

PARENTS & CITIZENS' ASSOCIATION CONSTITUTION

FOR

Berserker Street State School

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Preamble

The *Education (General Provisions) Act 2006* (“the Act”) states that all Parents & Citizens Associations (“P&C Associations”) must have a constitution and that such constitutions will have no effect unless approved by the Director-General of the Department of Education, Training and the Arts (the “Department”). Under section 36 of the *Education (General Provisions) Regulation 2006*, the Director-General of the Department may prepare a model constitution for P&C Associations. This Constitution has been prepared by the Department and will replace your current constitution.

Part I – Functions and Powers

1 NAME

The name of the Association is the Berserker Street State School Parents and Citizens Association (‘the Association’).

2 OBJECTIVES

The objectives of the Association are to promote the interests of, and facilitate the development and further improvement of the School¹.

3 FUNCTIONS

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

- 3.1 foster community interest in educational matters;
- 3.2 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.
- 3.3 give advice and recommendations to the Principal about:
 - 3.3.1 issues relating to persons who receive educational instruction at the School; and
 - 3.3.2 the general operation and management of the School;
- 3.4 give, or assisting in the giving of, financial or other resources or services for the benefit of persons who receive educational instruction at the School; and
- 3.5 perform any other functions, not inconsistent with the Act, as the Minister may decide.

¹ The term “School” is used in this Constitution for ease of reference and should be read in conjunction with the definition set out in clause 27.

4 PERFORMANCE OF FUNCTIONS

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

- 4.1 complying with departmental policies that apply to the Association; or
- 4.2 a matter relevant to the performance of the Association's functions.

5 GENERAL POWERS

The Association has the powers conferred on it by, or derived by it from, the Act, the SBFA Act and any other legislation (including subordinate legislation) relevant to Parents & Citizens Associations, including (without limitation):

- 5.1 to conduct at the premises of the School a tuckshop or other amenity if the Association reasonably believes the tuckshop or amenity is likely to:
 - 5.1.1 help staff members of the School in their professional duties; or
 - 5.1.2 help students of the School in their studies.
- 5.2 to employ such persons as considered necessary for the purposes of the Association, subject to relevant laws, industrial awards and employment agreements.
- 5.3 if a School Council exists at the School, to:
 - 5.3.1 elect parent members to the School Council at a meeting designated for that purpose in accordance with section 77 of the Act;
 - 5.3.2 facilitate consultation with, and communication between, parents of the School community and the School Council, or its members, if and when required by the School Council.
- 5.4 to enter into Relevant Agreements provided that:
 - 5.4.1 Where the Association alone proposes to enter into the Relevant Agreement, it has the written approval of the Minister generally for the type of Relevant Agreement or for the particular Relevant Agreement;
 - 5.4.2 the Association deals with any money it receives under the Relevant Agreement as the Minister may direct or, otherwise, as the Association believes appropriate, consistent with its objectives; and
 - 5.4.3 the Relevant Agreement contains any conditions required by the Minister by notice given to the Association or published in the gazette.
- 5.5 to establish subcommittees in accordance with clause 14;
- 5.6 to commence proceedings in the name of the Association in accordance with clause 10;
- 5.7 to borrow money in accordance with, and subject to, the SBFA Act;
- 5.8 to invest money in accordance with, and subject to, the SBFA Act;

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- 5.9 to operate a deposit and withdrawal account with a financial institution in accordance with, and subject to, the SBFA Act;
- 5.10 to establish a School building fund in accordance with clause 6; and
- 5.11 to 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.

6 BUILDING FUNDS

Subject to obtaining any necessary approvals under the Act or the SBFA Act, where consistent with achieving the Association's objectives and performing the Association's functions and subject to resolution passed by a majority of members at a duly constituted meeting the Association may establish, maintain and operate a School building fund in accordance with the following rules:

- 6.1 The Association may apply for endorsement as a deductible gift recipient under Subdivision 30-BA of the *Income Tax Assessment Act 1997* (Cth) (or as amended from time to time or under any legislative provision enacted in substitution for those provisions) for the operation of a School building fund.
- 6.2 The public may be invited to contribute gifts of money or property to the fund.
- 6.3 The Association must maintain a separate bank account for the fund.
- 6.4 The Association must credit monetary gifts and proceeds of sale of gifted property to the fund. For example, interest earned on the School building fund bank account must be credited back to that account.
- 6.5 The Association must not credit to the fund money or property that is not intended for the fund.
- 6.6 The fund must be administered by a subcommittee of the Association.
- 6.7 The Association must use the fund solely for the acquisition, construction or maintenance of a building used, or to be used, as part of the School by:
 - 6.7.1 the State of Queensland;
 - 6.7.2 a public authority; or
 - 6.7.3 a society or association which is carried on otherwise than for the purposes of profit or gain to the individual members of the society or association.
- 6.8 The Association may use the money in the fund to pay for the reasonable costs of managing the fund. Examples of costs include bank fees and charges, stationery costs and accounting and audit fees relating directly to the fund.
- 6.9 The Association must not distribute directly or indirectly any portion of the fund to its members.
- 6.10 If the Association issues a receipt for a gift to the fund the Association must ensure that the receipt states:

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- 6.10.1 the name of the fund;
 - 6.10.2 the Australian Business Number of the Association;
 - 6.10.3 the fact that the receipt is for a gift.
 - 6.10.4 the amount of gifts of money;
 - 6.10.5 a description of any gifts of property; and
 - 6.10.6 the date of the gift.
- 6.11 The Australian Taxation Office must be notified of any changes made to this Constitution that affect the fund's rules or dissolution or winding up provisions.
- 6.12 The Australian Taxation Office must be notified at the first occurrence of:
- 6.12.1 the winding up of the fund; or
 - 6.12.2 the dissolution of the Association;
- 6.13 On the winding up of the fund, or the dissolution of the Association, any surplus assets of the fund must be transferred, with the prior approval of the Minister, to:
- 6.13.1 a building fund of another Parents and Citizens Association; or
 - 6.13.2 a fund, authority or institution to which tax deductible gifts can be made under Subdivision 30-B of the *Income Tax Assessment Act 1997* (Cth),
- despite anything to the contrary in this Constitution.

7 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 the Act and the SBFA Act.

8 CONSENT OF THE CHIEF EXECUTIVE 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:

- 8.1 The construction of improvements to the premises of the School.
- 8.2 The addition of a fixture to the premises of the School.
- 8.3 The purchase of furniture for the School.

9 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 teaching staff, or over the control or management, of the School.

10 LEGAL PROCEEDINGS

10.1 Subject to clause 10.2, a proceeding may be started and conducted in the name of the Association by:

10.1.1 the Association's President; or

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

10.2 The Minister's approval must be obtained before starting any proceeding.

10.3 If a document starting a proceeding against the Association is served on a member of the Association's executive committee, that person must give the Director-General a copy of the document as soon as practicable.

10.4 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 II – Members, Officers and Bodies

11 MEMBERSHIP

11.1 *Eligibility*

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

- a. a parent of a student attending the School;
- b. a staff member of the School; and
- c. any other person aged 18 years or over, who is interested in the welfare of the School.

11.1.2 The Principal of the School is automatically a member of the Association.

11.2 *Application*

11.2.1 Membership of the Association is by way of application by completion and submission of the Association's application for membership form (see Schedule 2).

11.2.2 Membership of the Association is renewable each year at the annual general meeting of the Association and a member who wishes to have his or her membership renewed must complete and submit to the Association a new application for membership form prior to the annual general meeting (see Schedule 2).

- 11.2.3 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.
- 11.2.4 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. 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 application is made.
- 11.2.5 It will 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 any thing which, if the person was already a member of the Association, would be grounds for removal under clause 16.
- 11.2.6 Persons applying for membership, or renewal of their membership, at an annual general meeting of the Association need not be present to have their application considered.
- 11.2.7 Persons applying for membership at a general meeting must be present at the meeting of the Association at which their application is considered except where an applicant member can demonstrate exceptional circumstances in writing as to why they cannot be present at the meeting at which their application is considered.

11.3 Register

- 11.3.1 A register of members of the Association must be maintained and must contain the following information:
- a. each member's name and address;
 - b. the date each member became a member;
 - c. for a person who ceases to be a member, the date the person ceased to be a member; and
 - d. for honorary life members, the date life membership was awarded and the reasons for the award.
- 11.3.2 In addition, the register of members of the Association must contain one of the following for each member who is not a parent of a student attending the School:
- a. details of the member's date of birth;
 - b. a record that the member has stated the member is 18 years or more; or
 - c. a record by the secretary or other person responsible for making entries in the register that the member appears to be 18 years or more.

11.3.3 The register of members must be available at each meeting of the Association.

11.4 Membership Fees

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

11.5 Resignation

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

11.6 Award of Honorary Life Membership

11.6.1 The 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.

11.6.2 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 or at a special meeting called for that purpose.

11.6.3 A person who is the subject of a proposed resolution to award the person honorary life membership::

- a. must not be present during discussions about the proposal, or voting on it, at a meeting of the Association; and
- b. must not vote on the proposal.

12 OFFICERS OF THE ASSOCIATION

12.1 Officers and Eligibility to Hold Office

12.1.1 Subject to clauses 12.1.3, 12.1.4 and 12.3 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;
- b. at least one Vice-President;
- c. a Secretary;
- d. a Treasurer;
- e. such additional Officers as may be determined by the Association.

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

12.1.3 The Office of Treasurer may not be held by either the current President or Secretary of the Association.

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

12.1.5 A retiring Officer is eligible for re-election and a former Officer is eligible for re-election.

12.2 Vacancies

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

- a. dies;
- b. resigns by signed notice given to:

- in the case of the President - a Vice-President or the Secretary or Treasurer; or
 - in the case of another Officer - the President; or
- c. is absent from three consecutive meetings of the Association where:
- there is a quorum for each meeting not attended,
 - the member has been given notice of the meetings in accordance with this Constitution; and
 - the absences have been without the Association's leave and without reasonable excuse.

In 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.

12.2.2 A notice under section 12.2.1b takes effect on the date the notice is given or, if a later time is stated in the notice, the later time.

12.2.3 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.

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

12.3 Election

12.3.1 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:
 - in person, by the Nominating Members, at the relevant meeting; or
 - 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 majority of the votes will be elected to the relevant office.

12.4 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 Director-General notice of the names and addresses of the elected Officers and to the Queensland Council of Parents and Citizens' Associations (QCPCA).

13 EXECUTIVE COMMITTEE

13.1 *Executive Committee*

13.1.1 Subject to clauses 13.1.2 and 13.1.3, 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; and
- d. the Treasurer.

13.1.2 Subject to clause 13.1.3, at the time of the election of Officers of the Association, the number of relevant staff members 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 13.1.2, the term “relevant staff member” means a staff member of the School who is not a parent of a child attending the School.

13.1.3 Clause 13.1.2 does not apply to the Association if the Director-General reasonably believes that complying with that requirement would prevent all of the positions of the Executive Committee being filled and 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).

13.2 *Description of Executive Committee*

13.2.1 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.

13.2.2 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.

13.2.3 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 P&C.

13.2.4 The **Treasurer** has the overall responsibility for the financial management of the P&C, including all subcommittee accounts. In their role they must comply with the Accounting Manual for P&C Associations in all respects. They prepare an annual budget and Annual Operational Plan for the P&C in consultation with the Association’s Executive Committee, and should be involved in the preparation of the school budget. It is the Treasurer's responsibility to keep accurate accounts of receipts and expenditure.

13.3 Authority of Executive Committee in Matters of Urgency

- 13.3.1 The Executive Committee may, by majority vote of the Executive Committee, take any necessary action regarding urgent matters relating to the performance of the Association's functions.
- 13.3.2 The Executive Committee may not remove a person as a member or an Officer of the Association.
- 13.3.3 The Executive Committee must use its best endeavours to consult with all Officers of the Association prior to exercising its rights under clause 13.3.1.
- 13.3.4 All Officers of the Executive Committee have an equal vote when voting on matters of urgency.
- 13.3.5 Full particulars of actions taken by the Executive Committee as matters of urgency must be tabled at the next scheduled general meeting of the Association or at a special meeting called for that purpose. However, failure by the Executive Committee to comply with this clause does not affect the validity of the action.

14 SUBCOMMITTEES

- 14.1 The Association may establish subcommittees for purposes it considers appropriate consistent with the objectives and functions of the Association, including subcommittees for special purposes such as a swimming club or tuckshop.
- 14.2 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.
- 14.3 Without limiting section 14.2, subcommittees will operate under the general supervision of, and will be subject to conditions imposed by, the Association, which include ratification by the Association of specific decisions.
- 14.4 Only members of the Association are eligible to be members of a subcommittee and will be appointed by the Association.
- 14.5 Subject to clause 14.7, the Association must appoint particular members of the subcommittee to be the Chairperson, Secretary and, if funds are to be raised or spent by the subcommittee, the Treasurer of the subcommittee.
- 14.6 Officers of the Association are eligible to hold positions on subcommittees.
- 14.7 The position of Treasurer of a subcommittee may not be held by either the Chairperson or the Secretary of the subcommittee.
- 14.8 Each subcommittee of the Association will, subject to an alternative 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.

- 14.9 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 of the relevant subcommittees.
- 14.10 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. The Chairperson of the subcommittee, or, if the Chairperson is not present at the meeting, the person presiding at the meeting, has a deliberative vote and if the votes on a matter are equal, a casting vote.
- 14.11 At any meeting of a subcommittee the presence of a majority of members of the subcommittee constitutes a quorum.
- 14.12 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.
- 14.13 The tenure of each subcommittee is at the discretion of the Association.

15 FINANCIAL INTEREST

- 15.1 In this clause 15, “**relevant entity**” means:
- 15.1.1 the Association; or
 - 15.1.2 the Executive Committee, or a subcommittee, of the Association.
- 15.2 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 which 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.
- 15.3 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.
- 15.4 The Interested Member must not be present when the relevant entity considers whether to give a direction under clause 15.3.
- 15.5 If there is another member of the relevant entity (the “**Second Member**”) who must, under clause 15.2, also disclose an interest in the issue, the Second Member must not:
- 15.5.1 be present when the relevant entity is considering whether to give a direction under clause 15.3; or
 - 15.5.2 take part in making the decision about giving the direction.
- 15.6 If:

15.6.1 because of this clause 15, 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 15.3; and
15.6.2 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.

16 REMOVAL OF MEMBERS AND OFFICERS OF AN ASSOCIATION

16.1 *Nominated Persons and Removed Persons*

In this clause 16:

16.1.1 **“Nominated Person”** means a person who is a member, or a member and Officer, of the Association;

16.1.2 **“Remove”**, a Nominated Person means:

- a. if the person is a member only of the Association – remove the person as a member of the Association; or
- b. 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.

16.1.3 **“Removed Person”** means a Nominated Person who has been Removed by the Association under clause 16.4; and

16.1.4 **“Notice of Removal”** means a notice, under clause 16.4.5, from an Association to a Nominated Person Removing the Nominated Person.

16.2 *Removal of Nominated Person*

The Association may Remove a Nominated Person in accordance with this clause 16.

16.3 *Grounds for Removal of Nominated Person*

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

16.3.1 the Nominated Person is convicted of an indictable offence;

16.3.2 the Nominated Person, without reasonable excuse, contravenes the Act or this Constitution;

16.3.3 for a Nominated Person who is an Officer, the Nominated Person, without reasonable excuse, fails to perform the duties of the office in a competent manner;

16.3.4 the Nominated Person, engages in conduct that is injurious or prejudicial to:

- a. promoting of the interests of the School;
- b. facilitating the development and further improvement of the School; or
- c. the good order and management of the School.

16.4 Removal of a Nominated Person

16.4.1 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 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 Nominated Person to show, within a stated time of at least 14 days, why the action should not be taken.

16.4.2 The Association must consider all written representations made within the stated time and determine whether the Association still considers a ground to Remove the Nominated Person exists.

16.4.3 The Association will vote on the Removal of the Nominated Person by secret ballot at a general or special meeting of the Association and the decision to Remove the Nominated Person will be determined by majority of votes of the members present;

16.4.4 If, in accordance with clause 16.4.3, the Association decides to Remove the Nominated Person then the Nominated Person is Removed in accordance with the decision.

16.4.5 The Association must inform 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 16.4.6;
- 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.

16.4.6 Subject to clause 16.4.7, the decision referred to in clause 16.4.5 takes effect on the later of the day on which the notice is given to the Nominated Person and the day of effect stated in the notice.

16.4.7 If the ground for the Removal of the Nominated Person is that the member is convicted of an indictable offence:

- a. the Removal does not take effect until:
 - the end of the time to appeal against the conviction; and
 - 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.

16.5 Submissions Against Removal of Removed Person

16.5.1 A Removed Person may make a submission against their Removal 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.

16.5.2 Notwithstanding clause 16.5.1, 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 III - Meetings and Voting

17 MEETINGS

17.1 *Presiding at Meetings*

17.1.1 The President of the Association must preside at, and be Chairperson for, all meetings of the Association at which the President is present.

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

17.1.3 If neither the President nor a Vice-President is present, or those offices are vacant, a member elected by those present at the meeting will preside at, and be Chairperson for, that meeting.

17.2 *Minutes of Meetings*

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

17.3 *Annual General Meetings*

17.3.1 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.

17.3.2 The date of the annual general meeting of the Association will be determined at the last general meeting held prior to the end of the preceding financial year of the Association.

17.3.3 The Secretary will, at least 14 days before the day of the annual general meeting, give notice in writing of an annual general meeting personally, or by post to each member of the Association, or by a notice in the school newsletter and/or local newspaper. 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.

17.3.4 A quorum for an annual general meeting of the Association is three (3) officers plus two (2) members of the association.

- 17.3.5 No business of an annual general meeting will be conducted unless a quorum of members is present.
- 17.3.6 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 17.3.3.
- 17.3.7 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 17.3.3.
- 17.3.8 A member may place an item of business of the Association on the agenda for an annual general meeting by notifying the Secretary prior to the meeting.
- 17.3.9 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 out of 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. ALL MEMBERSHIPS LAPSE;
 - h. Applications for membership (to include renewals);
 - i. Election of Officers / Executive Committee;
 - j. Confirmation of continuing subcommittees of the Association (including appointment of members of subcommittees);
 - k. Appointment of the Association's Auditor;
 - l. General business.

17.4 General Meetings (other than Annual General Meetings)

- 17.4.1 General meetings of the Association will usually be held once each month. Except during the first year after the formation of the Association, the Association will hold a sufficient number of general meetings in which to undertake the functions and business of the Association, provided that the number of such meetings will be no less than three times per semester.
- 17.4.2 The scheduling of general meetings of the Association will be determined by a resolution of the Association.
- 17.4.3 A quorum for a general meeting of the Association is three (3) officers plus one (1) member of the association.
- 17.4.4 No business of a general meeting will be conducted unless a quorum of members is present.
- 17.4.5 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 seven 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

17.4.6 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.

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

17.4.8 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. Confirmation of 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.

17.5 Special Meetings

17.5.1 The Secretary will, at least seven days before the day of any special meeting, give notice of a special meeting personally or by post to each member of the Association or by notice in the school newsletter and / or local newspaper. 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.

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

17.5.3 A quorum for a special meeting of the Association is three (3) officers plus two (2) members of the association.

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

17.5.5 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 17.5.1.

17.5.6 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 17.5.1.

17.5.7 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.

18 VOTING

- 18.1 A question at an Association meeting is, subject to this Constitution, decided by a majority of the votes of the members present.
- 18.2 Members who are listed as current members in the register of members are entitled to vote at any duly constituted meeting of the Association.
- 18.3 Each member present at an Association meeting has a vote on each question to be decided.
- 18.4 Voting by proxy is **not** permitted.
- 18.5 The person presiding at any meeting of the Association has a deliberative vote and, if the votes on a question are equal, a casting vote.

Part IV – Finance, Audit and Records

19 FINANCE

19.1 Association is a Statutory Body

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 this Part IV of this Constitution is subject to, and must be performed in accordance, with the Act and the SBFA Act.

19.2 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.

19.3 Accounting for Parents and Citizens' Associations

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

19.4 Responsibilities

- 19.4.1 The responsibilities of the Officers, Principal, subcommittees and members of the Association not set out in this Constitution are set out in the Accounting Manual.
- 19.4.2 The Officers are responsible for ensuring that the Association and its subcommittees follow appropriate financial management procedures and comply with the Accounting Manual.
- 19.4.3 Responsibility for the proper collection, management and disbursement of money of the Association rests with the President and Treasurer.
- 19.4.4 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.

19.5 General Matters

- 19.5.1 All moneys 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.
- 19.5.2 Subject to clauses 19.5.3 and 6, money received by the Association must be applied, at the direction of the Minister, to the following:
- a. Firstly, in paying expenses lawfully incurred by the Association; and
 - b. Secondly, in achieving the objectives and performing the functions of the Association.
- 19.5.3 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.
- 19.5.4 Subject to clauses 19.5.2 and 19.5.3, money raised by the Association for a particular purpose must be used for that purpose.
- 19.5.5 Proper books and accounts will be kept and maintained by the Association showing correctly the financial affairs of the Association.

19.6 Banking

- 19.6.1 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.
- 19.6.2 The basic institutional account may be operated by any two Officers of the Association.
- 19.6.3 All moneys received by the Association, including by subcommittees of the Association, will be receipted and banked as soon as possible.
- 19.6.4 Electronic banking may be used where the financial institution's software provides necessary functionality and security.

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19.6.5 Electronic Funds Transfer may be used where the functionality complies with the mandatory requirements set out in the Accounting Manual and where transactions occur via a secure website that conforms to Secure Socket Layer protocols (SSL).

19.6.6 The cheque account of the Association will be operated by signature of any two Officers of the Association.

19.7 Expenditure

19.7.1 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.

19.7.2 All accounts must be submitted for approval or ratification of payment at a general meeting or special meeting of the Association.

19.7.3 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 \$100, or an amount as determined by resolution of the Association at the annual general meeting of the Association.

19.7.4 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.

19.7.5 All payments, other than from the petty cash fund, will be made by cheque or electronic funds transfer (EFT).

19.8 Borrowing and Investing

In borrowing or investing, the Association must comply with, in addition to the Act and SBFA Act, the Accounting Manual and any directions of the Minister.

19.9 Subcommittee Funds

19.9.1 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 19.5.2 to 19.5.4.

19.9.2 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; and
- b. keep a proper record of receipts and expenditure of the subcommittee; and
- 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.

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

19.9.4 If a subcommittee is authorised to operate a bank account in its own name, the account will be held at the same bank as the Association and will be operated by any two of the Chairperson, Secretary and Treasurer of the subcommittee.

19.9.5 All income of the subcommittee in excess of its approved operating funds will be transferred to the primary bank account of the Association as and when the Association determines.

19.10 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.

20 AUDIT

20.1 Association Must Be Audited

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

20.2 Appointment of Auditor

20.2.1 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.

20.2.2 After the meeting at which the Auditor is appointed, the Secretary must advise the relevant Executive Director (Schools) of the Department of Education, Training and the Arts of the Auditor’s name, address and qualifications within 28 days of the Auditor’s appointment.

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

20.2.4 The Auditor must, as far as is possible, be a local person aware of the activities of the Association and be:

- a. a member of CPA Australia who is entitled to use the letters ‘CPA’ or ‘FCPA’;
- b. a member of The Institute of Chartered Accountants in Australia who is entitled to use the letters ‘CA’ or ‘FCA’;
- c. a member of the National Institute of Accountants who is entitled to use the letters ‘MNIA’, ‘FNIA’, ‘PNA’ or ‘FPNA’;
- d. an employee of a public sector entity who has the maturity, commercial skills and experience to examine the books and accounts of the Association; or
- e. an employee of an insurance company, financial institution or other financial or commercial organisation, who has the maturity, commercial skills and experience to examine the books and accounts of the Association.

20.2.5 Where possible, the Auditor is to be appointed in an honorary capacity. However, where this is not possible, the Auditor’s fees will be negotiated and confirmed prior to appointment.

20.3 Annual Audit

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

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- a. minutes of meetings;
- b. records of income;
- c. records of payments;
- d. cashbooks;
- e. records of assets and liabilities; and
- f. such other records, as the Auditor considers appropriate.

20.3.2 The Auditor must verify with financial institutions with which the Association has accounts (the “**Financial Accounts**”) the financial balance held or owing, 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 requirements in subclause 20.3.2a have been substantially complied with; and
- c. 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 close of that year, on a basis consistent with the basis for preparing the Association’s financial statements for the preceding year.

20.3.3 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.

20.3.4 The Secretary must, by 31 May of the year following the financial year the subject of the audit, forward a copy of the Association’s audited accounts for the financial year to the Director-General.

21 HANDING OVER OF ACCOUNTS TO SUCCESSORS

21.1 The Treasurer of the Association, or of a subcommittee, will transfer to the successor-in-office all records and accounts of the Association, or subcommittee, as the case may be, in their possession, custody or control as soon as practicable after that successor has been appointed.

21.2 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 subcommittee to be carried out before handing these to the successor-in-office.

22 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.

23 RECORDS

The Association will store and manage all records and accountable forms of the Association (preferably at the School) according to the P&C Association Accounting Manual.

Part V – Adoption and Amendment of Constitution

24 ADOPTION OF CONSTITUTION

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

25 AMENDMENT OF CONSTITUTION

- 25.1 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.
- 25.2 The Association must have regard to this Constitution and any subsequent model constitution for Parents and Citizens' Associations prepared under section 36(3) of the *Education (General Provisions) Regulation 2006* prior to amending this Constitution.
- 25.3 The Secretary must forward a copy of the amended Constitution to the Executive Director (Schools) in the relevant region for approval.
- 25.4 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 VI – Dissolution of the Association

26 DISSOLUTION

- 26.1 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.
- 26.2 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.

Part VII – General

27 DEFINITIONS

In this Constitution, unless the context otherwise requires:

“Accounting Manual” means the latest version of the document titled “Accounting for Parents and Citizens Associations” that is published by the Department of Education, Training and the Arts from time to time;

“Act” means the *Education (General Provisions) Act 2006*;

“Director-General” means the Director-General of the Department of Education, Training and the Arts or such other person as may from time to time hold the position as chief executive of the State government department responsible for administration of the Act;

“Executive Committee” means the Executive Committee of the Association as referred to in clause 13.1.1;

“Minister” means the Minister responsible for administering the Act;

“Officers” mean the officers of the Association as elected in accordance with clause 12.1.1;

“Relevant Agreement” means an agreement benefiting persons who receive educational instruction at the School;

“SBFA Act” means the *Statutory Bodies Financial Arrangements Act 1982*;

“School” means the Berserker Street State School, being the State instructional institution, as defined in the Act, for which the Association has been formed.

SCHEDULE 1– RECORD OF MEMBERSHIP FOR STATE SCHOOLS

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

_____ **PARENTS AND CITIZENS ASSOCIATION**

YEAR: _____

| Name | Address | Date Membership Commenced | Date Membership Ceased | Member is: (Choose A or B) A. Parent of student attending the school and the member appears to be 18 years or above Or B. If not a parent, Member confirms he/she is 18 years or above. | Phone | Signature |
|------|---------|---------------------------|------------------------|---|-------|-----------|
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SCHEDULE 2 –MEMBERSHIP APPLICATION FORM

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| Berserker Street State School Parents and Citizens' Association Application for Membership | |
| Please complete and return this form to the school office | |
| Name: | |
| Address: | |
| Phone | Home: |
| | Work: |
| Email | |
| New Membership | Yes / No (circle one) |
| Renewal Membership | Yes / No (circle one) |
| <i>I agree to be bound by the constitution of the P&C and by all valid resolutions passed by the Association</i> | |
| Signature: | |
| Date: | / / |
| P&C USE ONLY | |
| Date received: | |
| Date accepted: | |
| Secretary's signature: | |