

CONSTITUTION for St. Bernadette's Catholic Primary School Parents and Friends' Association, Port Kennedy

"The primary right of parents to educate their children must be upheld in all forms of collaboration between parents, teachers and school authorities, and particularly in forms of participation designed to give citizens a voice in the functioning of schools and in the formulation and implementation of educational policies." Article 5, "Charter of the Rights of the Family", issued by The Holy See, Rome, October 1983.

AIM

The Association is a group of parents and guardians with the canonical obligation, and supporters with common purpose, to assist in the provision of a Catholic education for the children.

1. NAME OF ASSOCIATION

The name of the Association shall be **St Bernadette's Catholic Primary School Parents and Friends' Association**, hereinafter "the Association".

2. DEFINITIONS

- (a) The Association is the body of parents and guardians of the children in St. Bernadette's Catholic Primary School, Port Kennedy, and includes ex officio membership to Parish Priests and School Principals (or their respective appointed representatives).
- (b) The Executive consists of the primary office bearers of the Association, that being: President; Vice-President; Secretary; and Treasurer elected as per Clause 8.
- (c) The governing bodies of the school are the Principal and the School Board.
- (d) The Federation is the Parents and Friends' Federation of Western Australia Inc.

3. OBJECTS OF THE ASSOCIATION

- (a) The objects of the Association act to fulfil the aim of the Association.

The objects are:

- (i) work within the spirit and letter of the Constitution;
- (ii) strive to build tangible and lasting relationships between parents, St Bernadette's Catholic Community parish and school so that the students may experience a sense of Christian community;

- (iii) recognise and respect the authority of the Principal as leader of the St. Bernadette's Catholic Primary school community and work closely with the school authorities to achieve common goals and the school vision;
- (iv) encourage invitations for representation on the St. Bernadette's Catholic Primary School Board and the St. Bernadette's Catholic Community Parish Council, as governing bodies for the School and Parish, respectively;
- (v) plan, organise and promote social, sporting, cultural and educational activities for interaction of: parents; students; staff and Parish;
- (vi) encourage parental participation in school programmes, to enjoy the exciting experience of their children's formal school years;
- (vii) act as a forum for ideas and discussion on any relevant issue that will benefit the education of the children; and as a conduit to the Federation to seek advice or express opinion;
- (viii) liaise with the Federation, St. Bernadette's Catholic Community Parish and other parties to organise guest speakers for the Association members on current and suggested educational programmes, faith development and other matters of interest.
- (ix) work to provide in-kind or financial resources that the Association deems necessary for the children, or of professional assistance to the teachers in consultation with the Principal and school board;

4. AFFILIATION

The Association is affiliated with the Federation.

5. MEMBERSHIP OF THE ASSOCIATION

- (a) Any parent/guardian of a child attending the St Bernadette's Catholic Primary School, Port Kennedy, or any person who supports the objects of the Association.
- (b) The St. Bernadette's Catholic Community Parish Priest(s) and the St. Bernadette's Catholic Primary School Principal, or their respective appointed representatives, shall be deemed ex-officio members of the Association.

6. REGISTER OF MEMBERS

- (a) In the case of those qualifying for membership as parents and/or carers of children currently on the School roll, the School roll shall be considered as the register of members. The Executive shall cause a register to be kept in which shall be entered the names of all persons admitted to membership of the Association as "Friends". The minutes of a meeting may be used as the register. Membership of a 'friend' shall be reviewed each year.
- (b) The Secretary, shall keep and maintain, in an up-to-date condition, a register of the members of the Executive committee comprising: name, position and contact number.
- (c) The Register shall be available for inspection to any member;
- (d) The Secretary shall keep the Federation informed of any updates to the members of the Executive Committee.

7. EXECUTIVE COMMITTEE

- The Association shall be governed by an Executive Committee that shall include the four (4) office bearers: □ President, Vice-President, □ Secretary, Treasurer,
- and up to six other members of the Association that may include: School Board representative, Parish Council representative, Federation representative.
- Ex officio representation, in person or otherwise, may also be warranted for the roles of: Federation Executive Officer, or representative, Parish Priest, or representative, and School Principal, or representative.

8. ELECTION OF OFFICE BEARERS AND VOTING RIGHTS OF MEMBERS OF THE ASSOCIATION

(a) The Executive Committee members shall be elected at the Annual General Meeting (AGM). For the purpose of this election only, the Principal, Parish Priest, or their nominated representative, will occupy the Chair.

(b) Any member of the Association, who is present at the AGM, or has consented in writing to be elected, shall be eligible for election to the Executive Committee.

(c) No ex-officio member, or their representative, may be elected to an Executive position.

(d) An Executive Committee member's term will commence from the time of election at the AGM until the next Annual General Meeting at which point they are eligible for re-election.

Note: It is the prerogative of the Association to decide whether to vote for the individual office bearers and Executive Committee members at the AGM, or whether the elected individuals, as generic committee members, elect office bearers from amongst themselves at their first meeting. There should be a call for nominations to the Executive Committee. If inadequate nominations are made, nominations can be accepted from the membership in attendance at the AGM. That is described in the following process.

(e) Except for nominees under sub-rule (h), a person is not eligible for election to membership of the Executive Committee unless a member has nominated them for election by delivering, to the Secretary, not less than seven (7) days before the day the AGM is held, notice in writing of that nomination, signed by: (i) the nominator; and (ii) the nominee, to signify a willingness to stand for election.

(f) A person who is eligible for election or re-election under this rule may – (i) propose or second their own nomination; and (ii) vote for themselves to be elected.

(g) If the number of persons nominated in accordance with sub-rule (e), for election to membership of the Executive Committee, does not exceed the number of vacancies to be filled in that membership:

(i) that fact will be duly reported by the Secretary at the AGM; and
(ii) the Chair must declare at the AGM that those persons are duly elected as members of the Executive Committee.

(h) If vacancies remain on the Executive Committee after the declaration under sub-rule (g), additional nominations of Executive Committee members may be accepted from the floor of the AGM. If such nominations from the floor do not exceed the number of vacancies, the Chair must declare those persons to be duly elected as members of Executive Committee. When the number of nominations from the floor exceeds the remaining number of vacancies on the Executive Committee, elections for those positions must be conducted. In such instances a secret ballot is to be conducted under the direction of the Secretary with the recipient of the highest number of votes duly elected. Any tied votes are to be decided by the drawing of lots.

(i) If a vacancy remains on the Executive Committee after the application of sub-rule (h), the Executive Committee may appoint a member as a casual vacancy, within the meaning of Rule 9.

(j) Subject to these Rules, any member of the Association present in person at a general meeting of the Association shall be entitled to a deliberative vote.

(k) Ex-officio members of the Association and staff of the school are not entitled to a deliberative vote.

9. VACATION OF OFFICE AND CASUAL VACANCIES

(a) The term of office of Executive members will be one year, from AGM to AGM, at the conclusion of which period they shall vacate their positions, but shall be eligible for re-election.

(b) A person shall not hold any particular office of the Executive for more than two consecutive years.

(c) Executive Committee members who wish to resign during their elected term may do so providing they give one month's written notice to the committee.

(d) A member of the Executive shall be deemed to have resigned if:

(i) without submitting an acceptable apology, he or she is absent from two consecutive meetings of Committee;

(ii) in accordance with a decision of an absolute majority of the Committee he or she is required to resign from the Committee and fails to do so within fourteen days of the date upon which notification of the decision of the Committee is forwarded to him/her stating the reasons for this action.

(e) Vacancies in the Committee may be filled casually by any member of the Association, as appointed by the Committee, and serve with full voting rights until the next AGM.

10. CHAIR

(a) Subject to Rule 8(a), the President shall chair all general and special meetings of the Association and all meetings of the elected Executive Committee. The President is empowered to regulate the proceedings and procedure including, with the consent of the meeting, adjournment of business.

(b) In the absence of the President at a general / special / committee meeting, the Vice-President shall have the power to conduct and chair meetings of the membership and in the absence of the Vice-President, the members present and entitled to vote shall have the power to select one of their number as Chair.

11. SECRETARY

The Secretary shall:-

- (a) co-ordinate the correspondence of the Association;
- (b) keep full and correct minutes of the proceedings of the Executive Committee and Association;
- (c) have custody of all books, documents, records and registers of the Association, including those referred to in Rule 6, other than those required by Rule 12 to be kept and maintained by, or to be in the custody of, the Treasurer, unless the members resolve otherwise at a general meeting, and
- (d) perform such other duties as are imposed by this Constitution.

12. TREASURER

The Treasurer shall:-

- (a) be responsible for the receipt of all monies paid to or received by the Treasurer on behalf of the Association and shall issue receipts for those monies in the name of the Association;
- (b) pay all monies referred to in paragraph (a) into such account or accounts of the Association as the Executive Committee may from time to time direct;
- (c) make payments from the funds of the Association with the authority of a general meeting and in so doing ensure that all cheques are signed in accordance with Rule 14(c);
- (d) maintain the accounting records of the Association by:
 - (i) keeping such accounting records as correctly record and explain the financial transactions and financial position of the Association;
 - (ii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time;
 - (iii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and
 - (iv) submitting to members, at each AGM of the Association, accounts of the Association at the end of the immediately preceding financial year.
- (e) at each meeting, submit a report, balance sheet or financial statement and any other report as directed by the President;
- (f) unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and the accounting records of the Association, including those referred to in sub-rule (d) and (e) herein; and
- (g) perform such other duties as are imposed by this Constitution.

13. GENERAL MEETINGS OF THE ASSOCIATION

(a) An **Annual General Meeting** of the Association shall be held as close as practicable to the end of the school year to:

(i) receive and consider the annual reports of the office bearers, including but not limited to: President's Report; and Treasurer's Financial Report; Auditor's Report;

(ii) appoint the auditor for the ensuing year;

(iii) elect the members of the Executive Committee for the ensuing year; and

(iv) deal with any other matter or matters brought before the meeting.

(b) General meetings of the Association shall be held regularly (preferably monthly) during the school year, and otherwise as determined by the Executive Committee.

(c) Where possible, matters to be brought before an Association meeting should be submitted in writing to the President or Secretary at least five (5) days prior to the meeting, to facilitate circulation and/or inclusion on the agenda.

(d) Special Meeting of the Association

(i) may be convened by the President or Secretary or by the members of the Association at any time, and shall be convened by them within fourteen (14) days or within a 28 day period if the request is not within a school term, of receiving a requisition in writing signed by at least ten (10) members of the Association. These signatories shall be required to attend the meeting so called or submit a written apology. In order for the meeting to be valid, at least five (5) of the signatories must attend the meeting. The requisition must itemise all matters to be discussed at the meeting.

(ii) will be convened within fourteen (14) days at the request of any of the school governing bodies (i.e. the St Bernadette's Catholic Primary School Principal or the School Board).

(iii) items for discussion will be limited to the matters relating to the calling of such a meeting.

(e) Notification of Association General or Special Meetings, including details of matters to be raised, will be given to all members at least seven (7) days prior to the meeting.

QUORUM AT MEETINGS

(f) At any Association General or Special Meeting, a total of twelve (12) members of the Association, including at least two (2) Office Bearers, shall constitute a quorum.

CONFLICT OF INTEREST

(g) If a member of the Association has potential to receive an extraordinary benefit not shared by other members, they must promptly declare that fact and withdraw from the discussion. Records of the meeting must record that fact. That is to say:

(i) A member of the Association having any direct or indirect pecuniary interest in a matter or proposition, made by, or in the contemplation of, the committee (except if that pecuniary interest exists only by virtue of the fact that the member is a member of a class of persons for whose benefit the Association is established), must:

- disclose to the meeting, the nature and extent of the conflict of interest; and
- withdraw from deliberations or decision, with respect to that matter.

(h) The Secretary must record in the minutes of each meeting: every disclosure under sub-rule (e); and confirm every withdrawal under sub-rule(e).

14. POWERS OF THE ASSOCIATION AND ITS MEMBERS

(a) The Association, being unincorporated, should seek security of insurance coverage for its activities through the School Board.

(b) The members of the Association may do all things necessary or convenient for carrying out its objects, but subject to its ability to give such security for the discharge of liabilities incurred by the Association, as the Association sees fit. These include but are not limited to:

(i) being responsible for the planning, management and organisation of the Association's affairs;

(ii) holding regular (preferably monthly) general meetings that are open to all parents and friends, the Principal and staff, parish clergy or the religious associated with the school, and other interested persons;

(iii) formulating the Standing Orders of the Association to be applicable to such meetings as the members may determine;

(iv) establishing such sub-committees as they may determine to give effect to the aims of the Association;

(v) providing for the election or appointment of members to any such subcommittee and for the terms of reference for conduct and operation thereof;

(vi) providing for the election or appointment of officers, including definition of duties, responsibilities and authority;

(vii) appointing delegates to other groups (e.g. School Board, Parish Council); (viii) raising funds in accordance with the aims of the Association;

(c) Members of the Association may by ordinary or special resolution exercise any power authorised by the Constitution subject to the provisions of the Law as varied.

(d) A resolution of the Executive shall have full force and effect subject to a later resolution of the members at the AGM or in general meeting which would have the effect of amending or rescinding the resolution of the Executive. The Executive shall not act in a manner inconsistent with any resolution of the Association.

(e) In the event of any dispute or uncertainty as to the meaning or intent of any clause in this Constitution, the matter shall be referred to the Federation Executive Officer for interpretation.

(f) If, for any reason, the Executive Committee does not function satisfactorily, assistance from the Federation Council may be sought.

15. FINANCE

(a) As soon as practicable, the Association shall establish an account to be opened with a reputable financial Institution in the name of the Association, in which funds of the Association are to be deposited.

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(b) Funds are to be used solely for the Aim of the Association. All funds raised by or on behalf of the Association must be banked promptly and fully intact into an account in the name of the Association. Authorised signatories to the account are any two of the following:

President, Treasurer, Secretary, Vie-President, Principal, and Assistant Principal.

(c) Cheques drawn upon the account shall be signed by the Treasurer and at least one other authorised member, or by any two others as are authorised by the members of the Association. At the end of their term of office, their signatures must be removed and replaced by the signatures of the incoming officers.

(d) The accounts will be subject to an audit every two years.

16. LEVY OF MEMBERS OF ASSOCIATION

(a) The levy amount is recommended by the retiring Executive Committee to the Annual General Meeting each year, for approval by the members of the Association.

(b) Estimates for the subscription to the Federation should be factored for inclusion to estimates for the annual levy.

17. NON-PROFIT MAKING

The income and property of the Association howsoever derived shall be applied solely towards the promotion of its objects as set out in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever to its members, provided that nothing herein shall prevent the payment in good faith of remuneration to any officer or servant of the Association or reimbursement for costs incurred in the service of the Association.

18. AUDITOR

(a) The financial year of the Association shall be from the 1st January to 31st December in each year.

(b) The Auditor shall not be an Executive member or ex-officio member of the Association.

(c) The Treasurer shall be party to neither the selection process nor the nomination of the Auditor.

(d) The Treasurer shall submit the annual accounts of the Association to the Auditor. The accounts and the Auditor's Report thereof, shall be returned to some other person, an office bearer of the Association, perhaps the President/Chair.

19. MINUTES OF MEETINGS OF THE ASSOCIATION

(a) The Secretary shall cause proper minutes of all proceedings of all General Meetings and Executive Committee Meetings to be taken and then to be entered within 30 days after the holding of each General Meeting or Executive Committee meeting, as the case requires, in a minute book or file kept for that purpose.

(b) The Chair shall ensure that the minutes taken of a General Meeting or Executive Committee meeting are checked and signed as correct by the Chair of the General Meeting or Executive Committee meeting to which those minutes relate or of the next succeeding General Meeting or Executive Committee meeting as the case requires;

(c) When minutes have been entered and signed as correct under this rule, they shall, until the contrary is proved, be evidence that:-

- (i) the General Meeting or Executive Committee meeting to which they relate (called 'the meeting') was duly convened and held;
- (ii) all proceedings recorded as having taken place at the meeting did in fact take place thereat; and
- (iii) all appointments or elections purporting to have been made at the meeting have been validly made.

(d) When minutes have been entered and signed as correct, a copy shall be made available to the parish council or comparable religious body that oversees the spiritual direction of the Association.

20. AMENDMENT

This Constitution may be amended at any General Meeting of the Association, provided that:

- (a) notice of any proposed amendment, including: the meeting time, date and venue; the resolution; and the intention to propose the resolution, shall have been given in writing to all members at least one month prior to such meeting, and,
- (b) the amendment must be approved by at least 75% of the members present and eligible to vote.
- (c) all amendments must be in accordance with the aims of the Constitution
- (d) a formal review of the Constitution shall be conducted under the direction of the Executive Committee at least once every five (5) years. A report and recommendations arising from the review shall be submitted to the next AGM for consideration

21. CLAUSES OF ASSOCIATION BINDING

These clauses bind every member and the Association to the same extent as if every member of the Association had signed and sealed these rules and agreed to be bound by all their provisions.

22. INSPECTION OF BOOKS AND RECORDS OF ASSOCIATION

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association, but may not remove them from the custody of the person to whom they are entrusted.

23. DISSOLUTION - WINDING UP OF THE ASSOCIATION

The Association is automatically dissolved if the school closes down or is amalgamated. Members can decide at a Special General Meeting to wind up an Association voluntarily only if it is solvent. This means that the Association must be able to pay all of its debts and liabilities.

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(a) Notice of the proposal to wind-up the Association, including: the meeting time, date and venue; the resolution; and the intention to propose the resolution, shall have been given in writing to all members at least one month prior to such meeting, and,

(b) the resolution must be approved by at least 75% of the members present and eligible to vote.

If, in the event of the winding up of the Association, any property of the Association remains after satisfaction of the debts and liabilities of the Association and the costs, charges and expenses of that winding up, that property shall be distributed according to resolution by the members:-

1. (a) Where a school is closed, the remaining assets, records and funds may be handed over to the Parish Priest
2. (b) Where a school is amalgamated, the remaining assets, records and funds may be handed over to the Principal of the amalgamated school for the purposes of the amalgamated school

(c) alternatively the remaining assets, records and funds may be handed over to another incorporated association having objects similar to those of the Association; or

(d) to the Parents and Friends' Federation; or (e) for other charitable purposes;

Footnote:

The Code of Canon Law states:

Can. 793 §1 Parents, and those who take their place, have both the obligation and the right to educate their children. Catholic parents have also the duty and the right to choose those means and institutes which, in their local circumstances, can best promote the catholic education of their children.

Can. 798 Parents are to send their children to those schools which will provide for their catholic education. If they cannot do this, they are bound to ensure the proper catholic education of their children outside the school.