

Prescribed Constitution for Incorporated Associations

Section 117 of the Education Reform Act 1990 requires that the prescribed constitution for Parents and Citizens' associations incorporated under the Federation of Parents and Citizens' Association of New South Wales Incorporation (Amendment) Act 1991, be published by the Minister in the Education Gazette.

This prescribed constitution is as follows:

1. Name

This body will be known as the Gymea Bay 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 will be those set out in Section 116 of the Education Act 1990, which include:

(i) The objects:

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

The functions:

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;
to assist and co-operate with the teaching staff in public functions associated with the school;
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;
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 must 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, is 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 school and to all citizens within the school community. The association must maintain a register of members. A person whose name appears in the register and who has paid the annual subscription will be a member of the association.

The register will 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 will be a member of the association.

5. Office Bearers

The executive committee, which will be constituted of the Officers of the association and up to six other members, will carry out the decisions of the association. Members of the executive committee will 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.

The Officers will consist of President, two Vice-Presidents, Treasurer and Secretary, and will be elected at the annual general meeting.

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

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

The Treasurer will receive and deposit monies, maintain records, draw cheques and present accounts to each General Meeting; present all records for auditing each year and will 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 will 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 will be filled by a ballot of the members of the association at any general meeting. A casual vacancy will have arisen where a member of the Executive Committee:

dies;
resigns from the committee by notice in writing;
ceases to be a member of the association;
is removed under clause 5(a); or
has a continuing and long-term incapacity to fulfill the functions of the position.

7. Annual General Meeting

An annual general meeting will 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 will 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 will be appointed. The appointed auditor will 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 will be held at least once during each school term.

9. Special Meetings

A special meeting will be called by the Secretary at any time upon written request signed by at least 10 members or on the authority of the Executive Committee. The special meeting will be held within one month of the date the Secretary receives the request or is given the authority. Members will be given at least seven days' notice of the meeting which notice will 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 will be 11 members. Where the association has a current membership of less than 50, the quorum will be set according to the rules of that association but will not be less than 5.

11. Liability

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.

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 will be set by the rules but will 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 will 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 will be, for all purposes, funds of the association.

14. Dissolution

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.

The association will be dissolved if the number of members falls below the quorum or the school to which the association is attached is closed.

Where the association is dissolved minute books, audited accounts and other records, together with the residue of funds, will 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 will 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 will 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.

Where the association is dissolved, assets and funds on hand after payment of all expenses and liabilities will not be paid to or distributed among the members.

15. Rule-Making Power

The association will make such rules as are required to carry out its functions. The rules will 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 notice has been given. Such notice will include details of the proposed changes. The rules will provide for the procedure to be followed:

at meetings of the association;

to convene a substitute meeting when a quorum is not attained at a meeting; and

in making an application for membership.

16. Accounts

The funds of the association will 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 will be operated by two or more officers of the association delegated in that behalf by the association. No commitment will 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.