

# Albany Creek Kindergarten Association

## Constitution



Albany Creek  
Kindergarten

# ALBANY CREEK KINDERGARTEN ASSOCIATION

## CONSTITUTION

1. NAME  
The name of the Association shall be the Albany Creek Kindergarten Association and shall be hereafter referred to as 'The Association'.
2. OBJECTS  
The objects of the Association shall be:
  - (a) To Promote a knowledge of the Kindergarten principles
  - (b) To establish and maintain a Kindergarten
  - (c) To provide opportunities for community endeavour for the welfare of Kindergarten children
  - (d) To take any action deemed advisable in furtherance of the above objects.
3. REGISTRATION  
The Association has received a sanction under the 'Collections Act of 1966'
4. THE AFFILIATION  
The Association may make application for affiliation to 'The Creche and Kindergarten Association of Queensland' (C&K)
5. CLASSES OF MEMBERS  
The members of the Association shall consist of ordinary members, life members and honorary members
6. MEMBERSHIP
  - (a) The number of ordinary members shall be unlimited
  - (b) Any person who is not less than eighteen (18) years of age shall be eligible for membership
  - (c) Any eligible person may become a member of the Association by signing an application in the form approved by the Management Committee, and by paying the first year's subscription.
7. LIFE AND HONORARY MEMBERSHIP  
Any person upon payment of a sum as determined by the Management Committee, from time to time, or on account of his outstanding services to the Association, may on the recommendation of the Management Committee be elected a Life or Honorary Member at a General or Annual General Meeting. Such persons would have all the privileges appertaining to an ordinary member without payment of the annual subscription. Save as aforesaid a Life or Honorary Member shall be subject to all the provisions of the Constitution.
8. FINANCIAL YEAR  
The Financial Year shall end on 31<sup>st</sup> December in every year.
9. ANNUAL SUBSCRIPTION  
The annual subscription per family (equivalent to one (1) vote) for each financial year shall be determined by the members at any General or Annual General Meeting.

- (a) The annual subscription shall be payable on the first day of January in every financial year, after which no resignation, termination or forfeiture of membership shall exempt him or from payment of the current year's subscription.
- (b) Payment or tender of the annual subscription shall be made to The Association.
- (c) A financial member at any material time is a member who is not then indebted to the Association in respect of any annual subscription or levy or other payment whatsoever.
- (d) Only those members who are financial members at the time shall be eligible to vote upon any motion at General or Annual Meeting and/or to hold office.
- (e) A member who is in arrears with his or her annual subscription for three (3) calendar months shall be deemed to have forfeited his or her membership, but the Management Committee or, on appeal, the members may reinstate him or her on payment of the amount due.

**10. ADMISSION AND REJECTION OF ORDINARY MEMBERS**

- (a) Admission to ordinary membership shall be by election of the Management Committee or, upon appeal, by the members. At the Management Committee Meeting next following the payment or tend to the Secretary of the annual subscription for the current financial year as provided by the Constitution, the Management Committee shall consider the application of each applicant and shall elect or reject him or her as a member.
- (b) Any applicant who received a majority of the votes of the members of the Management Committee present at the meeting at which his or her application is being considered shall be declared elected by the Chairman as an ordinary member.
- (c) Upon the election or rejection of an application for membership the Secretary shall forthwith give to him or her notice in writing of such election or rejection.

**11. APPEAL AGAINST REJECTION OF MEMBERSHIP**

- (a) A person whose application for membership has been rejected may, with one (1) month after receiving written notification of such rejection, appeal against the decision of the Management Committee to a General Meeting of the members of the Association held for the purpose of determining the appeal.  
Notice in writing of his or her intention to appeal shall be given to the Secretary. The Management Committee shall convene such a General Meeting so that the General Meeting is held within three (3) months of the date of receipt by the Secretary of a notice to appeal, at a time suitable to the majority of members to attend thereat.  
At such meeting the appellant shall be given the opportunity to fully present his or her case either orally or in writing, or partly by one of these means and partly by the other, and the Management Committee or those members thereof who rejected the application shall subsequently likewise have the opportunity of presenting its or their case. The appeal shall be determined by, the vote of the majority of the financial members present at the meeting.
- (b) Where a person whose application is rejected does not within the time prescribed by this Constitution, appeal against the decision of the Management Committee, or so appeals but his or her appeal is unsuccessful, the Secretary shall refund to him or her the amount of the annual subscription paid to the Secretary.

**12. TERMINATION OF MEMBERSHIP**

A member may resign from the Association at any time by giving notice in writing to the Secretary. Such resignation shall only take effect at the time by giving notice in writing to the Secretary. Such resignation shall only take effect at the time when such notice is received by the Secretary unless a later date is specified in the notice, when it shall take effect on that later date.

If a member:

- (a) Is convicted in a Court of Law of an indictable offence, or

- (b) Fails to comply with any of the provisions of this Constitution, or
- (c) Conducts himself or herself in a manner considered to be injurious or prejudicial to the character of interests of the Association, the Management Committee shall consider whether his or her membership shall be terminated.  
The member concerned shall be given a full and fair opportunity of presenting his or her case, and if the Management Committee resolves to terminate his or her membership, they shall instruct the Secretary to advise the member accordingly. The member may, within one (1) month after receiving such written notification appeal to a General Meeting of members.  
Notice in writing of his or her intention to appeal shall be given to the Secretary.  
The Management Committee shall convene a General Meeting so that such meeting is held within three (3) months of the date of receipt by the Secretary of a notice or intention to appeal, at a time suitable to the majority of members to attend thereat. At such meeting the appellant shall be given the opportunity of fully presenting his or her case whether orally or in writing, or partly by either of these means, and the Management Committee or those members thereof who intend to terminate his or her membership shall subsequently likewise have the opportunity of presenting its or their case.  
The appeal shall be determined by the vote of a majority of the financial members present at that meeting.  
Where any person whose membership the Management Committee intends to terminate does not appeal against the decision within the time provided by this Constitution, or so appeals but his or her appeal is unsuccessful, the membership of that person shall thereupon be deemed to be terminated.

13.

REGISTER OF MEMBERS

- (a) The Management Committee shall cause a register to be kept in which shall be entered the names and residential addresses of all persons admitted to membership of the Association, and the dates of admission.
- (b) Particulars shall also be entered of resignations, terminations and reinstatements of membership and any further particulars as the Management Committee, or the members at any General or Annual General Meeting, may require from time to time.
- (c) The Register of Members shall be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for such inspection.

14.

ANNUAL GENERAL MEETING AND GENERAL MEETING

- (a) Subject to this Constitution, the Annual General Meeting shall be held in the month of February in every year.
- (b) The business to be transacted at every Annual General Meeting shall be
  - (1) The receiving of the Management Committee's report and the balance sheet and statement of accounts for the preceding financial year.
  - (2) The receiving of the Auditor's report upon the books and accounts for the preceding financial year.
  - (3) The receiving of the Director's report for the preceding academic year.
  - (4) The election of Office Bearers and members of the Management Committee
  - (5) The Appointment of Auditors.
  - (6) General Business
- (c) Written nominations for the positions of Office Bearers and Management Committee members signed by the proposer and the nominee shall be received by the Secretary at least three (3) days before the date set for the Annual General Meeting.  
(1) In the event that more nominations are received than there are positions to be filled, a ballot shall be held at the Annual General Meeting and for the purposes of the ballot the Chairman will select a Returning Officer.



- (2) In the event that insufficient nominations are received to fill all positions, additional nominations may be received at the Annual General Meeting.
- (d) Five (5) members shall constitute a quorum at the General and Annual General Meeting. (updated and changed at 2014 AGM)
- (e) The Secretary shall convene a General Meeting when
  - (1) Directed to do so by the Management Committee, or twelve (12) ordinary members, or ten percent (10%) of the membership, whichever is the lesser, such request shall clearly state the purpose for which the General Meeting is require, or
  - (2) Upon being given a notice in writing of appeal against the decision of the Management Committee to reject an application for membership or of intention to terminate the membership of any person.

#### 15. TERM OF OFFICE

All Office Bearers and Management Committee members shall retire at each Annual General Meeting. All retiring Office Bearers and Management Committee Members shall be eligible for re-election subject to the provisions of this Constitution.

#### 16. MANAGEMENT COMMITTEE

- (a) The Management Committee (hereafter referred to as "the Committee") shall consist of four (4) Office Bearers (a President, one (1) Vice-president, a Secretary and a Treasurer) and such number of Committee members not being more than not less than eight (8)
- (b) The Committee shall as decided by the Committee (usually a minimum of eight (8) a year, provided the President may convene a special meeting of the Committee at his discretion, or on the request of three (3) Committee members. Not less than seven (7) days notice shall be given to members of the Committee of any such special meeting.
- (c) The Director of the kindergarten shall attend all regular meetings of the Committee, may speak at any such meeting, but shall not be entitled to vote on any motion.
- (d) A quorum at any meeting shall consist of five (5) Committee members including at least one (1) Office Bearer.
- (e) Any member of the Committee may resign at any time from membership of the Committee by notice in writing delivered to the Secretary, but such resignation shall only take effect at the time when such notice is received by the Secretary, unless some later date is specified in the notice when it shall take effect on that later date, or he or she may be removed from office at a General Meeting of the Association convened for that purpose.
- (f) At any such General Meeting the member shall be given the opportunity to fully present his or her case either orally or in writing, or partly by either of these means. The question of removal shall be determined by the vote of the majority of the financial members present at such General Meeting.
- (g) Except as otherwise provided in this Constitution and subject to resolutions of the members of the Association carried at any General or Annual General Meeting, the Committee.
  - (1) Shall have vested in it the general control and management of the administration, property and funds of the Association.
  - (2) Shall have the authority to interpret the meaning of this Constitution, and rule on any matter relating to the Association on which this Constitution is silent.
  - (3) Shall have the authority to purchase, take on lease, or exchange, hire or otherwise acquire and hold any real or personal property including any rights and privileges.
  - (4) May conduct appeals for funds and accept donations whether of real or personal estate and devises and bequests.
  - (5) May raise or borrow money and secure the repayment thereof in such manner as the committee thinks fit, including the issue of debentures, granting mortgages, charges or securities upon all or any of the property, real or personal, both present and future of the Association, and to redeem or pay off either wholly or in part any existing or future

security, and to give any guarantee or indemnity for the payment of money or the performance of any contract or obligation by any person.

(6) May fill any office or position on the Committee that becomes prematurely vacant.

(7) Shall, except as provided herein, meet together and regulate its proceedings as it thinks fit.

(8) May employ a Direct and Assistant and such other staff as it thinks fit.

(9) May appoint special committees of ordinary members for any purpose it thinks fit.

(10) May fill any vacancy in the Trustees that becomes prematurely vacant.

(11) "May give to the Creche and Kindergarten Association of Queensland for and on behalf of all the members for the time being and from time to time of the Association any indemnity that The Creche and Kindergarten Association of Queensland may require against any liability it may incur whilst acting as Trustees of the Association's property and assets and to this end the Committee shall be empowered to appoint any three (3) of their number to execute for an on behalf of all the members for the time being and from time to time of the Association and deliver to The Creche & Kindergarten Association of Queensland a Deed of Trust or other Deed containing such indemnity in such form as The Creche & Kindergarten Association of Queensland shall require".

#### 17. CHAIRMAN

At every General and Annual General Meeting of this Association and of the Committee, the President, or in his absence, a Vice-president, shall take the Chair, and in the event of the absence of the President and Vice-president, those present shall select a Chairman.

The Chairman shall maintain order and conduct the meeting in a proper and orderly manner.

#### 18. VOTING

(a) Every question submitted to any meeting shall be decided in the first instance by a vote of those financial members present by a show of hands, provided that, at the request of any three (3) members present, the vote shall be taken by secret ballot in such manner as the Chairman directs.

(b) In the event of equality of voting at General and Annual General Meetings, the Chairman shall have a casting vote.

(c) In the event of equality of voting at Committee Meetings the question shall be deemed to be decided in the negative.

#### 19. MINUTES

The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Committee Meeting, General Meeting and Annual General Meeting to be entered in a book provided for that purpose, such books shall be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection.

#### 20. ASSOCIATION PROPERTY AND FUNDS

(a) The property of the Association shall be vested in, and all security taken and investments (except the current bank accounts) shall be made in, the name of three (3) Trustees or the Creche and Kindergarten Association of Queensland as Trustees. All shall be dealt with by then as the Committee, or a majority of members by resolution at a General or Annual General Meeting, may from time to time direct.

Trustees shall be appointed by, and shall hold office until removed by a General or Annual General Meeting, or resign.

A Trustee may resign at any time by giving written notice of his or her resignation to the Secretary.

Any Trustee removed from office by resolution carried at any General or Annual General Meeting shall be given the opportunity to fully present his or her case either orally or in



writing, or partly by either of these means. Every Trustee shall be entitled to attend any General or Annual General Meeting but shall not, as Trustees, be entitled to vote.

- (b) The current bank accounts shall be in the name of the association, in such bank as the Committee may from time to time direct. All monies shall be banked as soon as practicable after receipt.
- (c) The income and property of the Association, wheresoever derived, shall be applied solely towards the promotion of the objects of the Association, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever by way of profits to members of the Association, excepting proper payment regarding debentures.
- (d) The Treasurer shall cause proper books and accounts to be kept and maintained showing correctly the financial affairs of the Association and the particulars usually shown in books of a like nature. Such books shall be available for inspection at all reasonable times by any financial member who previously applies to the Treasurer for that inspection.
- (e) All amounts of Two dollars (\$2.00) or over shall be paid by cheque or Internet Banking, signed by any two of the President, Treasurer and Secretary. Administrator to have Authority to sign for internet banking.
- (f) Cheques shall be made payable to 'order' and crossed 'not negotiable', except those in payment of wages, allowances or petty cash recouplements which may be open. Wages are paid via internet transfer.
- (g) The Committee shall determine the amount of Petty Cash, which shall be kept on the imprest system.
- (h) Accounts for payment shall be presented and passed at a Committee Meeting.
- (i) As soon as practicable after the end of each financial year the Treasurer shall cause to be prepared a statement of receipts and payments and income and expenditure and a balance sheet for the financial year just ended. All such statements shall be examined by the Auditor, who shall present his report upon such audit to the secretary prior to the holding of the Annual General Meeting next following the financial year in respect of which the audit was made.
- (j) No honorarium shall be granted to any person from the funds of the organisation and no dividend shall be paid to, and no income or property of the organisation shall be distributed amongst the members.

### 23. BY-LAWS

The Committee may from time to time make, amend, or repeal by-laws within the spirit of this Constitution only by at least a three-fourths majority of those entitled to vote at such meeting. Any such by-law may be set aside by a simple majority at a General or Annual General Meeting.

### 24. ALTERATION TO THE CONSTITUTION

This Constitution may be amended by a three-fourths majority of members present at a General Meeting convened for that purpose, provided that not less than fourteen (14) days notice in writing of the proposed amendment has been given to all financial members of the Association.

### 25. DISSOLUTION


The Association shall be dissolved:

- (a) If the membership is less than three (3) persons or
- (b) If a resolution to that effect is carried by a vote of a three-fourths majority of the financial members present at a General Meeting convened to consider the question.

In the event of dissolution the property and other assets of the Association, remaining after payment of all expenses and other liabilities, shall be handed over to such other organisation (having similar or in part similar objects) as the majority of members present at such General Meeting may decide.

CERTIFICATION

We Certify that this is a true and correct copy of the Constitution of the Albany Creek Kindergarten Association which was passed at the Annual General Meeting held on 28<sup>th</sup> February, 1999

  
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PRESIDENT

21/2/2017

  
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SECRETARY

21/4/2017