

P&F Association Constitution

**CONSTITUTION for
ST DAMIEN'S CATHOLIC PRIMARY SCHOOL
Parent and Friends' (P&F) Association**

Adopted by Executive Committee Meeting: _____

Last Amended: 7 September 2016

Major review due: 2021

"The primary right of parents to educate their children must be upheld in all forms of collaboration between parents, teachers and school authorities, and particularly in forms of participation designed to give citizens a voice in the functioning of schools and in the formulation and implementation of educational policies." Article 5, "Charter of the Rights of the Family", issued by The Holy See, Rome, October 1983.

AIM

The Association is a group of parents and guardians with the canonical obligation, and supporters with common purpose, to assist in the provision of a Catholic education for the children.

1. NAME OF ASSOCIATION

The name of the Association shall be **St Damien's Catholic Primary School Parents and Friends' Association**, hereinafter "the Association".

2. DEFINITIONS

(a) *The Association* is the body of parents and guardians of the children in St Damien's Catholic Primary School and includes *ex officio* membership to Parish Priests and School Principals (or their respective appointed representatives).

(b) *The Executive Committee* includes the primary office bearers of the Association, that being: President; Vice-President; Secretary; and Treasurer elected as per Clause 8. The remainder of the Executive Committee is made up of up to three other members, and one *ex-officio* member.

(c) *The Governing Bodies* of the school are the Principal and the School Board.

(d) A *Friend* means any ordinary member of the Association, that is not an office bearer nor part the Executive Committee. Friends, can be a parent or guardian, or any person who supports the Association. A Friend can also be a member of staff, part of the Parish community, or an ex-parent of the school.

(e) *The Act* means the Associations Incorporation Act 2015

(f) *Tier 1 Association* means an incorporated association to which section 64(1) of the Act applies.

(g) A *general meeting*, of the Association, means a meeting of the Association that all members are entitled to receive notice of and to attend.

3. OBJECTS OF THE ASSOCIATION

The objects of the Association act to fulfil the aim of the Association.

The objects are:

- (i) work within the spirit and letter of the Constitution;
- (ii) strive to build tangible and lasting relationships between parents, St Damien's parish and school so that the students may experience a sense of Christian community;
- (iii) recognise and respect the authority of the Principal as leader of the St Damien's Catholic Primary school community and work closely with the school authorities to achieve common goals and the school vision;
- (iv) encourage invitations for representation on the St Damien's Catholic Primary School Board and the St Damien's Parish Council, as governing bodies for the School and Parish, respectively;
- (v) plan, organise and promote social, sporting, cultural and educational activities for interaction of: parents; students; staff and Parish;
- (vi) encourage parental participation in school programmes, to enjoy the exciting experience of their children's formal school years;
- (vii) act as a forum for ideas and discussion on any relevant issue that will benefit the education of the children;
- (viii) liaise with St Damien's Parish, staff, parents, committee members and other parties to organise guest speakers for the Association members on current and suggested educational programmes, faith development and other matters of interest.
- (ix) work to provide in-kind or financial resources that the Association deems necessary for the children, or of professional assistance to the teachers in consultation with the Principal and school board;

4. AFFILIATION

The Association is currently not affiliated with any external body.

5. MEMBERSHIP OF THE ASSOCIATION

(a) Any parent/guardian of a child attending the St Damien's Catholic Primary school, or any person who supports the objects of the Association.

(b) The St Damien's Parish Priest(s) and the St Damien's Catholic Primary School Principal, or their respective appointed representatives, shall be deemed *ex-officio* members of the Association.

(c) There are no entrance fees, subscriptions nor any other amounts to be paid by members to join the Association.

6. REGISTER OF MEMBERS

(a) In the case of those qualifying for membership as parents and/or carers of children currently on the School roll, the School roll shall be considered as the register of qualifying members.

The Executive shall cause a register to be kept in which shall be entered the names of all persons admitted to membership of the Association as "Friends". The minutes of a meeting may be used as the register. Membership of a "friend" shall be reviewed each year.

(b) The Secretary, shall keep and maintain, in an up-to-date condition, a register of the members of the Executive committee comprising:

- name;
- position; and
- email address or residential address

(c) The Register shall be available for inspection to any member;

(d) A copy of the Constitution rules should be given to all new members of the Association, and can also be accessed through the School's website for all parents to review.

7. EXECUTIVE COMMITTEE

The Association shall be governed by an Executive Committee that shall include the four (4) office bearers :

- President;
- Vice-President;
- Secretary;
- Treasurer; and
- up to three other members of the Association that may include:
 - School Board representative;
 - Parish Council representative;
 - Parent representative
- Ex officio representation, in person or otherwise, may also be warranted for the roles of:
 - Parish Priest, or representative; and
 - School Principal, or representative.

8. ELECTION OF OFFICE BEARERS AND VOTING RIGHTS OF MEMBERS OF THE ASSOCIATION

(a) The Executive Committee members shall be elected at the Annual General Meeting (AGM). For the purpose of this election only, the Principal, Parish Priest, or their nominated representative, will occupy the Chair.

(b) Any member of the Association, who is present at the AGM, or has consented in writing to be elected, shall be eligible for election to the Executive Committee.

- (c) No ex-officio member, or their representative, may be elected to an office bearer position.
- (d) An Executive Committee member's term will commence from the time of election at the AGM until the next Annual General Meeting at which point they are eligible for re-election.
- (e) Except for nominees under sub-rule (h), a person is not eligible for election to membership of the Executive Committee unless a member has nominated them for election by delivering, to the Secretary, not less than seven (7) days before the day the AGM is held, notice in writing of that nomination, signed by:
- (i) the nominator; and
 - (ii) the nominee, to signify a willingness to stand for election.
- (f) A person who is eligible for election or re-election under this rule may –
- (i) propose or second their own nomination; and
 - (ii) vote for themselves to be elected.
- (g) If the number of persons nominated in accordance with sub-rule (e), for election to membership of the Executive Committee, does not exceed the number of vacancies to be filled in that membership:
- (i) that fact will be duly reported by the Secretary at the AGM; and
 - (ii) the Chair must declare at the AGM that those persons are duly elected as members of the Executive Committee.
- (h) If vacancies remain on the Executive Committee after the declaration under sub-rule (g), additional nominations of Executive Committee members may be accepted from the floor of the AGM. If such nominations from the floor do not exceed the number of vacancies, the Chair must declare those persons to be duly elected as members of Executive Committee. When the number of nominations from the floor exceeds the remaining number of vacancies on the Executive Committee, elections for those positions must be conducted. In such instances a secret ballot is to be conducted under the direction of the Secretary with the recipient of the highest number of votes duly elected. Any tied votes are to be decided by the drawing of lots.
- (i) If a vacancy remains on the Executive Committee after the application of sub-rule (h), the Executive Committee may appoint a member as a casual vacancy, within the meaning of Rule 9.
- (j) Subject to these Rules, any member of the Association present in person at a general meeting of the Association shall be entitled to a deliberative vote.
- (k) Ex-officio members of the Association and staff of the school are not entitled to a deliberative vote.
- (l) Each ordinary member of the Association, with the exception of those in subrule (k) above, has one vote at a general meeting of the Association.
- (m) Except in the case of a special resolution, a motion is carried if a majority of the ordinary members present at a general meeting vote in favour of the motion. If votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (n) Under section 39 of the Act the following persons must not, without leave of the Commissioner, accept an appointment or act as a member of the Executive Committee of the Association:

- a person who is, according to the Interpretation Act 1984 section 13D, a bankrupt or person whose affairs are under insolvency laws;
- a person who has been convicted, within or outside the State, of-
 - an indictable offence in relation to the promotion, formation or management of a body corporate; or
 - an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months; or
 - an offence under Part 4 Division 3 or section 127 of the Act

Section 39 only applies to a person who has been convicted of the above offences only for a period of 5 years from the time of the person's conviction, or if the conviction results in a term of imprisonment, from the time of the person's release from custody.

9. VACATION OF OFFICE AND CASUAL VACANCIES

(a) The term of office of Executive members will be one year, from AGM to AGM, at the conclusion of which period they shall vacate their positions, but shall be eligible for re-election.

(b) A person shall not hold any particular office of the Executive for more than six years (i.e. six terms).

(c) Executive Committee members who wish to resign during their elected term may do so providing they give one month's written notice to the committee.

(d) A member of the Executive shall be deemed to have resigned if:

(i) without submitting an acceptable apology, he or she is absent from two consecutive meetings of Committee;

(ii) in accordance with a decision of an absolute majority of the Committee he or she is required to resign from the Committee and fails to do so within fourteen days of the date upon which notification of the decision of the Committee is forwarded to him/her stating the reasons for this action.

(e) Vacancies in the Committee may be filled casually by any member of the Association, as appointed by the Committee, and serve with full voting rights until the next AGM.

10. CHAIR

(a) Subject to Rule 8(a), the President shall chair all general and special meetings of the Association and all meetings of the elected Executive Committee. The President is empowered to regulate the proceedings and procedure including, with the consent of the meeting, adjournment of business.

(b) In the absence of the President at a general / special / committee meeting, the Vice-President shall have the power to conduct and chair meetings of the membership and in the absence of the Vice-President, the members present and entitled to vote shall have the power to select one of their number as Chair.

11. SECRETARY

The Secretary shall:-

- (a) co-ordinate the correspondence of the Association;
- (b) keep full and correct minutes of the proceedings of the Executive Committee and Association;
- (c) have custody of all books, documents, records and registers of the Association, including those referred to in Rule 6, other than those required by Rule 12 to be kept and maintained by, or to be in the custody of, the Treasurer, unless the members resolve otherwise at a general meeting, and
- (d) perform such other duties as are imposed by this Constitution.

12. TREASURER

The Treasurer shall:-

- (a) be responsible for the receipt of all monies paid to or received by the Treasurer on behalf of the Association and shall issue receipts for those monies in the name of the Association;
- (b) pay all monies referred to in paragraph (a) into such account or accounts of the Association as the Executive Committee may from time to time direct;
- (c) make payments from the funds of the Association with the authority of a general meeting and in so doing ensure that all cheques are signed in accordance with Rule 14(c);
- (d) maintain the accounting records of the Association by:
 - (i) keeping such accounting records as correctly record and explain the financial transactions and financial position of the Association;
 - (ii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time;
 - (iii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and
 - (iv) submitting to members, at each AGM of the Association, accounts of the Association at the end of the immediately preceding financial year.
- (e) at each meeting, submit a report, balance sheet or financial statement and any other report as directed by the President;
- (f) unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and the accounting records of the Association, including those referred to in sub-rule (d) and (e) herein; and
- (g) perform such other duties as are imposed by this Constitution.

13. MEETINGS OF THE ASSOCIATION

- (a) An Annual General Meeting of the Association shall be held as close as practicable to the end of the school year to:

- (i) receive and consider the annual reports of the office bearers, including but not limited to:
- President's Report; and
 - Treasurer's Financial Report;
 - Auditor's Report;
- (ii) appoint the auditor for the ensuing year;
- (iii) elect the members of the Executive Committee for the ensuing year; and
- (iv) deal with any other matter or matters brought before the meeting.

(b) General meetings of the Association shall be held regularly (preferably monthly) during the school year, and otherwise as determined by the Executive Committee.

(c) Where possible, matters to be brought before an Association meeting should be submitted in writing to the President or Secretary at least seven (7) days prior to the meeting, to facilitate circulation and/or inclusion on the agenda.

(d) Special Meeting of the Association

(i) may be convened by the President or Secretary or by the members of the Association at any time, and shall be convened by them within fourteen (14) days or within a 28 day period if the request is not within a school term, of receiving a requisition in writing signed by at least 20% of the members of the Association. These signatories shall be required to attend the meeting so called or submit a written apology. In order for the meeting to be valid, at least five (5) of the signatories must attend the meeting. The requisition must itemise all matters to be discussed at the meeting.

(ii) will be convened within fourteen (14) days at the request of any of the school governing bodies (i.e. the St Damien's Catholic Primary School Principal or the School Board).

(iii) items for discussion will be limited to the matters relating to the calling of such a meeting.

(e) Notification of Association General or Special Meetings, including details of matters to be raised, will be given to all members at least seven (7) days prior to the meeting. Notice will be given to all members on the register via email.

QUORUM AT MEETINGS

(f) At any Association General or Special Meeting, a total of five (5) members of the Association, including at least two (2) Office Bearers, shall constitute a quorum.

CONFLICT OF INTEREST

(g) If a member of the Association has potential to receive an extraordinary benefit not shared by other members, they must promptly declare that fact and withdraw from the discussion. Records of the meeting must record that fact. That is to say:

(i) A member of the Association having any direct or indirect pecuniary interest in a matter or proposition, made by, or in the contemplation of, the committee (except if that pecuniary interest exists only by virtue of the fact that the member is a member of a class of persons for whose benefit the Association is established), must:

- disclose to the meeting, the nature and extent of the conflict of interest; and
- withdraw from deliberations or decision, with respect to that matter.

(h) The Secretary must record in the minutes of each meeting:

- every disclosure under sub-rule (g); and confirm
- every withdrawal under sub-rule(g).

14. POWERS OF THE ASSOCIATION AND ITS MEMBERS

- (a) The members of the Association may do all things necessary or convenient for carrying out its objects, but subject to its ability to give such security for the discharge of liabilities incurred by the Association, as the Association sees fit. These include, but are not limited to:
- (i) being responsible for the planning, management and organisation of the Association's affairs;
 - (ii) holding regular (preferably monthly) general meetings that are open to all parents and friends, the Principal and staff, parish clergy or the religious associated with the school, and other interested persons;
 - (iii) formulating the Standing Orders of the Association to be applicable to such meetings as the members may determine;
 - (iv) establishing such sub-committees as they may determine to give effect to the aims of the Association;
 - (v) providing for the election or appointment of members to any such subcommittee and for the terms of reference for conduct and operation thereof;
 - (vi) providing for the election or appointment of officers, including definition of duties, responsibilities and authority;
 - (vii) appointing delegates to other groups (e.g. School Board, Parish Council);
 - (viii) raising funds in accordance with the aims of the Association;
- (b) Members of the Association may by ordinary or special resolution exercise any power authorised by the Constitution subject to the provisions of the Law as varied.
- (c) A resolution of the Executive shall have full force and effect subject to a later resolution of the members at the AGM or in general meeting which would have the effect of attending or rescinding the resolution of the Executive. The Executive shall not act in a manner inconsistent with any resolution of the Association.
- (d) In the event of any dispute or uncertainty as to the meaning or intent of any clause in this Constitution, the matter shall be referred to the Principal for interpretation.

15. FINANCE/REPORTING

- (a) The Association shall establish an account to be opened with a reputable financial Institution in the name of the Association, in which funds of the Association are to be deposited.
- (b) Funds are to be used solely for the Aim of the Association. All funds raised by or on behalf of the Association must be banked promptly and fully intact into an account in the name of the Association. Authorised signatories to the account are any two of the following:
- President
 - Treasurer
 - Secretary
 - Vice-President
 - Principal, and
 - Assistant Principal.

(c) Cheques drawn upon the account shall be signed by the Treasurer and at least one other authorised member, or by any two others as are authorised by the members of the Association. At the end of their term of office, their signatures must be removed and replaced by the signatures of the incoming officers.

(d) The accounts will be subject to an audit every two years or on the appointment of a new Treasurer.

(e) The financial year of the Association runs 12 months from 1 January to 31 December each calendar year.

(f) According to the Act, the Association falls into the Tier 1 Association category, where the preparation of the financial report is done using the Cash Method, and processed in the MYOB accounting software system.

(g) The Association does not require the use of a common seal.

16. LEVY OF MEMBERS OF ASSOCIATION

The levy amount is recommended by the retiring Executive Committee to the Annual General Meeting each year, for approval by the members of the Association.

17. NON-PROFIT MAKING

(a) The property and income of the Association must 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 any member, except in good faith in the promotion of those objects or purposes.

(b) A payment may be made to a member out of the funds of the Association only if it is authorised under subrule (c).

(c) A payment to a member out of the funds of the Association is authorised if it is —

- (i) the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or
- (ii) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

18. AUDITOR

(a) The Auditor shall not be an Executive member or ex-officio member of the Association. But may be someone within the school community suitably qualified to review the accounts.

(b) The Treasurer shall be party to neither the selection process nor the nomination of the Auditor.

(c) The Treasurer shall submit the accounts of the Association to the Auditor. The accounts and the Auditor's Report thereof, shall be returned to some other person, an office bearer of the Association, perhaps the President/Chair.

19. MINUTES OF MEETINGS OF THE ASSOCIATION

(a) The Secretary shall cause proper minutes of all proceedings of all General Meetings and Executive Committee Meetings to be taken and then to be entered within 30 days after the holding of each General Meeting or Executive Committee meeting, as the case requires, in a minute book or file kept for that purpose.

(b) The Chair shall ensure that the minutes taken of a General Meeting or Executive Committee meeting are checked and signed as correct by the Chair of the General Meeting or Executive Committee meeting to which those minutes relate or of the next succeeding General Meeting or Executive Committee meeting as the case requires;

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

- (i) the General Meeting or Executive Committee meeting to which they relate (called 'the meeting') was duly convened and held;
- (ii) all proceedings recorded as having taken place at the meeting did in fact take place thereat; and
- (iii) all appointments or elections purporting to have been made at the meeting have been validly made.

(d) When minutes have been entered and signed as correct, a copy shall be made available to the parish council or comparable religious body that oversees the spiritual direction of the Association.

20. AMENDMENT

This Constitution may be amended at any General Meeting of the Association, provided that:

(a) notice of any proposed amendment, including: the meeting time, date and venue; the resolution; and the intention to propose the resolution, shall have been given in writing to all members at least one month prior to such meeting, and,

(b) the amendment must be approved by at least 75% of the members present and eligible to vote.

(c) all amendments must be in accordance with the aims of the Constitution

(d) a formal review of the Constitution shall be conducted under the direction of the Executive Committee at least once every five (5) years. A report and recommendations arising from the review shall be submitted to the next AGM for consideration

21. CLAUSES OF ASSOCIATION BINDING

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

22. INSPECTION OF BOOKS AND RECORDS OF ASSOCIATION

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association, but may not remove them from the custody of the person to whom they are entrusted.

23. DISCIPLINARY ACTION, DISPUTES AND MEDIATION

In this Part — *member*, in relation to a member who is expelled from the Association, includes former member.

(a) DISCIPLINARY ACTION

Suspension or expulsion

- (1) The committee may decide to suspend a member's membership or to expel a member from the Association if —
 - (i) the member contravenes any of these rules; or
 - (ii) the member acts detrimentally to the interests of the Association.
- (2) The secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the committee meeting at which the proposal is to be considered by the committee.
- (3) The notice given to the member must state —
 - (i) when and where the committee meeting is to be held; and
 - (ii) the grounds on which the proposed suspension or expulsion is based; and
 - (iii) 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 committee about the proposed suspension or expulsion;
- (4) At the committee meeting, the committee must —
 - (i) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
 - (ii) give due consideration to any submissions so made; and
 - (iii) decide —
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Association.
- (5) A decision of the committee to suspend the member's membership or to expel the member from the Association takes immediate effect.
- (6) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- (7) A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving notice of the Committee's decision under subrule (6), give written notice to the secretary requesting the appointment of a mediator under part (c) regarding mediation.
- (8) If notice is given under subrule (7), the member who gives the notice and the committee are the parties to the mediation.

Consequences of suspension

- (9) During the period a member's membership is suspended, the member —
- (i) loses any rights (including voting rights) arising as a result of membership
- (10) When a member's membership is suspended, the secretary must record in the register of members —
- (ii) that the member's membership is suspended; and
 - (iii) the date on which the suspension takes effect; and
 - (iv) 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 is no longer suspended.

(b) RESOLVING DISPUTES

grievance procedure means the procedures set out in this Part;

party to a dispute includes a person —

- (v) who is a party to the dispute; and
- (vi) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

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

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

Parties to first attempt to resolve dispute

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 14 days, any party to the dispute may start the grievance procedure by giving written notice to the secretary of —
- (i) the parties to the dispute; and
 - (ii) the matters that are the subject of the dispute.
- (2) Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.
- (3) The secretary must give each party to the dispute written notice of the committee 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 —
- (i) when and where the committee meeting is to be held; and
 - (ii) 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 committee about the dispute.

- (5) If —
- (i) the dispute is between one or more members and the Association; and
 - (ii) any party to the dispute gives written notice to the secretary stating that the party —
 - 1. does not agree to the dispute being determined by the committee; and
 - 2. requests the appointment of a mediator under part (c) mediation, the committee must not determine the dispute.

Determination of dispute by committee

- (6) At the committee meeting at which a dispute is to be considered and determined, the committee must —
- (i) 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 committee about the dispute; and
 - (ii) give due consideration to any submissions so made; and
 - (iii) determine the dispute.
- (7) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
- (8) A party to the dispute may, within 14 days after receiving notice of the committee's determination under subrule (6)(iii), give written notice to the secretary requesting the appointment of a mediator.
- (9) If notice is given under subrule (8), each party to the dispute is a party to the mediation.

(c) MEDIATION

Application

- (1) This part applies if written notice has been given to the secretary requesting the appointment of a mediator —
- (i) by a member under part (a)(7); or
 - (ii) by a party to a dispute (b)(5)(i)(2), (b)(8).
- (2) If this Division applies, a mediator must be chosen or appointed.

Appointment of mediator

- (3) The mediator must be a person chosen —
- (i) if the appointment of a mediator was requested by a member under rule (a)(7) — by agreement between the Member and the committee; or
 - (ii) if the appointment of a mediator was requested by a party to a dispute under rule (b)(5)(i)(2) or (b)(8) — by agreement between the parties to the dispute.
- (4) If there is no agreement for the purposes of subrule (3)(i) or (ii), then, subject to subrules (5) and (6), the committee must appoint the mediator.
- (5) The person appointed as mediator by the committee 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 —

- (i) a member under rule (a)(7); or
 - (ii) a party to a dispute under rule (b)(5)(ii)(2); or
 - (iii) a party to a dispute under rule (b)(8) and the dispute is between one or more members and the Association.
- (6) The person appointed as mediator by the committee may be a member or former member of the Association but must not —
- (i) have a personal interest in the matter that is the subject of the mediation; or
 - (ii) be biased in favour of or against any party to the mediation.

Mediation process

- (7) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (8) 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.
- (9) 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.
- (10) The mediator cannot determine the matter that is the subject of the mediation.
- (11) 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.
- (12) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

Note: Section 182(1) of the Act provides that an application may be made to the State Administrative Tribunal to have a dispute determined if the dispute has not been resolved under the procedure provided for in the incorporated association's rules.

If mediation results in decision to suspend or expel being revoked

If —

- (i) mediation takes place because a member whose membership is suspended or who is expelled from the Association gives notice under rule (a)(7); and
- (ii) 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 committee meeting or general meeting during the period of suspension or expulsion.

24. DISSOLUTION – WINDING UP OF THE ASSOCIATION

The Association is automatically dissolved if the school closes down or is amalgamated

Members can decide at a Special General Meeting to wind up an Association voluntarily only if it is solvent. This means that the Association must be able to pay all of its debts and liabilities.

(a) Notice of the proposal to wind-up the Association, including: the meeting time, date and venue; the resolution; and the intention to propose the resolution, shall have been given in writing to all members at least one month prior to such meeting, and,

(b) the resolution must be approved by at least 75% of the members present and eligible to vote.

If, in the event of the winding up of the Association, any property of the Association remains after satisfaction of the debts and liabilities of the Association and the costs, charges and expenses of that winding up, that property shall be distributed according to resolution by the members: -




(a) Where a school is closed, the remaining assets, records and funds may be handed over to the Parish Priest

(b) Where a school is amalgamated, the remaining assets, records and funds may be handed over to the Principal of the amalgamated school for the purposes of the amalgamated school

(c) alternatively the remaining assets, records and funds may be handed over to another incorporated association having objects similar to those of the Association; or

(d) for other charitable purposes;

Adopted by an Executive Committee Meeting of the Association
held on 21 November 2016

| | |
|---|-----------|
|  | President |
|  | Secretary |
|  | Principal |

Footnote:

The Code of Canon Law states:

Can. 793 §1 Parents, and those who take their place, have both the obligation and the right to educate their children. Catholic parents have also the duty and the right to choose those means and institutes which, in their local circumstances, can best promote the catholic education of their children.

Can. 798 Parents are to send their children to those schools which will provide for their catholic education. If they cannot do this, they are bound to ensure the proper catholic education of their children outside the school.