

**ST LUKE'S CATHOLIC PRIMARY SCHOOL  
PARENTS AND FRIENDS' ASSOCIATION INCORPORATED**

**CONSTITUTION**

**1. NAME**

The name of the Association shall be ST LUKE'S CATHOLIC PRIMARY SCHOOL PARENTS AND FRIENDS' ASSOCIATION INCORPORATED.

**2. DEFINITIONS**

In these rules, unless the contrary intention appears —

**Act** means the *Associations Incorporation Act 2015*;

**Association** means the ST LUKE'S CATHOLIC PRIMARY SCHOOL PARENTS AND FRIENDS' ASSOCIATION INCORPORATED;

**books**, of the Association, includes the following —

- (a) a register;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

**chairperson** means the Committee member holding office as the chairperson of the Association;

**Commissioner** means the person for the time being designated as the Commissioner under section 153 of the Act;

**committee** means the management committee of the Association elected by the Association at the General Meeting, held in November, and will include the Parish Priest, if any, and the Principal;

**committee meeting** means a meeting of the committee;

**committee member** means a member of the committee;

**ex-officio member** means a member with the rights referred to in rule 5(a);

**Executive** consists of the Office Bearers of the Association elected as per Clause 9;

**financial records** includes -

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain -
  - (i) the methods by which financial statements are prepared; and
  - (ii) adjustments to be made in preparing financial statements;

**financial statements** means the financial statements in relation to the Association required under Part 5 Division 3 of the Act;

**financial year**, of the Association, has the meaning given in rule 22;

**general meeting**, of the Association, means a meeting of the Association that all members are entitled to receive notice of and to attend;

**Governing Bodies of the School** are the Principal and the School Board;

**member** means a person who is an ordinary member of the Association;

**ordinary committee member** means a committee member who is not an office holder of the Association under rule 8;

**ordinary member** means a member with the rights referred to in rule 5(b);

**Parish Priest** means the Parish Priest of ST LUKE'S PARISH WOODVALE;

**Principal** means the Principal of ST LUKE'S CATHOLIC PRIMARY SCHOOL;

**register of members** means the register of members referred to in section 53 of the Act;

**rules** means these rules of the Association, as in force for the time being;

**secretary** means the committee member holding office as the secretary of the Association;

**special general meeting** means a general meeting of the Association other than the annual general meeting;

**special resolution** means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

**subcommittee** means a subcommittee appointed by the committee under rule 14(b);

**treasurer** means the committee member holding office as the treasurer of the Association.

### **3. OBJECTS**

The objectives of the Parents and Friends' Association are to fulfil the aims of the Parents and Friends' Association of St Luke's Catholic Primary School in a spirit of the Christian co-operation and to promote in the school an active relationship with Christ and his Church.

### **4. AIMS**

The Parents and Friends' Association is an integral part of the Catholic School structure and is a valuable instrument in this important Church Apostolate.

The Association should:-

- (a) adhere to the aims and objectives of the State Federations laid down by the Constitution and approved by the Catholic Bishops of Western Australia;
- (b) strive to develop at the school a real community of parents, teachers and students which reflect a truly Christian ethos;
- (c) work closely with the school authorities, in particular the school Principal, who is the leader of the school community, to achieve common goals;
- (d) act as liaison between the wider school community and the Governing Bodies of the School;
- (e) ensure that a high level of social and educational interaction exists between home and school, parents and teachers;
- (f) endeavour to have all parents enjoy the exciting experience of their children's formal school years by active participation and personal involvement in the school programmes;
- (g) provide a healthy forum for ideas and discussion on any relevant issue that will benefit the education of the children;
- (h) in particular, concern itself with further education for parents of the school in their faith development and ensure that a clear understanding of the school's religious education programme exists;
- (i) organise guest speakers for the Parents and Friends' Association on current and suggested educational programmes, faith development and other matters of interest;
- (j) work to provide additional resources which are considered necessary for the children or to assist the teachers in their professional work;
- (k) assist in planning and organising functions associated with the social, sporting, cultural and educational life of the school community.

The Parents and Friends' Association Executive should:-

- (a) be responsible for the planning, management and organisation of the Association's affairs;
- (b) hold regular (preferably monthly) general meetings to which should be invited all parents, the Principal and teachers, parish clergy or religious associated with the school and other interested parties;
- (c) conduct meetings in a fitting and proper manner with respect for accepted meeting procedures;
- (d) use known and successful organisational tools, such as sub-committees, task forces and discussion groups, to encourage wider participation, develop increased responsibility and to achieve more effective results;

- (e) appoint a person, or form a sub-committee, to be responsible for activities and dissemination of information pertaining to the Association's areas of responsibility to the school community, eg education matters, adult education, religious education, State Federation, Australian Parents' Council, social, cultural and sporting activities, the parent-teacher relationship, etc.

**“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.”** (Quote: Article 5, “Charter of the Rights of the Family” issued by The Holy See, Rome, October 1983).

## **5. MEMBERSHIP OF THE ASSOCIATION**

- (a) The Parish Priest, if any, and the Principal and all members of the teaching staff of the school shall be ex-officio members of the Association.
- (b) A parent/guardian of a child attending the school, or any person who supports the objects of the Association, shall be admitted as a member.
- (c) Each parent/guardian of a child attending the school becomes a member of the Association on the child's first day of attendance at the school.
- (d) Each parent/guardian's membership of the Association ceases on the final day of attendance of a child at the school.
- (e) A Register of Members shall be maintained by the Secretary and shall comprise lists of:
  - (i) families with children at the school;
  - (ii) ex-officio members (Principal, Teaching staff);
  - (iii) other persons who support the objects of the Association.
- (f) A **voluntary** levy of subscription may be payable by each family, the amount being fixed each year by the retiring Committee.

## **6. MEETINGS OF THE ASSOCIATION**

- (a) The St Luke's Catholic Primary School Parents and Friends' Association Incorporated shall in each year hold a General Meeting and an Annual General Meeting in addition to any other meetings which may be held in that year.
- (b) The General Meeting shall be held in the month of November, to:
  - (i) Receive the Office Bearers reports;
  - (ii) Elect the Office Bearers for the ensuing year;
  - (iii) Nominate an Auditor;

- (iv) Determine the voluntary P&F fee for the ensuing year;
  - (v) Consider any proposed alterations to the Constitution;
  - (vi) Transact such business as may be brought before the meeting.
- (c) The Annual General Meeting must be held every year and within 4 months after the end of the financial year [refer 22(a) for definition] to:
- (i) Receive the Office Bearers reports;
  - (ii) Receive the Audited Financial Statements;
  - (iii) Consider any proposed alterations to the Constitution;
  - (vi) Transact such business as may be brought before the meeting.
- (d) Additional meetings of the Association shall be held at least once in each other term.
- (e) 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.
- (f) (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 them within 14 days of receiving a requisition in writing by at least 2.5 per cent of the members of the Association. A “member of the Association” for the purpose of this subclause is a person whose name appears on the register of members as at the date the notice is received by the President, Secretary or Committee. These signatories shall be required to attend the meeting so called or submit a written apology. At least 50 per cent 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 fourteen days at the request of any of the school Governing Bodies.
- (iii) At Special Meetings, items for discussion will be limited to the matters relating to the calling of such meeting.
- (g) Notification of Association or Special Meetings, including details of matters to be raised, will be given to all members at least seven days prior to the meeting, where possible. Notices may be delivered by hand, sent by post, sent electronically by email, or published electronically.
- (h) Notification of General or Special Meetings if a special resolution is to be proposed at the meeting, including details of matters to be raised, will be given to all members at least twenty one days prior to the meeting, where possible. Notices may be delivered by hand, sent by post, sent electronically by email, or published electronically.

- (i) At each meeting of the Association, the Committee shall make a report of its activities since the previous meeting of the Association.

## **7. VOTING**

- (a) Any member or ex-officio member of the Association shall be eligible to vote on any matter at any meeting of the Association.
- (b) The Chairman of a meeting may use a casting vote, which must not be used to alter the status quo.

## **8. MANAGEMENT**

The Association shall be governed by a Committee comprising a President, Vice-President, Secretary, Treasurer and three other members. The Parish Priest, if any, and Principal of the St Luke's Catholic Primary School or, in their absence, their appointed representative, will be ex-officio members.

## **9. ELECTIONS**

- (a) The Executive and Committee Members of the Association shall be elected at the General Meeting held in November. For the purpose of this section only, either the Principal or Parish Priest, if any, or their nominated representative, will occupy the chair.
- (b) Any member or ex-officio member of the Association, who is present at the 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, can be elected to an executive position.

## **10. VACATION OF OFFICE**

- (a) The term of office of Executive and Committee Members will be one year, being the same as the financial year [refer 22(a) for definition]. At the conclusion of which period they shall vacate their positions, but shall be eligible for re-election.
- (b) A person shall not hold the office of President or Treasurer 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 notice to the Committee.
- (d) A Member of the Committee shall be deemed to have resigned therefrom if:
  - (i) without submitting an acceptable apology, he or she is absent from three consecutive meetings (whether of the Association or the Committee or a combination of both);
  - (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.

## **11. CASUAL VACANCIES**

Any vacancies in the Committee, whether by reason of the operation of rule 10 or otherwise, may be filled by the appointment thereto by the Committee of any member of the Association, until the next General Meeting.

## **12. MEETINGS OF THE COMMITTEE**

- (a) Committee Meetings will be open to all members of the Association, unless called as closed by a majority of the Committee.
- (b) The Committee shall meet at least once a month during the school year, either at a Committee or an Association meeting, and otherwise as determined by the Committee.
- (c) Members co-opted by the Committee, as per Clause 11, will have full voting rights at Committee Meetings. Observers attending Committee Meetings will not be entitled to vote, although their participation in the Meeting will be encouraged.

## **13. QUORUMS**

- (a) A quorum for Association Meetings will be two Office Bearers and ten members.
- (b) A quorum for Committee Meetings will be two Office Bearers and two members.

## **14. POWERS OF THE COMMITTEE**

The Committee shall have power generally to give effect to the aims of the Association and to the Rules of the Constitution, and the Committee may, subject to any decisions of the Association:-

- (a) formulate the Standing Orders of the Association to be applicable to such meetings as the Committee may determine;
- (b) establish such sub-committees as it may determine to give effect to the aims of the Association;
- (c) provide for the election or appointment of members to any such sub-committee and for the conduct and operation thereof;
- (d) to elect and define the duties and powers of its officers;
- (e) to appoint one delegate to the School Board;
- (f) to recommend the voluntary P&F Association levy to be agreed on at the General Meeting held in November;

- (g) to raise funds by other voluntary means for the further educational benefits of the St Luke's Catholic Primary School children in accordance with the aims of the Association.

## **15. POWER OF VETO**

The School Principal shall have the power to veto any decision made at any meeting dealing with matters of internal operation of the School.

## **16. 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 such officers as the Committee may determine.

## **17. ASSETS**

All assets of whatever nature not previously donated to the school (excepting the Association's bank accounts) may be vested in a trustee of the Association. The Principal shall be the sole trustee of the Association.

## **18. AFFILIATION**

The Association will affiliate with the Parents and Friends' Federation of Western Australia Inc.

## **19. AMENDMENT**

Subject to Clause 3 hereof, this Constitution may be amended or altered at any General Meeting of the Association, provided that:

- (a) notice of any proposed amendment or proposed alteration shall have been given in writing to all members at least one month prior to such meeting; and
- (b) the amendment or alteration is approved by at least 75% of the members present.
- (c) the Commissioner for Consumer Protection is advised of any changes to the Constitution within 28 days of the change being made.
  - (i) An alteration to the Constitution does not take effect until the Commissioner is advised and until approved by the Commissioner for Consumer Protection.

## **20. COMMON SEAL**

As the Association is incorporated, the Common Seal of the Association shall be in the custody of the Secretary and shall be affixed to any document only pursuant to a resolution of the Committee. The affixation of the seal shall be witnessed by the Secretary and either the President or Vice-President.

## **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.

## **22. AUDITOR**

- (a) The financial year of the Association shall be from 1<sup>st</sup> November to 31<sup>st</sup> October in each year.
- (b) The members at each Annual General Meeting of the Association held in November shall appoint an Auditor for the next twelve months. The Auditor shall audit 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.
- (c) A certified copy of the Audited Financial Statements shall be presented to members at the Annual General Meeting.

## **23. 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) as the Association is incorporated, comply on behalf of the Association with:-
  - (i) section 53 of the Act (Associations Incorporation Act 2015) in respect of the register of members of the Association; and
  - (ii) section 58 of the Act in respect of the record of the office holders, and any trustees, of the Association;
- (d) have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (c) other than those required by clause 24 to be kept and maintained by, or to be in the custody of, the Treasurer; and
- (e) perform such other duties as are imposed by this Constitution.

## **24. TREASURER**

The Treasurer shall:-

- (a) submit Association financial books to the duly appointed Auditor as soon as practicable at the end of the financial year so as to enable presentation of an audited statement to the Annual General Meeting;

- (b) be responsible for the receipt of all moneys paid to or received by, or by him on behalf of, the Association and shall issue receipts for those moneys in the name of the Association;
- (c) pay all moneys referred to in paragraph (a) into such account or accounts of the Association as the Committee may from time to time direct;
- (d) 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 Clause 16;
- (e) as the Association is incorporated, shall comply on behalf of the Association with section 66 and 70 of the Act (Associations Incorporation Act 2015) in respect of the accounting records of the Association;
- (f) whenever directed to do so by the President, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;
- (g) have custody of all securities, books and documents of a financial nature and the accounting records of the Association, including those referred to in paragraph (e) and (f); and
- (h) perform such other duties as are imposed by this Constitution.

## **25. 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 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 contrary is proved, be evidence that:-
  - (i) the General Meeting or Committee Meeting to which they relate (call '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.

## **26. 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.

## **27. 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.

## **28. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF THE ASSOCIATION**

If, on 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:-

- (a) to another incorporated association having objects similar to those of the Association; or
- (b) to the Parents and Friends' Federation of Western Australia Inc; or
- (c) for charitable or benevolent purposes; which incorporated association or purposes, as the case requires, shall be determined by resolution of the members when authorising and directing the Committee under section 133 of the Associations Incorporation Act 2015 to prepare a plan for the distribution of the surplus property of the Association.

## **29. DISPUTE RESOLUTION**

- (a) The procedure set out in this section (the grievance procedure) applies to disputes —
  - (i) between members; or
  - (ii) between one or more members and the Association.
- (b) The parties to a dispute must, as soon as practicable, provide written notice to the secretary of:-
  - (i) the parties to the dispute; and
  - (ii) the matters that are the subject of the dispute.
- (d) Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.
- (e) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- (f) The notice given to each party to the dispute must state:-
  - (i) when and where the committee meeting is to be held; and
  - (ii) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or

both written and oral) submissions to the committee about the dispute.

- (g) If:-
- (i) the dispute is between one or more members and the Association; and
  - (ii) any party to the dispute gives written notice to the secretary stating that the party:-
    - (a) does not agree to the dispute being determined by the committee; and
    - (b) requests the appointment of a mediator under sub-rule 29(k),

the committee must not determine the dispute.

- (h) At the committee meeting at which a dispute is to be considered and determined, the committee must:-
- (i) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
  - (ii) give due consideration to any submissions so made; and
  - (iii) determine the dispute.
- (i) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
- (j) A party to the dispute may, within 14 days after receiving notice of the committee's determination under sub-rule 29(i), give written notice to the secretary requesting the appointment of a mediator under sub-rule 29(g)(ii)(b).
- (k) If notice is given under sub-rule 29(g)(ii)(b), each party to the dispute is a party to the mediation.
- (l) The mediator must be a person chosen by agreement between the parties to the dispute.
- (m) If there is no agreement for the purposes of sub-rule (29)(l), then, subject to sub-rules (n) and (o), the committee must appoint the mediator.
- (n) The person appointed as mediator by the committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by –
- (i) a party to a dispute under rule 29(g)(ii)(b); or
  - (ii) a party to a dispute under rule 29(j) and the dispute is between one or more members and the Association.

- (o) The person appointed as mediator by the committee may be a member or former member of the Association but must not –
  - (i) have a personal interest in the matter that is the subject of the mediation; or
  - (ii) be biased in favour of or against any party to the mediation.
- (p) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (q) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (r) In conducting the mediation, the mediator must:-
  - (i) give each party to the mediation every opportunity to be heard; and
  - (ii) allow each party to the mediation to give due consideration to any written statement given by another party; and
  - (iii) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (s) The mediator cannot determine the matter that is the subject of the mediation.
- (t) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (u) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.



Government of Western Australia  
Department of Mines, Industry Regulation and Safety  
Consumer Protection

DUPLICATE

**WESTERN AUSTRALIA**  
*Associations Incorporation Act 2015*  
(Section 10)

IARN: A1000890U

## Certificate of Incorporation

This is to certify that

**ST LUKES CATHOLIC PRIMARY SCHOOL PARENTS AND FRIENDS' ASSOCIATION INCORPORATED**

is an association incorporated under the  
*Associations Incorporation Act 2015*

The date of incorporation is the  
seventh day of December 1990

David Hillyard  
Acting Commissioner for Consumer Protection

**CERTIFICATE**