

CONSTITUTION
of the
PARENTS AND CITIZENS ASSOCIATION
INCORPORATED
of
GOLD CREEK SCHOOL

Adopted December 2007
As amended to March 2015

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PART A: PRELIMINARY

A 1. NAME

- 1) The name of the organisation is the Gold Creek School Parents and Citizens Association Incorporated.
- 2) The organisation may also be referred to as the Gold Creek School P&C Assoc. Inc. and Gold Creek School Parents & Citizens Assoc. Inc.

A 2. INTERPRETATION AND DEFINITIONS

- 1) Except as provided in this clause, this constitution is to be interpreted by reference to the Legislation Act 2001 and, where necessary, to the A.C.T. Associations Incorporation Act.
- 2) In this constitution, unless the contrary intention appears:
 - . "Act" means the Associations Incorporation Act of the A.C.T.;
 - . "AGM" means annual general meeting;
 - . "association" means the organisation established under this constitution;
 - . "Council" means the ACT Council of Parents and Citizens Associations Incorporated;
 - . "Model Rules" means the Model Rules under the Act;
 - . "objectives" means the objectives of the association established by this constitution;
 - . "parents", in relation to membership of the association, includes de facto parents and guardians of students at the school;
 - . "Principal" means the principal or acting principal of the school;
 - . "Registrar" means the person holding this office under the ACT Associations Incorporation Act;
 - . "School" means both the Primary Site and the Senior Site of Gold Creek School;
 - . "School Board" means the school board of the school.
- 3) Part and clause titles [but not the table of contents] are included in the text of this constitution and may be used in its interpretation.
- 4) The table of contents is not part of the text of this constitution.

A 3. PUBLIC OFFICER

- 1) At each AGM the association is to appoint a public officer.
- 2) The public officer must be a resident of the ACT and must be eighteen years of age or more.
- 3) A retiring public officer and former public officers are not excluded from eligibility for appointment.
- 4) In addition to carrying out any duties conferred on the public officer by this constitution, the public officer is also to perform any statutory duties required by or under the Act.

A 4. COMMON SEAL

- 1) The association is to hold and securely store a common seal.
- 2) The seal may only be applied to an official document by resolution of a general meeting.
- 3) An official document to which the seal is applied must be signed by either the president or secretary and by the public officer.

PART B: FUNCTION AND OBJECTIVES

B 1. FUNCTION

The function of the association is to promote parent participation and to enable parents to contribute to the school and to ACT public schooling.

B 2. OBJECTIVES

The objectives to be pursued in the undertaking of this function are to:

- (a) promote the interests of the school and of A.C.T. public schooling;
- (b) to encourage the close collaboration of teaching staff, parents, students, the school board, Holy Spirit School Board, Holy Spirit P&F and citizens who elect to be members of the association;
- (c) provide a forum where members can contribute to the development of the goals and policies of the school;
- (d) concurrently provide a forum where members can contribute to formulation of policies and programs for ACT public schooling;
- (e) provide parents with a means of raising and discussing matters of general concern and interest;
- (f) provide a means by which parent members of the school board keep in touch with
parent views, receive input on matters to be decided and report back on decisions taken;
- (g) affiliate with the Council and to participate in its work;
- (h) affiliate or cooperate with such other organisations as would assist in the pursuit of these objectives;
- (i) make representations to appropriate authorities relating to the well-being and safety of students;
- (j) assist with the provision of equipment for educational, recreational and sporting use for the school; and
- (k) identify such other objectives as would assist in the carrying out of the association's function.

PART C: POWERS AND CHARACTER OF OPERATIONS

C 1. POWERS

- 1) The association may do all things permitted at law and by this constitution, which are necessary or helpful in the pursuit of the association's function and objectives.
- 2) Subject in particular to the provisions of this constitution relating to financial management, the capacities of the association under this constitution include powers to:
 - (a) consider and determine courses of action to be taken in pursuit of the objectives;
 - (b) make statements or to implement other action as required for this purpose;
 - (c) initiate projects or co-operate with other organisations, particularly Holy Spirit P&F, concerned with promoting community interests involving the school or its students;
 - (d) raise funds in the form of subscriptions, sponsorships, fund raising activities, interest on investments or other forms of income;
 - (e) manage the investment and expenditure of the association's funds;
 - (f) make or accept gifts, subscriptions or donations for purposes consistent with the objectives;
 - (g) provide services and facilities as are consistent with the objectives;
 - (h) enter into contractual arrangement in connection with such services and facilities or otherwise;
 - (i) affiliate with the Council and to participate in its work;
 - (j) choose representatives and delegates for purposes consistent with the objectives;
 - (k) establish such subcommittees, task forces and working groups as are convenient from time to time;
 - (l) assist in the election of the School Board members representing parents; (m) acquire, hold, maintain and dispose of property.

C 2. CHARACTER OF OPERATIONS

- 1) The operations of the association must at all times be undertaken in a manner which is conducive to the inclusion of all parents in the work and decision-making of the association.

- 2) To this end office bearers of the association must place high importance on keeping parents informed of the work of the association and of the issues it is addressing.
- 3) Wherever possible, active use is to be made of the school's newsletter for this purpose, in addition to utilisation of direct circulars, general meetings and other means of communication with members.
- 4) The operations of the association are also to be based on the policies of the association arrived at in accordance with this constitution.

PART D: MEMBERSHIP

D 1. BASIS OF MEMBERSHIP

- 1) Subject to this clause, the membership of the association consists of: all parents of students at the school; and
 other citizens who elect to be members of the association;
- 2) Any parent of a student at the school who has religious or other objections to membership of the association is not a member.
- 3) Citizens who are not parents of students at the school and elect, in writing or by attendance at a general meeting, to be members of the association, become such members on acceptance by the parent body, and continue to be members during the currency of such acceptance.
- 4) Members of the staff may become members of the Association. The Principal of Gold Creek shall be an ex-officio member of all the committees of the Association.
- 5) Where the administrative committee or a general meeting is of the view that a member of the association has: (a) persistently refused or neglected to comply with a provision of these rules; or (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association; action may be taken in accordance with clauses 9 and 10 of the model rules with respect to the courses available, the procedures and processes to be followed, the rights of appeal which may be utilised, and the like.
- 6) The rights, privileges and obligations of membership are not transferable.

D 2. REGISTER OF MEMBERS

- 1) The association must keep a register of the names of members.
- 2) The register is to be kept at the school and is to be available for inspection by any member at such times as the association specifies after consultation with the school staff.
- 3) In the interests of confidentiality, the addresses of members for the purposes of the register are deemed to be care of the school.

D 3. MEMBERSHIP FEES AND MEMBERS' LIABILITIES

- 1) Any fee set must be voluntary and decisions as to whether or not to invite payment of such a fee must be considered as part of the wider financial arrangements for which provision is made in this constitution.
- 2) Except in the cases dealt with in the following subclause members are liable to contribute to the payment of debts of the association only to the extent that they have unpaid membership fees.
- 3) Where a debt has been incurred through the illegal action of the member, that member is liable for that debt.

PART E: POLICY

E 1. DETERMINATION AND RECORDING

- 1) The policies of the association are to be determined by wide consultation with the whole membership.
- 2) In determining its policies the association may have regard to the policies of the Council.

E 2. UTILISATION

- 1) In taking action to implement the objectives of the association the administrative committee is to be guided by the policies endorsed as provided for in the preceding clause.
- 2) The administrative committee is to report to a special general meeting, or to an ordinary general meeting if held promptly, in any case where it believes that departure from these policies is required in relation to any matter being pursued.

PART F: DIRECTION-SETTING AND MANAGEMENT

F 1. DIRECTION-SETTING

- 1) The overall direction of the association is vested in the membership at large.
- 2) The consequential right to participate in the management of the association and to set policies is therefore likewise vested in the membership at large.

F 2. MANAGEMENT

- 1) This direction is to be exercised through general meetings where possible and through the consideration and adoption of annexes to this constitution as provided for in Part L.
- 2) This direction may also be exercised through the election of representatives of the membership to undertake the administration of the association, and through the provision of guidelines for such representatives.

PART G: ADMINISTRATIVE ARRANGEMENTS

G 1. STRUCTURE

- 1) The day to day administration of the association is vested in: an administrative committee elected in accordance with this constitution.
- 2) The administrative committee shall consist of:
 - (a) the 4 office bearers of the Association, and
 - (b) up to 3 general committee membersall elected in accordance with Part H; as well as
 - (c) up to 2 general committee co-opted members appointed by the committee from time to time throughout the year, in relation to specific skills, projects or other considerations, to assist the committee in its work.
- 3) The officebearers consist of a:
 - (a) President;
 - (b) Vice-President;
 - (c) Secretary; and
 - (d) Treasurer;
- 4) The appointment of co-opted members is to be communicated to members as soon as practical. The term of each co-opted member expires at the end of the next AGM in line with that of the elected committee members, or prior to the AGM at the discretion of the committee. Co-opted members do not have voting rights at committee meetings.
- 5) The AGM, General Meeting or Committee may from time to time determine temporary titles or functions for non-office bearer positions of the committee."

G.2 ROLES

- 1) The role of the administrative committee is to act as agent of the membership at large and to be accountable to the membership at large.
- 2) The administrative committee may make a statement of the specific roles of each office bearer, and may annex that statement to this constitution.

PART H: ELECTIONS

H 1. OFFICEBEARERS

- 1) Subject to H4, the officebearers are to be elected at the annual general meeting.
- 2) Notification of the election is to be circulated to all members in conjunction with the notice of the annual general meeting.
- 3) Nominations are to be invited at the annual general meeting and are to be on the basis of selfnomination.

H 2. ADMINISTRATIVE COMMITTEE

- 1) The election of the remainder of the administrative committee is to be held at the annual general meeting following the election of the officebearers or at other general meetings.

- 2) The processes for notification and nomination are the same as for the office-bearers.

H 3. VOTING

- 1) In any election voting may be in person or by proxy.
- 2) All decisions of the Association unless otherwise stipulated within this Constitution shall be decided on a simple majority of members present and voting.
- 3) If two members call for a secret ballot on any issue then the Chairperson or any person acting in the position of chairperson shall cause a secret ballot to be held.
- 4) Any member shall abstain from voting where it is considered by the Chairperson that that member has a vested interest in the issue being voted on.
- 5) Where a secret ballot is held the results shall be recorded in the minutes as votes for and against the motion and any abstentions.
- 6) In all other cases the minutes shall record whether the motion was passed or lost.
- 7) In the event of a tied vote the Chairperson shall in addition to his substantive vote also have a casting vote.
- 8) Elections shall be conducted by the Gold Creek Principal or his/her nominee in the position of Assistant Returning Officer.
- 9) Candidates for the administrative committee shall be nominated and seconded and where the number of candidates is greater than the number of positions there shall be a ballot to decide the successful candidate.

H 4. CASUAL VACANCIES

- 2) A casual vacancy arises when an officer or a member of the administrative committee:
 - (a) dies; or
 - (b) ceases to be a member of the association; or
 - (c) resigns in writing; or
 - (d) is removed from office under Section H6; or
 - (e) fails to attend three consecutive meetings without tendering an apology; orwhen a position fails to be filled at the AGM.
- 3) Any casual vacancy occurring in the officebearers or the administrative committee is to be notified within fourteen days in writing to all members.
- 4) The notification is to invite interested members to nominate themselves for the vacancy.
- 5) If the number of nominations exceeds the places available the administrative committee is to determine the successful candidate or candidates by voting in a ballot.

H 5. QUORUM AND PROCEDURE

- 1) At any meeting of the administrative committee a quorum is to be at least three members of the committee. No business may be transacted by the committee unless a quorum is present.
- 2) The administrative committee may meet as required.
- 3) At any meetings of the administrative committee-
 - (a) The president or, in the absence of the president, the Vice-President presides.

H6. REMOVAL OF ADMINISTRATIVE COMMITTEE MEMBERS

- 1) The association in a general meeting may by resolution, subject to the ACT, section 50, remove any member of the administrative committee from the office of member of the committee before the end of the member's term of office.

PART I: GENERAL MEETINGS

I 1. ROLE

General meetings are the basic management structure of the association. Their purpose is to facilitate interaction between the administrative committee and the rest of the membership.

I 2. ANNUAL GENERAL MEETINGS

- 1) An annual general meeting is to be held in the first eight weeks of the first term of each school year.
- 2) Notice is to be given in writing to all members of the school community at least two weeks prior to the date of the meeting.
- 3) Notice may be given in the school's newsletter or by direct circular to the home.
- 4) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is to-
 - (a) confirm the minutes of the last annual general meeting
 - (b) confirm the minutes of any outstanding general meetings held since the last annual general meeting;
 - (c) receive from the committee reports on the activities of the association during the last financial year;
 - (d) elect members of the committee, including office-bearers; and
 - (e) receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act, section 73 (1).
- 5) The following documents must be presented at the AGM:
 - . the audited statement of the previous years accounts:
 - . a copy of the auditors report to the association for the previous year;
 - . a report signed by two members of the administrative committee stating:
 - . the name of each member of the committee during the previous year,
 - . the changes if any on the membership of the committee in the previous year,
 - . the principal activities of the association during the previous year,
 - . any significant change which occurred in those activities in the previous year,
 - . a statement of net profit and loss.

I 3. ORDINARY GENERAL MEETINGS

- 1) The administrative committee is to arrange for an ordinary general meeting to be held at least once a term.
- 2) Notifications of ordinary general meetings are to be given in the same way as notifications of AGMs.
- 3) A schedule of anticipated ordinary general meetings is to be prepared and circulated to all members of the association as early as possible in the first term.
- 4) The schedule is to be updated and re-circulated as often as is judged helpful in soliciting maximum member participation.
- 5) The administrative committee may prepare a proposed standing schedule of topics of regular interest on which meetings will normally be held annually or biennially, and may arrange for it to be annexed to this constitution.

I 4. SPECIAL GENERAL MEETINGS

- 1) Where an issue of major or urgent nature cannot conveniently be discussed at an ordinary general meeting, a special general meeting is to be convened to deal with it.
- 2) A special general meeting may be called by:
 - (a) the President;
 - (b) any three members of the administrative committee; or
 - (c) a written requisition of not less than 5% of members of the association.
- 3) A requisition of members for a special general meeting-
 - (a) must state the purpose or purposes of the meeting; and
 - (b) must be signed by the members making the requisition; and
 - (c) must be lodged with the secretary;
- 4) Subject to the following subclause, notifications of special general meetings must be given in the same way as for AGMs.
- 5) Only seven days notice of a special general meeting is required except in the case of a proposed change to the constitution (see Part K).
- 6) Only business of which notice has been given in the notification of the meeting may be dealt with at a special general meeting.

I 5. CONDUCT AND PROCEDURE

- 1) The quorum for all general meetings including annual and special general meetings, is at least two office bearers of the administrative committee and three other members of the association.
- 2) At each general meeting-
 - (a) The president or, in the absence of the President, the Vice-President presides.

- (b) If the President and Vice-President are absent from a general meeting, the members present must elect 1 of their number to preside at the meeting.
- 3) At any general meeting the chair has a substantive vote and also has a casting vote.
- 4) Voting by proxy on issues before a general meeting is permitted.
- 5) A general meeting may be adjourned by simple majority of those present and voting.
- 6) If within 30 minutes after the appointed time for the start of a general meeting a quorum is not present, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned.
- 7) Notification of the date, time and place of the resumed meeting is to be given in writing to all members of the association within seven days of the adjournment and at least seven days prior to the date on which the adjourned meeting will be resumed.
- 8) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the start of the meeting, the members present (being not less than 3) constitute a quorum.
- 9) A question arising at a general meeting of the association is to be decided on a show of hands (unless before or on the declaration of the show of hands a poll is demanded) and is carried by a majority of the votes of members present at the meeting. If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a second or casting vote.
- 10) The secretary, or if absent, another member of the association, must keep minutes of –
 - (a) all elections and appointments of office-bearers and other administrative committee members; and
 - (b) the names of members of the administrative committee present at a committee meeting or a general meeting; and
 - (c) all proceedings at administrative committee meetings and general meetings.
- 11) Procedure at a general meeting in other respects may be as specified in an annex to this constitution.

PART J : FINANCE

J 1. FINANCIAL YEAR

The financial year of the association is the calendar year.

J 2. FINANCIAL MANAGEMENT

- 1) The financial management of the Association shall be the responsibility of the Treasurer.
- 2) The Treasurer shall be responsible for:
 - (a) the opening of bank accounts in the Association's name and for establishing the signatories to the accounts;
 - (b) the approval of purchase orders and claims for payment lodged with the Association;

- (c) the issuing of invoices and the following up of outstanding debts;
- (d) provision of a verbal or written report at each general meeting; and
- (e) provision of a written report at least once every 6 months.

J 3. INCOME AND EXPENDITURE RESTRICTIONS

- 1) The association must not pursue any form of fundraising or income generation which is, or might be, in conflict with the principles, function or objectives of the association.
- 2) The association must not make any form of investment or deposit, with a financial institution or otherwise, which is, or might be, in conflict with the function or objectives of the association.
- 3) The association must not accept bequests or gifts in any form if conditions are attached which are or might be in conflict with the function or objectives of the association.
- 4) The association must not make gifts, grants, subscriptions or donations for purposes which are, or might be, in conflict with the function or objectives of the association.
- 5) Cheques made out on behalf of the committee must be signed by at least two officebearers.

J 4. ANNUAL ACCOUNTS

- 1) The administrative committee must ensure that an annual statement is prepared setting out:
 - . an income and expenditure statement for the year past;
 - . a statement of the assets and liabilities of the association at the end of the previous financial year;
 - . any mortgages or securities affecting any property of the association;
 - . any trust established or operated by the association.
- 2) The annual statement may in addition contain such further information as the treasurer or the administrative committee consider desirable or as a general meeting directs.

J 5. AUDIT

- 1) The accounts and financial records of the association must be audited at least annually.
- 2) The annual accounts are to be audited in accordance with the requirements set out in the *Associations Incorporation Act*.

PART K: AMENDMENT OF CONSTITUTION

K 1. SPECIAL RESOLUTIONS

- 1) A resolution of the association shall be taken to be a special resolution if it is passed -
 - (a) at a meeting of the association where at least 21 days notice, accompanied by notice of intention to propose the resolution as a special resolution, has been given to the members of the association; and
 - (b) by at least $\frac{3}{4}$ of votes of those members of the association who, being entitled to vote, vote in person or by proxy at the meeting.

K 2. ALTERATION OF THE RULES

- 1) Subject to the Act, the association may, by special resolution, alter its rules in whole or in part.
- 2) Notice of a proposed change to this constitution may be given by any of the members and groups of members able to call a special general meeting and should provide- (a) the date, time and location of the meeting;
 - (b) a brief summary of the proposed changes to the constitution and the reasons why; and
 - (c) details of how the full statement of the proposed changes can be accessed.
- 3) A document detailing the proposed changes and the reasons for the proposed changes must be made accessible to members at least 21 days prior to the special resolution to alter the rules.
- 4) If a member or group of members opposing the proposed change so requests, notification of their opposition must be made to all members, and a statement of the reasons for their opposition made accessible to all members prior to the special resolution.
- 5) Where the association has resolved to alter its rules, the association shall, not later than 1 month after the resolution was passed, lodge with the registrar-general a notice setting out the particulars of the alteration, and including a declaration by at least 2 members of the administrative committee of the association to the effect that a special resolution was duly passed by the association.

PART L : ANNEXES TO THE CONSTITUTION

L 1. ROLE AND CONTENT

- 1) Annexes may be added to this constitution setting out policy positions of the association, or dealing with particular aspects of process or procedure, or otherwise relating to the implementation of matters provided for in this constitution.
- 2) Their role is to provide an orderly way for the association to proceed with its business from year to year, and to keep track of decisions made, stances taken, or procedures established or utilised, which may be helpful in future years.
- 3) Annexes must not be inconsistent with this constitution.

L 2. ADOPTION, AMENDMENT AND REVOCATION

Annexes may be adopted or changed by simple majority at any general meeting but notice, and proposed texts, must be circulated to all members at least seven days prior to the meeting.

PART M : CONCLUDING PROVISIONS

M 1. LODGEMENT OF ANNUAL RETURNS

The administrative committee must lodge with the Registrar within six months of the start of each calendar year detailed statements relating to:

- . the name of the association;
- . the registration number if any;
- . the title of the document;

- . the name, address and telephone number of the person on behalf whom the statement is lodged;
- . the audited statement of the association's accounts;
- . a copy of the auditor's report;
- . a statement signed by two members of the administrative committee certifying that preparation, auditing and presentation to the AGM complied with the requirements of the Act.

M 2. CUSTODY AND INSPECTION OF RECORDS

- 1) The administrative committee is to provide for the safe custody of all books and other records of the association.
- 2) Any member may inspect any such record unless such inspection would create a conflict of interest or a breach of privacy, in which case the member will be provided with a written explanation of the reason access was not provided.
- 3) A request from the association's auditor or public officer, or from the Registrar, must be met.

M 3. WINDING UP

- 1) The association may be wound up voluntarily by the association resolving by special resolution that this happen.
- 2) Any property remaining after meeting the debts and liabilities of the association, and paying the costs of winding up, is to be disposed of in accordance with the requirements of the Act at that time.