive applications for membership (to include renewal of existing membership and new membership)
h) declare vacancies of existing Officer/Executive Committee
i) election of Officers/Executive Committee
j) motion to change bank signatories to the newly elected Officers (if required)
k) confirmation of continuing subcommittees of the Association (including appointment of members of subcommittees)
l) appointment of the Association's Auditor
m) adoption of the Student Protection Risk Management Strategy
n) adoption of new model constitution (if any)
o) honorary life membership awards (if any)
p) general business.

21.3.10 Existing members of the Association are permitted to vote on all items of business from and including clause 21.3.9 (a) to 21.3.9 (g). New and existing members whose applications for membership and renewal of membership respectively, have been received and accepted and who are present are able to vote from 21.3.9 (h) onwards.

21.4 **General Meetings (other than Annual General Meetings)**

21.4.1 General meetings of the Association are held as the Association decides (usually once each month), provided that, a meeting of the Association must be held at least three times per semester.

21.4.2 Clause 20.4.1 does not apply to an Association during the year in which it is formed. During the year in which the Association is formed, it will hold a sufficient number of general meetings in which to undertake the functions and business of the Association.

21.4.3 The scheduling of general meetings of the Association will be determined by a resolution of the Association.

21.4.4 A quorum for a general meeting of the Association is 5

21.4.5 No business of a general meeting will be conducted unless a quorum of members is present.

21.4.6 If a quorum is not present at a general meeting then the meeting will be adjourned and the Officers will determine another date for the meeting and the Secretary will, at least **7 days** before the day of the meeting, give notice of a general meeting to each member of the Association. However, a resolution passed at a general meeting is not invalid merely because a member of the Association did not receive notice of the meeting.

21.4.7 If a quorum lapses during a general meeting, then the meeting will end. 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.

21.4.8 A member may place an item of business of the Association on the agenda for a general meeting by notifying the Secretary in writing, prior to the meeting.

21.4.9 The order of business at a general meeting of the Association is as follows:

a) apologies
b) confirmation of the minutes of the previous general meeting
c) business arising from the minutes of the previous general meeting
d) correspondence received since the previous general meeting- inward and outward
e) business arising from the correspondence
f) table Executive Committee's decisions (if any)
g) treasurer's report and financial statement, and any business arising from Treasurer's report and financial statement
h) subcommittee reports and financial statements, and any business arising from subcommittee reports and financial statements
i) other reports
j) motions on notice
k) general business
l) applications for membership and recording of new members.

21.5 Special Meetings

21.5.1 The Secretary will, at least **7 days** before the day of any special meeting, give notice of a special meeting in writing, personally or by post or email to each member of the Association. However, a resolution passed at a special meeting is not invalid merely because a member of the Association did not receive notice of the meeting.

21.5.2 The purpose for which a special meeting is convened will be the only business of the meeting.

21.5.3 A quorum for a special meeting of the Association is ***3***

21.5.4 No business of a special meeting will be conducted unless a quorum of members is present.

21.5.5 If a quorum is not present at a special meeting, then the meeting will be cancelled and the Officers will determine another date for the meeting and the Secretary will give notice of the meeting in accordance with clause 21.5.1.

21.5.6 If a quorum lapses during a special meeting, the meeting will be adjourned to a later date as determined by the Officers and the Secretary will give notice of the meeting in accordance with clause 21.5.1.

21.5.7 A Special Meeting may only be convened for:

a) the tabling of actions of the Executive Committee in dealing with matters of urgency
b) proposed amendments to this Constitution
c) proposed removal of a member of the Association
d) proposed removal of an Officer of the Association
e) proposed dissolution of the Association
f) business determined by resolution of members of the Association at a general meeting of the Association to be dealt with at a special meeting
g) business determined by the Officers of the Association to be dealt with at a special meeting, or
h) business determined by written request to the Secretary of a majority of Association members to be dealt with at a special meeting.

22 VOTING

22.1 A question at an Association meeting is, subject to this Constitution, decided by a majority of the votes of the members present.

22.2 Members who are listed as current members in the register of members are entitled to vote at any duly constituted meeting of the Association.

22.3 Each member present at an Association meeting has a vote on each question to be decided and if the votes on a question are equal, the person presiding at the meeting also has a casting vote.

22.4 Voting by proxy is **not** permitted.

Part V – Finance, Audit and Records

23 FINANCE

23.1 **Association is a statutory body under the SBFA Act**

The Association is a statutory body under the SBFA Act and its financial powers and responsibilities are set out in both the Act and the SBFA Act. The Association's performance of its powers and responsibilities in Part V of this Constitution is subject to, and must be performed in accordance, with the Act, the Regulation and the SBFA Act.

23.2 **Financial Year**

The financial year of the Association is the period of twelve months starting on 1 January in a year and ending on 31 December in that year.

23.3 Accounting for P&C Associations

The Association and its members are bound to comply with the latest version of the Accounting Manual.

23.4 Responsibilities

23.4.1 The responsibilities of the Officers, Principal, subcommittees and members of the Association not set out in section 16.2 of this Constitution are set out in the Accounting Manual.

23.4.2 The Officers are responsible for ensuring that the Association and its subcommittees follow appropriate financial management procedures and comply with the Accounting Manual.

23.4.3 Responsibility for the proper collection, management and disbursement of money of the Association rests with the President and Treasurer.

23.4.4 The Treasurer is responsible for complying with the financial accountability requirements of the Association in accordance with the Accounting Manual and must keep proper accounts in relation to the Association, including proper accounts of receipts and expenditure.

23.5 General Matters

23.5.1 All money raised by and on behalf of the Association will be provided to the Treasurer of the Association, to be managed in the name of the Association.

23.5.2 Subject to clauses 23.5.3 and 23.6, income and property of the Association must be applied solely, at the direction of the Minister, to the following:

a) firstly, in paying expenses lawfully incurred by the Association

b) secondly, in achieving the objectives and performing the functions of the Association.

23.5.3 The Association must deal with money it receives under a Relevant Agreement as the Minister may direct or, otherwise, as the Association believes appropriate, consistent with its objectives.

23.5.4 Subject to clauses 23.5.2 and 23.5.3, money raised by the Association for a particular purpose must be used for that purpose.

23.5.5 Proper books and accounts must be kept and maintained by the Association showing correctly the financial affairs of the Association.

23.6 Banking

23.6.1 The funds of the Association will be lodged in a basic institutional account with an approved financial institution or another institution determined at the annual general meeting of the Association and approved by the Minister.

23.6.2 The basic institutional account may be operated by any two Officers of the Association.

23.6.3 All money received by the Association, including by subcommittees of the Association, must be receipted and banked as soon as possible.

23.6.4 Electronic banking may be used where the financial institution's software provides necessary functionality and security.

23.6.5 Electronic funds transfer may be used where the functionality complies with the mandatory requirements set out in the Accounting Manual.

23.6.6 The Association must authorise at least two Officers to be financial institution account signatories.

23.6.7 The signatories must not be:

a) the Principal or an Association employee, or

b) two members of the same family, except in exceptional circumstances.

23.6.8 Any change to account signatories must be authorised by the Association at a meeting of the Association.

23.7 **Expenditure**

23.7.1 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.

23.7.2 All expenditure must be submitted for approval of payment at a general meeting or special meeting of the Association.

23.7.3 If the Association resolves at an annual general meeting to have a petty cash fund, the amount of the petty cash fund of the Association will be $0 or an amount as determined by resolution of the Association at the annual general meeting of the Association.

23.7.4 The Treasurer will maintain a record of expenditure from the petty cash fund together with receipts. The Treasurer will submit a report of expenditure from the petty cash fund to the general meeting of the Association.

23.7.5 All expenditure will be paid by any of the following methods of payment:

a) direct deposit using electronic funds transfer (EFT) (authorised by two account signatories)

b) debit card (amounts of $1000 and under)

c) prepaid card (amounts of $500 and under)

d) cheque (authorised by two account signatories)

e) petty cash (amounts of $100 and under).

23.8 **Borrowing and Investin**g

When borrowing or investing, the Association must comply with the Act, the Regulation, the SBFA Act, the Accounting Manual and any directions of the Minister.

23.9 **Subcommittee Funds**

23.9.1 Any funds raised by a subcommittee are the Association's funds and under the Association's control. Such funds are also subject to the provisions of clauses 23.5.2 to 23.5.4.

23.9.2 If a subcommittee is authorised by the Association to raise and spend funds, the Treasurer of the subcommittee must:

a) be provided with all amounts received by the subcommittee and manage those amounts

b) keep a proper record of receipts and expenditure of the subcommittee

c) 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.

23.9.3 If a subcommittee has been authorised by the Association to raise or expend funds, the Association will determine the operating funds of the subcommittee.

23.9.4 If a subcommittee is authorised to operate a bank account in its own name:

a) the account will be held at the same financial institution as the Association

b) the account will be operated by any two of the Chairperson, Secretary and Treasurer of the subcommittee

c) the subcommittee must authorise at least two executive officers of the subcommittee to be account signatories, and

d) the subcommittee must comply with the Accounting Manual.

23.9.5 All income of the subcommittee in excess of its approved operating funds and after paying all expenses lawfully incurred by the subcommittee, must be transferred to the nominated bank account of the Association as soon as possible or as the Association decides.

23.10 Mandatory Insurance Cover

The Association must purchase and maintain the insurance cover required by the Director-General by notice published from time-to-time in the Gazette.

24 AUDIT

24.1 Association Must Be Audited

The accounts of the Association and its subcommittees for each financial year must be audited annually, in accordance with the Act, Regulation and the Accounting Manual.

24.2 Appointment of Auditor

24.2.1 All of the accounts of the Association must be audited each year by a person (the "**Auditor**") who is appointed at the annual general meeting or a special meeting convened for that purpose.

24.2.2 A member of the Association may be the Auditor only with the approval of the Director-General.

24.2.3 The Auditor must, to the extent practicable, be a local person aware of the activities of the Association and be:

a) a member of CPA Australia Ltd ACN 008 392 452 who is entitled to use the letters 'CPA' or 'FCPA', or

b) a member of Chartered Accountants Australia and New Zealand ARBN 084 642 571 who is entitled to use the letters 'CA' or 'FCA', or

c) a member of the Institute of Public Accountants Ltd (ACN 004 130 643) who is entitled to use the letters 'MIPA' or 'FIPA', or

d) an employee of a public sector entity (as defined in the *Auditor-General Act 2009 (Qld)*) who has the commercial skills and experience to audit the accounts of the Association, or

e) an employee of an insurance company, financial institution or other financial or commercial organisation, who has the commercial skills and experience to audit the accounts of the Association.

24.2.4 The Auditor is to be appointed in an honorary capacity provided that, where this is not possible, the [Executive Committee] will negotiate and confirm the Auditor's fees prior to the Auditor's appointment.

24.2.5 The [Executive Committee] should review the Auditor periodically to ensure independence is maintained.

24.2.6 The Association's choice of Auditor cannot be:

a) an employee or Executive Committee member of the Association

b) a member of the Association

c) a relation of an Executive Committee member of the Association, or

d) the service provider of another service to the Association.

24.2.7 As soon as practicable after the appointment of the Auditor, the President will give written notice to the Regional Director for the School, of the Auditor's name, address and qualifications.

24.3 **Annual Audit**

24.3.1 As soon as practicable after the end of the financial year, but prior to the annual general meeting, the Treasurer will submit to the Auditor, and the Auditor will examine, the books and accounts of the Association and its sub-committees, which include:

a) minutes of meetings

b) records of collections

c) records of payments

d) cashbooks

e) records of assets and liabilities

f) such other records of the Association, as the Auditor considers appropriate.

24.3.2 The Auditor must verify with financial institutions with which the Association has accounts (the "**Financial Accounts**") the financial balance held or owing at the end of the relevant financial year, so as to be able to certify whether or not, in the Auditor's opinion:

a) the Association's financial statements are in agreement with the Financial Accounts and in a form that complies with the Accounting Manual and the requirements of the Director-General in relation to the keeping of accounts by the Association

b) the financial statements have been prepared to present a true and fair view of the Association's transactions for the relevant financial year, and the Association's financial position at the end of that year, on a basis consistent with the basis for preparing the Association's financial statements for the preceding financial year.

24.3.3 Upon completion of the audit, the audited financial statements, with all signed certificates appended, will be presented to the President and Officers and, as soon as practicable thereafter, to the annual general meeting of the Association.

24.3.4 The Secretary must, by 31 May of the year following the financial year, give, by post or email, a copy of the Association's audited financial statements for the financial year to the Regional Director.

25 HANDING OVER OF ACCOUNTS TO SUCCESSORS

25.1 The Treasurer of the Association, or of a subcommittee, must transfer to the successor-in-office all records and accounts of the Association and its subcommittees in their possession, custody or control as soon as practicable after that successor has been appointed.

25.2 If the Treasurer of the Association, or of a subcommittee, resigns or is removed during their term of office, the Association will arrange for an audit of the records and accounts of the Association or its subcommittees to be carried out as soon as practicable and the incoming Treasurer to be provided the financial records and accounts of the Association to allow business to continue.

26 NO DISTRIBUTION TO MEMBERS

No portion of the Association's funds, income or assets will be distributed, paid, or transferred directly or indirectly to members of the Association, provided that the Association may transfer employee payments and entitlements to a member who is a paid employee of the Association or subcommittee of the Association.

27 RECORDS

27.1 The Association must store and maintain all records (including financial records and accountable forms) in a safe and secure location (preferably at the School) which may only be accessed by duly authorised persons.

27.2 The Association must keep complete and accurate financial records and accountable forms in accordance with the Accounting Manual.

Part VI – Adoption and Amendment of Constitution

28 ADOPTION OF CONSTITUTION

28.1 This Constitution has no effect unless it is approved by the Director-General.

29 AMENDMENT OF CONSTITUTION

29.1 The Association may resolve to amend this Constitution by a resolution passed by a majority of its members present at an annual general meeting or special meeting of the Association.

29.2 The Association must have regard to this Constitution and any subsequent model constitution for P&C Associations prepared under section 38(3) of the Regulation prior to amending this Constitution.

29.3 The Association must also have regard to the Act and the Regulation prior to amending this Constitution.

29.4 The Principal should notify their supervisor of any approved amendments.

29.5 Amendments to this Constitution are effective from the date of approval by the Director-General and such amendments will have no effect unless and until approved by the Director-General.

Part VII – Dissolution of the Association

30 DISSOLUTION

30.1 The Association is dissolved if:

a) the School is closed

b) the number of members of the Association is two or less, or

c) the question of dissolution is put and resolved in the affirmative on a three-fourths (75%) majority vote of its members present and entitled to vote at a special meeting of the Association called to consider the question.

30.2 An Association which is the approved provider for an outside school hours care service must provide a minimum of four weeks' notice to the Principal upon its decision to dissolve.

30.3 On dissolution of the Association, the Principal's supervisor must, as directed by the Minister, deal with all property in the name of the Association and the Association's funds, after payment of any expenses lawfully incurred by the Association.

SCHEDULE 1– P&C ASSOCIATION MEMBERSHIP REGISTER

THE FOLLOWING IS AN EXAMPLE TEMPLATE FOR YOUR P&C ASSOCIATION MEMBERSHIP REGISTER

PARENTS AND CITIZENS' ASSOCIATION YEAR:

Name	**Email OR Address**	**Date membership first commenced***	**Date membership ceased (if relevant)**	**Member is:** *(Choose A or B)* A. a school staff member or parent of child attending the school; OR B. not a school staff member or parent of child attending the school – record current Blue Card number	**Phone**	**Signature**

* Where a member is granted honorary life membership, please note the date the honorary life membership was awarded and the reason it was awarded on a separate sheet and attach it to this record of membership.

SCHEDULE 2 – CODE OF CONDUCT FOR P&C ASSOCIATION

This Code of Conduct clarifies the expected standards of all P&C Association members. It has been adopted to aid all members of our school community to work as a cohesive group in partnership with the school.

The Code is intended to promote and maintain the highest standard of ethical behaviour by P&C Association members. Members of a P&C Association should adhere to the Code of Conduct at all times. This Code applies to each member of a P&C Association.

P&C Association members are to:

- act in the best interest of the whole school community at all times
- act in compliance with the Constitution
- act and work within the boundaries of the *Education (General Provisions) Act 2006,* the *Education (General Provisions) Regulation 2017* and the Department of Education's policies and procedures relevant to P&C Association operations
- conduct and present themselves in a professional manner and act ethically and with integrity at all times
- act with courtesy and demonstrate respect for all persons, whether fellow P&C Association members, school staff, parents/carers, students, community members
- remain objective and avoid personal bias at all times
- represent all members of the school community
- engage the school and wider community in developing and effecting school priorities, policies and decisions in a manner that is consultative, respectful and fair
- declare any conflicts of interest and not misuse their office to advance individual views or for personal gain
- make fair, transparent and consistent decisions
- provide objective and independent advice
- listen and be tolerant of the views and opinions of others, even if those views and opinions differ from their own
- treat official information with care and use it only for the purpose for which it was collected or authorised
- respect confidentiality and information privacy (about the school, community members, staff or students) at all times and not disclose confidential information
- not use confidential or privileged information to further personal interests
- be responsive to the requirements of the school community
- seek to achieve excellence in educational outcomes for all students at the school
- listen and respond to issues and concerns regarding strategy and policy.

P&C members (including Executive Committee members) should also abide by all expectations outlined in the school's Parent and Community Code of Conduct if the school has one.

SCHEDULE 3– EXAMPLE APPLICATION FOR P&C MEMBERSHIP

Application for P&C Membership for 2023

Elimbah State School P&C Association

Please complete and return to the P&C Secretary (in person or by email: *insert email address*)

Name:

Address:

Email address:

Phone number:

I am:

- ☐ a parent of a student attending the school
- ☐ a staff member of the school
- ☐ an adult interested in the school's welfare.

If you are an adult interested in the school's welfare, please provide:

- Current Blue Card number: _____
  - Expiry date: _____
  - Date of birth*: _____

If applicable, please provide details of your children who are students at [name of school]:
Name:_____ Class:_____

I am:

- ☐ applying for new membership
- ☐ a returning member.

I apply for membership of the Elimbah State School Parents and Citizens' Association and I undertake to:

a) promote the interests of and facilitate the development and further improvement of the School and the good order and management of the School; and
b) comply with the constitution of the P&C Association, including the P&C Association Code of Conduct as specified in Schedule 2 of the constitution, and any valid resolutions passed by the Association.

Signature:.....

Date:.....

P&C Secretary Use
Date received: ……/……/……..... Date accepted: ……/……/…….....
Secretary's signature: ..... Entered in P&C Register. ☐

** Date of birth details are required to link with Blue Card portal*