



2019 P&C Constitution – Compliance Guide

Few P&Cs are expected to be compliant with the 2019 Constitution prior to adoption. This guide presents the rules that need to be addressed as a matter of urgency.

When the Executive Committee meets to discuss the Constitution and nominate the financial year, they should also discuss areas of non-conformity and make immediate moves to rectify this. This is not an exhaustive list, but a starting tool to help P&Cs take the initial steps down the road to full compliance.

Rule	Notes	Website Q&As	Compliance ✓
3.4	Power to appoint and remove employees and to determine the remuneration and the terms and conditions of such appointments.	125, 130, 131	
4.0	FINANCIAL YEAR The financial year will be the period of 12 months commencing on ...	9, 10, 52	
5.2	A payment may be made to a member out of the funds of the Association, if it is authorised by a resolution of the Association, and if it is; i. in good faith as reasonable remuneration for any services provided to the Association, or ii. for goods supplied to the Association in the ordinary course of business.	139, 140	
6.2	Members of the Association are to receive a hard or electronic copy of the Rules of the Association (P&C Constitution).	7, 48	
6.4	The Principal of the school for which the Association is formed and where the Association is formed for a group of schools, the Principal of each school for which the Association is formed shall be an ex officio member of the governing body of the Association, may not be elected as an office bearer to any of its offices and may not be an authorised signatory.	11	
6.6	A Register of Members will be kept and maintained by the Honorary Secretary of the Association. Only financial members and ex officio members	81, 82	



	shall be listed on the register. The Register of Members will include the name, either the residential, postal or email address of each member and the date they became a member. Any changes to this information will be recorded within 28 days.		
11.2	No person shall be entitled to hold a position on the Executive Committee if the person has been convicted of, or imprisoned in the previous five years for: <ul style="list-style-type: none"> i. an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three (3) months; or ii. an indictable offence in relation to the promotion, formation or management of a body corporate; or iii. an offence under Part 4 Division 3 or Section 127 of the <i>Associations Incorporation Act 2015</i>; unless the person has obtained the consent of the Commissioner.	102	
12.2	But with the approval of a General Meeting the positions of Honorary Secretary and Honorary Treasurer may be held by one person elected for that purpose at a General Meeting.	No other positions may be combined.	
12.3	The officers of the Executive Committee shall be elected at the Annual General Meeting of the Association by and from the financial members of the Association. 12.3.1 An election shall be held at a General Meeting of the Association to fill any vacancy on the Executive Committee.	23	
13.3	All retiring members of the Executive Committee shall return all Association documents and records in their possession after their appointment ceases to the Executive Committee.	24	
14.2	The duties of the Executive Committee will include: <ul style="list-style-type: none"> i. a duty of care and diligence; ii. a duty to act in good faith in the best interests of the association and for a proper purpose; 	13, 14, 15	



	<p>iii. a duty not to misuse one's position and a duty not to misuse information obtained through the position to gain advantage for self or someone else or to cause detriment to the association; and</p> <p>iv. a duty to prevent the association trading when insolvent.</p>			
14.4	The Executive Committee may form sub-committees to deal with particular aspects of its work. Such sub-committees shall be responsible to the Executive Committee. sub-committees so formed shall each include at least one (1) member of the Executive Committee who will represent it on the sub-committee.		122	
15.3	The President will be responsible for any communication between the government authority responsible for administering the <i>Associations Incorporation Act 2015</i> and the Association.	May need to be delegated through a resolution.		
16.5	Notify before 30 April in each year the Principal of the school or each of the schools and WACSSO Inc. in writing the names of the persons who in that year are office bearers and executive members of the Association under Part 3 Division 8 of the <i>School Education Act 1999</i> .	Details should be updated through the WACSSO website. Find <i>Update your P&C's details</i> .		
17.6.1	Where there is a direct relationship between two authorised signatories, they shall not be permitted to co-sign any cheques of the Association.		21, 55	
17.9	Ensuring that the Association complies with all its responsibilities to any employees including, but not limited to; complying with employment awards or agreements, paying tax and superannuation.		125	
17.10.3	A solvency statement in respect of the Association endorsed by the Executive Committee stating that the financial statement has been examined and whether or not in their opinion they will be able to meet the Association's debts and liabilities as and when they become due and payable.	If a P&C has a FY that aligns with the tax year, this will need to be done before the AGM in the second half of 2019	53, 54	



18.0	SUB-COMMITTEES		118, 119, 120, 121, 122, 123, 124	
18.1	The Association may establish sub-committees for purposes it considers appropriate and consistent with the objectives and functions of the Association.			
18.2	Sub-committees must abide by the Terms of Reference as approved by the General Meeting.			
18.3	Members must be elected to a sub-committee.			
18.4	Sub-committee members must be financial members of the Association.			
18.5	Sub-committees must include a member of the Executive Committee.			
18.6	The President is an ex-officio member of all sub-committees.			
18.7	The report of the sub-committee must be presented and ratified by a General Meeting.			
18.8	All monies raised by sub-committees are considered funds of the Association.			
19.0	EMPLOYEES OF AN ASSOCIATION		125, 126, 127, 128, 129, 130, 131	
19.1	Employees of the Association: <ul style="list-style-type: none"> i. are not eligible to hold a position on the Executive Committee; ii. are not eligible to be a signatory to any bank accounts held by the Association; iii. do not have the authority to employ staff; iv. may be a member of the Association by which they are employed but must declare an interest where matters of business discussed concern them; v. may be a member of a sub-committee that deals with their employment, but only in a non-voting capacity. 			
22.3	The auditor or reviewer must be	If required to complete an audit or review	63, 64, 65, 66, 67, 68, 69, 70, 73, 74, 75	



<p>a) a member of a professional accounting body who has a designation in respect of that membership that is prescribed by the <i>Associations Incorporation Regulations 2016</i> for the purposes of this paragraph; or</p> <p>b) a registered company auditor under the Corporations Act; or</p> <p>c) a person the Commissioner considers has appropriate qualifications or experience and approves for the purposes of this section; and</p> <p>d) as far as is possible, be a person aware of the activities of Parents and Citizens' Associations.</p> <p>22.4 The auditor or reviewer shall <u>not</u> be:</p> <ul style="list-style-type: none"> i. a member or employee of the Association; ii. someone who has prepared or assisted with the preparation of the financial statements; or iii. a spouse or de facto partner of a person described in (i) or (ii). 			
<p>24.0 NOTICE OF MEETINGS AND MOTIONS</p> <p>24.1 Notice of all General Meetings of the Association, motions for approval to expend the Association funds (financial motions) to be dealt with at a General Meeting, and special resolutions shall be given in writing, by post or email, to all members not less than seven (7) days prior to the date of the proposed meeting.</p> <p>24.2 Notice of Executive Meetings and financial motions to be dealt with at these meetings, shall be given to all members of the committee not less than forty-eight (48) hours prior to the opening of the meeting.</p>		50, 57, 72	



25.2	For a General Meeting the quorum of a small school shall be five (5) financial members and for a school which is not a small school or where the Association represents a group of schools the quorum shall be eight (8) financial members.		32, 33, 34, 35, 36, 37, 38	
26.1	All decisions or actions must be endorsed by the Executive or General Meeting. Individuals cannot act independently.		39	
26.4	A member of the Association who has a relevant material personal interest in a matter before the Association must as soon as the member becomes aware of the interest disclose the nature and extent of the interest to the Association. The member must not be present while the matter is being considered at the meeting or vote on the matter		42	
27.1	Financial members (including the person presiding at the meeting) and ex-officio members present at a meeting and entitled to remain thereat shall be entitled to exercise a deliberative vote on: <ul style="list-style-type: none"> i. any motion at the meeting, ii. any proposal before the meeting; or iii. any election held at the meeting. No other person shall be entitled to vote at any meeting of the Association.	Principal has right to vote at all meetings without being a financial member.	11, 12	
Glossary	'Ex-officio Members' are members of both the Association and the Executive of the Association by virtue of the position they hold, with full voting rights.	Principal now member of entire P&C with full voting rights and right to be counted in quorum for all meetings.		