

CONSTITUTION FOR EPPING HEIGHTS PUBLIC SCHOOL PARENTS' AND CITIZENS' ASSOCIATION

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 shall be known as the Epping Heights 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, which include:

(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.

(i) 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).

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 school and to all citizens within the school community. The association shall maintain a register of members. A person whose name appears in the register and who has paid the annual subscription shall be a member of the association.

The register shall be updated after each general meeting by the Secretary or the Secretary's nominee. If the name of a person has been omitted from the register when that person is otherwise

entitled to be a member and their name should have been recorded in the register, then that person shall be a member of the association.

5. Office Bearers

- (a) The executive committee, which shall be constituted of the Officers of the association and up to six other members, shall carry out the decisions of the association. Members of the executive committee shall not receive any remuneration or other material benefit by reason of their position in the association. A member of the Executive Committee may be removed from office by resolution of the association carried at a properly convened general meeting or special meeting, providing at least seven days' notice has been given to members.
- (b) The Officers shall consist of President, two Vice-Presidents, Treasurer and Secretary, and shall be elected at the annual general meeting.
- (c) The President shall preside at all meetings except that, in the absence of the President one of the Vice-Presidents shall preside and, in the absence of the President and Vice-Presidents, the committee shall elect a Chairperson.
- (d) The Secretary shall attend meetings and keep a record of all business conducted. On relinquishing office the Secretary shall hand over records, minutes, account books, 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. The requirements for handling money, keeping records, etc in the School Manual on Financial Management shall be followed. Should it be necessary during the unavoidable absence of the Treasurer, another Officer of the association may receive any monies, issue receipts and either deposit the monies in an association account or hand the monies to the Treasurer within two business days, taking a receipt for same.

6. Casual Vacancies

Any casual vacancy on the Executive shall be filled by a ballot of the members of the association at any general meeting. A casual vacancy shall have arisen where a member of the Executive Committee:

- (a) dies;
- (b) resigns from the committee by notice in writing;
- (c) ceases to be a member of the association;
- (d) is removed under clause 5(a); 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 at a date specified in the rules. At this meeting all Officer and other positions will become vacant and then be filled by nomination, and where necessary by ballot of members. All nominees shall be members of the association. The audited statement of income and expenditure and Annual Report will be presented. A copy of the audited statement of income and expenditure, certified by the auditor, is to be forwarded to the Federation of Parents and Citizens' Associations of New South Wales within one month of the annual general meeting at which it is adopted. An auditor for the ensuing year who is not an office bearer of the association shall be appointed. The appointed auditor shall possess appropriate skills and experience in auditing and financial record management together with an appreciation of the issues of probity as they relate to the role of association auditor. In particular, the auditor must not have or appear to have any conflict of interest arising, for example, from a personal or business relationship with an officer of the association.

8. General Meetings

A general meeting shall be held at least once during each school term.

9. Special Meetings

A special meeting shall 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 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.

11. Liability

- (a) A member or Officer of the association is not, by reason only of being such a member or Officer, liable to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association.
- (b) The association must effect and maintain approved public liability insurance, unless the association is covered by such insurance affected and maintained by the Federation of Parents and Citizens' Associations of New South Wales. In this section "approved public liability insurance" means public liability insurance, which an association incorporated under the associations Incorporation Act 1984 is required by Part 6 of that Act to effect and maintain.

12. Subscriptions

The annual subscription shall be set by the rules but shall not be less than 50 cents.

13. Subcommittees

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

14. Dissolution

- (a) The association may be dissolved in terms of a resolution carried at a general meeting or a special meeting of members, providing at least seven days' notice has been given to members and subject to the concurrence of the Minister for Education and Training, or otherwise at the Minister's discretion.
- (b) The association shall be dissolved if the number of members falls below the quorum or the school to which the association is attached is closed.
- (c) Where the association is dissolved minute books, audited accounts and other records, together with the residue of funds, shall be given to a kindred organisation having a taxation status accepted by the Australian Taxation Office as equivalent to that of the association. In particular, where the association maintains a deductible gift fund (such as a School Building Fund) on dissolution any remaining assets or funds must be transferred to another gift deductible fund with similar objects to the association. Any records given to a kindred organization will be retained in accordance with taxation legislation requirements. The transmission shall occur within two months of the dissolution of the association, and only after the books of account have been audited as provided under Clause 16. If the association is registered for GST, dissolution shall not

be finalized until all accounts have been paid, all revenue received and all GST transactions have been accounted for in the association's Business Activity Statement.

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

15. Rule-Making Power

The association shall make such rules as are required to carry out its functions. The rules shall not contravene the terms of this Constitution, the Education Act 1990, or the Parents and Citizens' Associations Incorporation Act 1976. The rules may be adopted, altered or withdrawn according to a simple majority vote at any meeting of the association for which a month notice has been given. Such notice shall include details of the proposed changes. The rules shall provide for the procedure to be followed:

- (a) at meetings of the association;
- (b) to convene a substitute meeting when a quorum is not attained at a meeting; and
- (c) in making an application for membership.

16. Accounts

The funds of the association shall be banked in the name of the association with any institution holding trustee status within the meaning of the Trustee Act 1925, provided interest is allowed on the balance. The account shall be operated by two or more officers of the association delegated in that behalf by the association. No commitment shall be entered into for the expenditure of association funds, except by resolution of a meeting of the association. The association must make such financial reports about its affairs (including reports of its auditors) as are required by its rules or by the Minister for Education and Training.

EPPING HEIGHTS P&C ASSOCIATION BY-LAWS

1. These rules are made under the constitution of Epping Heights Public School Parents' and Citizens' Association.
2. The Association is formed for the benefit of the pupils of the school and to that end it will:
 - (a) participate as much as possible in the activities of the school and communicate with all members of the school community;
 - (b) co-operate in the activities of the Federation of Parents & Citizens' Associations of New South Wales and its District and Regional Councils, and
 - (c) do such other things as may promote the interests of public education.
3. The Financial Year of the Association shall close on 30 September each year.
4. The Annual General Meeting of the Association shall be held on the 3rd Monday in November of each year. The agenda of the Annual General Meeting shall include setting the membership fee of the Association for the ensuing year.

No person shall serve more than three consecutive years in the same office.
The Executive shall consist of the officers of the Association, and convenors of the Association's committees. The term of officers and committee convenors will commence on the first day of the new school term in the year following their election at the Annual General Meeting. The term of officers and committee convenors who are not re-elected to their positions, will cease on the day before the first day of the new school term in the year following the Annual General Meeting
5. A General Meeting of the Association shall be held on a monthly basis during term time at a time and place as the Association may determine.
6. Any person eligible for membership may become a member or renew membership by paying the required membership fee of as set by the Annual General Meeting to the Treasurer or nominee of the Treasurer after any general meeting. Membership shall remain current until the close of the Annual General Meeting in the following year. The Secretary shall be responsible for maintaining an up-to-date register of membership.
7. At a general meeting the quorum shall be in accord with rule 10 of the constitution. Where that rule does not specify a number the number shall be one plus one-tenth of the number of members.
8. If a meeting for which due notice has been given does not achieve a quorum the Secretary shall, or in the absence of a Secretary remaining members of the Executive shall, and failing that any five members of the Association may, call a further meeting to carry on the business of the Association.
9. In the absence of the Secretary the remaining members of the Executive or any five members of the Association may call any meeting that is required, giving due notice of the business proposed for the meeting.
10. A General Meeting of the Association may declare any officer who has been absent for three successive meetings, without good reason, to have vacated their position and to have created a casual vacancy to be dealt with by means of rule 6 of the constitution.

11. Any motion to expend Association monies must be placed on notice for the meeting at which it is to be considered.
12. The Association may confer the honour of Life Membership on a member who has made an outstanding contribution to the work of the Association. Life Members may attend and speak at meetings but are not entitled to vote or to hold office unless they are also ordinary members in terms of rule 6 in these rules.
13. Meetings are to be conducted under the following

orders:

ORDER OF BUSINESS

- (a) Opening and apologies.
- (b) Receipt and adoption of the Minutes of the previous meeting. In this regard the only permissible discussion on the motion for confirmation of the Minutes shall be as to the accuracy of the reporting. Objections on this score must be moved, seconded and voted upon.
- (c) Matters arising from the Minutes.
- (d) Reports; Treasurer, Other
- (e) Correspondence.
- (f) Motions of which notice has been given.
- (g) General Business.
- (h) Notices of Motion.

The above order may be suspended for a specific time for a specific purpose upon the carrying of a motion without notice by a two-thirds majority.

TIME LIMITS

- (a) For each speaker making a report—5 minutes.
- (b) For each speaker moving a motion—3 minutes.
- (c) For each speaker in debate—2 minutes.
- (d) For each mover of a motion speaking in reply — 2 minutes.
- (e) Extension of time, per speaker—2 minutes.
- (f) Debates on any motion shall not exceed 30 minutes without the express permission of the meeting.

MOTIONS

- (a) All substantive motions shall be moved and seconded.
- (b) A member moving or seconding a motion or any amendment thereto shall have the right to speak only when so moving or seconding, and shall be held to have spoken to the question by reason of such moving or seconding whether they contribute to the debate or not.
- (c) A motion or amendment having been submitted to the meeting may not be withdrawn without the consent of the meeting.
- (d) If two motions are submitted, one proposing that a certain course of action be followed, the other that it not be followed, the issue shall come before the meeting in the affirmative form.
- (e) Before any motion or amendment is put to the meeting, the Chair may require that it be submitted in writing.
- (f) Each member shall have the right to speak once only to any motion and to each subsequent amendment with the exception of the mover, who shall have the right of reply but shall not introduce any new matter therein. See also AMENDMENTS below.

AMENDMENTS

- (a) One amendment only shall be considered at a time.
- (b) The mover of an amendment has no right of reply.
- (c) More than one amendment may be moved by the same person provided that each such amendment refers to a different part of the motion.
- (d) Amendments shall be taken in the order in which they affect the terms of the motion.
- (e) An amendment must be relevant to the substantive motion. It may not be a simple negation of the motion, and if its effect is to negate the motion it must include an alternative course of action.
- (f) The mover of the original motion may exercise the right of reply only at the end of the debate on the first amendment and may not move an amendment but may speak to all amendments, and may speak to the first amendment without prejudice to the normal right of reply.
- (g) Following the putting of the first amendment further amendments may be dealt with, having regard to MOTIONS (c)-(f). When all amendments have been disposed of, the original Motion (in its now possibly amended form) shall be put.

NOTICES OF MOTION

- (a) All notices of motion except notices of rescission shall be in writing and must be presented to the Association at a meeting previous to the one at which they are to be dealt with.
- (b) Motions of which notice has been given shall be dealt with in the order in which they are received by the Secretary.
- (c) A group of members of the Association equal to the quorum for the meeting may require that particular items of new business without notice be placed on notice for the next meeting.

RECOMMITTAL

- (a) Any motion may be recommitted at the same meeting at which it was carried provided the motion for recommitment is carried by a two-thirds majority.
- (b) Such recommitment shall take the form of putting the question to the vote again, and no further debate of any kind shall be allowed.

RESUBMISSION

Either two Association meetings shall have been held or a two-thirds majority of members present and entitled to vote shall be in favour before any matter already decided by Association can be resubmitted.

RESCISSION

- (a) Notice in writing must be given to the Secretary of intention to move for rescission of any Resolution of the Association. Such notice shall be signed by no fewer than three members of Association and shall be given at least two weeks before the meeting at which it is to be dealt with, and shall be placed on the business paper for that meeting.
- (b) When notice of rescission has been received, action to implement the original motion shall be deferred until the rescission motion has been resolved, but this sub-clause shall not apply to resolutions which were themselves the subject of a notice of motion.

PROCEDURAL MOTIONS

- (a) Any substantive motion that is before the meeting shall be disposed of before a further substantive motion is moved.
- (b) The following procedural motions may be moved: received, and put to the meeting during the course of a debate on a substantive motion:
 - (i) For permission to withdraw a motion or amendment;
 - (ii) That the question be now put;

- (iii) To proceed to next business;
 - (iv) To defer consideration of the matter for a stated time (adjournment of debate);
 - (v) To refer the matter elsewhere;
 - (vi) To discuss the action of a member who has been named by the Chair;
 - (vii) To extend the time limit;
 - (viii) That the motion or communication lie on the table;
 - (ix) To go into committee of the whole;
 - (x) To divide the Motion into separate parts;
- Motions (i) to (iii) shall have precedence in the order given. All procedural motions except (b) (ii) and (b) (iii) may be debated.
- (c) The Chair shall have discretion to refuse the following procedural motions:
 - (ii) That the question be now put;
 - (iii) To proceed to next business;
 if it is considered that there has been inadequate opportunity for debate on the motions to which they refer. AND
 - (vii) To extend the time limit;
 - (viii) That the motion or communication lie on the table.
 - (d) It shall not be permissible for anyone who has spoken in the debate to move the following procedural motions:
 - (ii) That the question be now put;
 - (iii) To proceed to next business;
 - (v) To refer elsewhere;
 - (viii) That the motion or communication lie on the table.
 - (e) If procedural motion (b) (ii) That the question be now put is carried, the mover of the original motion shall have the right of reply before the motion is put. subject to the provision of clause AMENDMENTS (f).

MEMBERS' RIGHTS AND RESPONSIBILITIES

- (a) A member shall stand to speak, address the Chair, and confine debate to the question under discussion, avoiding personalities and unbecoming language.
- (b) A member when speaking shall not be interrupted except by the Chair or by a member raising a point of order.
- (c) A member who has spoken may be asked through the Chair to explain certain statements or to clarify statements that have not been clearly understood. A member may, with permission from the Chair, volunteer an explanation where it is considered that the member's statement of the facts has been misrepresented. In making these explanations the member shall be prohibited from debating the merits or demerits of any proposal. Similarly, in asking for an explanation of any point a member shall not be permitted to debate the merits or demerits of any proposal, and the Chair may rule that the questioner has spoken in the debate if this requirement is breached.
- (d) A member requesting information or wishing to ask a question at a meeting shall do so through the Chair.
- (e) Any member may rise to a point of order against a speaker during debate, and the member against whom the point of order is raised shall cease speaking and sit down. The member raising the point of order shall state the reasons within one minute, then the Chair shall give a ruling without further discussion, and subject to each ruling the member who was speaking when the point of order was raised shall be allowed to proceed. However, before giving a ruling the Chair may ask the member raising the point of order to indicate which of the meeting orders is alleged to have been breached. The Chair's ruling shall be final unless challenged by a motion of dissent.
- (f) A member dissatisfied with the Chair's ruling may move a motion of dissent in the

following terms: "That the Chair's ruling be dissented from". Immediately a motion of dissent is moved the Chair shall call upon a Deputy to take the Chair. When the mover and the Chair (in that order) have stated their cases, each being allowed three minutes, the Deputy shall then put to the vote the question 'That the Chair's ruling be upheld'. The motion shall be decided by simple majority. The Deputy shall declare the outcome of the vote, whereupon the Chair shall resume control of the meeting and shall rule in accordance with the outcome of the motion of dissent.

CHAIRPERSON'S RIGHTS AND DUTIES

- (a) The Chairperson shall have the right of debate but must first call upon a Deputy to take the Chair, and not resume it until the question has been resolved.
- (b) It shall be the duty of the Chair to preserve order so that the business may be conducted in due form and with propriety, and to call to order speakers who violate any rule of debate.
- (c) The Chair shall call the attention of a speaker to continued irrelevance or tedious repetition, and may direct such member to discontinue speaking.
- (d) The Chair may name a member for disorder, and the meeting shall forthwith discuss what action shall be taken.
- (e) In the case of disorder arising the Chair shall have the power to adjourn the meeting to a nominated time and place, and upon the Chair being vacated the meeting is thereby terminated.
- (f) When more than one member rises at the same time to speak, the Chair shall decide who shall be heard first.
- (g) Within the time allowed for the debate on a motion, and subject to procedural motions, the Chair shall not put the question while any member who has not spoken wants to be heard. If the time for debate on the motion expires, the Chair shall permit any member speaking to exhaust the time allowed for such speaking, shall invite the mover of the motion to exercise the right of reply subject to Clause AMENDMENT (f), and shall then put the question.

VOTING

- (a) All questions except when otherwise specified in the Constitution and By-Laws shall be decided by a simple majority.
- (b) Voting on any question shall be decided on the voices unless a prescribed majority is required or unless a show of hands is called for as soon as the Chair has announced the result.
- (c) When other than a simple majority is required, or when a count has been called for, the vote for and against shall be counted by at least two tellers appointed by the Chair, and the numbers voting for and against shall be announced by the Chair and recorded in the Minutes.
- (d) Upon the request of at least five members, a division shall be taken on any question. Upon a division being taken the names of those voting for and against the motion or amendment shall be recorded in the Minutes.
- (e) Members are entitled at their request to have their dissent or abstention recorded in the Minutes.
- (f) A simple majority is defined as when more votes are cast for the motion than against.
- (g) A two-thirds majority is defined as when at least twice as many votes are cast for a motion as against. Abstentions shall be counted as votes against.

FURTHER PROCEDURAL AUTHORITY

Any matter not dealt with in these Meeting Orders shall be governed by the customary procedures at meetings as specified in the most recent edition of N.E. Renton's "Guide for Meetings and Organisations".