

P&F Association Constitution

CONSTITUTION for
ST PIUS X MANNING PRIMARY SCHOOL
PARENTS AND FRIENDS' ASSOCIATION

Adopted at Special General Meeting [29 November 2011]

Last Amended [_____]

Major review due: November 2016

"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 Pius X Manning Parents and Friends' Association**, hereinafter "the Association".

2. DEFINITIONS

(a) The Association is the body of parents and guardians of the children in St Pius X 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;

- 46 (ii) strive to build tangible and lasting relationships between parents, St Pius X Manning
47 parish and school so that the students may experience a sense of Christian community;
48 (iii) recognise and respect the authority of the Principal as leader of the St Pius X Manning
49 school community and work closely with the school authorities to achieve common goals
50 and the school vision;
51 (iv) encourage invitations for representation on the St Pius X Manning School Board and the
52 St Pius X Manning Parish Council, as governing bodies for the School and Parish,
53 respectively;
54 (v) plan, organise and promote social, sporting, cultural and educational activities for
55 interaction of: parents; students; staff and Parish;
56 (vi) encourage parental participation in school programmes, to enjoy the exciting experience
57 of their children's formal school years;
58 (vii) act as a forum for ideas and discussion on any relevant issue that will benefit the
59 education of the children; and as a conduit to the Federation to seek advice or express
60 opinion;
61 (viii) liaise with the Federation, St Pius X Manning Parish and other parties to organise
62 guest speakers for the Association members on current and suggested educational
63 programmes, faith development and other matters of interest.
64 (ix) work to provide in-kind or financial resources that the Association deems necessary for
65 the children, or of professional assistance to the teachers in consultation with the Principal
66 and school board;

67 **4. AFFILIATION**

68 The Association is affiliated with the Federation.

69 **5. MEMBERSHIP OF THE ASSOCIATION**

- 70 (a) Any parent/guardian of a child attending the St Pius X Manning school, or any person who
71 supports the objects of the Association.
72 (b) The St Pius X Manning Parish Priest(s) and the St Pius X Manning School Principal, or their
73 respective appointed representatives, shall be deemed ex-officio members of the Association.
74

75 **6. REGISTER OF MEMBERS**

76 (a) In the case of those qualifying for Membership as parents and/or carers of children currently on
77 the School roll, the School roll shall be considered as the register of Members.
78

79 The Executive shall cause a register to be kept in which shall be entered the names of all persons
80 admitted to membership of the Association as "Friends". The minutes of a meeting may be used as
81 the register. Membership of a 'friend' shall be reviewed each year.
82

83 (b) The Secretary, shall keep and maintain, in an up-to-date condition, a register of the members
84 comprising:

- 85 • name;
- 86 • position; and
- 87 • contact number.

88 (c) The Register shall be available for inspection to any member;
89
90
91
92
93
94
95

96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146

(d) The Secretary shall keep the Federation informed of any updates to the members of the Executive.

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

- 147 (ii) vote for themselves to be elected.
148
149 (g) If the number of persons nominated in accordance with sub-rule (e), for election to membership
150 of the Executive Committee, does not exceed the number of vacancies to be filled in that
151 membership:
152 (i) that fact will be duly reported by the Secretary at the AGM; and
153 (ii) the Chair must declare at the AGM that those persons are duly elected as members of the
154 Executive Committee.
155
156 (h) If vacancies remain on the Executive Committee after the declaration under sub-rule (g),
157 additional nominations of Executive Committee members may be accepted from the floor of the
158 AGM. If such nominations from the floor do not exceed the number of vacancies, the Chair must
159 declare those persons to be duly elected as members of Executive Committee. When the number of
160 nominations from the floor exceeds the remaining number of vacancies on the Executive
161 Committee, elections for those positions must be conducted. In such instances a secret ballot is to
162 be conducted under the direction of the Secretary with the recipient of the highest number of votes
163 duly elected. Any tied votes are to be decided by the drawing of lots.
164
165 (i) If a vacancy remains on the Executive Committee after the application of sub-rule (h), the
166 Executive Committee may appoint a member as a casual vacancy, within the meaning of Rule 9.
167
168 (j) Subject to these Rules, any member of the Association present in person at a general meeting of
169 the Association shall be entitled to a deliberative vote.
170
171 (k) Ex-officio members of the Association and staff of the school are not entitled to a deliberative
172 vote.
173

174 **9. VACATION OF OFFICE AND CASUAL VACANCIES**

175

- 176 (a) The term of office of Executive members will be one year, from AGM to AGM, at the
177 conclusion of which period they shall vacate their positions, but shall be eligible for re-election.
178
179 (b) A person shall not hold any particular office of the Executive for more than two consecutive
180 years.
181
182 (c) Executive Committee members who wish to resign during their elected term may do so
183 providing they give one month's written notice to the committee.
184
185 (d) A member of the Executive shall be deemed to have resigned if:
186 (i) without submitting an acceptable apology, he or she is absent from two consecutive
187 meetings of Committee;
188 (ii) in accordance with a decision of an absolute majority of the Committee he or she is
189 required to resign from the Committee and fails to do so within fourteen days of the date
190 upon which notification of the decision of the Committee is forwarded to him/her stating the
191 reasons for this action.
192
193 (e) Vacancies in the Committee may be filled casually by any member of the Association, as
194 appointed by the Committee, and serve with full voting rights until the next AGM.
195
196
197

198 **10. CHAIR**

199
200 (a) Subject to Rule 8(a), the President shall chair all general and special meetings of the Association
201 and all meetings of the elected Executive Committee. The President is empowered to regulate the
202 proceedings and procedure including, with the consent of the meeting, adjournment of business.
203

204 (b) In the absence of the President at a general / special / committee meeting, the Vice-President
205 shall have the power to conduct and chair meetings of the membership and in the absence of the
206 Vice-President, the members present and entitled to vote shall have the power to select one of their
207 number as Chair.
208

209 **11. SECRETARY**

210
211 The Secretary shall:-

212 (a) co-ordinate the correspondence of the Association;

213
214 (b) keep full and correct minutes of the proceedings of the Executive Committee and Association;

215
216 (c) have custody of all books, documents, records and registers of the Association, including those
217 referred to in Rule 6, other than those required by Rule 12 to be kept and maintained by, or to be in
218 the custody of, the Treasurer, unless the members resolve otherwise at a general meeting, and
219

220 (d) perform such other duties as are imposed by this Constitution.
221

222 **12. TREASURER**

223
224 The Treasurer shall:-

225 (a) be responsible for the receipt of all monies paid to or received by the Treasurer on behalf of the
226 Association and shall issue receipts for those monies in the name of the Association;

227
228 (b) pay all monies referred to in paragraph (a) into such account or accounts of the Association as
229 the Executive Committee may from time to time direct;

230
231 (c) make payments from the funds of the Association with the authority of a general meeting and in
232 so doing ensure that all cheques are signed in accordance with Rule 14(c);
233

234 (d) maintain the accounting records of the Association by:

235 (i) keeping such accounting records as correctly record and explain the financial transactions
236 and financial position of the Association;

237 (ii) keeping its accounting records in such manner as will enable true and fair accounts of
238 the Association to be prepared from time to time;

239 (iii) keeping its accounting records in such manner as will enable true and fair accounts of
240 the Association to be conveniently and properly audited; and

241 (iv) submitting to members, at each AGM of the Association, accounts of the Association at
242 the end of the immediately preceding financial year.
243

244 (e) at each meeting, submit a report, balance sheet or financial statement and any other report as
245 directed by the President;
246

247 (f) unless the members resolve otherwise at a general meeting, have custody of all securities, books
248 and documents of a financial nature and the accounting records of the Association, including those
249 referred to in sub-rule (d) and (e) herein; and
250

251 (g) perform such other duties as are imposed by this Constitution.
252

253 **13. GENERAL MEETINGS OF THE ASSOCIATION**

254
255 (a) An Annual General Meeting of the Association shall be held as close as practicable to the end of
256 the school year to:

257 (i) receive and consider the annual reports of the office bearers, including but not limited to:

- 258 • President's Report; and
- 259 • Treasurer's Financial Report;
- 260 • Auditor's Report;

261 (ii) appoint the auditor for the ensuing year;

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

263 (iv) deal with any other matter or matters brought before the meeting.
264

265 (b) General meetings of the Association shall be held regularly (preferably monthly) during the
266 school year, and otherwise as determined by the Executive Committee.
267

268 (c) Where possible, matters to be brought before an Association meeting should be submitted in
269 writing to the President or Secretary at least five (5) days prior to the meeting, to facilitate
270 circulation and/or inclusion on the agenda.
271

272 (d) Special Meeting of the Association

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

280 (ii) will be convened within fourteen (14) days at the request of any of the school governing
281 bodies (i.e. the St Pius X Manning Principal or the School Board).

282 (iii) items for discussion will be limited to the matters relating to the calling of such a
283 meeting.
284

285 (e) Notification of Association General or Special Meetings, including details of matters to be
286 raised, will be given to all members at least seven (7) days prior to the meeting.
287

288 **QUORUM AT MEETINGS**

289 (f) At any Association General or Special Meeting, a total of twelve (12) members of the
290 Association, including at least two (2) Office Bearers, shall constitute a quorum.
291

292 **CONFLICT OF INTEREST**

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

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

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

302

303 (h) The Secretary must record in the minutes of each meeting:

- 304 • every disclosure under sub-rule (e); and confirm
- 305 • every withdrawal under sub-rule(e).

306

307 **14. POWERS OF THE ASSOCIATION AND ITS MEMBERS**

308

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

311

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

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

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

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

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

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

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

328 (vii) appointing delegates to other groups (e.g. School Board, Parish Council);

329 (viii) raising funds in accordance with the aims of the Association;

330

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

333

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

338

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

341

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

344

345

346 **15. FINANCE**

347
348 (a) As soon as practicable, the Association shall establish an account to be opened with a reputable
349 financial Institution in the name of the Association, in which funds of the Association are to be
350 deposited.

351
352 (b) Funds are to be used solely for the Aim of the Association. All funds raised by or on behalf of
353 the Association must be banked promptly and fully intact into an account in the name of the
354 Association. Authorised signatories to the account are any two of the following:

- 355 • President
- 356 • Treasurer
- 357 • Secretary
- 358 • Vie-President
- 359 • Principal, and
- 360 • Assistant Principal.

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

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

366
367 **16. LEVY OF MEMBERS OF ASSOCIATION**

368
369 (a) The levy amount is recommended by the retiring Executive Committee to the Annual General
370 Meeting each year, for approval by the members of the Association.

371
372 (b) Estimates for the subscription to the Federation should be factored for inclusion to estimates for
373 the annual levy.

374
375 **17. NON-PROFIT MAKING**

376
377 The income and property of the Association howsoever derived shall be applied solely towards the
378 promotion of its objects as set out in this Constitution and no portion thereof shall be paid or
379 transferred directly or indirectly by way of dividend, bonus or otherwise howsoever to its members,
380 provided that nothing herein shall prevent the payment in good faith of remuneration to any officer
381 or servant of the Association or reimbursement for costs incurred in the service of the Association.

382
383 **18. AUDITOR**

384
385 (a) The financial year of the Association shall be from the 1st January to 31st December in each
386 year.

387
388 (b) The Auditor shall not be an Executive member or ex-officio member of the Association.

389
390 (c) The Treasurer shall be party to neither the selection process nor the nomination of the Auditor.

391
392 (d) The Treasurer shall submit the annual accounts of the Association to the Auditor. The accounts
393 and the Auditor's Report thereof, shall be returned to some other person, an office bearer of the
394 Association, perhaps the President/Chair.

395 **19. MINUTES OF MEETINGS OF THE ASSOCIATION**
396

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

401
402 (b) The Chair shall ensure that the minutes taken of a General Meeting or Executive Committee
403 meeting are checked and signed as correct by the Chair of the General Meeting or Executive
404 Committee meeting to which those minutes relate or of the next succeeding General Meeting or
405 Executive Committee meeting as the case requires;

406
407 (c) When minutes have been entered and signed as correct under this rule, they shall, until the
408 contrary is proved, be evidence that:-

409 (i) the General Meeting or Executive Committee meeting to which they relate (called
410 'the meeting') was duly convened and held;

411 (ii) all proceedings recorded as having taken place at the meeting did in fact take place
412 thereat; and

413 (iii) all appointments or elections purporting to have been made at the meeting have been
414 validly made.

415
416 (d) When minutes have been entered and signed as correct, a copy shall be made available to the
417 parish council or comparable religious body that oversees the spiritual direction of the Association.
418

419 **20. AMENDMENT**
420

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

422 (a) notice of any proposed amendment, including: the meeting time, date and venue; the resolution;
423 and the intention to propose the resolution, shall have been given in writing to all members at least
424 one month prior to such meeting, and,

425
426 (b) the amendment must be approved by at least 75% of the members present and eligible to vote.
427

428 (c) all amendments must be in accordance with the aims of the Constitution
429

430 (d) A formal review of the Constitution shall be conducted under the direction of the Executive
431 Committee at least once every five (5) years. A report and recommendations arising from the
432 review shall be submitted to the next AGM for consideration
433

434 **21. CLAUSES OF ASSOCIATION BINDING**
435

436 These clauses bind every member and the Association to the same extent as if every member of the
437 Association had signed and sealed these rules and agreed to be bound by all their provisions.
438

439 **22. INSPECTION OF BOOKS AND RECORDS OF ASSOCIATION**
440

441 A member may at any reasonable time inspect without charge the books, documents, records and
442 securities of the Association, but may not remove them from the custody of the person to whom
443 they are entrusted.
444
445

446 **23. DISSOLUTION - WINDING UP OF THE ASSOCIATION**

447
448 The Association is automatically dissolved if the school closes down or is amalgamated

449
450 Members can decide at a Special General Meeting to wind up an Association voluntarily only if it is
451 solvent. This means that the Association must be able to pay all of its debts and liabilities.

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

455
456 (b) the resolution must be approved by at least 75% of the members present and eligible to vote.

457
458 If, in the event of the winding up of the Association, any property of the Association remains after
459 satisfaction of the debts and liabilities of the Association and the costs, charges and expenses of that
460 winding up, that property shall be distributed according to resolution by the members:-

461 (a) Where a school is closed, the remaining assets, records and funds may be handed over to the
462 Parish Priest

463
464 (b) Where a school is amalgamated, the remaining assets, records and funds may be handed over to
465 the Principal of the amalgamated school for the purposes of the amalgamated school

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

468
469 (d) to the Parents and Friends' Federation; or

470
471 (e) for other charitable purposes;

472
473
474 Adopted by a General Meeting of the Association

475 held on _____

476 _____ President

477 _____ Secretary

478 _____ Principal

479
480
481 Footnote:

482
483 The Code of Canon Law states:

484
485 Can. 793 §1 Parents, and those who take their place, have both the obligation and the
486 right to educate their children. Catholic parents have also the duty and the right to
487 choose those means and institutes which, in their local circumstances, can best
488 promote the catholic education of their children.

489
490 Can. 798 Parents are to send their children to those schools which will provide for
491 their catholic education. If they cannot do this, they are bound to ensure the proper
492 catholic education of their children outside the school.