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**[NAME] AFFILIATED COMMITTEE**

**MODEL CONSTITUTION**

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## AFFILIATED COMMITTEE MODEL CONSTITUTION

### 1 NAME

The name of the affiliated committee is [Name] Affiliated Committee.

### 2 INTERPRETATION

In this constitution, unless the contrary intention appears:

*'the Act'* means the *Education and Children's Services Act 2019* as amended.

*'administrative instructions'* means administrative instructions issued pursuant to section 9 of the Act.

*'affiliated committee'* means the affiliated committee, affiliated with [Name] Governing Council, and the constitution of which is approved by the Minister in accordance with sections 36 and 39 of the Act.

*'Chief Executive'* means the Chief Executive of the Department for Education.

*'council'* means the [Name] Governing Council Inc.

*'department'* means the Department for Education.

*'executive committee'* means a committee comprised of the office holders and members elected from the membership of the affiliated committee.

*'financial year'* means the year ending 31 December or as varied by administrative instruction.

*'government school'* means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

*'majority'* means more than half of the total number.

*'member'* means any person who is for the time being registered as a member of the affiliated committee.

*'membership'* means all persons who comprise the affiliated committee in accordance with this constitution.

*'Minister'* means the person to whom the administration of the Act is committed pursuant to the *Administrative Arrangements Act 1994*.

*'parent'* - the Act uses the term “person responsible for a child or student”. In this constitution, the term “parent” will be used instead. This term includes parents, guardians, and persons standing *in loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

*'principal'* means the person for the time being designated by the Chief Executive as the principal of the school.

*'register of members'* means the register of members of the affiliated committee.

*'regulations'* means the *Education and Children’s Services Regulations 2020*.

*'school community'* means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

*'special resolution'* of the affiliated committee means a resolution passed by a duly convened meeting of the affiliated committee where:-

- a) at least 14 days written notice has been given to all members specifying the intention to propose the resolution as a special resolution; and
- b) it is passed, at the meeting, by a majority of not less than three quarters of members who vote in person or by proxy at that meeting.

*'student'* is a person enrolled at the school or approved learning program.

### **3 RELATIONSHIP WITH THE COUNCIL**

3.1 The [Name] Affiliated Committee is affiliated with the [Name] Governing Council in accordance with section 36 of the Act.

3.2 The affiliated committee may nominate a member to the council.

3.3 The affiliated committee will maintain effective communication about its activities with the council.

## 4 OBJECT

*The constitution must include the following clause. However, other objects may be added that are specific to the affiliated committee.*

The object of the [Name] Affiliated committee is to support the involvement of the school community in the school.

## 5 FUNCTIONS OF THE AFFILIATED COMMITTEE

*The constitution must include the following clauses. Only clause 5.1 can be made specific to the affiliated committee. For example, functions for an affiliated committee constitution, may include, but are not limited to:*

- 5.1 The [Name] Affiliated Committee will perform the following functions
  - 5.1.1 Provide a means of contact between home and school.
  - 5.1.2 Assist parents to gain skills to participate in the decision making of the school.
  - 5.1.3 To develop and maintain an interest in the welfare of children at school.
  - 5.1.4 Support the principal and the school staff to enhance student learning.
- 5.2 The affiliated committee must be responsible for the proper care and maintenance of any property owned by the affiliated committee.
- 5.3 The affiliated committee may raise funds for school related purposes.
- 5.4 The affiliated committee's functions must be exercised in accordance with legislation, administrative instructions and this constitution.
- 5.5 The affiliated committee may do all those acts and things incidental to the exercise of these functions.

## **6 MEMBERSHIP**

### **6.1 Eligibility**

6.1.1 A person is eligible for membership if that person:

- is a parent of a student at [name of the school]; or
- is a member of the school community and interested in the welfare of students at the school; and

is prepared and able to support the activities of the affiliated committee.

6.1.2 A person is not eligible for election, appointment or nomination to the affiliated committee, if the person:

6.1.2.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;

6.1.2.2 has been convicted of any offence prescribed by administrative instruction;

6.1.2.3 is subject to any other disqualifying circumstances as prescribed by administrative instruction.

### **6.2 Membership register**

Membership will be determined as those members whose names are recorded in the affiliated committee membership register for the current year.

### **6.3 Membership rights**

Each member has the right to attend and vote at meetings of the affiliated committee.

### **6.4 Cessation of committee membership**

6.4.1 Membership of the affiliated committee ceases when the member:-

- (i) dies
- (ii) resigns by written notice to the affiliated committee;
- (iii) is removed as a member in accordance with section 44 of the Act;

- (iv) is absent from 3 consecutive committee meetings without a leave of absence approved by the affiliated committee. Acceptance of an apology at a committee meeting will be deemed a grant of such leave.

## **6.5 Vacancies**

A casual vacancy among the officers or executive committee may be filled by election at a general meeting of the affiliated committee. Any member so elected will hold office until the next annual general meeting.

## **7 OFFICE HOLDERS AND EXECUTIVE COMMITTEE**

*The constitution must include an appropriate section outlining office holders and an executive committee. Other options for titles may be amended to include President, Vice-President etc.*

### **7.1 Office holders**

The office holders are the chairperson (and deputy chairperson if there is one), secretary and treasurer who will be elected by the members at an annual general meeting.

### **7.2 Executive committee**

The members may appoint an executive committee comprising the office holders and [insert number] other members, which is to: -

- 7.2.1 meet to carry out business delegated or referred by a meeting of the affiliated committee; and
- 7.2.2 report to subsequent meetings of the affiliated committee.

### **7.3 The chairperson**

7.3.1 The chairperson must:

- (i) call and preside at meetings of the affiliated committee and of the executive committee.
- (ii) facilitate full and balanced participation by members present at an affiliated committee meeting and decide on the manner in which meetings are conducted and matters of order.
- (iii) report at the annual general meeting on the proceedings and operations of the affiliated committee for the period since the date of the previous annual general meeting.



7.3.2 If the chairperson is absent or unable to preside at a committee meeting, the deputy chair (if there is one) or a member appointed by the members present at the meeting must preside.

#### **7.4 The secretary**

7.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

7.4.2 The secretary must ensure that the minutes of meetings are recorded and available to members.

7.4.3 The secretary is responsible for ensuring the maintenance and safekeeping of:-

- (i) official records of the business of the affiliated committee and a register of minutes of meetings;
- (ii) copies of notices, a file of correspondence and records of other documents and reports made by or on behalf of the affiliated committee;
- (iii) the register of members;
- (iv) the constitution and providing copies as requested.

7.4.4 The secretary must ensure that a copy of this constitution is available for public inspection at the school during normal school hours.

#### **7.5 The treasurer**

7.5.1 The treasurer must:

- (i) ensure that financial budgets and statements are prepared;
- (ii) submit a report on the finances to each meeting of the affiliated committee;
- (iii) present the affiliated committee's statement of accounts to the annual general meeting.

### **8 MEETINGS**

#### **8.1 Affiliated Committee meetings**

8.1.1 Meetings of the affiliated committee will be held at least twice a school term or as determined by the members.

8.1.2 All members are eligible to attend affiliated committee meetings and vote on any matters proposed for resolution.

- 8.1.3 The chairperson must call and preside at meetings of the affiliated committee.
- 8.1.4 At least 7 days written notice of a meeting must be given to members. The notice must give the date, time and place of the meeting.

## **8.2 Annual general meeting**

- 8.2.1 An annual general meeting must be held in each calendar year to:-
  - (i) present reports;
  - (ii) to elect and/or declare election results for office holders and the executive committee, and
  - (iii) for any other reason relating to the affairs, functions or membership of the affiliated committee, as determined by the executive committee.
- 8.2.2 The period between each annual general meeting must not exceed 16 months.

## **8.3 Executive committee meetings**

- 8.3.1 The executive committee must meet at least twice in each school term.
- 8.3.2 Notice of a meeting must be given at the previous meeting or by at least 7 days written notice distributed to all executive committee members, or in an emergency by such other notice as the executive committee may determine.

## **8.4 Voting**

- 8.4.1 Voting must be by show of hands, or by voices or in writing, but a secret ballot must be conducted for:-
  - (i) a contested election, or
  - (ii) a special resolution to remove an office holder from office.
- 8.4.2 For the purposes of voting on a special resolution, each affiliated committee member is entitled to appoint another member as their proxy.

## **9 PROCEEDINGS**

### **9.1 Meetings**

- 9.1.1 The quorum for an affiliated committee meeting is a majority of the members of the affiliated committee (50% plus 1) OR the executive committee plus [insert number] of members.
- 9.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those members present determine.
- 9.1.3 Except in the case of a special resolution, a decision of the majority of those members present and eligible to vote is the decision of the affiliated committee.
- 9.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion will be taken to be defeated.
- 9.1.5 The affiliated committee may, at its discretion, allow non-members who have special interests or knowledge to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote.
- 9.1.6 The affiliated committee may from time to time determine procedures to facilitate and expedite its business.

### **9.2 Conflict of interest**

- 9.2.1 In accordance with section 37(2) of the Act, an affiliated committee member who has a direct or indirect pecuniary interest in a contract or proposed contract with the affiliated committee, or a contract or proposed contract with the governing council with which the committee is affiliated, must:
- (i) disclose the nature of the interest to the affiliated committee as soon as the councillor becomes aware of the interest, and
  - (ii) not take part in deliberations or decisions of the affiliated committee with respect to that contract, and
  - (iii) not vote in relation to the contract, and
  - (iv) be absent from the meeting room when any such discussion or voting is taking place.

9.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the affiliated committee.

9.2.3 If a member discloses an interest in a contract or proposed contract:

(i) the contract is not liable to be avoided by the affiliated committee on any ground arising from the fiduciary relationship between the member and the affiliated committee, and

(ii) the member is not liable to account for the profits derived from the contract.

## **10 ELECTIONS**

### **10.1 Eligibility for nomination for election**

Any member is eligible to hold an office holder position on the committee or to be part of an executive committee.

### **10.2 Eligibility to vote**

Only members of the affiliated committee may vote to elect office holders and executive committee members.

### **10.3 Notice of election**

10.3.1 The timetable for an election for office holders must be determined by the affiliated committee.

10.3.2 Notice of the date, location and time for an election must be specified by the affiliated committee by the means generally used to communicate with the members and school community.

### **10.4 Contested elections**

10.4.1 If the number of persons nominated for an office holder position or a position on the executive committee is greater than the number of vacancies to be filled, the ballot conditions apply.

10.4.2 A contested election must be conducted by secret ballot.

## **10.5 Scrutineers**

The affiliated committee must permit such scrutineers, who are independent of the election, to be present at the counting of votes, as they see fit. A candidate in the election cannot be a scrutineer.

## **10.6 Declaration of election**

10.6.1 The principal must declare the candidate or candidates elected to fill the office holder or executive committee vacancy or vacancies:-

- (i) at an annual general meeting, and
- (ii) in the form generally used to communicate with the affiliated committee.

10.6.2 The new affiliated committee comes into operation at the declaration of the election.

## **10.7 Further nomination for unfilled positions**

After the result of an election has been declared and if the required number of elected office holder positions have not been filled, members present at an annual general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies. Alternatively, any vacancy which occurs on the affiliated committee may be filled by election held at an affiliated committee meeting.

## **11 MINUTES**

11.1 Proper minutes of annual general meetings, affiliated committee meetings and executive committee meetings must be appropriately kept.

11.2 The minutes must be confirmed at the next respective annual general, affiliated committee or executive committee meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

11.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any member.

## **12 TERM OF OFFICE**

Elected office holders and members of the executive committee will be appointed for a term not exceeding one year and may stand for subsequent re-election.

### **13 DELEGATES**

- 13.1 The delegates to the governing council of the school, any other advisory and area association committees will be elected at the annual general meeting and will report to each meeting of the members.
- 13.2 Delegates who do not fulfil their obligations or who are no longer members of the affiliated committee, may have their delegate status revoked by the resolution of the members at an affiliated committee meeting.
- 13.3 The revocation must be made in writing to the other body.

### **14 ACCOUNTS TO BE KEPT AND OTHER FINANCIAL MATTERS**

- 14.1 The affiliated committee must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealings involving those funds.
- 14.2 All accounts must be operated on the basis of the designated financial year, which is a calendar year ending on 31 December.
- 14.3 All accounts must be kept in accordance with provisions of the Act, Regulations, administrative instructions and this constitution.
- 14.4 The funds of the affiliated committee must only be expended for school related purposes.
- 14.5 The affiliated committee may transfer funds as it thinks fit to:
  - (i) the council;
  - (ii) another existing or proposed government school.

### **15 AUDIT**

- 15.1 The Chief Executive or Auditor-General may inspect or audit accounts kept by affiliated committees.
- 15.2 The affiliated committee must make available for inspection at any time by the Auditor-General any accounts under its control, including all relevant records and papers connected with an account.

15.3 The affiliated committee may arrange for accounts to be audited at such other intervals as the affiliated committee determines, by a person appointed by the affiliated committee.

15.4 The audit of any accounts under the control of the affiliated committee must be in accordance with the provisions of the Act, Regulations, administrative instructions and this constitution.

## **16 REPORTING**

16.1 The chairperson and treasurer must report to members at the annual general meeting.

16.2 Reports presented at the annual general meeting must describe the operations, activities and finances of the affiliated committee.

## **17 RECORDS**

17.1 The affiliated committee is responsible for the safe and proper storage of its records.

17.2 The affiliated committee must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

## **18 AMENDMENT OF THE CONSTITUTION**

18.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with section 40 of the Act.

18.2 This constitution may also be amended, altered, modified or substituted by the affiliated committee by special resolution, and, in accordance with section 40(6), approval in writing by the Minister.

18.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

## **19 PUBLIC ACCESS TO THE CONSTITUTION**

The affiliated committee must keep available for public inspection a copy of its constitution (as in force from time to time) at the school, during normal school hours.

## **20 DISSOLUTION**

20.1 The affiliated committee may cease its operations and dissolve only after passing a special resolution to do so. Upon such cessation its books, records and property must be forwarded to the governing council.

20.2 The affiliated committee may be dissolved by the Minister in accordance with section 43 of the Act on closure or amalgamation of the school. If the school is closed, the affiliated committee must follow any directions issued by the Chief Executive regarding the forwarding of its books, records and property.

## **21 PROHIBITION AGAINST SECURING PROFITS FOR MEMBERS**

The assets and income of the affiliated committee must be applied in accordance with clauses 14.4 and 14.5 and no portion will be paid or distributed directly or indirectly to members except for expenses incurred on behalf of the affiliated committee.