

Narrabundah College Parents and Citizens Association Constitution

Table of Contents

CONSTITUTION.....	3
NAME.....	3
OBJECTS..	3
Part 1 - Preliminary..	4
1Definitions..	4
1A Application of Legislation Act 2001 (ACT)..	4
Part 2 - Membership..	5
2 Membership qualifications..	5
3 Nomination for membership..	5
4 Membership entitlements not transferable..	5
5 Cessation of Membership..	5
6 Resignation of membership..	6
7 Fees, subscriptions..	6
8 Members' liabilities..	6
9 Disciplining members..	6
10 Right of appeal of disciplined member..	7
Part 3 - Committee..	8
11 Powers of the P&C Association Committee..	8
12 By-laws..	8
13 Constitution and membership..	8
14 Election of committee members..	9
15 Secretary..	9
16 Treasurer..	10
17 Vacancies..	10

18	Removal of committee members..	10
19	P&C Committee meetings and quorum..	10
20	Delegation by P&C committee to subcommittee..	12
21	Voting and decisions..	12
	Part 4 - General Meetings..	13
22	Holding of annual general meeting..	13
23	Calling of, and business at annual general meeting..	13
24	Calling of general meetings..	13
25	Notice..	14
26	Procedure and quorum at general meetings..	14
27	Presiding member..	15
28	Adjournment..	15
29	Making decisions..	15
30	Voting..	15
31	Appointment of proxies..	16
	Part 5 - Other Matters..	17
32	Source of funds..	17
33	Management of funds..	17
34	Alteration of objects and rules..	17
35	Common seal..	17
36	Custody of books..	17
37	Inspection of books..	17
38	Service of notice..	18
39	Action required at first meeting..	18
40	Dissolution of the P&C (winding up)..	1



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PARENTS AND CITIZENS ASSOCIATION INCORPORATED

Association No: A00693

CONSTITUTION

The Constitution of this Association is based on the Model Rules prescribed in Schedule 1 to the Associations Incorporation Regulation 1991 (ACT) and complies with section 32 of the *Associations Incorporation Act 1991 (ACT)*.

NAME

The name of the Association is the Narrabundah College Parents and Citizens Association Incorporated.

OBJECTS

The Narrabundah College Parents and Citizens Association Inc. operates as a non-profit organisation to:

1. Support Narrabundah College and provide a forum to further the educational and social needs of the students and the community at large.
2. Notify the appropriate authorities, including the Narrabundah College Board, of any administrative and other matters relating to the education and the well-being of the college community.
3. Receive and raise money by any appropriate practical means to effect the aims of the Narrabundah College Parents and Citizens Association.
4. Stimulate interest in the concepts, aims and problems of education generally and those of Narrabundah College in particular.
5. Initiate projects and co-operate with other organisations in projects involving Narrabundah College, and concerned with promoting community interests.
6. Provide for community members to be elected to the Narrabundah College Board in accordance with the Act and Regulation and to present views from the Parents and Citizens Association to the Board.
7. Provide a canteen in accordance with current guidelines and requirements.
8. Take any action consistent with these provisions.

RULES

Part 1 - *Preliminary*

1 Definitions

In these rules:

Note: a definition applies except so far as the contrary intention appears (see s.155 of the Legislation Act).

Association means the Narrabundah College Parents & Citizens Association Incorporated.

financial year means the year ending on 30 November.

College means Narrabundah College.

College Board means the Narrabundah College Board.

member means a member, however described, of the Association.

ordinary committee member means a member of the committee who is not an office-bearer of the association as described in paragraph 12 (1) (a).

Principal means the principal or acting principal of the College.

Secretary means the person holding office under these Rules as Secretary of the Association or, if no such person holds that office, the public officer of the Association.

Act means the *Associations Incorporation Act 1991 (ACT)*.

Regulation means the *Associations Incorporation Regulation 1991*.

1A Application of *Legislation Act 2001 (ACT)*

The *Legislation Act 2001* applies to these Rules as if they were an instrument made under the Act.

Part 2 - Membership

2 Membership qualifications

A person is qualified and eligible to be a member if they are:

- (a) a parent or guardian of a student enrolled at Narrabundah College; or
- (b) any other interested citizen.

3 Nomination for membership

(1) A person who is eligible for membership of the Association is admitted to its membership:

- (a) on being entered into the school's student parent database and until removed from that database.
 - (b) as a citizen member by submitting to the Association Secretary a declaration of membership.
- (2) no other form of nomination is required.

(2) A declaration of membership consists of the Member's signature, printed name, residential address, postal address, criterion of membership eligibility (ie parent or citizen), and date on which the declaration was made. Once approved by the Association's committee, it must be filed in the Membership book maintained by the Secretary.

(3) Ex-Officio members may be appointed by the Association's committee. The College Principal may be so appointed.

4 Membership entitlements not transferable

A right, privilege or obligation held by a member of the Association:

- (a) cannot be transferred or transmitted to another person; and
- (b) terminates on cessation of the person's membership.

5 Cessation of Membership

A person ceases to be a member of the Association:

- (a) if the person dies; or
- (b) if they cease to meet the membership eligibility requirements; or
- (c) if their membership declaration is deleted from the membership book and that deletion is signed and dated; or
- (d) by sending written notice of resignation to the Secretary, who must delete the person's membership declaration from the membership book.
- (e) on removal from the school student parent database, unless a membership application (declaration) has been submitted and approved by the P&C committee.

6 Resignation of membership

A member may resign from the Association in accordance with paragraph 5(d).

7 Fees, subscriptions

No annual membership fee is required to be paid.

8 Members' liabilities

The liability of a member to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the Association is limited to the amount (if any) unpaid by the member in relation to membership of the Association as required by Rule 7.

9 Disciplining members

(1) If the committee is of the opinion that a member:

- (a) has persistently refused or neglected to comply with a provision of these rules; or
- (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association;

the committee may, by resolution:

- (c) expel the member from the Association; or
- (d) suspend the member from the rights and privileges of membership of the Association that the committee may decide for a specified period.

(2) A resolution of the committee under subrule (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subsection (3), confirms the resolution in accordance with this section.

(3) If the committee passes a resolution under subrule (1), the Secretary must, as soon as practicable, serve a written notice on the member:

- (a) setting out the resolution of the committee and the grounds on which it is based; and
- (b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
- (c) stating the date, place and time of that meeting; and
- (d) informing the member that the member may do either or both of the following:
 - (i) attend and speak at that meeting;
 - (ii) submit to the committee at or before the date of that meeting written representations relating to the resolution.

(4) Subject to section 50 of the Act, at a meeting of the committee mentioned in subsection (2), the committee must:

- (a) give to the member mentioned in subrule (1) an opportunity to make oral representations; and
- (b) give due consideration to any written representations submitted to the committee by that member at or before the meeting; and
- (c) by resolution decide whether to confirm or to revoke the resolution of the committee made under subrule (1).

- (5) If the committee confirms a resolution under subrule (4), the Secretary must, within 7 days after that confirmation, by written notice inform the member of that confirmation and of the member's right of appeal under Rule 10.
- (6) A resolution confirmed by the committee under subrule (4) does not take effect:
- (a) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
 - (b) if within that period the member exercises the right of appeal, until the Association confirms the resolution in accordance with subrule 10 (4).

10 Right of appeal of disciplined member

- (1) A member may appeal to the Association in general meeting against a resolution of the committee that is confirmed under subrule 9 (4), within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
- (2) On receipt of a notice under subrule (1), the Secretary must notify the committee, which must call a general meeting of the association to be held within 21 days after the date when the Secretary received the notice or as soon as possible after that date.
- (3) Subject to section 50 of the Act, at a general meeting of the Association called under subrule (2):
- (a) no business other than the question of the appeal may be transacted; and
 - (b) the committee and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (c) the members present must vote by secret ballot on the question of whether the resolution made under subrule 9 (4) should be confirmed or revoked.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under subrule 9 (4), that resolution is confirmed.

Part 3 - Committee

11 Powers of the P&C Association Committee

- (1) The committee, subject to the Act, the Regulation, these Rules, and to any resolution passed by the Association in general meeting:
 - (a) controls and manages the affairs of the Association; and
 - (b) may exercise all functions that may be exercised by the Association other than those functions that are required by these Rules to be exercised by the Association in general meeting; and
 - (c) has power to perform all acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the Association; and
 - (d) may make by-laws for the Association.

12 By-laws

- (1) The P&C Committee may make and amend by-laws not inconsistent with these Rules, prescribing matters, which this constitution requires or permits, or which may be necessary or expedient for the conduct and management of the affairs of the Association.
- (2) Any by-laws and amendments must be notified to members of the Association as soon as practicable after being made and will not become effective until 28 days after the date advising the new by-laws or amendments.
- (3) By-laws may also be amended or overturned by passing of an appropriate motion at a general meeting.

13 Constitution and membership

- (1) The committee consists of:
 - (a) the office-bearers of the Association;
 - (b) the Principal or a College staff member delegated by the Principal;
 - (c) a representative from the community members of the College Board;
 - (d) P&C Council delegates as required;
 - (e) the public officer of the Association; and
 - (f) any number of ordinary committee members as determined at an annual general meeting; each of whom must be elected under Rule 14 or appointed in accordance with subrule (4).
- (2) The office-bearers of the Association are:
 - (a) the president; and
 - (b) not more than 2 vice-presidents; and
 - (c) the treasurer; and
 - (d) the Secretary.

- (3) Each member of the committee holds office, subject to these rules, until the conclusion of the annual general meeting following the date of the member's election but is eligible for re-election.
- (4) If there is a vacancy in the membership of the committee, the committee may appoint a member of the Association to fill the vacancy and that member holds office, subject to these rules, until the conclusion of the next annual general meeting after the date of the appointment.

14 Election of committee members

- (1) Nominations of candidates for election as office-bearers of the Association or as ordinary committee members:
 - (a) may be made in writing; or
 - (b) may be made orally to the returning officer, who will be the Principal or any other person not standing for election appointed by the annual general meeting, prior to the closing of nominations at the annual general meeting.
- (2) The election must be conducted in a manner determined by the returning officer with the consent of a majority of members present at the annual general meeting.
- (3) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations for other positions may be received at the annual general meeting.
- (4) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be vacancies.
- (5) If the number of nominations received is equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- (6) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.
- (7) The ballot for the election of office-bearers and ordinary committee members must be conducted at the annual general meeting in the way the committee may direct.

15 Secretary

- (1) The Secretary of the Association must, as soon as practicable after being appointed as Secretary, notify the Association of his or her address.
- (2) The Secretary, or nominated party, must keep minutes of:
 - (a) all elections and appointments of office-bearers and ordinary committee members; and
 - (b) the names of members of the committee present at a committee meeting or a general meeting; and
 - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

16 Treasurer

(1) The treasurer of the Association must:

- (a) collect and receive all amounts owing to the Association and make all payments authorised by the Association; and
- (b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association; and
- (c) prepare financial records and for the auditor.

17 Vacancies

(1) For these Rules, a vacancy in the office of a member of the committee occurs if the member:

- (a) dies; or
- (b) ceases to be a member of the Association; or
- (c) resigns the office; or
- (d) is removed from office under Rule 18; or
- (e) becomes bankrupt or personally insolvent; or
- (f) suffers from mental or physical incapacity; or
- (g) is disqualified from office under subsection 63 (1) of the Act; or
- (h) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

18 Removal of committee members

The Association in general meeting may by resolution, subject to section 50 of the Act, remove any member of the committee from the office of member of the committee before the end of the member's term of office.

19 P&C Committee meetings and quorum

- (1) The committee must meet at least four times in each calendar year at the place and time that the committee may decide.
- (2) Additional meetings of the committee may be called by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the Secretary to each member of the committee at least 48 hours (or any other period that may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subrule (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any four members of the committee constitute a quorum for the transaction of the business of a meeting of the committee. Any member accessing a meeting via tele or video conferencing is considered to be present for that meeting and counts towards the quorum.

- (6) No business may be transacted by the committee unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.
- (8) At a meeting of the committee -
- (a) the president or, in the absence of the president, the vice-president presides; or
 - (b) if the president and the vice-president are absent, one of the remaining members of the committee may be chosen by the members present to preside.
- (9) The usual order of business at a meeting of the committee is to:
- (a) welcome guests;
 - (b) give apologies;
 - (c) confirm minutes;
 - (d) discuss matters arising from the minutes;
 - (e) discuss correspondence;
 - (f) discuss matters arising from the correspondence;
 - (g) give the Treasurer's report;
 - (h) give the Principal's report;
 - (i) give the College Board's Report;
 - (j) give the P&C Council Delegate's report;
 - (k) discuss any general business; and
 - (l) determine the place, date & time of next meeting;
- except where the order of business is varied by resolution of the committee.
- (10) The committee may authorise advertisements in the daily press and other appropriate publications.
- (11) The committee may appoint paid officers and has power to discontinue employment.
- (12) The committee must:
- (a) approve all expenses. Where practicable, the approval must be made prior to the expense being incurred.
 - (b) record expense approval in the minutes of the committee.
 - (c) Expenses may be approved and minuted either as part of an annual budget or individually.

20 Delegation by P&C committee to subcommittee

- (1) The committee may, in writing, delegate to one or more subcommittees (consisting of the member or members of the association that the committee considers appropriate) the exercise of the functions of the committee that are specified in the instrument, other than:
 - (a) this power of delegation; and
 - (b) a function that is a function imposed on the committee by the Act, by any other Territory law, or by resolution of the Association in general meeting.
- (2) A function, the exercise of which has been delegated to a subcommittee under this section may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to any conditions or limitations about the exercise of any function, or about time or circumstances that may be specified in the instrument of delegation. Despite any delegation under this section, the committee may continue to exercise any function delegated.
- (4) Any act or thing done or suffered by a subcommittee acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the committee.
- (5) The committee may, in writing, revoke wholly or in part any delegation under this section.
- (6) A subcommittee may meet and adjourn as it considers appropriate.
- (7) The president of the P&C committee or their representative, is automatically a member of any subcommittee/s.
- (8) Sub committees are at all times accountable to the Association committee and any financial activity is to be regularly reported to the Association Treasurer and included in the audited annual financial accounts of the Association.

21 Voting and decisions

- (1) Questions arising at a meeting of the committee or of any subcommittee appointed by the committee are decided by a majority of the votes of members of the committee or subcommittee present at the meeting.
- (2) Each member present at a meeting of the committee or of any subcommittee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.
- (3) Voting must be by those present and able to vote by a show of hands or by voice for those on teleconferencing, but if voting on any motion is conducted by secret ballot, those on tele or video conferencing can vote by text or email to the Chair or returning officer, whichever is applicable.

Part 4 - General Meetings

22 Holding of annual general meeting

- (1) With the exception of the first annual general meeting of the Association, the Association must, at least once in each calendar year and within 5 months after the end of each financial year of the Association, call an annual general meeting of its members.
- (2) The Association must hold its first annual general meeting:
 - (a) within 18 months after its incorporation under the Act; and
 - (b) within 5 months after the end of the first financial year of the Association.
- (3) Subrules (1) and (2) have effect, subject to the powers of the registrar-general under section 120 of the Act.

23 Calling of and business at annual general meeting

- (1) The annual general meeting of the Association must, subject to the Act, be called on the date and at the place and time that the committee considers appropriate.
- (2) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is to:
 - (a) confirm the minutes of the last annual general meeting and of any general meeting held since that meeting; and
 - (b) receive reports from the committee on the activities of the Association during the last financial year; and
 - (c) elect members of the committee, including office-bearers; and
 - (d) receive and consider the statement of accounts and the reports that are required to be submitted to members under subsection 73 (1) of the Act; and
 - (e) appoint an auditor for the next year.
- (3) An annual general meeting must be specified in accordance with Rule 25.
- (4) An annual general meeting must be conducted in accordance with the provisions of this Part.

24 Calling general meetings

- (1) The committee may, whenever it considers appropriate, call a special general meeting of the Association.
- (2) The committee must, on the requisition in writing of not less than 6 members, call a special general meeting of the Association.
- (3) A requisition of members for a special general meeting:
 - (a) must state the purposes of the meeting; and
 - (b) must be signed by the members making the requisition; and
 - (c) must be lodged with the Secretary; and
- (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

- (4) If the committee fails to call a special general meeting within 1 month after the date when a requisition of members for the meeting is lodged with the Secretary, any one or more of the members who made the requisition may call a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting called by a member or members mentioned in subrule (4) must be called as nearly as is practicable in the same way as special general meetings are called by the committee and any member who incurs an expense is entitled to be reimbursed by the Association for that expense.

25 Notice

- (1) Except if the nature of the business proposed to be dealt with at a special general meeting requires a special resolution of the Association, the Secretary must, at least 14 days before an annual general meeting or a general meeting, place a notice in the College Newsletter, specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a special general meeting requires a special resolution of the Association, the Secretary must, at least 21 days before the date of the general meeting, place a notice in the College Newsletter, in the manner provided in subrule 24(1) specifying, in addition to the matter required under that subrule, the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice calling a special general meeting may be transacted at the meeting except, for an annual general meeting, business that may be transacted under subrule 23 (2).
- (4) A member desiring to bring any business before a special general meeting may give written notice of that business to the Secretary, who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

26 Procedure and quorum at general meetings

- (1) The Committee may call one or more general meetings in addition to the annual general meeting, as it sees necessary.
- (2) No item of business may be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (3) Five members present in person (who are entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (4) If within 30 minutes after the appointed time for the start of a general meeting a quorum is not present, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (5) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the start of the meeting, the members present (being not less than 3) constitute a quorum.

27 Presiding member

- (1) The president, or in the absence of the president, the vice-president, presides at each general meeting of the Association.
- (2) If the president and the vice-president are absent from a general meeting, the members present must elect one of their number to preside at the meeting.

28 Adjournment

- (1) The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the Secretary must give written or oral notice of the adjourned meeting to each member of the Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subrules (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

29 Making decisions

- (1) A question arising at a general meeting of the Association is to be decided on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the Association, a poll may be demanded by the person presiding or by any member present in person.
- (3) If the poll is demanded at a general meeting, the poll must be taken:
 - (a) immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
 - (b) in any other case - in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

30 Voting

- (1) Subject to subrule (3), a member has one vote only on any question arising at a general meeting of the Association. A secret ballot may be requested by any member present at the meeting.
- (2) A resolution must be determined by counting member's votes for and against a motion, with no accounting for abstentions.
- (3) If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a second or casting vote.
- (4) Ex-Officio members are not entitled to vote.

31 Appointment of proxies

(1) No proxy votes will be allowed.

Part 5 - Other Matters

32 Source of funds

- (1) The funds of the Association must be derived from the operation of the College canteen, any donations, and, subject to any resolution passed by the Association in general meeting and section 114 of the Act, any other sources that the committee decides.
- (2) All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank account.
- (3) The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.
- (4) The Association's financial year is 1 December to 30 November.

33 Management of funds

- (1) Subject to any resolution passed by the Association in general meeting, the funds of the Association must be used for the objects of the Association in the way that the committee decides.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed, or if using electronic banking authorised, by any two members of the committee or employees of the Association, being members of the committee or employees authorised to do so by the committee.
- (3) The Association must hold a current insurance policy for public liability and directors and officers. Where appropriate, the Association must hold a current insurance policy for property, workers compensation and voluntary workers personal accident.

34 Alteration of objects and rules

The objects of the Association mentioned in section 29 of the Act and these Rules must not be altered, except in accordance with the Act.

35 Common seal

- (1) The common seal of the Association (if one exists) must be kept in the custody of the Secretary.
- (2) The common seal must not be attached to any instrument except by the authority of the committee and the attaching of the common seal must be attested by the signatures either of two members of the committee or of one member of the committee and of the Secretary.

36 Custody of books

Subject to the Act, the Regulation and these Rules, the Secretary must arrange for the College to provide safe and secure storage of all records, books, and other documents relating to the Association.

37 Inspection of books

The records, books and other documents of the Association must be open to inspection at a place in the ACT, free of charge, on request by a member of the Association at any reasonable hour.

38 Service of notice

For these rules, the Association may serve a notice on a member by sending it by post to the member at the member's address shown in the register of members or by email to their contact address.

Note: For how documents may be served, see Part 19.5 of the Legislation Act.

39 Action required at first meeting

(1) At the first general meeting of the Association, the Association must pass a special resolution nominating:

- (a) another Association for paragraph 92 (1) (a) of the Act; or
- (b) a fund, authority or institution for paragraph 92 (1) (b) of the Act, in which it is to vest its surplus property in the event of the dissolution or winding up of the Association.
- (c) an Association nominated under paragraph (1) (a) must fulfil the requirements specified in subsection 92 (2) of the Act,

40 Dissolution of the P&C (winding up)

(1) The P&C Association shall be dissolved within 12 months if:

- (a) following the annual general meeting when it is not possible to fill the officer positions and after a special general meeting for that purpose fails to elect these officers; and
- (b) at an annual or special general meeting when 75% or more of the members present vote for a special resolution to wind up the Association.

(2) The last elected officers of the Association and the Principal will be responsible for winding up the Association. This will include producing a final audited statement of financial affairs, paying all debts, notification to Accesss Canberra, and transferring all assets to the organisation nominated in Rule 39.

(3) The records of the Association must be retained in the safe custody of the school for at least 5 years.