

2012 Revision

**WILLOUGHBY PUBLIC SCHOOL
PARENTS & CITIZENS
ASSOCIATION INC**

**CONSTITUTION
AND
RULES**

Constitution in format prescribed by P&C Federation
Rules updated 14 March 2012
Previous updates 2007 and 2002.

Constitution of the Willoughby Public School Parents and Citizens Association Inc.

1. Name

This body shall be known as the Willoughby Public School Parents and Citizens' Association Inc, a body corporate under the Parents and Citizens' Associations Incorporation Act 1976.

2. Objects and Functions

The objects and functions of this Association shall be those set out in Section 116 of the Education Act 1990 which include:

2.1. The objects:

- 2.1.1. to promote the interest of the school by bringing parents, citizens, students and teaching staff into close co-operation; and
- 2.1.2. to assist in providing facilities and equipment for the school and in promoting the recreation and welfare of the students at the school.

2.2. The functions:

- 2.2.1. to report, when requested by the Minister for Education and Training, on the material requirements of the school and to advise on the subject of maintenance of the school, alterations and additions to school facilities, and the selection of new sites;
- 2.2.2. to assist and co-operate with the teaching staff in public functions associated with the school;
- 2.2.3. to be responsible for the election of parent representatives to any school council constituted at the school in consultation with Principal of the school to ensure consistency with any guidelines for elections issued by the Director-General of Education and Training;
- 2.2.4. to assist in any matters in which the Minister may seek the co-operation of the Association and to exercise such other functions as may be prescribed by the regulations. (Under the Education Act, 1990).

3. School Staff

The Association shall not exercise any authority over the teaching staff or any matter relating to the control or management of the school.

School staff may become members of the Association. The Principal of the school, or the Principal's nominee, shall be a member, ex-officio, of the Association and all its committees.

4. Membership

Membership will be open to all parents of pupils attending the school and to all citizens within the school community. The Association shall maintain a register of members. A person whose name appears in the register and who has paid the annual subscription shall be a member of the Association.

The register shall be updated after each General Meeting by the Secretary or the Secretary's nominee. If the name of a person has been omitted from the register when that person is otherwise entitled to be a member and their name should have been recorded in the register, then that person shall be a member of the Association.

5. Office Bearers

5.1 The Executive Committee, which shall be constituted of the Officers of the Association and up to six other members shall carry out the decisions of the Association. Members of the Executive Committee shall not receive any remuneration or other material benefit by reason of their position in the Association.

A member of the Executive Committee may be removed from office by resolution of the Association carried at a properly convened General Meeting or special meeting, providing at least seven day's notice has been given to members.

5.2 The Officers shall consist of President, two Vice-Presidents, Treasurer, Secretary and Fundraising Co-ordinator and shall be elected at the Annual General Meeting.

5.3 The President shall preside at all meetings, except that in the absence of the President, one of the Vice-Presidents shall preside, and in the absence of the President and Vice-Presidents, the Committee shall elect a Chairperson.

5.4 The Secretary shall attend meetings and keep a record of all business conducted; shall hand over records, minutes, account books, etc., to the incoming Secretary on relinquishing office.

5.5 The Treasurer shall receive and deposit monies, maintain records, draw cheques and present accounts to each General Meeting; present all records for auditing each year and shall hand over all records to the incoming Treasurer on relinquishing office. The requirements for handling money, keeping records, etc., in the School Manual on Financial Management shall be followed.

Should it be necessary during the unavoidable absence of the Treasurer, another officer of the Association may receive any monies, issue receipts and either deposit the monies in an Association account or hand the monies to the Treasurer within two business days, taking a receipt for same.

5.6 The Fundraising Co-ordinator shall be responsible for drawing up a calendar

of fundraising events, seeking P&C endorsement of events prior to them being held, reporting to P&C meetings, supervising the organisation of events to comply with the P&C fundraising manual and relevant policies including the documentation of the details of each event, updating the fundraising manual, convening and attending meetings of a Fundraising committee, keeping a record of all business conducted, and handing over records, minutes, account books, etc., to the incoming Fundraising Co-ordinator on relinquishing office.

[Note: This clause is additional to requirements of model constitution.]

6. Casual Vacancies

Any casual vacancy on the Executive shall be filled by a ballot of the members of the Association at any General Meeting. A casual vacancy shall have arisen where a member of the Executive Committee:

- 6.1 dies;
- 6.2 resigns from the committee by notice in writing;
- 6.3 ceases to be a member of the Association;
- 6.4 is removed under clause 5.1;
- 6.5 has a continuing and long term incapacity to fulfil the functions of the position.

7. Annual General Meeting

An Annual General Meeting shall be held once each calendar year at a date specified in the rules. At this meeting all Officer and other positions will become vacant and then be filled by nomination, and where necessary by ballot of members. All nominees shall be members of the Association.

The audited statement of income and expenditure and Annual Report will be presented. A copy of the audited statement of income and expenditure, certified by the auditor, is to be forwarded to the NSW Federation of Parents and Citizens' Associations within one month of the Annual General Meeting at which it is adopted.

An auditor for the ensuing year who is not an officer of the association shall be appointed. The appointed auditor shall possess appropriate skills and experience in auditing and financial record management together with an appreciation of the issues of probity as they relate to the role of an Association auditor.

In particular, the auditor must not have or appear to have any a conflict of interest arising, for example, from a personal or business relationship with an officer of the Association.

8. General Meetings

A General Meeting shall be held at least once during school term.

9. Special Meetings

A special meeting shall be called by the Secretary at any time upon written request signed by at least ten members or on the authority of the Executive Committee. The special meeting shall be held within one month of the date the Secretary receives the request or is given the authority. Members shall be given at least seven days' notice of the meeting which notice shall also state the business of the meeting.

10. Quorum

Where the Association has a current membership of fifty (50) or more, the quorum at all meetings of that Association shall be eleven (11) members. Where the Association has a current membership of less than fifty (50), the quorum shall be set according to the rules of that Association but shall not be less than five (5).

11. Liability

11.1 A member or Officer of the Association is not, by reason only of being such a member or Officer, liable to contribute towards payment of the debts and liabilities of the Association or the costs, charges and expenses of winding up of the Association.

11.2 The Association must effect and maintain approved public liability insurance, unless the Association is covered by such insurance effected and maintained by the Federation of Parents and Citizens' Associations of New South Wales. In this section "approved public liability insurance" means public liability insurance which an Association incorporated under the Associations Incorporation Act 1984 is required by Part 6 of that Act to effect and maintain.

12. Subscriptions

The annual subscription shall be set by the rules but shall not be less than fifty (50) cents.

13. Sub-committees

The Association may establish sub-committees, however styled, to carry out specific functions on its behalf. Any sub-committees that are established shall report regularly at meetings of the Association and follow any directions received from the Association.

The Association may dissolve a sub-committee at any time. Any funds raised or handled by a sub-committee shall be for all purposes, funds of the Association.

14. Dissolution

- 14.1 The Association may be dissolved in terms of a resolution carried at a General Meeting or a Special Meeting of members, providing at least seven days' notice has been given to members and subject to the concurrence of the Minister for Education and Training, or otherwise at the Minister's discretion.
- 14.2 The Association shall be dissolved if the number of members falls below the quorum or the school to which the Association is attached is closed.
- 14.3 Where the Association is dissolved, minute books, audited accounts and other records together with the residue of funds, shall be given to a kindred organisation having a taxation status accepted by the Australian Taxation Office as equivalent to that of the association. In particular, where the association maintains a deductible gift fund (such as a School Building Fund) on dissolution any remaining assets or funds must be transferred to another gift deductible fund with similar objects to the association. Any records given to a kindred organisation will be retained in accordance with taxation legislation requirements. . The transmission shall occur within two months of the dissolution and only after the books of account have been audited as provided under Clause 16. If the association is registered for GST, dissolution shall not be finalised until all accounts have been paid, all revenue received and all GST transactions have been accounted for in the associations Business Activity Statement.
- 14.4 Where the Association is dissolved, assets and funds on hand after payment of all expenses and liabilities shall not be paid to or distributed among the members.

15. Rule Making Power

The Association shall make such rules as are required to carry out its functions. The rules shall not contravene the terms of this constitution, the Education Act, 1990, or the Parents and Citizens' Associations Incorporation Act 1976. The rules may be adopted, altered or withdrawn according to a simple majority vote at any meeting of the Association for which a month's notice has been given. Such notice shall include details of the proposed changes. The rules shall provide for the procedure to be followed:

- 15.1 at meetings of the Association;
- 15.2 to convene a substitute meeting when a quorum is not attained at a meeting; and
- 15.3 in making an application for membership.

16.Accounts

The funds of the Association shall be banked in the name of the Association with any institution holding trustee status within the meaning of the Trustee Act, 1925, provided interest is allowed on the balance. The account shall be operated by two or more officers of the Association delegated in that behalf by the Association.

No commitment shall be entered into for the expenditure of Association funds, except by resolution of a meeting of the Association. The Association must make such financial reports about its affairs (including reports of its auditors) as are required by its rules or by the Minister.

Adopted on the 14 March 2012 by resolution at a General Meeting of the Willoughby Public School Parents & Citizens Association.

Signed on behalf of the Association by:

**Penny Hackett
President**

**Amanda Milin
Secretary**

Rules to accompany the Constitution of the Willoughby Public School Parents and Citizens Association Inc.

(Adopted 14 March 2012)

1 Definitions

- 1.1 " **Association**" and "**WPS P & C Association**" mean the Willoughby Public School Parents and Citizens' Association Inc.
- 1.2 "**P&C Federation**" and "**Federation**" means the Federation of Parents and Citizens' Associations of New South Wales.
- 1.3 "**School**" means Willoughby Public School.
- 1.4 "**Executive Committee**" or "**Executive**" means the Officers of the Association plus the persons (if any) who occupy any of the following roles within the Association: Webmaster, Class Rep Co-ordinator, Assistant Secretary, Assistant Treasurer, Assistant Fundraising Co-Ordinator.
- 1.5 Any office-bearer mentioned herein shall be deemed to be a member of the Executive of the Association unless otherwise specifically stated.
- 1.6 Terms defined in the Constitution have the same meaning in these Rules.

2. Status

- 2.1 These Rules are made under the constitution of the Association which is in the form prescribed by the Federation..

3. Aims

- 3.1 The Association is formed for the benefit of the pupils of the School and to that end it will:
 - 3.1.1 participate as much as possible in the activities of the School and communicate with all members of the School community;
 - 3.1.2 co-operate in the activities of the Federation and its District and Regional Councils;
 - 3.1.3 do such other things as may promote the interests of public education;
and
 - 3.1.4 to raise funds for the benefit of the School.

4. Financial Year and Budget

- 4.1 The Financial Year of the Association shall close on 30 September each year.
- 4.2 The P&C Executive Committee must hold a budget planning meeting with the School in Term 4 each year prior to the AGM to prepare a proposed budget for discussion and approval at the AGM.

5. Annual General Meetings and appointment of office bearers.

- 5.1 The Annual General Meeting (“**AGM**”) of the Association shall be held in Term 4 each year, in conjunction with and preceding an General Meeting. The agenda of the AGM must include setting the membership fee of the Association for the ensuing year which, if not otherwise specified, will be one dollar.
- 5.2 No person shall serve more than two consecutive years in the same office, and no person shall hold the same office for more than two years unless approved by a General Meeting of the Association.
- 5.3 Following the AGM in Term 4 each year, all outgoing office bearers of the Executive and Subcommittees shall continue in their positions until the end of December. New office bearers elected at the AGM shall take up their positions at the beginning of the following school year.
- 5.4 No person shall serve more than a total of four years on the same committee, unless approved by a General Meeting of the Association.
- 5.5 The AGM may appoint assistants to the Treasurer, Secretary and Fundraising Co-ordinator and any person appointed to such a role will be considered part of the Executive Committee of the Association as will all persons who act as an Officer in a joint capacity.

6 Dates of General Meetings

- 6.1 A General Meeting of the Association shall be held at least once per term on dates and at times and at places determined by the Executive Committee of the Association..

7 Membership and Fees

- 7.1 Any person eligible for membership may become a member or renew membership by paying the required membership fee, as set at the previous Annual General Meeting or specified in these rules. to the Treasurer or nominee of the Treasurer after any General Meeting or as provided for in 7.2.

- 7.2 The Association may seek and receive payment of membership fees at the same time as fees and voluntary contributions are collected by the School. A list of parents and guardians provided by the School (along with payment by the School of the membership fees for each of those persons) will be retained by the Secretary for the purposes of the membership register and will be evidence of a person's membership of the Association.
- 7.2 Membership shall remain valid for one calendar year or part thereof..
- 7.3 Persons who are attending a meeting but are not yet members , may pay their membership fee at the commencement of any General Meeting but shall not become members with entitlement to vote until after the Register of members has been updated following that meeting.
- 7.4 The Secretary or an Assistant Secretary shall be responsible for maintaining an up-to-date register of members.

8 Volunteer Lists for Insurance

- 8.1 A list of volunteers, who need not be members, associated with each occasion organised by the Association shall be kept for Insurance purposes.
- 8.2 Volunteers of the association shall be given clear explanation of their duties, responsibilities and rights.

9. Quorum

- 9.1 At a General Meeting the quorum shall be in accord with Rule 10 of the constitution.
- 9.2 If a meeting for which due notice has been given does not achieve a quorum within fifteen (15) minutes of the advertised starting time the Secretary shall, or in the absence of a Secretary, remaining members of the Executive shall (and failing that any five members of the Association may) call a further meeting within 28 days (of term time) to carry on the business of the Association.
- 9.3 In the absence of the Secretary the remaining members of the Executive, or any five members of the Association, may call any meeting that is required, giving due notice of the business proposed for the meeting.

10. Conduct at meetings

- 10.1 All meetings of the Association shall be conducted in accordance with the appropriate By-laws of Federation "Standing Orders for the Conduct of all Meetings.

- 10.2 The order of business shall follow that for Federation Council, Standing Order 1 C. Unfinished business on notice at the previous meeting shall be dealt with as "1C(c) Matters arising from the Minutes".
- 10.3 As well as the provisions of Federation Standing Order 6 "Notices of Motion" a group of members of the Association equal to the quorum for the meeting may require that particular items of new business without notice be placed on notice for the next meeting.

11. Election of Representatives for specific functions

- 11.1 The Association may elect representatives who will be responsible to the Association in the same way that Federation Representatives are responsible to Federation under section 413 of Federation Policy. The Association may decide on the scope of the representative's role at the time of election what form of reporting is required. Without limitation and by way of example, representatives might be appointed to represent the Association on local council committees dealing with traffic issues.

12 Absent Officers

- 12.1 A General Meeting of the Association may declare any officer who has been absent for three (3) successive meetings, as set out in Federation By-law 4(r)(iii), to have vacated their position and to have created a casual vacancy to be dealt with by means of Rule 6 of the constitution.

13 Rules of Subcommittees

- 13.1 All subcommittees of the Association shall operate under the subcommittee rules as approved by the Association at a General Meeting where seven (7) days notice has been given of the motion to adopt or amend the subcommittee rules.
- 13.2 All current subcommittee rules (including draft contracts of employment, contracts and the like shall be affixed and form annexures to these by-laws).
- 13.3 If the subcommittee has no subcommittee rules then the subcommittee shall operate according to the constitution, bylaws and rules of the Association.
- 13.4 Subcommittees must hold regular meetings and make a report to each General Meeting of the Association including information about its financial position.
- 13.5 Office-bearers of subcommittees are to be appointed at an AGM of that subcommittee or, if there are no nominees at an AGM, appointed by the Executive Committee of the Association.

- 13.6 All funds raised and held by a subcommittee are the funds of the Association and the Association Treasurer has ultimate and overriding oversight of all such monies and any two signatories to the Association's bank accounts have authority to view and operate bank accounts of subcommittees.
- 13.7 A subcommittee cannot commit to capital expenditure in excess of \$500 without approval of the Association unless this is specifically provided for in that Subcommittee's rules.
- 13.8 A subcommittee cannot enter into a contract of employment with any person without approval from the Association's Executive Committee.
- 13.9 A subcommittee office bearer can be removed from office by resolution at a general meeting of the Association provided that seven (7) days notice has been given of the motion to remove that person.
- 13.10 As at the date of these Rules, the Association has the following subcommittees:
- Uniform Shop
 - Canteen
 - Band
 - Netball Club
 - Rugby Club
 - Chess Club
 - Grounds
- 13.11 Establishment of a new subcommittee must be approved at a General Meeting at which conditions may be imposed. Without limitation, these may include content of subcommittee rules, appointment of Executive Committees, approval from the School and requirements for bank accounts and handling of funds.

14 Ex officio membership

- 14.1 The School Principal and the President of the Association shall be *ex officio* members of all Executives of subcommittees of the Association. The School Principal and the President of the Association can delegate others to attend of their behalf. All *ex officio* members must be notified of all meetings and sent minutes of the meetings and any other documents generally circulated to the Subcommittee.

15 Expenditure and operation of Bank Accounts

- 15.1 Any motion to expend Association monies must be placed on notice for the meeting at which it is to be considered, except for approved, budgeted amounts, amounts described in clause 15.4 and where subcommittees of the Association have defined powers to expend moneys under the subcommittees' rules.
- 15.2 Where expenditure on an item has prior approval of a P&C meeting, the P&C Treasurer and one other Executive Committee member, be jointly delegated authority to approve payment of an over run of expenditure of not greater than 10% for items not exceeding \$2,000.
- 15.3 Operation of the bank accounts of the Association and its Sub-committees require the signing authority of a minimum of two members of the Executive Committee of the Association (or the relevant sub-committee) who have been designated as authorised persons and notified as such to the Bank. The President, Treasurer and any Assistant Treasurer of the Association are automatically authorised persons. Accounts may be operated via electronic banking provided that a dual authority arrangement is in place (and, in the case of sub-committees, the Association Treasurer and President have approved use of electronic banking).
- 15.4 Three members of the Executive Committee may approve expenses incurred in organising fundraising, social or other P&C events provided that the event is reasonably expected to earn sufficient revenue to cover those expenses and the total expenditure does not exceed \$10,000. Without limitation, this includes events such as welcome disco, family fun day, starry night event, mothers and father's day stalls, fathers day/blokes breakfast, major fundraising event, trivia night etc.

16 Life Membership

- 16.1 The Association may confer the honour of Life Membership on a member who has made an outstanding contribution to the work of the Association. Life members may attend and speak at meetings but are not entitled to vote or to hold office unless they are also ordinary members in terms of Rule 7 in these rules.

17 Giving of Notices

- 17.1 Notices may be given by publication in the School Newsletter and/or posting on the Association's website.