CONSTITUTION

OF THE

BOLD PARK COMMUNITY SCHOOL ADVISORY COUNCIL (INC)

I certify that this is a true copy of the Constitution of the Bold Park Community School Advisory Council (Inc) as accepted by the Members at the Annual General Meeting 22 May 2019.

Delphi McGeough
Chairperson

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RULES OF ASSOCIATION

1. Name of Association

The name of the Association is

BOLD PARK COMMUNITY SCHOOL ADVISORY COUNCIL (INC)

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2. Definitions

In these rules, unless the contrary intention appears-

Act means the *Associations Incorporation Act 2015*;

Association means the incorporated Association to which these rules apply, the Bold Park Community School Advisory Council (Inc.);

Board means the Board of Management which is the governing body of the Association;

Board meeting means a meeting of the Board;

Board member means a member of the Board;

books, of the Association, includes but is not limited to the following —

(a) the register of members;
(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 Board 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;

Complimentary Board member means a complimentary member with voting rights only at Board meetings who is appointed to the Board pursuant to sub-rule 10(3)(e);

Deputy Chairperson means the Board member holding office as the Deputy Chairperson of the Association;

ex officio Board member means a Board member, who is not elected but who is appointed by virtue of their position of employment**.** Both the Principal and Pedagogista are ex officio Board members with voting rights;

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 report, of a tier 2 Association or a tier 3 Association, has the meaning given in section 63 of the Act;

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, means each period commencing 1 January and ending on 31 December in the same year;

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

Governance Charter, means the Governance Charter of the Association as amended and varied from time to time. The Governance Charter does not form part of this Constitution;

member means a person who is a member of the Association;

membership fees mean any amounts levied by the Association from time to time and any other money properly owing and payable;

ordinary resolution means a resolution other than a special resolution;

Pedagogista the person responsible for fostering and promoting the philosophy (Pedagogy) of the School;

poll means voting conducted in written form (as opposed to a show of hands);

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

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

salaried staff member means part-time and full-time salaried staff members, excludes casual and relief staff and sub-contractors;

School means Bold Park Community School;

School fees means the total amount payable by a parent or guardian for their child or children's attendance at the School, and are payable under the terms set by the Board;

Secretary means the Board 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 Board under rule 10(9);

tier 1 Association means an incorporated Association to which section 64(1) of the Act applies;

tier 2 Association means an incorporated Association to which section 64(2) of the Act applies;

tier 3 Association **means an incorporated Association to which section 64(3) of the Act applies;**

Treasurer means the Board member holding office as the Treasurer of the Association.

3. Objects of Association

(1) The objects of the Association are-

To become the School of choice for families seeking a nurturing, child-centred, research and evidence-based education that helps to develop confident, resilient, creative, collaborative, responsible and respectful children capable of thriving in our ever-changing world. The School's educational philosophy follows the general principles of social constructivism and the Reggio Emilia approach to learning;

(2) The Association will achieve these objectives whilst upholding the rights-

(a)Of the child to participate in a safe learning environment which promotes mutual respect, shared learning, reflectivity, creativity, imagination and problem solving and participation in the life of the community and natural world around them;

(b)Of the child to participate in a learning environment that nurtures their continual intellectual, social emotional, physical and spiritual wellbeing;

(c)Of the parents/guardians to participate in the learning journey of their child and in the School as a learning community;

(d)Of the staff to participate as a learning community in regular professional development; and

(e)Of the staff to document learning encounters for the purpose of making learning visible to the child, parent and community.

The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members except in good faith in the promotion of those objects or purposes.

4. Powers of Association

The Association-

(1) The Association may do all things necessary or convenient for carrying out its objects and purposes, and in particular may —

(a)acquire, hold, deal with, and dispose of any real or personal property; and

(b)open and operate bank accounts; and

(c)invest its money —

(i)as trust funds may be invested under the Trustees Act 1962 Part III; or

(ii)in any other manner authorised by the rules of the Association; and

(d)borrow money upon such terms and conditions as the Association thinks fit; and

(e)give such security for the discharge of liabilities incurred by the Association as the Association thinks fit; and

(f)appoint agents to transact any business of the Association on its behalf; and

(g)enter into any other contract it considers necessary or desirable.

(2) The Association may, unless these rules otherwise provide, act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene the Act or the rules of the Association.

5. Qualifications for membership of Association

(1) All parents or legal guardians of a child enrolled in the School and all salaried staff members are qualified for membership of the Association. It is a condition of enrolment of each child that at least one such parent or guardian consents to their name being entered into the register of Members.

(2) Members have the right to attend in person and vote at general meetings, and to nominate for and be elected to a position on the Board and such other rights as may be granted to them by these rules.

6. Register of members of Association

(1) The Secretary, or another person authorised by the Board, is responsible for the requirements imposed on the Association under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the Association.

(2) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the class of membership (if applicable) to which each member belongs and the date on which each member becomes a member.

(3) The register of members must be kept at the School, or at another place determined by the Board.

(4) A member who wishes to inspect the register of members must contact the Secretary to make the necessary arrangements.

(5) If —

(a)a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or

(b)a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,

the Board may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Association.

7. Membership fees

The membership fees are payable by the member.

(1) A member whose membership fees or School fees are not paid within 90 calendar days of the fee falling due ceases, on the expiry of that period, to have membership rights, unless the Board decides otherwise. A member with no membership rights continues to have all relevant responsibilities attendant upon membership, but may not vote at any meeting of members or hold a position on the Board.

(2) There are no membership fees for staff or complimentary Board members unless they have children attending the School, in which case, they will have to continue to pay School fees.

8. Termination of membership

Membership of the Association may be terminated upon-

(a)receipt by the Secretary or another Board member of a notice in writing from a member of their resignation from the Association, or a member ceases to be either a parent/legal guardian of an enrolled child, or a member ceases to be a salaried staff member. Such person remains liable to pay to the Association the amount of any membership fees or School fees due and payable by that person to the Association but are unpaid at the date of termination. The amount owed may be recovered by the Association in a court of competent jurisdiction as a debt due to the Association; or

(b)when the person dies or otherwise ceases to qualify to be a member

(c)The rights of a member are not transferable and end when membership ceases.

9. Suspension of membership rights

(1) The Board may decide to suspend a member's membership rights if —

(a)the member contravenes any of these rules; or

(b)the member acts detrimentally to the interests of the Association.

(2) The Secretary must give the member written notice of the proposed suspension at least 28 days before the Board meeting at which the proposal is to be considered by the Board.

(3) The notice given to the member must state —

(a)when and where the Board meeting is to be held; and

(b)the grounds on which the proposed suspension is based; and

(c)that the member, or the member'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 Board about the proposed suspension or expulsion;

(4) At the Board meeting, the Board must —

(a)give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the Board about the proposed suspension; and

(b)give due consideration to any submissions so made; and

(c)decide —

(i)whether or not to suspend the member's rights and, if the decision is to suspend the membership rights, the period of suspension.

(5) A decision of the Board to suspend the member's rights takes immediate effect.

(6) The Board must give the member written notice of the Board's decision, and the reasons for the decision, within 7 days after the Board meeting at which the decision is made.

(7) A member whose membership rights are suspended may, within 14 days after receiving notice of the Board's decision under sub-rule (6), give written notice to the Secretary requesting the appointment of a mediator under rule 27.

(8) If notice is given under sub-rule (7), the member who gives the notice and the Board are the parties to the mediation

(9) During the period a member's membership rights are suspended, the member —

(a)loses any rights (including voting rights) arising as a result of membership; and

(b)is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association; and

(c)loses any rights to hold a position on the Board or nominate, be elected or appointed for any such position.

(10) When a member's membership rights are suspended, the Secretary must record in the register of members —

(a)that the member's membership is suspended;

(b)and the date on which the suspension takes effect;

(c)and the period of the suspension.

(11) When the period of the suspension ends, the Secretary must record in the register of members that the member's membership rights are no longer suspended.

10. Board

(1) A person may be a governing body member if the person is —

(a)an individual who has reached 18 years of age;

(b)a member of the Association (excluding Complimentary Members); and

(c)not excluded from eligibility to be a member of a governing body as identified in section 39 of the Act

(d)a Complimentary Board member as per sub rule 2(d).

(2) The Board shall consist of –

(a)Five Parent/Guardian members (who may also be staff members) of the Association

(i) a Chairperson;
(ii) a Deputy-Chairperson;
(iii) a Secretary;
(iv) a Treasurer; and
(v) an Ordinary Board member

(b)Two Ex Officio members of staff being

(i) The School Principal;
(ii) The Pedagogista

(c)A member elected from amongst the salaried staff.

(d)up to 2 complimentary members who are also not parents or legal guardians or employed by the School in another capacity.

(3) How members become Board members –

(a)Parent/Guardian and Staff members must be elected to membership of the Board at a general meeting or appointed under sub-rule 10(7).

(b)At the annual general meeting, a separate election must be held for each vacant position of office holder and one ordinary member of the Board.

(c)If only one member has nominated for a position, the Chairperson of the meeting must declare the member elected to the position.

(d)The Principal of the School and the Pedagogista are ex-officio members of the Board.

(e)Any other person who actively supports the objects of the Association and agrees to be bound by its rules may, by resolution of the Board, be invited to take up a Complimentary Board Member position for a specified term. A Complimentary Board member will have full voting rights at Board meetings, but will have no voting rights at any meeting of members. Complimentary Board Members do not have to be a member of the Association.

(4) Term of Office –

(a)Subject to rule 10 (8), a Parent/Guardian or Staff Board member's term will be until the second AGM after their election (approx. 2 years) at an annual general meeting or general meeting. Board members are eligible for re-election.

(b)A Complimentary Board member's term is for the duration specified by the Board on appointment. The Board may by resolution cancel the complimentary Board membership at any time.

(5) Nomination of Board members –

(a)At least 21 days before an annual general meeting, the Secretary must send written notice to all the members —

(i) calling for nominations for election to the Board; and

(ii) stating the date by which nominations must be received by the Secretary or nominated representative to comply with sub-rule (4)(b).

(b)A member who wishes to be considered for election to the Board at the annual general meeting must nominate for election by sending a completed written notice of the nomination, completed in accordance with a form approved by the Board, to the Secretary or nominated representative at least 7 days before the annual general meeting.

(c)The written notice must include a statement by another member in support of the nomination.

(d)A member whose nomination does not comply with this rule is not eligible for election to the Board unless the member is nominated under rule 10 (8).

(e)A person who is eligible for election or re-election under rule 10 (5) may vote for themselves.

(6) If 5 people or less are nominated to fill places pursuant to rule 10(2)(a) and in accordance with rule 10(5)

(a)the Secretary must report accordingly to; and

(b)the Chairperson must declare those persons to be duly elected as members of the Board at,
the annual general meeting
concerned.

(7) If, after the declaration under rule 10 (6), there are less than 5 appointments to the Board filling vacancies pursuant to rule 10 (2)(a) additional nominations of Board members may be accepted from the floor of the annual general meeting. If such nominations from the floor do not exceed the number of vacancies the Chairperson must, subject to rule 10(1) and (2), declare those persons to be duly elected as members of the Board. Where the number of nominations from the floor exceeds the remaining number of vacancies on the Board, elections for those positions must be conducted.

(8) If a vacancy, other than pursuant to rule 10 (2)(d), remains on the Board after the application of rule 10 (7), or when a casual vacancy within the meaning of rule 17 occurs in the membership of the Board-

(a)The Secretary or Chairperson must call for nominations to fill that casual vacancy within 28 days of the vacancy arising should the Board choose to fill the vacancy;

(b)Nominations must be received within 21 days of the call for nominations being made;

(c)If there are no nominations, another call for nominations shall be made within 7 days, and there shall again be 21 days for members to nominate themselves.

(d)If, after the application of rule 10 (8)(c), there remains insufficient nominations, the Board may resolve to appoint a member to fill the casual vacancy.

(e)a member appointed under this sub-rule will, subject to rule 18, - (i)hold office until the election referred to in rule 10 (3); and
(ii)be eligible for election to membership of the Board, at the next following general meeting

(9) The Board may delegate, in writing, to one (1) or more sub-committees (consisting of such member or members of the Association as the Board thinks fit) the exercise of such functions of the Board as are specified in the delegation other than-

(a)the power of delegation; and

(b)a function which is a duty imposed on the Board by the Act or any other law.

(10) Any delegation under rule 10 (9) may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Board may continue to exercise any function delegated.

(11) The Board may at any time, in writing, revoke wholly or in part any delegation under rule 10 (9).

(12) Termination of Board Member's appointment

(a)Members of the Association may by ordinary resolution passed at a general meeting remove any Board member. Members removed pursuant to this process are not eligible to be appointed to the Board for 5 calendar years from the date of removal. The processes of nomination and election in sub-rules 10 (6), (7) and (8) would then apply.

(b)At a Board meeting of which not less than fourteen days' notice setting out the purpose of the meeting and the resolution proposal to be put, has been given to each Board member, it is resolved by a majority of not less than seventy-five (75) per cent of the Board Members present, to terminate the appointment of a Board member.

(13) Board members are to conduct themselves in a manner consistent with sections 44, 45, 46 and 47 of the Act.

11. Chairperson and Deputy-Chairperson

(1) It is the duty of the Chairperson to consult with the Principal and Secretary regarding the business to be conducted at each Board meeting and general meeting.

(2) The Chairperson has the powers and duties relating to convening and presiding at Board meetings and presiding at general meetings provided for in these rules.

(3) In the event of the absence from a Board or general meeting of-

(a)the Chairperson, the Deputy-Chairperson will conduct the business of the Association as described in sub rule (2); or

(b)both the Chairperson and the Deputy-Chairperson, a Board member elected by the other Board members present at the Board or general meeting, must preside at the meeting.

12. Secretary

The Secretary has the following duties —

(1) dealing with the Association's correspondence;

(2) consulting with the Chairperson regarding the business to be conducted at each Board meeting and general meeting;

(3) preparing the notices required for meetings and for the business to be conducted at meetings;

(4) unless another member is authorised by the Board to do so, maintaining on behalf of the Association the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Act;

(5) maintaining on behalf of the Association an up-to-date copy of these rules, as required under section 35(1) of the Act;

(6) unless another member is authorised by the Board to do so, maintaining on behalf of the Association a record of Board members and other persons authorised to act on behalf of the Association, as required under section 58(2) of the Act;

(7) ensuring the safe custody of the books of the Association, other than the financial records, financial statements and financial reports, as applicable to the Association;

(8) maintaining full and accurate minutes of Board meetings and general meetings as per rules 21 (1) and 21 (2) and any circular resolutions;

(9) carrying out any other duty given to the Secretary under these rules or by the Board.

13. Treasurer

The Treasurer has the following duties —

(1) The Treasurer liaises between management (through the Business Manager) and the Board. The Treasurer provides oversight to ensure that the Business Manager complies with Policies and Procedures established for the receipt and disbursement of funds received by the Association.

(2) The Treasurer sits on any finance sub-committee that may be formed from time to time.

(3) The Treasurer is responsible for oversight of Part 5 of the Act

(4) if the Association is a tier 1 Association, coordinating the preparation of the Association's financial statements before their submission to the Association's annual general meeting;

(5) if the Association is a tier 2 Association or tier 3 Association, coordinating the preparation of the Association's financial report before its submission to the Association's annual general meeting;

(6) providing any assistance required by an auditor or reviewer conducting an audit or review of the Association's financial statements or financial report under Part 5 Division 5 of the Act;

(7) carrying out any other duty given to the Treasurer under these rules or by the Board.

14. Functions of the Principal

The Principal –

(1) is responsible for the day to day management of the School;

(2) is answerable to the Board for providing educational leadership in the School, the day to day running of the School and for other general responsibilities associated with running a School;

(3) must:

(a)implement the educational plans, School policies and strategic plan for the School;

(b)provide accurate timely reports, information and advice relevant to the Board's accountabilities and functions as and when required;

(c)provide an up to date report of the School's financial position at each Board meeting;

(d)report on learning, care, training and participation outcomes;

(e)supervise and promote the development of staff employed by the Association;

(f)assume responsibility for the financial, physical and human resource management of the School; and

(g)consult with the Chairperson and Secretary to contribute to the formulation of the agenda of Board meetings;

(4) is an ex-officio member of the Board with voting rights;

(5) is responsible for the recruitment, engagement, performance management, pastoral care and professional development, disciplining and dismissal of all School staff and volunteers;

(6) must operate the School budget within the constraints set from time to time by the Board;

(7) will ensure the School facilities are maintained in good order; and

(8) will promptly report all critical incidents to the Chairperson of the Board and to the Department of Education within the timeframe required by the Department of Education.

15. Powers and Functions of the Board

(1) The Board members are the persons who, as the Board of the Association, have the power to manage the affairs of the Association. The Board may exercise all the functions that may be exercised by the Association, other than those functions that are required by these rules to be exercised by a general meeting of members of the Association.

(2) Subject to the Act, these rules, the by-laws (if any) and any resolution passed at a general meeting, the Board has power to do all things necessary or convenient to be done for the proper management of the affairs of the Association.

(3) The Board may adopt a Governance Charter to assist Board members in fulfilling their obligations and duties as officers of the Association and, with the orderly conduct of business at Board meetings.

(4) The Board must take all reasonable steps to ensure that the Association complies with the Act, these rules and the by-laws (if any).

(5) The Board is accountable for:

(a)the development and monitoring the implementation and performance of a strategic plan for the School;

(b)ensuring the development and monitoring the implementation and performance of effective processes for planning and achieving improvements in student learning;

(c)the regular and ongoing risk assessment of the level of care provided in the School in terms of student safety, welfare and wellbeing;

(d)maintaining a satisfactory standard of education and level of care for students;

(e)the quality of the educational programs of the School;

(f)determining the application of the total financial resources available to the School including the regular review of the budget;

(g)risk management of the School; (e.g. financial, operational, reputational, student welfare and wellbeing);

(h)legal compliance by the School; and

(i)ensuring that the policies of the School including policies for the safety, welfare and discipline of students are developed and enforced;

(6) The Board is responsible for the employment, performance management and dismissal of the Principal. The Board Chairperson is responsible for the performance review of the Principal. The Chairperson may elect to delegate the performance review of the Principal to a third party who is not a member of staff.

(7) The Board is required to:

(a)engage in professional learning.

(b)conduct an annual review of its own performance against strategic objectives.

(c)adhere to the spirit and letter of the BPCS Board Code of Conduct and govern in the best interests of the Association.

(8) The Board will ensure that the accounts of the School are audited by a registered accountant qualified to audit such accounts and the auditor's report is made available to the Association at the annual general meeting.

(9) As per Part 4, s41 of the Act, all Board members who leave the Board for whatever reason must deliver to a Board member all relevant documents or records or, in the case of relevant documents and records that are stored on a computer a copy of all such documents and records, relating to the Association.

16. Board member' access to documents

(1) Subject to this clause, a Board member has a right of access to the records of the Association at all reasonable times.

(2) If the Board agrees, the Association must give a Board member or former Board member access to:

(a)Association documents and records, including documents provided for or available to the Board members, and

(b)any other documents referred to in those documents.

(3) The Board member must not disclose or use for any improper purpose any document or record accessed.

(4) A former Board member seeking access to Association documents or records will be required to sign a confidentiality undertaking before access is given.

17. Casual vacancies in membership of Board

(1) A casual vacancy occurs in the office of a Board member and that office becomes vacant if the Board member-

(a)dies;

(b)resigns by notice in writing delivered to the Chairperson or, if the Board member is the Chairperson, to the Deputy-Chairperson;

(c)is convicted of an offence under the Act;

(d)is permanently incapacitated by mental or physical ill-health, for a period exceeding six (6) consecutive months;

(e)is absent from more than-

(i)three (3) consecutive Board meetings; or

(ii)three (3) Board meetings in the same financial year without tendering an apology to the person presiding at each of those Board meetings; of which meetings the member received notice, and the Board has resolved to declare the office vacant;

(f)ceases to be a member of the Association; or

(g)is the subject of a resolution passed by a general meeting of members terminating their appointment as a Board member.

(2) Subject to the requirement for a quorum under rule 18 (4) (a), the Board may continue to act despite any vacancy in its membership.

(3) The Board can appoint a Casual Vacancy in the absence of a quorum.

(4) The person appointed to fill a Casual Vacancy:

(a)must be a member; and
(b)will have no voting rights at Board meetings.

(5) There is no obligation on the Board to fill a Casual Vacancy.

18. Proceedings of Board

(1) The Board must meet together for the dispatch of business not less than twice per school term and the Chairperson may at any time convene a meeting of the Board.

(2) Each Board member excluding those filling casual vacancies pursuant to Rule 10(8) has a deliberative vote.

(3) A question arising at a Board meeting must be decided by a majority of votes cast on a show of hands, but, if there is no majority, the person presiding at the Board meeting will have a casting vote in addition to their deliberative vote.

(4) At a Board meeting: -

(a)Five (5) or two-thirds (2/3), whichever is greater, of the Board members constitute a quorum. If within 30 minutes of the time appointed for the meeting, a quorum is not present the meeting will be adjourned to another time.

(b)The presence of a member at a Board meeting need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.

(c)A member who participates in a Board meeting as allowed under sub-rule (4) (b) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

(5) Subject to these rules and the Act, the procedure and order of business to be followed at a Board meeting must be determined by the Board members present at the Board meeting.

(6) Written Resolution of the Board

(1)The Board members may pass a resolution without a Board meeting being held if a majority of the Board members entitled to vote on the resolution sign a statement that they are in favour of the resolution. Provided that the Board members must be given a written copy of the proposed resolution.

(2)For the purposes of rule 1 above:

(a)separate copies of a document containing a statement may be used for signing by the Board members if the wording of the resolution and the statement are identical; and

(b)a facsimile, an email or an electronic transmission may be used.

(3)At the next Board meeting the resolution must be put to the Board members for ratification and minuting.

(7) Conflicts of interest shall be dealt with according to ss42-43 of the Act.

(8) A Board member having any material personal interest in a matter being considered by the Board or at a Board Meeting must:

(a)as soon as they become aware of that interest, disclose the nature and extent of their interest to the Board;

(b)not be involved in deliberations about the matter;

(c)not be present when the Board votes on the matter; and

(d)disclose the nature and extent of the interest at the next general meeting of the Association.

(9) The Secretary must cause every disclosure made under this rule by a Board member to be recorded in the minutes of the meeting of the Board at which it is made.

19. General meetings

(1) The Board-

(a)must convene annual general meetings within 6 months after the end of the Association's financial year;

(b)may at any time resolve to convene a general meeting; and

(c)must, within 30 days of receiving a request in writing to do so from 20% of members, convene a general meeting for the purpose specified in that request.

(2) The members making a request referred to in sub-rule 19 (1)(c) must-

(a)state in that request the purpose for which the general meeting concerned is required; and

(b)provide in writing any resolution that is to be put at the meeting; and

(c)sign that request.

(3) If a general meeting is not convened within the relevant period of 30 days referred to-

(a)in sub-rule 19 (1)(c), the members who made the request concerned may themselves convene a general meeting as if they were the Board; or

(b)in sub-rule 19 (1)(c), the member who gave the notice concerned may themselves convene a general meeting as if they were the Board.

(c)the general meeting must be held within three months after the date the original request was made and must only consider business or resolutions stated in the original request.

(4) When a general meeting is convened under sub-rule 19 (3) the Association must pay the reasonable expenses of convening and holding the special general meeting.

(5) Subject to sub-rule 19 (6), the Board must give to all members not less than 21 days' notice of a general meeting and that notice must specify-

(a)when and where the general meeting concerned is to be held; and

(b)particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.

(6) A special resolution may be moved either at a general meeting or at an annual general meeting, however the Board must give to all members not less than 21 days' notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in sub-rule 19 (5) as relevant, the notice must also include the wording of the resolution to be proposed at the meeting and the intention to propose the resolution as a special resolution.

(7) A special resolution (including an alteration to these Rules) is passed if not less than 75% of the members present at the meeting, cast an eligible vote in favour of the resolution.

(8) Alterations to the rules only take effect when accepted by the Department of Commerce WA.

(9) The Board must give a notice under sub-rule 19 (5) or 19 (6) by-

(a)serving it on a member personally; or

(b)sending it by post or email address to a member at the address of the member appearing in the register of members kept and maintained under rule 6.

(10) When a notice is sent by post under sub-rule 19 (9)(b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail, or emailed to that member.

20. Quorum and proceedings at general meetings

(1) At a general meeting 20 percent of members, or 40 members whichever is the lesser number present in person constitute a quorum.

(2) If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 19 (5) –

(a) as a result of a request or notice referred to in rule 19 (1)(c) or as a result of action taken under rule 19 (3) a quorum is not present, the general meeting lapses; or

(b) otherwise than as a result of a request, notice or action referred to in sub-rule 20 (2)(a), the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.

(3) If within 30 minutes of the time appointed by sub-rule 20 (2)(b) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person may nevertheless proceed with the business of that general meeting as if a quorum were present.

(4) The Chairperson may, with the consent of a general meeting at which a quorum is present, and must, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.

(5) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

(6) When a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice under rule 19 of the adjourned general meeting as if that general meeting were a fresh general meeting.

(7) At a general meeting

(a)an ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to sub-rule 20 (9); and

(b)a special resolution put to the vote will be decided in accordance with section 51 of the Act as defined in Rule 2, and, if a poll is demanded, in accordance with subrules 20 (9) and 20 (11).

(8) A declaration by the Chairperson at a general meeting that a resolution has been passed as an ordinary or special resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule 20

(9) At a general meeting, a poll may be demanded by the Chairperson or by five (5) or more members present in person and, if so demanded, must be taken in such manner as the Chairperson directs.

(10) If a poll is demanded and taken under sub-rule 20 (9) in respect of an ordinary or special resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.

(11) A poll demanded under sub-rule 20 (9) may be taken immediately on that demand being made or may be taken after any other resolutions have been put forward.

(12) The ordinary business of the annual general meeting is as follows —

(a)to confirm the minutes of the previous annual general meeting and of any special general meeting held since then if the minutes of that meeting have not yet been confirmed;

(b)to receive and consider —

- the Board's annual report on the Association's activities during the preceding financial year; and
- if the Association is a tier 1 Association, the financial statements of the Association for the preceding financial year presented under Part 5 of the Act; and
- if the Association is a tier 2 Association or a tier 3 Association, the financial report of the Association for the preceding financial year presented under Part 5 of the Act;
- if required to be presented for consideration under Part 5 of the Act, a copy of the report of the review or auditor's report on the financial statements or financial report;

(c)to elect the office holders of the Association and other Board members;

(d)if applicable, to appoint or remove a reviewer or auditor of the Association in accordance with the Act;

(e)any other business of which notice has been given in accordance with these rules may be conducted at the annual general meeting.

21. Minutes of meetings of Association

(1) The Secretary must cause proper minutes of all proceedings of all general meetings and Board meetings to be taken and then to be entered within fourteen (14) days after the holding of each general meeting or Board meeting, as the case requires, in a minute book kept for that purpose.

(2) The Secretary must ensure that the minutes taken of a general meeting or Board meeting under rule 21 (1) are checked and signed as correct by the Chairperson of the general meeting or Board meeting to which those minutes relate or by the Chairperson of the next succeeding general meeting or Board meeting, as the case requires.

(3) When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that-

(a)the general meeting or Board meeting to which they relate (in this sub-rule called "the meeting") was duly convened and held;

(b)all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and

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

22. Voting rights of members of Association

(1) Subject to these rules,

(a)each member present in person at a general meeting is entitled to a deliberative vote.

(b)Staff who are also parents/guardians are entitled to one vote only.

(c)Complimentary Board Members do not have any voting rights at any meetings of members, including the annual general meeting, general meetings and special general meetings. Complimentary Board Members only have voting rights at Board meetings.

(2) A member whose membership fee or School fees are not paid within 90 calendar days of the fee falling due ceases, on the expiry of that period, to have voting rights.

(3) No proxy, postal or absentee votes will be accepted.

23. Rules of Association

(1) The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 30, 31 and 33 of the Act.

(2) These rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.

24. Indemnity

Subject to clause 24 (b), to the maximum extent permitted by law, the Association indemnifies each Board member of the Association against all losses and liabilities (including costs, expenses and charges) incurred by that person in the proper performance of their duties and obligations as a Board member of the Association.

(a)The Board member is not indemnified by the Association:

(i)For a liability owed to the Association which arises from the Board member acting negligently, in bad faith or contrary to their duties and obligations as a Board member;

(ii)For a liability owed to someone other than the Association which arises from the Board member acting negligently, in bad faith or contrary to their duties and obligations as a Board member.

(b)The indemnity is a continuing obligation and is enforceable by a Board member even though that person is no longer an officer of the Association.

25.

Insurance

To the extent that such insurance is available at reasonable commercial rates, the Association must arrange and maintain suitable directors and officer insurance with a reputable insurer authorised under the *Insurance Act 1973 (Cth)*, covering the Board members.

26. Common seal of Association

(1) The Association may have a common seal on which its corporate name appears in legible characters.

(2) The common seal of the Association must not be used without the express authority of the Board and every use of that common seal must be recorded in the minute book referred to in rule 21.

(3) The affixing of the common seal of the Association must be witnessed by any two (2) of the Chairperson, the Secretary and the Treasurer.

(4) The common seal of the Association must be kept in the custody of the Secretary or of such other person as the Board from time to time decides.

27. Inspection of records, etc. of Association

Members (excluding Board members) do not have the right to inspect the books, records and securities of the Association, other than the register of members, rules of the Association and record of office holders with their full names and email addresses, and documents made available on the School's website.

28. Dispute Resolution

The procedure set out in this rule (the grievance procedure) applies to disputes —

(a)between members; or

(b)between one or more members and the Association.

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

How grievance procedure is started

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required, any party to the dispute may start the grievance procedure by giving written notice to the Secretary of —

(a)the parties to the dispute; and

(b)the matters that are the subject of the dispute.

(2) Within 28 days after the Secretary is given the notice, a Board meeting must be convened to consider and determine the dispute.

(3) The Secretary must give each party to the dispute written notice of the Board meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.

(4) The notice given to each party to the dispute must state — (a)when and where the Board meeting is to be held; and

(b)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 Board about the dispute.

(5) If —

(a)the dispute is between one or more members and the Association; and

(b)any party to the dispute gives written notice to the Secretary stating that the party

(i) does not agree to the dispute being determined by the Board; and
(ii) requests the appointment of a mediator under rule 30,

the Board must not determine the dispute.

29. Determination of Dispute by Board

(1) At the Board meeting at which a dispute is to be considered and determined, the Board must —

(a)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 Board about the dispute; and

(b)give due consideration to any submissions so made; and

(c)determine the dispute.

(2) The Board must give each party to the dispute written notice of the Board's determination, and the reasons for the determination, within 7 days after the Board meeting at which the determination is made.

(3) A party to the dispute may, within 14 days after receiving notice of the Board's determination under sub-rule (1)(c), give written notice to the Secretary requesting the appointment of a mediator under rule 30.

(4) If notice is given under sub-rule (3), each party to the dispute is a party to the mediation.

30. Appointment of Mediator

(1) This Division applies if written notice has been given to the Secretary requesting the appointment of a mediator —

(a)by a member under rule 9 (7); or

(b)by a party to a dispute under rule 28 (5)(b)(ii) or 29 (3).

(2) If this Division applies, a mediator must be chosen or appointed under this rule.

(3) The mediator must be a person chosen —

(a)if the appointment of a mediator was requested by a member under rule 9(7) — by agreement between the Member and the Board; or

(b)if the appointment of a mediator was requested by a party to a dispute under rule 28 (5)(b)(ii) or 29 (3) — by agreement between the parties to the dispute.

(4) If there is no agreement for the purposes of sub-rule (1)(a) or (b), then, subject to subrules (5) and (6), the Board must appoint the mediator.

(5) The person appointed as mediator by the Board 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 —
(a)a member under rule 9(7); or
(b)a party to a dispute under rule 28 (5)(b)(ii); or

(c)a party to a dispute under rule 29 (3) and the dispute is between one or more members and the Association.

(6) The person appointed as mediator by the Board may be a member or former member of the Association but must not —

(a)have a personal interest in the matter that is the subject of the mediation; or

(b)be biased in favour of or against any party to the mediation.

31. Mediation Process

(1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.

(2) 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.

(3) In conducting the mediation, the mediator must —

(a)give each party to the mediation every opportunity to be heard; and

(b)allow each party to the mediation to give due consideration to any written statement given by another party; and

(c)ensure that natural justice is given to the parties to the mediation throughout the mediation process.

(4) The mediator cannot determine the matter that is the subject of the mediation.

(5) 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.

(6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

If mediation results in decision to suspend or expel being revoked

If -

(a)mediation takes place because a member whose membership is suspended or who is expelled from the Association gives notice under rule 9(7); and

(b)as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,

that revocation does not affect the validity of any decision made at a Board meeting or general meeting during the period of suspension or expulsion.

32. Publication by Board members of statements about Association business prohibited

A Board member must not publish, by any written form of communication as well as speech, or cause to be published by any written form of communication as well as speech, any statement about the business conducted by the Association at a general meeting or Board meeting unless —

(a)the Board member has been authorised to do so at a Board meeting; and

(b)the authority given to the Board member has been recorded in the minutes of the Board meeting at which it was given.

33. Distribution of surplus property on winding up of Association

If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another Association incorporated under the Act which has similar objects, and which is not carried out for the purposes of profit or gain to its individual members, and which Association shall be determined by resolution of the members.

2024 – 2027 STRATEGIC PLAN

STRATEGIC PRIORITY 1

Child at the Centre

Goal 1

WE SUPPORT THE DEVELOPMENT OF THE 'WHOLE CHILD'

We prioritise the development of the whole-child through a lived culture of mutual respect promoting equally academic, physical, social and emotional wellbeing.

Goal 2

OUR STUDENTS ARE ENGAGED AND HAVE AGENCY IN THEIR LEARNING

We empower and create an environment where students have agency to collaborate, set goals, contribute ideas, follow passions and influence their learning journey together.

Goal 3

OUR STUDENTS ARE AMBASSADORS

We view our students as capable and provide opportunities for them to be active, contributing ambassadors who influence the wider community in voice and through their actions.

BE BOLD

STRATEGIC PRIORITY 2

Philosophy in Practice

Goal 1

WE EMBED PRACTICES OF REFLECTION, PERSONAL GOALS AND SELF-ASSESSMENT

We support the voice and engaged learning of children and young people through our embedded practices; encouraging connection and collaboration across our school communities and engaging and sharing our lived practice with families.

Goal 2

WE MAKE VISIBLE OUR WHOLE SCHOOL PRACTICE

We celebrate and make visible the deep learning that occurs through Projects, Play, the Arts and the value of 'place' through our porous boundaries and engagement with Nature; targeting teacher development that brings world best practice to our Bold world.

Goal 3

WE ARE FURTHERING THE REACH AND INFLUENCE OF OUR VOICE IN EDUCATION

We intentionally seek new ways to share our stories and our philosophical approach, challenging the status quo of conventional education models and practices; endeavouring to advocate for the best interests of children in the worlds of education.

BE BRAVE

STRATEGIC PRIORITY 3

A Connected, Caring & Informed Community

Goal 1

WE EMBRACE DIVERSITY AND THE VALUE IT BRINGS TO OUR COMMUNITY

We enable all members of our community to value diversity through awareness, acceptance and advocacy; actioned through our lived Reconciliation Plan, Mutual Respect and reflected in our policies and practices.

Goal 2

WE PROMOTE AND PROTECT OUR UNIQUE AND RICH CULTURAL IDENTITY

We acknowledge and treasure those who have laid the foundations for future; the Indigenous heritage of our land, Our School Founder, School Alumni and our School's Patron and those who champion our values and voice.

Goal 3

WE ACTIVELY ENGAGE WITH SUSTAINABLE INITIATIVES IN OUR NATURAL WORLD

We articulate our Sustainability Actions in partnership with our community and actively seek to engage with like-minded partners who foster and support our sustainable goals and initiatives.

BELONG

STRATEGIC PRIORITY 4

Strength of Resource

Goal 1

WE PROMOTE THE VALUE OF INVESTING IN A BPCS EDUCATION

We increase channels for both new and returning families to interact with BPCS; we acknowledge and support staff well-being and workload, along with rewards for their contributions; and we energetically promote approaches for our learning area programs.

Goal 2

WE EXPLORE, PURSUE AND RESPOND TO OPPORTUNITIES AND CHALLENGES

We investigate fresh avenues for expansion; and seek enhancements, upgrades, and advancements for facilities and technology.

Goal 3

WE ARE RESPONSIVE IN THE MANAGEMENT OF OUR FINANCIAL RESOURCES

We sustainably manage the organisation's finances to allocate resources towards new endeavours while ensuring long-term viability; and continue efforts to explore diverse external fundraising and grant acquisition strategies.

VISION

A BPCS education evolves self-confident, self-aware and socially responsible citizens.

PURPOSE

We reimagine what a school can be, by cultivating a community of learners who positively influence their worlds.

BE BOLD · BE BRAVE · BELONG

BoldPark COMMUNITY SCHOOL

www.BOLDPARK.com