

APS P&C Constitution

1. Name

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

2. Objectives and Functions

The objectives and functions of this association shall be those set out in Section 116 of the Education Act 1990, which include

Objectives

- a) To promote the interests of the school by bringing parents, citizens, students and teaching staff into close co- operation, and
- b) To assist in providing facilities and equipment for the school and in promoting the recreation and welfare of the students at the school.

Functions

- a) 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.
- b) To assist and co-operate with the teaching staff in public functions associated with the school.
- c) To be responsible for the election of parent representatives to any school council constituted at the school in consultation with the Principal of the school to ensure consistency with any guidelines for elections issued by the Director-General of Education and Training.
- d) 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

- a) 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 days' notice has been given to members.
- b) The Officers shall consist of President, two Vice-Presidents, Treasurer and Secretary, and shall be elected at the annual general meeting.
- c) 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.
- d) The Secretary shall attend meetings and keep a record of all business conducted. On relinquishing office the Secretary shall hand over records, minutes, account books to the incoming Secretary.
- e) 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 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.

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:

- a) dies
- b) resigns from the committee by notice in writing
- c) ceases to be a member of the association
- d) is removed under clause 5(a)
- e) or 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 Federation of Parents and Citizens' Associations of New South Wales within one month of the annual general meeting at which it is adopted.



An auditor for the ensuing year who is not an office bearer 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 association auditor. In particular, the auditor must not have or appear to have any 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 each school term.

9. Special Meetings

The Secretary shall call a special meeting at any time upon written request signed by at least 10 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 50 or more, the quorum at all meetings of that association shall be 11 members. Where the association has a current membership of less than 50, the quorum shall be set according to the rules of the association but shall not be less than five.

11. Liability

- a) A member or Officer of the association is not, by reason only of being such a member or Officer, liable to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association.
- b) The association must effect and maintain approved public liability insurance, unless the association is covered by such insurance affected 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 50 cents.

13. Subcommittees

The association may establish subcommittees, however styled, to carry out specific functions on its behalf. Any subcommittees that are established shall report regularly at meetings of the association and follow any directions received from the association. The association may dissolve a subcommittee at any time. Any funds raised or handled by a subcommittee shall be, for all purposes, funds of the association.



14. Dissolution

- a) 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.
- b) 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.
- c) 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 organization will be retained in accordance with taxation legislation requirements. The transmission shall occur within two months of the dissolution of the association, 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 finalized until all accounts have been paid, all revenue received and all GST transactions have been accounted for in the association's Business Activity Statement.
- d) 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:

- a) at meetings of the association;
- b) to convene a substitute meeting when a quorum is not attained at a meeting; and
- c) 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 for Education and Training.



Rules & by-laws

1. Enablement

These rules are made under the **Constitution of the Annandale Public School Parents & Citizens Association**.

2. Objectives

The Association is formed for the benefit of the pupils of the Annandale Public School.

In accordance with the *Education Act 1990*, the objects of the Association are:

- a) to promote the interests of the school by bringing parents, citizens, students and teaching staff into close co-operation, and
- b) to assist in providing facilities and equipment for the school and in promoting the recreation and welfare of the students at the school, and
- c) to encourage parent and community participation in curriculum and other education issues.

In pursuit of these objects, the Association will

- a) assist and co-operate with the teaching staff in public functions associated with the school and the school's educational processes, and
- b) raise funds to purchase goods and services for the benefit of the school and its students in accordance with the Association's objects, and
- c) discharge any obligations and perform any functions imposed or conferred on it by statute or regulation or by direction or request of the Minister or by its Constitution.

3. The financial year of the association

The financial year of the Association shall close on **31 December each year**.

4. Annual General Meeting of the Association

The Annual General Meeting of the Association shall be held in **March of each year**, in conjunction with and preceding the ordinary general meeting for that month.

5. General Meetings of the Association

A general meeting of the association shall be held on the **third Tuesday of each month during term time**.

6. Membership eligibility

Any person eligible for membership may become a member or renew membership by paying the required membership fee to the Treasurer or nominee of the Treasurer after any general meeting.

- a) Membership shall remain current until the close of the annual general meeting in the following year.
- b) The Secretary or nominated member of the Executive Committee shall be responsible for maintaining an up-to- date register of membership.



7. General Meeting Quorum requirements

Where the membership of the Association is less than 50, the quorum for a general meeting shall be 5.

If a meeting for which due notice has been given does not achieve a quorum within 30 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 before the date of the next scheduled general meeting to carry on the business of the association.

8. Calling of meetings

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.

9. Conduct of meetings of the Association

The Association may adopt Standing Orders for the conduct of meetings.

10. Declaration of vacant office

The seat of any Officer absent for three consecutive meetings without cause shall be declared vacant.

Any casual vacancy on the Executive shall be filled by a ballot of the members of the association at any general meeting.

11. Delegates or representatives

Delegates or representatives of the Association to participate in a specified body or meeting on its behalf shall be appointed by a general meeting of the Association. Where time does not permit the appointment to be made by a general meeting, the appointment may be made after consultation by the Executive Committee but must be reported to the next general meeting for ratification.

Delegates or representatives shall report to general meetings a may be prescribed at the time of appointment.

12. Resolutions to expend Association monies

All funds belong to the Association, and expenditure must be authorised by resolution of a general meeting.

Wherever possible, a motion to authorize expenditure should be listed on the notice for the meeting.

All expenditure in accordance with approved resolutions and all income must be reported to the next general meeting of the Association.



Code of conduct for APS P&C Office Holders

The Association's Code of Conduct for its Office Bearers are to ensure the office bearers fulfil their executive, accountability and fiduciary duties to the members of the Association.

Rights and equitable treatment of members of the Association

- Office Bearers are to respect the rights of members and to help members to exercise those rights.
- Office Bearers are to help members to exercise their rights by the Association effectively communicating information that is understandable and accessible and encourage members to participate in general meetings.

Executive Committee and Office Bearers role and responsibilities

Office Bearers are to clearly understand their roles and responsibilities as Office Bearers and members of the Association's Executive Committee.

Integrity and ethical behaviour

Office Bearers are to ensure that they must act with integrity and to good ethical standards to promote ethical and responsible decision-making.

Disclosure and transparency

- Office Bearers are to ensure that the Association discloses its decisions and the processes in reaching those decisions.
- Office Bearers are to maintain procedures to independently verify and safeguard the integrity of the Association's financial reporting.

Conflicts of interest

Office Bearers are to disclose conflicts of interest and absent themselves in decisions that may compromise the independence of their decision-making.

Interests of other institutions

Office Bearers are to ensure that the Association recognises its legal, financial and other obligations to all legitimate institutions.

Handling of personal and confidential information

Office Bearers are to treat Personal Information (as defined in the various Australian Privacy Acts) and confidential information disclosed to them in their capacity as Office Bearers in accordance with relevant laws and must not access, use or disclose such information for any purpose other than authorised Association business.



Representations to government on behalf of the Association

- Office Bearers may develop and maintain relationships with Ministers and Opposition Ministers and relevant officials in the State Government.
- Office Bearers on Association business may meet individually with Ministers, Ministerial staff or government officials. Where they do, they are to make it clear it is for Association business and not personal interests.
- Office Bearers are to report to the Association as soon as possible after meetings on Association business with Ministers, Ministerial staff or government officials.

