

Winston Hills Preschool Association Inc

LICID 1737

"A Joyful Beginning"

Our Rules



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Note

The persons who from time to time are members of the Preschool are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its members.

PART 1 - OVERVIEW

1 Name

- (1) The name of the incorporated association is **Winston Hills Preschool Association Incorporated**. Winston Hills Preschool Association Incorporated is referred to in these rules as “the Preschool”.
- (2) In accordance with the legislation, the incorporated name of the association (i.e. Winston Hills Preschool Association Incorporated or Winston Hills Preschool Association Inc.) and the registration number must appear on all its business documents and letters.

2 Purposes

The purpose of the Preschool is to:

- (1) provide the community with three year old and four year old Preschool programs and/or other children’s services; and
- (2) ensure all services operate in accordance with, and adhere to, all relevant the regulations and requirements and/or quality standards of the Department of Education and Early Childhood Development (DEECD) or other government authority. Relevant legislation for the:
 - a) supervision of children includes Children’s Services Act 1996 and Children’s Service Regulations 2009 (or the most current version);
 - b) management of staff includes Victorian Early Childhood Teachers and Assistants Agreement 2009 (or the most current version); and
 - c) provider/service approval for the Preschool’s licence to operate includes Education and Care Services National Law Act 2010 and the Education and Care Services National Law Regulations 2011(or the most current version).

3 Registered Address

The registered address of the Preschool is 24 Rohan Street, Viewbank, VIC 3084.

4 Common seal

- (1) The Preschool may have a common seal.
- (2) If the Preschool has a common seal—
 - a) the name of the Preschool must appear in legible characters on the common seal;
 - b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;
 - c) the common seal must be kept in the custody of the Secretary or in a secure location on the premises of the Preschool.

5 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Preschool.

PART 2 - DEFINITIONS

In these Rules:

absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46;

committee means the Committee having management of the business of the Preschool;

committee meeting means a meeting of the Committee held in accordance with these Rules;

committee member means a member of the Committee elected or appointed in accordance with these Rules;

disciplinary appeal meeting means a meeting of the members of the Preschool convened under rule 64(3);

disciplinary meeting means a meeting of the Committee convened for the purposes of rule 63;

disciplinary subcommittee means the subcommittee appointed under rule 61;

financial year means the 12 month period specified in rule 54;

general meeting means a general meeting of the members of the Preschool convened in accordance with these Rules and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

member means a member of the Preschool;

member entitled to vote means a member who under rule 14(2) is entitled to vote at a general meeting;

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

the Act means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

the Registrar means the Registrar of Incorporated Associations.

PART 3 - POWERS OF THE PRESCHOOL AND COMMITTEE

6 Powers of the Preschool

- (1) Subject to the Act, the Preschool has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting subrule (1), the Preschool may—
 - a) acquire, hold and dispose of real or personal property;
 - b) open and operate accounts with financial institutions;
 - c) invest its money in any security in which trust monies may lawfully be invested;
 - d) raise and borrow money on any terms and in any manner as it thinks fit;
 - e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - f) appoint agents to transact business on its behalf;
 - g) enter into any other contract it considers necessary or desirable.

- (3) The Preschool may only exercise its powers and use its income and assets (including any surplus) for its purposes.

7 Role and powers of the Committee

- (1) The business of the Preschool must be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Preschool except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Preschool.
- (3) The Committee may—
 - a) make key financial and managerial operational decisions required to efficiently operate the Preschool, with primary decisions not limited to;
 - (i) setting of annual fees;
 - (ii) setting of the annual timetables;
 - (iii) setting of staff contracts and hours;
 - b) appoint, remove and manage staff; and
 - c) establish subcommittees consisting of a minimum of three members with terms of reference it considers appropriate.

8 Delegation

- (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—
 - a) this power of delegation; or
 - b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

PART 4 - MEMBERS

9 Who is eligible to be a member

Up to two legal guardians per child enrolled in the Preschool are eligible to be members.

10 Application for membership

- (1) To apply to become a member of the Preschool, a person must submit an enrolment application:
 - a) for a three year old program to the Three Year Old Enrolment Officer; or
 - b) for a four year old program via the approved Banyule City Council enrolment process.
- (2) The application—
 - a) must be signed by the applicant; and
 - b) be accompanied by the required holding deposit.

11 Consideration of application

- (1) The Committee will consider applications as per the following table. The process is different dependant on the requested program and the timing of receipt of the application.

| When the Application is Received | Three Year Old Program | Four Year Old Program |
|---|--|---|
| For applications received at least 5 months prior to the start of the Preschool Year. | The Committee will consider the application in August. | The Committee will consider the application in accordance with the timeframe and process as determined by Banyule City Council. |
| For applications received within 5 months prior to the start of the Preschool Year. | The Committee will consider the application within four weeks of its receipt. | The Committee will consider the application in accordance with the timeframe and process as determined by Banyule City Council. |
| For applications received after the commencement of the Preschool Year. | The Committee will consider the application only if sufficient places are available. | The Committee will consider the application only if sufficient places are available. |

- (2) The relevant Enrolment Officer (i.e. the Three Year Old Enrolment Officer or the Four Year Old Enrolment Officer) has the power to consider an application and either approve or decline the application in accordance with the relevant Preschool enrolment policies.
- (3) Applications that are approved by the relevant Enrolment Officer will be forwarded an Offer of Placement.
- (4) Applications that are not successful will not be notified by the Committee and will not receive a refund of their holding deposit.
- (5) If the Committee declines an application a reason does not need to be given and there is no right of appeal.

12 New membership

- (1) A person becomes a member of the Preschool, and is entitled to exercise his or her rights of membership, from the date:
- The person returns a correctly completed Offer of Placement; and
 - The person pays the required membership fees.
- (2) Once a person becomes a member the;
- relevant Enrolment Officer must inform the Secretary of the new member; and
 - the Secretary must, as soon as practicable, enter the name and address of the new member(s), and the date of becoming a member, in the register of members.

13 Membership fees

- (1) All members are required to pay fees on a quarterly basis (referred to in the rules as term fees) for each child enrolled in the Preschool's services;
- (2) Before 30 September each year the committee will determine—
- the amount of the term fees per child for the following financial year; and
 - the date for payment for each of the term fees.
- (3) All members are required to pay the first terms fees in the year prior to the child commencing the Preschool.

- (4) Members will be notified of the term fees payable at least two weeks prior to the due date.
- (5) The Preschool may determine that any new member who joins after the start of a term, may for that term, pay a fee equal to—
 - (i) the full term fees; or
 - (ii) a pro rata amount based on the remaining part of the term; or
 - (iii) a fixed amount determined from time to time by the Preschool.
 - (iv) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

14 General rights of members

- (1) A member of the Preschool who is entitled to vote has the right—
 - a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
 - b) to submit items of business for consideration at a general meeting; and
 - c) to attend and be heard at general meetings; and
 - d) to vote at a general meeting; and
 - e) to have access to the minutes of general meetings and other documents of the Preschool as provided under rule 72; and
 - f) to inspect the register of members.
- (2) A member is entitled to vote if—
 - a) the member is a member as per rule 12; and
 - b) more than 10 business days have passed since he or she became a member of the Preschool; and
 - c) the member's membership rights are not suspended for any reason.

15 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

16 Ceasing membership

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Preschool, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

17 Resigning as a member

- (1) A member may resign by notice in writing given to the Preschool either via the post or in person to a member of the committee.
- (2) A member is taken to have resigned if—
 - a) the child of the member has completed a program of the Preschool and has not been enrolled in another program; or
 - b) the member's term fees are more than 3 months in arrears; or
 - c) where no term fees are payable—
 - (i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
 - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

18 Register of members

- (1) The Secretary must keep and maintain a register of members that includes—
 - a) for each current member—
 - (i) the member's name;
 - (ii) the address for notice last given by the member;
 - (iii) the date of becoming a member;
 - (iv) any other information determined by the Committee; and
 - b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

PART 5 - GENERAL MEETINGS OF THE PRESCHOOL

19 Annual general meetings

- (1) The Committee must convene an annual general meeting of the Preschool to be held within 5 months after the end of each financial year.
- (2) The Committee may determine the date, time and place of the annual general meeting.
- (3) The ordinary business of the annual general meeting is as follows—
 - a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
 - b) to receive and consider—
 - (i) the annual report of the Committee on the activities of the Preschool during the preceding financial year; and
 - (ii) the financial statements of the Preschool for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act; and
 - c) to elect the members of the Committee.
- (4) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

20 Special general meetings

- (1) Any general meeting of the Preschool, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever required.
- (3) No business other than that set out in the notice under rule 22 may be conducted at the meeting.

21 Special general meeting held at request of members

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least 10% of the total number of members.
- (2) A request for a special general meeting must—
 - a) be in writing; and
 - b) state the business to be considered at the meeting and any resolutions to be proposed; and
 - c) include the names and signatures of the members requesting the meeting; and
 - d) be given to the Secretary.

- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under subrule (3)—
 - a) must be held within 3 months after the date on which the original request was made; and
 - b) may only consider the business stated in that request.
- (5) The Preschool must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

22 Notice of general meetings

- (1) The Secretary (or, in the case of a special general meeting convened under rule 21(3), the members convening the meeting) must give to each member of the Preschool—
 - a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - b) at least 14 days' notice of a general meeting in any other case (meeting details will be advised through the enrolment confirmation letters).
- (2) The notice must—
 - a) specify the date, time and place of the meeting; and
 - b) indicate the general nature of each item of business to be considered at the meeting; and
 - c) if a special resolution is to be proposed—
 - (i) state in full the proposed resolution; and
 - (ii) state the intention to propose the resolution as a special resolution.
- (3) This rule does not apply to a disciplinary appeal meeting.

23 Proxies

A member may not appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting.

24 Use of technology

- (1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

25 Quorum at general meetings

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically) of 10 members entitled to vote.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—
 - a) in the case of a meeting convened by, or at the request of, members under rule 21— the meeting must be dissolved and the business will be assumed to have been dealt with;
 - b) in any other case—
 - (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and

- (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (4) Where a meeting is held as a result of subrule (3)(b), and a quorum is not present within 30 minutes after the time to which a general meeting was scheduled to commence, the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

26 Adjournment of general meeting

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned—
 - a) if there is insufficient time to deal with the business at hand; or
 - b) to give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 22.

27 Voting at general meeting

- (1) On any question arising at a general meeting—
 - a) subject to subrule (3), each member who is entitled to vote has one vote; and
 - b) members may vote personally; and
 - c) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 65.

28 Special resolutions

- (1) A special resolution is passed if not less than three quarters of the members voting at a general meeting vote in favour of the resolution.
- (2) In addition to certain matters specified in the Act, a special resolution is required—
 - a) to remove a committee member from office ;
 - b) to alter these Rules, including changing the name or any of the purposes of the Preschool.

29 Determining whether resolution carried

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
 - a) carried; or
 - b) carried unanimously; or
 - c) carried by a particular majority; or
 - d) lost—
 - e) and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—
 - a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

30 Minutes of general meeting

- (1) The Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include—
 - a) the names of the members attending the meeting; and
 - b) the financial statements submitted to the members in accordance with rule 19(4)(b)(ii); and
 - c) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Preschool; and
 - d) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 6 - COMPOSITION OF COMMITTEE

31 Composition of Committee

- (1) The Committee consists of the following roles—
 - a) President
 - b) Vice-President
 - c) Secretary
 - d) Treasurer
 - e) Assistant Treasurer – Fees
 - f) Assistant Treasurer – Fundraising
 - g) Three Year Old Enrolment Officer
 - h) Four Year Old Enrolment Officer
 - i) Maintenance Officer
 - j) Working Bee Coordinator
 - k) Fundraising Coordinators x 2
 - l) Minute Secretary and Banyule Preschool Association Representative
 - m) Newsletter/Website Coordinator

32 Composition of Sub-committees

- (1) The Executive Sub-committee consists of the following committee member roles –
 - a) President
 - b) Vice-President
 - c) Secretary
 - d) Treasurer
- (2) The Fundraising Sub-committee consists of the following roles –
 - a) Fundraising Coordinator (committee member)
 - b) Minimum of 4 Fundraising Assistants. Fundraising Assistants are not considered committee members and do not have the rights of committee members).

33 General Duties

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.
- (2) The Committee is collectively responsible for ensuring that the Preschool complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
 - a) in good faith in the best interests of the Preschool; and
 - b) for a proper purpose.
- (5) Committee members and former committee members must not make improper use of—
 - a) their position; or
 - b) information acquired by virtue of holding their position—
 - c) so as to gain an advantage for themselves or any other person or to cause detriment to the Preschool.
- (6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

34 Committee Roles and Responsibilities

- (1) The specific roles and responsibilities of the committee members are as set out in *Appendix A: Committee Roles and Responsibilities*.
- (2) Powers of the committee which have been delegated to committee members and sub-committees in order to fulfil their roles are documented in *Appendix B: Committee Member Delegations*. The delegations set out in this Appendix do not in any way limit the committee's ability to further delegate their powers in accordance with rule 8.

PART 7 - ELECTION OF COMMITTEE MEMBERS

35 Who is eligible to be a Committee member

- (1) A member is eligible to be elected or appointed as a committee member if the member—
 - a) is 18 years or over; and
 - b) is entitled to vote at a general meeting.

36 Positions to be declared vacant

- (1) This rule applies to—
 - a) the first annual general meeting of the Preschool after its incorporation; or
 - b) any subsequent annual general meeting of the Preschool, after the annual report and financial statements of the Preschool have been received.
- (2) The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 37 to 39.

37 Nominations

- (1) Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position.
- (2) An eligible member of the Preschool may—
 - a) nominate himself or herself; or
 - b) with the member's consent, be nominated by another member.
- (3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

38 Election of Committee members

- (1) At the annual general meeting, separate elections must be held for each of the positions on the committee.
- (2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a ballot must be held in accordance with rule 39.

39 Ballot

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
 - (2) The returning officer must not be a member nominated for the position.
 - (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
 - (4) The election must be by secret ballot.
 - (5) The returning officer must give a blank piece of paper to each member present in person.
 - (6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
 - (7) If the ballot is for more than one position—
 - a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
 - b) the voter must not write the names of more candidates than the number to be elected.
 - (8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.
 - (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
 - (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
 - (11) If the returning officer is unable to declare the result of an election under subrule (10) because 2 or more candidates received the same number of votes, the returning officer must—
-

- a) conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or
- b) with the agreement of those candidates, decide by lot which of them is to be elected.

Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

40 Term of office

- (1) Subject to subrule (3) and rule 41, a committee member holds office from the 1st of January until the 31st December in the year following their election at the annual general meeting.
- (2) A committee member may be re-elected.
- (3) A general meeting of the Preschool may—
 - a) by special resolution remove a committee member from office; and
 - b) elect an eligible member of the Preschool to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Preschool (not exceeding a reasonable length) and may request that the representations be provided to the members of the Preschool.
- (5) The Secretary or the President may give a copy of the representations to each member of the Preschool or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

41 Vacation of office

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she—
 - a) ceases to be a member of the Preschool under rule 17; or
 - b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 67; or
 - c) otherwise ceases to be a committee member by operation of section 78 of the Act.

Note

A Committee member may not hold the office of secretary if they do not reside in Australia.

42 Filling casual vacancies

- (1) The Committee may appoint an eligible member of the Preschool to fill a position on the Committee that—
 - a) has become vacant under rule 41; or
 - b) was not filled by election at the last annual general meeting.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- (3) Rule 40 applies to any committee member appointed by the Committee under subrule (1) or (2).
- (4) The Committee may continue to act despite any vacancy in its membership.

PART 8 - COMMITTEE MEETINGS

43 Meetings of Committee

- (1) The Committee must meet at least 4 times in each year at the dates, times and places determined by the Committee.
- (2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Preschool at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the President or by any 4 members of the Committee.

44 Notice of meetings

- (1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

45 Urgent meetings

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 44 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

46 Chairperson

- (1) Subject to subrule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.
- (2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be—
 - a) in the case of a general meeting—a member elected by the other members present; or
 - b) in the case of a committee meeting—a committee member elected by the other committee members present.

47 Procedure and order of business

- (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.

48 Use of technology

- (1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

49 Quorum

- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) The quorum for a committee meeting is the presence (in person or as allowed under rule 48) of a majority of the committee members holding office.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—
 - a) in the case of a special meeting—the meeting lapses;
 - b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 44.

50 Voting

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

51 Conflict of interest

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member—
 - a) must not be present while the matter is being considered at the meeting; and
 - b) must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

- (3) This rule does not apply to a material personal interest—
 - a) that exists only because the member belongs to a class of persons for whose benefit the Preschool is established; or
 - b) that the member has in common with all, or a substantial proportion of, the members of the Preschool.

52 Minutes of meeting

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following—
 - a) the names of the members in attendance at the meeting;
 - b) the business considered at the meeting;
 - c) any resolution on which a vote is taken and the result of the vote;
 - d) any material personal interest disclosed under rule 51.

53 Leave of absence

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 9 - FINANCIAL MATTERS

54 Financial year

The financial year of the Preschool is each period of 12 months ending on 31 October.

55 Source of funds

The funds of the Preschool may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

56 Management of funds

- (1) The Preschool must open an account with a financial institution from which all expenditure of the Preschool is made and into which all of the Preschool's revenue is deposited.
- (2) Subject to any restrictions imposed by a general meeting of the Preschool, the Committee may approve expenditure on behalf of the Preschool.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Preschool (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.
- (5) All funds of the Preschool must be deposited into the financial account of the Preschool no later than 5 working days after receipt.
- (6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

57 Distribution of Funds

- (1) The Preschool must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Subrule (1) does not prevent the Preschool from paying a member—
 - a) reimbursement for expenses properly incurred by the member; or
 - b) for goods or services provided by the member—
 - c) if this is done in good faith on terms no more favourable than if the member was not a member.

58 Financial records

- (1) The Preschool must keep financial records that—
 - a) correctly record and explain its transactions, financial position and performance; and
 - b) enable financial statements to be prepared as required by the Act.
- (2) The Preschool must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control—
 - a) the financial records for the current financial year; and

- b) any other financial records as authorised by the Committee.

59 Financial statements

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Preschool are met.
- (2) Without limiting subrule (1), those requirements include—
 - a) the preparation of the financial statements;
 - b) if required, the review or auditing of the financial statements;
 - c) the certification of the financial statements by the Committee;
 - d) the submission of the financial statements to the annual general meeting of the Preschool;
 - e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

PART 10 - DISCIPLINARY PROCEDURE

60 Grounds for taking disciplinary action

- (1) The Preschool may take disciplinary action against a member in accordance with this Division if it is determined that the member—
 - a) has failed to comply with these Rules; or
 - b) refuses to support the purposes of the Preschool; or
 - c) has engaged in conduct prejudicial to the Preschool.

61 Disciplinary subcommittee

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
 - a) may be Committee members, members of the Preschool or anyone else; but
 - b) must not be biased against, or in favour of, the member concerned.

62 Notice to member

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
 - a) stating that the Preschool proposes to take disciplinary action against the member; and
 - b) stating the grounds for the proposed disciplinary action; and
 - c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the ***disciplinary meeting***); and
 - d) advising the member that he or she may do one or both of the following—
 - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - e) setting out the member's appeal rights under rule 64.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

63 Decision of subcommittee

- (1) At the disciplinary meeting, the disciplinary subcommittee must—
 - a) give the member an opportunity to be heard; and
 - b) consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary subcommittee may—
 - a) take no further action against the member; or
 - b) subject to subrule (3)—
 - (i) reprimand the member; or
 - (ii) suspend the membership rights of the member for a specified period; or
 - (iii) expel the member from the Preschool.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

64 Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Preschool under rule 63 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given—
 - a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each member of the Preschool who is entitled to vote as soon as practicable and must—
 - a) specify the date, time and place of the meeting; and
 - b) state—
 - (i) the name of the person against whom the disciplinary action has been taken; and
 - (ii) the grounds for taking that action; and
 - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

65 Conduct of disciplinary appeal meeting

- (1) At a disciplinary appeal meeting—
 - a) no business other than the question of the appeal may be conducted; and
 - b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.

- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

PART 11 - GRIEVANCE PROCEDURE

66 Application

- (1) The grievance procedure set out in this section applies to disputes under these Rules between—
 - a) a member and another member;
 - b) a member and the Committee;
 - c) a member and the Preschool.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

67 Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

68 Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 67, the parties must within 10 days—
 - a) notify the Committee of the dispute; and
 - b) agree to or request the appointment of a mediator; and
 - c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
 - a) a person chosen by agreement between the parties; or
 - b) in the absence of agreement—
 - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
 - (ii) if the dispute is between a member and the Committee or the Preschool—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Preschool but in any case must not be a person who—
 - a) has a personal interest in the dispute; or
 - b) is biased in favour of or against any party.

69 Mediation process

- (1) The mediator to the dispute, in conducting the mediation, must—
 - a) give each party every opportunity to be heard; and
 - b) allow due consideration by all parties of any written statement submitted by any party; and
 - c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

70 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 12 - GENERAL MATTERS

71 Notice requirements

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—
 - a) by handing the notice to the member personally; or
 - b) by sending it by post to the member at the address recorded for the member on the register of members; or
 - c) by email or facsimile transmission.
- (2) Subrule (1) does not apply to notice given under rule 45.
- (3) Any notice required to be given to the Preschool or the Committee may be given—
 - a) by handing the notice to a member of the Committee; or
 - b) by sending the notice by post to the registered address; or
 - c) by leaving the notice at the registered address; or
 - d) if the Committee determines that it is appropriate in the circumstances—
 - (i) by email to the email address of the Preschool or the Secretary; or
 - (ii) by facsimile transmission to the facsimile number of the Preschool.

72 Custody and inspection of books and records

- (1) Members may on request inspect free of charge—
 - a) the register of members;
 - b) the minutes of general meetings;
 - c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Preschool, including minutes of Committee meetings.
- (2) The Committee may refuse to permit a member to inspect records of the Preschool that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Preschool.
- (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- (4) Subject to subrule (2), a member may make a copy of any of the other records of the Preschool referred to in this rule and the Preschool may charge a reasonable fee for provision of a copy of such a record.
- (5) For purposes of this rule—
 - a) **relevant documents** means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Preschool and includes the following—
 - (i) its membership records;
 - (ii) its financial statements;
 - (iii) its financial records;
 - (iv) records and documents relating to transactions, dealings, business or property of the Preschool.

73 Winding up and cancellation

- (1) The Preschool may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Preschool, the surplus assets of the Preschool must not be distributed to any members or former members of the Preschool.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Preschool and which is not carried on for the profit or gain of its individual members.
- (4) The body to which the surplus assets are to be given must be decided by special resolution.

PART 13 - Appendix A: Committee Roles and Responsibilities

The following table outlines the roles and responsibilities of each committee member.

| Role | Responsibilities |
|----------------|---|
| President | <ul style="list-style-type: none"> • Leadership and operational management of the Preschool. • Recruitment and employment of Preschool staff. • Management of Preschool staff including performance management, leave management, and timesheet approvals. • Communication and liaison with Preschool staff on all staffing and operational matters. • Coordinate the completion of all statistic collection and surveys required to be completed by the Preschool. • Communication with the Department of Education and Early Childhood and the City of Banyule Council and other key stakeholders |
| Vice-President | <ul style="list-style-type: none"> • Investigate opportunities for financial grant assistance and apply for grants. • Ensure Preschool's policies are regularly maintained and comply with all legislative requirements. • Coordination of all relief staffing for the Preschool. • Assumes the President's role in his/her absence. |
| Secretary | <ul style="list-style-type: none"> • Perform any duty or function required under the Act to be performed by the secretary of an incorporated association. • Provide the Registrar notice of his or her appointment within 14 days after the appointment. • Maintain the register of members in accordance with rule 18. • Keep custody of the common seal (if any) of the Preschool and, except for the financial records referred to in rule 58(3), all books, documents and securities of the Preschool in accordance with rules 4 and 72. • Subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents. • Distribute all correspondence received by the Preschool and record in the correspondence log. • Coordinate the Preschool Annual General Meeting in accordance with these rules, including provision of notice to members, taking minutes. • Facilitate the appointment of new committee members and maintain the register of committee members. • Develop and distribute the agenda for all committee meetings. • Perform any other duty or function imposed on the Secretary by these Rules. |

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| Treasurer | <ul style="list-style-type: none"> • Receive all moneys paid to or received by the Preschool and issue receipts for those moneys in the name of the Preschool. • Ensure that all moneys received are paid into the account of the Preschool within 10 working days after receipt. • Make any payments authorised by the Committee or by a general meeting of the Preschool from the Preschool's funds. • Ensure cheques are signed by at least 2 committee members with signature rights. • Ensure that the financial records of the Preschool are kept in accordance with the Act. • Coordinate the preparation of the financial statements of the Preschool and their certification by the Committee prior to their submission to the annual general meeting of the Preschool. • Lodgement of the Preschool's Business Activity Statements (BAS). • Prepare the Preschool's annual budget. Monitor budget monthly and report to the committee. • Manage the Preschool's bank accounts and term deposits. • Oversees bank account including cash flow and term deposits. • Ensure financial audit requirements are met and records are properly retained. • Ensure that at least one other committee member has access to the accounts and financial records of the Preschool. |
| Assistant Treasurer – Fees | <ul style="list-style-type: none"> • Issue invoices to members at least two weeks prior to the due date of each term's fees. • Collect and bank all term fee payments received within 10 working days of receipt. • Issue receipts to members for all term fees paid. • Follow up any outstanding term fees in a timely manner. • Receipt and bank any holding deposits received by applying members. • Manage the collection of any levies payable by members (such as maintenance or fundraising). • Provide a monthly report to the Treasurer on all term fees paid. • Ensure records are properly maintained. |
| Assistant Treasurer – Fundraising | <ul style="list-style-type: none"> • Collect, count and bank all incoming monies in relation to fundraising. • Provide a monthly report to the Treasurer on all monies collected. • Ensure records are properly maintained. |

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| <p>Three Year Old Enrolment Officer</p> | <ul style="list-style-type: none"> • Review applications for membership for the three year old programs. • Approve or reject applications for membership in line with the Preschool's enrolment policies. • Issue Offer of Placement Letter to all approved applications for membership for three year old programs. • Manage the allocation of children into the three year old program groups. • Respond to all enquiries from prospective members regarding the three year old enrolment process. • Ensure records are properly maintained. |
| <p>Four Year Old Enrolment Officer</p> | <ul style="list-style-type: none"> • Liaise with the Banyule City Council Central Enrolment Officer regarding the four year old enrolment process. • Receipt applications for membership for the four year old programs from Banyule City Council. • Approve or reject applications for membership in line with the Preschool's enrolment policies. • Issue Offer of Placement Letter to all approved applications for membership for four year old programs. • Manage the allocation of children into the four year old program groups. • Respond to all enquiries from prospective members regarding the four year old enrolment process. • Coordinate the Preschool's Annual Open Day (generally held in May) including organising advertising board, advertisements in local school newsletters, purchase of supplies, staff and volunteer roster. • Ensure records are properly maintained. |
| <p>Minute Secretary and Banyule Preschool Association Representative</p> | <ul style="list-style-type: none"> • Take minutes for all committee meetings. • Circulate draft minutes to all committee members prior to the next scheduled meeting. • Publish approved minutes for members. • Maintain a record of all previous meeting minutes. • Compiles, distributes and analyses data for the annual Parent and Staff surveys. • Attend one meeting per term of the Banyule Preschool Association and report any noteworthy information to the committee. |
| <p>Maintenance Officer</p> | <ul style="list-style-type: none"> • Undertake all maintenance tasks that are the responsibility of the Preschool in accordance with the Banyule City Council Maintenance Policy (includes repair and maintenance of equipment, light globes, fixtures and fittings, etc). • Report maintenance issues that are the responsibility of Banyule City Council in accordance with the Banyule City Council Maintenance Policy and ensure works are completed. • Responsible for coordinating the Preschool's maintenance requirements in consultation with the Director. • Manage the cleaning contract for the Preschool. • Act as the primary contact for the Preschool's security system (alarm). |

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| Working Bee Coordinator | <ul style="list-style-type: none"> • Coordinate four working bees per annum including determining works to be undertaken, arranging parent helpers, and purchasing of any equipment required (in conjunction with the Maintenance Officer). • Coordinate the fortnightly / weekly parent maintenance roster in conjunction with the Preschool Director. • Ensure the Preschool's maintenance equipment is maintained in good working condition. |
| Fundraising Coordinators (two positions) | <ul style="list-style-type: none"> • Coordinate four major Preschool events per annum, such as the Welcome BBQ, Mid-Year Event, Trivia Night and End of Year Celebration or other like events (two per Fundraising Coordinator). • Coordinate eight Preschool fundraising activities per annum (one per term per Fundraising Coordinator). • Lead the Fundraising sub-committee and ensure tasks are equally divided between all sub-committee members. • Manage the sale and distribution of Preschool uniforms. • Regularly communicate with members on all current, future and past fundraising activities. |
| Newsletter/Website Coordinator | <ul style="list-style-type: none"> • Publish and distribute the Preschool's newsletter to all members within two weeks of each scheduled committee meeting. • Update the Preschool's website content on a monthly basis and ensure all content is accurate and relevant. |

PART 14 - Appendix B: Committee Delegations

The following table outlines the powers that have been delegated to committee members or sub-committees.

| Who | Delegation |
|--|--|
| Executive Committee (a minimum of three sub-committee members must support the decision) | <ul style="list-style-type: none"> • Has the power to appoint Preschool staff on behalf of the committee, providing a thorough recruitment process has been completed and the person being appointed is recommended by the selection panel. • Has the power to approve financial expenditure up to \$1000 on behalf of the committee, providing proper receipts are kept and presented as proof of purchase. • Has the power to approve amendments to existing staff contracts on behalf of the committee. • Has the power to approve staff professional development plans/activities on behalf of the Committee. |
| President | <ul style="list-style-type: none"> • Has the power to approve timesheets and other staff payroll documentation on behalf of the committee. • Has the power to approve leave applications on behalf of the committee. • Has the power to develop and issue staff contracts on behalf of the committee. • Has the power to act on behalf of the Committee when liaising with Department of Education and Early Childhood Development, Banyule City Council and other like organisations. • Has the power to delegate responsibilities (in part or full) to other Executive Committee Members or Members of the Committee (as applicable) for completion including the appointment of subcommittees for specific tasks. • Has the power to act as the chair on all complaints/grievance matters (as appropriate). |
| Vice-President | <ul style="list-style-type: none"> • Has the power to manage relief staffing arrangements on behalf of the committee in accordance with operational requirements.. • Has the power to act on behalf of the Committee when liaising with Department of Education and Early Childhood Development, Banyule City Council and other like organisations. • Has the power to apply for Grants on behalf of the committee. • Has the power to coordinate the annual staff and parent survey on behalf of the Committee. • Has the power to coordinate the annual review of Preschool policies and Quality Improvement Plan (Committee Section) on behalf of the committee. |
| Treasurer | <ul style="list-style-type: none"> • Has the power to expend funds on behalf of the Preschool, providing: <ul style="list-style-type: none"> • All receipts are presented and kept as records; and • The expenditure is within the delegation limit of the approver OR has been approved by the committee and the decision has been recorded in the committee minutes. |

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| Secretary | <ul style="list-style-type: none"> • Has the power to coordinate all committee meetings, special meetings and Annual General Meetings on behalf of the Preschool; and • Has the power to keep the Register of Preschool Members |
| Three Year Old Enrolment Officer | <ul style="list-style-type: none"> • Has the power to approve and reject applications for membership for children enrolling in three year old programs in accordance with rule 11. The Three Year Old Enrolment Officer may decide to take a decision to approve a membership application to the committee. The committee's decision is final and there is no right of appeal. |
| Four Year Old Enrolment Officer | <ul style="list-style-type: none"> • Has the power to approve and reject applications for membership for children enrolling in the four year old programs in accordance with rule 11. The Four Year Old Enrolment Officer may decide to take a decision to approve a membership application to the committee. The committee's decision is final and there is no right of appeal. • Has the power to approve the Preschool's annual open day on behalf of the committee, including: <ul style="list-style-type: none"> • booking advertisements; • purchase of materials and supplies for the open day to the value of \$200, providing proper receipts are kept and presented as proof of purchase; • implementation of a staff and volunteer roster; and • communication with members regarding activities. |
| Maintenance Officer | <ul style="list-style-type: none"> • Has the power to undertake maintenance works to the value of \$200 on behalf of the committee, providing proper receipts are kept and presented as proof of purchase. • Has the power to liaise with Banyule City Council (the Landlord) on all Preschool maintenance matters on behalf of the committee. |
| Working Bee Coordinator | <ul style="list-style-type: none"> • Has the power to undertake working bees on behalf of the committee, including: <ul style="list-style-type: none"> • Scheduling of working bees during the year; • purchase of materials and supplies for working bee activities to the value of \$200, providing proper receipts are kept and presented as proof of purchase; and • communication with members regarding activities. |
| Fundraising Coordinators (both positions) | <ul style="list-style-type: none"> • Has the power to approve fundraising events and activities on behalf of the committee, including: <ul style="list-style-type: none"> • scheduling of events and activities thorough the year; • purchase of materials and supplies for fundraising events to the value of \$200, providing proper receipts are kept and presented as proof of purchase; • implementation of a staff and volunteer roster; • communication with members regarding activities; and • the sourcing of appropriate sponsorship/support for fundraising events/activities |

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| Newsletter/Website Coordinator | <ul style="list-style-type: none">• Has the power to approve and publish the monthly newsletter on behalf of the committee.• Has the power to approve and publish content on the Preschool's website on behalf of the committee. |
|--------------------------------|---|