

CONSTITUTION OF THE FEDERATION OF PARENTS & CITIZENS ASSOCIATIONS

1.1 Definitions

In this Constitution, unless the contrary intention appears and subject always to the provisions of the Act:

- (a) **Act** means the **Parents and Citizens Associations Incorporation Act 1976**.
- (b) **Annual General Meeting** means the Annual General Meeting of the Federation held pursuant to clause 9.
- (c) **Board** means the Board of Management of the Federation provided for in the Act.
- (d) **Citizen Member** means a Member who is not a Parent Member.
- (e) **Constitution** means this Constitution of the Federation.
- (f) **Councillor** means a person elected within a Federation Electoral Area as a Councillor within the meaning of the Act to undertake the duties and responsibilities of a Councillor in accordance with the Act and this Constitution.
- (g) **Delegate** means a person elected within a Federation Electoral Area to attend and participate in the Annual General Meeting of the Federation in accordance with the Act and this Constitution.
- (h) **Department** means the Department of Education and Communities of NSW.
- (i) **Election** means an election of Councillors and Delegates under clause 14.
- (j) **Electoral Commissioner** means the electoral commissioner of New South Wales appointed under the Parliamentary Electorates and Elections Act 1912.
- (k) **Electorate** means the electorate as provided for by under s23C (1) (a) of the Act.
- (l) **Eligible Voter** means a person who is eligible to vote in an election for a Councillor or Delegate under clause 14.
- (m) **Executive Committee** means the Executive Committee of the Federation in accordance with the provisions of clause 7
- (n) **Federation** means Federation of Parents and Citizens Associations of NSW constituted under the Parents and Citizens Associations Incorporation Act 1976.

- (o) **General Manager** means a person appointed by the Executive Committee with powers and responsibilities as may be provided for by this Constitution.
- (p) **Government School** means a Government School established under the Education Act 1990
- (q) **Member** means a Parent and Citizens Association constituted under the Education Act, 1990 in respect of a Government School within a Federation Electoral Area which is a member of the Federation and is up to date with affiliation fees payable to the Federation each year in accordance with the provisions of clause 5.
- (r) **Minister** means the Minister administering the Parents and Citizens Associations Incorporation Act 1976 from time to time.
- (s) **Parent Member** means a person who is a member of a Government School P&C Association and who is a parent, a guardian or other person having the custody or care of a child attending the Government school as at:
- i. in respect of candidates for the Board or for delegates for the AGM, the date of the call by the Returning Officer for nominations by persons wishing to be candidates for the Board or as delegates for the AGM (the date for the close of roll), and
 - ii. in respect of voting by a person who is a member of a P&C Association who is to vote on any matter relating to an election of persons to the Board or for delegates to the AGM, the date for the close of roll.
- (t) **P&C Association** means a Parents and Citizens Association constituted under the Education Act, 1990 in respect of a Government School within a Federation Electoral Area which is a member of the P&C Federation.
- (u) **President** means the President of the Executive Committee of the Board.
- (v) **President of a P&C Association** means a Parent or Citizen member who is elected as President of the local Government School's P&C Association.
- (w) **Principal** means the principal of a Government School and includes a person acting in that position.
- (x) **Returning Officer** means returning officer appointed to carry out any election in respect of the Federation.
- (y) **Roll** means a list that includes the names of member P&C Associations, Presidents of P&C Associations, Principals of Schools with a P&C Association and any other particulars prescribed in clause 14(k).
- (z) **Secretary** means the secretary of the Executive Committee of the Board.

- (aa) **Secretary of a P&C Association** means a Parent or Citizen member who is elected as Secretary of the relevant Government School's P&C Association.
- (bb) **Special Meeting** means a special meeting of the Board.
- (cc) **Transition Period** means the period of three years commencing on the day the Minister appoints the Administrator to the Federation pursuant to schedule 2 to the Act.
- (dd) **Parent** of a student includes a guardian or other person having the custody or care of the student.

1.2 Interpretation

- (a) Words importing the singular number shall include the plural; and words importing the masculine gender shall include the feminine, and vice-versa;
- (b) The Federation is to be a not for profit organisation.

2. Name of the Corporation and Registered Office

The name of the Corporation shall be the Federation of Parents and Citizens Associations of New South Wales.

3. Aims and Objectives

The objectives of Federation shall be:

- (a) To promote public education and to facilitate community involvement in public education.
- (b) To work in the interests of students and parents of students in NSW government schools.
- (c) To co-operate with the Department and community organisations having an interest in public education, in relation to the matters involving public education.
- (d) To assist P&C Associations in carrying out their functions or activities.
- (e) To assist in the organisation of P&C Associations and to assist any such Association in such circumstances and such manner as may seem proper to the Federation.
- (f) To establish and expend funds both for the general conduct of the Federation and to enable the Federation to carry out its aims and objectives.

(g) Federation shall be non-sectarian and non-party political.

4. Policy

- (a) The policy of the Federation shall be determined by the Annual General Meeting.
- (b) The Board may add to policy between Annual General Meetings but may not alter existing policy.
- (c) The Federation is required to publish any changes to policy on its website.

5. Affiliation and Membership

- (a) Members of the Federation shall be affiliated P&C Associations.
- (b) An affiliate shall be a P&C Association which has chosen to join the Federation by carrying a resolution to that effect at a general meeting and which has remitted the stipulated affiliation fee to the Federation.
- (c) The affiliation fees payable to the Federation shall be determined by the Annual General Meeting.
- (d) All affiliation fees shall become due and payable by 30 November in 2014 and by 1 August effective from 2015.
- (e) An affiliate is an Association who pays their affiliation fees by the 30 November 2014 and by 1 August each year thereafter unless exceptional circumstances are considered by the Federation to exist.
- (f) Membership of the P&C Federation includes public liability insurance.
- (g) Notwithstanding 5 (b) any P&C Association that is a member as at 30 June 2014 will be deemed to be an affiliate member for the purposes of the 2014 election.

6. Board of Management

(See Part 2, Division 3 & Schedule 1 Part 1 of the Act)

- (a) The implementation of Federation policy shall be carried out by the Board in accordance with the decisions of the Annual General Meeting and this Constitution and any policies of the Federation.
- (b) Without limiting the operation of clause 6 (a) the Board's functions are: –

- (i) to advise the Department and other entities about the Federation's views on matters relating to public education;
 - (ii) to liaise with national organisations on matters relating to public education;
 - (iii) to implement decisions of the Federation made at the Annual General Meeting; and
 - (iv) to determine policies of the Federation, not inconsistent with decisions of the Federation made at an Annual General Meeting, in relation to matters involving public education.
- (c) The procedure for the calling of meetings of the Board and for the conduct of business at those meetings is, subject to the provisions of the Act, particularly Part 1 of Schedule 1 of the Act and this Constitution, to be as determined by the Board.

7. Committees of the Board

(See Part 2, Division 4 & Schedule 1, Part 2 of the Act)

- (a) The Executive Committee is to consist of not more than seven members of the Board. The Board is to elect one member of the Executive Committee as President, one as Secretary and one as Vice President.
- (b) The Board may elect from within itself such sub-committees as it deems necessary for the proper functioning of the Federation.
- (c) Executive Committee meetings shall be open to all non-Executive Committee Councillors to attend at their own expense as observers, except that the meeting can be closed to attendance by observers by the decision of the President. The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (d) The Executive Committee through the General Manager is responsible for the day to day management of the Federation subject to the Act and the provision of this Constitution.
- (e) The Board must hold an election to decide the members of the Executive Committee as soon as is practicable after each election of Councillors.

Vacancy in the Executive Committee or in Councillor or Delegate positions

- (f) A vacancy may occur in the Executive Committee or a Councillor or Delegate position as defined in the Act.
- (g) If a vacancy occurs in the office of a member of the Executive Committee (other than by expiration of the term of office), the Board is to appoint a Councillor to fill the vacancy. In doing so, the Executive Committee is to

appoint as a replacement the person with the next highest number of votes for the relevant position at the most recent election for that post by relying on the determination referred to in clause 14(tt). In the event of an equality of votes, the President (or Secretary) is to conduct a draw to pick a candidate from amongst candidates having the same number of votes.

- (h) If a Councillor or Delegate vacancy occurs (other than the expiration of the term of office) the Executive Committee is to appoint a replacement person. The replacement person will be the candidate with the next highest number of votes for the relevant position at the most recent election by relying on the determination referred to in clause 14(tt) and 14(gg). If the candidate with the next highest number of votes is unable or unwilling to accept the appointment, the replacement person will be the next candidate (in order of highest votes) who is available for appointment. In the event of an equality of votes and two or more candidates seek appointment, the President (or Secretary) is to conduct a draw to pick a candidate from amongst those candidates with the same number of votes.

- (i) In the event of a Councillor or Delegate position vacancy occurring and a replacement person is not available to be chosen in accordance with clause 7 (h), the following procedures apply:
 - (i) The President is to call for nominations from the relevant electorate.
 - (ii) Candidates are to meet the criteria as set out in clause 14(a) and (b).
 - (iii) If only one nomination is received the candidate will be elected unopposed.
 - (iv) If the position is contested by two or more candidates, the General Manager, on behalf of the President, will conduct a vote, within the electorate.
 - (v) The method of voting is to be 'first past the post' method, that is the candidate or candidates with the most votes is or are to be elected.
 - (vi) Positions are to be filled within a three months of becoming vacant or being unfilled. If the position is being filled over the Christmas holiday period, the position must be filled within a four month period.

- (j) A Councillor or Delegate appointed under subsection (g), (h) or (i) holds office as a member during the unexpired term of the vacated office.

Terms and Duration of membership

- (k) A member of the Executive Committee holds office on the terms provided for in the Act.
- (l) A member of the Executive Committee holds office until the day Councillors and Delegates are next elected, unless the office of the member becomes vacant.
- (m) A Councillor may be elected as a member of the Executive Committee more than once but can only hold one position at a time as provided for by clause 7(a).
- (n) A Councillor or Delegate can be removed from their position in accordance with the approved Federation Code of Conduct.
- (o) Members of the Board, or the Executive Committee and Delegates are eligible to be reimbursed for reasonable costs incurred by the member in his or her capacity as member, in accordance with rates determined by the Board from time to time and approved by the Annual General Meeting.

Meetings of the Executive Committee

- (p) The Executive Committee is to meet as often as required to enable it to carry out the work of the Executive Committee but must meet a minimum of three times in any period of 12 months.
- (q) A quorum for a meeting of the Executive Committee is the majority of its members.

Procedures for meetings of the Executive Committee and the Board

- (r) At a meeting of the Executive Committee or the Board:
 - i) Oral or written notice of a meeting must be given by the Secretary to each member at least 48 hours (or such other period as may be unanimously agreed on by the members) before the time appointed for holding of the meeting;
 - ii) Notice of the meeting must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the members present at the meeting unanimously agree to treat as urgent business;
 - iii) No business is to be transacted at a meeting unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to be adjourned until a later date;

- iv) The President or, in the President's absence, the Vice-President is to preside;
 - v) If the President and the Vice-President are unavailable, another member who is present and elected by the members present, is to preside.
- (s) A meeting of the Executive Committee or Board may be held where one or more of its members is not physically present at the meeting, provided that all persons participating in the meeting are able to communicate with each other effectively, simultaneously and instantaneously whether by means of telephone or other form of communication.

Decisions of Executive Committee

- (t) A decision of the Executive Committee made at a meeting of the Executive Committee at which a quorum is present is a decision of the Board other than to the extent that the decision is inconsistent with the provisions of the Constitution, any legislation affecting the operation of this Federation or a decision or policy of the Federation made at its Annual General Meeting.

Decisions of the Board of Management

- (u) A decision, supported by the majority of votes cast at a meeting of the Board of Management is a decision of the Federation other than to the extent that the decision is inconsistent with the provisions of the Constitution, any legislation affecting the operation of this Federation or a decision or policy of the Federation made at its Annual General Meeting.

8. Staff of the Federation

- (a) There shall be a General Manager of the Federation.
- (b) The General Manager on behalf of the Executive Committee is responsible for the for the day to day management of the Federation, supervision and employment of the staff, for the provision of advice and assistance to the Board and for the implementation of the policies referred to in clause 6(b) (iv).
- (c) The employment of staff of the Federation by the General Manager is subject to agreement of the Executive Committee.

9. Annual General Meeting

- (a) The Annual General Meeting of the Federation shall be held in August each year at the place and time as determined by the Executive Committee. The President or Secretary must give each Councillor and

Delegate not less than two calendar months' notice in writing of the holding of the Annual General Meeting. The agenda for the Annual General Meeting is set by the Executive Committee.

- (b) The Annual General Meeting shall be constituted by the Board and Delegates.
- (c) The Annual General Meeting shall be convened for the purpose of determining the policies of the Federation and to decide matters relating to the implementation of its policies and other activities conducted by the Federation.
- (d) The procedure for calling of the Annual General Meeting and for its conduct of business is, subject to the provisions of the Act and this Constitution, to be determined by the Executive Committee.
- (e) At the Annual General Meeting, 25 persons who are either Councillors or Delegates shall form a quorum.
- (f) The following persons are eligible to attend the Annual General Meeting: –
 - (i) Councillors;
 - (ii) Delegates; and
 - (iii) other persons determined by the Executive Committee.
- (g) At the Annual General Meeting only Councillors and Delegates may vote.
- (h) A decision of the Annual General Meeting is a decision of the Federation other than to the extent the decision is inconsistent with this Constitution or the Act.
- (i) The President (or, in the absence of the President, a Councillor or Delegate elected to chair the meeting by the other Councillors and Delegates present) is to preside at the Annual General Meeting.
- (j) The person presiding has a deliberative vote and, in the event of the equality of votes, has a deciding vote.
- (k) A decision supported by a majority of the votes cast at an Annual General Meeting at which a quorum is present is a decision of the Federation.

10. Finance & Execution of Documents

- (a) The funds of the Federation shall be applied to further the aims and objectives of the Federation at such time and such manner as the Board may determine.
- (b) The income and property of the Federation however derived shall be applied solely towards the promotion of the objects of the Federation and no portion

thereof shall be paid or transferred directly or indirectly by way of a dividend, bonus or otherwise by way of profit to any person provided that nothing herein shall prevent the payment in good faith of remuneration or reimbursement of approved expenses of any Officer or employees of the Federation.

- (c) The Federation shall have authority and power to borrow such sums of money on such terms and security as may be required for any purpose. Borrowing shall be carried into effect by prior resolution by the majority of the Executive Committee;
- (d) The Federation may execute a document without using its seal if the document is signed by the President and Secretary;
- (e) The Federation may execute a document with its seal if the seal is affixed to the document and the fixing of the seal is witnessed by at least two members of the Executive Committee;
- (f) The Federation may execute a document as a deed if the document is expressed to be executed as a deed and is executed in accordance with subsection (d) or (e).
- (g) This part 10 does not limit the ways in which the Federation may execute a document, including a deed.
- (h) This part 10 does not authorise the Federation to execute a document contrary to this Constitution.

11. Audit

A registered public accountant shall be appointed by the Annual General Meeting as auditor for the year. The books of accounts, vouchers and accounts shall be examined by the auditor and he shall report thereon to the following Annual General Meeting.

12. Amendment of Constitution

- (a) Following the transition period provided for in the Act, this Constitution may be amended only by the approval of a three quarters majority of the Board voting at a Special Meeting of the Board on a motion for its amendment of which at least one months' notice has been given to each Councillor.
- (b) During the transition period, the Federation shall not recommend a change to this Constitution to the Minister unless the recommendation is supported by a three quarters majority of the Board voting at a Special Meeting of the Board on a motion for its amendment of which at least one months' notice has been given to each Councillor.

[Note the transition period ends on 23 May 2017].

13. Personal Liability

A matter or thing done or omitted to be done by the Board or Executive Committee, a member of the Board or the Executive Committee or a person acting under the direction of the Board or Executive Committee does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing any function of the Federation under the Act or this Constitution, subject that person personally to any action, liability, claim or demand.

14. Election of Councillors and Delegates

- (a) For the election by P&C Associations of persons to the Board (Councillors) and Delegates to the AGM:
- (i) as at the date of their nomination be a Parent Member of an affiliated school based P&C Association within the Electorate from which candidature is sought;
 - (ii) have a child enrolled in the Government School where the person is a Parent Member at the time of the date of their nomination for election in the calendar year of their candidature but a person's term of office as a Councillor or Delegate does not end merely because that Councillor or Delegate ceases to be a Parent Member.
 - (iii) nominees for election must present to the Government School Principal relevant to the school to which their being a Member relates, a nomination form signed by the nominee and signed by the Government School Principal verifying that they are a parent of a child enrolled in that Government School at the date of nomination and that the surname of the candidate is on the nomination form as it appears in the school's enrolment information.
 - (iv) must not have been convicted of any offence which has a penalty of 12 months imprisonment or more and/or have been convicted of an offence within the meaning of Schedule 2 of the Child Protection (Working with Children) Act 2012.
- (b) The President of the School P&C Association (or Secretary if the President is a candidate) is also to sign the nomination form verifying that the parent is a member of the P&C Association and that their nomination is endorsed by the P&C association.
- (c) One Councillor and two Delegates are to be elected for each Electorate.
- (d) Each Electorate is represented on the Board by its Councillor.

- (e) Each Electorate is to be represented at the Annual General Meeting by its Councillor and two Delegates.

Conduct of Elections

- (f) All P&C Associations eligible to vote for election of Councillors and Delegates in each Electorate may participate in voting for election of the Councillors and Delegates for their respective Electorate in accordance this Constitution.
- (g) Elections are to be held in accordance with the provisions of sections 23D – 23M of the Act and this Constitution.
- (h) Only financial member P&C associations can register to vote in an election.
- (i) In order for an affiliated P&C Association to be eligible to vote, it must provide the name of its President, their contact telephone number and email address to the Federation by the specified date and time. Federation will give at least 2 weeks' notice of the date on which nominations will be called for.

Returning Officer Arrangements

- (j) The Federation must appoint a Returning Officer and come to agreement with that Returning Officer as to the detail of the carrying out of the election. Unless the Regulations under the Act stipulate to the contrary, the returning officer is to be the Electoral Commissioner of NSW. That agreement must be made not later than six (6) months before any election is due under this Constitution however a non-compliance with this provision will not, of itself invalidate any election.

Calling of Election

- (k) The Federation is to provide the Returning Officer with a roll of member P&C Associations and the telephone numbers and email addresses for the Presidents of those member Associations and the school telephone numbers and email addresses of the Principals of those schools. The mail address of each school for each member P&C is also to be provided. The Federation will provide to the Returning Officer the Roll by midday the day before nominations open.
- (l) The roll will not be available for public inspection.
- (m) The Returning Officer is to issue a notice of election to each Member which must call for one Councillor and two Delegates to be elected to in each Electorate. This election notice is to be emailed at least 2 weeks prior to the opening of nominations. This election notice must invite candidates to nominate and identify the closing date for nominations.
- (n) Notice of Election is to be sent by e-mail to each P&C Association care of each relevant Government School's e-mail address and copied to the Principal of each Government School at which a Member P&C Association operates.

- (o) At least 35 school days must elapse between the issue of a notice of election and the close of nominations (inclusive of the date of issue of the notice and the date of close of nominations).

Candidature for Election

- (p) A valid nomination for a candidate for Councillor or Delegate must include a statutory declaration by the candidate that they are a Parent Member and are a member of the P&C Association of the Government School where their child attends within the Electorate to which the person seeks candidacy as at the close of Rolls for the election, and that the information provided on the nomination form and candidate profile is true and accurate. On this nomination form the School Principal and P&C President (or the person designated in clause 14(dd) will sign to verify, to the best of their knowledge, the eligibility requirements as outlined in clause 14(a).
- (q) Candidates may provide a passport size photograph in electronic format. They shall identify on the Candidate Profile the school at which they are a member of a P&C Association and a statement of up to 100 words in English or in a certified translation into English in favour of their candidacy. This statement must not make reference to any other person in a way that allows the other person to be identified.
- (r) A Nomination must be lodged with the Returning Officer by no later than midday on the day of the close of nominations.
- (s) A candidate can only withdraw their nomination in writing. The signed withdrawal must be received by the Returning Officer prior to the close of nominations (an email is acceptable however it must contain the signature of the candidate).
- (t) A candidate can nominate for Councillor and Delegate in one electorate. However they can only be elected to one position.
- (u) Each candidate can appoint only one scrutineer.

Procedure for Election

- (v) The Returning Officer must, as soon as possible after the date for closing of nominations, provide the Federation with details of the candidates and their supporting material. Where there is only one nominee for a position to be elected in an Electorate, that nominee is declared to be the occupant of the position if the Returning Officer accepts the nomination is duly made. If there is more than one nominee, an election is to take place;
- (w) The Federation will publish a list of candidates on its website once advised by the Returning Officer that the nominations have been accepted as duly made.

- (x) The candidate statements and photographs may be posted on Federation's website after the close of nominations. The Federation will be the sole determiner of the decision whether to publish the statement.
- (y) The Returning Officer is to create a ballot paper following a draw for each Electorate for which an election is to take place and send one ballot paper to the President of each Member P&C Association in the relevant Electorate. This may be addressed to each President care of the school to which the Association relates.
- (z) A candidate's surname and one given name will be printed on the ballot paper. The surname will be as it appears on the school enrolment documentation. Candidates are permitted:
 - (i) an initial standing for that given name; or
 - (ii) a commonly accepted variation of the given name including an abbreviation or truncation; or
 - (iii) a commonly used other name specific to the candidate by which the candidate is usually identified.

No titles such as Dr for Doctor or JP for Justice of the Peace are permitted.

- (aa) There are to be at least 40 school days between the time at which ballots are sent to each P&C Association and the date of closing of the relevant election.

Voting by P&C Associations

- (bb) Each P&C Association is to conduct a vote at a meeting of that Association to determine the person or persons for whom that Association will vote. Only persons who are up-to-date paid Parent Members of each local P&C Association may vote in respect of its determination of the person or persons to whom that P&C Association votes. The Government School Principal (or delegate) is to have carriage of the conduct of the vote in the election by each P&C Association but that Principal has no vote.
- (cc) The President of each P&C Association completes the ballot paper for the particular P&C Association, in accordance with the votes of the relevant P&C Association and the relevant School Principal certifies that the vote has been conducted in accordance with the rules and constitution of that P&C Association and this Constitution.
- (dd) Where the President of a P&C Association is a candidate for election to the Board or as a delegate to the Annual General Meeting, the Secretary (or another member nominated by the Association) of that P&C Association will act for the purposes of paragraph 14(cc) in substitution for its President. Where this occurs, the President in question must nominate the other person

to be the recipient of the ballot paper for the school. The President is to nominate their delegate in the election process at the time of nomination.

Method of voting

- (ee) The method of voting is to be the 'first past the post' method, that is, the candidate or candidates with the most votes is or are taken to be elected.

Election of Councillor

- (ff) Each Member shall record its vote by placing the number 1 in the square on the ballot paper next to the name of the candidate for whom it wishes to vote.

(gg) Election of 2 Delegates

- (i) Each Member shall record its vote by placing the numbers 1 and 2 in the squares on the ballot paper next to the names of the 2 candidates for whom they wish to vote.
- (ii) Instructions on the ballot paper should make a provision to allow members to place the number 3 in a square on the ballot paper next to an additional candidate for Delegates where one or more candidates have nominated as both Councillor and Delegate.
- (iii) The vote for the additional candidate will only be considered if one candidate voted for on the ballot paper is elected as councillor and becomes ineligible in the election of Delegates

Informal ballot-papers

- (hh) A ballot-paper of a Member at an election is informal if the elector has failed to record a vote on it in the manner directed on it.
- (ii) Despite subclause (hh), a ballot-paper of a Member at an election in which only one candidate is to be elected is not informal merely because a tick or a cross has been placed in one square and the other square or squares have been left blank. In such a case the tick or the cross is to be treated as one vote for that candidate.
- (jj) Despite subclause (hh), a ballot-paper of a Member at an election in which two candidates are to be elected is not informal merely because two (2) ticks or two (2) crosses have been placed in 2 squares and the other square or squares have been left blank. In such a case the ticks or the crosses are to be treated as a vote for each of the two eligible candidates.
- (kk) Despite subclause (hh), a ballot-paper of a Member at an election in which two candidates are to be elected is not informal merely because three (3) ticks or three (3) crosses have been placed in 3 squares and the other square or squares have been left blank; and one (1) tick or one (1) cross is marked next to an ineligible candidate (i.e. a candidate elected as

Councillor). In such a case the 2 remaining ticks or the 2 remaining crosses for the two eligible candidates are taken to be votes for those candidates.

- (ll) Despite subclause (hh), a ballot-paper of a Member at an election is not informal merely because a preference (other than a first preference) has been repeated or omitted so long as the ballot-paper shows up to the minimum number of preferences required by the directions.
- (mm) Despite subclause (hh), a ballot-paper of a Member at an election is not informal by virtue of the existence of an unnecessary mark on the ballot-paper if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper.
- (nn) Despite subclause (hh), a ballot-paper is not informal by reason only that the Member has placed one or more numbers, one or more ticks or a cross adjacent to but outside a square or squares if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper. In such a case, each such number, tick or cross is taken to have been placed within the relevant square.
- (oo) Nothing in this constitution authorises any person to encourage a voter to place a tick or a cross in a square on a ballot-paper.
- (pp) The decision of the Returning Officer as to the allowance or disallowance or the acceptance or rejection of any ballot paper is final.

Counting Votes and Declaration of Poll

- (qq) Each P&C Association is to return its ballot paper in the "Ballot Paper Only" Declaration Envelope provided. The Declaration Envelope would contain space for the insertion of a voter's name (the President); the name of the P&C Association; the address of the school to which the P&C Association belongs, the signature of the President and the name and signature of the witness (School Principal).
- (rr) The Declaration Envelope must be returned in the Reply Paid envelope and provided to the Returning Officer by the closing date for the election. Any ballot papers received after this date will not be admitted to the count.
- (ss) The Returning Officer shall count votes in respect of Councillors before counting votes for Delegates and shall declare the candidate elected who has the most votes for each position. In the event of an equality of votes, the Returning Officer is to draw a candidate at random from amongst candidates having the same number of votes. The drawn candidate will be elected.
- (tt) If a person nominated as both Councillor and Delegate is elected Councillor the Returning Officer is to ignore any votes for that person as Delegate.

- (uu) The Returning Officer must at the conclusion of the declaration of the poll provide to the Federation a copy of the determination of the Returning Officer as to how the votes were cast for each candidate for each position.

Recount

- (vv) A candidate may request a recount of the ballot-papers used in the Electorate for which the candidate was nominated subject to the following requirements-
- (i) the request must be in writing; and
 - (ii) must be signed by the candidate; and
 - (iii) must set out the reasons and any alleged irregularities clearly stated; and
 - (iv) must be lodged with the returning officer within 24 hours after the result of the count has been published.
- (ww) Following the receipt of the request, the returning officer will determine whether or not a recount will be granted. The returning officer will not grant a recount if there is not compelling evidence of irregularity.
- (xx) If the returning officer deems a recount is necessary, it will be conducted as soon as practicable following the original count.
- (yy) The returning officer is to determine whether the cost of any recount is to be paid by the candidate. If however the recount results in an alteration in the candidates who are elected the Federation will pay the cost of any recount.

Validity of elections

- (zz) An election is not invalid just because:
- (i) there was a formal defect or error in or relating to the election, if the election was held substantially in accordance with this Constitution, or
 - (ii) there was a defect in the appointment of the returning officer, or
 - (iii) the time for closing the poll for postal voting was extended with the approval of the returning officer conducting the election.

Security of election materials

- (aaa) The returning officer must after the declaration of the poll ensure that all copies of the roll, nomination papers, ballot papers, and any other papers

and material that were used in the election, whether in printed or electronic form, are kept securely until the latest of the following:

- (i) the period of 6 months after the day of the count being published has expired,
- (ii) if proceedings in a court or tribunal relating to the election have been commenced within that period - the proceedings have been finally determined.

This clause does not extend to those materials required to be provided to the Federation pursuant to clause 14(tt).

- (bbb) A person must not remove or disclose any election materials unless authorised to do so by the returning officer or required or authorised to do so by or under direction of a court.
- (ccc) On the expiry of the returning officer's obligations he or she may cause the election materials to be destroyed.

Term of Office

- (ddd) A Councillor or Delegate holds office until the day Councillors and Delegates are next elected under this Part, unless that Councillor's or Delegate's office becomes vacant.
- (eee) An election is to be held in July every second year.
- (fff) A person is entitled to stand for re-election as a Councillor or Delegate if they meet the requirements under section 14.
- (ggg) Where acting as Returning Officer the Electoral Commissioner may delegate to any staff of the office of the New South Wales Electoral Commission any of the returning officer's functions for the purposes of administering an election, other than this power of delegation.

15. Annual Report

The Executive Committee in consultation with the Board shall produce an Annual Report, for the same period as the Federation's financial year, providing a summary of services and operational activities. It must include a Performance Report and financial statement.

16. Winding up

- (a) The Federation shall be dissolved in the event of the number of affiliate P&C Associations becoming less than one-fifth of the number of organisations

qualified to affiliate, or upon the vote of a two-thirds majority at a special Annual General Meeting called for this purpose and convened with the same representation as an Annual General Meeting. P&C Associations must receive 26 weeks' written notice of any intended motion to wind up the P&C Federation.

- (b) Upon dissolution, assets and funds on hand, after payment of all expenses and liabilities, shall not be paid to or distributed among the members. The assets and funds shall be given or transferred to some other charitable institution or institutions which shall also prohibit the distribution of its or their property among its or their members. Such charitable institution or institutions to be determined by the special Annual General Meeting making the decision to dissolve P&C Federation.
- (c) The Board of the Federation and its staff are authorised to take all steps necessary to wind up the Federation notwithstanding that the Federation has ceased to exist on the date determined by the special Annual General Meeting.

17. Change of Address

The Secretary must, within 14 days after the change of the address of its official office, advise the Secretary of the Department in writing and post the change of address details on the P&C Federation's website.

18. Publication of Constitution

The President must ensure a copy of this Constitution is available on the website of the Federation.

i. Service of Documents

- (a) A document addressed to the Federation may be served on the Federation –
 - (i) by leaving it at, or sending it by post to, the address of the Federation's official office, or
 - (ii) by delivering copies of it personally to the President or Secretary, or to each of two other members of the Executive Committee, or
 - (iii) in any other way provided for under this Constitution.
- (b) For the purposes of this clause, the address of the Federation's official office includes the address last notified to the Secretary of the Department by the Federation under the Act.
- (c) Nothing in this provision affects the operation of law or the rules of court authorising a document to be served on the Federation or a person in any other way.

