

P&C Association Constitution

CONSTITUTION for
ST LUKE'S COLLEGE
PARENTS AND CITIZENS' ASSOCIATION

"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."¹

AIM

The Association is a group of parents, guardians and citizens 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 Luke's College Parents and Citizens' Association**, hereinafter "*the Association*".

2. DEFINITIONS

- (a) The Committee is the body of representative members elected by the Association at the Annual General Meeting and will include *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 committee, that being: President; Vice-President; Secretary; and Treasurer elected as per Clause 8.
- (c) The governing bodies of the school is via Catholic Education Commission of WA and the Principal.
- (d) The Federation is the Catholic School Parents 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;

¹ Article 5, "Charter of the Rights of the Family", issued by The Holy See, Rome, October 1983.

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- (ii) strive to build tangible and lasting relationships between parents, 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 school community and work closely with the school authorities to achieve common goals and the school vision;
- (iv) encourage invitations for representation on the school board and the 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, 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. POWERS OF THE ASSOCIATION

- (a) 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.
- (b) Unincorporated Associations should seek security of insurance coverage for their activities through: the school board; the parish council; or the Federation.

5. MEMBERSHIP OF THE ASSOCIATION

- (a) The Parish Priest(s) and the School Principal, or their respective appointed representatives, shall be deemed *ex-officio* members of the Association.
- (b) School Staff may warrant *ex-officio* inclusion to the committee, but are ineligible to vote or serve as an Executive Office Bearer.

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- (c) School Board members are welcome to attend meetings, but are ineligible to vote or serve as an Executive Office Bearer.
- (d) Citizens who supports the objectives of the Association, are welcome to attend meetings, but are ineligible to vote or serve as an Executive Office Bearer.
- (e) Any parent/guardian of a child attending the school, who supports the objectives of the Association.

6. REGISTER OF MEMBERS OF COMMITTEE

- (a) The Secretary, on behalf of the committee, shall keep and maintain, in an up-to-date condition, a register of the members of the committee comprising:
 - name;
 - position [in committee];
 - postal or residential address;
 - contact numbers; and
 - email address.
- (b) The Register shall be available for inspection to any member of the committee;
- (c) The Secretary shall keep the Federation informed of any updates to the committee Executive².

7. LEVY OF MEMBERS OF ASSOCIATION

- (a) The levy amount is recommended by the retiring 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.

8. COMMITTEE OF MANAGEMENT

The Association shall be governed by a committee that *shall* include the *Executive* of 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.

² Send copies to CATHOLIC SCHOOL PARENTS WESTERN AUSTRALIA INC at: admin@csp.wa.edu.au or PO Box 909 INGLEWOOD WA 6932 or FAX: 08 9271 5901.

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- *Ex officio*³ representation, in person or otherwise, may also be warranted for the roles of⁴:
 - Federation Executive Officer, or representative;
 - Parish Priest, or representative; and
 - School Principal, or representative.

9. ELECTIONS AND VOTING RIGHTS OF MEMBERS OF THE ASSOCIATION

- (a) The Executive and committee members of the Association shall be elected at the Annual General Meeting. 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 Annual General Meeting, or has consented in writing to be elected, shall be eligible for election to the committee.
- (c) No *ex-officio* member, or their representative, may be elected to an Executive position.
- (d) School Staff may warrant *ex-officio* inclusion to the committee, but are ineligible to vote or serve as an Executive Office Bearer.
- (e) School Board members are welcome to attend meetings, but are ineligible to vote or serve as an Executive Office Bearer.
- (f) Citizens who supports the objectives of the Association, are welcome to attend meetings, but are ineligible to vote or serve as an Executive Office Bearer.
- (g) A 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 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 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.

³ Members receiving payment from the Association and deemed to be Employees of the Association will not be eligible to vote in proceedings of the Committee.

⁴ School Staff may warrant *ex-officio* inclusion to the Committee, but are ineligible to vote or serve as an Executive office bearer.

⁵ Citizens may warrant *ex-officio* inclusion to the Committee, but are ineligible to vote or serve as an Executive office bearer.

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- (e) Except for nominees under sub-rule (h), a person is not eligible for election to membership of the 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 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 committee.
- (h) If vacancies remain on the committee after the declaration under sub-rule (g) , additional nominations of committee members may be accepted from the floor of the Annual General Meeting. 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 committee. When the number of nominations from the floor exceeds the remaining number of vacancies on the committee, elections for those positions must be conducted.
- (i) If a vacancy remains on the committee after the application of sub-rule (h), the committee may appoint a member as a casual vacancy, within the meaning of Rule 10.
- (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) The Principal, Parish Priest, as *ex-officio* members of the Association, are *not* entitled to a deliberative vote.
- (l) School Staff may warrant *ex-officio* inclusion but are *not* entitled to a deliberative vote.
- (m) School Board members are *not* entitled to a deliberative vote.
- (n) Citizens are *not* entitled to a deliberative vote.
- (o) In the case of a tied ballot, the Chair of a meeting also has a Casting Vote, which is used to maintain the *status quo*.

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10. VACATION OF OFFICE AND CASUAL VACANCIES

- (a) The term of office of Executive and committee 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 three consecutive years.
- (c) 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 committee shall be deemed to have resigned if:
 - (i) without submitting an acceptable apology, he or she is absent from three 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 by any member of the Association, as appointed by the committee, and serve with full voting rights until the next Annual General Meeting.

11. CHAIR

- (a) Subject to Rule 9(a), the President shall chair all general meetings of the Association and all meetings of the elected committee.
- (b) At general meetings, with the absence of the President, the Chair shall be taken by the Vice-President, else a member elected by the other members present at the meeting.
- (c) At committee meetings, with the absence of the President, the Chair shall be taken by the Vice-President, else a committee member elected by the other committee members present at the meeting.

12. SECRETARY

The Secretary shall:-

- (a) co-ordinate the correspondence of the Association;
- (b) keep full and correct minutes of the proceedings of the 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 13 to

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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.

13. 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 committee may from time to time direct;
- (c) make payments from the funds of the Association with the authority of a general meeting or of the committee and in so doing ensure that all cheques are signed in accordance with Rule 15;
- (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 Annual General Meeting of the Association, accounts of the Association at the end of the immediately preceding financial year.
- (e) at each committee meeting, submit to the committee 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.

14. PROCEEDINGS OF COMMITTEE

- (a) Committee meetings will be open to all members of the Association, unless called as closed by a majority of the committee.
- (b) Each committee member, other than *ex-officio* members, School Staff, School Board and Citizens will have a deliberative vote.

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- (c) The committee shall meet regularly (preferably monthly) during the school year, and otherwise as determined by the committee.

QUORUM AT COMMITTEE MEETINGS

- (d) Minimum of two (2) Office Bearers and either two (2) other Office Bearers or two (2) other voting Committee members shall constitute a quorum at any meeting of the Committee.

CONFLICT OF INTEREST

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

- (e) A committee member 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 of the committee is a member of a class of persons for whose benefit the Association is established), must:
- (i) disclose to the committee, the nature and extent of the conflict of interest; and
 - (ii) withdraw from committee deliberations or decision, with respect to that matter.
- (f) The Secretary must record in the minutes of each committee meeting:
- every disclosure under sub-rule (e)(i); and confirm
 - every withdrawal under sub-rule(e)(ii).

15. GENERAL MEETINGS OF THE ASSOCIATION

- (a) An Annual General Meeting of the Association shall be held as close as practicable to the beginning or 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 and Auditor's Report;
 - (ii) appoint the auditor for the ensuing year;
 - (iii) elect the Committee for the ensuing year; and
 - (iv) deal with any other matter or matters brought before the meeting.
- (b) Where possible, matters to be brought before an Association meeting should be submitted in writing to the President or Secretary at least five days prior to the meeting, to facilitate circulation and/or inclusion on the agenda.
- (c) (i) Special Meetings of the Association may be convened by the President or Secretary or by the committee at any time, and **shall** be convened by

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them within 28 days of receiving a requisition in writing signed by at least **65% of** 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 of the signatories must attend the meeting.** The requisition must itemise all matters to be discussed at the meeting.

- (ii) Special Meetings will be convened within 28 days at the request of any of the school governing bodies (i.e., the Principal or the school board).
 - (iii) At Special Meetings, items for discussion will be limited to the matters relating to the calling of such a meeting.
- (d) Notification of Association General or Special Meetings, including details of matters to be raised, will be given to all members at least seven days prior to the meeting.

QUORUM AT GENERAL MEETINGS

- (e) At any Association General or Special Meeting, a total of sixty-five percent (65%) of members of the Association, including at least two (2) Office Bearers, shall constitute a quorum.
- (f) At each meeting of the Association, the committee shall make a report of its activities since the previous meeting of the Association.

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16. POWERS OF THE COMMITTEE

The committee shall have power generally to give effect to the objects of the Association and to the Rules of the Constitution. The committee may, subject to any direction by the Association:-

- (a) be responsible for the planning, management and organisation of the Association's affairs;
- (b) hold regular (preferably monthly) general meetings that are open to all - parents, the Principal and staff, parish clergy or the religious associated with the school, and other interested persons;
- (c) formulate the Standing Orders of the Association to be applicable to such meetings as the Committee may determine;
- (d) establish such sub-committees as it may determine to give effect to the aims of the Association;
- (e) provide for the election or appointment of members to any such sub- committee and for the terms of reference for conduct and operation thereof;
- (f) provide for the election or appointment of officers, including definition of duties, responsibilities and authority;
- (g) to appoint delegates to other groups (e.g. School Board, Parish Council);
- (h) raise funds in accordance with the aims of the Association;
- (i) 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.
- (j) If, for any reason, the committee does not function satisfactorily, assistance from the Federation Council may be sought.

17. FINANCE

As soon as practicable, the committee shall cause a society account to be opened in the name of the Association, at such financial institution as may be determined. Cheques drawn upon the account shall be signed by the Treasurer and at least one other authorised committee member, or by any two others as are authorised by the committee.

18. MINUTES OF MEETINGS OF THE ASSOCIATION

- (a) The Secretary shall cause proper minutes of all proceedings of all General Meetings and Committee Meetings to be taken and then to be entered within 30

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days after the holding of each General Meeting or Committee meeting, as the case requires, in a minute book or file kept for that purpose.

- (b) The Chairperson shall ensure that the minutes taken of a General Meeting or Committee meeting are checked and signed as correct by the Chairperson of the General Meeting or Committee meeting to which those minutes relate or of the next succeeding General Meeting or 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 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.

19. AFFILIATION

The Association is invited to affiliate with the Federation.⁵

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 65% of the members present and eligible to vote.

21. 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.

⁵ See <http://csp.wa.edu.au>

Contact the CATHOLIC SCHOOL PARENTS WESTERN AUSTRALIA INC at:
admin@csp.wa.edu.au
or PO Box 909 INGLEWOOD WA 6932 or FAX: 08 9271 5901.

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22. AUDITOR

- (a) The financial year of the Association shall be from the 1st January to 31st December in each year.
- (b) The members at each Annual General Meeting of the Association shall appoint an Auditor for the next twelve months. The Auditor shall review the accounts of the Association as at the close of the financial year. The Auditor shall not be a member or *ex-officio* member of the Committee or related to.
- (c) The auditor does not need to be a qualified professional. The auditor must 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. The auditor must not have or appear to have any conflict of interest.
- (d) The Treasurer shall be party to neither the selection process nor the nomination of the Auditor.
- (e) The Treasurer shall submit the annual accounts of the Association to the Auditor. The accounts and the Auditor's Review thereof, shall be returned to some other person, an office bearer of the Association, perhaps the President/Chairman.

23. 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.

24. 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.

25. DISSOLUTION - WINDING UP OF THE ASSOCIATION

Members can decide to wind up an incorporated association voluntarily only if it is solvent. This means that the association must be able to pay all of its debts and liabilities.

- (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,

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- (b) the resolution must be approved by at least 65% 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:-

- (a) to another incorporated association having objects similar to those of the Association; or
- (b) for the educational benefit of the students at St Luke's College
Karratha
- or
- c) to the Parents and Citizens' Federation; or
- d) for other charitable purposes;

Adopted by a Special Meeting of the Association

held on 3 December 2019

Yvette Bendall - **President**

Marcia Levey - **Secretary**

Alanna Otway- **Principal**

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.

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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.