

East Launceston Primary School Parents and Friends' Association Incorporated Constitution

1. NAME OF THE ASSOCIATION:

The Association shall be called 'The East Launceston Primary School Parents and Friends' Association Incorporated'.

2. DEFINITIONS AND INTERPRETATION:

2.1. DEFINITIONS:

In this constitution, unless the context otherwise requires:

- **'Act'** means the *Associations Incorporation Act 1964*
- **'Association'** means the Association referred to in Rule 1;
- **'Association Year'** means a 12-month period starting January 1 and ending on December 31;
- **'Committee'** means the Executive Committee of the Association (see Rule 10). The Committee may also be referred to as the 'Executive';
- **'Constitution'** means this constitution;
- **'Department'** means the government agency with current responsibility for the management and administration of public education in Tasmania;
- **'Friend'** means a past Student, parent of past Student, Staff Member or Other.
 - **'Other'** means a community member who has a real and current connection to the School.
 - **'School'** means East Launceston Primary School;
 - **'Staff Member'** means each person who is a member of the permanent teaching and non-teaching staff employed on a full-time or part-time basis at the School or who is a member of the temporary teaching/non-teaching staff employed on a full-time basis at the School;
 - **'Student'** means a person who is enrolled at the School;
- **'Member'** means a person referred to in Rule 5;
- **'Parent'** means a person listed in the admission register of the School as a parent or legal guardian of a Student;
- **'Principal'** means the appointed principal of the School;

2.2. INTERPRETATION:

- (a) Where in relation to this constitution a person is:
 - (i) A Staff Member and a Parent, the person is eligible only as a Staff Member for the purposes of election to the Committee unless the Staff Member is employed on a temporary, part-time basis;
 - (ii) Employed by the Department and is a Parent but is not a Staff Member, the person is eligible as a Parent for the purposes of election to the Committee

(b) In this Constitution:

- (i) The singular includes the plural and conversely;
- (ii) Headings are for convenience and have no effect.

(c) Where this Constitution is silent, the Act takes precedence, followed by the *Associations (Incorporation) Model Rules Regulations 2017*.

3. ASSOCIATION OFFICE:

18 Mary Street, East Launceston, Tasmania, 7250.

4. OBJECTIVES AND PURPOSES OF THE ASSOCIATION:

4.1. OBJECTIVES:

The objectives for which the Association is established are to facilitate and support the continued existence of the School in particular but without limiting the generality of the foregoing object:

- (a) The purposes of the School;
- (b) To promote the continuation of the School;
- (c) Finance and contribute towards the refurbishing and maintenance of any buildings to be used by the School;
- (d) To contribute towards scholarships and prizes having as their objects the promotion of the education of Students;
- (e) Defray or assist in defraying the expenses of any Student or other who is or will be attending the School;
- (f) To collect and disseminate data and information relevant to the study, teaching or research into the operation of the School;
- (g) Achieve the betterment of the School by identifying and meeting the needs of the Students and Staff Members of the School and without limiting the generality of the foregoing promote the education of Students at the School.

The objectives of the Association centre on working for the betterment of the School by identifying and meeting the needs of the Students and their Parents. The Association will work in close liaison with Staff Members to achieve these identified needs.

The Association will maintain, possess, manage and control all the assets of the Association.

All the above will help achieve a harmonious school environment for the Students, their Parents and Staff Members.

4.2. PURPOSES:

The Association also has the following purposes:

- (a) The purchase, taking on lease or in exchange, hire or acquisition of any real or personal property necessary or convenient for any of the objects or purposes of the Association;
- (b) The purchase, sale or supply of, or other dealing in goods;
- (c) The construction, maintenance or alteration of any building or works necessary or convenient for the objects of the Association;
- (d) The acceptance of any gift for any of the objects or purposes of the Association;
- (e) The taking of any step the Committee or Members of the Association at a General Meeting determine expedient for the purpose of procuring contributions to the funds of the Association;
- (f) The printing or publication of any document the Committee or Members of the Association at a General Meeting determine desirable for the promotion of any of the objects or purposes of the Association;
- (g) The borrowing and raising of money in any manner and on terms:
 - a. The Committee thinks fit; and
 - b. Approved or directed by a resolution passed at a General Meeting.
- (h) Subject to the provisions of the *Trustee Act 1898* the investment, in any manner the Committee determines, of any money of the Association not immediately required for any of the objects or purposes of the Association.
- (i) The doing of any lawful thing incidental or conducive to the attainment of the objects or purposes of the Association.

5. MEMBERSHIP OF THE ASSOCIATION:

The membership of the Association shall consist of Parents and Friends of the School and such Life Members as nominated by the Committee. All Members of the Association upon making application to become Members and upon being admitted to membership are bound by the terms and the conditions of the Constitution.

A person that applies and is approved for membership in accordance with this Rule is eligible to be a Member of the Association on payment of the Annual Subscription fee specified in Rule 6.

The Secretary shall maintain a register of Members. The register may only be accessed by members of the Committee or persons delegated access by the Secretary.

6. ANNUAL SUBSCRIPTION:

- (a) The Annual Subscription payable by Members of the Association is the following amount: Zero (\$0.00);
- (b) The Committee may alter the Annual Subscription for the following Association Year;
- (c) The Annual Subscription of a Member of the Association is due and payable on or before the first day of each Association Year.

7. MEMBERSHIP OBLIGATIONS:

(a) Code of Conduct

All Members of the Association must comply with the Association's Code of Conduct.

Conduct at Meetings and Activities

Members must undertake to;

- a) Conduct meetings and activities in accordance with the Constitution of the Association.
- b) Participate in meetings and other activities of the Association in a constructive manner and respect the views of others.
- c) Acknowledge that decisions taken at meetings are representative of the majority of the Members. Members must not take actions to inhibit the enactment of decisions they do not agree with.
- d) Support the Committee when they are required to make decisions on behalf of all Members of Association.
- e) Use appropriate conduct and language when participating in meeting discussions and promote positive discussion.
- f) Use meeting etiquette. Members should wait to be recognised by the chair before speaking at meetings.
- g) The above points also apply to interaction via social media or other channels that are provided and maintained by the Association.

Conduct Unbecoming

If a Member of the Association is determined to be in breach of the Code of Conduct by the Committee, the Committee shall decide appropriate action. Those actions include:

- Verbal warning,
- A letter of warning,
- Suspension of membership for a period, either set, or until an undertaking to comply with the Code of Conduct is received,
- Revocation of membership, either for the rest of the Association Year, or permanently.

The Committee's decision will be final and binding on Members of the Association.

8. MEETINGS:

- (a) Ordinary General Meetings: Ordinary General Meetings shall be held at intervals as required by the Committee, or if they so desire, ten members of the Association may requisition the Secretary to call a meeting at any time, by giving seven (7) days' notice in writing, and therein stating the business to be discussed. Committee meetings shall be held at least once per term.

- (b) Annual General Meetings: An Annual General Meeting is to be held on any day (being no later than three (3) months after the end of the financial year of the Association) the Committee determines for the purpose of electing the Office Bearers and Committee members of the Association, receiving the balance sheet, receiving the annual report of the President, and transacting any general or other business that may be necessary.

9. OFFICE BEARERS:

- (a) The Association shall have a President, Vice-President, Treasurer, Secretary and other positions deemed necessary by the incumbent Committee.
- (b) All the Office Bearers shall be elected at the Annual General Meeting

10. NOMINATIONS:

Nominations for Office Bearers and other Committee members are to be put and approved at the Annual General Meeting.

11. EXECUTIVE COMMITTEE:

- (a) The business of the Association shall be transacted by the Committee.
- (b) The Committee shall consist of:
 - i. The President of the Association who shall be the Chairperson of the Committee.
 - ii. Vice-President.
 - iii. Secretary/Public Officer
 - iv. Treasurer
 - v. At least three (3) other Members whose titles shall be specified by the incumbent Committee.
 - vi. The maximum number of Committee members is twelve (12).
- (c) Staff Members as defined by Rule 2.2(a) are not eligible for election to the Committee.
- (d) Members who are Office Bearers of the School Association of the School are not eligible to be elected to, or hold positions, as Office Bearers of the Association. Office Bearers of the School Association of the School may be elected to the Committee who do not hold an Office Bearer position.

12. DISCLOSURE OF INTERESTS:

- (a) If a Member of the Committee has a direct or indirect pecuniary interest in a matter being considered, or about to be considered by the Committee at a meeting, the Member is to disclose the nature of the interest to the Committee
- (b) If, at a meeting of the Committee, a Member votes in respect of any matter in which the Member has a direct or indirect pecuniary interest, that vote is not to be counted.

13. VACANCIES

If a casual vacancy occurs through the course of the year in any of the positions of Office Bearers of the Association or of the Committee, the casual position shall be filled from Members of the Association by the Committee until the Annual General Meeting where an election and nominations will be held for Committee positions.

14. QUORUM:

The quorum shall be four (4) members of the Committee of the Association to form a quorum at an Ordinary General Meeting or Executive Meeting. Additionally, at least two (2) Office Bearers must be present at a meeting to achieve a quorum.

15. ABSENTEES:

Any member of the Committee being absent from three (3) consecutive meetings without leave of the Committee shall cease to be a member of the Committee.

16. SCHOOL REPRESENTATIVES:

The Principal and any other Staff Members are invited to attend any Ordinary General Meeting or Annual General Meeting of the Association.

17. COMMITTEES:

The Committee shall form such subcommittees as it deems necessary from time to time.

18. VOTING:

On all matters on which a vote is taken the Chairperson shall have a casting vote only.

19. LIFE MEMBERS:

The Committee may nominate at its discretion as a Life Member, any person who in the opinion of the Association or the Committee has given the Association outstanding service over a period of years, with a minimum of three (3) years.

20. BANK:

The Bank Account of the Association shall be operated by the President, Vice-President, Secretary and Treasurer, or any two (2) of them, one (1) of whom shall be the Treasurer, to sign.

21. BORROWING:

The Committee has the power to borrow a sum of money on mortgage providing they obtain the consent of the Association by Special Resolution as defined by the Act. Twenty-one (21) days' notice of the intention to pass the Special Resolution must be given.

22. GROUND:

The ground shall be under the control of the Committee but neither the whole nor any part of the ground be let for any term longer than twelve months except to the Department, sold, swapped, disposed of, or otherwise alienated without the passing of a Special Resolution in an Ordinary General Meeting or an Annual General Meeting under Rule 8 of the Constitution.

23. MINUTES, FINANCIAL STATEMENTS & REPORTS:

- (a) The Secretary or nominee shall keep minutes of all meetings.
- (b) The Treasurer shall keep the usual books of accounts.
- (c) The books of account shall close on the 30th day of June, in every year.
- (d) The books of account and minute book shall be available to any Member of the Association for inspection by that member at any Executive Meeting or any Ordinary General Meeting, or at any other reasonable time.
- (e) A financial statement shall be prepared by the Treasurer and audited by the Auditors showing transactions of the Association for the 12 months up to the preceding closing date, and such statements shall be presented at the Annual General Meeting of the Association.
- (f) A written report of the activities of the Association shall be prepared by the President and presented at the Annual General Meeting of the Association.

25. AUDITORS:

A qualified Auditor or Auditors for the ensuing 12 months shall be appointed at each Annual General Meeting.

26. COMMON SEAL

- (a) The Secretary shall provide for the safe custody of the Seal and the Seal never to be used except by authority of Members in a General Meeting.

- (b) The affixing of the Seal to any document shall be attested by the President, Secretary and Vice-President.

27. WINDING UP OF THE ASSOCIATION:

The Association may be wound up if one of the following circumstances occurs:

- (a) By the passing of a Special Resolution by Members of the Association to wind up the Association;
- (b) The Association becomes insolvent;

In the event of the Association being wound up:

- (a) Every Member of the Association; and
- (b) Every person who, within the period of 12 months immediately preceding the commencement of the winding up, was a Member of the Association is;

Liable to contribute to the assets of the Association for payment of debts or liabilities of the Association and for the costs, charges and expenses of the winding up and for the adjustment of the rights of the contributories amongst themselves such not exceeding \$1.00 as may be required by a former Member is not liable so as to contribute in respect of any debt or liability of the Association contracted after he or she ceased to be a Member.

Surplus Assets

If upon the winding up or dissolution of the Association there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed amongst the Members of the Association but shall be transferred to some other institution or institutions having objectives similar to the objectives of the Association and whose Rules or Constitution shall prohibit the distribution to its or their Members to an extent at least as great as is imposed on the Association under or by Rule of hereof, such Institution or Institutions to be determined by Members of the Association at or before the time of the dissolution and in default thereof by application to the Supreme Court of Tasmania for determination.

Application of Income and Property

The income and property of the Association, whatsoever derived, shall be applied solely towards the promotion of the objectives of the Association as set forth in the Constitution, and no portion thereof shall be paid or transferred, directly or indirectly by way of a dividend, bonus or otherwise to the Members of the Association PROVIDED THAT nothing herein contained shall prevent the payment in good faith of remuneration to any Officers or Servants of the Association or to any Member of the Association in return for any goods supplied in the ordinary and usual way of business, nor prevent the payment of interest at a rate not exceeding the rate for time being fixed for the purpose of this paragraph by the Constitution of the Company on money borrowed from any Member of the Association or reasonable and proper rent for premises leased or let by any Member to

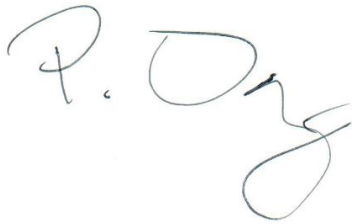
the Association but so that no Member of the Executive of the Association shall be appointed to any salaried office of the Association or any office of the Association paid by fees and that no remuneration or other benefit in money or moneys worth shall be paid or given by the Association to any Member of such executive except repayment of out of pocket expenses and interest at the rate aforesaid on moneys lent or reasonable and proper rent for premises leased or let to the Association.

28. ALTERATIONS TO THE CONSITUTION

- (a) The Constitution may be altered by Special Resolution as defined by the Act. Twenty-one (21) days' notice of the intention to pass the Special Resolution shall be given.
- (b) The revised Constitution shall be in force when signed by the President and the Secretary.

29. SIGNED:

For and on behalf of the Association.



Paul Vandenberg

President

Date: 19/9/2018



Leigh Anthony

Secretary/Public Officer