

# SUBIACO PRIMARY SCHOOL BUILDING FUND

## TERMS OF REFERENCE

### Name:

- 1 The name of the fund is the *Subiaco Primary School Building Fund*.

### Definitions:

- 2 In these rules, unless a contrary intention appears:

“**Committee**” means the Management Committee constituted under Points 4 to 7 of these Terms of Reference.

“**P & C**” means the Subiaco Primary School Parents & Citizens Association Inc.

“**School**” means the Subiaco Primary School, including Early Childhood Education facilities on Hamersley Road.

“**The Fund**” means the *Subiaco Primary School Building Fund*.

“**School Council**” means the Subiaco Primary School Council as constituted under the School Education Act 1999.

### Objects:

- 3 The objects of the Fund are:
- (a) To solicit donations for the School for use exclusively in the construction, acquisition and maintenance of School buildings and fixtures.
  - (b) To receive, acquire and hold gifts, donations, property, legacies and devices for the advancement of the Fund.

### Management Committee:

- 4 The Fund will be managed by members of a sub-committee of the P&C, consisting of not less than four (4) members, the majority of whom have a degree of responsibility to the general community.
- 5 The P & C shall:
- (a) Determine the number of members of the Committee; and
  - (b) Elect members at each Annual General Meeting of the P & C Association in accordance with the Rules of the Association

6 The School Principal shall be a member and the Convenor of the Committee.

7 The President of the P & C shall be a member of the Committee.

### **Management Committee Meetings**

8 A minimum of two (2) Committee meetings shall be held each year.

9 The quorum for a Committee meeting shall be three (3) members.

10 Minutes of the Committee meetings shall be maintained and kept at the School.

11 Copies of Committee Minutes shall be provided to the P & C and the School Council.

### **Casual Vacancies in the Management Committee:**

12 In the event of a casual vacancy in the Committee, a P&C General meeting may appoint a member to the casual vacancy for the remainder of the elected period.

13 A casual vacancy in the Committee occurs if a Committee member:

- (a) Dies while a member of the Committee;
- (b) Resigns by notice in writing to the Convenor;
- (c) Is convicted of an offence under the Associations Incorporation Act 1987;
- (d) Is permanently incapacitated by mental or physical ill-health; or
- (e) Is absent from more than three (3) consecutive Committee meetings of which he or she has received notice, without tendering an apology to the person presiding at each of those meetings: or

if the Building Fund Committee is first established prior to the date of an Annual General Meeting of the P&C, whereon the P&C may appoint members to the Committee until the first election is held at the Annual General Meeting.

### **Powers:**

14 The Committee, may do all things necessary or convenient for the purpose of carrying out any one or more of the Objects of the Fund, and not otherwise, and in particular may:

- (a) Accept, receive and/or take any funds, gift or property (real or personal), whether subject to any special trust or not, for any one or more of the Objects of the Fund.
- (b) Acquire, hold, and/or deal with any real or personal property of the Fund.

- (c) Invest and deal with the money of the Fund not immediately required, in such a manner as may be permitted by Financial Administration and Audit Act.
- (d) Enter into any contract it considers necessary or desirable.
- (e) Apply the income and property of the Fund exclusively towards the promotion of any one or more its' Objects.
- (f) Borrow money upon terms and conditions the Committee thinks fit.
- (g) Undertake personal, or written appeals, meetings, or the like, which are approved by the P & C and are considered expedient for the purpose of procuring contributions to the Fund in the form of donations or otherwise.
- (h) Invite parents of students, former students, community members and other members of the public to donate to the Fund.
- (i) To print and publish any newsletters, periodicals, books or leaflets that the Committee may deem desirable for the promotion of any one or more of the Objects of the Fund.
- (j) To open and operate a bank account which is a public fund in the name of the *Subiaco Primary School Building Fund*.

Provided the account is managed in accordance with the Department of Education & Training's financial management policy and procedures, and require cheques to be signed by at least two members of the Committee.

**Non-Profit Clause:**

- 15 The income and property of the Fund however derived shall be applied exclusively towards the promotion of any one or more of the Objects of the Fund.
- 16 No portion of the Fund shall be paid or distributed directly or indirectly to members of the Committee by way of dividend, bonus or other payment except as reimbursement for out of pocket expenses incurred on behalf of the Fund or as proper remuneration for administrative services rendered to the Fund.

**Accounts:**

- 17 Receipts will be issued in the name Subiaco Primary School Building Fund.
- 18 The P&C shall keep proper accounts of the moneys received and expended by the Fund.
- 19 The P&C shall:

- (a) Prepare a proper set of annual financial statements for the Fund, and submit those statements to all members of the Committee for consideration at the first Committee meeting following 30 June each year; and
- (b) Provide a copy of the financial statements to the P & C for consideration at the P & C Annual General Meeting; and
- (c) Provide a copy of the financial statements to the School Board.

20 The Fund account shall be audited at the same time as the P&C accounts.

**Dissolution Clause:**

21 If on the dissolution of the Fund, any assets of the Fund remain after satisfaction of all its debts and liabilities and the costs, charges and expenses of the dissolution, those assets shall be transferred to another Fund with similar purposes and endorsed as a Deductible Gift Recipient pursuant to the requirements of Section 30 of the Income Tax Assessment Act 1997.

**Changes to the Terms of Reference:**

22 The P&C shall notify the Australian Tax Office of any changes to the Terms of Reference contained herein.