

## **Winston Heights Public School 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 Winston 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.
- (ii) 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 fulfil 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**

## **10. Holding Meetings and Quorum**

- a. Parents and carers of pupils attending the school and citizens within the school community who are not members may attend meetings of the association but are not entitled to attend meetings of the Executive Committee or subcommittees of the association.
- b. Where the association has a current membership of 50 or more, the quorum at all meetings of that association shall be 10 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.
- c. The association will in the usual course hold all meetings of the association at the school or, if the school is not available, at a convenient and suitable location nominated by the Secretary [or, in his or her absence, by another Officer].
- d. If for any reason a quorum at any meeting convened in accordance with paragraph (c) cannot be formed in accordance with paragraph (b) and the rules of the association, the association may hold a meeting of the association at 2 or more venues using any technology that gives the members as a whole an opportunity to participate effectively in that meeting.
- e. In any case in which a meeting of the association is held using technology of the kind referred to in paragraph (d):
  - i. notice of the meeting must specify the date, time and details of the technology needed to participate in the meeting;
  - ii. a quorum must be maintained for the duration of the meeting;
  - iii. any member of the association attending in person or using technology will be taken to be present for the purposes of forming a quorum and for all other purposes;
  - iv. all votes on a resolution must be taken by ballot open to all members and not on a show of hands; and
  - v. the President or other presiding Officer appointed to chair the meeting may adjourn the meeting if there is any failure in technology with a consequence that a resolution cannot be put or the business of the meeting cannot be conducted.

## **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 \$1.00.

### **13. Subcommittees**

- (a) 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.
- (b) Subject to any direction from the association, all meetings of subcommittees will be conducted on the same basis and subject to the same rules as apply to meetings of the association with any necessary modification appropriate to the functioning of that subcommittee.

### **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 finalised 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.

### ***By-laws for Winston Heights Public School P&C Association (The Association)***

- These rules are made under the constitution of Winston Heights Public School Parents and Citizens Association.
- The Association is formed for the benefit of the pupils of the school, which 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 and Citizens' Associations of New South Wales; and
  - (c) Promote the interests of public education.
- No person will serve more than four consecutive years in the same position.
- The financial year of The Association shall close on 31 December each year.
- The Annual General Meeting of The Association shall be held in March of each year, in conjunction with and preceding the ordinary general meeting for that month. The agenda of the Annual General Meeting shall include the Annual Report, Audited Financial Report, setting the annual subscription (membership fee) of the association for the ensuing year, reviewing the by-laws and policies of The Association.
- A general meeting of The Association shall be held on the fourth Monday of each month during term time at 7.00pm in the school staff room. Any change to this, shall be notified to the school community with at least two weeks' notice.
- No proxy votes are permitted at AGMs or general meetings, in line with NSW P & C Federation guidelines.
- The new membership year will commence from the March general meeting, which follows the AGM, where all membership payments of \$1 become renewable. Membership payments of \$1 can be paid at any general meeting. Voting rights commence at the next general meeting following payment. To be eligible to vote at the March AGM, membership payments must have been received before the close of the February general meeting. In line with NSW P & C Federation guidelines, the AGM is an election for all office bearer and sub-committee coordinators. A person may be nominated for more than one position. Prospective candidates will accept nominations at the relevant part of the AGM. The candidate, nominator and seconder must be financial members of the P & C Association. Candidates may nominate themselves. Membership payments can be accepted by proxy at any general meeting: under these circumstances, the minutes must reflect the name of the new member, along with the person who paid the membership on their behalf.
- The Secretary shall be responsible for maintaining minutes, agendas, an up-to-date member register and noting any conflict of interest where relevant in the minutes.
- At a general meeting, the quorum shall be five.
- If a meeting for which due notice has been given does not achieve a quorum within 15 minutes of the advertised starting time the Secretary will, or in the absence of a Secretary remaining

members of the Executive will, call a further meeting. Failing that, any five members of the P & C Association may call a further meeting with a lapse of not more than 28 days of term time to carry on the business of the P & C Association.

- All meetings will be conducted in accordance with the rules and policies of The Association which include Code of Conduct guidelines. Members will conduct themselves accordingly.
- Each meeting of the P & C Association will be conducted as follows:
  - (a) Welcome, formal opening of meeting and apologies
  - (b) Minutes of the previous meeting (Receipt/Amendment/Adoption)
  - (c) Business arising from the previous meeting Minutes
  - (d) Correspondence
  - (e) Reports (including President/Treasurer/Sub-Committee/Principal's)
  - (f) General Business
  - (g) Other Business, close meeting.
- The Association may elect representatives who will be responsible to present The Association on committees or at events. Members who are elected to represent The Association are required to produce a written report to the next general meeting of The Association.
- A general meeting of The Association may declare any Officer who has been absent for three consecutive meetings without an apology being received and accepted by the meeting, to have vacated their position and to have created a casual vacancy to be dealt with by means of Rule 6 of The Association constitution.
- The Association may confer the honour of Life Membership or Outstanding Service on a member of The Association or a volunteer who has made a significant contribution to the work of The Association by resolution of members. Life Members may attend and speak at meetings but are not entitled to vote or to hold office unless they are also ordinary members. The Association may remove an honour The Association has bestowed if the recipient of such an honour has been convicted of committing an offence that may be punishable by law.
- Any motion to expend Association monies must be placed on the agenda for the meeting at which it is to be considered, the running costs of sub-committees should be considered when dispersing monies. No financial decisions will be considered by The Association, without having a treasurer's report presented and endorsed at the meeting. A sub-committee must not expend funds for any purpose outside those allowed by The Association. There is nothing, however, to prevent an association setting up a sub-committee to raise funds for a particular goal, or a sub-committee recommending a particular use for the funds it has raised.

For events at school, where ever possible, at least two people shall be responsible for collecting and counting money (this can include P & C Executive and/or nominated P & C Financial Members and/or nominated event coordinators). Money should be banked immediately or stored securely at school (temporarily) until such a time that it can be banked. No money is to be kept at people's homes.

For offsite events, where ever possible, at least two people shall be responsible for collecting and counting money (this can include P & C Executive and/or nominated P & C Financial Members

and/or nominated event coordinators). The treasurer shall then advise this at the next general meeting and it will be minuted.

Where ever possible, at least two people shall be responsible for collecting and counting money for school banking, uniform shop and canteen (this can include P & C Executive and/or nominated P & C Financial Members and/or nominated coordinators and/or volunteers assigned to undertake school banking, uniform and canteen duties on that day). Money should be banked immediately or stored securely at school (temporarily) until such a time that it can be banked. No money is to be kept at people's homes.

Receipts must be issued whenever money changes hands (external and internal transactions). Purchases by individuals for reimbursement should be avoided. Invoices should be obtained and paid via the P & C bank account where possible. In the event of an individual being unable to obtain an invoice for payment via the P & C bank account, the purchase must be supported by a valid receipt and a requisition form completed and approved by two Executives.

All income is to be banked; expenditure and purchases should not be paid from cash at an event. No amount over \$50 can be expended on behalf of the P&C without the prior approval. Queries about money (expenses etc.) should be directed to the P&C Treasurer:  
[treasurer@winstonheightspandc.com](mailto:treasurer@winstonheightspandc.com).

- As a member of The Association, you agree to uphold the values of the school when participating in P & C meetings and events. All members must declare at the start of meetings any potential or perceived conflict of interest for any agenda item, should an item of business arise to which there is a potential or perceived conflict of interest. Any member who knows there is a potential or perceived conflict of interest of another member has the responsibility to disclose that there is a potential or perceived conflict of interest. If a member declares a conflict of interest, the meeting shall decide on the participation in the activity or vote.

### **Winston Heights Public School P&C Association Safe Handling of Money Policy statement**

Security and safety of persons handling money needs to be considered as this is a high-risk function, the most serious and obvious risks being that of misappropriation and potential injury through attempted robbery to persons handling or transporting cash.

To ensure the safety and security of persons responsible for handling money this policy needs to be read by all persons responsible for handling money.

To ensure that monies collected by Winston Heights Public School P & C Association are handled safely and correctly following generic guidelines that have been developed under by-law 17.

### **Winston Heights Public School P&C Association Code of Conduct**

The Code of Conduct applies to all financial members and volunteers of Winston Heights Public School P&C Association while undertaking any role or activity related to the Winston Heights Public School P&C Association.

#### **The Principles**

The Code of Conduct is based on the following fundamental ethical principles.

## **Respect for the Law**

Winston Heights Public School P&C Association members and volunteers, in common with all citizens, are under the jurisdiction of the laws of the State and the Commonwealth and are obliged to observe such laws.

## **Respect for all Persons**

Winston Heights Public School P&C Association members and volunteers are expected to treat students, school staff, and all members of the community equitably with dignity and respect. This involves, but is not limited to, the following:

- Tolerance of the views held by others which are different from your own
- Courtesy and responsiveness in dealing with others
- Fairness in supervising and dealing with other members
- Making decisions that are procedurally fair to all people according to the principles of natural justice
- Not discriminating on grounds such as gender, sexual orientation, race, ability, cultural background, religious status, marital status, age or political conviction
- An awareness and respect for cultural difference
- Engaging in rational debate allowing for alternative points of view to be expressed
- Not engaging in behaviour that might reasonably be perceived as harassment, bullying or intimidation.

## **Integrity**

Winston Heights Public School P&C Association members and volunteers should be honest in carrying out their duties and avoid conflicts between their private interests and their P&C responsibilities with respect to:

- Personal relationships
- Financial relationships
- Receipt of gifts
- Outside work
- Use of confidential information obtained in the course of P&C duties
- External activities and public comment.

## **Diligence**

Winston Heights Public School P&C Association members and volunteers should carry out their duties in a professional and conscientious manner. This involves:

- Carrying out official decisions and policies faithfully and impartially
- Exercising care for others in P&C related activities
- Ensuring outside interests do not interfere with a P&C member's duties or responsibilities
- Adhering to professional codes of conduct where applicable, being encouraged to report fraud or corrupt conduct to an office bearing executive of the P&C and/or external authorities.

## **Working with Children**

The Winston Heights Public School P&C Association adheres to the government's Working with Children Check legislation and relevant procedures.



## **Conflict of Interest**

P&C Association members must declare interests which conflict, either perceived or actual, with your P&C Association duties and activities.

A conflict of interest may include, but is not limited to, an expressed personal value or belief, professional ethics, personal or professional relationships, financial or proprietary interests.

## **Confidentiality**

Personal information about a member should not be disclosed without the consent of the member or there is a lawful authority for its disclosure.

Documents and information of the P&C Association should be placed in secure locations where possible and sensitive information should not be distributed.

## **Grievances, complaints and procedures**

Breaches of this Code of Conduct or other policies of the P&C Association will be addressed by way of the Grievances, complaints and procedures policy. Violations may result in removal from the Winston Heights Public School P&C Association.

Winston Heights Public School P&C Association members and volunteers should familiarise themselves with this Code of Conduct and endeavour to ensure that its principles are observed at all times.

## **Winston Heights Public School P & C Association Grievance, Complaints & Disputes Procedures**

The Winston Heights Public School P&C Association is committed to providing an environment where all P&C Association members, volunteers, staff of Department of Education and students enrolled at Winston Heights Public School, concerns are dealt with in a timely and appropriate manner.

A grievance or complaint, may be received by the P&C Association in relation to a fellow member or volunteer. Where a complaint relates to a Department of Education employee or student the complaint should be lodged directly to the Principal in accordance with the policies of the Department of Education.

A grievance is a complaint about any situation, which is considered by the complainant to be wrong, mistaken, unjust or discriminatory.

## **Principles**

Complainants should not instigate grievances that are frivolous, vexatious or malicious.

Grievances and information arising from the handling of the grievance, must be treated confidentially.

Concerns should be raised as early as possible after the incident relating to the complaint has occurred.

The principles of natural justice will be observed throughout. This means before a decision is made the person who has been implicated has the right to be informed about the nature and content of the grievance, have the right to be heard by an unbiased decision maker and have the right to have a witness present.

## **Procedures**

The complainant should provide written details of their concerns and the grounds for the grievance, to the P&C Association President.

Where the complaint is about a member of the P&C Association Executive it may be raised with an independent third party here, for example Principal along with a copy of these procedures and all relevant policies.

The President or person handling the complaint as described in these procedures will initiate an informal meeting with the complainant to discuss the grievance and may request further information which the complainant must provide.

The complainant may have an independent witness attend any meetings.

The President or person handling the complaint, as described in these procedures, will provide written acknowledgement of the grievance being lodged within 7 days of receiving the grievance.

If the matter pertains to another P&C Association member or volunteer, that person will also be informed, in writing, within 7 days of the grievance being lodged. The person against whom the complaint is made will not receive a copy of the complaint unless written permission is expressly given by the complainant to share the document.

Grievances are to be resolved no later than six weeks after the complaint is lodged.

The outcomes of a formal grievance process may include (but is not limited to): recommendation to amend policies, recommendation to alter practices, agreement by parties regarding interactions, access to training and development or disciplinary action including a restriction on membership or formal employment review as allowed in employment agreements and as permitted by the relevant Employment Award.

Where a person disagrees with an outcome of a complaint they may lodge an appeal or further grievance with any relevant government agency or to the NSW P&C Federation where the matters involve volunteers.

## **Winston Heights Public School P & C Association email policy**

Winston Heights Public School P&C has access to its own email domain as part of a Crazy Domains subscription. The domain name is winstonheightspandc.com

The use of email accounts outside of this domain, operated by uniform, school banking, canteen, music, events or other P & C matters, should be limited, where possible.

As at the date of this policy, the Winston Heights Public School P & C Committee must approve the creation of any new email addresses at general P & C meetings. This aims to diffuse the incidence of

dissemination from multiple sources regarding P & C matters, which causes confusion and is not in line with transparency.

The use of email accounts come with responsibilities that have security, compliance and ethical implications. This policy is to communicate the expectations of the Winston Heights Public School P&C Committee with respect to the use of email accounts and the high standard of conduct expected by P & C members.

All email communication that is stored, composed and transmitted via Winston Heights Public School P & C email accounts are the property of Winston Heights Public School P&C Association and will be monitored at the Winston Heights Public School P & C Committee's discretion. As such, all users shall conform to any security measures which are in place to protect access control and exercise proper control over passwords or any other security mechanism.

### **Appropriate Use**

Email accounts may be used to exchange information with Winston Heights Public School parents, the School and external parties in relation to responsibilities conducted by the P&C.

All emails should:

- be drafted in a manner consistent with treating others with respect and consistent with accepted business ethics and standards
- use blind-copy to maintain privacy of email addresses of the Winston Heights parents when sending large group emails
- include an author/checker process to ensure all content is accurate and of a high standard of expression when emailing large groups

### **Inappropriate use**

The email account may not be used to:

- send messages to large groups for business purposes outside of the Winston Heights Public School P & C Association
- solicit for any items or issues not sponsored by Winston Heights Public School P&C Association
- transmit messages that use offensive speech or disparage individuals on the basis of race, colour, religion, gender, national origin, citizenship, veteran status, marital status, disability or sexual orientation or any other characteristic protected by Australian law
- originate or distribute chain letters
- advance personal gain or profit.

**Policy Review: The by-laws and above policies may be reviewed annually and more frequently if changes are required.**