



**AUSTRALIAN CAPITAL TERRITORY  
COUNCIL OF PARENTS' AND CITIZENS' ASSOCIATIONS  
INCORPORATED**

**BY-LAWS**

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## **BY-LAWS**

Pursuant to the Constitution the Executive Committee of the Council has made BY-LAWS as set out below:

### **1. STANDING ORDERS FOR CONDUCT OF MEETINGS AND POLICY CONFERENCE**

- 1.1 These Standing Orders shall apply to all General and Executive Committee Meetings.
- 1.2 The agenda for all meetings and Special General Meetings shall include the following:
  - (a) Welcome to those in attendance and acknowledgement of country when appropriate
  - (b) Apologies
  - (c) Confirmation of minutes of previous meeting
  - (d) Report upon matters arising from the minutes that call for report
  - (e) Matters of importance or priority – notified for the agenda by authorised members
  - (f) Items of interest from Affiliates
  - (g) Treasurer's report and the passing for payments of accounts requiring such approval
  - (h) Reports preferably in writing with comment limited to 5 minutes each, unless otherwise agreed by the meeting
    - President/Executive
    - Nominees on peak committees
    - ETD Sub-committees
    - Persons attending conferences or seminars on behalf of Council
  - (i) Elections when required
  - (j) Motions of which due notice has been given
  - (k) Notices of Motions
  - (l) General Business
  - (m) Date, place and time of next meeting
- 1.3 **Discussion**  
No discussion on a motion shall take place except with the leave of the chair.
- 1.4 **Time Limit**  
No delegate or alternate delegate shall speak on any matter for more than 5 minutes unless granted an extension of time by the meeting.
- 1.5 **Method of address**  
At all times throughout a meeting a speaker shall address the Chairperson.
- 1.6 **Motions**  
All motions shall be formally moved and seconded by delegates.
- 1.7 **Notices of Motion**  
Such notice may be given at any time during a debate, except when a delegate is speaking, and may refer to the current meeting, or any future meeting.
- 1.8 **Amendments**
  - (a) Only one amendment shall be accepted and put to the meeting at the one time.
  - (b) If an amendment to a motion is carried, the original motion lapses and the amended motion becomes the motion.
  - (c) Where the first amendment has been dealt with further amendments to the motion then before the meeting may then be moved and dealt with one at a time.

- (d) An amendment must be relative to the question and not a negation of the original motion.
- (e) The mover of the original motion shall have the right to speak on an amendment.
- (f) No amendment shall repeat the substance of a previous amendment.
- (g) A motion may be amended at any time during the debate thereon by:-
  - (i) Striking out certain words
  - (ii) Adding certain words
  - (iii) Striking out certain words and adding others
- (h) The mover or seconder of a motion may not move an amendment to that motion.
- (i) A mover and seconder of a motion may accept an amendment and incorporate it into the notice, except where a delegate wishes to speak against that amendment.

#### 1.9 **Withdrawal of Motions or Amendments**

- (a) A motion or amendment may be withdrawn by the proposer provided the seconder also agrees to the withdrawal.
- (b) Should the seconder refuse to agree to the withdrawal, the motion or amendment shall stand as proposed

#### 1.10 **Right of Reply**

- (a) Except with the leave of the meeting, no delegate shall speak more than once upon the same question. The mover of the original motion shall be entitled to reply **ONLY** after discussion on the motion, or on the motion and amendments (if any) has ceased and before the motion in its agreed form is put.
- (b) The delegate seconding a motion of amendment without remark shall not be held to have spoken thereon.
- (c) The mover of an amendment shall not have the right of reply

#### 1.11 **Closure**

- (a) A delegate who has not already spoken to the motion or amendment before the meeting, may at any time after at least one delegate has spoken against such motion or amendment move "That the question be put".
- (b) Upon the latter motion being seconded by a delegate who similarly has not spoken, such latter motion shall immediately be put to the meeting without discussion.
- (c) If lost, the debate shall continue as if such a motion had not been moved.
- (d) If carried, then the amendment if there be an amendment, or motion if no amendment has been moved thereon, shall be put to the meeting after the mover has exercised his right of reply
- (e) If the amendment is carried it shall then become the substantive motion and the debate shall proceed as in Standing Order No 1.18.

- (f) If the amendment be lost, other amendments, of which notice had been given as provided in Standing Order No. 1.1, may be moved and dealt with in the manner provided in standing Order No. 1.8, until the question is finally disposed of.
- (g) The motion “That the question be put” may be moved any number of times during a debate

#### 1.12 **Point of Order**

- (a) No one shall interrupt a speaker except to raise a point of order.
- (b) The delegate raising the point of order shall state his point of order clearly and distinctly then resume his seat. Any delegate speaking shall resume his seat until the point of order is decided. The Chairperson shall thereon decide the point raised and shall now allow a discussion, but may choose to take advice from the meeting.
- (c) An explanation or contradiction shall not constitute a point of order.
- (d) Explanations may be allowed when the delegate speaking has finished, but only to the extent of actual misunderstanding or misstatement, and the delegate making such explanation shall be prohibited from debating the merits of any proposal within their explanation.

#### 1.13 **Statements from the Chair**

- (a) The Chairperson shall not make statements from the chair on matters before the chair.
- (b) The Chairperson shall vacate the chair to make statements during which time a temporary chairperson shall be appointed, unless by consent of the meeting.

#### 1.14 **Dissent from the Chair**

- (a) Any delegate disagreeing with the Chairperson’s ruling on a point of order may move dissent from that ruling. The Chairperson must accept the motion upon its being seconded and shall vacate the chair in favour of a Chairperson appointed by the meeting. Only the mover of the motion of dissent and the Chairperson shall speak on the motion after which it must be immediately put to the vote. The motion of dissent must be moved at the time the alleged irregularity occurs and shall take precedence over all business.

#### 1.15 **Rescission**

- (a) A resolution passed at any meeting may be rescinded –
  - (i) At the same meeting only if two-thirds of the delegates present and entitled to vote, vote in favour of such a rescission.
  - (ii) At a subsequent meeting by a simple majority if notice of the intended rescission is given in sufficient time for it to be included in the notice convening the subsequent meeting.
  - (iii) At a subsequent meeting by a two-thirds majority if notice has not been given.

#### 1.16 **Voting**

- (a) All motions shall be put to the meeting by the Chairperson in a clear manner by asking, those agreeing say “aye” and those disagreeing say “no”. Any delegate not satisfied may call for a show of hands. The Chairperson shall count the votes and announce the decision.

- (b) The Chairperson's decision as to which has the majority shall be final, unless two delegates rise and claim division, when the Chairperson shall again take a vote by a show of hands, and the Chairperson shall appoint tellers to count the votes for and against the question.

## 2. ELECTIONS

2.1 During any Council election the chair shall be taken by a delegate or officer who is not a candidate nor has nominated a candidate for election nor a delegate or alternate delegate for any affiliated body which has a candidate standing for election.

2.2 The meeting shall appoint as a Returning Officer and assistants, persons attending the meeting who are not candidates and have not nominated a candidate for election nor are delegates or alternate delegates of an affiliated body which has a candidate standing for election

### 2.3 Election to Peak Committees

The prescribed form proposing a candidate as a representative for appointment to a peak committee shall state:

- (a) The full name of the candidate;
- (b) The name and signature of the nominating delegate or affiliated body;
- (c) The signature of the candidate, certifying that "I, (name of candidate) agree to be nominated as a candidate for election to be appointed to the relevant peak committee, and if elected and appointed to serve as a representative of Council to attend and participate in Council meetings.
- (l) The signature of a current delegate or affiliated body committee member (not including the candidate) as a seconder to the nomination.

## 3. POLICY

(a) Motions to amend Policy or propose new Policy at Policy Conference must be received by Council at least eight weeks prior to Policy Conference, and circulated to all affiliated bodies at least six weeks prior to Conference.

(b) Affiliated bodies which have submitted policy proposals in accordance with By-Law 3 (a) may table at Conference revisions of those proposals which extend the scope or clarify the intent of the original but which are not in opposition to the original proposal.

## 4. FINANCE

4.1 The Council's annual statements shall include (comparing each item with the previous year):

- (a) a statement of moneys actually received and paid during the accounting period only, irrespective when earned or falling due (to be called the **Statement of Profit or Loss**);
- (b) a statement of income earned and expenditure incurred during the accounting period only, irrespective of whether payment is actually received or made during that period (to be called the **Statement of Income and Expenditure**); and
- (c) a **Statement of Assets and Liabilities** as at the close of the accounting period.

4.2 The Treasurer via the Council employed book keeper shall cause to be kept books of account as follows:

- (a) a Cash Book kept on a basis concurred in by the Auditor and balanced at least bi-monthly;
- (b) a General Ledger balanced at least bi-monthly;
- (c) a Sundry Debtors Journal balanced at least bi-monthly;
- (d) Petty Cash Journal balanced monthly; and

#### 4.3 **Bank Accounts**

- (a) All accounts shall be maintained in the name of the Council at such banks or building societies as agreed by Council.
- (b) All other accounts shall be operated by two of the persons for the time being carrying out the duties of President, Vice President, Secretary, Treasurer or other approved delegate or staff.

#### 4.4 **Payment of Accounts**

- (a) All accounts shall be paid by cheque, electronic funds transfer or direct debit.
- (b) Except as provided in (c) no expenditure shall be incurred without the standing or specific approval of the Executive Committee or a General Meeting of Council.
- (c) Where the person carrying out the duties of President and one of the Secretary and Treasurer consider that it is **essential** to incur expenditure before such a meeting can reasonably be arranged, they must do so.
- (d) All payments other than from petty cash shall be by cheque crossed "not negotiable" or duly authorised electronic transactions.
- (e) Presentation by the Treasurer of the monthly expenditure statement (Profit & Loss) shall be accepted by the Council for accounting purposes as adequate record that payment has been made (that is that receipts shall not be required).

#### 4.5 **Claims by the Council for Payment of Moneys**

- (a) All claims by the Council for payment to the Council shall be made in writing, be clear and certain and be serially numbered with a copy of each retained in the office and filed in numerical order.
- (b) Receipts for moneys received shall be issued on accountable printed Council receipt forms as soon as practicable after receipt by a Council officer or employee, except where invoices when paid are also considered as a receipt . Received moneys shall be banked in the council's account as promptly as practicable and in any case not later than 4 working days after receipt by the book keeper.

#### 4.6 **Finance Subcommittee**

- (a) The Finance Subcommittee will include the President, Treasurer and Secretary (Executive Officer)..
- (b) The functions of the Committee shall be to prepare or cause to be prepared the annual budget, monitor the financial affairs of Council, report to the Executive Committee of the Council and the Council on financial matters, and advise on levels of fees and other aspects of the Council's finances.

#### 4.7 **Budgeting**

The Finance Sub-committee shall submit to a meeting of the Executive Committee by 30<sup>th</sup> June each year a receipts and payments budget for the following financial year with a recommendation to fees for the next calendar year.

#### 4.8 **Records**

Vouchers shall be retained for 3 years unless a longer period is otherwise requested by the Auditor.

#### 5. **POSTAL ADDRESS**

For the purposes of the Constitution and these By-Laws;

- (a) the postal address of the Council is Maitland House, 100 Maitland St, Hackett ACT 2602.
- (b) the administrative office of the Council is at the same above address.

#### 6. **GUIDELINES OF CONDUCT FOR ALL DELEGATES**

##### 6.1 **Assumptions**

- All delegates acknowledge the ACT Council of P&C associations represents parents and carers through their P&Cs, to improve the academic, social and emotional outcomes of students regardless of a student's ability, race, gender, sexual orientation, religion or socio economic status.
- All delegates aim to act in a positive and constructive way that will achieve this.

##### 6.2 **Coverage**

This code of conduct covers all operations of Council, whether it be;

- (a) at any of its meetings; Executive, General or sub-committee,
- (b) in any communication by conversation, phone, email, letter, SMS or fax,
- (c) when representing Council, and
- (d) when dealing with office staff.

##### 6.3 **General Aims**

- (a) Communication between delegates should be constructive at all times.
- (b) Privileged/embargoed information must have the confidentiality respected in all ways at all times.
- (c) Establish a procedure where a delegate with a concern can have it addressed.

##### 6.4 **In Meetings**

- (a) Wait to be acknowledged by the chair before you comment, even in a discussion
- (b) Comments should be brief and to the point, directed at the issue not the person and be respectful of the other delegates point of view whilst allowing for robust discussion
- (c) Generally conduct should be in accordance with the by-laws
- (d) People should avoid the use of mobile phones during a meeting where possible. If it is necessary to take a call, advise the meeting and take the call outside the meeting
- (e) Where possible people should endeavour not to eat meals in the meeting.

##### 6.5 **When Putting Forward Comments for a Submission**

- (a) Ensure your comments are informative and relevant to the topic. Include research references if appropriate.
- (b) Comments can be communicated to Council's office staff in a number of ways, but email is preferred.

- (c) Ensure a daytime phone contact number is included if possible, and
- (d) Respect due dates for comments. (Comments into Council's Office close some time before the submission is due.) Comments received after this may not always be able to be included in the submission.

## 6.6 Use of Email

- (a) All email should follow appropriate email etiquette. Many internet sites have examples of appropriate guidelines (for example: [www.cit.gu.edu.au/~davidt/email\\_etiquette.htm](http://www.cit.gu.edu.au/~davidt/email_etiquette.htm) or [www.emailreplies.com/](http://www.emailreplies.com/))
- (b) If you have privileged/embargoed information (imperative external to Council) then confidentiality must be respected at all ways at all times.
- (c) Emails should never be used to cyberbully, question a delegate's or staff member's actions or complain about a delegate's or staff member's actions.
- (d) Use an appropriate subject line, don't re-use old subjects unless it's genuinely a reply or forward.
- (e) If an urgent response (within 48hrs) is needed, place the response time in the header, then if you don't receive a response, assume the recipient is unable to access their email and use a phone.
- (f) Use "Reply All" effectively. Think about who you need to send the email to; just one person, a small group, or a large group. Also consider only keeping the appropriate part of the email.
- (g) If you are offended, upset or concerned by an email, then use other forms of communications to resolve the issue or contact P&C Council's grievance officer who will assist in the situation.

## 6.7 Where Issues of Concern Arise

- (a) Attempt to resolve the situation by first approaching the person concerned,
- (b) If the issue(s) aren't able to be resolved approach the grievance officer. (Where this approach is taken the delegate must agree to follow the recommendations of the grievance officer.)
- (c) If not satisfied with the grievance officer, a posted letter to P&C Council's secretary can be sent. The matter will then be discussed at the next meeting of Council's Executive for resolution.
- (d) Where a delegate has some difficulty with the actions of office staff they must notify the President, or in their absence a Vice President, who will take steps to resolve the difficulty.

## 6.8 Measures

If a delegate breaches any of the guidelines they can be;

- (a) Expelled from that meeting by the chair for the remainder of the discussion on that issue, (meetings are any/all meetings of Council)
- (b) Expelled from that meeting by the chair for the remainder of the meeting,
- (c) Suspended from meetings for a number of months by a vote taken by the office bearers of Council. (Where this occurs the delegate is notified of the suspension by mail. After the appeal period the delegate's P&C will also be notified in writing of the suspension and encouraging them to send an alternate delegate.) A suspension can only be issued within 2 months of a breach occurring.

- (d) **Appeal:** Where a delegate has been suspended, they have 14 days to lodge an appeal. This should be done in a letter to the secretary setting out their reasons for appeal. The appeal will be discussed at a specially convened Executive meeting, where the only purpose of the meeting is discussion of the appeal.

#### 6.9 **Grievance Officer**

A grievance officer is to be appointed as required by the Executive Committee.  
(Recommendation: that the grievance officer be a life member of Council.)

#### 7. **Amendment of By-Laws**

These By-Laws may be amended only as is prescribed in Clause 27(b) of the Constitution of the ACT Council of Parents' and Citizens' Associations Incorporated.

#### 8. **Council Life Membership**

8.1. Under the terms of the Constitution of the ACT Council of P&C Associations, life membership of the Council may be awarded to those persons who have made a very significant contribution to the role and work of Council.

8.2 Under the Constitution, the entitlements of life membership are to attend Council meetings and to speak, but not vote, and to receive Council meeting papers and Council publications.

8.3 The criteria and procedures for the award of life membership are to be determined by the Council Executive.

#### 8.4 **Criteria**

Life membership of Council may be awarded according to the following criteria:

- (a) At least, eight years active and dedicated participation on P&C Council **OR** exceptional meritorious service to Council over a lesser period of at least three years;

**AND**

- (b) A major contribution to Council in at least two of the following areas for at least three years:
- advocacy of Council views to the public, government, and other organisations;
  - representation of Council on government advisory committees;
  - development of Council policy;
  - preparation of Council submission to government and public inquiries;
  - contribution to parent participation in schooling;
  - organisation of Council affairs and/or activities.

#### 8.5 **Nominations**

- (a) Nominations for life membership may be made by affiliate organisations to Council, members of P&C Council or by the Council Executive.
- (b) Nominations should be forwarded to the Secretary at least two months before the AGM.
- (c) Nominations must be accompanied by a detailed outline of the service given by the nominee according to the life membership award criteria.

### **8.6 Procedures**

- (a) Council shall establish a life membership awards sub-committee as required to consider nominations for life membership and make recommendations to the Council Executive.
- (b) The life membership awards sub-committee shall consist of:
  - the Convenor; and
  - two members of the Council Executive.
- (c) The Convenor of the life membership awards sub-committee shall be the President of Council.
- (d) A register of life members of Council will be kept by the Council Office.

### **8.7 Form of Award**

- (a) The life membership award shall consist of a certificate signed by the President and Secretary of Council.
- (b) Life membership awards are bestowed at the AGM.