

	Australian Great War Association Inc A0045852A	Document Number PPM-11 Version: 5.0
SUBJECT: RULES OF ASSOCIATION 2019		Authorised by: CoM Date: 15 August 2019



Australian Great War Association Inc.

A0045852A

P.O. Box 1090, Fitzroy Nth, Vic, 3068

ABN: 37 563 323 876

Rules of Association

The rules of an incorporated association are taken to constitute the terms of a contract between the association and its members.

Endorsed by Committee 13th July 2019

Accepted by members 17th August 2019

Approved by the Registrar 14th November 2019

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1 Name:

The name of the incorporated association is “Australian Great War Association Incorporated” and in these rules referred to as “AGWA”

2 Purpose:

The purposes of the association are:

- Preserve the memory of those who served in the Great War with dignity and respect
- Promote public awareness of Australia’s role in the Great War
- Recreate the training, drill and appearances of the soldiers and nurses, that fought and served in the Great War for re-enactment purposes
- Assist veteran organisations, schools, community groups, museums and Australian Defence Force on days of remembrance, at historical events, parades and displays promoting our military heritage
- Facilitate practical research into the daily lives, experiences, uniforms and equipment of the men and women who served in the first Australian Imperial Force and Australian Army Nursing Service, at home and overseas during the First World War.

3 Financial Year:

The financial year of the Association is each period of twelve (12) months ending on 30th June each year.

4 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);

affiliate member means a member referred to in rule 14

calendar year means 1 January to 31 December

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

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

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 under these rules

committee of management means the Committee members elected or appointed to Manage the operations of the organisation

disciplinary appeal meeting means a meeting of the members of the Association convened under rule 23(3);

disciplinary meeting means a meeting of the Committee convened for the purposes of rule 22;

disciplinary subcommittee means the subcommittee appointed under rule 20;

events co-ordinator means an appointed role within the committee tasked with a specific duty

financial year means the 12 month period specified in rule 3;

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

junior member means a member under the age of 18 years

member means a Full member of the Association;

member entitled to vote means a member who under rule 13(2) is entitled to vote at a general meeting;

membership secretary means the member elected as Treasurer and receives all new and renewal memberships

office holder means a member of the committee, the secretary, a person who participates in making substantial affect to the operations or financial standing of the association

policies and procedures means documents used in the operational business of the Association

quartermaster means an appointed role within the committee tasked with a specific duty

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relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, 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.

5 Powers of Association

- (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting subrule (1), the Association 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 or consultants to transact business on its behalf;
 - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for Profit organisation

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

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(3) All reimbursements for expenses must have previous permission by signed purchase order from the committee, of which is to be returned on completion of purchase with receipts and good where applicable.

7 Membership

(1) Minimum number of members ----
The Association must have at least 5 members

8 Who is eligible to be a member

Any person who supports the purposes of the Association is eligible for membership.

9 Application for membership

(1) To apply to become a member of the Association, a person must submit a written application to the Membership Secretary stating that the person—

- (a) wishes to become a member of the Association; and
- (b) supports the purposes of the Association; and
- (c) agrees to comply with these Rules.
- (d) agrees to obtain a Working with Children Card

(2) The application—

- (a) must be signed by the applicant; and
- (b) may be accompanied by the joining fee.

10 Consideration of application

(1) As soon as practicable after an application for membership is received, the Committee must decide by absolute majority whether to accept or reject the application.

(2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.

(3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.

(4) No reason need be given for the rejection of an application.

11 New membership

(1) If an application for membership is approved by the Committee—

- (a) the motion presented, moved and seconded, to accept the membership must be recorded in the minutes of the committee meeting; and

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(b) the Membership Secretary and Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.

(2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—

- (a) the Committee approves the person's membership; or
- (b) the person pays the joining fee.

12 Annual subscription and fee on joining

(1) At each annual general meeting, the Association must determine—

- (a) the amount of the annual subscription and joining fee for the following calendar year; and
- (b) the date for payment of the annual subscription.

(2) The Association may determine that a lower annual subscription is payable by affiliate or junior members.

(3) The Association may determine that any new member who joins after the start of a calendar year must, for that calendar year, pay a fee equal to—

- (a) the full annual subscription; or
- (b) a pro rata annual subscription based on the remaining part of the calendar year; or
- (c) a fixed amount determined from time to time by the Association.

(4) 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.

13 General rights of members

(1) A member of the Association 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 in writing to the Secretary no later than 30th June in any calendar year for consideration at a general meeting; and
- (c) to attend and be heard when requested 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 Association as provided under rule 75; and

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(f) to inspect the register of members.

(2) A member is entitled to vote if—

(a) the member is a member other than an affiliate, junior or honorary member; and

(b) a financial member of at least eighteen (18) years of age; and

(c) having attended a minimum of six (6) endorsed events in the previous twelve (12) months; and

(d) the member's membership rights are not suspended for any reason.

(e) An affiliate, junior or honorary member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

14 Membership categories-

(1) Full members

Full membership is available for those who-

(a) wish to wear a uniform and participate in parades, honour guards, firing parties, catafalque parties, displays and exhibitions etc; or

(b) wish to wear period civilian clothing

(2) Affiliate members

Affiliate membership is available to those who-

(a) do not wish to wear a uniform, or period civilian clothing; or

(b) have an academic interest in the Great War; or

(c) wish to support AGWA from behind the scenes; or

(d) those who reside outside of Victoria

(e) An affiliate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

(3) Junior Members

Junior membership is available to those who-

(a) are under the age of eighteen (18) years; and

(b) any licence member over the age of twelve (12) years.

(d) A junior member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

(4) Honorary Members

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Honorary membership is only to be granted at the discretion of the management committee of the association and can be revoked at any time.

An honorary member may or may not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

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 Association, the Secretary and Membership 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 Association.
 - (a) notice may be given to the association by post or by handing the notice to a member of the committee.
- (2) A member is taken to have resigned if—
 - (a) the member's annual subscription is more than 12 months in arrears; or
 - (b) where no annual subscription is payable—
 - (i) the Membership 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 and Membership Secretary must keep and maintain a register of members and financial 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) if the member is an affiliate or junior or honorary member, a note to that effect;
 - (v) any other information determined by the Committee; and

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(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, subject to section 58 and 59 of the Act.

19 Grounds for taking disciplinary action

The Association may take disciplinary action against a member in accordance with the Act if it is determined that the member—

- (a) has failed to comply with these Rules; or
- (b) refuses to support the purposes of the Association; or
- (c) has engaged in conduct prejudicial to the Association; or
- (d) has engaged in unsafe conduct endangering others

20 Disciplinary subcommittee

(1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, it must try to resolve the issue. If the issue is unable to be resolved the Committee must then 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 Association or anyone else; but
- (b) must not be biased against, or in favour of, the member concerned.

21 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 Association 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 23.

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(2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

22 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 Association.

(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.

23 Appeal rights

(1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 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 Association 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

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- (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.

24 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.

25 Grievance procedure Application

- (1) The grievance procedure set out below applies to disputes under these Rules between—
 - (a) a member and another member;
 - (b) a member and the Committee;
 - (c) a member and the Association.
- (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.

26 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.

27 Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—
 - (a) notify the Committee of the dispute; and

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(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 Association—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 Association 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.

28 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.

29 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.

30 Annual general meetings

(1) The Committee must convene an annual general meeting of the Association to be held within 5 months after the end of each financial year.

(2) Despite subrule (1) the association may hold its first Annual general meeting at any time within 18 months after its incorporation.

(3) The Committee may determine the date, time and place of the annual general meeting.

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- (4) 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 Association during the preceding financial year;
 - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with part 7 of the ACT.
 - (c) to elect the members of the Committee
 - (d) to confirm or vary the amounts (if any) of the annual subscription and joining fee.
- (5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

31 Special general meetings

- (1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee of Management may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.
- (4) General business may be considered at the meeting if it is included as an item for consideration in the notice

32 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

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(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 Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

33 Notice of general meetings

(1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Association—

(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.

(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.

34 Proxies

There will be no proxies

35 Use of technology

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(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, is taken to have been present in person.

36 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, or as allowed under rule 35) of 10% of the 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 32—the meeting must be dissolved;

(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) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), 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.

37 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.

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(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 33.

38 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 by ballot; 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 24.

39 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 Association.

40 Determining whether resolution carried

(1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a ballot vote, declare that a resolution has been—

(a) carried; or

(b) carried unanimously; or

(c) carried by a particular majority; or

(d) lost—

and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

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(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.

41 Minutes of general meeting

(1) The Committee must ensure that accurate 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 30(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 Association; and

(d) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act; and

(e) the agenda, all nomination ballot result sheet, any special resolution result sheet and photographic evidence of tied results must be attached to the minutes

42 Role and powers of Management Committee

(1) The business of the Association must be managed by or under the direction of a Committee of Management.

(2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.

(3) The Committee may—

- (a) appoint and remove staff;

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(b) establish subcommittees consisting of members with terms of reference it considers appropriate.

(4) Endorse policies, procedures, forms, templates, guides, protocols and review annually

43 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.

44 Composition of Management Committee and duties of members

The Committee consists of—

- (a) a President; and
- (b) a Vice-President; and
- (c) a Secretary; and
- (d) a Treasurer/Membership Secretary; and
- (e) two (2) ordinary members elected under rule 53; and
- (f) any other office holder under the Act

45 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 Association 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 Association; and
- (b) for a proper purpose.

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(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—
 - (i) so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

(6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time

(7) The Secretary may hold any other office in the association

46 President and Vice-President

(1) The President is the authorised official spokesperson of the organisation and unless authorisation is given, no other member has the right to speak on behalf of the organisation.

(2) Subject to subrule (3), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.

(3) 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 Secretary

(1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

(a) Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

(b) The Secretary may hold any other office in the association

(2) The Secretary must—

- (a) maintain the register of members in accordance with rule 18; and
- (b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 70(3), all books, documents and securities of the Association in accordance with rules 72 and 75; and

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(c) 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 within reason; and

(d) perform any other duty or function imposed on the Secretary by these Rules; and
(e) may delegate another committee member to take minutes at each meeting except the committee member chairing the meeting

(f) does not write or verbally give a report at an annual general meeting or a committee of management meeting.

(3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

(4) The Secretary or registered agent must send notice of office holders to the Australian Taxation Office

48 Treasurer/Membership Secretary

(1) The Treasurer/Membership Secretary must—

(a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and

(b) ensure that all moneys received are paid into the account of the Association within 25 working days after receipt; and

(c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and

(d) ensure cheques are signed by at least 2 committee members of which one must be the Treasurer/Membership Secretary, and the other from an office holder registered at the bank.

(2) The Treasurer/Membership Secretary must—

(a) ensure that the financial records of the Association are kept in accordance with the Act; and

(b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.

(3) The Treasurer/Membership Secretary must ensure that at least one other committee member has access to the accounts and financial records of the Association.

(4) The Treasurer/Membership Secretary must keep a financial membership register in conjunction with the Secretary and pay for members insurance to the Association insurer.

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49 Who is eligible to be a Committee member

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.

50 Positions to be declared vacant

(1) This rule applies to—

- (a) the first annual general meeting of the Association after its incorporation; or
- (b) any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association 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 51 to 54.

51 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 Association may—

- a) nominate himself or herself; or
- b) with the members 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.

52 Election of President etc.

(1) At the annual general meeting, elections by ballot must be held for each of the following positions—

- (a) President;
- (b) Vice-President;
- (c) Secretary;
- (d) Treasurer/Membership Secretary.
- (e) Two (2) Ordinary committee members

(2) If only one member is nominated for the position, the Chairperson of the meeting

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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 54.

(4) On his or her election, the new President may take over as Chairperson of the meeting.

53 Election of ordinary members

(1) A single election by ballot will be held to fill all of those positions.

(2) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.

(3) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 54.

54 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) The election must be by secret ballot.

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- (4) The returning officer must give a blank piece of paper to each eligible to vote member present
- (5) 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.
- (6) 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.
- (7) Ballot papers that do not comply with subrule (6)(b) are not to be counted.
- (8) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (9) 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.
- (10) If the returning officer is unable to declare the result of an election under subrule (9) 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 (9) 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.
- (c) The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.
- (d) in the case of subrule (10)(c) photographic results are to be added to the minutes of the annual general meeting as proof of the result.

55 Term of office

- (1) Subject to subrule (3) and rule 56, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.
- (2) A committee member may be re-elected.
- (3) A general meeting of the Association may—
- (a) by special resolution remove a committee member from office; and
- (b) elect an eligible member of the Association to fill the vacant position in accordance with the Act.

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(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 Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.

(5) The Secretary or the President may give a copy of the representations to each member of the Association 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.

56 Vacation of office

(1) A committee member may step down or resign from a position within the Committee by written notice addressed to the Committee.

(2) A person ceases to be a committee member if he or she—

(a) resigns from the committee by written notice addressed to the committee; or

(b) ceases to be a member of the Association; or

(c) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 67; or

(d) otherwise ceases to be a committee member by operation of section 78 of the Act.

57 Filling casual vacancies

(1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that—

(a) has become vacant under rule 56; 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 55 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.

58 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 Association at which the members of the Committee were elected.

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(3) Special committee meetings may be convened by the President or by any 4 members of the Committee.

59 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.

60 Urgent meetings

(1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 59 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.

61 Procedure and order of business

(1) The procedure to be followed at a meeting of a Committee must be by the endorsed agenda for the Committee of Management.

(2) The order of business will follow the agenda without deviations.

62 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 clause, 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.

63 Quorum

(1) No business may be conducted at a Committee meeting unless a quorum is present.

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(2) The quorum for a committee meeting is the presence (in person or as allowed under rule 62) 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 59.

64 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.

65 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.

(3) 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.

(4) 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 Association is established; or

(b) that the member has in common with all, or a substantial proportion of, the members of the Association.

66 Minutes of meeting

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(1) The Committee must ensure that accurate 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 or motions on which a vote is taken and the result of the vote;
- (d) any material personal interest disclosed under rule 65.

67 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.

68 Source of funds

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

69 Management of funds

(1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.

(2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.

(3) The Committee may authorise the Treasurer/Membership Secretary and one other signatory to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit with required 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, one of which must be the Treasurer/Membership Secretary, and the other from an office holder registered at the bank.

(5) All funds of the Association must be deposited into the financial account of the Association no later than 25 working days after receipt.

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(6) With the approval of the Committee, the Treasurer/Membership Secretary 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.

70 Financial records

- (1) The Association 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 Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer/Membership Secretary 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.
 - (c) a register of financial members

71 Financial statements

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association 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 Association;
 - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

72 Common seal

- (1) The Association may have a common seal.
- (2) If the Association has a common seal—
- (a) the name of the Association must appear in legible characters on the common seal;

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(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.

73 Registered address

The registered address of the Association is—

- (a) the address determined from time to time or by resolution of the Committee; or
- (b) if the Committee has not determined an address to be the registered address— the postal address of the Secretary.

74 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, social media, electronic or facsimile transmission.

(2) Subrule (1) does not apply to notice given under rule 60.

(3) Any notice required to be given to the Association 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 Association or the Secretary; or
 - (ii) by email, social media, electronic or facsimile transmission to the facsimile number of the Association.

75 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 Association, including minutes of Committee meetings.

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(d) the committee will refuse to permit a member to copy by hand or electronically the register of members, and any other documents that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

(2) The Committee will refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

(3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

(4) Subject to subrules (1)(d) and (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule, relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

(a) its membership records;

(b) its financial statements;

(c) its financial records;

(d) records and documents relating to transactions, dealings, business or property of the Association.

76 Winding up and cancellation

(1) The Association may be wound up voluntarily by special resolution.

(2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association.

(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 Association 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.

77 Alteration of Rules

(1) Subject to the Act, an incorporated association may, by special resolution, alter its rules.

(2) An alteration of the rules does not take effect unless and until the alteration is approved by the Registrar.

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78 Return of documents belonging to the association

(1) This section applies if -----

(a) a person, by virtue of that person's office or role in or membership of an incorporated association, has in the person's custody relevant documents of the association; and

(b) the person ceases to hold that office or have that role or ceases to be a member of the association.

(2) Within 28 days after the person ceasing to hold that office or have that role or ceasing to be a member, the person, or the estate of the person, must return the original copies of any relevant documents to the committee of the association.

(3) If---

(a) a person, or a person's estate, has failed to comply with subsection (2); and

(b) a written request from the secretary or statutory manager of the association for the return of the documents has been sent by registered mail to the person, or the person's estate; and

(c) the documents have not been returned within 28 days after the request –

The association may apply to the Magistrates' Court for an order directing the person, or the person's executor or administrator of the estate of the person, to return the documents of the association.

(4) The Magistrates' Court may make the order applied for under subsection (3)

79 Return of property or assets belonging to the association

(1) This section applies if -----

(a) a person, by virtue of that person's office or role in or membership of an incorporated association, has in the person's custody property or assets of the association; and

(b) the person ceases to hold that office or have that role or ceases to be a member of the association.

(2) Within 28 days after the person ceasing to hold that office or have that role or ceasing to be a member, the person, or the estate of the person, must return all property or assets belonging to the association, to the committee of the association.

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(3) If---

(a) a person, or a person's estate, has failed to comply with subsection (2); and

(b) a written request from the secretary or statutory manager of the association for the return of property or assets has been sent by registered mail to the person, or the person's estate; and

(c) the property or assets have not been returned within 28 days after the request –

The association may take legal procedures for an order directing the person, or the person's executor or administrator of the estate of the person, to return the property or assets of the association.

80 Deletion of Electronic copies of relevant documents

(1) a person, by virtue of that person's office or role in or membership of an incorporated association, has in the person's custody, electronic copies of relevant documents of the association.

(2) the person ceases to hold that office or have that role or ceases to be a member of the association.

(3) Within 28 days after the person ceasing to hold that office or have that role or ceasing to be a member, the person, or the estate of the person, must delete all the electronic copies of any relevant documents from all electronic devices after returning all documents to the committee of the association.