

# Port Kennedy Primary School

## Parents and Citizens' Association Incorporated

### BY-LAWS

#### 1.0 PARENTS AND CITIZENS ASSOCIATION

- 1.1 For the purpose of these by-laws, Port Kennedy Primary School Parents and Citizens Association Incorporated, herein shall be called "The Association".
- 1.2 For the purpose of these by-laws, Executive Committee meetings and Sub Committee meetings herein shall be called "Committee meetings".
- 1.3 The 'scheduled General Meeting' refers to the General Meetings in which the years dates have been ratified by the financial members of the Association.
- 1.4 The Mission Statement and Code of Conduct are values that are adopted by the Association and are in operation at all meetings held by the Association.
- 1.5 The Mission Statement and Code of Conduct are values that are adopted by the Association and should be respected and enacted upon by all financial members of the Association in dealings with the school community.
- 1.6 All Financial members may only publish statements and/or letters relating to the Association after obtaining permission from the scheduled General Meeting.
- 1.7 Non-financial members of the school community are not able to speak to the meeting or vote unless invited to do so by the Chairperson.
- 1.8 Parent and Citizen's Associations are established under the School Education Act 1999 for the purpose of supporting a strong government school system, for the benefit of the students.

The P&C Association at Port Kennedy Primary School helps the school community by:

- Giving parents an opportunity to learn about the school's policies and programs
- Organising ways in which parents can share in shaping and developing school policies so that they reflect the broad agreement and support of the school community
- Bring parents together to share in information and views
- Assisting the school to build positive attitudes to students and their families
- Stimulating community interest and participation in education
- Raising funds and providing additional resources and amenities for the benefit of children attending government schools

Where both a P&C Association and a School Board exist in a school it is expected that they will have different functions but operate in a complementary way.

- 1.9 The Association members consist of people chosen to act and speak on behalf of the wider school community in particular the parents and grandparents of students, teachers of the school and local community members.

#### 2.0 OBJECTS (Specified in the School Education Act 1999)

- 2.1 Act as a formal, recognised parent forum for discussion of education issues.
- 2.2 Develop community interest and gather community opinion on educational issues.
- 2.3 Nominate a representative to the School Council/Board.
- 2.4 Participate in the formation of the education policies of the school through representation on the School Council/Board.
- 2.5 Promote the interests and well-being of the children attending the school.
- 2.6 Work to bring about greater cooperation between the school and the home.
- 2.7 Provide additional resources and facilities for the school.

### **3.0 POWERS**

- 3.1 Raise funds.
- 3.2 Operate bank accounts.
- 3.3 Appoint or remove employees (e.g. canteen).
- 3.4 Appoint committees.
- 3.5 Make representation to the school administration, the Education Department and to government either directly or through Western Australian Council of State School Organisations Incorporated (WACSSO).
- 3.6 Affiliate with WACSSO.

### **4.0 NON FOR PROFIT INCORPORATED ASSOCIATIONS**

Reference Associations Incorporated Act 2015

- 4.1 Make a profit (e.g. by fundraising), as long as individual members do not receive any of the profit.
- 4.2 Employ people (including members) and pay wages or salary.
- 4.3 Allow members to derive a monetary benefit from the Association in circumstances where the member would be equally entitled to the benefit if he or she was not a member (e.g. members of housing Associations being housed).
- 4.4 Protect or regulate a trade, business or industry that members are involved in, as long as the Association itself does not participate in the trade, business or industry (e.g. professional Associations).
- 4.5 Protect or regulate a trade, business or industry that members are involved in, as long as the Association itself does not participate in the trade, business or industry (e.g. professional Associations).
- 4.6 Commercially trade with the public.
- 4.7 Charge admission fees to events organised for the promotion of the Association's objectives.
- 4.8 Arrange competitions between members for prizes and trophies.
- 4.9 Provide facilities or services for members (e.g. a bowling club running a bar).
- 4.10 Pay remunerations to a member in good faith for services provided to their Association.

### **5.0 WACSSO AFFILIATE CHECKLIST**

- 5.1 Yearly complete the WACSSO Affiliate checklist to ensure the Association is abiding by all the rules required.

### **6.0 LOYALTY REWARDS**

- 6.1 No P&C volunteers or employees using business finances can claim loyalty rewards for any P&C related business unless otherwise approved by the Executive Committee. Exception is P&C volunteers using personal funds for any P&C related expenses who issue an expense claim for reimbursement may claim loyalty rewards.

### **7.0 MISSION STATEMENT**

- 7.1 The Associations mission is to encourage an inviting, open and inclusive school community. We participate in discussions and take actions that enhance a cooperative partnership between the school and the families of Port Kennedy Primary School students. We support fundraising initiatives throughout the school year and invest those funds into opportunities that are academically, socially, emotionally and physically beneficial for the children.

## **8.0 CODE OF CONDUCT**

- 8.1 This Code of Conduct clarifies the expected standards of our Association's members. It will aid all members of our school community to work as a cohesive group in partnership with the school. The Code is intended to promote and maintain the highest standard of ethical behaviour by each Association members at all times.
- 8.2 P&C Association members are to:
- Act in the best interest of the total school community at all times
  - Conduct and present themselves in a professional manner and act ethically and with integrity at all times
  - Act with courtesy and demonstrate respect for all persons, whether fellow P&C Association members, school staff, parents/carers, students or community members
  - Remain objective and avoid personal bias at all times
  - Represent all members of the school community
  - Engage the school and wider community in developing and effecting school priorities, policies and decisions in a manner that is consultative, respectful and fair
  - Declare any conflicts of interest and not misuse their office to advance individual views for personal gain
  - Make fair, transparent and consistent decisions
  - Provide objective and independent advice
  - Listen and be tolerant of the views and opinions of others, even if those views and opinions differ from their own
  - Treat official information with care and use it only for the purpose for which it was collected or authorised
  - Respect confidentiality and information privacy (about the school, community members, staff or students) at all times and not disclose confidential information
  - Not use confidential or privileged information to further personal interests
  - Work within the boundaries of the Education (General Provisions) Act 2006, the Education (General Provisions) Regulation 2006 and the Department of Education, Training and Employment's policies and procedures relevant to the Association operations.

## **9.0 COMPLYING WITH THE RULES**

Reference Associations Incorporated Act 2015

- 9.1 The Executive committee is responsible for implementing the rules and ensuring that it meets its obligations under the Act. Committee members must comply with and act within the rules at all times.
- 9.2 All committee members should be supplied with an up-to-date copy of the Association's rules and be familiar with its main and most-used provisions. It may also be beneficial for committee members to bring the rules with them to every meeting. As a minimum, the Secretary should ensure that a copy of the rules is on the table at each meeting.

## **10.0 ETHICAL CONSIDERATIONS**

Reference Associations Incorporated Act 2015

10.1 An honest and ethical organisation needs to be run with certain standards of behaviour. An ethical organisation will ensure that there is full accountability for all its actions. Every member is a part of the decision-making process. People will never be fully committed to our Association if they are not allowed a voice in planning, decision-making, fundraising and allocating the funds raised. If P&C members are aware of their responsibilities under the P&C Constitution which abides by: the School Education Act 1999, the School Education Regulations 2000, and the Associations Incorporation Act 2015, and if you are honest and careful in what you do, and you act in good faith with the P&C's best interests in mind, then you are limiting the possibility of any claims of mismanagement.

## **11.0 DUTY OF CARE AND DILLIGENCE**

Reference Associations Incorporated Act 2015

11.1 While discharging duty of care and diligence a committee member or officer should:

- Be prepared for meetings (reading any papers and the financial statements)
- Broadly understand the financial position of the Association
- Follow up on action items
- Keep informed about the Association's operations and activities
- Ask questions
- Take steps to ensure that the Association meets its obligations under other law. For example occupational health and safety, taxation and employment

## **12.0 CONFLICTS OF INTEREST**

Reference Associations Incorporated Act 2015

12.1 Committee members must not put themselves in a position where there is a conflict between their duties and responsibilities to the Association and their personal interests.

12.2 The Act requires members of the committee to disclose any material personal interest they may have in any contract, or proposed contract, entered into or being considered by the committee.

12.3 A committee member has a material personal interest when that member has a personal interest in a matter which could be seen to compromise their ability to act in the interests of the Association and make an impartial decision. The interest may be financial or non-financial.

12.4 Examples of material personal interests include:

- The committee member owns a business an Association is seeking to contract with to supply it with goods or services.
- A relative of the committee member submits an application for employment with the Association.
- The committee member serves on the committee for two Associations that are competing for the same tender or grant.

12.5 In a small, volunteer run Association, it can seem difficult to manage these obligations while providing effective management, but members are entitled to expect that committee decisions will reflect the interests of the Association rather than the personal interests of its committee members.

12.6 It must be remembered that not all personal interests are 'material' in the context of the decision being made and common sense should apply.

### **13.0 DUTY OF CARE AND RISK MANAGEMENT**

Reference Associations Incorporated Act 2015

- 13.1 Incorporated Associations have a duty of care to ensure that activities of the Association do not cause harm, damage or injury to any participant or recipient of its services, or any other person who is reasonably likely to be affected.
- 13.2 If an injury is a foreseeable result of the Association failing to exercise reasonable care in providing these services, then the Association will be liable for any loss or damage suffered. For example:
  - While participating in a sporting event or school holiday program provided by the Association.
  - While attending a childcare facility provided by the Association.
- 13.3 The Executive Committee needs to ensure the standard of care provided by their Association is reasonable in order to minimise the risk of liability.
- 13.4 The Association has a duty to take reasonable steps to ensure all activities and rides are safe, appropriate for the age levels and properly supervised. Attendees and participants must be warned of any dangers.
- 13.5 Reference the Public Liability Insurance Certificate to ensure appropriate insurance cover for events.

### **14.0 LEAVING THE COMMITTEE**

Reference Associations Incorporated Act 2015

- 14.1 The committee is responsible for maintaining the documents and records of the Association, but these are the property of the Association. The Act requires any committee member who has possession of these documents when he or she ceases to be a committee member to ensure that they are delivered to a current member of the committee as soon as possible.

### **15.0 ORIENTATION AND TRAINING FOR EXECUTIVE COMMITTEE**

Reference Associations Incorporated Act 2015

- 15.1 New Executive Committee members need to know about their responsibilities and the workings of the Association. It is good practice to provide a structured, comprehensive and practical orientation to the activities, policies and structure of the Association. This may take the form of interactive workshops and seminars as well as informal individual discussions with outgoing members and experienced committee members.
- 15.2 An Orientation program might include:
  - Association objectives and rules of the Association
  - Legal responsibilities of committee members
  - Strategic and business planning
  - Policies and procedures
  - Current issues impacting on the Association
  - Record systems
  - Occupational health and safety
  - Financial management
- 15.3 Orientation Kit for Executive Committee members are a useful way of providing newcomers with all the essential information.
- 15.4 The kits can be given to newly elected members and may contain:
  - Information on the Association, objectives, structure, activities and achievements
  - The role of committee members
  - A list of committee members and their contact details
  - Practical expectations (e.g. number of meetings, other tasks)
  - General requirements and expectations
  - The rules of the Association
  - A guide to meeting practices
  - Policies and procedures

## **16.0 INCOME AND PROPERTY**

- 16.1 Any surplus P&C funds, over and above administrative costs, can only be spent to benefit Port Kennedy Primary School. Funds cannot be transferred to any individual Association member.
- 16.2 To avoid paying the GST component on items purchased for the school, use the following process:
- Discuss the proposed purchase at a P&C General Meeting and ensure that there is a resolution in the minutes showing the Association's intention to purchase that particular item.
  - Ask the Principal, in writing, to purchase the item. The school is registered for GST and will be able to claim back the GST component of the purchases price.
  - Give the school a cheque for the purchase price less the GST component. This money is a conditional donation to the school funds. The GST ruling GSTR 2000/11 allows P&Cs to make donations to non-profit organisations (schools only) and to specify what the money is for, as long as there is no material benefit to the giver (the P&C) and the donation is made voluntarily.
- 16.3 Two committee members or employees must abide by the cash handling rules and keep daily financial records (e.g. Money Count Sheets) for record keeping purposes. At the end of the day or event, two committee members or employees must be present to count the end of day or event takings, money count sheet completed and signed off by both committee members or employees. At least one of the committee member must be an Executive committee member.
- 16.4 Financial Records are to be maintained as per the General Disposal Authority for State Government Information document. (State Records Act 2000)
- 16.5 Executive approval is required for all Canteen expenditure over the amount of \$500.

## **17.0 BANK SIGNATORIES**

Reference Associations Incorporated Act 2015

- 17.1 The following members consisting of the President, Vice President, Secretary and Treasurer are the people who can sign on behalf of the Association to set up accounts, sign cheques, sign bank documents etc.

## **18.0 FINANCIAL YEAR**

- 18.1 The Financial Year of the Association is January 1 – December 31 of any Calendar year.
- 18.2 Two Executive Committee signatories are required for all direct bank transfers.

## **19.0 OUT OF POCKET EXPENSES**

Reference Associations Incorporated Act 2015

- 19.1 The Act allows a member to be reimbursed for any out of pocket expenses relating to the affairs of the Association. It is normal to request that the member provide evidence of the payment such as a receipt before the refund is paid.
- 19.2 A member must present a copy of the receipt/s, reason for purchase and personal bank account details so an electronic transfer for reimbursement can be made to your nominated bank account by the Treasurer.

## **20.0 MEMBERSHIP / RESIGNATIONS**

- 20.1 Membership shall be according to the Association's Constitution rule 5.0 and 6.0.
- 20.2 Resignations from the Association or from any position held on the Association shall be in writing. Accepted methods shall be a letter direct to the President or Secretary of the Association, post, email, or delivered by hand. SMS will not be accepted.
- 20.3 If a person has been convicted of an indictable offence, it is grounds for removal from this committee in accordance with the Associations Incorporated Act 2015 and Education (General Provision) Act 2006.
- 20.4 If a financial member of the committee is accused of any serious misconduct, an investigation will be conducted by the Executive Committee. Should the investigation conclude that the member's conduct has, or is liable to bring our organisation into disrepute, then the committee reserves the right to terminate their membership.

Serious misconduct shall include, but not be limited to:

- a) Dishonesty or Theft
- b) Wilful damage to property
- c) Acts of violence, threatened violence or harassment

## **21.0 SUB COMMITTEES**

- 21.1 All Sub-committees shall comprise of a Team Leader and at least one (1) other member to form a committee.
- 21.2 All Sub-committees shall operate by their Terms of Reference.
- 21.3 After the elections at the Annual General Meeting, all Sub-committees are to review their Terms of Reference. Any changes are to be presented at the next scheduled General Meeting for ratification.
- 21.4 Notice of Sub-committee meetings shall be in accordance with Constitution rule 16.2. – *Notice of Committee meetings shall be given to all members of the relevant committee not less than forty eight (48) hours prior to the time of the proposed meeting.*
- 21.5 All Sub-committees must include one member of the Executive Committee, and are responsible to the Executive Committee in accordance with Constitution rule 9.3 – *The Executive Committee may form sub-committees to deal with particular aspects of its work. Such sub-committees shall be responsible to the Executive Committee. Sub-committees so formed shall each include at least one (1) member of the Executive Committee who will represent it on the Executive Committee.*
- 21.6 Decisions made at Sub-committee meetings must come to the scheduled General meeting and/or Executive Meeting for ratification. No Sub-committee shall action any decisions until this is done.

## **22.0 VICE PRESIDENT**

- 22.1 Assumes the responsibilities of the President when absent from duties.

## **23.0 THE HONORARY TREASURER**

- 23.1 Making payment by means of EFTPOS or Direct Money Transfer.

#### **24.0 CANTEEN TEAM LEAD**

Subject to direction of the P&C Association the Canteen Team Leader shall be responsible for:

- 24.1 The financial management of the canteen
- 24.2 Ensuring relevant legislation in relation to health and safety are adhered to.
- 24.3 Acquiring and maintaining suitable equipment provided that the annual expenditure shall not exceed the amount authorised by the Association.
- 24.4 Establishing a reserve account for the purpose of equipment replacement and long service leave provision for employees.
- 24.5 Recruiting volunteers as shall be considered necessary.
- 24.6 Appointing canteen staff in consultation with the President and Vice President of the committee.
- 24.7 Negotiating individual employee/employer agreements including wages, duties and conditions.
- 24.8 Providing reports to all general meetings of the Association or when required to the Executive Committee.
- 24.9 Ensuring that Grievance Settlement/Dispute Resolution Procedures adopted by the Association are followed.

#### **25.0 FUNDRAISING TEAM LEAD**

Subject to direction of the P&C Association the Fundraising Team Leader shall be responsible for:

- 25.1 The organising and carrying out of fundraising event approved by the Association
- 25.2 Ensuring a calendar of fundraising events for the following year is tabled and adopted at the last meeting for the year of the Association
- 25.3 Providing a "time-line" for each fundraising event, (This could include such things as order forms sent home, return date, money to accompany order, expected date of goods being received by the Association and sent home, etc. – each time-line would be relevant to the particular event.)
- 25.4 Ensure that the process for collection of monies related to any fundraising event is approved by the Association (This process should ensure that there are two person collecting and counting the money received and where it is to be handed over to the Treasurer of the Association counted out once again and a receipt given by the P&C Treasurer.)

#### **26.0 SAFETY HOUSE TEAM LEAD**

Subject to direction of the P&C Association the Fundraising Team Leader shall be responsible for:

- 26.1 To establish a geographical area of responsibility;
- 26.2 To establish the Safety House Program for its area;
- 26.3 To monitor on an ongoing basis all houses within the committee area, particularly Safety Houses;
- 26.4 To liaise with the school(s) to ensure periodic education of children and periodic surveys;
- 26.5 To liaise with neighbouring committees for additional Safety House applications and exchange of ideas;
- 26.6 To report to the general meetings and/or executive committee meetings of the P&C;
- 26.7 To ensure Safety House guidelines and policy are followed;
- 26.8 To appoint delegate/s to the Regional Committee and/or State Safety House Association meetings.

**27.0 SCHOOL BANKING TEAM LEAD**

Subject to direction of the P&C Association the Fundraising Team Leader shall be responsible for:

- 27.1 Management of School Banking
- 27.2 Taking financial deposits once a week before school.
- 27.3 Reconciling total financial deposits and completing appropriate paperwork.
- 27.4 Depositing school banking monies at Commonwealth Bank on the same day.
- 27.5 Is at all times responsible to the general meeting of the Association.

**28.0 SOCIAL MEDIA TEAM LEAD**

Subject to direction of the P&C Association the Fundraising Team Leader shall be responsible for:

- 28.1 The management of the Associations Social Media platforms (Facebook).
- 28.2 Assigning administration access to the Associations Facebook page for approved committee members.
- 28.3 Assigning administration access to the Associations Facebook page for approved committee members.
- 28.4 Responding to Facebook comments and queries.
- 28.5 Re-directing Facebook comments and queries to the appropriate person on the P&C or Port Kennedy Primary School.
- 28.6 Publishing and promoting Port Kennedy Primary School activities and events.

**29.0 UNIFORM SHOP TEAM LEAD**

Subject to direction of the P&C Association the Fundraising Team Leader shall be responsible for:

- 29.1 Deciding the basic policy in relation to:
  - The selling of recommended new uniforms at a reasonable cost;
  - The ordering and distribution of pre-ordered new uniforms;
  - The purchasing and selling of second-hand uniforms.
- 29.2 Acquiring suitable shelf stock provided that the amount does not exceed the amount covered by the insurance policy.
- 29.3 Recording voluntary workers as shall be considered necessary on daily count sheets.
- 29.4 Maintaining a bank account in the name of Port Kennedy Primary School Parents and Citizens' Association Inc. (Uniform Account) at a level sufficient for the trading capital requirements of the Uniform shop.
- 29.5 Establish and maintain a stock control system.
- 29.6 Carry out a stocktake of new and second hand uniforms at the end of each (month/term).

## **16.0 MEETINGS**

- 16.1 The Associations Secretary is to be advised of Agenda Items at least three (3) days prior to a scheduled General Meeting.
- 16.2 Any Agenda Items advised within three (3) days of the scheduled General Meeting, shall be added to Other Business and will be dealt with if time permits.
- 16.3 Notice of General Meetings, Annual General Meetings and Special General Meetings shall be given in writing to all financial members not less than seven (7) days prior to the proposed meeting date. Method can be by email, fax, post or delivered by hand.
- 16.4 Notice of committee meetings shall be given to all members of the relevant committees not less than forty-eight (48) hours prior to the proposed meeting date.
- 16.5 The Chairperson may call at any time, during any meeting, the employment Rules of Debate in order to maintain control of the meeting.
- 16.6 No meeting of the Association shall exceed two (2) hours unless a motion is passed by the Association's financial members to extend the meeting.
- 16.7 Any decisions or motions made at sub committee meetings shall be presented to the scheduled General Meeting, and/or an Executive Meeting, where the quorum is met, for ratification and no action shall take place until this occurs.
- 16.8 A complete handover of committees and positions shall take place within seven (7) days of the Annual General Meeting. If there remain vacant positions after this time, all paperwork relevant to that committee or position shall be handed over to the President of the Association.
- 16.9 All relevant paperwork held by the President of the Association shall be handed over within seven (7) days of the committee and/or position being filled.

## **17.0 REPORTS**

- 17.1 All reports and background papers for General Meetings shall be submitted in writing at least three (3) days prior to a scheduled meeting, with the exception to the Treasurer, Secretary, President and Principal.
- 17.2 All reports for meetings (refer 3.1) is to be included in the mail out with the upcoming agenda if available. Method can be by email, fax, post, or delivered by hand.
- 17.3 Reports submitted within three (3) days of the scheduled General Meeting shall be added to General Business on the Agenda and considered if time permits.
- 17.4 Reports submitted to the General Meeting at the General Meeting shall be added to Other Business on the Agenda and considered if time permits.
- 17.5 Reports submitted in accordance with 3.1, may not necessarily be read out at the scheduled General Meeting, but shall be available for viewing.
- 17.6 Reports submitted in accordance with 3.3 and/or 3.4 may read out any motions, actions or recommendations with a brief premise, if time permits.
- 17.7 Order of the reports shall be at the Chairperson's discretion.

## **18.0 QUORUM**

- 18.1 For the purpose of these By-laws, Port Kennedy Primary School Parents & Citizens Association Inc, will be considered a large school, which is having more than 100 students.
- 18.2 For the Executive Committee meetings of the Association, a quorum shall be at least five (5) Executive Committee members. Meetings can be conducted either in person and/or via email correspondence.
- 18.3 For any General meeting of the Association, a quorum shall be at least ten (10) financial members of the Association.

## **19.0 AGENDA ITEMS**

- 19.1 Submission of Agenda Items shall be according to the Association's By-law 2.0.
- 19.2 Agenda Items submitted within three (3) days prior to a scheduled General Meeting, or at the scheduled General Meeting, shall be listed as the last items in 'Other Business', and will be considered if time permits.
- 19.3 Agenda Items submitted for discussion for Executive Committee meetings and/or Special General meetings shall be the only items of business to be discussed.
- 19.4 Agenda Items not discussed shall be deferred to the next scheduled General Meeting.
- 19.5 Any supporting or background papers of deferred Agenda Items shall be submitted to the Association's Secretary not less than three (3) days prior to the scheduled General Meeting.
- 19.6 Order of the Agenda items shall be at the Chairperson's discretion.

## **30.0 MINUTES**

- 30.1 Minutes of the Annual General Meeting and Special General Meeting shall be presented to the scheduled General Meeting for ratification.
- 30.2 Minutes of the committee meetings shall be presented to the next scheduled General Meeting for ratification.
- 30.3 Minutes of the sub-committee or other meetings are available on request to any member of the committee at the discretion of the Executive Committee. Minutes involving confidential or sensitive information will not be issued unless on request unless they are a member of such group.
- 30.4 Copies of the minutes of all meetings shall be kept in the Association's file that is held on the school property, for the school community to view at any time.
- 30.5 Copies of the minutes of all meetings shall be on display in the Association's notice board for the school community to view at any time.
- 30.6 Minutes of the scheduled General Meeting shall be distributed within fourteen (14) days of the close of the meeting.

## **31.0 STORAGE OF RECORDS**

Reference Associations Incorporated Act 2015

- 31.1 All hard copy records will be stored in the P&C classroom D5.
- 31.2 Where appropriate electronic records will be stored on the P&C Google Drive.

## **32.0 DESTROYING AND ARCHIVING OF RECORDS**

Reference Associations Incorporated Act 2015

- 32.1 Records should not be destroyed unless the Association is absolutely certain that this can be done both safely and legally.
- 32.2 Records that must be kept permanently should be archived and not destroyed.
- 32.3 Records that have permanent value are historical documents, minutes of meetings and legal documents. Archived records can be stored on-site or at an off-site storage facility.

### **33.0 GRIEVANCES AND DISPUTE INFORMAL PROCEDURE**

Reference Associations Incorporated Act 2015

- 33.1 The person making the complaint approaches the chairperson or a person designated to deal with grievances and disputes such as a complaints officer to discuss the matter.
- 33.2 The person receiving the complaint needs to obtain as much information as possible, evaluate the grievance/dispute and explore options for resolution.
- 33.3 The person making the complaint should be advised of his or her right to submit a formal grievance if he or she is not satisfied with the decision and outcome of the informal process.

### **34.0 GRIEVANCES AND DISPUTE FORMAL PROCEDURE**

Reference Associations Incorporated Act 2015

- 34.1 If informal discussions fail to resolve a grievance or dispute, a formal complaint is made in writing to the chairperson to deal with formal grievances.
- 34.2 The complainant must set out all the details of the grievance or dispute.
- 34.3 The chairperson attempts to resolve the matter with the complainant.
- 34.4 If the complaint involves another person or persons, it is necessary to discuss the matter with the other person or persons concerned to get their side of the story.
- 34.5 If there is a dispute between two or more people, mediation may be recommended at this stage, where an impartial third party attempts to assist the parties to resolve their dispute. The mediator may be a member of the Association or an external person. The mediator must be acceptable to the parties and should not have any stake in the outcome. The mediator facilitates the discussion between the parties and guides them towards a solution. Each party is given a fair opportunity to state their case. The mediator does not decide the dispute or impose a solution on the parties. The role of the mediator is to assist the parties find their solution.
- 34.6 If mediation fails or it is not considered appropriate in the circumstances, the matter is referred to WACSSO and/or the Fairwork Ombudsman for advice.
- 34.7 After advice is sought and recommendations are proposed, action should be made by all parties to work through the recommendations to resolve the issue.
- 34.8 The committee should keep detailed and accurate notes of the hearing and the outcome.
- 34.9 A notice of a grievance or dispute may be withdrawn at any time.

### **35.0 REMOVAL OF EXECUTIVE OR COMMITTEE MEMBERS**

Reference Associations Incorporated Act 2015

- 41.1 Grievances and dispute may arise as a result of the conduct of one or more Executive Committee members. For example, a committee member may not be acting in the best interest of the Association or a committee member may be causing discontent amongst the committee, making it difficult for the Executive Committee to operate.
- 41.2 An Association may generally remove a committee member by means of a resolution in a general meeting or a special general meeting and appoint another member. If a member is to be removed, the chairperson (unless the chairperson is the one being removed, then the deputy chairperson), must inform the member of the motion to have the member removed and the reasons for the removal.
- 41.3 The committee member must be given the opportunity to submit a written response, giving reasons why he or she should not be removed. The response is sent to all the members of the Association or is read at the general meeting. The resolution is put to the meeting and voted on. The process for removing a committee member should be set out in the rules of the Association.

## **42.0 LOTTERIES AND GAMES**

### Reference Associations Incorporated Act 2015

- 42.1 Lotteries (raffles) and games, such as bingo, are popular fundraising activities. The Gaming and Wagering Commission Act 1987 provides permits to charitable groups, community based organisations and sporting bodies for the purpose of raising funds from gaming related activities.
- 42.2 The gaming activities covered by the Gaming and Wagering Commission Act 1987 include:
- Standard lotteries;
  - Continuing lotteries;
  - Trade promotion lotteries (e.g. a colouring in competition or entries drawn Randomly from a barrel);
  - Video lottery terminals;
  - Bingo;
  - Two-up;
  - Sweepstakes;
  - Gaming functions
  - Football tipping competitions
  - Minor fundraising activities.
- 42.3 Associations wishing to raise funds from one of these activities will in most cases need to obtain a permit from the Department of Racing, Gaming and Liquor (DRGL). Funds raised must be for charitable purposes, or for a purpose that is not for private gain or a commercial undertaking. In making an application for a permit, your Association will be required to provide a copy of the rules of Association or certificate of incorporation to show that they are a genuine group.
- 42.4 There are different application forms, conditions and fees for each lottery and gaming activity. It is important to complete the correct form/s, which can be obtained from the DRGL or downloaded from its website.
- 42.5 Minor fundraising activities, which include football tipping competitions where the total prize money is less than \$10,000 and raffles under 24 hours' duration, do not usually require a permit.
- 42.6 However, check with the DRGL if you are not sure whether or not you require a permit for your activity or you could be liable for a fine.

### **43.0 SELLING FOOD AT FUNDRAISING EVENTS**

Reference Associations Incorporated Act 2015

- 43.1 Selling food is a very popular and profitable way of raising funds, whether it is a cake sale, a sausage sizzle, an occasional food stall or a large food and wine festival. However, preparing and selling food requires very careful handling and preparation for reasons of hygiene and safety.
- 43.2 The following laws regulate fundraising activities, involving the preparation and supply of food in Western Australia:
- Health Act 1911;
  - Health (Food Hygiene) Regulations 1993;
  - Australia New Zealand Food Standards Code.
- 43.3 Associations that are planning to organise temporary food stalls need to obtain a permit from their local council. Councils will also probably be able to provide the Association with general guidelines on preparing and selling food. Ask to speak to the environmental health officer.
- 43.4 The following aspects need to be considered when planning a food stall and submitting an application for a permit:
- The type of food products to be sold;
  - The people who will be preparing and selling the food;
  - Equipment required;
  - Purchasing and transporting the food;
  - The nature of the facilities to be used;
  - Procedures and equipment for handling food;
  - Temperature control of hot and cold food;
  - Presentation and storage of food;
  - Labelling food;
  - Cleaning requirements and equipment;
  - Rubbish and waste water disposal.

### **44.0 LOCAL AUTHORITIES**

Reference Associations Incorporated Act 2015

- 44.1 Certain activities may require local government approval for fundraising. This is likely to be the case when using a public space and/or in relation to local health, noise, safety or traffic by-laws.

### **45.0 RISK MANAGEMENT**

Reference Associations Incorporated Act 2015

- 45.1 Risk Management is a term used to describe a formal and structured process of identifying and managing risk. Generally speaking, it involves assessing, and then actively managing, an organisation's potential exposure to loss, damage or litigation.
- 45.2 Basic risk management steps:
- Identify each risk
  - Assess risks and consequences
  - Treat risks
  - Monitor and review the process on a regular basis
  - Potential areas or risk