

CONSTITUTION

of the

PARENTS AND CITIZENS ASSOCIATION

of

UNIVERSITY OF CANBERRA HIGH SCHOOL
KALEEN

June 2012

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UC HIGH SCHOOL
KALEEN

Parents & Citizens Association Inc

PART A: PRELIMINARY

A 1. NAME

(1) The name of the organisation is the University of Canberra High School Kaleen Parents and Citizens Association Incorporated.

(2) The organisation may also be referred to as the Kaleen High School P&C.

A 2. INTERPRETATION AND DEFINITIONS

(1) Except as provided in this clause, this constitution is to be interpreted by reference to the Australian Capital Territory (ACT) *Legislation Act 2001* and, where necessary, to the ACT *Associations Incorporation Act*.

(2) In this constitution, unless the contrary intention appears:

- 'the Act' means the *Associations Incorporation Act* of the ACT
- 'administrative committee' means the committee appointed or elected pursuant to this constitution to act as agent of the membership in administering the affairs of the Association
- 'AGM' means annual general meeting
- 'Association' means the organisation established under this constitution
- 'Board' means the school board of the school
- 'Council' means the ACT Council of Parents and Citizens Associations Incorporated
- 'in writing' means written communication by letter or by email
- '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 the University of Canberra High School Kaleen
- 'special resolution' means a resolution passed at a special general meeting.

(3) Part and clause titles are included in the text of this constitution and may be used in its interpretation.

(4) The table of contents, the index and any annexes, by-laws or appendices are not part of the text of this constitution.

A 3. PUBLIC OFFICER

(1) The Association is to appoint a public officer from time to time as required by this clause.

(2) Whenever the position of public officer becomes vacant, a person must be appointed to that position at the next meeting of the administrative committee.

(3) The public officer must be a resident of the ACT and must be eighteen years of age or more.

(4) In addition to carrying out any duties conferred on the public officer by or under 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, hereinafter referred to as the Seal.

(2) The Seal will normally remain in the care and custody of the Secretary.

(3) The Seal must not be affixed to any instrument except by authority of the administrative committee. The affixing thereof must be attested by the signatures either of two members of that committee or of one member of the committee and the Public Officer of the Association and that attestation is sufficient for all purposes that the Seal was affixed by authority of the administrative committee.

(4) A Seal Register is to be maintained by the Secretary and is to detail for all affixtures the date, title of document, Seal number and names of attesting witnesses.

PART B: PRINCIPLES, FUNCTION AND OBJECTIVES

B 1. PRINCIPLES

(1) The values and principles relating to ACT public schooling which the Association seeks to promote are:

- a) the public schooling system must recognise an obligation to ensure equal and universal access to schools and to learning for all young people so that they can participate actively as citizens
- b) the system must be comprehensive
- c) the system must be democratic in all its aspects, providing for active participation in policy formulation and decisions by parents, teachers and students at the system and local school levels
- d) the system must be effective in meeting the needs of both society and its young people.

B 2. FUNCTION

(1) 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 3. OBJECTIVES

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

- a) to promote the interests of the School and of ACT public schooling
- b) to encourage the close collaboration of teaching staff, parents, students and citizens
- c) to provide a forum where members can contribute to the development of the goals and policies of the School

- d) to concurrently provide a forum where members can contribute to formulation of policies and programs for ACT public schooling
- e) to provide parents with a means of raising and discussing matters of general concern and interest
- f) to provide a means by which parent members of the Board keep in touch with parent views, receive input on matters to be decided and report back on decisions taken
- g) to affiliate with the Council and to actively participate in its work
- h) to affiliate or cooperate with such other organisations as would assist in the pursuit of these objectives
- i) to make representations to appropriate authorities relating to the wellbeing and safety of students
- j) to assist with the provision of equipment for educational, recreational and sporting use
- k) to 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:
 - a) to consider and determine courses of action to be taken in pursuit of the objectives
 - b) to make statements or to implement other action as required for this purpose
 - c) to initiate projects or cooperate with other organisations concerned with promoting community interests involving the School or its students
 - d) to raise funds in the form of subscriptions, sponsorships, fundraising activities, interest on investments or other forms of income
 - e) to manage the investment and expenditure of the Association's funds
 - f) to make gifts, subscriptions or donations for purposes consistent with the objectives
 - g) to affiliate with the Council and to participate in its work
 - h) to choose representatives and delegates for purposes consistent with the objectives
 - i) to establish such standing committees, ad-hoc committees, subcommittees, task forces, working groups and the like as are convenient from time to time
 - j) to support the School in the conduct of the election of Board members representing parents.

C 2. CHARACTER OF OPERATIONS

- (1) The operations of the Association must at all times be undertaken in a manner that 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 and website for this purpose, in addition to use of direct circulars, general meetings, emails 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:
 - a) all parents of students at the School
 - b) other citizens who elect to be members of the Association.
- (2) Any parent of a student at the School who has 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 (whether express or implicit) by the parent body, and continue to be members during the currency of such acceptance.
- (4) Where the administrative committee or a general meeting is of the view that a member of the Association has persistently acted in a manner which is prejudicial to the Association, action may be taken in accordance with clause 9 of the Model Rules with respect to the courses available, the procedures and processes to be followed, the rights of appeal which may be used, and the like.
- (5) 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 in the care of the School.

D 3. MEMBERSHIP FEES AND MEMBERS' LIABILITIES

- (1) There is no fee for membership but voluntary contributions may be invited in accordance with the Association's financial procedures provided for in this constitution.
- (2) Except in the cases dealt with in the following subclause, members are not liable to contribute to the payment of debts of the Association.
- (3) Where a debt has been incurred through the illegal action of a member, that member is liable for that debt.

PART E: POLICY

E 1. DETERMINATION AND RECORDING

- (1) The policies of the Association are so far as possible to be determined by wide consultation with the whole membership.

(2) In determining its policies, the Association is to have regard to the policies of the Council but is not bound by such policies.

(3) Policies arrived at are to be recorded in a policy manual, in an annex to this constitution or in other durable physical and electronic form to facilitate communication between successive generations of members.

E 2. USE

(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, 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 as provided for in Part G of this constitution, 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:

- a) an administrative committee elected in accordance with this constitution
- b) the office-bearers provided for in this constitution
- c) standing committees and other committees appointed under this constitution.

(2) The administrative committee consists of the office-bearers and not less than two (2) other members of the Association, together with representatives of standing committees, subcommittees, ad-hoc committees, task forces, working groups and the like established by the Association.

(3) The Principal or the Principal's nominee is to be a member of the administrative committee without voting rights.

(4) The office-bearers consist of:

- a) President
- b) Vice-President

- c) Secretary
- d) Treasurer.

G 2. ROLES

- (1) The President will:
 - a) be the standing chair of the administrative committee and of all general meetings of the Association except where that person is the subject of action in accordance with subclause D1(4) of the constitution
 - b) be an ex-officio member of all committees of the Association
 - c) sign or countersign all instructions to the Public Officer
 - d) be responsible to the Association for the conduct of the administrative committee in pursuing the objectives of the Association.

- (2) The Vice-President will:
 - a) chair meetings of the administrative committee and general meetings in the absence of the President
 - b) perform other duties of the President when so delegated by the administrative committee or when the President has notified the committee of a temporary inability to perform such duties.

- (3) The Secretary will carry out such duties as allocated by the administrative committee, but in any case will:
 - a) conduct all correspondence on behalf of the Association except that required by the Act to be conducted by the Public Officer
 - b) maintain a record of all correspondence sent and received by the Association, except that correspondence which constitutes advertising or is in the nature of circulars
 - c) maintain the master copy of the constitution and all amendments
 - d) supply to the School a list of citizens who are non-parent members of the Association
 - e) prepare and distribute agendas for meetings of the administrative committee and general meetings
 - f) prepare, distribute and maintain a master copy of the minutes of meetings of the administrative committee and general meetings
 - g) exercise control of the Seal in accordance with clause A4
 - h) pass all records to the incoming Secretary on relinquishing office.

- (4) The Treasurer will:
 - a) faithfully maintain the accounts of all financial activities of the Association in accordance with Part J of the constitution and as directed by the administrative committee
 - b) pass all records of account, books, receipts, vouchers and any other financial documents to the incoming Treasurer on relinquishing office.

- (5) 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.

G 3. STANDING AND OTHER COMMITTEES

- (1) The Association may form such subordinate or collateral bodies – standing committees, subcommittees, ad-hoc committees, task forces, working groups and the like – as a general meeting from time to time determines or, subject to any direction by a general meeting, as the administrative committee decides.

- (2) The general meeting or the meeting of the administrative committee establishing a

subordinate or collateral body must define:

- a) the body's powers, responsibilities, functions and tasks
 - b) the duration or anticipated life of the body, including whether it is being established for a specific period or as a continuing body.
- (3) The powers, responsibilities, functions, tasks and duration of subordinate and collateral bodies so defined may subsequently be changed by a general meeting or, in the case of a body established by the administrative committee, by that committee.
- (4) Each subordinate or collateral body may appoint a nominee to represent it on the administrative committee.
- (5) Except where otherwise decided by a general meeting or, in the case of a body established by the administrative committee, by that committee, each such representative is to be a full voting member of the administrative committee for all purposes.
- (6) Bodies so formed are to consist of:
- a) at least one member of the Association elected at the annual general meeting of the Association in the same manner as members of the administrative committee
 - b) the Treasurer, if the body is to deal with the financial business of the Association and may include:
 - c) the Principal of the School or a member of the School staff nominated by the Principal
 - d) a student nominated by the Student Representative Council of the School, if so requested by the administrative committee.
- (7) The body is to elect, from its ranks:
- a) the convenor
 - b) a member who is also a member of the Association to be the representative of the committee on the administrative committee.
- (8) The Principal or the Principal's nominee is not eligible to be elected, or to act as, convenor of the body.

G 4. QUORUM AND PROCEDURE

- (1) At any meeting of the administrative committee a quorum is four (4).
- (2) The administrative committee is to meet at least once a term during school terms.
- (3) Having regard for the informality of such meetings, the procedure to be followed at meetings is to be determined from time to time by the administrative committee.
- (4) Notifications of such meetings are to be provided to all members of the Association in the School newsletter and on the Association and School websites. Members may also be notified by a circular letter or email.

PART H: ELECTIONS

H 1. OFFICE-BEARERS

- (1) The office-bearers 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 self-nomination or other nominations from the floor of the meeting.

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 office-bearers.

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

H 3. VOTING

(1) In any election, voting may only be in person.

(2) Voting is to be by preferential ballot and, where more than one person is to be elected, is to also be by quota preferential counting in accordance with the procedure set out in Schedule 4 of the ACT *Electoral Act 1992*.

H 4. CASUAL VACANCIES

(1) A casual vacancy arises when an officer or a member of the administrative committee:

- a) dies
- b) resigns in writing
- c) fails to attend three consecutive meetings without tendering an apology.

(2) A casual vacancy also arises in any office where the office-bearer or a member of the administrative committee is vacated by virtue of action taken pursuant to the Model Rules.

(3) Members are to be notified of casual vacancies as soon as possible by notice in the School newsletter as follows:

- a) any casual vacancy occurring in the office-bearers
- b) casual vacancies of other members when the number of other members on the administrative committee falls below two (2).

(4) The notification is to invite interested members to nominate themselves or others 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 as set out in clause H3.

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 (AGM) is to be held in February or March of each school year.

(2) Notice is to be given in writing to all members of the School's community at least two (2) weeks before the date of the meeting.

- (3) For the purposes of the preceding subclause, notice may be given in the School's newsletter or by direct circular to the home or email address of members.
- (4) The following documents must be presented at the AGM:
 - a) the audited statement of the previous year's accounts
 - b) a copy of the auditor's report to the Association for the previous year
 - c) a report signed by two members of the administrative committee stating
 - (i) the name of each member of the committee during the previous year
 - (ii) the changes, if any, to the membership of the committee in the previous year
 - (iii) the principal activities of the Association during the previous year
 - (iv) any significant change that occurred in those activities in the previous year
 - (v) a statement of net profit and loss.
- (5) In any year when the Association has more than 1,000 members, 100 copies of the audited statement and of the auditor's report must be available at the AGM.

I 3. ORDINARY GENERAL MEETINGS

- (1) Insofar as practicable, 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; or
 - b) any three members of the administrative committee; or
 - c) any five members of the Association.
- (3) Subject to the following subclause, notifications of special general meetings must be given in the same way as for AGMs.
- (4) A minimum twenty-one (21) days' notice is required for a special general meeting and the issue(s) for resolutions. A seventy-five (75) per cent majority vote in favour of resolutions is required.
- (5) 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 special general meetings, is four (4) members of the Association.
- (2) At any general meeting the chair or has a substantive vote and also has a casting vote.
- (3) A general meeting may be adjourned by simple majority of those present and voting.
- (4) 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 (7) days of the adjournment and at least seven (7) days before the date on which the adjourned meeting will be resumed.
- (5) Procedure at a general meeting in other respects is to be as specified in an annex to this constitution or, in the absence of such an annex, as provided for in the Model Rules.

I 6. PROXIES

- (1) Voting by proxy is not permitted.

PART J: FINANCE

J 1. FINANCIAL YEAR

The financial year of the Association is the calendar year.

J 2. BUDGET AND FINANCIAL PLANNING

- (1) The Treasurer is to prepare a draft budget as soon as possible after each AGM.
- (2) The budget is to be considered at, and may be endorsed by, the next-held ordinary general meeting of the Association or at a special general meeting called for the purpose.
- (3) The purpose of the budget is, in particular, to provide guidance to the administrative committee and to provide an opportunity for the general membership to consider issues of priorities and planning.
- (4) In addition, the administrative committee, as part of the budgeting process and financial planning, may recommend to members that a voluntary fee of a specified amount be paid to the Association by members to assist it in its work.

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 principles, 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 principles, 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 principles, function or objectives of the Association.

J 4. FINANCIAL PROCEDURES – GENERAL

- (1) Cheques made out on behalf of the Association must be signed by two of the members of the administrative committee authorised to be signatories to a particular bank account.
- (2) The administrative committee may authorise such members of the committee to be signatories as it finds convenient from time to time.
- (3) A statement of financial procedures is to be annexed to, and consistent with, this constitution.

J 5. FINANCIAL PROCEDURES – STANDING COMMITTEES

- (1) The financial procedures and controls that govern each standing committee are to be specified in the terms and conditions drawn up for that standing committee by the administrative committee.
- (2) The subaccounts of each standing committee are to be audited as part of the Association's accounts.
- (3) Activities in the subaccounts are to be properly reported to each general meeting and to each meeting of the administrative committee.

J 6. ANNUAL ACCOUNTS

- (1) The administrative committee must ensure that an annual statement is prepared setting out:
 - a) an income and expenditure statement for the year past
 - b) a statement of the assets and liabilities of the Association at the end of the previous financial year
 - c) any mortgages or securities affecting any property of the Association
 - d) 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 7. AUDIT

- (1) The accounts and financial records of the Association, including all subaccounts, must be audited at least annually.
- (2) In any year when the Association has a membership of 1,000 or more, the accounts must be audited by a registered auditor who is a member of:
 - a) the Institute of Chartered Accountants; or
 - b) the National Institute of Accountants; or
 - c) CPA Australia Ltd (Australian Society of Certified Practising Accountants).
- (3) In any year when the Association has a membership of less than 1,000, the accounts may be audited by a person who:
 - a) is not on the administrative committee; and
 - b) has not helped prepare the accounts.

PART K: ALTERATION OF CONSTITUTION

K 1. NOTICE OF PROPOSED CHANGE

- (1) Any proposed change to this constitution may be sought as a special resolution under section 33 of the ACT *Associations Incorporation Act 1991*, and as defined in section 70 of that same law.
- (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.
- (3) Notifications of proposed changes must be given in writing and must set out both the specific change sought and the reasons for the proposed change.
- (4) At least 21 days' notice in writing, but not more than 42 days' notice, is to be given to all members of any proposed change to the constitution.
- (5) Such notices are to be given within 21 days of the receipt of the notification of proposed change.
- (6) If a member or group of members opposing the proposed change so requests, a statement of the reasons for their opposition must likewise be circulated.
- (7) Subject to this clause, proposed changes can be considered at any general meeting whether annual, ordinary or special.

K 2. DISCUSSION AND VOTING

- (1) Any member of the Association may speak to the proposed constitutional change at the meeting at which it is considered.
- (2) When no further members wish to speak on a proposed change, the change will be voted on.
- (3) A change is passed if it receives the approval of 75 per cent or more of members' votes.
- (4) The Association must lodge any change with the ACT Registrar-General no later than one (1) month after the resolution was passed, setting out the particulars of the alteration, and including a declaration by at least 2 members of the 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) By-laws 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 used, which may be helpful in future years.
- (3) By-laws must not be inconsistent with this constitution.

L 2. ADOPTION, AMENDMENT AND REVOCATION

- (1) A by-law may be adopted or changed by simple majority at any general meeting
- (2) Notice must be circulated to all members at least seven (7) days before the meeting and proposed texts must be available for inspection by members on request at least seven (7) days before the meeting.

PART M: CONCLUDING PROVISIONS

M 1. LODGEMENT OF ANNUAL RETURNS

The administrative committee must lodge with the Registrar within six (6) 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 office-bearers 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.