

# The Constitution of The Polish School of Sydney

P.O Box 810 Maroubra 2035 N.S.W.

e-mail: [school@polishschool.org.au](mailto:school@polishschool.org.au)

website: [www.polishschool.org.au](http://www.polishschool.org.au)

## Mission Statement

We the parents and teachers of The Polish School of Sydney are committed to:

1. Providing a creative and challenging curriculum enabling all students to develop high levels of skills in Polish language
2. Developing students' awareness and understanding of the culture, history and way of life in Poland and of the Polish speaking communities in Australia
3. Enabling students to communicate more effectively with their parents, family members and other members of the Polish community
4. Promoting Polish language, traditions and culture in Australia
5. Promoting loyalty to Australia within the Polish Australian Community

## **CONTENTS:**

### **Title page and mission statement**

### **Part 1 – Preliminary**

1. Definitions

### **Part 2 – Membership**

2. Membership qualifications
3. Special membership
4. Cessation of membership
5. Membership entitlements not transferable
6. Resignation of membership
7. Register of members
8. Fees and subscriptions
9. Dissolution clause
10. Resolution of internal disputes
11. Disciplining of members
12. Right of appeal of disciplined member

### **Part 3 – The Committee**

13. Powers of the committee
14. Constitution and membership
15. Election of members
16. President
17. Secretary
18. Treasurer
19. Head Teacher
20. Casual vacancies
21. Removal of member
22. Meetings and quorum
23. Delegation by committee to subcommittee
24. Voting and decisions

### **Part 4 – General Meetings**

25. Annual General Meetings – holding of
26. Annual General Meetings – calling of and business at
27. Special General Meetings – calling of
28. Notice
29. Procedure
30. Presiding member
31. Adjournment
32. Making of decisions
33. Special resolution
34. Voting and Quorum
35. Appointment of proxies

### **Miscellaneous**

36. Insurance
37. Funds – source
38. Funds – management
39. Alteration of objects and rules
40. Common seal
41. Custody of books
42. Inspection of books
43. Service of notices
44. Membership of other organisations / Joining other organisations
45. Employment of head teacher and teaching staff / Termination of teaching staff

### **Appendices**

Form of appointment of proxy

## Part 1 – Preliminary

### 1. Definitions

(1) In these rules

**Director-General** means the Director-General of the Department of Fair Trading.

**Ordinary member** means a member of the committee who is not an office-bearer of the association, as referred to in rule 14(2)

**Secretary** means:

(a) the person holding office under these rules as secretary of the association

or

(b) if no such person holds that office – the public officer of the association

**Special General Meeting** means a general meeting of the association other than an annual general meeting.

**The Act** means the *Associations Incorporation Regulation 1999*.

(2) In these rules:

(a) a reference to a function includes a reference to a power, authority and duty, and

(b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the *Act*.

**The Polish School of Sydney** is a non profit organisation whereas the assets and income of The Polish School of Sydney shall be applied solely in furtherance of its objects and no portion shall be distributed directly or indirectly to the members of the organisation – The Polish school of Sydney, except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

## Part 2 – Membership

### 2. Membership qualifications

A person is qualified to be a member of The Polish School of Sydney shall be both parents and or guardians of the enrolled student as shown on the completed and signed enrollment forms of the student.

### 3. Special membership

The Polish School of Sydney by a Special Resolution of its membership give special membership to a person who may enhance the work of The Polish School of Sydney.

(a) Only one person at any one time may have special membership to The Polish School of Sydney

(b) That special membership may last a maximum of 3 years, unless clause 4b, 4c, 4d apply

(c) For the duration of their membership the special member has the same rights as an ordinary member

### 4. Cessation of membership

A person ceases to be member of The Polish School of Sydney if the

(a) student leaves the school

(b) resigns membership

(c) is expelled from The Polish School of Sydney

(d) dies

### 5. Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of The Polish School of Sydney:

(a) is not capable of being transferred or transmitted to another person,

and

(b) terminates on cessation of the person's membership

### 6. Resignation of membership

A member of The Polish School is not entitled to resign that membership except in accordance with this rule.

When a student leaves The Polish School of Sydney membership ceases automatically for both parents or guardians and no written notification is required.

## **7. Register of members**

- (1) The public officer of The Polish School of Sydney must establish and maintain a register of members of The Polish School of Sydney specifying the name and address of each person who is a member of The Polish School of Sydney together with the date on which the person became a member.
- (2) The register of members must be kept at the principal place of administration of The Polish school of Sydney and must be open for inspection, free of charge, by any member of The Polish School of Sydney at any reasonable hour.
- (3) A member of The Polish School of Sydney may obtain a copy of any part of the register on payment of a fee of \$1 for each page copied or, if other amount is determined by the committee, that other amount.

## **8. Fees and subscriptions**

A member of The Polish School of Sydney must, on admission to membership, pay to The Polish School of Sydney – the school fees nominated by The Polish School of Sydney management committee or if some other amount is determined by the management committee. Within the first two weeks of the commencement school year. That is the full years school fees or first semester fees.

## **9. Dissolution of The Polish School of Sydney**

In the event of The Polish School of Sydney being dissolved the amount that remains after such dissolution and satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for profit or gain of individual members

## **10. Resolution of internal disputes**

- (1) Disputes between members (in their capacity as members) of The Polish School of Sydney, and disputes between members and The Polish School of Sydney, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centre Act 1983*.
- (2) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

## **11. Disciplining of members**

- (1) A complaint may be made to the committee by any person that a member of the association
  - (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
  - (b) has persistently and willfully acted in a manner prejudicial to the interests of The Polish School of Sydney
- (2) On receiving such a complaint, the committee:
  - (a) must cause notice of the complaint to be served on the member concerned;  
and
  - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint,  
and
  - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (3) The committee may, by resolution, expel the member from The Polish School of Sydney or suspend the member from membership of The Polish School of Sydney if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved
- (4) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the members' right of appeal under rule 12.
- (5) The expulsion or suspension does not take effect:
  - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - (b) if within that period the member exercises the right of appeal, unless and until The Polish School of Sydney confirms the resolution under rule 12(5), whichever is the later.

## **12. Right of appeal of disciplined member**

- (1) A member may appeal to The Polish School of Sydney in general meeting against a resolution of the committee under rule 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

- (3) On receipt of a notice from a member under clause (10), the secretary must notify the committee which is to convene a general meeting of The Polish School of Sydney to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of The Polish School of Sydney convened under clause (30):
  - (a) no business other than the question of the appeal is to be transacted, and
  - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
  - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) If at the general meeting The Polish School of Sydney passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

## **Part 3 – The Committee**

### **13. Powers of the committee**

The committee is to be called the Management Committee of The Polish School of Sydney and, subject to the *Act*, the Regulation and these rules and any resolution passed by The Polish School of Sydney in general meeting:

- (a) is to control and manage the affairs of The Polish School of Sydney, and
- (b) may exercise all such functions as may be exercised by The Polish School of Sydney, other than those functions that are required by these rules to be exercised by a general meeting of members of The Polish School of Sydney, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of The Polish School of Sydney.

### **14. Constitution and membership**

- (1) Subject in the case of the first members of the committee to section 21 of the *Act*, the committee is to consist of:
  - (a) the management committee of The Polish School of Sydney, and
  - (b) 1 ordinary member, who is to be elected at the annual general meeting of The Polish School of Sydney under rule 15.
- (2) the management committee of The Polish School of Sydney are to be:
 

(a) the president	(b) the treasurer
(c) the secretary	(d) the head teacher
(e) one ordinary member	
- (3) Each member of the committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of The Polish School of Sydney to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

### **15. Election of members**

- (1) nominations of candidates for election of the Management Committee of The Polish School of Sydney or as an ordinary member of the committee:
  - (a) may nominate on the day of the annual general meeting at the commencement of the annual general meeting and must be seconded by another member of The Polish School of Sydney.
  - (b) may nominate for the committee and any position on the committee by writing and must be given to the secretary prior to the commencement of the annual general meeting and must be presented by the secretary for election to the committee (for a person unable to attend on the day of the annual general meeting )
  - (c) the teachers' representative is filled by the head teacher
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected.
- (3) If sufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the candidates nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held after all nominated candidates have presented themselves by way of a small speech no longer than 5 minutes to the annual general meeting.

- (6) The ballot for the election of the Management Committee and the ordinary member of the committee is to be conducted at the annual general meeting by the holding a secret ballot if the need is required due to excessive candidates.

## 16. President

- (1) The President is the chairperson of the Management Committee of The Polish School of Sydney and will work cooperatively with the other members of the management committee, teachers and parents in providing quality education for all students.
- (2) It is the duty of the President to
  - (a) Provide administrative leadership for The Polish School of Sydney in line with The Board of Studies guidelines, Department of Education and Training guidelines and the Constitution of The Polish School of Sydney
  - (b) Manage The Polish School of Sydney in an effective, efficient and equitable manner
  - (c) Coordinate and supervise the activities of The Polish School of Sydney
  - (d) Represent The Polish School of Sydney at official gatherings and meetings
  - (e) Promote effective lines of communications between The Polish School of Sydney and its community
  - (f) Call and chair the annual general meeting and other special meetings of The Polish School of Sydney and the Management Committee

## 17. Secretary

- (1) The Secretary of The Polish School of Sydney must, as soon as practicable after being appointed as secretary, lodge notice with The Polish School of Sydney of his or her address.
- (2) It is the duty of the secretary to keep the minutes of:
  - (a) all appointments of office-bearers and members of the committee,
  - (b) the names of members of the committee present at a committee meeting or a general meeting, and
  - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

## 18. Treasurer

It is the duty of the treasurer of The Polish School of Sydney to ensure:

- (a) that all money due to The Polish School of Sydney is collected and received and that all payments authorised by The Polish School of Sydney are made,  
and
- (b) that correct books and accounts are kept showing the financial affairs of The Polish School of Sydney, including full details of all receipts and expenditure connected with activities of The Polish School of Sydney.

## 17. Head Teacher

- (1) The head teacher is a member of the Management Committee of The Polish School of Sydney and will work with the President and other members of the Management Committee in providing quality education for all students.
- (2) Provide educational leadership for The Polish School of Sydney in line with the Board of Studies guidelines, Department of Education and Training guidelines and the Constitution of The Polish School of Sydney.
- (3) Identify the needs and issues of concern at The Polish School of Sydney and instituting appropriate procedures to address them in areas of
  - curriculum
  - organisation
  - student and staff welfare
  - teaching and learning environment
- (4) Supervise and supporting all teachers in their duties
- (5) Oversee teaching programs, registers and reports
- (6) Oversee the staffing process in conjunction with the other members of the management committee

## 18. Casual vacancies

For the purposes of these rules, a casual vacancy in the office of a member of the committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of The Polish School of Sydney, or
- (c) becomes insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under rule 19, or

- (f) becomes a mentally incapacitated person, or
- (g) is absent without consent of the committee from all meetings of the committee held during a period of 6 months.

## 19. Removal of member

- (1) The Polish School of Sydney in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding reasonable length) and requests that the representation be notified to the members of The Polish School of Sydney, the secretary or the president may send a copy of the representations to each member of The Polish school of Sydney or, if the representations are not so sent, the member is entitled to require that the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

## 20. Meetings and quorum

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting
- (4) Notice of a meeting given under clause (3) must specify the general nature of the meeting to be transacted at the meeting and no business other than the business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, quorum is not present, the meeting is to stand adjourned to the same place and at the same place and at the same hour of the same day in the following week.
- (7) If at adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
  - (a) the president OR, in the president's absence, the one of the nominated remaining committee members is to preside,  
or
  - (b) if the president is absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

## 21. Delegation by committee to sub-committee

- (1) The committee may by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of The Polish School of Sydney as the committee thinks fit) the exercise of such functions of the committee as are specified in the instrument, other than:
  - (a) this power of delegation,  
and
  - (b) a function which is a duty imposed on the committee by the *Act* or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation
- (4) Despite any delegation under this rule, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A sub-committee may meet and adjourn, as it thinks proper.

## **22. Voting and decisions**

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to rule 20(5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

## **Part 4 – General meeting**

### **23. Annual general meetings – holding of**

- (1) With the exception of the first annual general meeting of The Polish School of Sydney, The Polish School of Sydney must, at least once in each calendar year. The Polish School of Sydney must convene an annual general meeting of its members within the first two weeks of the school calendar year.
- (2) The Polish School of Sydney must hold its first annual general meeting
  - (a) within the period of 18 months after its incorporation under the *Act*.
  - (b) Within the period of 6 months after the expiration of the first financial year of The Polish School of Sydney
  - (c) Clauses (1) and (2) have effect subject to any extension or permission granted by the Director-General under section 26(3) of the *Act*.

### **24. Annual general meetings – calling of business at**

- (1) The annual general meeting of The Polish School of Sydney is, subject to the *Act* and to rule 23, to be convened on such date at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following
  - (a) to confirm the minutes of the last preceding meeting and of any special general meeting held since that meeting.
  - (b) to receive from the committee reports on the activities of The Polish School of Sydney during the last preceding financial year,
  - (c) to elect management committee of The Polish School of Sydney and the ordinary member of the committee,
  - (d) to receive and consider the statement which required to be submitted to members under section 26(6) of the *Act*.
- (3) An annual general meeting must be specified as such in the notice convening it.

### **25. Special general meetings – calling of**

- (1) The committee may, whenever it thinks fit, convene a special general meeting of The Polish School of Sydney
- (2) The committee must, on the requisition in writing of at least 50 per cent of the total number of members, convene a special general meeting of The Polish School of Sydney.
- (3) A requisition of members for a special general meeting:
  - (a) must state the purpose or purposes of the meeting, and
  - (b) must be signed by the members making the requisition, and
  - (c) must be lodged with the secretary, and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expenses is entitled to be reimbursed by The Polish School of Sydney for any expense so incurred

### **26. Notice**

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of The Polish School of Sydney, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the meeting and the nature of the business proposed to be transacted at the meeting.

- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of The Polish School of Sydney, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause (10), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 24(20).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

## **27. Procedure**

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Five members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - (a) if convened on the requisition of members, is to be dissolved, and
  - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) is to constitute a quorum.

## **28. Presiding member**

- (1) The president or, in the president's absence, a nominated management committee member, is to preside as chairperson at each general meeting of The Polish School of Sydney
- (2) If the president is absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

## **29. Adjournment**

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of The Polish School of Sydney stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in clauses (10 and 2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## **30. Making of decisions**

- (1) A question arising at a general meeting of The Polish School of Sydney is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of The Polish School of Sydney, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of The Polish School of Sydney, a poll may be demanded by the chairperson or by least 3 members present in person or by proxy at the meeting.
- (3) If a poll is demanded at a general meeting, the poll must be taken;
  - (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment, or
  - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

### **31. Special resolution**

A resolution of The Polish School of Sydney is a special resolution:

- (a) if it is passed by a majority which comprises at least three-quarters of such members of The Polish School of Sydney as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution as a special resolution as a special resolution was given in accordance with these rules, or
- (b) where it is made to appear to the Director-General that it is not practicable for the resolution to be passed in the manner specified in paragraph (a), if the resolution is passed in a manner specified by the Director-General.

### **32. Voting and Quorum**

- (1) On any question arising at a general meeting of The Polish School of Sydney a member has one vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than 5 proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any general meeting of The Polish School of Sydney unless all money due and payable by the member or the proxy to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.
- (5) A quorum at a special meeting should consist of 50 per cent of the members plus extra one member

### **33. Appointment of proxies**

- (1) Each member is to be entitled to appoint another member as proxy by given notice to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed
- (2) The notice appointing the proxy is to be in the form set out in Appendix 1 to these rules.

## **Part 5 - Miscellaneous**

### **34. Insurance**

The Polish School of Sydney will maintain insurance – Public Liability and Workers' Compensation

### **35. Funds – source**

- (1) The funds of The Polish School of Sydney are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by The Polish School of Sydney management committee in general meeting, such other sources as the committee determines.
- (2) All money received by The Polish School of Sydney must be deposited as soon as practicable and without deduction to the credit of The Polish School of Sydney's bank account.
- (3) The Polish School of Sydney must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **36. Funds – management**

- (1) Subject to any resolution passed by The Polish School of Sydney in general meeting, the funds of The Polish School of Sydney are to be used in pursuance of the objects of The Polish School of Sydney in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the management committee of The Polish School of Sydney, being members authorised to do so by the Management Committee.

### **37. Alteration of objects and rules**

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of The Polish School of Sydney.

### **38. Common seal**

- (1) The common seal of The Polish School of Sydney must be kept in the custody of the public officer.
- (2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the public officer or secretary.

### **39. Custody of books**

Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to The Polish School of Sydney.

### **40. Inspection of books**

The records, books and other documents of The Polish School of Sydney must be open to inspection, free of charge, by member of The Polish School of Sydney at any reasonable hour.

### **41. Service of notices**

- (1) For the purpose of these rules, a notice may be served on or given to a person:
  - (a) by delivering it on the person personally, or
  - (b) by sending it by pre-paid post to the address of the person, or
  - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:
  - (a) in case of a notice given or served personally, on the date on which it is received by the addressee, and
  - (b) in case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

### **42. Membership of other organisations / Joining other organisations**

The Polish School of Sydney may join any organisation that may help the development of the school with the authorisation of the management committee of The Polish School of Sydney. However the rules of the joined organisation may not overrule the Constitution of The Polish School of Sydney.

### **43. Employment of Head Teacher and Teaching staff**

#### **Head Teacher**

- (1) Except for the first year of The Polish School of Sydney, the position of the head teacher shall be chosen by the Management Committee of The Polish School of Sydney. (excluding the head teacher )
- (2) Every 2 years the management committee ( excluding the head teacher ) will evaluate his/her performance against the job description for the head teacher
- (3) If any issues arise dealing with the position of head teacher at the time of evaluation, all parents will be issued with an evaluation sheet for the performance of the head teacher. If 75 per cent of the membership are satisfied with the head teacher, the position shall be offered again to the head teacher.
- (4) If necessary the position will be advertised in the Polish media and all applicants including the current teaching staff and head teacher will be considered.
- (5) The panel to select the new head teacher shall consist of a panel of 3 that being the President of the management committee, The Educational Officer from the Saturday School of Community Languages – Department of Education and one parent chosen at random.
- (6) The appointment of the head teacher position is for two years.

#### **Teaching Staff**

- (1) Except with the first year of The Polish School of Sydney, all teaching staff shall be employed after being interviewed by 3 members of the management committee of The Polish School of Sydney but one of the 3 members on the interviewing panel shall be the head teacher.
- (2) Teachers shall be employed on an annual basis that being the period of the school calendar year.
- (3) The Management Committee of The Polish School of Sydney shall each November assess the teachers' performance and the decision to renew the contract for the following school year shall be the decision of the Management Committee. Teachers shall be informed within two weeks of the school finishing of the committee's decision.
- (4) If required the Management Committee is obliged to recruit and employ new teachers for vacant positions. The process of employment shall be open, public and be completed before the commencement of the school year. 3 members of the management committee of The Polish School of Sydney as set out in clause 43(2) shall apply.
- (5) The Management Committee shall endeavour to have available relief teaching staff who may be used in case of temporary absence or departure of teaching staff. Employment of relief teaching staff shall be as set in clause 43(2)

#### **Termination of Teaching Staff**

1. All teaching staff with the exception of the head teacher shall be based on an annual contract
2. With mutual agreement of teacher and management committee
3. After the decision of a special meeting or decision of the Management Committee

**Appendix 1.**

**Form of Appointment of Proxy**

I, .....  
(full name)

of .....  
(address)

being a member of.....  
(name of incorporated association)

hereby appoint.....  
(full name of proxy)

of.....  
(address)

being a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or special general meeting, as the case may be) to be held on the ..... day of..... and at any adjournment of that meeting.  
(month and year)

\* My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details)

*Resolution details:*

.....  
.....  
.....  
.....

.....  
Signature of member appointing proxy

.....  
Date

NOTE: A proxy vote may not be given to a person who is not a member of the association