

**PARENTS & CITIZENS' ASSOCIATION CONSTITUTION**

**FOR**

**COORPAROO SECONDARY COLLEGE**

**APPROVAL**

**PRINCIPAL:** Mr Gavin Bryce

**DATE:** 24-February-2014

## **Preamble**

The *Education (General Provisions) Act 2006(Qld)*(the Act) states that all Parents & Citizens' Associations must have a constitution and that such constitutions will have no effect unless approved by the Director-General of the Department of Education, Training and Employment. Under section 36 of the *Education (General Provisions) Regulation 2006 (Qld)*, the Director-General of the Department may prepare a model constitution for P&C Associations. This model constitution (the Constitution) has been prepared under that section and will replace your current constitution.

## **Part I – Functions and Powers**

### **1 NAME**

The name of the Association is the Coorparoo Secondary College Parents and Citizens' Association (the Association).

### **2 OBJECTIVES**

The objectives of the Association are to promote the interests of, and facilitate the development and further improvement of the School<sup>1</sup>, for example, by promoting parent participation and encouraging collaboration between parents, students, school communities and non-government entities to foster a commitment to achieving the best educational outcomes for children and young people.

### **3 FUNCTIONS**

In pursuit of the Association's objectives, the functions of the Association are to:

- 3.1 foster community interest in educational matters
- 3.2 try to bring about closer co-operation between the parents of children attending the School and other members of the community, staff members of the School and students of the School
- 3.3 if asked by the principal, give advice and recommendations about:
  - 3.3.1 issues relating to persons who receive educational instruction at the School
  - 3.3.2 the general operations and management of the School
- 3.4 give, or assist in the giving of, financial or other resources or services for the benefit of persons who receive educational instruction at the School
- 3.5 perform any other functions, not inconsistent with the Act, as the Minister may decide.

### **4 PERFORMANCE OF FUNCTIONS**

In the performance of its functions, the Association must comply with the Act and any written directions the Minister may give the Association about:

- a) complying with Departmental policies that apply to the Association, or

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<sup>1</sup>The term "school" is used in this Constitution for ease of reference and should be read in conjunction with the definition set out in clause 27.

## 6 BUILDING FUNDS

- 6.1 Subject to obtaining any necessary approvals under the Act or the SBFA Act, where consistent with achieving the Association's objectives and performing the Association's functions, and subject to resolution passed by a majority of members at a duly constituted meeting, the Association may establish, maintain and operate a school building fund in accordance with the following rules:
- 6.2 The Association may apply for endorsement as a deductible gift recipient under Subdivision 30-BA of the *Income Tax Assessment Act 1997 (Cth)* (or as amended from time to time or under any legislative provision enacted in substitution for those provisions) for the operation of a School building fund.
- 6.3 The public must be invited to contribute gifts of money or property to the fund.
- 6.4 The Association must maintain a gift fund for the principal purposes of the school building. To avoid any doubt, the gift fund forms part of the school building fund. A separate bank account can be the 'gift fund'.
- 6.5 The Association must credit monetary gifts, interest earned, deductible contributions and proceeds of sale of gifted property to the gift fund. For example, interest earned on the gift fund bank account must be credited back to that gift fund bank account.
- 6.6 The Association must not credit money or property other than gifts into the gift fund.
- 6.7 The school building fund must be controlled by a subcommittee of the Association, the majority of whom must be Responsible Persons such that the fund satisfies the requirements to be a public fund. Responsible Person means an individual who:
- performs a significant public function
  - is a member of a professional body having a code of ethics or rules of conduct
  - is officially charged with spiritual functions by a religious institution
  - is a director of a company whose shares are listed on the Australian Stock Exchange
  - has received formal recognition from government for services to the community, or
  - is an office holder of a community organisation (e.g. President of Parent and Citizens' Association).
- 6.8 The Association must use the fund solely for the acquisition, construction or maintenance of a building used, or to be used, as a school or college by the School.
- 6.9 The Association may use the money in the fund to pay for the reasonable costs of managing the fund. Examples of costs include bank fees and charges, stationery costs and accounting and audit fees relating directly to the fund.
- 6.10 The Association must not distribute directly or indirectly any portion of the fund or its income to its members or their associates.
- 6.11 If the Association issues a receipt for a gift to the school building fund, the Association must ensure that the receipt states:
- a) the name of the fund
  - b) the Australian Business Number of the Association
  - c) the fact that the receipt is for a gift
  - d) the amount of gifts of money
  - e) a description of any gifts of property, and
  - f) the date of the gift.

- 10.4 The Minister may give the Association a written direction about a proceeding started by or against the Association under this clause and the Association must comply with the direction.

## **Part II – Members, Officers and Bodies**

### **11 MEMBERSHIP**

#### **11.1 Eligibility**

- 11.1.1 The following persons are eligible to be members of the Association:
- a) a parent of a child/student attending the School
  - b) staff member of the School, or
  - c) an adult who is interested in the school's welfare
- 11.1.2 The Principal of the School is automatically a member of the Association.
- 11.1.3 An employee of the Association is eligible to be a member of the Association.

#### **11.2 Membership of the Association**

- 11.2.1 A person must apply for membership of the Association by completing and submitting an application for membership to the Association in the form of the example at Schedule 3.
- 11.2.2 A person who applies for membership of the Association is taken to be a member if membership is not refused by the Association within two months after the person applies for membership.
- 11.2.3 The Association must vote (as per the process established at clause 18) to decide whether an applicant will be refused membership.
- 11.2.4 A person is refused membership of the Association if the Association gives the person notice of the refusal **and** the reasons for the refusal within two months after the person applies for membership.
- 11.2.5 However, membership is not refused if the person receives notice of the Association's refusal of the application but does not receive notice of the reasons for the refusal within two months after the application is made.
- 11.2.6 Membership of the Association is renewable each year (except honorary life membership) at the annual general meeting of the Association. A member who wishes to reapply for membership must complete and submit a new application for membership to the Association in the form of the example at Schedule 3 prior to or at, the annual general meeting.
- 11.2.7 The Association may refuse an application for membership if it passes a resolution in favour of refusing the membership application at a duly constituted meeting. For example, it may be a ground for refusal of membership of a person if the person has, at the time of application for membership, committed any act or done anything which, if the person was already a member of the Association, would be grounds for removal under clause 16.

- 11.6.2 Honorary life membership may be proposed by any member of the Association in confidence through the Executive Committee or as otherwise determined by the Association at a general meeting.
- 11.6.3 The decision to award a person honorary life membership must be made by a two-third majority vote of the members present at an annual general meeting of the Association.
- 11.6.4 A person who is the subject of a proposed resolution to award the person honorary life membership:
  - a) must not be present during discussions about the proposal, or voting on it, at a meeting of the Association
  - b) must not vote on the proposal.

## **12 OFFICERS OF THE ASSOCIATION**

### **12.1 Officers and Eligibility to Hold Office**

- 12.1.1 Subject to clauses 12.1.3, 12.1.4 and 12.3 below, at each annual general meeting of the Association, the members of the Association must elect the following Officers from its members:
  - a) a President
  - b) at least one Vice-President
  - c) a Secretary
  - d) a Treasurer
  - e) any additional Officers as decided by the Association.
- 12.1.2 The Officers of the Association hold office in an honorary capacity.
- 12.1.3 The office of Treasurer must not be held by either the current President or Secretary of the Association.
- 12.1.4 The Principal may not hold a position as an Officer of the Association.
- 12.1.5 Subject to the restrictions elsewhere in this Constitution, a retiring Officer or former Officers are eligible for re-election.
- 12.1.6 Subject to the restrictions elsewhere in this Constitution, School staff are eligible for election as an Officer, although the number of relevant staff members of the School must not be more than one-third of the number of members of the executive committee.
- 12.1.7 No employee (including a contractor) of the Association is eligible to hold a position as an Officer or as an executive member of a subcommittee.

### **12.2 Vacancies**

- 12.2.1 The position of an Officer becomes vacant if the Officer:
  - a) dies
  - b) resigns his or her Office by signed notice given to:
    - i) in the case of the President - a Vice-President or the Secretary or Treasurer, or
    - ii) in the case of another Officer - the President
  - c) is absent from three consecutive meetings of the Association where:
    - i) there is a quorum for each meeting not attended

- g) if there is only one nomination for a position, the Candidate will be elected to the position if the Candidate receives the votes of a majority of the members at the meeting
- h) if there is more than one nomination for a position, the Candidate who receives the majority of the votes will be elected to the relevant office.

### 12.5 Notification of Officers

The Secretary of the Association must, as soon as practicable upon the formation of the Association and after each annual general meeting (or, in the case of an election to fill a casual vacancy, the relevant general meeting), give to the Director-General and to P&Cs Qld notice of the names and addresses of the elected Officers.

## 13 EXECUTIVE COMMITTEE

### 13.1 Executive Committee

13.1.1 The Association has an Executive Committee that is comprised of the following Officers of the Association:

- a) the President
- b) the Vice-President or Vice-Presidents
- c) the Secretary
- d) the Treasurer.

13.1.2 When Officers of the Association are elected at an annual general meeting, the number of relevant staff members of the School who may be members of the Executive Committee must not be more than one-third of the total number of members of the Executive Committee. In this clause 13.1.2, the term "relevant staff member" means a staff member of the School who is not a parent of a child attending the School

13.1.3 Clause 13.1.2 does not apply to the Association if the Director-General reasonably believes that complying with that requirement would prevent all of the positions of the Executive Committee being filled and the Director-General notifies the Association that it is not required to comply with that clause or its statutory equivalent (being section 126(2) of the Act).

### 13.2 Description of Executive Committee

13.2.1 The following describes the key functions of the Association officers:

- The **President** provides leadership and is the accountable officer of the Association. Their role is to act as a representative of the Association, encourage communication between the Association, School administration and the community and encourage participation in the Association. The President will be the Chair of meetings and conduct them in an efficient and timely fashion, being familiar with the rules, constitution and other documents governing Association operations. The President is an official member of the school council for the School, if one exists.
- The **Vice-President** provides essential support for the President and possibly other members of the Executive Committee. They will Chair those meetings from which the President is absent and carry out any duties that have been delegated by the President. They should also be familiar with the rules, constitution and other documents governing Association operations.

- 14.5 Subject to clause 14.7, the Association must appoint particular members of the subcommittee to be the Chairperson, Secretary and, if funds are to be raised or spent by the subcommittee, the Treasurer of the subcommittee.
- 14.6 Officers of the Association are eligible to hold positions on subcommittees.
- 14.7 The Chairperson or Secretary of the subcommittee may not be the Treasurer of the subcommittee.
- 14.8 Each subcommittee of the Association will, subject to a contrary direction by the Association, provide a written report of its progress to every general meeting of the Association. If the subcommittee is authorised by the Association to raise or spend funds, then the Treasurer of the subcommittee will present a written financial statement, at every general meeting of the Association. The subcommittee accounts will be subject to an audit as part of the Association's accounts.
- 14.9 The timing and frequency of meetings of each subcommittee will, subject to an alternative contrary direction by the Association, be determined by a majority of the votes of the members of the relevant subcommittees.
- 14.10 Matters arising at a meeting of a subcommittee are decided by a majority of the votes of members present at the subcommittee meeting, where each member present has a vote on the matter. The Chairperson of the subcommittee, or, if the Chairperson is not present at the meeting, the person presiding at the meeting, has a deliberative vote and if the votes on a matter are equal, a casting vote.
- 14.11 If a quorum is not present at a subcommittee meeting, the meeting will adjourn to a date determined by its members, subject to an alternative direction by the Association.
- 14.12 The tenure of each subcommittee is at the discretion of the Association.

## 15 FINANCIAL INTEREST

- 15.1 In this clause 15, "**relevant entity**" means:
- the Association, or
  - the Executive Committee, or a subcommittee, of the Association.
- 15.2 If a member of a relevant entity (the "**Interested Member**") has a direct or indirect financial interest in an issue being considered, or about to be considered, by the relevant entity which could conflict with the proper performance of the Interested Member's duties in relation to the consideration of the issue then, as soon as practicable after the relevant facts come to the Interested Member's knowledge, the Interested Member must disclose the nature of the interest to a meeting of the relevant entity. The disclosure must be recorded in the relevant entity's minutes.
- 15.3 Unless the relevant entity directs, the Interested Member must not be present when the relevant entity considers the issue or take part in a decision of the relevant entity about the issue.
- 15.4 The Interested Member must not be present when the relevant entity considers whether to give a direction under clause 15.3.
- 15.5 If there is another member of the relevant entity (the "**Second Member**") who must, under clause 15.2, also disclose an interest in the issue, the Second Member must not:
- be present when the relevant entity is considering whether to give a direction under clause 15.3, or
  - take part in making the decision about giving the direction.
- 15.6 If:

- h) an invitation for the Nominated Person to show, within a stated time of at least 14 days, why the action should not be taken.
- 16.4.2 The Association must consider all written representations made to it within the stated time and determine whether the Association still considers a ground to Remove the Nominated Person exists.
- 16.4.3 The Association will vote on the Removal of the Nominated Person by secret ballot at a general or special meeting of the Association and the decision to Remove the Nominated Person will be determined by majority of votes of the members present.
- 16.4.4 If, after considering all written representations made within the stated time, the Association still considers that a ground exists to Remove the Nominated Person then the Association may remove the Nominated Person.
- 16.4.5 The Association must notify the Nominated Person of the Association's decision to Remove the Nominated Person by written notice to the Nominated Person within 14 days after the Association makes its decision and the notice must state:
  - a) the reasons for the decision
  - b) the date on which the Association's decision to Remove the Nominated Person takes effect in accordance with clause 16.4.6
  - c) that the person may make a submission to the Minister against the decision
  - d) the Minister's name and address
  - e) the way in which the submission may be made.
- 16.4.6 Subject to clause 16.4.7, the decision referred to in clause 16.4.3 takes effect on the day on which the notice is given to the Nominated Person, or if a later day is stated in the notice, the later day.
- 16.4.7 If the ground for the Removal of the Nominated Person is that the member is convicted of an indictable offence:
  - a) the Removal does not take effect until:
    - i) the end of the time to appeal against the conviction
    - ii) if an appeal is made against the conviction, the appeal is finally decided
  - b) the Removal has no effect if the conviction is quashed on appeal.

## **16.5 Submissions Against Removal of Removed Person**

- 16.5.1 A Removed Person may make a submission against their Removal to the Minister, which must:
  - a) be in writing
  - b) include an address in Australia to which notices for the Removed Person may be sent
  - c) state fully the grounds for the submission and the facts relied on
  - d) include a copy of the Notice of Removal
  - e) be given to the Minister within 14 days of the Notice of Removal being given to the Removed Person, or, if the Minister allows, a later time for the giving of the submission.



- d) proposed removal of an Officer of the Association
- e) proposed dissolution of the Association
- f) business determined by resolution of members of the Association at a general meeting of the Association to be dealt with at a special meeting
- g) business determined by the Officers of the Association to be dealt with at a special meeting, or
- h) business determined by written request to the Secretary of a majority of Association members to be dealt with at a special meeting.

## **18 VOTING**

- 18.1 A question at an Association meeting is, subject to this Constitution, decided by a majority of the votes of the members present.
- 18.2 Members who are listed as current members in the register of members are entitled to vote at any duly constituted meeting of the Association.
- 18.3 Each member present at an Association meeting has a vote on each question to be decided and if the votes on a question are equal, the person presiding at the meeting of the Association has a casting vote.
- 18.4 Voting by proxy is **not** permitted.

## **Part IV – Finance, Audit and Records**

### **19 FINANCE**

#### **19.1 Association is a Statutory Body**

The Association is a statutory body under the SBFA Act and its financial powers and responsibilities are set out in both the Act and the SBFA Act. The Association's performance of its powers and responsibilities in this Part IV of this Constitution is subject to, and must be performed in accordance, with the Act and the SBFA Act.

#### **19.2 Financial Year**

The financial year of the Association is the period of twelve months starting on 1 January in a year and ending on 31 December in that year.

#### **19.3 Accounting for P&C Associations**

The Association and its members are bound to comply with the latest version of the Accounting Manual for P&C Associations (the Accounting Manual).

#### **19.4 Responsibilities**

- 19.4.1 The responsibilities of the Officers, Principal, subcommittees and members of the Association not set out in this Constitution are set out in the Accounting Manual.
- 19.4.2 The Officers are responsible for ensuring that the Association and its subcommittees follow appropriate financial management procedures and comply with the Accounting Manual.
- 19.4.3 Responsibility for the proper collection, management and disbursement of money of the Association rests with the President and Treasurer.

- 19.7.3 If the Association resolves at an annual general meeting to have a petty cash fund, the amount of the petty cash fund of the Association will be \$0 or an amount as determined by resolution of the Association at the annual general meeting of the Association.
- 19.7.4 The Treasurer will maintain a record of expenditure from the petty cash fund together with receipts. The Treasurer will submit a report of expenditure from the petty cash fund to the general meeting of the Association.
- 19.7.5 All payments, other than from the petty cash fund, will be made by cheque or electronic funds transfer (EFT).

## **19.8 Borrowing and Investing**

In borrowing or investing, the Association must comply with, in addition to the Act and SBFA Act, the Accounting Manual and any directions of the Minister.

## **19.9 Subcommittee Funds**

- 19.9.1 Any funds raised by a subcommittee are the Association's funds and under the Association's control. Such funds are also subject to the provisions of clauses 19.5.2 to 19.5.4.
- 19.9.2 If a subcommittee is authorised by the Association to raise and spend funds, the Treasurer of the subcommittee must:
- a) be provided with all amounts received by the subcommittee and manage those amounts
  - b) keep a proper record of receipts and expenditure of the subcommittee
  - c) ensure amounts received by the subcommittee are deposited promptly in an account with a financial institution in the name of the subcommittee, or in another account, as directed by the Association.
- 19.9.3 If a subcommittee has been authorised by the Association to raise or expend funds, the Association will determine the operating funds of the subcommittee.
- 19.9.4 If a subcommittee is authorised to operate a bank account in its own name, the account will be held at the same bank as the Association and will be operated by any two of the Chairperson, Secretary and Treasurer of the subcommittee.
- 19.9.5 All income of the subcommittee in excess of its approved operating funds will be transferred to the primary bank account of the Association as and when the Association determines.

## **19.10 Mandatory Insurance Cover**

The Association must purchase and maintain the insurance cover required by the Director-General by notice published from time-to-time in the gazette.

## **20 AUDIT**

### **20.1 Association Must Be Audited**

The accounts of the Association and its subcommittees for each financial year must be audited annually, in accordance with the Accounting Manual.

### **20.2 Appointment of Auditor**

consistent with the basis for preparing the Association's financial statements for the preceding year.

20.3.3 Upon completion of the audit, the audited financial statements, with all signed certificates appended, will be presented to the President and Officers and, as soon as practicable thereafter, to the annual general meeting of the Association.

20.3.4 The Secretary must, by 31 May of the year following the financial year, forward a copy of the Association's audited financial statements for the financial year to the Director-General.

## **21 HANDING OVER OF ACCOUNTS TO SUCCESSORS**

21.1 The Treasurer of the Association, or of a subcommittee, will transfer to the successor-in-office all records and accounts of the Association, or subcommittee, as the case may be, in their possession, custody or control as soon as practicable after that successor has been appointed.

21.2 If the Treasurer of the Association, or of a subcommittee, resigns or is removed during their term of office, the Association will arrange for an audit of the records and accounts of the Association or subcommittee to be carried out before handing these to the successor-in-office.

## **22 NO DISTRIBUTION TO MEMBERS**

No portion of the Association's funds, income or assets will be distributed, paid, or transferred directly or indirectly to members of the Association.

## **23 RECORDS**

The Association will store and manage all records and accountable forms of the Association (preferably at the School) according to the Accounting Manual.

# **Part V – Adoption and Amendment of Constitution**

## **24 ADOPTION OF CONSTITUTION**

24.1 This Constitution has no effect unless it is approved by the Director-General.

## **25 AMENDMENT OF CONSTITUTION**

25.1 The Association may resolve to amend this Constitution by a resolution passed by a majority of its members present at an annual general meeting or special meeting of the Association.

25.2 The Association must have regard to this Constitution and any subsequent model constitution for P&C Associations prepared under section 36(3) of the *Education (General Provisions) Regulation 2006* prior to amending this Constitution.

25.3 The principal should notify their supervisor of any approved amendments.

25.4 Amendments to this Constitution are effective from the date of approval by the Director-General and such amendments will have no effect unless and until approved by the Director-General.

## Part VII – General

### 27 DEFINITIONS

In this Constitution, unless the context otherwise requires:

**“Accounting Manual”** means the latest version of the document titled “Accounting for Parents and Citizens Associations” that is a dual badged document (DETE and P&Cs Qld) published by the Department of Education, Training and Employment as amended from time to time.

**“Act”** means the *Education (General Provisions) Act 2006* and any subordinate legislation including the *Education (General Provisions) Regulation 2006* (Qld).

**“Department”** means the Department of Education, Training and Employment or the State government Department responsible for administration of the Act.

**“Director-General”** means the Director-General of the Department or such other person as may from time to time hold the position as chief executive of the State government Department responsible for administration of the Act and includes, where context permits, an Officer to whom the chief executive’s functions under the Act have been delegated in accordance with section 432 of the Act.

**“Executive Committee”** means the executive committee of the Association as referred to in clause 13.1.1.

**“Minister”** means the Minister responsible for administering the Act and includes, where context permits, an Officer to whom the Minister’s functions under the Act have been delegated in accordance with section 431 of the Act.

**“Officers”** mean the officers of the Association as elected in accordance with clause 12.1.1.

**“Principal”** means the Principal of the School.

**“P&C Association”** means a parents and citizens’ association formed under chapter 7 of the Act.

**“Relevant Agreement”** means an agreement benefiting persons who receive educational instruction at the School.

**“Responsible Person”** means, for the purpose of establishing and maintaining a school building fund, a person who has a degree of responsibility to the general community including, for example a person who:

- a) performs a significant public function
- b) is a member of a professional body having a code of ethics or rules of conduct
- c) is officially charged with spiritual functions by a religious institution
- d) is a director of a company whose shares are listed on the Australian Stock Exchange
- e) has received formal recognition from government for services to the community, or
- f) an office holder of a community organisation (for example, the President of a P&C Association).

**“SBFA Act”** means the Statutory Bodies Financial Arrangements Act 1982 (Qld).

**“School”** means the [Name of School], being the State instructional institution, as defined in the Act, for which the Association has been formed.

## SCHEDULE 2 – CODE OF CONDUCT FOR P&C ASSOCIATION

This Code of Conduct clarifies the expected standards of all P&C Association members. It has been adopted to aid all members of our school community to work as a cohesive group in partnership with the school.

The Code is intended to promote and maintain the highest standard of ethical behaviour by P&C Association members. Members of a P&C Association should adhere to the Code of Conduct at all times. This Code applies to each member of a P&C Association.

P&C Association members are to:

- act in the best interest of the total school community at all times
- conduct and present themselves in a professional manner and act ethically and with integrity at all times
- act with courtesy and demonstrate respect for all persons, whether fellow P&C Association members, school staff, parents/carers, students, community members
- remain objective and avoid personal bias at all times
- represent all members of the school community
- engage the school and wider community in developing and effecting school priorities, policies and decisions in a manner that is consultative, respectful and fair
- declare any conflicts of interest and not misuse their office to advance individual views or for personal gain
- make fair, transparent and consistent decisions
- provide objective and independent advice
- listen and be tolerant of the views and opinions of others, even if those views and opinions differ from their own
- treat official information with care and use it only for the purpose for which it was collected or authorised
- respect confidentiality and information privacy (about the school, community members, staff or students) at all times and not disclose confidential information
- not use confidential or privileged information to further personal interests
- be responsive to the requirements of the school community
- seek to achieve excellence in educational outcomes for all students at the school
- listen and respond to issues and concerns regarding strategy and policy
- work within the boundaries of the *Education (General Provisions) Act 2006*, the *Education (General Provisions) Regulation 2006* and the Department of Education, Training and Employment's policies and procedures relevant to P&C Association operations.