

 Procedure

# Parents and Citizens' Associations

Implementation date: 22/02/2018  
Version: 5.1

## Audience

All state schools, outdoor and environmental education centres, parents, and parents and citizens' associations.

## Purpose

This procedure describes the legislative provisions that determine the formation, objectives, functions and other matters regarding state school parents and citizens' associations.

## Overview

A Parents and Citizens' Association (Association) may be formed for a state school to promote the interests of, and facilitate the development and further improvement of, the school.

The [Education \(General Provisions\) Act 2006 \(Qld\)](#) (the Act) and the [Education \(General Provisions\) Regulation 2017 \(Qld\)](#) (the Regulation) include provisions regarding the:

- formation of an Association
- application for membership, election of officers and removal of members and officers
- objectives, functions, powers and liability of an Association
- dissolution of an Association.

The Act declares an Association to be a statutory body under the [Statutory Bodies Financial Arrangements Act 1982 \(Qld\)](#) and therefore [income tax exempt](#). The Australian Tax Office considers an Association to be a [non-profit organisation](#) and may endorse it as a [deductible gift recipient](#) to establish a school building fund. An Association may enter into and perform certain financial arrangements in accordance with the [Statutory Bodies Financial Arrangements Act 1982 \(Qld\)](#).

An Association is specifically excluded from incorporation under the [Associations Incorporation Act 1981 \(Qld\)](#).

An Association must not exercise any authority over teaching staff, or over the control or management of the state school. Only the principal of the state school has authority to hire out the premises and facilities at the state school for use by the Association (or any of its sub-committees) or any other persons.

The Department of Education (DoE) supports the preference of the Association to operate the school tuckshop or other amenity (for example, swimming pool, bookshop, uniform shop and [outside school hours care service](#)) where such an amenity is of benefit to the school community. Where the Association wishes to operate an amenity, a business case is to be endorsed by the Association and approved by the principal.

The use of state school facilities by an Association (or any sub-committees) must be consistent with the [Community use of school facilities procedure](#) and Part 3, [Section 13 of the Regulation](#).

An Association must obtain its own legal or financial advice at its own cost. DoE may only provide legal advice to DoE employees and therefore cannot provide legal advice to an Association, Association Officers or Association members.

## Responsibilities

### Principals:

- instigate the formation of an Association
- provide approvals (at the principal's discretion) as required under the Act and the Regulation (for example, Chapter 7 of [the Act](#) and Part 3 and 6 of [the Regulation](#))
- provide support and guidance to an Association
- monitor the Association's compliance with its objectives, functions, and legislative and financial responsibilities.

### Parents and Citizens' Associations:

- promote the interests of, and facilitate the development and further improvement of, the state school
- foster community interest in educational matters
- encourage closer cooperation between parents of students attending the state school, other members of the community, staff and students of the state school
- provide advice and recommendations to the principal about issues relating to the students of the state school, and the general operations and management of the state school
- provide or assist in the provision of financial or other resources or services for the benefit of students of the state school
- perform any other functions, not inconsistent with the Act, as the Minister decides
- comply with all its legislative requirements and obligations
- comply with all financial requirements, obligations and procedures pursuant to any relevant legislation and the [Accounting Manual for Parent and Citizens' Associations](#)
- comply with DoE policies and procedures that apply to P&C Associations
- maintain the Associations' documents
- comply with the [model constitution](#)
- determine if a [community liquor permit](#) is required under the [Liquor Act 1992 \(Qld\)](#) for a social function on school premises run by the Association where alcohol will be served.

**Regional Directors:**

- support principals, as required, with matters relating to an Association.

**Assistant Director-General, State Schools:**

- support principals of Independent Public Schools, as required, with matters relating to an Association.

**Process****Principals****1. When forming an Association:**

- Call a meeting of [eligible persons](#), to consider and decide on the formation of an Association for the state school –
  - when calling a meeting of eligible persons, principals should consider the [Parent and Community Engagement Framework](#) and ensure that all families have opportunities to be involved if they desire.
- For state schools other than Independent Public Schools, progress to the regional director or [delegate](#) a request to waive the “Restriction on who may be a member of the Executive Committee”, if relevant; or
- For Independent Public Schools, progress to an Assistant Director-General, State Schools a request to waive the “Restriction on who may be a member of the Executive Committee”, if relevant.
- Ensure all members of the Executive Committee and Association volunteers who are not parents of current students or registered teachers at the school, meet the appropriate Blue Card requirements as outlined in [Blue card system – Information sheet parents and citizens associations \(P&Cs\)](#).
- **NOTE:** the principal is automatically a member of the Association but may not be an office holder of the Association.

**2. After the formation of the Association:**

- Approve the adoption of the [model constitution](#) and any amendments to the model constitution, by an Association and formally advise the Association of the approval.
- Keep on the state school’s records, a copy of the approved model constitution and a list of the authorised [Australian Taxation Office](#) contacts for the Association.
- Ensure that the Executive Committee members of the Association have access to the generic email accounts allocated to the Association, including the president and the secretary.
- Provide school activity, major project and financial reports at meetings to keep the Association informed of the state school’s progress.
- Monitor the Association’s compliance with its objectives and functions and its legislative and financial responsibilities and obligations, and refer ongoing concerns to the Regional Director, or the Assistant Director-General, State Schools (for Independent Public Schools).

- Approve and sign agreements with respect to the hire of the state school premises and facilities by the Association or any other persons, and obtain the correct approvals for arrangements entered into for [Community use of school facilities](#).
- Obtain the approval of the Association for alcohol being taken onto the state school premises for consumption under a [hire agreement](#) of state school premises.
- Allocate a space for secure storage of Association documents which must be kept on state school premises.
- Sight and retain copies for the school of key documents such as the P&Cs constitution, insurance policies taken out by the Association, individual workers compensation and personal indemnity insurance of contractors, approvals and consents as required under legislation and regulation, and audited financial records.

### 3. By 31 May each year, receive from the Association:

- The annual audited financial statements for the previous financial year; and
- The name and contact details for the incoming Executive Committee for that year; and
  - For state schools other than Independent Public Schools, forward to the Regional Director the documents and information listed above; or
  - For Independent Public Schools, securely store a copy of the annual audited financial statements on the state school premises and forward to the Regional Director the name and contact details for the incoming Executive Committee for that year.
- **NOTE:** confirm the annual financial statements were audited by a person who meets the criteria listed in the 'Appointing an Auditor' section of the [Accounting Manual for P&C Associations](#).

## Parents and Citizens' Associations

### 1. After the formation of the Association:

- Adopt the [model constitution](#) as soon as practicable.
- Obtain the principal's approval to adopt the model constitution, or amendment of the model constitution, in order for the Association's constitution to have effect.
- Establish and maintain a register of members of the Association.
- **NOTE:** all Association members must comply with the constitution.
- **NOTE:** a member of an Association does not incur civil liability for an act done, or omission made, honestly and without negligence under the Act.
- Apply any money received by the Association (other than money received under an Agreement) at the direction of the Minister, firstly in paying expenses lawfully incurred by the Association and secondly, in achieving the objectives and performing the functions of the Association.
- Provide to the principal a list of the authorised [Australian Taxation Office](#) contacts for the Association.
- **NOTE:** Associations have a financial year starting on 1 January and ending on 31 December.

### 2. Meetings of an Association:

- Elect the Association Officers at each annual general meeting and maintain an Executive Committee.

- Hold the annual general meeting of the Association for a financial year by 31 March each year.
  - Hold general meetings at least three times a semester at the times the Association decides. **NOTE:** this does not apply to an Association during the year in which it is formed.
  - Establish, and appoint members of, subcommittees if considered appropriate for purposes consistent with the objectives and functions of an Association, including subcommittees for special purposes, such as a swimming club or tuckshop.
  - Comply with all legislative requirements and obligations and DoE policies and procedures that apply to Associations.
  - Comply with the [Accounting Manual for P&C Associations](#).
- 3. By 31 May each year:**
- Provide the principal with the Association's annual audited accounts with appended certificates, auditor's report, any management letters, P&C response, and a completed accountability compliance transmission report for the previous financial year; and
  - Provide the principal with the name and contact details for the incoming Executive Committee that year.
  - **NOTE:** the Association must ensure the accounts are audited for each financial year by a person under the [Auditor-General Regulation 2009 \(Qld\)](#).
- 4. Agreements:**
- May enter into and perform certain financial arrangements in accordance with the [Statutory Bodies Financial Arrangements Act 1982 \(Qld\)](#).
  - The Association's president may sign the Agreement for the Association, provided the Association has made a resolution to enter into the Agreement.
  - Either the principal and the Association together, or the Association with the prior written approval of the principal authorising the Association to enter into an Agreement, may enter into an Agreement.
  - Must deal with any money it receives under an Agreement as the principal directs or otherwise as the Association believes is appropriate and consistent with its objectives.
  - Must obtain the prior consent of the Deputy Director-General, Corporate Services, Assistant Director-General, Infrastructure Services, or Executive Director, Infrastructure Operations (or in the case of projects that are planned not to exceed a total of \$50,000, the Infrastructure Manager), before the following activity is carried out:
    - the construction of improvements to the premises of the state school
    - the addition of a fixture to the premises of the state school
    - the purchase of furniture for the state school.
  - May employ persons it considers necessary to achieve the objectives of the Association.
  - Must enter into a hire agreement with the school for the use of the school premises and facilities by the Association (or any of its sub-committees).

- If undertaking the option to host an Outside School Hours Care service, the Association as the provider must comply with the [Hosting outside school hours care services on state school sites](#) procedure.
- Ensure the operation of a swimming club is consistent with the:
  - [Asset maintenance and school swimming pool operation procedure](#)
  - [Community use of school facilities procedure](#)
  - [Curriculum activity risk assessment – Activity guidelines](#)
  - [P&Cs Qld's P&C Guide](#).

#### 5. Insurance:

- Purchase and maintain appropriate insurance to cover activities (recommended level \$25 million) including public liability, volunteer workers/personal accident and general property coverage. Additional insurances will be required if the Association delivers Outside School Hours Care or a swimming club.

#### Regional Directors

##### 1. After a state school (other than an Independent Public School) has formed an Association:

- Approve waiver of “Restriction on who may be a member of the Executive Committee”, if relevant.

##### 2. By 31 May of each year:

- Receive from principals of state schools (other than an Independent Public School) a complete copy of the annual audited financial statements of Associations within the region; and
- Receive from principals of all state schools within the region the names and contact details for each Association’s incoming Executive Committee.

#### New schools:

- Following an announcement of a proposed new state school or a school being created by the amalgamation of two or more state schools, either the regional director, appointed project manager or appointed principal calls a public meeting of interested prospective parents and other adult members of the school community to form an interim Association to assist the school to determine necessary matters such as the [Student dress code](#), the Responsible behaviour plan, and the Enrolment agreement.
- The interim Association adopts the [model constitution](#) and remains in place until the first Annual General Meeting of the new school.

#### Dissolution of an Association:

- An Association is dissolved if the school is closed, or the number of members is two or less, or if a 75% majority vote is passed at a special meeting of the Association.



## Definitions

<b>Eligible persons</b>	Means a person who under section 118 of the <a href="#">Act</a> is eligible to be a member of an Association formed for the state school.
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## Legislation

- [Education \(General Provisions\) Act 2006 \(Qld\)](#) Chapter 7
- [Education \(General Provisions\) Regulation 2017 \(Qld\)](#) Part 3, Part 6
- [Associations Incorporation Act 1981 \(Qld\)](#)
- [Auditor-General Act 2009 \(Qld\)](#)
- [Auditor-General Regulation 2009 \(Qld\)](#)
- [Collections Act 1966 \(Qld\)](#)
- [Education and Care Services National Law \(Queensland\) Act 2011](#)
- [Education and Care Services National Regulations](#)
- [Financial Accountability Act 2009 \(Qld\)](#)
- [Income Tax Assessment Act 1997 \(Cwlth\)](#)
- [Liquor Act 1992 \(Qld\)](#)
- [Statutory Bodies Financial Arrangements Act 1982 \(Qld\)](#)
- [Statutory Bodies Financial Arrangements Regulation 2007 \(Qld\)](#)

## Delegations/Authorisations

- [Director-General's Delegations under the Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Director-General's Delegations under the Education \(General Provisions\) Regulations 2017 \(Qld\)](#)
- [Minister's Delegations under the Education \(General Provisions\) Act 2006 \(Qld\)](#)

## Related procedures

- [Asset maintenance and school swimming pool operation](#)
- [Community use of school facilities](#)
- [Hosting outside school hours care services on state school sites](#)
- [Loans sought by Parents and Citizens' Associations](#)
- [Purchasing and procurement](#)
- [Student dress code](#)

## Guidelines

- [Accounting Manual for P&Cs](#)

- [Curriculum activity risk assessment – Activity guidelines](#)
- [Purchasing policies and procedures for P&C Associations](#)

## Supporting information/websites

### Forms

- [Hire agreement](#)
- [Model constitution](#)

### Online materials

- [Australian Taxation Office](#)
- [Blue card services – Information for P&Cs](#)
- [Early Childhood Education and Care](#)
- [Factsheet P&C non-profit and charity status](#)
- [Office of Liquor and Gaming Regulation – Information for community groups](#)
- [Parents and Citizens' Associations](#)
- [Parent and Community Engagement Framework](#)
- [P&Cs Qld](#)
- [P&Cs Qld's P&C Guide](#)

## Contact

For further information, please contact your [closest regional office](#).

## Review date

04/01/2020

## Superseded versions

*Previous seven years shown. Minor version updates not included.*

- 2.0 Parents and Citizens' Association – State Schools
- 3.0 Parents and Citizens' Association – State Schools
- 4.0 Parents and Citizen's Association – State Schools

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