

"F" THIS IS THE DOCUMENT MENTIONED IN CLAUSE 1 (marked F)  
OF THE AFFIDAVIT sworn before me this date.

CONSTITUTION

of the

ROSSMOYNE KINDERGARTEN ASSOCIATION (Inc.)

NAME:

1. The name of the Kindergarten shall be the Rossmoyne Kindergarten Association (Inc.) hereinafter referred to as "the Kindergarten"

OBJECTS:

2. To establish conduct and maintain a Kindergarten at Rossmoyne to serve the Rossmoyne area.
3. To provide a Kindergarten for the education of children prior to the admission to school of children over the age of three years.
4. To affiliate with the Community Kindergartens Association (Inc.)

MEMBERSHIP:

The following shall be members of the Kindergarten:

5. Any person interested in the welfare of children of preschool age and who has a child or children attending the Kindergarten and who pays the fees asked in respect of the attendance of such child or children at the Kindergarten or any other person interested in the welfare of children of preschool age who is willing to make a donation or donations to the Kindergarten: PROVIDED however that not more than TWO (2) persons who do not have a child or children attending the Kindergarten shall be members.
6. Any person a child or children of whom is attending the Kindergarten and who has not paid the fees asked in respect of the attendance such child or children within four months of the same having been sought shall cease to be a member of the Kindergarten. Any other person who has not made a donation of not less than TEN dollars (\$10.00) in the preceding six months shall cease to be a member of the Kindergarten.
7. The teacher-in-charge of the Kindergarten

KINDERGARTEN'S YEAR:

8. The official and financial year of the Kindergarten shall commence on the 1st day of January in each calendar year and shall expire on the 31st day of December in each year

*as per*  
*B. Anne S.*  
*K. Le Bonif.*  
*JP*

## MANAGEMENT COMMITTEE.

9. The Committee shall manage the affairs of the Kindergarten and may exercise all the powers of the Kindergarten subject to the requirements of this Constitution and shall carry out the declared policy of this Kindergarten.
10. The Committee shall consist of the following elected members whose services shall be honorary:-
  - President
  - Vice-President
  - Secretary
  - Treasurerand not less than five other members. At least three quarters of the Committee shall be parents of currently attending children.
11. The teacher-in-charge shall be an ex-officio member of the Committee and if not present at a meeting shall be informed of any decisions made at that meeting.
12. Five shall form a quorum at any meeting of the Committee and meetings shall be held not less than six times in each year.
13. The Committee may fill any vacancy on the Committee, the member elected retaining office until the following Annual General Meeting.
14. If any Committee member fails to attend three consecutive Committee meetings without obtaining the permission of the Committee then that Committee member may be removed by resolution of the Committee without prior notice to him/her.
15. The Committee shall have the power to co-opt such additional members as it thinks fit.
16. If any office shall become vacant from any cause during the current term thereof the Committee may fill the vacancy and the person then elected shall hold the office until the next election of office bearers.
17. Sub-committees may be appointed by the Committee or by a General Meeting to carry out various activities and their powers and duties shall be decided by the Committee or the General Meeting.
18. The Committee shall have the power to elect a representative or representatives to attend meetings of the Community Kindergartens Association.
19. The President shall whenever possible preside at all meetings of

*[Handwritten signatures and initials]*  
B. Lumsden  
Rae Jones  
J.P.

the Kindergarten which meetings shall be conducted in accordance with the general law relating to meeting procedure. The Vice President shall deputise for the President when the President is absent. In the absence of both the members present shall elect a Chairman. In the case of an equality of votes on any motion the Chairman shall have an additional casting vote. The Secretary shall keep the records of the business conducted at all meetings in a Minute book, shall receive and write all correspondence unless the Committee or a General Meeting of members directs otherwise and shall have custody of all documents and papers of the Kindergarten. The Treasurer shall keep proper accounts and books recording accurately the finances of the Kindergarten and shall report to the Committee at each meeting thereof on the financial position of the Kindergarten. He/she shall issue proper receipts for all monies paid to the Kindergarten. At the Annual General Meeting of the Kindergarten he/she shall present a duly audited statement and balance sheet of the operations of the Kindergarten during the previous financial year.

20. Persons not present at a General Meeting held for the election of Committee members may be nominated for office if such nomination is accompanied by the nominee's written acceptance.

#### POWERS OF THE MANAGEMENT COMMITTEE:

21. To purchase take on lease or in exchange hire or otherwise acquire in its name any real or personal property or any rights or privileges which the Kindergarten may think necessary or convenient.
22. To erect add to improve repair maintain pull down and rebuild buildings and other structures owned by the Kindergarten.
23. To sell exchange lease mortgage hire or otherwise deal with all or any part of the real and personal property of the Kindergarten.
24. To conduct appeals for funds and to ask for and to accept donations whether real or personal estate and devises and bequests.
25. To do all such other acts matters and things as are incidental or conducive to its objects.

#### INCOME AND PROPERTY:

26. The income and property of the Kindergarten shall be applied solely to the promotion of its objects and no part thereof shall be paid to transferred directly or indirectly by way of dividend

*Handwritten signatures and initials:*  
 A. K. K. K.  
 B. K. K. K.  
 C. K. K. K.  
 D. K. K. K.  
 E. K. K. K.  
 F. K. K. K.  
 G. K. K. K.  
 H. K. K. K.  
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bonus or otherwise by way of pecuniary profit to the members provided that remuneration may be paid in good faith to employees of the Kindergarten or other persons in return for services actually incurred on behalf of the Kindergarten.

#### INDEMNITY:

27. Where personal liability is incurred by persons guaranteeing loans made to the Kindergarten this Kindergarten hereby indemnifies those guarantors against all claims and costs incurred by them as guarantors providing that prior approval is obtained from the Committee before any costs are incurred.

#### GENERAL MEETINGS:

28. The Annual General Meeting shall be held not later than the thirty first day of March (31/3) in each year for the purpose of receiving the report and audited financial statements the election of office bearers and members of the Committee for the ensuing year and of transacting such other business as may be brought before the the Meeting in conformity with these rules. Notice shall be given to every member a reasonable time before each meeting.
29. The Committee or eight members of the Kindergarten may at any time require the President to call a Special General Meeting of the Kindergarten. The Secretary shall call the meeting within twenty one days of the requisition giving not less than seven days notice prior to the date of the meeting to every member. The meeting must be held at a time and place convenient to the majority of the members. The requisition must state in writing the matter or matters to be discussed at the meeting and these matters shall also be stated in the notice to members.
30. A quorum at any general meeting of the Kindergarten shall be eight (8) members.

#### FINANCE:

31. All monies received by the Kindergarten shall be deposited in an account or accounts in the name of the Kindergarten at a bank approved by the Management Committee and payments thereout shall after authorisation of the Committee be made on the joint signatures of any two of the following office bearers:-

President  
Vice-President  
Secretary  
Treasurer

*Handwritten signatures:*  
B. Curran  
D. P. Jones  
J.P.

32. The Treasurer shall keep a correct account of all monies received and expended and adequate records of all assets and liabilities. He/she shall give a receipt for all monies received and shall retain all appropriate documents with respect to the receipts and expenditure of the Kindergarten.
33. The Treasurer shall cause a financial statement to be prepared and presented to the Committee at each meeting and to be presented to the Annual General Meeting. The Treasurer shall certify the correctness of all the financial statements prepared.
34. The Treasurer shall furnish such financial returns as and when required by the Community Kindergartens Association Inc.
35. The financial statements to be presented to the Annual General Meeting shall be audited by the auditor(s) who is not a Committee Member and he/she shall certify as to the correctness of the statements. The financial year shall end on December 31 in each year.

#### COMMON SEAL:

36. The Kindergarten shall have a Common Seal that shall remain in the custody of the Secretary.
37. The Common Seal shall not be affixed to any document except on instructions from the Committee and then only in the presence of and accompanied by the joint signatures of any TWO of the following office bearers:-
- President
  - Vice-President
  - Secretary
  - Treasurer

#### ALTERATION OF THE CONSTITUTION:

38. No amendment deletion or addition to any part of the Constitution shall be made except by General Meeting of the Kindergarten. Notice of any proposed amendment must be given to the Secretary in writing at least 21 days before the date of the meeting and particulars shall be given in the notice of the meeting.
39. No resolution amending deleting or adding to any part of the Constitution can be passed unless with the consent of a TWO-THIRDS majority of the members present at a general meeting or special general meeting called for that purpose.

#### DISSOLUTION:

40. A Special General Meeting called for that purpose may by a

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B. C. no 5  
R. Le Gouef.  
P. L. L. 11

THREE-QUARTERS majority of those present and voting by secret ballot dissolve the Kindergarten. Such resolution must be confirmed by a similar majority at a subsequent Special General Meeting held not less than twenty one days nor more than thirty five days thereafter. The Kindergarten shall be thereupon dissolved.

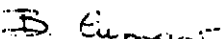
41. The notice convening such Special General Meeting shall state that the dissolution of the Kindergarten is to be proposed or confirmed as the case may be.
42. If upon the dissolution of the Kindergarten there remains after satisfaction of its debts and liabilities any property whatsoever the same shall not be paid to or distributed amongst the members of the Kindergarten but shall be transferred to the Canning City Council which shall hold the same upon the following trusts that is to say:-
- (i) for a period of three years after the date of such vesting and transfer as aforesaid such property and/or funds shall only be used for Kindergarten facilities in the district of Rossmoyne.
  - (ii) after the expiration of such period of three years as aforesaid the balance of such property and/or funds may be used by the Canning City Council on such facilities in the Rossmoyne district for children under school age as it may in its absolute discretion deem fit.


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Adopted by resolution of the Kindergarten at a General Meeting held at Rossmoyne on Thursday the 21st day of May, One thousand nine hundred and eighty seven (1987).

SIGNED:  President

SIGNED:  Secretary

 Treasurer

  
R.D. SUANN J.P.  
40, CENTRAL RD  
ROSSMOYNE W.A. 6155