Bicton Primary School

Parents and Citizens' Association Incorporated

CONSTITUTION AND RULES

1.0 NAME

1.1 The name of the **Association** shall be the Bicton Primary School Parents and Citizens' Association Incorporated and hereinafter called "The Association".

2.0 OBJECTS

The objects of the Association are to promote the interests of the school, or group of schools, through:

2.1 Cooperation between **parents**, teachers, students and **members** of the general community;

2.2 Assisting in the provision of resources, facilities and amenities for the school or group of schools; and

2.3 The fostering of community interest in educational matters.

3.0 POWERS

Subject to the Association's obligation at law not to intervene in the control or management of a school, intervene in the educational instruction of students and exercise authority over teaching staff or other persons employed at the school, the powers of the Association to enable the achievement of its objects and in addition to the powers otherwise conferred on it by these **Rules** shall be:

3.1 Subject to the approval of the Chief Executive Officer of the **Department of Education**, the power to raise funds and acquire by purchase, lease or exchange and the hiring or acquiring of any real or personal property that may be deemed necessary or convenient for the objects of the Association.

3.2 Power to affiliate with **WACSSO Inc.**

3.3 Power to open and operate a bank account.

3.4 Power to appoint and remove employees and to determine the remuneration and the terms and conditions of such appointments.

3.5 Power to appoint committees for such purposes as are necessary to prosecute the affairs of the Association.

3.6 Power to make representations to the school administration, the Department of Education and to government either directly or through WACSSO Inc.

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3.7 Power to generally do all such acts and things as may be involved by or incidental to the carrying out of the objects of the Association without in any way being limited to the foregoing powers.

3.8 Power to set the financial year.

4.0 FINANCIAL YEAR

The financial year will be the period of 12 months commencing on 1 January.

5.0 INCOME AND PROPERTY

5.1 The property and income of the Association must be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any **member**, except in good faith in the promotion of those objects or purposes.

5.2 A payment may be made to a member out of the funds of the Association, if it is authorised by a resolution of the Association, and if it is;

i. in good faith as reasonable remuneration for any services provided to the Association, or

ii. for goods supplied to the Association in the ordinary course of business.

6.0 MEMBERSHIP

6.1 Membership is open to parents and carers of children attending the school and to citizens being over the age of eighteen years who support the objects or purposes of the Association.

6.2 Members of the Association are to receive a hard or electronic copy of the **Rules** of the Association (P&C Constitution).

6.3 Members of the Association must abide by the Rules of the Association.

6.4 The Principal of the school for which the Association is formed and where the Association is formed for a group of schools, the Principal of each school for which the Association is formed shall be an **ex officio member** of the governing body of the Association, may not be elected as an office bearer to any of its offices and may not be an **authorised signatory**.

6.5 A person desiring to become a member may do so at any **General Meeting** by payment of the membership subscription.

6.6 A Register of Members will be kept and maintained by the Honorary Secretary of the Association. Only **financial members** and ex officio members shall be listed on the register. The Register of Members will include the name, either the residential, postal or email address of each member and the date they became a member. Any changes to this information will be recorded within 28 days.

7.0 MEMBERSHIP SUBSCRIPTION

7.1 The annual membership subscription of the Association shall be fixed by the Association at the **Annual General Meeting** but shall not exceed one dollar ($1.00) per member for the period up to the next Annual General Meeting.

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7.2 The subscription of a member is due and payable on the date of the Annual General Meeting or at the General Meeting at which they join the Association.

8.0 TERMINATION OF MEMBERSHIP

8.1 A person ceases to be a member when any of the following takes place:

i. the individual dies;
ii. the person resigns from the Association by giving written notice of the resignation to the President or Honorary Secretary;
iii. non-payment of membership subscription in accordance with Rule 7.2; or
iv. the person is expelled from the Association in accordance with Rule 9.0.

9.0 SUSPENSION OR EXPULSION OF MEMBERS OF THE ASSOCIATION

9.1 The **Executive Committee** may decide to suspend a member's membership or to expel a member from the Association if the member:

i. has persistently refused or neglected to comply with a provision of these **Rules**;
ii. has persistently and wilfully acted in a manner prejudicial to the interests and objects of the Association; or
iii. has been convicted of any offence deemed prejudicial to the interests of the Association.

9.2 The member will be sent written notice of the proposed suspension or expulsion not less than ten (10) days before the **Executive Meeting** at which the proposal is to be considered by the Executive Committee.

9.2.1 The notice given to the member must state:

i. when and where the Executive Meeting is to be held;
ii. the grounds on which the proposed suspension or expulsion is based;
iii. that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written and/or oral submissions to the committee about the proposed suspension or expulsion.

9.2.2 At the Executive Meeting, the committee must:

i. give the member, or the member's representative, a reasonable opportunity to make submissions to the committee about the proposed suspension or expulsion;
ii. give due consideration to any submissions so made; and
iii. decide:
   (a) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
   (b) whether or not to expel the member from the Association.

9.2.3 Where the Executive decides to suspend the member's membership, or expel the member from the Association, the decision must be recorded via a recommendation in the minutes, to be presented at a General or **Special General Meeting** which must be held within fourteen (14) days of the Executive Meeting.

9.2.4 The Association must vote by secret **ballot** and the recommendation must be passed by **Special Resolution** of a General Meeting or Special General Meeting.

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9.3 A decision of the Association to suspend the member's membership or to expel the member from the Association takes immediate effect.

9.4 The Association must give the member written notice of the Association's decision, and the reasons for the decision, within seven (7) days after the General Meeting or Special General Meeting at which the decision is made.

9.5 A member whose membership is suspended or who is expelled from the Association may, within fourteen (14) days after receiving notice of the Association's decision, give written notice to the Honorary Secretary requesting the Disputes and Mediation Process in accordance with Rule 28.0

9.6 If the decision to suspend the member's membership or expel the member is revoked, that revocation does not affect the validity of any decision made at an Executive Meeting or General Meeting during the period of suspension or expulsion.

10.0 CONSEQUENCES OF SUSPENSION

10.1 During the period a member's membership is suspended the member:

i. loses any rights (including voting rights) arising as a result of membership; and
ii. is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association.

10.2 When a member's membership is suspended, the Honorary Secretary must record in the Register of Members:

i. that the member's membership is suspended;
ii. the date on which the suspension takes effect; and
iii. the period of the suspension.

10.3 When the period of the suspension ends, the Honorary Secretary must record in the Register of Members that the member's membership is no longer suspended.

11.0 EXECUTIVE COMMITTEE

11.1 The Association shall be managed by an Executive Committee all of whom must be **financial members**.

11.2 No person shall be entitled to hold a position on the Executive Committee if the person has been convicted of, or imprisoned in the previous five years for:

i. an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three (3) months; or
ii. an indictable offence in relation to the promotion, formation or management of a body corporate; or
iii. an offence under Part 4 Division 3 or Section 127 of the *Associations Incorporation Act 2015;*

unless the person has obtained the consent of the **Commissioner**.

11.3 No person shall be entitled to hold a position on the Executive Committee if the person is, according to Section 13D of the *Interpretation Act 1984*, bankrupt or a person whose affairs are under insolvency laws unless the person has obtained the consent of the Commissioner.

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12.0 EXECUTIVE COMMITTEE COMPOSITION

12.1 Where the Association represents a **small school** the Executive Committee shall comprise:

i. President;
ii. Vice-President;
iii. Honorary Secretary and Honorary Treasurer;
iv. Principal; and
v. Not less than two (2) other members.

12.2 Where the Association represents a school that is not a small school, or where the Association represents a group of schools the Executive Committee shall comprise:

i. President;
ii. Vice-President;
iii. Honorary Secretary
iv. Honorary Treasurer;
v. Principal; and
vi. not less than three (3) other members.

But with the approval of a **General Meeting** the positions of Honorary Secretary and Honorary Treasurer may be held by one person elected for that purpose at a General Meeting.

12.3 The officers of the Executive Committee shall be elected at the **Annual General Meeting** of the Association by and from the **financial members** of the Association.

12.3.1 An election shall be held at a General Meeting of the Association to fill any vacancy on the Executive Committee.

12.4 Where there is an equality of voting for any position the result shall be **declared by lot**.

12.5 The Principal of the school for which the Association is formed and where the Association is formed for a group of schools, the Principal of each school for which the Association is formed shall be an ex officio member of the Executive Committee.

13.0 EXECUTIVE COMMITTEE TERM OF OFFICE

13.1 The elected members of the Executive Committee shall take office at the **rising** of the Annual General Meeting or the General Meeting at which they were elected and shall hold office until the rising of the following Annual General Meeting.

13.2 All retiring members of the Executive Committee shall be eligible for re-election.

13.3 All retiring members of the Executive Committee shall return all Association **documents and records** in their possession after their appointment ceases to the Executive Committee.

14.0 EXECUTIVE COMMITTEE POWERS

14.1 The Association shall be managed when a General Meeting is not in session by the Executive Committee which shall have power to control and manage the affairs and finances of the Association but shall be responsible to the General Meeting.

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14.2 The duties of the Executive Committee will include:

i. a duty of care and diligence;
ii. a duty to act in good faith in the best interests of the association and for a proper purpose;
iii. a duty not to misuse one's position and a duty not to misuse information obtained through the position to gain advantage for self or someone else or to cause detriment to the association; and
iv. a duty to prevent the association trading when insolvent.

14.3 The Executive Committee shall have the power to declare vacant the seat of any of its members who:

i. without leave or reasonable excuse, is absent from three (3) consecutive meetings of the Association. The Executive Committee in its absolute discretion shall determine what constitutes a reasonable excuse;
ii. without reasonable excuse, wilfully and persistently fails to perform the duties of the office as defined by these **Rules**;
iii. have a criminal conviction relating to;
    (a) offences against children
    (b) theft, fraud or dishonesty
iv. ceases to be a **member** of the Association.

14.4 The Executive Committee may form **sub-committees** to deal with particular aspects of its work. Such sub-committees shall be responsible to the Executive Committee. sub-committees so formed shall each include at least one (1) member of the Executive Committee who will represent it on the sub-committee.

14.5 Meetings of the Executive Committee shall be held at such times and places as shall be determined by an **Executive Meeting** or when convened by the President.

14.6 All members of the Executive Committee have an equal vote.

14.7 Minutes of the Executive Meeting must be tabled at the next scheduled **General Meeting** to be ratified.

15.0 PRESIDENT AND VICE PRESIDENT

15.1 The President shall, when present, preside at all General and Executive Meetings of the Association.

15.2 In the event of the President being absent the Vice-President shall preside and where both the President and Vice-President are absent then the meeting shall elect a person to preside for the occasion.

15.3 The President will be responsible for any communication between the government authority responsible for administering the *Associations Incorporation Act 2015* and the Association.

15.4 The President may authenticate documents or proceedings requiring authentication in accordance with Rule 29.0.

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16.0 THE HONORARY SECRETARY

The duties of the Honorary Secretary shall include:

16.1 The conduct of all correspondence of the Association.

16.2 Making and keeping full and correct the minutes of the Association and circulating them in confidential draft form before the date of the next scheduled General Meeting.

16.3 Maintaining a register of financial and **ex-officio** members.

16.4 Retaining custody of all documents relevant to the administrative activities of the Association.

16.5 Notify before 30 April in each year the Principal of the school or each of the schools and **WACSSO Inc.** in writing the names of the persons who in that year are office bearers and executive members of the Association under Part 3 Division 8 of the *School Education Act 1999*.

16.6 On expiration of term of position, resignation, redundancy or death, returning all documents belonging to the Association to the **Executive Committee**.

17.0 THE HONORARY TREASURER

The duties of the Honorary Treasurer shall include:

17.1 Being responsible for the receipt of all monies paid to or received by the Association.

17.2 Issuing receipts for all monies received on the receipt forms of the Association.

17.3 Counting and signing off on all monies received with at least one other member of the Association.

17.4 Paying all monies received into such bank account or accounts as the Association may from time to time decide upon.

17.5 Making payments as authorised by a General or **Executive Meeting** by means of cheques or electronic fund transfer.

17.6 Ensuring all cheques on all accounts of the Association (including any committee of the Association) are signed by any two (2) of the following authorised signatories:

i. President;
ii. Vice President;
iii. Honorary Secretary;
iv. Honorary Treasurer; or
v. One (1) member of the Executive Committee where appointed for such purpose at the **Annual General Meeting** of the Association.

17.6.1 Where there is a **direct relationship** between two authorised signatories, they shall not be permitted to co-sign any cheques of the Association.

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17.7 Electronic Funds Transfer may be used where the financial institution's software provides the required functionality and security, and can occur with two authorisations.

17.8 Maintaining proper accounting records.

17.9 Ensuring that the Association complies with all its responsibilities to any employees including, but not limited to; complying with employment awards or agreements, paying tax and superannuation.

17.10 Presenting for consideration at an Annual General Meeting of the Association:

17.10.1 The annual **financial statements** in relation to the last financial year, to include:

i. a statement of all monies received and paid during the financial year;
ii. a reconciled statement of all bank account balances as at the end of the financial year; and
iii. a statement detailing the Association's total assets and liabilities as at the end of the financial year.

17.10.2 A copy of the report of the **review** or the auditor's report as required per Rule 21.0

17.10.3 A solvency statement in respect of the Association endorsed by the **Executive Committee** stating that the financial statement has been examined and whether or not in their opinion they will be able to meet the Association's debts and liabilities as and when they become due and payable.

17.11 Presenting a written financial statement showing the current financial position of the Association to each **General Meeting** of the Association.

17.12 Forwarding a copy of the annual financial statements that have been approved by the Annual General Meeting to:

i. **WACSSO Inc.**;
ii. the Principal of the school, or the Principal of each of the schools where an Association is formed for a group of schools in accordance with the *School Education Act 1999*; and
iii. any other body such as the Australian Charities and Not-for-profits Commission (ACNC) as required.

17.13 Retaining custody of all books, documents, securities and the like relating to the financial affairs of the Association.

17.14 On expiration of term of position, resignation, redundancy or death, returning all documents belonging to the Association to the Executive Committee.

18.0 SUB-COMMITTEES

18.1 The Association may establish sub-committees for purposes it considers appropriate and consistent with the objectives and functions of the Association.

18.2 Sub-committees must abide by the **Terms of Reference** as approved by the General Meeting.

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18.3 Members must be elected to a sub-committee.

18.4 Sub-committee members must be **financial members** of the Association.

18.5 Sub-committees must include a member of the Executive Committee.

18.6 The President is an **ex-officio** member of all sub-committees.

18.7 The report of the sub-committee must be presented and ratified by a General Meeting.

18.8 All monies raised by sub-committees are considered funds of the Association.

19.0 EMPLOYEES OF AN ASSOCIATION

19.1 Employees of the Association:

i. are not eligible to hold a position on the **Executive Committee**;
ii. are not eligible to be a signatory to any bank accounts held by the Association;
iii. do not have the authority to employ staff;
iv. may be a member of the Association by which they are employed but must declare an interest where matters of business discussed concern them;
v. may be a member of a sub-committee that deals with their employment, but only in a non-voting capacity.

20.0 BOOKS AND DOCUMENTS

20.1 The books and documents of the Association may be inspected by any financial or ex-officio member of the Association on such terms and conditions as may be established from time to time by the Executive Committee.

20.1.1 It is an offence under the *Associations Incorporation Act 2015* for a member to disclose or use the information obtained from the Register of Members or record of office holders for a purpose that is not directly connected with the affairs of the Association.

20.2 The minutes of the Association must be kept in perpetuity.

20.3 The correspondence of the Association is required to be retained for twelve (12) months. If correspondence relates to employees of the Association, it is in accordance with Rule 20.5.

20.4 The Association must retain its accounting records in respect of a transaction for at least seven (7) years after the transaction was completed.

20.5 Employment records must be kept for seven (7) years after the date employment ceases.

21.0 FINANCIAL STATEMENTS AND FINANCIAL REPORTS

21.1 For each financial year, the Executive Committee must ensure that the requirements imposed on the Association under the *School Education Act 1999* and under Part 5 of the *Associations Incorporation Act 2015* relating to the financial statements or financial reports of the Association are met.

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21.2 Without limiting Rule 21.1,those requirements include:

i. if the Association is a tier 1 association, the preparation of the financial statements; and
ii. if the Association is a tier 2 association or tier 3 association, the preparation of the financial report; and
iii. if required, the review or auditing of the financial statements or financial report, as applicable; and
iv. the presentation to the Annual General Meeting of the financial statements or financial report, as applicable; and
v. if required, the presentation to the Annual General Meeting of the copy of the report of the review or auditor's report, as applicable, on the financial statements or financial report.

22.0 THE AUDITOR OR REVIEWER

An Association must undertake an audit or review if required as per Rule 21.0, or where the Association has passed a resolution to audit or review the financial statements of that Association.

22.1 At each **Annual General Meeting** there shall be appointed an auditor or reviewer**,** for that financial year only**,** who shall **audit** or review the annual statement of accounts and balance sheet of the Association.

22.2 Where possible, the auditor or reviewer is to be appointed in an honorary capacity. However, where this is not possible, the auditor's or reviewer's fees will be negotiated and confirmed prior to appointment.

22.3 The auditor or reviewer must be

a) a member of a professional accounting body who has a designation in respect of that membership that is prescribed by the *Associations Incorporation Regulations 2016* for the purposes of this paragraph; or

b) a registered company auditor under the Corporations Act; or

c) a person the **Commissioner** considers has appropriate qualifications or experience and approves for the purposes of this section; and

d) as far as is possible, be a person aware of the activities of **Parents and Citizens**' Associations.

22.4 The auditor or reviewer shall <u>not</u> be:

i. a member or employee of the Association;
ii. someone who has prepared or assisted with the preparation of the financial statements; or
iii. a spouse or de facto partner of a person described in (i) or (ii).

22.5 The auditor or reviewer shall have the powers, at any time, to call for the production of all books of account, vouchers and documents of the Association.

22.6 The auditor or reviewer must state:

i. whether the financial statements of the Association are in the auditor's or reviewer's opinion properly drawn up so to give a true and fair view of the Associations financial affairs;

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ii. if the auditor or reviewer is of the opinion that the financial records do not comply with (i), the auditor's report must set out the reasons for that opinion.

23.0 MEETINGS

23.1 The Annual General Meeting.

23.1.1 The Annual General Meeting of the Association must be held within four months of the end of the financial year within which the Association reports in accordance with the *School Education Act 1999.*

23.1.2 The only exception is for the first Annual General Meeting which may be held at any time within eighteen (18) months of the date of incorporation.

23.1.3 The minutes of an Annual General Meeting shall be ratified at the following General Meeting.

23.2 General Meetings.

23.2.1 General Meetings of the Association shall be held at such times and places as shall be determined by a General Meeting providing that at least one General Meeting shall be held in each term of the school year.

23.3 Special General Meetings.

23.3.1 Special General Meetings may be convened by the President or Honorary Secretary or by requisition signed by 20 per cent of the financial members of the Association.

23.3.2 A requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the requisitionists and deposited with the Honorary Secretary.

23.3.3 If the **Executive Committee** does not cause a Special General Meeting to be held within twenty-one (21) days from the date on which a requisition is deposited with the Honorary Secretary, the requisitionists, or any of them, may convene the meeting; but any meeting so convened must be held within three (3) months from the date of lodging of the requisition with the Honorary Secretary.

23.3.4 A Special General Meeting convened by requisitionists in pursuance of these **Rules** shall be convened in the same manner, as nearly as possible, as that in which those meetings are convened by the Executive Committee.

24.0 NOTICE OF MEETINGS AND MOTIONS

24.1 Notice of all General Meetings of the Association, motions for approval to expend the Association funds (financial motions) to be dealt with at a General Meeting, and special resolutions shall be given in writing, by post or email, to all members not less than seven (7) days prior to the date of the proposed meeting.

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24.2 Notice of **Executive Meetings** and financial motions to be dealt with at these meetings, shall be given to all members of the committee not less than forty-eight (48) hours prior to the opening of the meeting.

24.3 Non-financial motions may be proposed during the course of a meeting without prior notice.

25.0 QUORUM

25.1 For Executive Meetings, the **quorum** of a **small school** shall be three (3) **financial members** and for a school which is not a small school or where the Association represents a group of schools the quorum shall be five (5) financial members.

25.2 For a General Meeting the quorum of a small school shall be five (5) financial members and for a school which is not a small school or where the Association represents a group of schools the quorum shall be eight (8) financial members.

25.3 If a quorum is not present, the meeting may:

i. lapse;
ii. be reconvened at another date; or
iii. converted to an Executive Meeting, if there is a quorum of Executive Members.

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.

26.0 PROCEEDINGS AT MEETINGS

26.1 All decisions or actions must be endorsed by the Executive or General Meeting. Individuals cannot act independently.

26.2 The **Standing Orders** and **Rules of Debate** of the Association shall be as established from time to time by the Annual Conference of **WACSSO Inc.** and shall be observed at all meetings of the Association and any of its committees***.***

26.3 **Special Resolutions** can only be passed at a General Meeting of the Association, if supported by not less than three-quarters of the members of the Association eligible to cast a vote at the meeting

26.4 A member of the Association who has a relevant material personal interest in a matter before the Association must as soon as the member becomes aware of the interest disclose the nature and extent of the interest to the Association. The member must not be present while the matter is being considered at the meeting or vote on the matter.

26.5 Minutes taken by the Honorary Secretary are to be circulated to members as a confidential draft not less than two weeks before the next scheduled meeting. The minutes will then be amended if necessary and ratified at that meeting and signed and dated by the President.

27.0 VOTING

27.1 Financial members (including the person presiding at the meeting) and **ex-officio** members **present at a meeting** and entitled to remain thereat shall be entitled to exercise a **deliberative vote** on:

i. any motion at the meeting,
ii. any proposal before the meeting; or

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iii. any election held at the meeting.

No other person shall be entitled to vote at any meeting of the Association.

27.2 Voting shall be by **simple majority** except where otherwise expressly provided herein.

27.3 In the event of a tied vote on any proposition or motion before a meeting then it is lost.

27.4 **Proxy voting** is not permitted at any meeting of the Association.

28.0 DISPUTES AND MEDIATION

28.1 Where there is a grievance or dispute between:

i. A member and another member; or
ii. A member and the Association; or
iii. Non-members who receive services from the Association, and the Association.

The Association must adhere to and document their adherence with the Disputes and Mediation process.

28.2 If the parties to a dispute are unable to resolve the dispute between themselves within fourteen (14) days after the dispute has come to the attention of each party, any party to the dispute may start the grievance procedure by giving written notice to the Honorary Secretary of:

i. the parties to the dispute; and
ii. the matters that are the subject of the dispute.

28.3 Within twenty-eight (28) days after the Honorary Secretary is given the notice, an **Executive Meeting** must be convened to consider and determine the dispute.

28.4 At least seven (7) days before the Executive Meeting, the Honorary Secretary must give each party to the dispute written notice by either post or email stating:

i. when and where the **Executive Committee** meeting is to be held
ii. that the party, and/or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written and/or oral submissions to the committee about the dispute.

28.5 If any party to the dispute gives written notice to the Honorary Secretary stating that the party does not agree to the dispute being determined by the Executive Committee; and as such requests the appointment of a mediator, the Executive Committee must not determine the dispute.

28.6 At the Executive Meeting at which a dispute is to be considered and determined, the committee must:

i. give each party to the dispute, or the party's representative, a reasonable opportunity to make written and/or oral submissions to the committee about the dispute; and
ii. give due consideration to any submissions so made; and
iii. determine the dispute.

28.7 The Executive Committee must give each party to the dispute written notice by either post or email of the Executive Committee's determination, and the reasons for the determination, within seven (7) days after the committee meeting at which the determination is made.

28.7.1 A party to the dispute may, within fourteen (14) days after receiving notice of the Executive Committee's determination, give written notice by either post or email to the Honorary Secretary requesting the appointment of a mediator.

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28.7.2 If notice is given, each party to the dispute is a party to the mediation.

28.8 The mediator is appointed by agreement between both parties to the dispute.

28.8.1 The person appointed as mediator may be a member or former member of the Association, but must not:

i. have a personal interest in the matter that is the subject of the mediation; or
ii. be biased in favour of or against any party to the mediation.

28.8.2 The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.

28.8.3 Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least five (5) days before the mediation takes place.

28.8.4 In conducting the mediation, the mediator must:

i. give each party to the mediation every opportunity to be heard; and
ii. allow each party to the mediation to give due consideration to any written statement given by another party; and
iii. ensure that **natural justice** is given to the parties to the mediation throughout the mediation process.

28.8.5 The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.

28.8.6 The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

28.9 The information gathered by the Disputes and Mediation Process remains confidential and must be destroyed if the issue is resolved.

28.10 If the Disputes and Mediation Process does not result in the grievance or dispute being resolved, the parties may seek to resolve the grievance or dispute in accordance with the *Associations Incorporation Regulations 2016 (Model Rules)* or otherwise at law.

29.0 COMMON SEAL

The Association may have a **Common Seal**.

29.1 The Honorary Secretary shall have custody of the Common Seal of the Association.

29.2 The Common Seal shall only be affixed to any document pursuant to a resolution of a General or **Executive Meeting**.

29.3 Any two (2) of: the President, the Vice-President, the Honorary Secretary and the Honorary Treasurer shall countersign the affixation of the Seal and the Honorary Secretary shall keep a record of all documents to which the Seal shall be affixed.

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30.0 INTERPRETATION OF RULES

30.1 Questions on the interpretation of these Rules shall be directed to **WACSSO Inc.**

31.0 ALTERATION TO RULES

WACSSO Inc. as the representative body will be responsible for any alterations, amendments, enlargements or deletions of the Parent & Citizens' Association Incorporated Constitution. There will be no alteration of the Rules by individual Associations. Any request for changes must be submitted to WACSSO Inc. for approval. Constitutional amendments must be approved by the **Department of Education** and the government authority responsible for administering the *Associations Incorporation Act 2015*.

31.1 Proposals to amend, alter, enlarge or repeal the Constitution and Rules from time to time must be by a Special Resolution passed at a General Meeting.

31.2 Special Resolutions designed to effect amendments, alterations, enlargements or deletions shall be submitted in writing to the Honorary Secretary not less than ten (10) days prior to the General Meeting.

32.0 ALTERATION TO NAME OF THE ASSOCIATION

32.1 Proposals to amend the Association's name must be by **Special Resolution** passed at General Meeting.

32.1.1 Any submission made to the government authority responsible for administering the *Associations Incorporation Act 2015* must be made through **WACSSO Inc.**

32.1.2 The Association must give permission for WACSSO Inc. to act on their behalf.

33.0 PROCEDURE FOR VOLUNTARY CANCELLATION OF INCORPORATION

33.1 The Association may voluntarily cancel its incorporation where it is solvent by Special Resolution passed at a General Meeting.

33.2 Notice of the proposal for a Special Resolution shall be given to all members in writing by either post or email, not less than twenty-eight (28) days prior to the date of the General Meeting.

33.3 The Special Resolution must be lodged with the **Commissioner** within fourteen (14) days of the General Meeting at which the resolution was passed.

33.4 The Association shall inform WACSSO Inc. of its closure in writing by either post or email.

33.5 An Association that is in breach of the *School Education Act 1999* may be wound up by the Supreme Court on the application of the **Minister responsible for Education**.

34.0 LIABILITY OF MEMBERS

34.1 The liability of members on the winding up of the Association is limited to any unpaid subscriptions and any other amounts due to the Association at the date of the commencement of the winding-up.

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35.0 DISPOSAL OF ASSETS ON WINDING UP

35.1 The Association is prohibited from making any distribution to its members whether in money, property, or in any other way of any assets belonging to the Association. This does not prevent the payment in good faith of remuneration of any officers or servants of the Association for services actually rendered.

35.2 A **Special Resolution**, to be endorsed at a General Meeting, shall nominate the incorporated Parents and Citizens' Association or Associations to which any surplus assets of the Association shall be transferred.

35.2.1 Associations that have Deductible Gift Recipient (DGR) status must abide by the Australian Taxation Office requirements.

36.0 RECORDS OF THE DISSOLVED ASSOCIATION

36.1 Records of the dissolved Association include:

i. Minutes
ii. Correspondence
iii. Financial documents

36.2 Records from a dissolved Association shall be appropriately stored by the relevant school in accordance with Rule 20.2, 20.3, 20.4, 20.5

36.3 In the event that the relevant school closes, the properly collated records of the dissolved Association shall be forwarded to an appropriate association such as the **WACSSO Inc.** or the Western Australian State Library.

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APPENDIX 1: GLOSSARY

In these rules, unless the contrary intention appears:

'Annual General Meeting (AGM)' is a meeting held only once every financial year within which an Association reports. The AGM must be held within four months of the end of the previous financial year and is the meeting at which the Executive Committee are elected, annual financial reports are received and other reports on the activities of the Association during the past year are presented.

'Association' refers to the entire P&C Association, including every financial and ex-officio member.

'Audit' means the collection of evidence relating to the Associations financial records and transactions to satisfy the auditor that the report is a true and correct reflection of the Association's finances.

'Authorised Signatory' means financial members who have been elected as the office bearers of the Association i.e., President, Vice-President, Honorary Secretary, Honorary Treasurer and one member of the Executive Committee who may be appointed for such purpose at the Annual General Meeting of the Association. These individuals must be registered with the associated financial institution.

'Ballot' means voting conducted in written form (as opposed to a show of hands).

'Commissioner' means the Commissioner for Consumer Protection exercising powers under the *Association Incorporations Act 2015.*

'Common Seal' is the official stamp or 'signature' of an Association.

'Declared by Lot' means drawn out of a hat when a member ballot is tied.

'**Deliberative Vote'** is a vote given to a financial member of the Association. It is an equal vote. No financial member has a more powerful vote than any other member.

'Department of Education' means the state government department responsible for portfolio of school education.

'Direct Relationship' means business, immediate or extended family, and marriage/de facto relationships.

'Documents and Records' means documents and records pertaining to the management of the affairs of an incorporated association.

'Executive Committee' means those financial members elected or appointed to fill the positions of President, Vice President, Honorary Secretary, Honorary Treasurer or others as elected to be Executive Members. The school principal is also member of the Executive by virtue of the office they hold.

'Executive Meeting' means a meeting convened for the Executive Committee members only.

'Ex-officio Members' are members of both the Association and the Executive of the Association by virtue of the position they hold, with full voting rights.

'Financial Member' means a person who has paid the required membership fee and is listed on the Register of Members.

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‘Financial Statement’ is a written explanation of the financial transactions and financial position of the committee.

‘General Meeting’ means a meeting to which all financial members are invited and quorum achieved.

‘Member’ means a financial member of the Association.

‘Minister responsible for Education’ means the State Minister for school education.

‘Natural Justice’ means the right to a fair procedure that is free from bias.

‘Parents’ means parents and carers of children attending a government school.

‘Parent and Citizens’ means incorporated Parents and Citizens’ Associations, as defined in the *School Education Act 1999*.

‘Present at a Meeting’ means a financial member is present at a meeting if they are there in person or communicating by a form of real-time, synchronous technology that allows for their identification.

‘Proxy Voting’ is a vote cast by one financial member on behalf of another financial member who is not present at the meeting. No proxy voting is permitted at any meeting of a P&C Association.

‘Quorum’ means the minimum number of financial members required to be present for a meeting to proceed and make decisions that are Constitutional.

‘Rising’ when the meeting has officially been closed. In AGM terms this means the current elected members of the Executive Committee would chair up to the close of the Annual General Meeting. The newly elected Executive would convene all subsequent meetings.

‘Review’ means a look over the Association’s financial report and provide a statement whether anything has come to the reviewer’s attention that does not comply with the requirements of Act.

‘Rules’ in this document means the Constitution.

‘Rules of Debate’ the rules to be followed when debating a motion.

‘Simple Majority’ means greater than half of the financial members (50 per cent + 1) present at a meeting.

‘Small School’ means a school with an average daily attendance of two hundred (200) or less students recorded at the start of the school year.

‘Special General Meeting’ means a General Meeting other than the Annual General Meeting and is called for a specific purpose.

‘Special Resolution’ a motion at a General Meeting to amend the rules, change the name or objects, or to cancel incorporation of an Association. A three-quarter majority is required to carry the motion.

‘Standing Orders’ the rules that govern the conduct of a meeting.

‘Sub-Committees’ a committee of the Association created to perform specific tasks as required.

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‘Terms of Reference’ is a document outlining the powers, limitations, purpose and structure of a sub-committee.

‘WACSSO Inc’ means the Western Australian Council of State School Organisations Incorporated.

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