

**School Council**

**BRISBANE  
STATE  
HIGH  
SCHOOL**



**SCHOOL COUNCIL CONSTITUTION**

**FOR**

**BRISBANE STATE HIGH SCHOOL**

***APPROVAL***

***Approved by Acting Director-General, Annette Whitehead:  
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***Endorsed by Brisbane State High School Staff:  
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## **Preamble**

The *Education (General Provisions) Act 2006 (Qld)* (the "Act") provides for the establishment and operation of school councils for State schools with the object of improving student learning.

The Act states that school councils must have a constitution<sup>1</sup>. The Chief Executive has prepared this model constitution<sup>2</sup>, including elements required under the Act<sup>3</sup>, as well as additional matters.<sup>4</sup>

The Chief Executive may establish a council for a state school by notice in the gazette.

## **Functions and powers**

### **1 Name of School Council<sup>5</sup>**

The name of the school council is the Brisbane State High School Council.

### **Functions of School Council<sup>6</sup>**

1.1 The council has the following functions for guiding the broad strategic direction of the school:<sup>7 8</sup>

- a) monitoring the school's strategic direction;
- b) approving plans and policies of the school of a strategic nature and other documents affecting strategic matters, including the annual estimate of revenue and expenditure for the school;
- c) monitoring the implementation of the plans, policies and other documents mentioned above;
- d) advising the school's principal about strategic matters.

1.2 The council must perform its functions in a way that achieves the best learning outcomes for the school's students.<sup>9</sup>

1.3 The council must have regard to the documents listed in Schedule 1 in performing its functions.

1.4 The council may only perform its functions in relation to the school for which it is established.<sup>10</sup>

1.5 The council may not:

- a) interfere with the management by the school's principal of the day-to-day operations of the school and its curriculum; or

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<sup>1</sup> S 109(1)

<sup>2</sup> S 96

<sup>3</sup> S 94(2)

<sup>4</sup> S 94(3)

<sup>5</sup> S 80

<sup>6</sup> S 81

<sup>7</sup> Chapter 6

<sup>8</sup> S 81(1)

<sup>9</sup> S 81(2)

<sup>10</sup> S 79(2)

- b) make operational decisions about the use of teaching or learning resources at 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; or
- e) have control of funds; or
- f) enter into contracts; or
- g) acquire, hold, dispose of or deal with property; or
- h) sue or be sued<sup>11</sup>.

1.6 For the avoidance of doubt, the council is not part of the department, is not a body corporate and does not have a separate legal identity.

### **Starting up**

## **2 Establishment of School Council<sup>12</sup>**

2.1 The council is established by the Chief Executive by placing a notice establishing the council in the gazette.

2.2 For full detail regarding initial establishment of a school council, refer to Schedule 2.

### **Membership and Officers**

## **3 Members of the School Council<sup>13</sup>**

3.1 The council must have at least 6 and not more than 15 members comprising:

- a) the principal as an official member;
- b) the president of the Parents and Citizens' Association as an official member;
- c) at least 1 elected parent member and the same number of elected staff members;
- d) not more than 2 appointed members;
- e) at least 1 and not more than 2 elected student members, if the school provides secondary education for year 10, 11 or 12; and
- f) not more than 1 coopted student member if the school does not offer secondary education.

## **4 Official Members**

4.1 The school council's official members are:

- a) the principal; and
- b) the president of the Parents and Citizens' Association (if one exists).

4.2 The president of the Parents and Citizens' Association may appoint another Parents and Citizens' Association member (the "alternative Parents and Citizens' Association member")

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<sup>11</sup> S 82

<sup>12</sup> S 79

<sup>13</sup> S 83

to attend meetings of the school council when the president cannot attend the meetings, provided that:

- a) the president is permitted to appoint an alternative Parents and Citizens' Association member under the Parents and Citizens' Association's constitution;
- b) the alternative Parents and Citizens' Association member is not an elected member or appointed member of the school council;<sup>14</sup> and
- c) the president gives notice to the chairperson as set out in this clause 5.3.<sup>15</sup>

4.3 If the president of the association has appointed an alternative 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 ends.

4.4 The notice must be given to the chairperson at least two days before the day of the first meeting after the alternative member's appointment starts.

4.5 Despite 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.

4.6 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 two days before the day of the next meeting following revocation.

## **5 Elected Parent Members**

5.1 To be eligible for election as an elected parent member, a person must:

- a) not be an official Member;
- b) not have been convicted of an indictable offence, unless the Minister gives approval under the Act;<sup>16</sup>
- c) attend a meeting called for the purpose of electing parent members;
- d) be the parent of a student attending the school; and
- e) submit a completed nomination on time.

5.2 A person is eligible to vote for an elected parent member if that person is eligible to be elected as an elected parent member.

5.3 The term of office for an elected parent member:

- a) starts on a day determined by the school council;
- b) must not be longer than two years unless stated otherwise;
- c) may be reduced by the school council only to create uniformity in the end dates of members' terms of office.

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<sup>14</sup> S 88

<sup>15</sup> S 94(2)(a)(v)

<sup>16</sup> S 93

## **6 Elected Staff Members**

6.1 To be eligible for election as an elected staff member, a person must:

- a) not be an official member;
- b) not have been convicted of an indictable offence, unless the Minister gives approval under the Act;
- c) be a member of staff of the school who attends a meeting called for the purpose of electing staff members;
- d) submit a completed nomination on time.

6.2 A person is eligible to vote for an elected staff member if that person is eligible to be elected as an elected staff member.

6.3 When 2 or more staff members are included in the composition of the council, this must include at least 1 teaching staff member and 1 non-teaching staff member.

6.4 The term of office for an elected staff member:

- a) starts on a day determined by the school council;
- b) must not be longer than two years unless stated otherwise;
- c) may be reduced by the school council only to create uniformity in the end dates of members' terms of office.

## **7 Elected Student Members**

7.1 To be eligible for election as an elected student member, a student must:

- a) not have been convicted of an indictable offence, unless the Minister gives an approval under the Act;
- b) be a student attending year 10, 11 or 12 of the school;
- c) submit a completed nomination on time; and
- d) be present for the vote.

7.2 A person is eligible to vote for an elected student member if that person is eligible to be elected as an elected student member.

7.3 The term of office for an elected student member:

- a) starts on a day determined by the school council;
- b) applies for the calendar year in which the student is elected;
- c) may be reduced by the school council only to create uniformity in the end dates of members' terms of office.

## **8 Appointed Members**

8.1 To be eligible for appointment, the appointed member must:

- a) have knowledge and experience that would assist the council to perform its functions;  
and
- b) reflect the local community context.

8.2 Procedure for Appointment

- a) The official and elected members present at a meeting of the school council may decide:
  - i) who is to be asked to become an appointed member; or
  - ii) to seek nominations from persons wishing to become an appointed member, before deciding who is to be asked to become an appointed member

8.3 The term of office for an appointed member:

- a) starts on a day determined by the school council;
- b) must not be longer than two years unless stated otherwise;
- c) may be reduced by the school council only to create uniformity in the end dates of members' terms of office.

## **9 Coopted Student Member**

9.1 A school council established at a primary school can choose to coopt a Year 6/7 student as a member of the school council.

## **10 Election Procedures**

10.1 Elected members are to be elected in accordance with the election guidelines at Schedule 3.

## **11 Dispute Resolution**

11.1 The school council should always endeavour to work together, with their community and with their school, in an open and collaborative manner. If a dispute arises:

- a) efforts should be made to resolve any disputes at the local level in the first instance. The chairperson should lead this process and act as a facilitator to the parties if the chairperson is not involved in the dispute at hand;
- b) if the chairperson is involved in the dispute, the principal should lead dispute resolution proceedings;
- c) should both the principal and the chairperson be involved in the dispute, a written request for mediation can be submitted to the principal's supervisor.



## 12 Vacancies

- 12.1 The office of an elected or appointed member becomes vacant if the member:<sup>17</sup>
- a) dies; or
  - b) resigns the member's office by signed notice of resignation:
    - i) for the council's chairperson – given to the school principal's supervisor; or
    - ii) for another council member – given to the council's chairperson; or
  - c) is absent from 3 consecutive meetings of the council, of which the member has been given notice, without the school council's leave and without reasonable excuse; or
  - d) stops being eligible, under the Act or this constitution, for election or appointment to the office; or
  - e) is removed following the procedure described at clause 14.
- 12.2 If a vacancy occurs in the office of an elected or appointed member during the currency of the member's term of office, another person must be elected or appointed to fill the vacancy for the remainder of the vacating member's term.<sup>18</sup>
- 12.3 If the office of an elected or appointed member of a school council is vacant and, because of the vacancy, the membership does not comply with clause 4, the school council is taken to be validly constituted until the earlier of the following:
- a) the day the vacancy is filled;
  - b) the expiry of 3 months after the day the vacancy arose.

## 13 Removal

- 13.1 The school council may remove one of its members if the member engages in conduct that impedes the school council's ability to perform its functions in the way described in clause 2.
- 13.2 If the school council considers grounds exist to remove an elected or appointed member, the school council must give the member written notice stating:
- a) the action the school council intends to take;
  - 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 member to show the school council, within a stated time of at least 14 days, why the action should not be taken.
- 13.3 The school council must consider all written representations made within the stated time and determine whether the council still considers a ground to remove the member exists.
- 13.4 The school council will vote on the removal of the member by secret ballot and the decision to remove the member will be determined by majority of votes of the members present.

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<sup>17</sup> S 92

<sup>18</sup> S 91(1)

- 13.5 The school council must inform the member of the decision to remove them from the school council by written notice within 14 days after the school council makes its decision and the notice must state:
- a) the reasons for the decision;
  - b) the date on which the council's decision to remove the member takes effect;
  - c) that the person may make a submission to the Chief Executive against the decision;
  - d) the Chief Executive's name and address; and
  - e) the way in which the submission may be made.

#### **14 Submissions Against Removal**

- 14.1 A removed member may make a submission against their removal to the Chief Executive, which must:
- a) be in writing;
  - b) include an address in Australia to which notices for the removed member 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 received by the Chief Executive within 14 days of the Notice of Removal being given to the removed member, or, if the Director-General allows, a later time for the giving of the submission.
- 14.2 Notwithstanding clause 14.1, if a removed member resigns or purports to resign from the school council as a member after receipt of the Notice of Removal, they may not make a submission against their removal to the Chief Executive.

#### **15 Chairperson**

- 15.1 The school council must elect one of the members as chairperson.<sup>19</sup>
- 15.2 To be eligible for election as the chairperson, a person must:
- a) be a member of the school council;
  - b) not be a coopted student member;<sup>20</sup> and
  - c) not be the principal.<sup>21</sup>
- 15.3 The chairperson holds office for the term decided by the school council, unless the person's term of office as a member of the council ends sooner than the chairperson's term.
- 15.4 The school council must elect the chairperson in accordance with the guidelines at Schedule 3.

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<sup>19</sup> S 89(1)

<sup>20</sup> S 87 (b)

<sup>21</sup> S 89(2)

## **16 Secretary**

- 16.1 The council must elect one of the members as secretary of the school council.
- 16.2 To be eligible for election as the secretary, a person must:
- a) be a member of the council;
  - b) not be a coopted student member; and
  - c) not be the principal.
- 16.3 Refer to Schedule 3 for election of office processes.

## **17 Disclosure of interest<sup>22</sup>**

- 17.1 This section applies to a member of the council (the interested member) if —
- a) the interested member has a direct or indirect personal or financial interest in an issue being considered, or about to be considered, by the council;
  - b) the interest could conflict with the proper performance of the interested member's duties when considering the issue.
- 17.2 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 council.
- 17.3 Unless the council otherwise directs, the interested member must not:
- a) be present when the council considers the issue; or
  - b) take part in a decision of the council about the issue.
- 17.4 The interested member must not be present when the council is considering whether the interested member can be a party to considerations.
- 17.5 If a member is not present at a council meeting due to their disclosure of interest, and because of this absence the council is one person less than required to meet the quorum requirements, quorum is deemed to have been met.
- 17.6 A disclosure under subsection 17.2 must be recorded in the council's minutes.

## **18 Disclosure of indictable offence**

- 18.1 If a person is convicted of an indictable offence while an elected parent member, elected staff 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.
- 18.2 If the chairperson is convicted of an indictable offence, the chairperson must give written notice to the principal of the conviction within 7 days after the conviction.

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<sup>22</sup> S 103

## **19 Compliance with laws**

- 19.1 A council is a public authority under the Public Records Act 2002.<sup>23</sup>
- 19.2 For the purposes of the Public Sector Ethics Act 1994:
- a) a council is a public sector entity; and
  - b) a member of the council is a public official of the entity; and
  - c) the chief executive is the chief executive officer of the entity.
- 19.3 For section 23 of the Act, a reference to the entity's annual report is a reference to the department's annual report.

## **20 Comply with Code of Conduct**

- 20.1 Council members must comply with the code of conduct (Schedule 4).<sup>24</sup>

## **21 Conduct of business<sup>25</sup>**

- 21.1 Subject to this constitution and the Act, the school council may conduct its business, including its meetings, in the way it considers appropriate.
- 21.2 However, the school council may only make decisions about how it will carry out its functions if it does so at a school council meeting at which a quorum is present.

## **22 Time and place of meetings<sup>26</sup>**

- 22.1 A school council must meet at least twice in each semester.
- 22.2 School council meetings are at the times and places the council decides.
- 22.3 However, a school council's chairperson:
- a) may call a meeting at any time; and
  - b) must call a meeting if asked, in writing, to do so by the Minister, the chief executive, principal or at least the number of its members required to form a quorum for the council.
- 22.4 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.
- 22.5 The school council may hold meetings, or permit members to take part in meetings, by telephone, web-conference, or another form of communication that allows reasonably immediate and continuous communication between members taking part in the meeting.

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<sup>23</sup> S 105

<sup>24</sup> S 107(3)

<sup>25</sup> S 97

<sup>26</sup> S 98

22.6 A member who is permitted by the school council to take part in such a meeting is taken to be present at the meeting.

22.7 The school council may decide that any meeting or part of a meeting may be closed to observers.

### **23 Quorum<sup>27</sup>**

23.1 A quorum for a council is the number equal to two-thirds of the number of its members or, if two-thirds is not a whole number, the next highest whole number.

23.2 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 clause 22.4.

### **24 Presiding at meetings<sup>28</sup>**

24.1 The school council's chairperson must preside at all council meetings at which the chairperson is present.

24.2 If the chairperson is absent from a council meeting, another council member chosen by the council members present must preside.

24.3 An alternative parents and citizens' association member may not preside at a meeting, unless they are the elected chairperson under clause 16.

24.4 A coopted student may not preside at a council meeting.<sup>29</sup>

### **25 Conduct of meetings<sup>30</sup>**

25.1 A question at a council meeting, other than a question about an amendment of the council's constitution, must be decided by a majority of the votes of the council members present.

25.2 Each member present at a council meeting has a vote on each question to be decided and, if the votes are equal, the member presiding has a casting vote.

25.3 A member present at a council meeting who abstains from voting is taken to have voted for the negative.

25.4 A council may hold meetings, or allow its members to take part in its meetings, by telephone, web-conference or another form of communication that allows reasonably contemporaneous and continuous communication between the members taking part in the meeting.

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<sup>27</sup> S 99

<sup>28</sup> S 100

<sup>29</sup> S 87

<sup>30</sup> S 101

- 25.5 A council member who takes part in a council meeting under section 25.4 is taken to be present at the meeting.
- 25.6 A coopted student member does not have the power to vote on a matter before the council.<sup>31</sup>
- 25.7 Unless the council members present at a meeting decide otherwise, 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.

## **26 Minutes and records**

- 26.1 The school council must record 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.
- 26.2 The minutes of each school council meeting must be submitted for confirmation at the next school council meeting.
- 26.3 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.
- 26.4 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, as per the General Retention and Disposal Schedule for Administrative Records.
- 26.5 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.

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<sup>31</sup> s 87

## **27 Attendance by proxy<sup>32</sup>**

- 27.1 A member of a council for a state school may not attend a meeting of the school council by proxy.
- 27.2 However, the principal may attend up to 2 meetings in each year by proxy.
- 27.3 An alternative Parents and Citizens' Association member is not a proxy for the purposes of this clause 27.

## **Miscellaneous matters**

## **28 Amendments to the Constitution<sup>33</sup>**

- 28.1 A council may prepare and adopt an amendment to this constitution.
- 28.2 An amendment to this constitution has no effect unless it is approved by the Chief Executive.
- 28.3 Notice of the meeting to consider the proposed amendment must be given at least 30 days before the council meeting to —
- a) the school council members;
  - b) the parents and citizens' association;
  - c) the school's staff (including, for example, by displaying the proposed amendment in a staff room);
  - d) the school's students (including, for example, by publishing the proposed amendment in the school's newsletter).
- 28.4 The amendment is required to be adopted by at least the quorum for the school council.
- 28.5 A proposed amendment must:<sup>34</sup>
- a) provide for a membership that —
    - i) allows adequate representation by parents, staff, students and other members of the school community; and
    - ii) take into account the demographics of the school community;
  - b) provide for the school council to perform its functions in an effective and fair way;
  - c) be adequate, clear and appropriate; and
  - d) be consistent with this Act and otherwise lawful.<sup>35</sup>

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<sup>32</sup> S 102

<sup>33</sup> S 95

<sup>34</sup> S 95(4)

<sup>35</sup> S 95(4)(c)

## 29 Application of laws

- 29.1 The members of the school council must comply with all applicable laws.
- 29.2 For the application of the Criminal Law (Rehabilitation of Offenders) Act 1986, section 9A, to the office of an elected staff member, elected parent member or appointed member, of a school council, a person is taken to apply for the office if the person:
- a) consents to be appointed as an appointed member (whether or not the council has decided to appoint the person); or
  - b) stands for election as an elected member.
- 29.3 A school council is a public authority under the Public Records Act 2002.
- 29.4 For the application of the Public Sector Ethics Act 1994:
- a) a school council is a public sector entity; and
  - b) a member of the council is a public official of the entity;
  - c) the chief executive is the chief executive officer of the entity; and
  - d) a reference to the entity's annual report is a reference to the department's annual report.

## 30 Dissolution of the Council<sup>36</sup>

- 30.1 A council is dissolved:
- a) if the school for which it was established is closed;
  - b) if the Minister gives the council a notice stating that the council is dissolved following the show cause process in clause 32;
  - c) if the Chief Executive publishes a notice in the gazette stating that the council is dissolved because the Chief Executive reasonably considers:
    - i) the council is not satisfactorily fulfilling its functions;
    - ii) the school community generally supports the dissolution of the council; or
  - d) in other circumstances prescribed under the Regulation<sup>37</sup>.
- 30.2 On dissolution, the members of the council go out of office immediately before the dissolution.
- 30.3 As soon as practicable after the dissolution of the school council, the school's principal must ensure the council's records, including all documents held by the council that it has created or acquired in the course of performing its functions, are given to the Chief Executive.<sup>38</sup>

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<sup>36</sup> S 112

<sup>37</sup> EGPR part 7 and ss 86-87

<sup>38</sup> EGPR s 113



### **31 Subcommittees**

31.1 A council must not establish a committee or subcommittee.<sup>39</sup>

### **32 Minister's directions<sup>40</sup> and show cause process**

32.1 The Minister may give a council a written direction about a matter relevant to the performance of its functions and the council must comply with the direction.<sup>41</sup>

32.2 Without limiting clause 32.1, a direction may require the council to comply with a policy, standard or other instrument of a public sector unit.

32.3 If the Minister has given a council a direction and believes the council has not complied with the direction, then the Minister must give the council a show cause notice stating the following:

- a) the reasons for the Minister's belief that the council has not complied with the public interest direction;
- b) if the council does not comply with the public interest direction within a stated period (the show cause period), the council is liable to be dissolved.

32.4 The council may make written representations to the Minister within the show cause period to show:

- a) that the council has complied with the public interest direction; or
- b) why the council should not be dissolved for not complying with the direction.

32.5 The show cause period must end not less than 28 days after the show cause notice is given to the council.

32.6 The Minister must consider any representations made under clause 33.4 as soon as practicable after receiving the representations.<sup>42</sup>

32.7 The Minister must immediately give the council a notice stating that no further action is to be taken under the show cause notice if, after considering any representations made under clause 33.4, the Minister is satisfied:

- a) the council has complied with the public interest direction; or
- b) the council should not be dissolved for not complying with the direction.

32.8 The Minister must give the council a notice stating that the council is dissolved if, after the end of the show cause period:

- a) there are no representations made under clause 33.4; or
- b) after considering any representations made clause 33.4, the Minister is satisfied the council should be dissolved for not complying with the public interest direction.

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<sup>39</sup> S 114

<sup>40</sup> S 116

<sup>41</sup> S 116(3)

<sup>42</sup> EGPR s 53

32.9 The council is dissolved from:

- a) the day the council receives the notice; or
- b) if a later day is stated in the notice — the later day.

## **SCHEDULE 1**

### **DOCUMENTS TO WHICH THE COUNCIL MUST HAVE REGARD FOR THE PURPOSES OF CARRYING OUT ITS FUNCTIONS UNDER CLAUSE 2.3**

- Quadrennial School Plan
- Annual Implementation Plans, including the school budget
- Workplace reform proposals, where relevant
- School Responsible Behaviour Management Plan
- Other documents relevant to the school's strategic direction

## SCHEDULE 2

### ESTABLISHING A SCHOOL COUNCIL

#### Initial Constitution<sup>43</sup>

1. The principal must prepare a draft constitution.
2. In preparing the draft constitution, the principal:
  - must consult with:
    - the parents of children attending the school; and
    - the school's staff and students; and
  - may consult with other appropriate entities.
3. In preparing the draft constitution, the principal must have regard to this model constitution.
4. A draft constitution must:<sup>44</sup>
  - provide for a membership that —
    - allow adequate representation by parents, staff, students and other members of the school community; and
    - take into account the demographics of the school community;
  - provide for the council to perform its functions in an effective and fair way;
  - be adequate, clear and appropriate; and
  - be consistent with the Act and otherwise lawful.<sup>45</sup>
5. The president of the Parents and Citizens' Association must, under the Parents and Citizens' Association's constitution, call a special meeting of the Parents and Citizens' Association to approve the draft constitution.
6. The principal must call the following meetings for approving the draft constitution:
  - if there is no Parents and Citizens' Association formed for the school — a meeting of the parents of children attending the school (the parent meeting);
  - a meeting of the school's staff (the staff meeting).
7. The draft constitution has no effect unless it is approved by the Chief Executive.

#### Initial membership

8. On its establishment, the council consists only of its official members.<sup>46</sup>

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<sup>43</sup> S 109

<sup>44</sup> S 95(4)

<sup>45</sup> S 95(4)(c)

<sup>46</sup> S 110

9. However, a council consisting only of its official members may only perform the functions necessary for the election of the council's elected members.<sup>47</sup>
10. As soon as practicable after a council is established, its official members must, under the council's constitution, organise the election of the council's elected members.<sup>48</sup>
11. Despite clause 5.3, half of the council's first elected parent and staff members may hold office for a term of not longer than 3 years<sup>49</sup>.
12. The written notice of the results of the first election for the school council must show clearly which of the elected offices are to be held for a term other than 2 years and this detail must be recorded.
13. After the election, the council, as constituted by its official members and elected members, may appoint the council's appointed members.<sup>50</sup>

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<sup>47</sup> S 110(2)

<sup>48</sup> S 111

<sup>49</sup> S 90(2)

<sup>50</sup> S 111(2)

### **SCHEDULE 3**

#### **Staff and Parent Election Procedures**

- For staff and parent elections, the official members must appoint a returning officer for the election.
- The returning officer must give public notice (e.g. school newsletter) of the holding of an election not less than 28 days before the date of the election.
- The notice must name the date of the election and the final date for the receipt of nominations.
- The final date for receipt of nominations must not be 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.
- Also, the notice must name the meeting venue 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.
- After the final date for receipt of nominations, the returning officer must, without unreasonable delay, prepare voting papers by setting out the names of the candidates in an order determined by lot.
- At the meeting at which the election is to be conducted, the returning officer must give a voting paper to every person entitled to vote at the election.
- The returning officer must record the name of each person to whom a voting paper is given at the meeting at which the election is conducted.
- Each voter must deposit their completed voting paper into a sealed ballot box before leaving the meeting.
- The returning officer must take such steps as considered necessary to ensure that only persons entitled to vote at an election have voted and that the secrecy of the ballot is preserved.
- If there are fewer nominations than required elected members, then the nominees are elected

#### **Post Ballot Procedures**

- 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.
- 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.
- 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.
- 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 the candidates, and with the aid of any assistants who are not candidates, open the ballot box containing the voting papers.
- 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.
- 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.
- If, in examining the voting papers, the returning officer forms the opinion that:

- i) The number of voting papers in the ballot box is not equal to the number of persons who have been recorded as having voted in the election;
  - ii) 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.
  - After examining the voting papers, the returning officer must ascertain the number of votes received by each candidate.
  - 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.
  - 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.

#### **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.

*No election is invalid by reason of:*

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

#### **Student Election Procedure**

- For a student election, the principal is the returning officer, or must appoint another person to be the returning officer for the election.
- A student election may take place at the same time as, or combined with, other elections at the school involving students, including, for example, the election of the school's student leaders.

#### **Election of Office Procedure**

- Members must self-nominate in person at the relevant meeting.
- If there is only one nomination for a position, the nominee will be elected to the relevant office.
- If there is more than one nomination for a position, the nominee who receives the majority of the votes will be elected to the relevant office.
- Voting is held by a show of hands.

## **SCHEDULE 4**

### **SAMPLE CODE OF CONDUCT FOR SCHOOL COUNCILS**

This code of conduct clarifies the expected standards of all school council members. It has been adopted to aid all members of our school community to work as a cohesive group in partnership with the school.

This code applies to each member of a school council.

The code is intended to promote and maintain the highest standard of ethical behaviour by school council members.

Members of school councils should adhere to the Code of Conduct at all times.

### **Principles and Values**

#### **Integrity and Impartiality**

School council members are to:

- remain objective at all times
- avoid personal bias
- build open and honest communication
- represent all members of the school community and should not misuse their office to advance individual views or for personal gain
- act ethically and with integrity at all times
- declare any conflicts of interest
- make fair, transparent, robust and consistent decisions
- provide objective and independent advice
- draw upon personal and professional insight (background and experience) when reviewing information
- engage with the school community in a manner that is consultative, respectful and fair
- listen and be tolerant of the views and opinions of others, even if those views and opinions differ from their own.
- conduct and present themselves in a professional manner
- demonstrate respect for all persons, whether fellow school council members, school staff, parents/carers, students, community members.

#### **Promoting the Public Good**

School council members accept and value their commitment to:

- be responsive to the requirements of the school community



- engage the community in developing and effecting school priorities, policies and decisions
- seek to achieve excellence in educational outcomes for students at the school
- listen and respond to issues and concerns regarding strategy and policy.

#### **Commitment to the system of government**

School council members will:

- commit to supporting official school priorities, policies and decisions professionally and impartially
- work within the boundaries of the *Education (General Provisions) Act 2006*.

#### **Accountability and Transparency**

School council members will:

- treat official information with care and use it only for the purpose for which it was collected or authorised
- respect confidentiality at all times and not disclose information and resources obtained from the school reviews
- store official information securely
- not use confidential or privileged information to further personal interests.

**SCHEDULE 4**

**Nomination for Brisbane State High School Council Elected Member for 2013**

**Name:** .....

**Address:**.....

.....Postcode .....

**Phone:**.....**Mobile:**.....

**Email:**.....

Elected Position	Eligibility	Nomination (please X)
Staff	All persons on staff at the school, with the exception of the principal	
Parent	All parents/carers of current students at the school	
Student	All persons who are students of the school in Years 10, 11 or 12	

I agree to be bound by the constitution of the school council and by all valid resolutions passed by the council. I agree to work within the boundaries of the *Education (General Provisions) Act 2006*. I agree to be bound by the Code of Conduct for School Councils. I hereby state that I have not been convicted of an indictable offence.

**Signature:** .....

**Date:** .....

Please return this nomination form by *[insert closing date and time for nominations]*. This can be done by:

- delivering to the school front desk during school hours
- e-mail to *[insert e-mail address of returning officer]*
- fax to *[insert fax number]*
- mail to Returning Officer, c/-Brisbane State High School, Vulture Street South Brisbane 4101

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 Provision) Act 2006* for that person to be elected or appointed to the council.

**If you have any queries regarding the school council election process, please contact the principal.**

Returning Officer Use Date received: ...../...../.....
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**SCHEDULE 5**

**Possible School Council composition (Min 6; Max 15)**

**For primary schools**

Member type	Min															Max					
	Principal	1	1	1	1	1	1	1	1	1	1	1	1	1	1		1	1	1	1	1
P&C president	*	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Parent*(voted by parents) (min.1)	2	1	2	2	2	3	3	3	4	4	4	5	5	5	6	6	6	6	6	6	6
Staff*(voted by staff) (min. 1)	2	1	2	2	2	3	3	3	4	4	4	5	5	5	6	6	6	6	6	6	6
Appointed members *(max. 2)	1	2	0	1	2	0	1	2	0	1	2	0	1	2	0	1	2	0	1	2	0
<b>TOTAL</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>

**For secondary schools (or schools with yr 10, 11 or 12 students)**

Member type	Min																				Max			
	Principal	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
P&C president	*	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Parent*(voted by parents) (min. 1)	2	1	1	2	2	2	2	2	2	3	3	3	3	3	3	4	4	4	5	5	5	5	5	5
Staff*(voted by staff) (min.1)	2	1	1	2	2	2	2	2	2	3	3	3	3	3	3	4	4	4	5	5	5	5	5	5
Appointed members (min. 0 - max.2)	1	1	2	0	1	2	0	1	2	0	1	2	0	1	2	0	1	2	0	1	0	2	1	1
Student (voted by yr 10, 11 or 12) (min. 1 – max. 2)	1	1	1	1	1	1	2	2	2	1	1	1	2	2	2	2	2	2	1	1	2	1	2	2
<b>TOTAL</b>	<b>7</b>	<b>6</b>	<b>7</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>15</b>	<b>15</b>	

\*Where there is no P&C, an extra parent member will need to be elected. The number of elected staff members will need to equal the number of elected parents.

Coopted (non-voting) student members are additional to the minimum composition.

Student members must be in either Years 10, 11 or 12.

School councils with 2 or more staff members must include 1 teaching staff member and 1 non-teaching staff member. Staff can be union members or not union members.

\*There must be the same number of parent and staff representatives.