

General P&C Questions

Meetings

Question: Do the minutes of the P&C Meeting have to be circulated to all of the financial and *ex officio* members?

Answer: Yes, all financial members and *ex officio* members of the P&C must be given the opportunity to read the minutes of a General or Executive Committee Meeting prior to the meeting at which they are to be adopted. The P&C should decide on the method of distributing the minutes. This can be by post to each financial and *ex officio* member, via the school newsletter, hand delivered, or pinned on the school noticeboard.

Question: Do you have to provide minutes of a P&C Meeting at which a quorum was not present?

Answer: The Chairperson should establish that there is a quorum present at a General or an Executive Committee Meeting of the P&C prior to the meeting commencing. It is a bit disappointing for those financial and *ex officio* members who have turned up only to find that a meeting cannot go ahead because there isn't a quorum.

There are two things that can be done when this happens. The first option is that once it has been established that there are not sufficient financial members present to hold a General P&C Meeting and the required quorum of 5 of the elected Executive Committee members is present, then the President can declare to those present that the meeting becomes an Executive Committee Meeting. In this instance common sense must prevail, it would be unwise to send those present home when it is possible to hold an Executive Committee Meeting. This is possible even though it has not been advertised as an Executive Committee Meeting as all members will have been given 7 days notice of the General Meeting. It must be remembered that members of the Executive Committee are firstly financial members of the P&C and secondly Office Bearers and Executive Committee members.

Those financial members present who are not Executive Committee members may participate in the meeting but may not vote. The P&C Constitution allows for the Executive Committee to manage the affairs and finances of the P&C when a P&C General Meeting is not in session (P&C Constitution Rule 9.1). The Executive Committee must provide minutes of this meeting to the next General Meeting of the P&C for adoption/ratification of any decisions made. A quorum must be present at the next General Meeting of the P&C in order to adopt these minutes.

The second option is for the President to seek approval from the financial members present to continue with the General Meeting of the P&C knowing that there is not a quorum present. The meeting may discuss the items of business on the agenda and make recommendations to the next General Meeting of the P&C. The meeting should not make decisions/resolutions to spend money etc. Minutes must be taken and tabled at the next General Meeting of the P&C for adoption/ratification. A quorum must be present at the next General Meeting of the P&C in order to adopt these minutes.

In some cases the Chairperson and P&C members may not have been aware of the constitutional requirement regarding a quorum for General Meetings

and, acting in good faith, continued with the meeting. If this happens and decision/resolutions have been made and carried out and the validity of the meeting is contested at a later meeting, it would be appropriate that all decisions/resolutions that have not been acted upon are “frozen” until a subsequent meeting of the P&C is held. This would include the accepting of resignations and filling vacant positions. However, actions that have been taken can generally not be undone.

It is not illegal to hold a meeting without a quorum being present but the members present must understand that they should not be making decisions or passing resolutions to spend money etc. Any financial or *ex officio* member may contest the validity of such a meeting on the ground that there was not a quorum present. The meeting cannot just be declared null and void because there was not a quorum present and therefore no minutes are required. This is not the case, only a General P&C Meeting can declare a meeting null and void. This is done by resolution eg “That the meeting of theP&C held on such and such a date is declared null and void as it was unconstitutional in that there was not a quorum present”. This cannot be done where decisions have been made and some of them have been carried out.

Once the minutes of the meeting at which a quorum was present have been adopted by a subsequent General Meeting of the P&C then these decisions/resolutions are “set in stone” the only way they can be removed from the minutes is by rescinding the resolutions.

Question: Do you have to be present at a P&C Meeting to vote?

Answer: Yes, the P&C Constitution Rule 18.1 states that financial and *ex officio* members present at a meeting are entitled to vote. Proxy voting is not mentioned in the Constitution.

Question: Is there a quorum for a General Meeting of the P&C Association?

Answer: Yes, at a General Meeting you must have ten (10) financial members present to hold the meeting for over 100 students. Five (5) financial members present for under 100 students. This does not include the Principal unless he/she has paid the membership fee to the P&C.

Question: Does a person have to be present at a P&C Meeting to nominate for a position on the P&C?

Answer: No, however it is important that a person nominating for a position on the P&C is present at the meeting. This enables the person to vote should an election be required for the position. If it is impossible for the person to attend the meeting then it is preferable that he/she indicates in writing to the President prior to the meeting that he/she is willing to accept a position should they be nominated and elected.

Question: Can the P&C insist that the Principal and teachers attend meetings and give reports?

Answer: No, the Principal is an *ex officio* member of the P&C and has the right to attend any meeting of the P&C if they wish. All teachers and the Principal may become voting members of the P&C if they join as financial members. Neither the Principal nor teachers are obliged to give reports at P&C Meetings.

Question: How can resolutions be rescinded?

Answer: A resolution can be rescinded in two ways either at the same meeting where it was passed or at a later meeting of the P&C.

To rescind a resolution at the same meeting:

A motion be put to the meeting, "That resolution be rescinded". For this motion to be passed it requires a two-thirds majority vote of the financial members present at the meeting.

To rescind a resolution at a later meeting:

The financial member wishing to rescind a resolution is required to give notice in writing to the President of the P&C, not less than seven (7) days prior to the next meeting of their intention to move to rescind. For this motion to be passed it would require a simple majority vote of financial members present at the meeting.

Question: What happens when the Chairperson loses control of a meeting?

Answer: It is important that the Chairperson maintains control of the meeting at all times. It is a good idea that the Chairperson and P&C members become familiar with the "Rules of Debate and Standing Orders" for P&C Associations. These can be found in the P&C Secretary's Guide, WACSSO Constitution and on the WACSSO website www.wacssso.wa.edu.au

Where there is a breach of standing orders the Chairperson may request the member to retract any offensive statement and may debar that member from taking part in debate until such time as the statement is retracted. The Chairperson has the power to close the meeting at any time.

The Rules of Debate explain how motions on the floor should be debated, eg speakers for and against, method of address at meetings and amending motions.

Question: The Principal is unable to attend a P&C Meeting and sends the deputy principal, who is not a P&C member, in his place. Can the deputy principal vote on recommendations put to the P&C?

Answer: No. The P&C Constitution does not allow for proxy voting. Voting is normally by show of hands, so a person must be present at a meeting to register a vote. The deputy principal would need to become a financial member of the P&C to be able to vote.

Question: How can the P&C prevent people from stacking meetings?

Answer: What does stacking a meeting mean? It usually involves a number of people attending a P&C Meeting and becoming members so that they can put a motion to the meeting and have the numbers to vote that motion through. Often, these people have had no prior contact with the P&C and do not attend again after they have forced through their motion. The P&C Constitution contains no provision to allow P&Cs to stop people from joining the P&C at any time they choose. This does, unfortunately, pave the way for less scrupulous people to stack meetings in an attempt to force issues through the P&C. There are a number of ways in which P&Cs can try to minimise the problem:

- Your P&C may decide to only take motions on notice ie members must give prior notice of issues they wish to discuss at a meeting.

- the Chairperson should ask at the beginning of the meeting if anyone present has any other items they wish to add to the agenda. This gives the Chairperson the opportunity to prioritise the agenda and everyone is forewarned of what will be discussed. If people do not take advantage of this and wait until the end of the meeting to bring up a topic, the Chairperson is well within their right to advise the person that this new piece of business will be carried over to the next meeting where it will become General Business. It also helps if your P&C has an advertised starting and finishing time for their meetings.
- Look very carefully at the motion that has been proposed. Often, in the case of contentious issues, the subject may be one that the P&C is legally unable to discuss.

Question: What can be discussed at a Special General Meeting of the P&C?

Answer: Formal notice (seven days) must be given for special General Meetings. The business to be discussed must be listed in the notice of the meeting. Members should be given every opportunity to be fully informed of the reasons for calling the meeting and of the background to the issues to be determined. Special General Meetings are seldom called unless an important item has arisen, and considerable care must be taken to ensure all legal requirements are met.

At the meeting itself, business will be limited to the items on the notice paper. If a substantial amendment is proposed, or if new business suddenly arises, it will be necessary to adjourn the meeting to allow absent members to be informed, or the meeting may agree to call another special meeting after the required period of notice.

Financial Matters

Question: Should the P&C pay accounts by cash?

Answer: No. Section 12.4 of the P&C Constitution states that all payments must be made by cheques.

Question: Does the P&C Treasurer have to give a receipt for money received?

Answer: Yes. The P&C Treasurer must issue a receipt for **all** money received including membership subscriptions, donations etc. It is important that the P&C adopts a standard process for all fundraising activities. This includes the procedure for collecting, counting and banking the money and the persons involved. Any large sums of money handed to the P&C Treasurer should be counted in front of the person handing over the money and a receipt given, even if it is for a fundraising event.

Question: Does the P&C Treasurer have to personally bank the money or can this be delegated to another person?

Answer: The P&C Treasurer is responsible for the safety of money received and should ensure that it is deposited with the bank as soon as possible after it is received. The responsibility for counting and banking the money from the canteen and the uniform shop can be delegated to another person. For this to happen the P&C Treasurer, the P&C Executive Committee or the relevant sub-committee, must identify this person and ensure that a process is in place, ie establish a job description for this task. If your P&C has insurance to cover money, check the terms of the policy as many stipulate that money must be banked on the next working day, or the cover is not valid. Try to avoid holding money on Friday when you are unable to get to the bank until Monday.

Question: The P&C Association has considerable reserves in the bank account. What should be done with the money?

Answer: It is sensible to maintain some funds for contingencies, particularly where the P&C Association operates a canteen and employs staff. However, it is not advisable to tie up large amounts of money "for a rainy day". Remember that parents contributing to the funds raised in any year will expect to see that money spent to the benefit of their children while they are attending the school.

It is good practice for the Treasurer, together with the P&C Executive, to prepare an annual budget based on expected income and proposed expenditure. This enables the Treasurer to review the P&C's activities in the light of current priorities by estimating the cost of projects versus likely income, and allows the Executive Committee to determine how much money needs to be set aside for contingencies.

Money that has been set aside to cover annual leave, sick leave and long service leave must not be used for any other purpose.

Question: Do P&C Associations need to have their books audited?

Answer: Yes. The Associations Incorporations Act 1987 requires that your books are audited each year before the AGM. The School Education Act 1999 Section 147 & P&C Constitution Rule 12.9 requires that the Principal of the school and WACSSO be given a copy of the audited annual financial statements of the P&C. The P&C Treasurer should ensure that the books of account of the P&C, including those where a sub-committee of the P&C has a separate account, eg Canteen sub-committee, Uniform shop, Pre-primary etc, should be audited at the same time by the same person.

Question: Can the school's auditors ask to view the P&Cs books?

Answer: The P&C Association's books of account (including those of sub-committees eg canteen) are not part of the school's financial record and are therefore not subject to audit by the school's auditors. However, the P&C must supply the Principal with a copy of the audited financial statement (School Education Act 1999 Section 147(b)) & P&C Constitution Rule 12.9.

Question: What is the correct use of P&C funds?

Answer: The School Education Act 1999 Section 143 (3) states that "an association is not to expend its funds that are in excess of administrative costs otherwise than for the benefit of students at a government school". This is also reflected in the P&C Constitution (Rule 4.1). WACSSO does not recommend P&C funds being used to purchase gifts or provide entertainment (dinners etc.) for teachers, volunteers, and P&C members.

Question: Can P&C money be used to fund social functions for P&C members?

Answer: WACSSO does not advise that P&C money be used to fund social functions for P&C members. As an incorporated association your P&C is governed by the rules of the *Associations Incorporation Act 1987* which states that "The property and income of the association shall be applied solely towards the promotion of the objects or purposes of the association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the association, except in good faith in the promotion of those objects or purposes". Also the *School Education Act 1999* clearly states that "An association is not to expend its funds that are in excess of administrative costs otherwise than for the benefit of students at a government school".

Question: Can the P&C Treasurer give a verbal financial report to the P&C Meeting?

Answer: P&Cs should ensure proper accountability of their financial affairs. WACSSO recommends that all financial reports be in writing and contain a statement of receipts and expenditure, up-to-date bank reconciliation statement and a copy of the relevant bank statements. This includes the P&C general account and, where relevant, reports from those sub-committees which handle money and have their own bank account, eg Canteen, Uniform.

Question: Can the P&C use a debt collecting agency to recoup money?

Answer: There is nothing to stop a P&C from using a debt collecting agency, although WACSSO would prefer that it didn't get to this stage. Before you take this step you need to look at the process you use when distributing fund raising items. If items are sent home without the parents consenting to accept them as part of a fund raising exercise then, in law, they may be seen to be an unsolicited gift and you may not have legal recourse to get them (or your money) back. If the parents have signed for them and agreed to take them knowing they are a fundraiser and must be paid for or returned unsold, then you do have the law on your side.

Remember, also, that debt collecting agencies charge up to 50% of the money they recoup. It may not be worthwhile taking this extreme step.

Question: Is it appropriate for a school to make an assumption of receiving funds from the P&C Association when compiling the school budget?

Answer: One of the objects of a P&C Association as stated in the *School Education Act 1999* is "to assist in the provision of resources, facilities and amenities for the school". However, this is not the only object of a P&C Association and many P&Cs do not undertake any fundraising at all. It is becoming increasingly difficult for all community-based organisations to recruit volunteers and raise funds. Any monies that a P&C donates to the school are a bonus, and it would be foolish to rely on this income as part of the budget process.

Question: Can the P&C use electronic chequing (Internet banking)?

Answer: Yes. WACSSO has determined that the process of electronic chequing (Internet Banking) satisfies the requirements of P&C Constitution Rule 12.4 & 12.5, provided there are two separate logons and passwords, and no individual person can make payments without the second authorisation. Those with logons and passwords must be authorised signatories as per Constitution rule 12.5.

Correspondence

Question: Does all correspondence of the P&C including letters from any of its sub-committees have to be signed by the President of the P&C?

Answer: It is important that the President of the P&C is aware of any correspondence being sent out in the name of the P&C. The P&C Constitution Rule 11.1 states that the P&C Secretary is responsible for all correspondence of the P&C. The President should sight and where possible sign all correspondence that goes out however the P&C Secretary is also able to sign letters on behalf the P&C. Conveners of sub-committees do not have the authority to write or sign letters on behalf of the P&C unless that authority has been delegated to them in the sub-committee's Terms of Reference. Where a P&C sub-committee wishes to send out correspondence these must be approved by a General or Executive Committee Meeting of the P&C and signed by either the President or Secretary.

Question: Should the P&C President write letters on behalf of the P&C without first obtaining the permission of the P&C?

Answer: Any correspondence signed by the P&C President in that capacity should be endorsed by a General or Executive Committee Meeting of the P&C. If the matter is of an urgent nature then an Executive Committee Meeting can be called to address the issue. This requires for 48 hours notice of meeting.

Question: Can the P&C President write and send letters on behalf of the P&C Association?

Answer: It is more usual for the P&C to direct the Secretary to write and send letters on behalf of the P&C, but the P&C may find that it has a Secretary who is happy to write the minutes but does not feel confident about putting together a letter to send to the Director-General of Education or the local Shire council, for example. In this case it is equally acceptable to direct the President to write the letter. A P&C President must be aware of the P&C activities and be able to take the initiative if a resolution of the P&C has not been carried out by an Office Bearer, especially if that lack of action could be detrimental to the P&C as a whole.

The P&C President must not send out letters in the name of the P&C that have not been authorised by the P&C in some way.

Question: Who should open the P&C mail?

Answer: The secretary should open all P&C mail, regardless of who it is addressed to unless it is marked 'Private and Confidential'. Examples of mail that would be marked 'Private and Confidential' could include employee information or police checks that should only be viewed by the recipient.

All other mail should be opened and logged by the secretary to encourage openness and transparency within the P&C.

Question: What are the restrictions on matters that can be discussed at a P&C Meeting?

Answer: It would be inappropriate for a General Meeting to discuss any individual, be they parent, student, or school staff. These should be a private matter for discussions between the parents and the teacher/Principal. In addition it should be remembered that under the provisions of the School Education Act 1999 the P&C is precluded from intervening in the control or management of a school, intervening in the educational instruction of students and exercising authority over the teaching staff or other persons employed at the school. These are the only restrictions, which leaves the field wide open to discuss general education, safety, health issues, matters that affect the staffing of schools, matters that have a bearing on the welfare of students as well as a whole range of local, state or national issues that arise.

Remember, the P&C is a public forum for parents to discuss the education of their children, and members should be encouraged to embark on wide issue discussions.

Question: The P&C want to purchase an item of equipment for the school but would like to avoid paying the GST on this item – how can this be achieved.

Answer: All schools are registered for the GST and hence can claim back any GST paid for equipment that becomes the property of the school. As such it is recommended that P&Cs provide a tied donation/gift to the school and get the school to purchase the equipment.

Question: Is there a maximum number of years someone can serve as a P&C Office Bearer or Executive member?

Answer: No. All Office Bearer positions and Executive Committee memberships are declared vacant at the Annual General Meeting (AGM) to give other members the opportunity to nominate. There is, however, nothing to stop someone from continuing to nominate and seek re-election.

Question: The P&C would like to request parents make a once a year payment to the P&C instead of, or in addition to the usual fundraising events. Should it be called a P&C 'Levy' or P&C 'Donation'?

Answer: Many P&C Associations raise funds by requesting a donation to the P&C at the beginning of the year. This is often worded as a "P&C levy" on the list of charges and contributions issued by the school. Why should you use the word "donation" rather than "levy"?

This question is best answered by looking at the definitions of these words in the Macquarie Dictionary.

- LEVY: "a raising or collecting, as of money or troops, by authority or force".
- DONATION: "a gift, as to a fund".

The use of the word "levy" implies a compulsion to pay. Neither the P&C nor the school has the authority to impose this payment on the parents of children enrolled at the school.

Note: This does not apply to the P&C membership subscription. People wishing to be a member of the P&C must pay a subscription not exceeding \$1 (Regulation 124(2)(a), School Education Regulations 2000). Payment of a donation to the P&C does not confer membership on that person.

Question: Can the Principal edit and change something the P&C submits in the school newsletter?

Answer: As the school newsletter is distributed by the school then the Principal can determine what will appear. If the P&C is able to mail directly to parents then the school would not have control over the content.

Question: Is the P&C able to discuss school policies? How can the P&C have input into planning school policy?

Answer: Members of the P&C Association are able to discuss any school policy and make recommendations based on their discussions. Their recommendations should be presented either directly to the Principal or to the School Council by the P&C representative on School Council. When discussing school policies avoid being negative and overly critical. Remember to outline alternative solutions to perceived and/or identified problems.

Question: Who can attend P&C Training / School Council programs?

Answer: Any member of the P&C and anyone else in the school community who has an interest in the P&C may attend. It is often difficult for a member to attend a training session on their own and take back information to their P&C. For example, some long-standing members of P&Cs don't take kindly to being told that there may be a different way to do things, and this has caused problems for P&Cs in the past! We, therefore, encourage as many as possible to attend, and at the very least the Office Bearers should try to attend a training session.

Question: When does the P&C have to hold its Annual General Meeting (AGM)?

Answer: P&C Associations are incorporated which means they are governed by legislation enshrined in the *Associations Incorporation Act 1987*. Section 23 of this Act refers to the AGM and states "... an incorporated association shall hold an AGM in every calendar year within 4 months after the end of the association's financial year or such longer period as may in a particular case be allowed by the Commissioner."

For the majority of P&Cs the financial year ends on December 31st. Therefore, these P&Cs must hold an AGM sometime before the end of April in the following year.

P&Cs are able to change the date of their year end, and thereby change the date of the AGM. For details on how to do this please contact your WACSSO State Councillor or the WACSSO office.

Membership

Question: When is someone a financial member of a P&C Association?

Answer: Financial membership is a requirement of the School Education Regulations 2000 and someone is a member of the P&C once they pay the subscription, which is to be no more than \$1 per member. Membership of a P&C is required to be renewed at the AGM of the Association. Payment of P&C voluntary contributions that are included with school charges does not mean that someone automatically becomes a member, a subscription fee must be paid to be a member.

Sub-committees

Question: Can the fundraising sub-committee of the P&C hold events without prior approval of the P&C?

Answer: No. In order for the activities of the fundraising sub-committee to be protected by the Public Liability Insurance of the P&C, any event has to be an approved activity of the P&C. It is recommended that the fundraising sub-committee compile a calendar of events and have it approved by the P&C at the start of the year.

Question: Do you have to be a financial member of the P&C to be a member of a sub-committee?

Answer: Yes. All members of P&C sub-committees such as canteen, uniform, pre-primary, fundraising etc, must be financial members of the P&C. Members are elected onto sub-committees at the AGM or at a General Meeting of the P&C. The canteen supervisor is automatically a member of the canteen sub-committee in an advisory capacity regardless of whether that person is a member of the P&C or not.

Records

Question: How long do we keep P&C records eg: correspondence, financial information, minutes and employment records?

Answer: Correspondence does not need to be kept longer than a year unless it is of an ongoing nature or may need to be referred to. Books of accounts should be retained for 5 years. Minutes are to be retained permanently as these are the historical record of the P&C Association. You are required to keep all employment records for a minimum of seven years from resignation or termination of the employee.

P&C records should be kept at the school, preferably in a locked cabinet.

Insurance

Question: Does the school's insurance cover money, uniforms and canteen stock owned by the P&C?

Answer: No. The P&C is an independent autonomous body and therefore is required to take out its own insurance cover for these items. Affiliated P&Cs can contact WACSSO for information regarding competitive insurance rates through their insurer.

Question: Is Public Liability Insurance as provided through affiliation with WACSSO the same as Workers' Compensation (WorkCover)?

Answer: No, these are quite different types of insurance. When a P&C chooses to affiliate with WACSSO and pays the affiliation fee it accesses Public Liability Insurance to the value of 10 million dollars (\$10m). In May/June the P&C will receive information on canteen stock, uniform and workcover insurance and an invitation to take up these insurances with WACSSO's Insurance Broker.

Canteen stock insurance covers: Fire and extraneous perils, spoilage of goods, burglary and money.

Workcover Insurance is also known as Workers' Compensation and it is compulsory for all employers to hold workers' compensation insurance.

Question: Are P&C members and other volunteers covered if they have an accident while volunteering for the P&C?

Answer: From 30th June 2006, Volunteer Personal Accident Insurance coverage is included with WACSSO affiliation fees. This is only for volunteers acting on behalf of the P&C, but they don't have to be members of the P&C.

Executive Committee / Office Bearers

Question: What powers do the Office Bearers (President, Secretary, Treasurer and Vice-President) of a P&C have?

Answer: None, by themselves. The Executive Committee, which consists of the Office Bearers and not less than 3 other members and the Principal as an *ex officio* member, has the power to control and manage the affairs and finances of the P&C when the full P&C cannot meet (refer to P&C Constitution Rule 9.2). The Executive Committee must provide minutes of its meetings to the next General Meeting of the P&C for adoption/ratification of any decisions made. A quorum for an Executive Committee Meeting is 5 of its members. All of the members of the Executive Committee must be given not less than 48 hours notice of a meeting. (P&C Constitution Rule 16.2) In small schools (less than 100 students) the quorum for an Executive Committee Meeting is 3 members.

Question: How many positions can a financial member hold on the Executive Committee?

Answer: The P&C Constitution only allows for one person to be elected to any position on the Executive Committee. The composition of the Executive Committee is for 10 individuals elected by and from the financial and *ex officio* members of the P&C.

In some instances in order to fill the positions of Secretary and Treasurer P&Cs may have two people to carry out the duties of these positions. Only one of these persons is the official "elected" Secretary and Treasurer and the P&C must identify which one when the election takes place. The other persons are "appointed" to either be the minute Secretary or Assistant Treasurer with defined duties. Only the official "elected" Secretary and Treasurer are signatories on cheques of the P&C as stated at Rule 12.5 of the P&C Constitution.

Question: Can the position of President be held by more than one person?

Answer: No, the P&C Constitution only allows for one person to hold any position on the Executive Committee including that of President. The role of the Vice-President is to understudy the President. Some of the President's tasks can be delegated to the Vice-President. The Constitution also allows for the Vice-President to chair the meeting should the President be absent

Question: Can an elected Office Bearer of the P&C hold a position on a P&C sub-committee?

Answer: Yes. The Secretary, Treasurer or Vice-President can be elected to any of the P&C's sub-committees, eg canteen, uniform and can hold a position such as Convener, Treasurer or Secretary of these committees. The President is an *ex officio* member of all sub-committees of the P&C. Where there is no sub-committee the P&C may appoint a person to carry out the Treasurer's role on committees where money is handled. This person can also be an elected Office Bearer.

Question: What is the role and responsibility of the Executive Committee and how often should it meet?

Answer: The P&C Constitution gives the Executive Committee the power to manage the finances and affairs of the P&C when the P&C is not meeting. The Executive Committee usually meets when items of business that were not dealt with at the P&C Meeting have been referred to it for action or where an item of business of an urgent nature arises where a decision has to be made prior to the date of the next General Meeting of the P&C. It is not usual for the Executive Committee to meet on a regular basis.

Should the Executive Committee hold a meeting then those persons elected at the AGM to the Executive Committee plus the Principal should be given not less than 48 hours notice of the date of the meeting. Minutes of such a meeting must be tabled at the next General Meeting of the P&C for ratification of motions/resolutions/decisions made. A General Meeting of the P&C is the higher body and has the power to override decisions made by the Executive Committee.

Every effort should be made to avoid using an Executive Committee as the managing group of the P&C.

Question: How many positions can a financial member hold on the Executive Committee?

Answer: The P&C Constitution only allows for one person to be elected to any position on the Executive Committee.

Question: What happens to our P&C if we are unable to get people to fill the Office Bearer positions?

Answer: The election of an Executive Committee is a requirement of the P&C Constitution. Without Office Bearers you do not have a properly constituted P&C and it will cease to exist. The implications of this are that any area that is currently run by the P&C e.g. canteen, uniform shop, will have to cease trading.

Question: Can the Principal be an Office Bearer for the P&C.

Answer: Yes. As an *ex officio* member of the Executive Committee the Principal has the same rights and responsibilities as any other Executive Committee member. The Principal can propose motions, vote and be elected to sub-committees and Office Bearer positions.

Canteen

Question: Can members of the P&C or volunteers in the canteen purchase goods through the canteen at reduced prices?

Answer: This practice is not recommended by WACSSO as the canteen is not a commercial retail outlet. It is not good business practice and should not be encouraged.

Question: Should the canteen sub-committee provide a report to the P&C Meetings?

Answer: Yes. The canteen sub-committee convener should provide a written report of the overview of the activities of the canteen containing recommendations where relevant to menu changes, employees, opening times etc. This report should contain a statement of receipts and expenditure, up-to-date bank reconciliation and a copy of the most recent bank statement. A statement of receipts and expenditure and profit and loss must be prepared annually and all books passed to the P&C Treasurer for audit by the Association's honorary auditor.

Question: Is it necessary for the P&C to have a Canteen Committee to operate the canteen?

Answer: No. The P&C is an autonomous body and can determine the manner in which it manages these facilities, eg canteen, uniform shop etc. Where the P&C chooses not to have a canteen sub-committee a resolution should be made at a General Meeting of the P&C to identify which body or person/s are responsible for the day to day management of the canteen. This can be a financial member of the P&C appointed to carry out this task or the Executive Committee can be given this responsibility.

In both instances the P&C should determine (by resolution at a General Meeting), the type of reporting required, ie presentation of a written statement of receipts and expenditure, up-to-date bank reconciliation statement and a copy of relevant bank statement/s balance sheet to each P&C Meeting. An annual statement of receipts and expenditure and profit and loss must be prepared annually and all books passed to the P&C Treasurer for audit by the Association's honorary auditor.

The P&C should also establish the roles and responsibilities in relating to the canteen management by either the Executive Committee or the person appointed for this task. Where a person is appointed to carry out this task a "job description" and a title eg "Canteen Coordinator" should be established for that person. The Executive Committee must provide minutes of its meetings to the next General Meeting of the P&C for adoption/ratification of any decisions made this would include those meetings called specifically for canteen management.

WACSSO recommends that where possible a canteen sub-committee be formed and terms of reference adopted. Refer to WACSSO website www.wacssso.wa.edu.au for information and terms of reference for sub-committees.

Volunteers

Question: Can the P&C run the canteen on a voluntary basis?

Answer: Yes. It should be noted that voluntary workers should be treated with the same courtesy in regard to duties and industrial relations issues as would a paid employee. It is important that an "in charge" person be identified from the volunteers for each day the canteen is open. The P&C or canteen sub-committee should establish job descriptions for all voluntary positions similar to those of any paid canteen employees. Where the canteen is run on a voluntary basis, the volunteers would be covered by the Volunteer Personal Accident Insurance if the P&C is affiliated with WACSSO.

Question: Do you have to be a financial member of the P&C to work as a volunteer in the canteen?

Answer: No. Any person who is not a student of compulsory school age can work in the canteen on a voluntary basis. The School Education Act Section 29 (2) does not allow compulsory school age students to work for the purpose of gain by a person even if the student is not paid for the work done. The Volunteer Personal Accident Insurance covers anyone volunteering on behalf of the P&C Association affiliated with WACSSO.

Question: Can we pay honorariums and have paid/voluntary bookkeepers in canteens?

Answer: The term honorarium is no longer used these days. With changes to the Income Tax Act and now GST money earned must be registered somewhere, eg as an employee by way of a group certificate or as a contractor (self-employed) with an ABN even if it is for a one off job.

If the P&C resolves that it wants to pay a person to do the canteen books then that person must be paid either as a permanent employee of the P&C at the going rate of pay for that particular job or as a self-employed contractor. The person can be a financial member of the P&C, but to avoid potential conflicts of interest it is not recommended that they be an elected member of the canteen sub-committee or the P&C Treasurer.

- Where the paid bookkeeper is an employee of the P&C

The P&C is required to deduct the appropriate amount of tax and superannuation, workers compensation etc. It is important that the P&C or the canteen sub-committee develops a job description for this position. The job description/duty statement should outline the hours of work required each day and nominated times etc including times/days when they would be able to come into the canteen to collect the necessary documentation to do the job. The P&C should adopt the job description. It is presumed that the person would most probably be doing the books from home.

- Where the paid bookkeeper is a self-employed/contractor

The P&C or the canteen sub-committee would need to develop a job description which includes times etc when they would be able to come into the canteen to collect the necessary documentation to do the job. The P&C still has to provide workers compensation whilst that person is on site. Even though this person may be a financial member of the P&C, the Volunteer Personal Accident Insurance (if the P&C is affiliated with WACSSO) does not cover them whilst carrying out paid employment on behalf of the P&C.

- Where the canteen books are done by a volunteer

The P&C should also establish a job description for this position which would include times etc. when the volunteer would be able to come into the canteen similar to that of a paid employee carrying out the same task.

Employees

Question: Should the canteen employee be paid to do the banking?

Answer: If the canteen worker's job description states that they should do the banking then this must occur during working hours (ie they must be paid). Please note that the employee is covered by WorkCover insurance on the way to the bank provided the most direct route is used, eg must go directly to the bank from the place of work. WorkCover ceases once the employee leaves the bank.

Question: Can an Office Bearer of the P&C be a paid canteen employee?

Answer: Yes, however WACSSO does not recommend this. WACSSO office receives calls from concerned P&C members regarding the unworkable situation where a P&C Office Bearer is the paid canteen manager, eg "who's the boss". If this is happening at your canteen then the P&C needs to make it quite clear to the persons concerned that in relation to the management of the canteen they are employees and not Office Bearers. They must carry out any instructions given to them by the canteen managing body, eg canteen sub-committee or the Executive Committee of the P&C. At no time should they be participating in debate or voting on issues regarding pay and conditions of canteen employees. If the person is a signatory on P&C accounts then they should not be signing their own pay cheques. It also would not be prudent for this person to hold a position on the canteen sub-committee.

This information would also apply where the canteen employee becomes an Office Bearer of the P&C.

Question: Are canteen workers entitled to long service leave?

Answer: Yes. Under the Long Service Leave Act canteen employees are entitled to long service leave after 15 years continuous service. Queries and a formula to calculate long service leave for canteen workers is available from Department of Consumer & Employment Protection (DOCEP).

Question: Is it necessary for the school Principal to be a member of an interview panel formed for the purpose of selecting a paid P&C employee?

Answer: No. The P&C or the sub-committee responsible for operating the relevant facility at the school should determine the composition of any panel. The school Principal as a member of the P&C and the Executive Committee may be invited to be a member of the panel.

Question: How much do we pay our canteen employee?

Answer: WACSSO are not legally permitted to give employment information, contact DOCEP on 9222 7700 or www.docep.wa.gov.au for a copy of the Government School Canteen Workers award.

Miscellaneous

Question: What is the role of the Principal of the school at a P&C Meeting and in regard to the management of the canteen?

Answer: The *School Education Act 1999* allows the school Principal to be an *ex officio* member of the P&C and a member of the Executive Committee. The Principal has no more power at a P&C and Executive Committee Meeting than any other member. Where the P&C manages the canteen, the P&C may form a canteen sub-committee. All sub-committees of the P&C must have terms of reference to enable them to operate. The P&C may appoint the Principal as an *ex officio* member of these committees. The Principal does not have the power to close the canteen, have control over the employees or what is sold in the canteen other than input as a member of the P&C or a sub-committee formed for that purpose.

Question: Who is allowed to be in the canteen?

Answer: It is not appropriate P&C members and school staff to be in the canteen to pick up documentation and sign cheques etc whilst the canteen staff is preparing food and/or serving students. The only people who should be in the canteen whilst food is being prepared and/or students are being served are the paid employees and those volunteers rostered to work in the canteen for the day. P&C Executive Committee members and members of the canteen sub-committee including the canteen convenor should not make a habit of “dropping in” to the canteen during working hours. If there needs to be any instructions/information given to the canteen staff then this should be done prior to the opening of the canteen and/or after the canteen is closed. It is best to make an appointment with the canteen staff for a suitable time to discuss relevant issues.

Question: Who should a canteen employee speak to if they have a problem?

Answer: In the first instance the employee should speak to the canteen committee convenor.

It is recommended that:

- the P&C and/or the Canteen Committee develop a complaints management process
- a “Liaison Person” be appointed to liaise with the paid canteen staff and the canteen sub-committee and/or P&C.
- a job description should be established for this position and be adopted by the P&C.

It must be remembered that even though the P&C has elected a canteen sub-committee to carry out the management of the canteen, the P&C President is seen as the “principal employer” and any paid or voluntary canteen staff may approach the President with any work related issues. The P&C President is an *ex officio* member of all committees of the P&C and must be notified of time and dates of meetings. It is important that the P&C President be kept up to date on the activities of all P&C committees.

All committees of the P&C must report to all General and/or Executive Committee Meetings of the P&C in the manner determined by the P&C.

School Council

Question: What happens if we can't get any community members on our School Council?

Answer: If you have exhausted every avenue in trying to recruit community members, then the positions must be allocated to parents. Remember that parents and community members combined must make up the majority of members on the School Council.

Question: Can a person's membership be terminated if they miss a meeting?

Answer: No. Membership can only be terminated if the Councillor has been absent, without leave or reasonable excuse, from 3 consecutive meetings.

Question: Can the Principal terminate a Councillor's membership?

Answer: No. The decision to remove a member must be made by a resolution of at least 2/3 of the members present at a meeting.

Question: Can we have students under the age of 15 on the School Council?

Answer: Students must be 15 years of age or reach 15 during the year to be eligible to be a voting member of an unincorporated School Council. If the Council is incorporated then the students must be 18 years of age. However, it is advisable to co-opt members of your student council when School Council is addressing issues that directly concern them.

Question: Our Principal has suggested we have eleven (11) members on the School Council including himself. Is this correct?

Answer: An unincorporated School Council must have at least 5 members and not more than 15 members. For an incorporated Council the minimum number is 10. It is up to the School Council to determine the number that will suit your school.

Question: Can the school registrar be a member of the School Council?

Answer: Yes. The registrar may represent the staff at the school. The Principal must call for nominations from all staff for the staff positions on the School Council. This is not limited to teaching staff. If there are more nominations than positions available then the Principal must organise an election.

Question: I have children attending the school and I am also a teacher at the school. Can I be a parent representative on the School Council?

Answer: No. Section 127(3) of the Act states that a person who is the Principal of, or on the staff of, a school and who also fits the category of parent or community member "can only be a member of the Council in his or her capacity as the Principal or staff member".

Question: What is the quorum for a School Council Meeting?

Answer: There is no quorum for a School Council Meeting as all motions need to be carried with an absolute majority regardless of how many members attend.

- Question:** How many representatives can the P&C have on a School Council?
Answer: The P&C may have a representative on the School Council.
- Question:** If I am a P&C member, but not the elected P&C representative, can I still nominate for one of the parent positions on the School Council?
Answer: Yes. Remember that as a parent representative you must represent the views of all of the parents of students enrolled at the school. As a P&C representative you represent the view of the P&C Association. Essentially, these two views would generally be the same as the P&C is the autonomous parent group in the school.
- Question:** Should the P&C's School Council representative report to the P&C on matters discussed at School Council Meetings?
Answer: A representative is a person who has been delegated to speak and act for a group of people. To adequately fulfill that role the person will need to discuss issues with the group he/she represents, and then present the view of the group to the School Council. The P&C members are entitled to expect to hear the feedback from the School Council Meeting. On rare occasions issues may be discussed by School Council that necessitates the closing of the meeting to the general public. In these instances it may be that the duly elected P&C representative is not able to report back to the P&C on a particular issue.
- Question:** How will the parent representatives be chosen for a School Council?
Answer: The Principal must call for nominations from all the parents who have students enrolled at the school.
- Question:** What happens if there are more nominations for the parent positions than there are positions available?
Answer: If the number of nominations exceeds the number of positions available then the Principal must organise an election. All the parents of students enrolled in the school are eligible to vote.
- Question:** For how long will I be a School Councillor?
Answer: The Council will determine the length of office, but it may not exceed 3 years.
- Question:** Can I re-nominate at the end of my term as a Councillor?
Answer: Yes.
- Question:** What happens if a position becomes vacant before the term of office ceases?
Answer: The Principal must call for nominations from suitably qualified people to fill the position on a casual basis. "Suitably qualified" means people who fit the category of vacancy eg parent, staff etc. "Casual basis" means for the residual period of the predecessor's term of office, ie if the person who leaves has one year left of a three year term, then the new person serves one year.
- Question:** How does the Council reach a decision?
Answer: The Council reaches a decision by voting on a motion put to it. A decision of a Council does not have effect unless it has been made by an absolute majority.

Question: Who can vote on the School Council?

Answer: Each Council member (including the Chairperson) is entitled to one vote.

Question: What is an absolute majority?

Answer: An absolute majority is more than 50% of all members of the Council, not just of those present at a particular meeting. This is easier to explain using an example. If your Council has 10 members who are all present and voting, then the absolute majority is 6. If you hold a meeting and 7 members turn up and a motion is voted on with 5 in favour and 2 against, then the motion would be lost. This is a simple majority not an absolute majority which would require 6 in favour.

Question: I am the P&C representative on the School Council and the P&C has asked that I bring up the subject of homework in relation to a P&C member's complaint about a particular teacher. Is it okay to do this?

Answer: Any complaint against a teacher must be directed to the Principal by the individual making the complaint. Neither the P&C nor the School Council should be discussing individual teachers. As a result of questions to the Principal, the School Council may be directed to review the school's homework policy.

Question: Can the School Council run the canteen?

Answer: Yes, but only if it is an incorporated Council. Only the Minister can approve the incorporation of a Council and must be convinced that such a move will be beneficial to the students or improve the management of the facilities. If the P&C runs the canteen there would have to be a very good reason for the School Council to take over the management.

Question: Our school has a limited student population and a small number of parents to call on to fill vacancies on committees and councils. Do we have other options for our School Council?

Answer: The Minister may give approval for 2 or more schools to have a joint council, and will determine the number of members to be on the joint council. Discuss this option with your Principal.

Question: Is the P&C able to canvass parent opinion regarding school policy?

Answer: The P&C is able to discuss school policies at its meetings and with its membership, however anything distributed to the school community (eg surveys, letters) by the P&C on school grounds has to be approved by the School Administration.

Meetings

Question: I am not a member of the School Council but would like to go to the meetings. Is this allowed?

Answer: Yes. Council Meetings must generally be open to the public. However, the Council may decide to close part or all of a meeting to members of the public. Grounds for closure of a meeting are listed in Regulation 116 of the School Education Regulations 2000.

Question: How many times a year does the School Council meet?

Answer: The Council will determine the number of times it will meet. However, it must hold at least one meeting per year that is open to the public and in which a report is presented on the performance of the Council's functions. A special meeting of the Council may be called for by parents of students, or by students themselves if over 18 years of age.

Question: Can I call for a special meeting because I have a particular issue I wish to see discussed?

Answer: No. There is a process that must be followed before a special meeting can take place:

- (i) The Chairperson must be advised in writing of the purposes of the proposed meeting.
- (ii) The meeting must be requested by at least 20 families of students at the school or at least half the number of families of students at the school; whichever is the lesser number.
- (iii) Only matters set out in the notice to the Chairperson may be discussed at the meeting.
- (iv) The purposes of the proposed meeting must be relevant to the Council's functions.

WACSSO

The relationship between WACSSO and its affiliates is one of service. Each affiliate pays an annual fee based on a scale related to the number of students at the school, and for that fee receives a range of services and access to certain resources.

These are:

- ◆ provision of a Public Risk Insurance scheme for up to \$10 million for any one incident.
- ◆ provision of Volunteer Personal Accident Insurance.
- ◆ insurance for canteens, uniform shops etc at competitive rates through Centrewest Insurance Brokers.
- ◆ WACSSO office of four (4) full time staff that provides advice and information to affiliates.
- ◆ Free P&C & School Council training programs and quality publications.
- ◆ P&C Voice Newsletter, emailed / posted 8 times a year.
- ◆ WACSSO eNews, a newsletter emailed every week during school terms.
- ◆ authority to form a District Council of affiliated P&Cs to act as the local forum for P&Cs.
- ◆ Annual Conference, the decision-making body of WACSSO which determines policy and is the forum for dealing with education issues of state or national interest. Each affiliate is entitled to send two (2) delegates and any number of observers to Conference. One (1) delegate to attend at no extra charge through Conference Levy from affiliation fee.
- ◆ an elected State Councillor in each District who represents affiliated P&Cs at WACSSO State Council. Councillors are also available to attend P&C or district meetings to assist and advise where required.
- ◆ representation on behalf of affiliates to the Department of Education & Training, State and Federal Members of Parliament.
- ◆ representation on numerous Department of Education & Training and other government committees.
- ◆ affiliation through WACSSO with the Australian Council of State School Organisations (ACSSO) to ensure a voice at the national level.
- ◆ regular information on what is happening in Education in Western Australia and throughout Australia.
- ◆ the WACSSO website at www.wacssso.wa.edu.au

In addition, members of the State Council (and staff) examine materials and curricula for use in schools, conduct research on many issues and make written and verbal submissions on all aspects of education to a vast array of committees and commissions at State and National level.

Public Liability Insurance / Volunteer Personal Accident Insurance

WACSSO affiliation fee includes Public Liability Insurance of \$10 million & Volunteer Personal Accident Insurance. Prior to 30th June 2006, the Education Department's insurers covered those volunteering on behalf of the P&C for personal accident. WACSSO has arranged Volunteer Personal Accident Insurance cover under an umbrella policy held by WACSSO and is included with affiliation for the year. Public Liability Insurance covers legal liability for third party bodily injury and/or property damage arising out of your activities.

Other Insurance

If the P&C is affiliated with WACSSO, Centrewest can offer insurance for canteens and uniform shops eg Fire, Spoilage, Burglary, Money, Uniforms, WorkCover (Workers' Compensation). P&Cs determine how much cover they need for these insurances and they are offered at a very competitive rate by our insurance broker. Again, P&Cs are free to source these insurances themselves if they so choose.

Training

WACSSO offers free training programs for P&C Associations & School Councils. WACSSO is committed to offering training in other areas ie how to chair a meeting; conflict resolution; attracting new members.

WACSSO State Councillor

The role of the State Councillor is to assist P&Cs in resolving issues at a local level and in canvassing P&C opinion on educational issues so that WACSSO can then represent affiliates at a state and national level.

Department of Education & Training

WACSSO is represented on a large number of external committees, either by State Councillors or staff members, and has significant input into Department of Education & Training policies. Our role with the Department extends to lobbying and arbitration on behalf of our affiliates.

WACSSO Conference

The conference is held each year and is the forum where affiliates propose recommendations in areas that interest/affect them. These recommendations are debated by the delegates to conference and are acted upon by the WACSSO State Council and staff. This then becomes WACSSO policy which is referred to when WACSSO is quoted in the newspapers as having an opinion on a particular issue. P&Cs that are affiliated with WACSSO can send one (1) delegate at no extra cost, a conference levy is included in the affiliation fee.

Advice and information

WACSSO operates a staffed office that is open from 8.30am to 4pm Monday to Friday. A telephone call or e-mail will get you advice or a referral to the relevant authority. The sorts of issues the office deals with on a daily basis include: school crossings; canteen management; employing staff; insurance; school councils; GST; quorums; disputes and complaints; Dept of Education and Training policies; air cooling; charges and contributions; funding of private schools; teacher registration; WALNA literacy/numeracy testing; staffing ratios; education assistants; expenditure of P&C funds etc.

Index

Absolute Majority.....	21	Management	
Affiliation	23	canteen	15
AGM.....	9, 10, 11	employees.....	17
Audit.....	15	Principal	18
Auditor	6	Meetings.....	1, 3, 9
Banking.....	5	agenda	4
Bookkeeping.....	16	canteen	18
Canteen	15	control.....	3
audit.....	15	frequency	22
employees	17	minutes.....	1
finance	15	motions on notice.....	3
management	15	nominations.....	2
reports	15	principal.....	3
roles	15, 17	principal/staff.....	2
School Council	21	quorum	1, 2
volunteers.....	15, 16	reports	2, 6
Cheques	5	restrictions.....	9
Community members.....	See School Council	Rules of Debate	3
Composition.....	See School Council	School Council.....	19, 22
School Council	19	Special General Meeting.....	4
Conference	See WACSSO	special meeting.....	22
Constitution.....	5, 14	stacking	3
Correspondence		voting	2, 3
President	8	Membership	11
Secretary	8	Executive Committee.....	14
sub-committees.....	8	financial	11
Debt collection.....	7	School Council.....	19
District Council	See WACSSO	term of office	9
Donation	5, 9	Minutes.....	1
Elections	See School Council	Motions on notice.....	3
Employees.....	17	Newsletter	10
banking.....	17	Nominations	2
interview	17	Observers.....	See School Council
long service leave	17	Office Bearers	8, 9, 13, 17
Principal.....	17	canteen	17
social functions.....	6, 7	employees.....	17
<i>ex officio</i>	1, 2, 13, 14	President.....	13
Executive Committee	9, 13	Principal	14
membership.....	14	Payments	
office bearers	13	cash.....	5
responsibilities.....	14	cheque.....	5
role.....	14	Policy development.....	10
Fundraising.....	11	President.....	8, 13
GST.....	9	Principal.....	2, 10, 14, 17, 19, 20
Honorarium.....	16	management.....	18
Insurance.....	5, 12, 17, 23	meeting	3
Levy	9	Proxy	See Voting
Long Service Leave	17	Proxy voting	3

Public Liability Insurance	12, 23	newsletter.....	10
Quorum.....	1, 2, 13	policy	10
Receipts.....	5	Secretary	8
Records	11	Signatories	17
Registrar	See School Council	Social functions.....	6, 7
Reports	2, 6	Special General Meeting	4
sub-committees.....	15	Staff	2
Rescinding motions.....	3	State Councillor.....	See WACSSO
Rules of Debate.....	3	Sub-committees	8, 11, 13, 15, 18
School Council	19	canteen	15
absolute majority.....	21	reports	15
canteen.....	21	Subscriptions.....	5
closed meetings	20	Surplus funds	6
community members	19	Training	10, 24
composition	19	Treasurer.....	5, 6
elections	20	banking.....	5
incorporation.....	19	receipts.....	5
joint council.....	21	report.....	6
meeting frequency	22	Volunteers	15, 16
meetings	19, 20, 22	bookkeeping.....	16
membership.....	19, 20	insurance.....	16
observers.....	22	Voting	2, 20
P&C representative.....	10, 19	proxy.....	2, 3
parent representatives	20	WACSSO	23
Principal.....	19	affiliation	23
Registrar	19	conference	24
special meeting	22	Conference	23
staff	19	District Council.....	23
students	19	State Councillor	23, 24
term of office.....	20	training.....	24
vacancy	20	Workcover	12, 17
voting.....	20	Worker's Compensation	12
Schools			