



Cape Byron Rudolf Steiner School Inc.

An Association registered under the
Association Incorporations Act 1984 (NSW)

Constitution and Rules

As amended 31st March 2007

ASSOCIATIONS INCORPORATIONS ACT 1984 (NSW)
CAPE BYRON RUDOLF STEINER SCHOOL INCORPORATED
CONSTITUTION AND RULES

As amended 31 March 2007

PART A – PRELIMINARY.....	1
1. NAME	1
2. OBJECTS	1
3. POWERS	1
PART B – MEMBERSHIP.....	3
4. MEMBERSHIP QUALIFICATIONS	3
5. CESSATION OF MEMBERSHIP	3
6. REGISTER OF MEMBERS	3
7. MEMBERS’ LIABILITY	3
8. DISCIPLINING MEMBERS	3
9. INTERNAL DISPUTES	4
PART C – THE BODIES OF THE ASSOCIATION	5
10. THE COLLEGE OF TEACHERS	5
11. THE SCHOOL COUNCIL	6
PART D – MEETINGS.....	12
12. ANNUAL GENERAL MEETINGS	12
13. SPECIAL GENERAL MEETING	12
14. NOTICES OF MEETING	12
15. PROCEDURES AT MEETINGS	12
16. MAKING DECISIONS	13
17. ELECTIONS	13
18. SPECIAL RESOLUTIONS	13
PART E – MISCELLANEOUS	15
19. COMMON SEAL	15
20. PUBLIC OFFICER	15
21. AFFILIATION	16
22. DISSOLUTION	16
23. INTERPRETATION OF RULES AND CONSTITUTIONAL BY-LAWS	16
24. INSURANCE	16

PART A – PRELIMINARY

1. Name

The name of the Association shall be the Cape Byron Rudolf Steiner School Incorporated (hereinafter referred to as the “Association”).

2. Objects

The objects of the Association aim to be:

- 2.1** at all times adhere to and to foster the intentions and advice of Rudolf Steiner in their application to education of children;
- 2.2** to develop fully the talents and capacities of all students through a curriculum consistent with the preceding object;
- 2.3** to strive for, establish and maintain activities based on the principles indicated by Rudolf Steiner; and
- 2.4** to provide a safe and supportive environment for all who learn and work in our school.

3. Powers

The Association shall have the following powers (in addition to and without prejudice to any other power herein expressed or implied or by virtue of the provisions of the Association Incorporations Act 1984, as amended from time to time):

- 3.1** to do such things as are necessary to incorporate the Association under the provisions of the Associations Incorporation Act 1984;
- 3.2** to do such things as are necessary to satisfy the requirements of Federal and State legislation as it applies to independent schools for the provision of education;
- 3.3** to delegate to the College of Teachers, the Administrator and such mandated personnel and committees as may be appointed from time to time any tasks necessary for the management and operation of the Association;
- 3.4** to construct, maintain and alter any buildings or works necessary or convenient for the purpose of the Association;
- 3.5** to purchase, take on, lease, exchange, hire or otherwise acquire and hold any real or personal property;
- 3.6** to pay for any real or personal property acquired or to be acquired by the Association for cash, or to allow the whole or any portion of the purchase money to remain owing on mortgage or otherwise upon such terms as the Council may see fit;
- 3.7** to borrow or raise money at interest or at none for any purpose whatever;
- 3.8** to sell, lease, let, mortgage or charge any real or personal property belonging to the Association;

CAPE BYRON RUDOLF STEINER SCHOOL INCORPORATED
ASSOCIATION CONSTITUTION AND RULES
(Amended March 2007)

- 3.9** to apply for and enter into agreements and conclude agreements in relation to grants of any public or private monies to assist the Association in the furtherance of its objects;
- 3.10** to raise, receive, have, hold, administer and dispose of monies in the form of subscriptions, donations, legacies, bequests or as a consequence of fund raising activities;
- 3.11** to maintain insurance policies that shall provide adequate protection for the property, assets, staff, children and the public or which shall be required by law; and
- 3.12** to engage, within budgetary constraints, such staff as shall be required and found necessary from time to time for the proper working of the Association.

PART B – MEMBERSHIP

4. Membership Qualifications

The members of the Association shall be -

- 4.1** Any employee of the school;
- 4.2** Parents or guardians of any child registered to attend the school; or
- 4.3** Any person willing to abide by the Objects of the Association and approved by Council as a member and whose name shall be entered in a register for that purpose.

5. Cessation of Membership

A person ceases to be a member of the Association if the person:

- 5.1** resigns in writing to the Association;
- 5.2** is removed from membership under these Rules; or
- 5.3** dies.

6. Register of Members

A register of members shall be kept by the Association showing the name, address and date of commencement of membership for each member. Provision for noting the date of cessation shall also be contained in the register.

7. Members' Liability

The members of the Association shall have no liability to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association except to the amount of any unpaid membership fees.

8. Disciplining Members

- 8.1** A member may be expelled from membership of the Association (or otherwise disciplined) by the Council if, in the opinion of the Council after affording the member an opportunity of offering an explanation of his/her conduct, the conduct is regarded as being detrimental to the interests of the Association.
- 8.2** A member who wishes to appeal against a decision expelling or otherwise disciplining him/her may do so by notifying the Secretary in writing that he/she wishes the decision to be reviewed at the next general meeting of the Association.

9. Internal Disputes

- 9.1** In the event of a dispute arising between members (in their capacity as members) of the Association, and disputes between members and the Association, the Council and/or College of Teachers shall ensure that the dispute is resolved by negotiation.
- 9.2** Should the dispute remain unresolved after 14 days (or such period as may be agreed upon), the dispute shall be referred to a person mutually agreed upon for mediation.
- 9.3** In the event that no person can be agreed upon to mediate the dispute shall be referred to a Community Justice Centre for mediation in accordance with the Community Justice Centres Act 1983.

PART C – THE BODIES OF THE ASSOCIATION

10. The College of Teachers

10.1 General

10.1.1 The educational functions of the Association shall be delegated to an educational management committee called the College of Teachers, hereinafter referred to as “the College”, as per item 3.3 of the Constitution

10.1.2 The educational functions shall be defined by the College of Teachers and adopted or changed with the consent of the School Council.

10.2 Membership

10.2.1 Membership is voluntary and shall be comprised of persons employed to carry out the educational functions of the Association.

10.2.2 A prerequisite to membership of the College is membership of the Association for 12 months.

10.2.3 The College shall maintain a register of members

10.2.4 Once a member has committed him/herself to become a member of the College he/ she is obliged to attend meetings of the College and to fulfil duties as determined by the College at least for the duration of the current school year. If a member does not fulfil these obligations the College may ask the member to leave the College.

10.2.5 Retirement from the College is governed by section 11.6.

10.3 Functions and Powers

The College shall have the following functions and powers:

10.3.1 Enrolment and Admission - to administer the enrolment and admission of students to the school and expulsion of students from the school

10.3.2 Personnel - to recommend and approve for employment such teachers, aides, assistants, instructors and other educational staff as shall be required and found necessary from time to time for the proper educational working of the Association.

10.3.3 Curriculum - Within the policy embodied in clause 2 and 3.2 of the Constitution and Rules of the Association:

- (a) to be responsible for translating those Objects into practice in the day-to-day operation of the school;
- (b) to provide suggested design criteria for the grounds and buildings acquired or erected or to be acquired or erected for the purposes of the Association;

- (c) within budgets determined by Council and agreed to by the College, purchase teaching aids and equipment as may be required; and
- (d) to undertake that which is necessary to maintain registration of the school.

10.4 Committees of the College of Teachers

The College may from time to time delegate such business or matters, as the College may deem fit, to individual members or sub-committees of College.

10.5 Rights of College Members

The rights and privileges of a College member shall not be transferable and shall cease upon his/her ceasing to be a member of the College.

10.6 Retirement of College Members

Any member who desires to retire shall give notice in writing to the College. Upon receipt by the College of the notice, such member's name shall be immediately removed from the register of College Members and he/she shall on the date of such removal cease to be a member of the College.

10.7 Meetings of the College of Teacher

The College shall meet at least monthly and shall report to each Council meeting the activities of the College.

10.8 Chairperson and Secretary

College members shall elect a chairperson and secretary. The chairperson will be responsible for ensuring minutes are taken and filed and that appropriate administrative and other tasks arising from College meetings are executed.

11. The School Council

11.1 General

- 11.1.1** The responsibility for the management of the Association shall be vested in a management committee, hereinafter referred to as "the Council".
- 11.1.2** The Council shall comprise an equal number of College members and Association members (who are not employees of the school) respectively, and the number of members shall be six.
- 11.1.3** Up to 2 members from outside the parent/teacher community may serve on the School Council. Such members are not required to meet the 12 month Association membership requirement but must be nominated according to requirements listed in section 18 and be accepted by majority

vote at an AGM or a Special General Meeting. The inclusion of such Councillors shall not affect the upper or lower number of Council members.

- 11.1.4** The Council members shall be elected at each Annual General meeting and hold office until the next Annual General meeting, at which time all members must stand down, but may stand for re-election.
- 11.1.5** Council nominees must be members of the Association for at least twelve months before being eligible for election except where the nominee is not a member of the parent or staff community.
- 11.1.6** The Teachers' nominees shall be elected at the first College' meeting in the new year. The teachers' representatives shall hold office until the first College meeting of the following year.
- 11.1.7** The Council members shall elect the officers of the Association at their first Council meeting following the Annual General meeting. The office bearers shall comprise the Chairperson, Vice-Chairperson, Treasurer and Secretary.
- 11.1.8** The Council shall be entitled to exercise all or any of the powers of the Association, subject only to any directions given to it by resolution of a general meeting of the members thereof, and to section 11.2 'Meetings'.

11.2 Meetings

- 11.2.1** The Council shall meet no less than six times a year provided that the period between the Council meetings shall in no circumstances be more than twelve weeks.
- 11.2.2** A quorum shall consist of two thirds of the number of members of the Council. If within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall be adjourned to such a place, date and hour as the Chairperson of the meeting shall decide.
- 11.2.3** Any question arising at a Council meeting shall be decided by a show of hands unless a secret ballot is demanded. Decisions shall be made by a simple majority vote. The aim is to decide on questions by consensus where possible. In the case of an equality of votes the person appointed to chair the meeting shall have a second or casting vote.

11.3 Powers of the Council

11.3.1 Power to Act

The following powers shall be held by the Council and shall not be subject to change or alteration by resolution of an Annual General meeting or a Special General meeting:

- (a) To determine the number of employees;
- (b) to found and endow scholarships, bursaries and assistance programs for students attending the school;

CAPE BYRON RUDOLF STEINER SCHOOL INCORPORATED
ASSOCIATION CONSTITUTION AND RULES
(Amended March 2007)

- (c) to provide relief, benevolence and assistance by means of pecuniary or other help to students of the school whether by way of concession in fees or otherwise;
- (d) to fix all salaries, wages and other allowances payable out of the funds of the Association provided that at any particular meeting where a person's salary and superannuation is being determined that person is absent from that meeting;
- (e) to fix, adjust or waive the payments to be made for tuition of students;
- (f) to establish or arrange for such annuity, superannuation, retirement and other similar funds for the teaching staff, officers and other employees of the Association and their dependents as the Council may think fit or otherwise to assist such employees or their dependents;
- (g) if a decision of the Council or the Annual General meeting or a Special General meeting of the Association is held by the College to be incompatible with the educational functioning of the Association, the final decision in any such matters, other than budgetary/financial matters, shall be taken by the College;
- (h) the Council may, by resolution, fill any casual vacancy on the Council; the member so appointed retaining the office until the following Annual General meeting; and
- (i) the Council may from time to time, appoint from the members of the Association such sub-committees as it may deem necessary, and may dispute or refer to them such of the powers and duties of the Council as the Council may determine. Each sub-committee shall report its proceedings to the Council and shall conduct its business in accordance with the directions of the Council which may itself act in any matter, notwithstanding the existence of a sub-committee formed for that purpose.

11.3.2 Power to Co-opt

- (a) the power to co-opt to the Council any member or members of the Association to assist in the conduct of the business of the Council as it may deem necessary or expedient; and
- (b) the power and obligation to co-opt to the Council any person or persons from such other groups, associations or bodies as may be the opinion of the Council as being necessary. Any such co-opted members shall have the same obligations, rights and privileges (including full decision making rights) as elected members of the Council. Any member or person so co-opted shall retain office until a specified date not exceeding the next Annual General meeting, but may thereafter again be co-opted to the Council.

11.3.3 By Laws

- (a) the Council shall have power from time to time when and as it may think fit to pass, alter or rescind by-laws providing for the due management and regulation of the Association;

- (b) by-laws made pursuant to the previous sub-clause shall be entered in a book which shall be kept for the inspection of members and such by-laws may be printed and circulated at the discretion of the Council;
- (c) any by-laws or variations or rescindment of by-laws made or resolved upon by the Council since the last Annual General meeting of the Association shall be laid before the following Annual General meeting for confirmation by it or by a Special General meeting called for that purpose. Such Annual General meeting or Special meeting as the case may be, may confirm, disallow or vary any by-law or by-laws or variations or rescindments thereof so placed before it, provided that any bonafide act done by the Council or any person pursuant to or consequent upon any by-law or variation or rescindment thereof prior to such disallowance for variation shall nevertheless be valid and effectual for all purposes; and
- (d) no member of the Council may without the approval of the Council sell, encumber or otherwise deal with any Association property or commit the Association to any expense.

11.4 Finances

- 11.4.1** The financial year of the Association shall conclude on the 31 December;
- 11.4.2** Council shall cause to be kept proper books of accounts in which shall be kept true and complete records of the financial affairs of the Association;
- 11.4.3** all monies received shall be recorded by the issue of official receipts and shall be banked without delay to the credit of an account in the name of the Association;
- 11.4.4** all accounts shall be authorised and signed by any two members of Council or employees of the Association, being members or employees authorised to do so by Council;
- 11.4.5** subject to any resolution passed by the Association in a General meeting, the funds of the Association shall be used in pursuance of the objects of the Association in such manner as Council determines;
- 11.4.6** a financial statement shall be presented at each meeting of Council;
- 11.4.7** the Treasurer shall present an audited financial statement at the Annual General meeting; and
- 11.4.8** notwithstanding the provisions of this clause, Council may, by resolution, from time to time authorise the use of petty cash and to make expenditures subject to such conditions as Council shall prescribe.

11.5 Chairperson and Vice Chairperson

- 11.5.1** The duties of the Chairperson are:
 - (a) to notify Council members of the meeting dates and times;
 - (b) to circulate the agenda in advance;

- (c) to oversee the correct order of business; and
- (d) to set the next meeting date.

11.5.2 The duty of the Vice Chairperson is to support the Chairperson in all that may be required to ensure the proper conduct of the meeting.

11.6 The Secretary

The duties of the Secretary shall be to:

- 11.6.1** conduct the correspondence of the Association;
- 11.6.2** keep full and accurate minutes of all proceedings of the Association; and
- 11.6.3** do other such things as may be directed by the Council or prescribed in the by-laws.

11.7 The Treasurer

The duties of the Treasurer shall be to:

- 11.7.1** receive all monies for the Association and account for the same. The Treasurer's receipt shall be sufficient discharge in respect of any payment made to the Association; and
- 11.7.2** do such other things as may be required by these Rules or directed by the Council or prescribed in the bylaws.

11.8 Payment of Office Bearers and Members

- 11.8.1** No member shall hold the office of Chairperson or Treasurer on Council if he/she is an employee of the Association.
- 11.8.2** No member shall be disqualified from obtaining or continuing his/her membership of the Association by reason of the fact that he/she is an employee of the Association or has been remunerated by the Association for any out of pocket expenses incurred in the conduct of the business of the Association.
- 11.8.3** Any member of the Association who is in anyway, whether directly or indirectly, interested in any contract or proposed contract with the Association shall, as soon as the relevant facts have come to his/her attention, declare the nature of his/her interest to Council.

11.9 The Administrator

The Administrator shall be appointed by the Council and shall be a member of the Association. He/she shall have the following functions:

- 11.9.1** to facilitate the proper functioning of the Association;

- 11.9.2** to provide a monthly report to the Council and implement all decisions made by the Council; and
- 11.9.3** to recommend the employment of such ancillary staff as may be necessary for the proper functioning of the Association.

11.10 Auditor

The Auditor shall:

- 11.10.1** be elected annually at the Annual General meeting to audit the annual statement of accounts and balance sheet;
- 11.10.2** certify the same before they are presented to the Annual General meeting;
- 11.10.3** be either a member of a recognised accountancy society or a bank manager provided that he/she shall not be an officer, member or employee of the Association;
- 11.10.4** have the power to call for the production of all books, papers, accounts and documents relating to the Association and be entitled to require proper explanation thereof by the officers and employees of the Association; and
- 11.10.5** be eligible for re-election from year to year.

11.11 Vacation of Office

A member of the School Council shall cease to hold office:

- 11.11.1** upon his/her death;
- 11.11.2** by resignation in writing;
- 11.11.3** if he/she is removed from the Association;
- 11.11.4** if he/she ceases to be a member of the Association;
- 11.11.5** upon a resolution being passed by a two-thirds majority of members present at a properly constituted general meeting specially called to remove him/her from office;
- 11.11.6** if he/she is absent for three consecutive meetings without Council approved leave; or
- 11.11.7** if he/she holds any office of profit under the organisation except where such office has been declared and accepted in accordance with 11.8.3

PART D – MEETINGS

12. Annual General Meetings

- 12.1** The Annual General meeting of the Association shall be held on or before the 30th April each year.
- 12.2** The following business shall be transacted at Annual General meetings:
- 12.3** confirm the minutes of the last preceding Annual General meeting and of any special general meetings held since that meeting;
- 12.4** consider and, if thought fit to receive, adopt the Council's report and the audited financial statements;
- 12.5** elect the non-staff members to Council;
- 12.6** appoint the auditor for the forthcoming year; and
- 12.7** transact such other business as may be brought before the meeting in conformity with any by-laws made hereunder which the Council may consider relevant.

13. Special General Meeting

- 13.1** The Council may, whenever it thinks fit, convene a Special General meeting of the Association. A Special General meeting must be convened by the Council within twenty one days of receiving a written request to do so from at least ten members of the Association.
- 13.2** The written request must:
 - 13.2.1** state the purpose of the meeting;
 - 13.2.2** be signed by the members making the request; and
 - 13.2.3** be lodged with the Secretary.

14. Notices of Meeting

At least seven days notice of all Annual and Special meetings shall be given by post, or by any such other mode as the Council considers appropriate to ensure that the notice of the meeting will come to the attention of the members. The notice must specify the place, date and hour of the meeting and the agenda for the meeting.

15. Procedures at Meetings

- 15.1** No business shall be transacted at an Annual General meeting or Special meeting unless a quorum of 5 members is present at the commencement of the meeting.
- 15.2** If within half an hour of the time appointed for the meeting a quorum is not present the meeting shall be adjourned to such a place, date and hour as the Chairperson of the meeting shall decide.

15.3 The meeting shall not stand adjourned for more than fourteen days following the date of adjournment. If at such a meeting a quorum is not present those present shall constitute a quorum and may proceed to transact the business for which the meeting was called.

16. Making Decisions

16.1 Any question arising at a General or Special meeting of the Association, shall be decided by a show of hands unless a secret ballot is demanded. Decisions shall be made by a simple majority vote except for those matters which must be decided by special resolution where a three quarter majority is required.

16.2 In the case of an equality of votes the person appointed to chair the general meeting shall have a second or casting vote.

16.3 All votes shall be given personally or by proxy but no member may hold more than five proxies. Each member is entitled to appoint another member as proxy by advising the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

17. Elections

17.1 Nominations of candidates for election of non staff members to the Council:

17.1.1 shall be called for at least fourteen days before the Annual General meeting;

17.1.2 shall be made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and

17.1.3 shall be delivered to the Secretary of the Association not less than seven days before the date of the Annual General meeting.

17.2 If insufficient nominations are received to fill all vacancies on Council, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General meeting.

17.3 If insufficient further nominations are received, any vacant positions remaining on Council shall be deemed to be casual vacancies.

17.4 If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.

17.5 The ballot for the election of parent members of the Council shall be conducted at the Annual General meeting. The ballot paper shall show candidates' names in alphabetical order.

18. Special Resolutions

18.1 A special resolution must be passed by a general meeting of the Association to effect the following changes:

18.1.1 a change of the Association's name;

- 18.1.2** a change of the Association's rules;
- 18.1.3** a change of Association's objects;
- 18.1.4** an amalgamation with another incorporated Association;
- 18.1.5** to voluntarily wind up the Association and distribute its property; and
- 18.1.6** to apply for registration as a company or a co-operative.

18.2 A special resolution shall be passed in the following manner:

- 18.2.1** a notice must be given to all members advising that a general meeting is to be held to consider a special resolution;
- 18.2.2** the notice must give the details of the proposed special resolution and give at least 21 days notice of the meeting;
- 18.2.3** a quorum must be present at the meeting; and
- 18.2.4** at least three quarters of the valid vote must be in favour of the resolution.

PART E – MISCELLANEOUS

19. Common Seal

- 19.1** The Common Seal of the Association shall be kept in the custody of the Secretary, or whom ever Council nominates, and shall only be affixed to a document with the approval of Council.
- 19.2** The stamping of the Common Seal shall be witnessed by the signatures of two members of Council.

20. Public Officer

- 20.1** Council shall ensure that a person is appointed as Public Officer.
- 20.2** Council may at any time remove the first Public Officer and appoint a new Public Officer provided that the person appointed is 18 years of age or older and a resident of New South Wales.
- 20.3** The Public Officer shall be deemed to have vacated their position in the following circumstances:
- 20.3.1** death;
 - 20.3.2** resignation;
 - 20.3.3** removal by Council or at a General meeting;
 - 20.3.4** bankruptcy or financial insolvency;
 - 20.3.5** mental illness; or
 - 20.3.6** residency outside New South Wales.
- 20.4** When a vacancy occurs in the positions of Public Officer Council shall within 14 days notify the Department of Fair Trading by the prescribed form and appoint a new Public Officer.
- 20.5** The Public Officer is required to notify the Department of Fair Trading by the prescribed form in the following circumstances:
- 20.5.1** appointment (within 14 days);
 - 20.5.2** a change of residential address (within 14 days);
 - 20.5.3** a change in the Association's objects or rules (within one month after the Annual General meeting); or
 - 20.5.4** the Association's financial affairs (within one month after the Annual General meeting).
- 20.6** The Public Officer may be an office bearer, Council member or any other person regarded as suitable for the position by Council.
- 20.7** The Public Officer shall keep a register of members of Council which must:
- 20.7.1** contain the name and residential address of each Council member and the date on which they became a member of Council;

20.7.2 be updated within one month of any change taking place; and

20.7.3 be made available for inspection by any person, at all reasonable hours and free of charge.

21. Affiliation

The Council may:

21.1 make application for affiliation with such organisations as Council in its absolute discretion from time to time thinks fit;

21.2 elect a representative or representatives to attend meetings of such organisations and associations aforesaid; and

21.3 invite representatives from such organisations and associations aforesaid to attend any meeting of the Association.

22. Dissolution

The Association is not to be carried on for the purpose of profit or gain to the individual members thereof. Accordingly, if upon the winding up or dissolution of the Association there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed amongst the members of the Association but shall be transferred to some other registered or exempted charity or charities having objects similar to the objects of the Association and which satisfy the provisions of Item 63A of the First Schedule to the Sales Tax (Exemptions and Classifications) Act. These receiving organisations shall prohibit the distribution of its or their income and property among its members.

23. Interpretation of Rules and Constitutional By-Laws

The decision of Council on the construction or interpretation of these Rules and Constitution or any by-laws made thereunder shall be conclusive and binding on all members unless and until the same shall be over-ruled by an Annual General Meeting or Special Meeting called for that purpose.

24. Insurance

24.1 The Association shall effect and maintain insurance with an approved insurer pursuant to Section 44 of the Associations Incorporation Act 1984.

24.2 In addition to the insurance required under clause (1), the Association may effect and maintain other insurance.

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