

Roles and Responsibilities of the P&C and its Executive

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What is a P&C?

The Parents and Citizens Association (P&C) is a group of community-minded people, parents and citizens, who take on a more formal role to assist the school by providing:

- feedback on school policies and activities
- additional resources to be used to enhance student learning
- parents with opportunities to be involved in their child's education.

Research has shown that parent involvement in a child's education makes a significant contribution to the child's success at school.

Objectives

The objectives of the Association are to promote the interests of, and facilitate the development and further improvement of the school, by promoting parent participation, encouraging close cooperation between parents, students and staff and promoting positive community support.

Functions

- (a) To foster general community interest in educational matters
- (b) Encourage closer cooperation between the parents of students attending the school, other members of the community, staff and students of the school/centre
- (c) To provide advice and recommendations to the Principal of the school on issues and concerns in respect of students and the general operation and management of the school
- (d) To provide or assist in the provision of financial or other resources or services for the benefit of students of the school
- (e) To perform any other functions as the Minister may determine, not inconsistent with the *Education (General Provisions) Act 2006*.

The rules

The rules governing the P&C Association are set out in the model constitution, which the Association adopts and the Director-General for Education approves.

The provisions of the constitution of a P&C Association are laid down in law in the *Education (General Provisions) Act 2006* and the *Education (General Provisions) Regulations 2006* and MUST be followed.

The Constitution details:

- the objectives and functions of the Association
- the general and financial powers and authority of the Association
- proceedings and building funds
- membership, eligibility, application, refusal, register, fees, resignation, removal of a member and honorary life membership
- disclosure of financial interest

- how decisions can be made
- the election, duties, responsibilities and removal of officers of the Association
- the authority of the Executive committee and the procedure in matters of urgency
- the function of subcommittees in relation to the Association
- the conduct of General and Annual General Meetings (AGM) including notice, order of business, quorums and conditions for special meetings
- financial requirements with regard to banking, expenditure, investments and audit
- effecting adoption and change to the constitution and dissolution of the Association
- the process for the election of parent representatives to school councils

The Association will operate more effectively if the members and especially the officers are familiar with the constitution and use it to inform the operation of the Association.

The unwritten rules

The unwritten rules or conventions of an Association are very important to the effective operation of the Association and should be identified, formalised and recorded to minimise confusion and misunderstanding, especially when a key person leaves. It can be the unwritten rules that can make a newcomer feel welcome and able to participate or not.

Such conventions could include:

- how items are placed on the agenda
- who carries out the decisions made at meetings and how they are reminded to do so
- how minutes and reports are given to the meeting – verbally / written
- how formal the meeting procedure is, especially with regard to decision making
- the extent the views of members of the Association and the wider community are canvassed
- how meetings are advertised
- how the correspondence is presented at the meeting
- how and what information is presented in the newsletter and made available to the wider community

Election of officers

The Constitution provides for the election of the following officers from the members of the Association:

- a President
- at least one Vice President
- a Secretary
- a Treasurer
- such additional officers as may be determined by the Association.

There can only be one President.

Executive committee limits

The Act includes a provision that limits the number of relevant staff members of a school who may be members of the Executive committee of the Association. The limit is one-third of the total number of members of that committee. Relevant staff members are those staff who are not parents of a child attending the school. For environmental and outdoor education centres all staff members of the school are considered to be relevant staff members.

For example, if an executive committee has six members, only two of those members may be school staff who are not parents of children at the school.

The Chief Executive is permitted to relax this limit if she/he reasonably believes that the committee vacancies won't be filled if the provision is complied with. This may be most relevant in relation to smaller schools in rural and remote areas and in particular for environmental and outdoor education centres.

Executive committee

At the start of your term in office:

- develop a plan for the year that includes a calendar of events / activities
- develop a budget
- meet with staff and outline goals and expectations for the year
- meet with Executive and subcommittees and outline goals and expectations for the year
- ensure that the annual insurance premium is paid to the QCPCA prior to the 31st March, each policy period
- read information on the QCPCA website www.qcpcpa.org.au
- access and read documents relevant to P&C operations
- nominate and advise the ATO of a contact person
- complete and return documents / forms required by QCPCA and Education Qld to notify them of your appointment

P&C President

The constitution provides that the President:

- shall preside at every meeting of the association in which she/he is present
- as Chairperson shall have a deliberative vote and a casting vote
- CANNOT hold the office of Treasurer
- shall be a signatory on P&C accounts
- is the officer empowered to sign any agreement for and on behalf of the association upon resolution of the association to enter such an agreement

The President should:

- provide leadership (delegate)
- act as representative of the P&C
- ensure communication between P&C, school and community
- encourage participation

- conduct meetings efficiently and timely while ensuring all members feel valued
- be familiar with the rules, operations and meeting procedures of the P&C

It is the President's responsibility to:

At meetings

- ensure that members are aware of the contents of the minutes of the previous meeting
- obtain confirmation of the minutes and to sign the master copy for the records
- announce business in accordance with the agenda
- give firm rulings and guidance to the meeting
- assist the discussion by guiding debate along relevant lines
- give all members the opportunity to speak but also to confine speakers to the matters under discussion
- put to the vote, motions and amendments and to announce the result
- determine points of order
- provide explanations to those in doubt about procedure or the subject matter under discussion
- introduce guest speakers and to arrange for movers of votes of thanks
- ensure that priority items on the agenda are dealt with accordingly
- establish the next meeting date and time and to close the meeting

Between meetings

- ensure all monetary expenditure is recorded in the minutes
- sign and date the minutes of the last meeting
- sign and date the Treasurer's report and bank statement
- sign and date the Certification of Accounts that is submitted with the audit
- ensure that the transmission report, available at: http://education.qld.gov.au/finance/procedure/pandc/docs/pandcaccount_transmission_rpt.doc, is completed by all and attached to the audited annual financial statements to be sent to the Regional Office of Education Qld
- ensure that over the year, the P&C reviews and endorses:
 - school budget
 - school Annual Operation Plan (AOP)
 - P&C budget and AOP
 - resource and textbook hire scheme
 - excursions
 - Student Protection Risk Management strategy

Chairing meetings

The four most important attributes of a chairperson are impartiality, tact, firmness and commonsense. Your job is to facilitate the meeting so that:

- time is used effectively
- decisions are made
- everyone has a say
- dominant personalities are managed

As a leader you can encourage enthusiasm and a sense of belonging among group members and help develop a team spirit that keeps everyone working towards your identified goals.

P&C Vice-President

The Vice-President should

- consider this position as the President's understudy
- become familiar with P&C operations, rules and meeting procedures
- provide support and assistance to the President
- act as Chair for any subcommittees established by the Association
- look on the role as a means of gaining an understanding of the various executive roles

This position might also provide an opportunity for a particular job that can vary between school communities e.g. Publicity Officer, Education Officer etc.

This role can be one of the most important roles in the executive. It is essential to look beyond the role and try to ensure you are able to help the executive take the P&C Association into the community and promote the successes of the school.

At meetings

- Chair those meetings from which the President is absent
- Carry out any duties that have been delegated by the President
- Provide essential support for the President and possibly assist the Secretary or the Treasurer in some of their tasks

P&C Treasurer

The formal duties of a Treasurer are set out in your Association's constitution. The Treasurer has the overall responsibility for the financial management of the P&C, **including** all subcommittee accounts.

Treasurers:

- MUST comply with the *Accounting Manual for P&Cs* which can be viewed at <http://education.qld.gov.au/finance/procedure/pandc/>
- must prepare an AOP and a budget in consultation with the P&C executive, for the P&C
- should be involved in the preparation of the school AOP and budget

It is the Treasurer's responsibility to:

- keep accurate accounts of receipts and expenditure
- supply a statement of finance to every meeting
- prepare an annual statement, which must be audited
- ensure that all monies received are banked promptly in the appropriate account

The Treasurer should:

- pay all accounts promptly when authorised by a meeting
- issue receipts for all monies received
- ensure all cheques are correctly filled out and signed by the appropriate people
- ensure cheque butts are filled out in detail, as they are a record of payments made
- follow the guidelines in regard to electronic banking including EFT payments and Internet banking and keep accurate records and effective processes in place
- ask the auditor for advice regarding the preparation of an annual statement
- make available to the auditor all chequebooks, deposit books and receipt books together with books of account
- ensure that the Secretary is given a copy of the financial statements prepared for each meeting, to be inserted into the minutes
- ensure a copy of the audited annual financial statement is attached to the minutes of the AGM. A copy should also be given to the Principal. It assists the progress of the AGM if each member has a copy of the financial statement.
- after the AGM, a copy of the audited annual financial statements and fully completed and signed transmission report should be given to the Secretary to be posted to the Education Qld Regional Office

When you are first appointed:

- obtain the records from the previous Treasurer
- identify who has been the contact person for the ATO
- find out how subcommittees keep their books
- ensure that you have an accountability forms register that includes the chequebooks (listing cheque numbers), order books and receipt books
- have signatories for cheque account operation changed at the bank as quickly as possible
- begin recording the transactions of the P&C as they occur during the month

Practical advice / hints for Treasurers

There is no uniform system of record-keeping set down. You choose the method best suited to your Association's needs. Any method chosen must fit with the compliance issues set out in the *Accounting Manual for P&Cs* available on both the Education Qld and QCPCA websites:

<http://education.qld.gov.au/finance/procedure/pandc/>

<http://www.qcpcpa.org.au/publications/manuals/pc-accounting-manual>

A simple Excel spreadsheet accounting package designed by Education Qld for use by P&Cs is available from <http://education.qld.gov.au/finance/procedure/pandc/docs/pc-cashbook-kit-2008.zip>

The Treasurer is the first in line to keep an eye on anything to do with the Association's finances. This does not necessarily mean that the Treasurer actually handles the cash, or keeps details of all accounts personally. Some duties can be delegated to others. The Treasurer is responsible for seeing that Association members are provided with all the information on what is happening to the Association's money.

The Treasurer ensures that:

- a complete record of accounts is kept, not only by her/himself, but also by any subcommittee Treasurers
- the adopted bookkeeping system is not confusing, and works well
- those handling cash are protected by an appropriate check-up system that will not give a third party room to make unfounded accusations, which cannot be refuted because of poor practices
- a minimum check-up system has two people count any cash together, and initial the entry in the record book. Talk to your auditor on this, or check the *Accounting Manual for P&Cs*.
- bills are paid on time, to the Association's best advantage
- the Association is advised of what money it owes so that it does not overspend, to everyone's embarrassment

Get bank statements monthly. The cut-off date can be about ten days before your Association meeting, giving you time to prepare statements, cheques and so on. Check the cheque stubs and deposit slips against the bank statement. This will quickly show up any internal record problems, and also tell you of any extra bank charges or interest payments. The latter must be written in the cashbook.

If the auditor is not a trained accountant, it is worth talking with one even if this costs the Association a consultant's fee. Ask for advice on setting up your cashbook or electronic accounting package; on the number of dissections (column break-downs) needed to tell an adequate story on income and expenditure; on how to build up statements and take out monthly balances. Keep your cashbook or electronic accounting package up to date. Your cashbook tells the story of where the money has come from and gone to.

Use a profit and loss statement when the Association has any long-term fundraising projects, eg. a tuckshop. You have to include stock-take figures for this to be accurate. If done monthly, it can allow problems to be identified early.

A budget is a useful way to plan the year, not only for you as a Treasurer, but also for the whole Association. It gives goals to aim for, arranges priorities on where and when money is to be spent and reduces the level of 'off the cuff' or ad hoc decision-making on spending.

You should complete the Association's annual statements as soon as possible and hand it over to the auditor, with receipts, cheque stubs, deposit books, minute books and other records quickly. The Executive Director of Schools at your local Regional Office should receive a copy of the audited annual financial statement and a list of the elected officers for the year, as soon as possible after the AGM.

Where there is more than one account, separate statements should be prepared for audit. The Association Treasurer also prepares an all-inclusive statement.

Subcommittees should not hold large amounts of money in their bank accounts in the normal course of events. Amounts over the requirement of working capital should be transferred to the P&C general account.

Note - Funds raised by a subcommittee for a specific purpose must be used for that purpose. Funds in excess of the subcommittee working capital should be held by the P&C for future use for the purpose for which they have been raised.

At meetings

- Present a financial statement to each general meeting, ensuring sub-committee accounts are included. All statements should give a true picture of how things have gone, in the past month, and the year to date. Annual statements, by tradition, have the previous years' figures on the left-hand column.
- Provide advice to the meeting on the financial position of the Association in relation to any discussions on expenditure.
- Ensure that appropriate approval is given by the association for proposed expenditure.

P&C Secretary

The Secretary:

- shall be a member of the executive committee
- shall be a signatory on the accounts
- cannot hold the office of Treasurer
- will receive written resignations from members
- shall notify QCPCA and the Director-General in writing, through the Regional Office, of the names and addresses of elected executive officers
- will receive nominations for election prior to the AGM
- will record all proceedings of any meeting of the Association by way of full and accurate minutes
- receive agenda items prior to the meeting and assist the President in preparing an agenda for each meeting
- shall collate agenda papers for each meeting - including subcommittee reports
- will give at least seven days notice of intention to convene a special meeting
- will give fourteen days notice of intention to convene the AGM
- is responsible for the collection and disbursement of money along with the President and Treasurer
- may operate a petty cash fund, maintaining a record of expenditure with receipts and submitting a report of expenditure at each general meeting
- will ensure that the EQ transmission report is completed and signed by all parties and attached to the adopted audited annual financial statements when sending them to the Regional Office
- shall maintain attendance records and a register of members including life members
- shall prepare and present minutes of P&C at each general meeting
- shall record and deal with correspondence in/out as directed by the P&C
- will generally organise, record and maintain information pertaining to the activities of the P&C
- will complete the annual checklist for the Student Protection Risk Management strategy and present it to the AGM along with the strategy for endorsement, ensuring the Principal receives a copy
- will maintain custody of P&C Association documents

Tips for the Secretary

Agenda

- prepare in advance using the format prescribed in the P&C constitution
- consult with President, Treasurer and other report givers
- identify business that needs to be addressed on a copy of the agenda for the President and Secretary or all members of the Executive if desired
- have copies of the generic agenda available at the meeting

Minutes

- provide copies of the minutes to those present
- record a summary of the main points of the discussion as dot points, being careful not to name individuals involved in the discussion
- record decisions as resolutions

Correspondence

- check and process emails and mailbox regularly
- prepare a list of inward and outward correspondence for distribution or display at the meeting
- identify the items that require action on the correspondence list

Other

- be a record-keeper
- maintain an up-to-date copy of the constitution
- keep a record of resolutions that continue to affect the way the P&C does business. These are policy decisions and should be kept in a policy folder for quick reference.
- maintain up-to-date membership records
- notify Education Qld and QCPCA of executive details after the AGM and of any changes throughout the year
- notify MIS administrator of P&C email changes as they occur
- notify ATO of change of ATO contact after the AGM
- ensure that all documents are archived appropriately
- ensure that all P&C documents are kept in an orderly fashion, for example in a filing cabinet within the school, preferably in a space designated for P&C use
- ensure P&C information is kept updated on the school website
- ensure that any P&C employee files are kept in a locked file not accessible by the employees. Determine who will have access to these files.

Hints for recording the minutes

- use a laptop and format the minutes before the meeting
- arrange to have all reports sent to you electronically before the meeting so that you can enter the information ahead of time
- listen for key words or phrases
- try to capture basic ideas and the essence of what people say; don't record every word
- don't be afraid to misspell

- use stars, arrows or circle key ideas, statements or decisions, underline and use colours to highlight and differentiate important ideas in your notes to remind you when translating them to the minutes
- number all sheets

At meetings

- maintain the attendance book and register of members
- be familiar with, and have a copy of, the constitution available for easy reference
- present the minutes of the previous meeting for confirmation and then signing by the Chairperson
- take notes of the meeting that indicate the main points of the discussion
- accurately record motions by checking with the mover and members
- present the inward correspondence for reception and the outward for endorsement
- assist the progress of the meeting by formulating motions from the discussion points
- sit close to the Chair to provide advice, if needed

Between meetings, the secretary should:

- deal with correspondence - write any letters as instructed, pass incoming correspondence directly to appropriate members or sub-committees
- ensure that the business of the association is carried out as directed by the association
- write up the minutes of the last meeting clearly, ensuring that all instructions from the meeting are accurate and that enough information on the discussion is recorded to identify the reasoning behind the decision
- ensure that members are notified of the next meeting - date, time, venue and agenda
- prepare the agenda for the next meeting in consultation with the President/Chairperson
- prepare any materials required for the next meeting or for distribution to members

QCPCA Representative

Although this position is not usually an officer position, it is very important. The role of the QCPCA delegate is vitally important as a link between QCPCA and your P&C. The delegate/s should be endorsed by the P&C and must be minuted at a duly constituted P&C meeting.

Information sharing is the pivotal role of the QCPCA delegate and hinges on the points listed below:

- keeping yourself informed on all current and new developments in education in general. QCPCA Executive members in your area will be happy to assist <http://www.qcpc.org.au/contact-us/regional-council-committee-office-bearers> or you can telephone the QCPCA office
- request the Secretary to provide you with a copy of all QCPCA mail. Contact your QCPCA Regional Council for a summary of all the mail your P&C should have received.

- summarise all QCPCA correspondence e.g. Parent Talk newsletter, Regional QCPCA newsletters, letters and flyers. To help the Secretary, this should show a brief listing giving a summary of each piece
- a summary of information received should be a part of your report
- assist your P&C to fill out questionnaires sent by QCPCA
- attend conferences (whenever possible), Regional Council and Branch meetings
- share and debrief Parent Conference information
- make contact with other delegates in your area where possible

The QCPCA rep could:

- provide feedback to members regarding issues in publications such as Parent Talk and Ed Views
- be familiar with the rules and meeting procedures to assist officers in their duties
- provide information to QCPCA on issues that are of concern to the P&C. Ensure that these are endorsed by the P&C to pass on to QCPCA either at Regional or State level.

P&C Affiliated Associations are entitled to vote at all QCPCA Meetings (in line with the QCPCA Constitution).

At the start of your term

- ensure insurance is paid to QCPCA by 31st March each year.
- read information on the QCPCA website www.qcPCA.org.au
- access and read documents relevant to P&C operations.

Principal

The Principal is the Minister's representative to the P&C Association. This means that it is a responsibility of the Principal to ensure that the Association fulfils its legislative responsibilities.

The Principal is automatically a member of the P&C because of the position held and as the Minister's representative for the site. The Principal is not required to complete the annual membership form.

The Principal is responsible for the good order and management of the school. As site manager it is protocol for the P&C Executive committee/officers to ensure that the Principal is aware of any special guests or speakers who may be attending a P&C meeting or visiting the school on P&C business.

The Principal is eligible to vote, move and second motions and speak for or against motions at a P&C meeting like any other member present. The Principal is included in the quorum and, like any other member, is obligated to take direction from the Chair and should speak through the Chair during discussions.

Under legislation the Principal is NOT permitted to hold any office of the P&C Association OR any of its Subcommittees. The Principal cannot be a signatory to any P&C Account. Only officers of the Association or its subcommittees are authorised by legislation to be signatories on the accounts.

The Principal is required under Education Qld policy to provide monthly reports to the P&C on school activities and school financial statements, which include the balance sheet summary and at least the summary page of the budget overview report.

One of the constituted functions of the P&C is to provide advice and recommendations to the Principal. The Principal has a responsibility to consult with the P&C Association on matters to do with the operation and management of the school.

P&C Members

- P&C members can greatly assist the chairperson by being attentive to the issues being discussed, putting their point of view clearly during debate and providing direction to the meeting through the careful wording of motions.
- If you wish to raise an issue at a P&C meeting, you should prepare yourself. A prepared and organised speaker, who is respectful to Association members and presents his or her concerns or ideas in an organised, informed manner is likely to come away with a positive outcome.
- Every member of the P&C should be familiar with the P&C constitution, any meeting procedures adopted by the P&C and the financial and legal responsibilities of the P&C Association.
- Except in matters of urgency, P&C members make all decisions (including those recommended by subcommittees) and direct the actions to be taken, at a duly constituted meeting of the P&C.
- Parents with concerns regarding individual students should be encouraged to contact the Principal. A P&C Association meeting is not the appropriate forum for individual student concerns. If these concerns impact on the whole school then the broader whole school issue can be addressed at the P&C meeting.

Resignations / vacating of officer positions

A member may resign from the Association at any time by giving notice in writing to the Secretary of the Association

The President gives his/her signed resignation to a Vice-President, Secretary or Treasurer. Other officers give their signed resignation to the President.

Although the letter of resignation is tabled at the next general meeting, the position becomes vacant from the date stated on the letter. Nominations are taken to fill the position as business arising from the correspondence.

The Association may fill any vacant office at a general meeting of the Association. That person will hold office until the next AGM.

This rule applies, also, if a position becomes vacant due to death of an officer or an officer is absent from three (3) consecutive meetings of the Association, of which the member has been given notice, without the Association's leave and without reasonable excuse.

When officer's details change, the QCPCA needs to be notified of the new contact details to keep records up to date.

Outgoing Executive Responsibilities

AGMs can mean a change of all or some of the executive committee. It is important to ensure that an efficient and effective change-over period is implemented for the benefit of the P&C and school community.

It is good corporate governance to ensure that the outgoing officer, like any business executive, ensures that the incoming officer is trained in the role they are undertaking and is provided with all the information they require to undertake that role for the good of the Association and the school community.

Allow a period of time for the transition to take place (up to a month), as there are many items of business to discuss and handover as well as bank signatories to finalise and bills and wages still to be paid.

P&C Executives should each have an executive folder that contains documents and information relevant to each executive role.

Maintaining and passing on records is one way that P&Cs continually improve their operations, reducing time spent in meetings and spending more time getting on with the job.

To assist in this process a checklist for the executive is provided.

Checklist for outgoing executive

For President / Secretary

- P&C operations manual / CD
- Copies of roles and responsibilities
- Current P&C approved constitution
- Subcommittee bylaws/policies
- Other P&C policies
- Current employee letters of employment and details
- Letter from ATO advising ITEC (Income Tax Exempt Charity) status
- Standing orders / meeting procedures
- Register of P&C members
- Register of life members of P&C
- Minutes books with minutes from all meetings since P&C commenced
- Motions register – this is a suggestion only but it helps new executive continue ongoing actions from motions from the past.
- Address list of contacts for assistance – Principal, Business Services Manager, QCPCA, QAST, Industrial Relations or an Employers Union, ATO, QCAN, Gaming Benefit Fund, Raffles, alcohol licences, Marsh Pty Ltd, Education Qld. (Include contact name if you have one, phone, fax, email and website information).
- P&C template for agenda, minutes format, financial reports format.
- A list of any important issues/projects which need to be followed up or continued by the new executive.
- Any diary that has been kept by the P&C on issues, events and/or invitations attended by the outgoing executive.

For Treasurer

- *Accounting Manual for P&Cs*
- Books of accounts for current and previous year
- Registers for:
 - building fund DGR (Deductible Gift Recipient)
 - cheque, receipt and order books
 - assets
 - auditor's statements and reports for the past seven years including current year
 - bank form for change of signatories for P&C general, subcommittee and any investment accounts

For the Principal

Ensure the Principal has the following for safekeeping:

- Current approved P&C constitution
- Copy of the Letter from ATO advising ITEC (Income Tax Exempt Charity) status
- Student Protection Risk Management strategy and annual checklist.

The school should provide an area for archiving of P&C information and old records.

Corporate Governance

This section has been produced to raise your awareness of corporate governance. It is not intended that this information replace the need to obtain appropriate professional advice on any specific governance issues that may arise for your P&C.

Corporate governance is a term that describes the way in which associations conduct their business, understanding all legal, financial and ethical obligations.

Officer bearers of a P&C Association are, like their equivalents in other legal structures, placed in a fiduciary relationship, a position of trust within the Association and have a *fiduciary obligation* to act honestly and in the best interests of those they represent.

Fiduciary obligation

High Court definition: 'The duty to act with fidelity and trust to one another and to act in good faith for the benefit of others'.

In practical terms this means:

- acting honestly
- acting in the best interests of the persons to whom the fiduciary duty is owed
- avoiding conflicts of interests between fiduciary and personal duties
- accounting for any benefit or gain received arising from the fiduciary relationship

Duty of care

P&C officers and members must exercise their powers and discharge their duties with a degree of care and diligence that a *reasonable person* would exercise if they:

- were a director or officer of a corporation
- occupied the office held by, and had the same responsibilities within the corporation, as the director or officer.

The **test of the reasonable person** is a basic principle of common law and is a way to assess what the community expects.

Decisions made honestly and with integrity can always be defended.

Relief from a breach is possible where it can be demonstrated that:

- the decision of the office bearer was made in good faith for a proper purpose, and
- the officer did not have a material interest in the subject matter, and
- the officer had informed themselves about the subject to the extent they believed appropriate, and
- the officer rationally believed the judgment was in the best interests of the association.

The duty to act in good faith tries to assess what was the *expected outcome* of the actions taken. This duty implies that actions are always in the best interests of the association and for a proper purpose. Care always needs to be exercised to ensure that actions fall within the law e.g:

- those who steal from or commit fraud against the association will attract the full rigor of the criminal law
- legislation relating to liquor sales, art unions, gaming, copyright, defamation, environment and local government regulations apply
- the reasonable person test is used to assess duty of care, skill and diligence
- no discrimination against others on the grounds of sex, impairment, age, race, marital or parental status

It is interesting to note the following ruling involving the National Safety Council of Victoria, a large not for profit organisation. The court commented that when considering application of the Corporation Law that:

“There is nothing in the code to suggest that the standard to be expected of a part time non executive director of a not for profit company is different from the standard expected of any other director of a profit making company. Both are required ... to exercise a reasonable degree of care and diligence in the exercise of their powers and discharge of their duties.”

Practical issues

- Ensure financial reporting is accurate and correct processes adopted
- Read legal documents before signing. If you don't understand, seek guidance.
- Never sign blank cheques
- Ensure cheques have a supporting invoice, account and meeting resolution
- Ensure you have good communication with others on the Executive team
- Do not engage in discussions where you may have a financial or personal interest

- Do not promote secret meetings. Keep accurate minutes. Be open, transparent and accountable.
- Have two (2) or more persons oversee the collection of cash
- Ask for assistance if necessary

Defamation

There are three key elements of defamation:

1. There must be a defamatory matter, that is, the matter must meet the definition of 'defamation' i.e. material which '*tends to injure the personal, professional, trade or business reputation of an individual or company, or expose them to ridicule or to cause people to avoid them*'
2. The defamatory matter must be published i.e. passed on to a third party, orally or in print
3. The publication must either adequately identify an individual as the subject of the publication or refer to a class leading to the identification of an individual or individuals

How can P&C members make corporate governance work?

- Pass on key information to your successor
- Implement skilling so all office bearers are aware of their responsibilities
- Communicate with members and let them know what is expected
- Remember the 'big picture' – what and who we are here for
- Commit to act quickly on issues of poor practice
- Employ ethical standards to all actions
- Reflect on your performance and that of your fellow members
- Look at the performance of subcommittees to ensure they are working effectively
- Adhere to legislation
- Remember, everyone is different but is part of the team
- Speak up if you have a point of view

Summary

1. Know your governing constitution, procedures and by-laws
2. Remember the *Reasonable Person Test*
3. Lead by example and set appropriate standards
4. Beware of defamation

5. USE COMMON SENSE AT ALL TIMES

QCPCA gratefully acknowledges the work of Chris Whitecross (Arrowdynamics Pty Ltd) and Bill McMillan (QCPCA Honorary Solicitor) for the information used in this section.

P&C community networking

Are you struggling for ideas on how a P&C operates, getting volunteers, fundraising ideas and event participation? Have you thought that another P&C in your local area may be having the same issues as your own P&C? Have you considered that other P&Cs may have a wealth of knowledge in different areas of P&C operations?

Community networking is gaining momentum and becoming a great way to swap ideas and stories about P&C functions with other members of P&Cs in your local community.

Approach your local schools and make contact with their P&C executive teams and arrange an informal get together and chat about each other's P&C. It is amazing what you can learn from an informal chat and story swap.

For those P&Cs that are more remote from each other make phone contact, set up an email group to exchange ideas and issues with each other, meet up at your QCPCA regional council meetings. P&Cs that currently network in this way have found it very successful for a number of reasons.

- They swap ideas to implement in their operations such as: student representation policies, tuckshop procedures, fundraising ideas – what works, what hasn't etc.
- They combine some of their events and split the profits e.g. trivia night, markets / fetes, carols by candlelight, school expos.
- They have learnt from each other more about P&C operations and where to source information.
- They build / strengthen local business community relationships – donations, sponsorship etc, as they are working as a united force.
- The image of their P&C has become more positive as it is projected more positively and people become keen and interested as they build community relationships.
- Meeting attendance & volunteer rates have increased due to the positive approach by the P&C.
- The P&C members have a rejuvenated energy to provide extras for the children of their schools.

So think outside the square and see what your P&C neighbours have to offer. We are all in this together and then, by working together, we can all achieve greater things and have fun doing it.

Sample Forms :
P&C Executive Certificates (Alter specifically to your individual P&C requirements)

XXXX State School P&C Association

Certificate of APPRECIATION

of ***** P&C Association has been in the position of

Vice President

for a period of

Tasks undertaken in this role include:

- Participation in management
- Shows leadership and team work skills
- Undertakes set tasks with skill and enthusiasm
- Represents the Association in the community
- Integral in decision making
- Communicates information and policy effectively
- Active member of the board / Executive team
- Manages paid and unpaid staff
- Monitors compliance with policy
- Organises and supervises fundraising opportunities

XXXX State School P&C Association

Certificate of APPRECIATION

of ***** P&C Association has been in the position of

Treasurer

for a period of

Tasks undertaken in this role include:

- Supervises P&C operations
- Manages financial accounts, record keeping and planning processes
- Manages payroll and employee duties
- Assisted in operating the uniform shop
- Participation in management
- Shows leadership and team work skills
- Undertakes set tasks with skill and enthusiasm
- Represents the Association in the community
- Integral in decision making
- Communicates information and policy effectively
- Active member of the board / Executive team
- Manages paid and unpaid staff
- Monitors compliance with policy

XXXX State School P&C Association

Certificate of APPRECIATION

_____ of ***** P&C Association has been in the position of

President

for a period of

Tasks undertaken in this role include:

- Supervises all operations
- Participation in management
- Shows leadership and team work skills
- Undertakes set tasks with skill and enthusiasm
- Represents the Association in the community
- Integral in decision making
- Communicates information and policy effectively
- Active member of the board / Executive team
- Manages paid and unpaid staff
- Monitors compliance with policy

XXXX State School P&C Association

Certificate of APPRECIATION

_____ of ***** P&C Association has been in the position of

Secretary

for a period of

Tasks undertaken in this role include:

- Participation in management
- Shows leadership and team work skills
- Undertakes set tasks with skill and enthusiasm
- Represents the Association in the community
- Integral in decision making
- Communicates information and policy effectively
- Active member of the board / Executive team
- Manages paid and unpaid staff
- Monitors compliance with policy

Sample Form: VOLUNTEER CONFIDENTIALITY DEED
 (provided by ACSEA)

DEED made in Brisbane on/...../.....

BETWEEN

(insert school/centre/service/association name here)

of (insert street address of school/centre/service/association here)

AND

Volunteer Name _____

Address Details _____

RECITALS

- A. (insert school/centre/service/ association name here) and the Volunteer are in, or are entering into, a voluntary work relationship.
- B. In the course of that relationship, the volunteer may gain access to Confidential Information and other valuable and protectable information of (insert school/centre/service/ association name here) and its operations.
- C. The volunteer agrees to deal with Confidential Information in accordance with the terms of this Deed.

THIS DEED PROVIDES

1. WHAT IS CONFIDENTIAL INFORMATION?

1.1 Subject to clause 1.3, in this Deed, "**Confidential Information**" includes:

- (a) information relating to any of the (insert school/centre/service/ association name here)'s businesses;

this includes information relating to future planning, trade secrets; financial information; customer and supplier lists and information; information relating to the management, personnel, strategies or policies, systems, processes, methods, pricing and products of any of the (insert school/centre/service/ association name here)'s operations

- (b) information created or developed by the volunteer;

this includes strategies, correspondence, reports, articles and other documents; artwork, plans, designs, software; discoveries

- (c) information supplied by, relating to or confidential to any other persons; and

- (d) information which has any actual or potential value to (insert school/centre/service/ association name here);

where the volunteer received, created or developed that information:

- (e) in the course of voluntary work with (insert school/centre/service/ association name here) (whether or not prior to the date of this Deed); or
 - (f) as a result of, or aided by, the existence of a past, present or future voluntary relationship with (insert school/centre/service/ association name here).
- 1.2 Any copies, summaries or notes of Confidential Information, and any other materials incorporating or derived from Confidential Information, is itself Confidential Information.
- 1.3 Confidential Information does not include any information which is or becomes public knowledge without any fault of the volunteer. Upon termination of voluntary work with (insert school/centre/service/ association name here), Confidential Information does not include any information which has become part of the volunteer's general skill, knowledge and experience.
- 1.4 As a volunteer of the (insert school/centre/service/ association name here) I will, at times, be exposed to a wide range of information about staff, children, families and the management committees which could be of a confidential nature. This information is not to be publicised in any manner unless authorised or as required by law.

2. OBLIGATIONS OF CONFIDENTIALITY

- 2.1 The volunteer acknowledges that all Confidential Information is the exclusive and valuable property of (insert school/centre/service/ association name here), and is received by the volunteer in circumstances of strictest confidence.
- 2.2 The volunteer may use Confidential Information for the purpose of providing services to (insert school/centre/service/ association name here) in the proper course of voluntary work. The volunteer must not use Confidential Information for any other purpose without (insert school/centre/service/ association name here)'s express prior written approval.
- 2.3 The volunteer must not disclose Confidential Information to any other person except on a need to know basis, and only with the prior approval of the supervisor of the volunteer.
- 2.4 The volunteer must take all reasonable precautions to prevent an unauthorised disclosure of Confidential Information, including the following precautions:
- (a) the volunteer must at all times store Confidential Information safely and securely; and
 - (b) the volunteer must not remove Confidential Information from the premises at which it is stored except where it is necessary to do so and authorisation from the Association's Executive has been granted.
- 2.5 If at any time (insert school/centre/service/ association name here) requests the volunteer to do so, the volunteer must immediately deliver to (insert school/centre/service/ association name here) all media embodying Confidential Information which is in the volunteer's possession, custody or control.

2.6 The volunteer must agree to comply with any other reasonable obligations relating to Confidential Information required from time to time by the (insert school/centre/service/ association name here).

3. INTELLECTUAL PROPERTY

3.1 The volunteer acknowledges that all intellectual property created or developed by the volunteer, which incorporates or is derived from Confidential Information, belongs solely to (insert school/centre/service/ association name here) .The volunteer assigns all its rights in that intellectual property to (insert school/centre/service/ association name here) .

3.2 To the full extent permitted by law, the volunteer waives all its moral rights in existing and future copyright works created by the volunteer.

4. GENERAL

4.1 **[Survival]** The volunteer's obligations under this Deed shall survive indefinitely, notwithstanding any termination of the volunteer's relationship with (insert school/centre/service/ association name here).

4.2 **[Severability]** If any word, phrase or clause of this Deed is held to be void, illegal or unenforceable, that word, phrase or clause shall be deemed to be severed without affecting the operation of the remainder of this Deed. All overlapping obligations in this Deed are intended to operate cumulatively and to bind the parties, subject to the severance of any obligations held to be void, illegal or unenforceable.

4.3 **[Interpretation]** In this Deed:

- (a) words in the singular include the plural and vice versa; and
- (b) a reference to a person includes a reference to a body corporate, unincorporated association, statutory or other authority, partnership or any other entity.

4.4 **[Cumulative Obligations]** The volunteer's obligations under this Deed are in addition to, and do not limit or detract from, any duties or obligations owed by the volunteer to (insert school/centre/service/ association name here) under statute, at common law, in equity or otherwise.

EXECUTED as a Deed.

SIGNED BY THE VOLUNTEER:

SIGNED FOR (insert school/centre/service/ association name here) By its Representative:

.....
 (Signature)

.....
 (Signature of Officer)

.....
 Volunteer's Name

.....
 Name of Officer

.....
 (Position of Officer)