

# School Councils

## Elected Staff and Parent Members

### Eligibility

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

- not be the principal of the school or the Parents and Citizens' association (P&C) president;
- have not been convicted of an indictable offence, unless the Minister gives approval under the Act (s.93);
- attend a meeting called for the purpose of electing parent members or staff members;
- be the parent of a student attending the school (for elected parent member) or be a member of staff at the school (for elected staff member); and
- submit a completed nomination on time.

### Term of Office

The general term of office for elected parent members or elected staff members is two years, although a different term may be set by the school council to create uniformity in the end dates of members' terms of office.

### Election process

**Note:** If the school has a P&C association whose constitution provides for the election of parent members to a school council, then parent members are to be elected through P&C association processes. If not, parent members are to be elected by secret ballot as outlined below.

1. Official members must appoint a returning officer for the election.
2. The returning officer must provide a public notice (e.g. school newsletter) that an election will be held, at least 28 days before the date of the election. The notice must include the:
  - election date and the final date for receipt of nominations. The final date for receipt of nominations must be at least 14 days prior to the election date;
  - meeting venue where the election will be held;
  - day or days on which the meeting is to be held; and
  - start and end times for the meeting.
3. 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. The returning officer must contact and liaise with United Voice and Together unions for assistance if a non-teaching staff member nomination is not received. If there are the same number or fewer nominations than required, the nominees are automatically elected (s.86(4) of the Act). If this occurs, there is no need for a ballot.
4. At the meeting where the election will be held, the returning officer must give a voting paper to every person entitled to vote at the election. A person is eligible to vote for an elected parent/staff member if that person is eligible to be elected themselves as an elected parent/staff member.

5. The returning officer must record the name of each person provided with a voting paper at the meeting where the election is conducted.
6. Each voter must deposit their completed voting paper into a sealed ballot box before leaving the meeting.
7. The returning officer must take the necessary steps to ensure that only persons entitled to vote at the election have voted and that the secrecy of the ballot is preserved.

### **Post Ballot process**

8. Each candidate may appoint (by written notice to the returning officer) one scrutineer for the examination of the voting papers 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 at least 5 days prior to the day of the election.
9. The returning officer must open the ballot box containing the voting papers directly after the meeting at which the election was conducted. This should be done in the presence of the scrutineers but not the candidates. Assistants who are not candidates may also be present to aid the returning officer.
10. The voting paper must be rejected and the vote must not be counted if:
  - the intention of the voter cannot, with certainty, be ascertained; or
  - it was indicated on a form, other than a formal voting paper.
11. If, in examining the voting papers, the returning officer forms the opinion that:
  - 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; or
  - 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 another ballot to determine the result in the election.

12. After examining the voting papers, the returning officer must record the number of votes received by each candidate.
13. The candidate/s who receive/s more votes than any other candidates in the election must be declared by the returning officer to have won the election.
14. 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**

15. 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.

### **Circumstances where an election cannot be deemed invalid**

An election cannot be deemed invalid for the following reasons:

- any formal error in any declaration made, or in giving public notice under the constitution;
- the public notice of the election was provided less than 28 days before the election date;
- delay in holding the election at the time specified;
- any inadvertent failure to give any person entitled to vote at the election any notice or ballot paper; or
- any other error of a purely formal nature, which is not relevant to the outcome of the election.