
*Constitution
of
Sutherland Shire
Chinese Language School
Incorporated*

May 1996

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1 NAME AND ADDRESS

- 1.1. The School is called
Sutherland Shire Chinese Language School Incorporated
- 1.2. The postal address of the School is
PO Box 251 Sylvania Southgate NSW 2224

2 BASIC POLICIES

- 2.1. The aims of the School are to:
- (a) Conduct classes in **Chinese** language outside day school hours
 - (b) Teach school aged children the language and culture of their parents and grandparents
 - (c) Encourage other school aged children to learn the language and culture of people from other countries who live in Australia
 - (d) Develop an interest in students in **Chinese** literature
 - (e) Co-operate with and assist other organisations which promote multiculturalism
- 2.2. The School is an independent organisation
- 2.3. The School is a non-profit making organisation
- 2.4. The School may become amalgamated with another organisation only a majority vote of a general meeting of parents.

3 MEMBERSHIP

3.1 Qualifications

- 3.1. Membership is open to all parents/guardians who wish their child to learn Chinese language and culture, and community members who wish to support the School.

3.2 Fees and Registrations

- 3.2. A person is deemed to be a member, if the person:
- (a) Has paid the sum payable as entrance fee and school fee for his/ her child under his/her guidance at the beginning of each school term; or
 - (b) Has been approved for membership by the Executive of the School
- 3.3. The secretary must, on payment by the nominee of the amounts referred to in clause 3.2(a), enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member.

3.3 Cessation of Membership

- 3.4. A person ceases to be a member, if the person:
- (a) Does not pay the amounts referred to in clause 3.2(a); or
 - (b) Is expelled from the School; or
 - (c) Dies.

3.4 Member's Liabilities

- 3.5. The liability of a member to contribute towards the payment of debts and liabilities of the School or the costs, charges and expenses of the winding up of the School is limited to the amount, if any, unpaid by the member in respect of membership as required by clause 3.2(a).

3.5 Resolution of Internal Disputes

- 3.6. Disputes between members (in their capacity as members), and disputes between members and the School, are to be referred to a community justice centre for mediation in accordance with the Community Justice Centres Act 1983.

3.6 Disciplining of Members

- 3.7. A complaint may be made by any member that some other member:
- (a) Has persistently refused or neglected to comply with a provision or provisions of these rules; or
 - (b) Has persistently and wilfully acted in a manner prejudicial to the interests of the School.
- 3.8. On receiving such a complaint, the Executive:
- (a) Must cause notice of the complaint to be served on the member concerned; and
 - (b) Must give the member at least 14 days from the time the notice is served within which to make submissions to the Executive in connection with the complaint; and
 - (c) Must take into consideration any submissions made by the member in connection with the complaint.
- 3.9. The Executive may, by resolution, expel the member from the School or suspend the member from membership of the School if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- 3.10. If the Executive expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the Executive for having taken that action and of the member's right of appeal under clause 3.12.
- 3.11. The expulsion or suspension does not take effect:
- (a) Until the expiration of the period within which the member is entitled to appeal against the resolution concerned; or
 - (b) If within that period the member exercises the right of appeal, unless and until the School confirms the resolution under clause 3.15, whichever is later.

3.7 Right of Appeal of Disciplined Member

- 3.12. A member may appeal to the School in general meeting against a resolution of the Executive under clause 3.9, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- 3.13. The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- 3.14. On receipt of a notice from a member under clause 3.12, the secretary must notify the Executive which is to convene a general meeting to be held within 28 days after the date on which the secretary received the notice.
- 3.15. At a general meeting convened under clause 3.14:
- (a) No business other than the question of the appeal is to be transacted; and
 - (b) The Executive and the member must be given the opportunity to state their respective cases orally or in writing, or both; and
 - (c) The members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 3.16. If at the general meeting the School passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

4 MANAGEMENT

- 4.1. The School will be managed by an Executive which is elected each year. This Executive is elected by the members at an Annual General Meeting.

5 SCHOOL EXECUTIVE

5.1 Powers of the Executive

- 5.1. The Executive, subject to the Associations Incorporation Act 1984, the Associations Incorporation Regulation 1994 and the Constitution and to any resolutions passed in general meeting:
 - (a) Is to control and manage the affairs of the School; and
 - (b) May exercise all such functions as may be exercised by the School, other than those functions that are required by these rules to be exercised by a general meeting of members; and
 - (c) Has power to perform all such acts and do all such things as appear to the Executive to be necessary or desirable for the proper management of the affairs of the School.

5.2 Annual General Meeting

- 5.2. The Annual General Meeting of members is held within the first 45 days of the school year.
- 5.3. The Annual General Meeting of members elects a Chairperson and a Minute Secretary for the purpose of the said meeting. At the meeting:
 - (a) The President reports on the previous year's functions,
 - (b) The Treasurer's audited financial statement/bank reconciliation statement is tabled,
- (c) A new Executive is elected for the year.
- 5.4. The newly elected Executive assume their responsibilities immediately upon election.
- 5.5. The number of members of the Executive is decided upon by the Annual General Meeting of members relying on the experience of the previous year.
- 5.6. The principal members of the Executive are: the President, the Vice-President, the Treasurer, the Secretary, Members of the School Subcommittee (Three members), and Head Teacher (to be selected by the Executive).
- 5.7. The Executive may form extra positions in the Executive if these are required during the course of the year.
- 5.8. Each member may vote for and be voted for a position on the Executive.
- 5.9. The votes at the election are counted by a committee of three people who are not candidates for any position on the Executive and who are elected by the Meeting.

5.3 Meeting and Quorum

- 5.10. A quorum of the meeting is established by the presence of 51 % of all members. If there is no quorum, after 30 minutes after the elected time for the meeting, the meeting is effective regardless of the number of members present.
- 5.11. The responsibilities of each member of the Executive are distributed on the first meeting of the new Executive.
- 5.12. A meeting of the Executive to discuss the work of the School in the current year is held once a term.
- 5.13. An extraordinary meeting of the Executive may be called for discussion of urgent matters.
- 5.14. An extraordinary general meeting may be called by the President
 - (a) If called for by at least three members of the Executive; or
 - (b) If called for by the Vice-President, the Treasurer or the Secretary; or
 - (c) By any member with the consent of the Secretary.

5.4 Voting and Decisions

- 5.15. All meetings of the Executive are open. Each member who is present at the meeting may participate in the discussion and has all the rights and duties of the Executive except the right to vote.
- 5.16. Decisions of the Executive are made by a majority of votes where at least 50% of the Executive is present.
- 5.17. Where there is an equal number of votes each way, the President, or the Vice-President in the President's absence, has the casting vote.

5.5 Notice of General Meetings

- 5.18. The Executive may call extraordinary general meetings of members for the purpose of deciding important matters.
- 5.19. Notice of extraordinary general meetings must be sent to members at least a fortnight prior to each meeting.

6 THE WORK OF THE EXECUTIVE

- 6.1. All members of the Executive fulfil their tasks gratuitously.
- 6.2. The Executive is responsible for raising finances for the running of the School and must keep some of these funds in reserve for emergencies.
- 6.3. The Executive makes decisions as to how best to apply these finances for the needs of the School, within the limit of the yearly estimate, which is decided upon by the Annual General Meeting of members.
- 6.4. The work of the Executive is divided into three subcommittees:
 - (a) Education
 - (b) Financial (fundraising)
 - (c) Cultural and artistic Subcommittees are formed from the members of the Executive.

6.1 Education Subcommittee

- 6.5. The Education Subcommittee is responsible for:
 - (a) Employment of teachers'
 - (b) Coordinating the work of the Teachers' Council and the Executive,
 - (c) Discipline in the School.
- 6.6. The Teachers' Council, which consists of all the teachers
 - (a) Reviews the syllabus,
 - (b) Decides on transfer of students from class to class,
 - (c) Decides on the level of knowledge of new students to the School,
 - (d) Informs the Education Subcommittee of its deliberations through the Head Teacher.

6.2 Financial Subcommittee

- 6.7. The Financial Subcommittee is responsible for:
 - (a) Keeping an account of expenses,
 - (b) Paying all the bills of the School,
 - (c) Collecting school fees,
 - (d) Fundraising activities
- 6.8. The School collects funds by school fees and by organising balls and other fundraising functions.
- 6.9. Cash funds are put into a bank account in the School's name, the bank being decided upon by the School Executive.

- 6.10. Banking transactions are done by the President, the Treasurer and the Secretary of the Executive. Cheques must be signed by two of the above members.
- 6.11. Payments made by the School of amounts over \$50.00 are made by cheque. Cash payments under \$50.00 can be made with a written request by the President, the Treasurer or the Secretary.
- 6.12. The financial year of the School ends on the 31st December.
- 6.13. In the event of closure of the School, all funds of the School are to be transferred to a charity decided upon by a General Meeting.

6.3 Cultural and Artistic Subcommittee

- 6.14. The Cultural and Artistic Subcommittee is responsible for:
 - (a) Organising concerts from resources of the School,
 - (b) Working with other organisations for the purposes of organising various cultural activities,
 - (c) Organising activities for the purposes of learning the language,
 - (d) Printing a bulletin for distribution to members for the purposes of acquainting members with the work of the Subcommittee with artistic groups within the School.

7 DUTIES OF EXECUTIVE

7.1 President

- 7.1. Duties of the President include the following:
 - (a) Chair executive meetings or general meetings
 - (b) Keep close contact with the day school
 - (c) Represent the School at official functions
 - (d) Negotiate accommodation etc.
 - (e) Be one of the signatories on the bank account is to be the Public Officer for the School

7.2 Vice-President

- 7.2. Duties of the Vice-President include the following:
 - (a) Assist the President, the Secretary and the Treasurer acts for the President in his absence

7.3 Secretary

- 7.3. Duties of the Secretary include the following:
 - (a) Collects mail, copies it if necessary and distributes it appropriately
 - (b) Notify the Executive of meetings and items on the agenda
 - (c) Take minutes of meetings and distributes to the Executive at or before the next meeting
 - (d) Be responsible for school records, membership lists, student lists etc.
 - (e) Fill in forms and supply information to government departments when required
 - (f) Write the School's letters as decided by the Executive
 - (g) Keep a record of all letters sent
 - (h) Be one of the signatories on the bank account

7.4 Treasurer

- 7.4. Duties of the Treasurer include the following:
 - (a) Be responsible for major purchases for the School as decided by the Executive

- (b) Authorise expenditure for small items for the School
- (c) Reimburse whoever paid for them (e.g. pays the Secretary for stamps and envelopes)
- (d) Keep the School's accounts in order and up to date
- (e) Ensure that money is withdrawn appropriately
- (f) Issue receipts for fees paid, donations etc
- (g) Give a financial report at each Executive meeting, which shows the month's income and expenditure
- (h) Be one of the signatories on the bank account

7.5 Head Teacher

- 7.5. Duties of the Head Teacher include the following:
- (a) Be responsible for the use of the School's teaching resources lends materials to students
 - (b) Coordinate the sharing of resources by all teachers
 - (c) Recommend book purchases to the Executive
 - (d) Express teachers' concerns to Executive.

8 CHANGING THE CONSTITUTION

- 8.1. The Constitution can be changed only by an Annual General Meeting of members.
- 8.2. Where 30% of the members of the School request the Executive in writing for a change in the Constitution, the Executive must call an extraordinary General Meeting.
- 8.3. Proposed changes to the Constitution must be sent to all members by the Executive at least four weeks prior to the General Meeting.
- 8.4. A change in the constitution can be effected only by a 75% majority vote by the members present at the General Meeting.

9 ADDING TO THE CONSTITUTION

- 9.1. The following additions to the Constitution may be made by the Executive:
 - (a) the responsibilities of the Executive
 - (b) rules of discipline in the School
 - (c) Rules for member on duty at the School.
- 9.2. All members must be informed of the above
- 9.3. Any changes to the additions to the Constitution made by the Executive must be numbered and dated. All members must be informed of such changes three weeks before these changes come into effect

10 MISCELLANEOUS

10.1 Insurance

- 10.1. The School must effect and maintain insurance under section 44 of the Associations Incorporation Act 1984
- 10.2. In addition to the insurance required under clause 10.1.1, the School may effect and maintain other insurance.

10.2 Funds -Source

- 10.3. The funds of the School are to be derived from entrance fees and school fees, donations and, subject to any resolution passed by the School in general meeting, such other sources as the Executive determines.
- 10.4. All money received by the School must be deposited as soon as practicable and without deduction to the credit of the School's bank account.
- 10.5. The School must, as soon as practicable after receiving any money, issue an appropriate receipt.

10.3 Funds -Management

- 10.6. Subject to any resolution passed by the School in general meeting, the funds of the School are to be used in pursuance of the objects of the School in such manner as the Executive determines.
- 10.7. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the Executive or employees of the School, being members or employees authorised to do so by the Executive.

10.4 Common Seal

- 10.8. The common seal of the School must be kept in the custody of the Public Officer.
- 10.9. The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of 2 members of the Executive or of 1 member of the Executive and of the Public Officer or secretary.

10.5 Custody of Books

- 10.10. Except as otherwise provided by the Constitution, the Public Officer must keep in his or her custody or under his or her control all records, books and other documents relating to the School.

10.6 Inspection of Books

- 10.11. The records, books and other documents of the School must be open to inspection, free of charge, by a member of the School at any reasonable hour.