

Draft copy ONLY.

Constitution of the Ladysmith Public School Parents and Citizens Association.

Adopted date:

1. Name

The name of the corporation shall be the Ladysmith Public School Parents and Citizens Association, a body corporate under the Parents and Citizens' Associations Incorporation Act 1976.

2. Object and Functions

The objects and functions of this association shall be those set out in Section 116 of the Education Act 1990. (See Appendix 1 Objects and Functions of Act)

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 and guardians of pupils attending the Ladysmith Public 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, Vice-President, Treasurer, Assistant Treasurer and Secretary, Assistant 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 the Vice-President shall preside and, in the absence of the President and Vice-President, 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, etc. 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. 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 as soon as is practicable, 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); or

(e) has a continuing and long-term incapacity to fulfill the functions of the position.

7. Annual General Meeting

An annual general meeting shall be held once each calendar year before the March meeting date. 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. The Auditor should be someone who has sufficient knowledge and skills to ensure the adequacy of the financial record keeping and governance issues. They are required to see cashbook, receipts, banking, statements and minutes.

8. General Meetings

A general meeting shall be held once a month on the 1st or 2nd week of each Month, provided that there be at least two meeting each school term.

9. Special Meetings

A special meeting shall be called by the Secretary at any time upon written request signed by at least 3 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 that association but shall not be less than five. The Ladysmith Public School Parents and Citizens Association quorum shall be two [2] executive members together with three [3] other members provided that current members of Ladysmith Public School staff shall not exercise greater than 49% of available votes in any matter. Parents should have the majority over staff.

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 Ladysmith Public School Parents and Citizens Association Annual Subscription shall be an Australian currency gold coin.

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. No subcommittee shall have authorization to raise funds or expend moneys without the express consent of the Executive committee having met in General meeting.

14. Dissolution

See section 21 [parents and citizens association](#) incorporated under this Act **(Appendix 1)**

No funds of the Ladysmith Public School parents and citizens association will be paid amongst the members of the association except for legitimate commercial business i.e when a tender of quotes for tendered work has been passed at a general meeting. All funds are expended for the benefit of the Ladysmith Public School and its students.

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.
- (d) the publishing of agenda, draft and final minutes of P&C on the school web site, school APP
 - 2 weeks prior to meeting you call for submissions for inclusion in a meeting agenda, that draft minutes are published within 7 days of meeting and that final/confirmed minutes are published when adopted at following meeting of that same committee.

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.

Appendix 1. Information Document – excerpts from Education Act 1990 and Parents and Citizens’ Associations Incorporation Act 1976

Relevant Parts of the Education Act 1990

(i) The objects:

(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.

(ii) The 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).

PART 11 - PARENTS AND CITIZENS AND KINDRED ASSOCIATIONS

- [114.](#) Definition of “parents and citizens association”
- [115.](#) Constitution of associations and district councils
- [116.](#) Objects and functions
- [117.](#) Rules of associations and district councils

Relevant Part of Parents and Citizens’ Associations Incorporation Act 1976

Cancellation of incorporation

21 Cancellation of incorporation

(1) The Minister may, by notice published in the Gazette, cancel the incorporation of a [parents and citizens association](#) incorporated under this Act:

(a) if the Minister has reasonable cause to believe that the association is not complying with this Act or the rules of the association, or

(b) if the association has ceased to be a member of the [federation](#), or

(c) if the association is constituted in connection with a [government school](#) that has been closed,
or

(d) if the Minister has other good cause for doing so.

(2) If the incorporation of the association is so cancelled and the winding up of the association has not commenced before the cancellation, the property of the association vests in the Minister. The debts and liabilities of that association are to be paid, its property is to be distributed and its affairs are to be wound up in accordance with the directions of the Minister.

(3) Nothing in this Act affects the winding up under any other law of a [parents and citizens association](#) incorporated under this Act.

References

Education Act 1990

Parents and Citizens' Associations Incorporation Act 1976