



Association Rules

(January 2018)

In accordance with the
Associations Incorporation Act
1991(ACT)

Contents

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Part 1.1 Preliminary

1. Name of Association.

1.1. The name of the Association shall be the ACT Schools Sports Council Incorporated (trading as School Sport ACT).

2. Definitions and Interpretation

2.1 Definitions

In these Rules A definition applies except so far as the contrary intention appears (see section 155 of the Legislation Act 2001 (Cth)).

"ACT" shall refer the Australian Capital Territory, a body politic established under the *Australian Capital Territory (Self Government Act 1988)* (Cth).

"Act" means the *Associations Incorporation Act 1991* and includes where relevant the Regulations pertaining to the Act.

"Affiliate Members" means schools that are members of their SSACT Region. Affiliate members do not have voting rights, as they are represented through their SSACT Region.

"Association" shall refer to School Sport ACT.

"Calendar" shall refer to the calendar of sporting events published by the Association each year.

"Council" shall refer to the Board appointed to manage the affairs of the Association.

"Department" shall refer to the ACT Government Department responsible for school based education.

"Education Providers" shall refer to the Education Directorate, the Catholic Education Office and the Association of Independent Schools.

"Financial Year" shall refer to the period 1 January to 31 December each year.

"Member" shall refer to a member, whether an individual or body corporate and however described, of the Association.

"Proxy vote" shall refer to the transfer in writing of a Member's vote either in general or specifically for a specific meeting or meetings to another Member.

"Region" shall refer to the School Sport ACT Regional Councils.

"Registrar-General" shall refer to the ACT Registrar of Incorporated Associations.

"Regulation" means the *Associations Incorporation Regulation 1991*.

"RSSAG" shall refer to the **Regional School Sport Advisory Group**.

"Secretary" means the person holding office under these Rules as secretary of the Association or, if no such person holds that office, the public officer of the Association.

"SSA" shall refer to School Sport Australia Incorporated.

"SSACT" shall refer to School Sport ACT.

"Sports" shall refer to the sports approved by the Association for inclusion in the School Sport ACT Calendar for competition.

"Sub Committees" shall refer to the Committees established to coordinate and manage the various levels of activities or initiatives.

"Vested Interest" shall refer to any interest held by a Member in an external body or individually from which a benefit could be derived, whether economically, politically, socially or financially, resulting from the Member being a Member of this Association.

2.2 Interpretation

In these Rules:

- a) a reference to a function includes reference to a power, authority and duty;
- b) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or the power to the performance of the duty;
- c) words importing the singular include the plural and vice versa;
- d) words importing any gender include the other genders;
- e) a reference to a statute, ordinance or other law includes By-Laws and other statutory instruments under it and consolidations, re-enactments or replacements of any of them (whether of the same or any legislative authority having jurisdiction); and
- f) a reference to "in writing" shall, unless the contrary appears, be constructed as including references to printing, photography and other modes of representing or reproducing words in a visible form including messages sent electronically.

2.3 Severance

If any provision of these Rules or any phrase contained in it is invalid or unenforceable the phrase or provision is to be read down if possible, so as to be valid and enforceable, and otherwise shall be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of these Rules.

2.4 The Act

Except where the contrary intention appears, in these Rules, an expression that deals with a matter under the Act has the same meaning as the provisions of the Act and the Regulations.

3. Objects of the Association.

3.1 Purpose

The major purpose of the Association shall be:

"To promote, coordinate, support and encourage ACT students' participation in competitive sport to complement educational learning outcomes."

To achieve the major purpose of the Association the Objects shall be:

3.2 Objects

3.2.1 To facilitate the achievement of the major purpose through a recognised School Sport Pathway identified as:

- 1. Interschool Sport;
- 2. Representative sport based on some form of regional representation;
- 3. ACT level representative sport;
- 4. School Sport Australia Championships; and
- 5. School Sport Australia representation at international level.

3.2.2 To liaise with and advise the Education providers on matters relating to school sport.

3.2.3 To participate in SSA activities through duly appointed representatives.

3.2.4 To establish close liaisons with community providers of school age sporting facilities and competitions.

4. Powers of the Association.

4.1 Solely for the purpose of furthering the Objects, in addition to any powers it has under the Act, the Association shall have the powers to:

- a) govern ACT local and representative school sport in accordance with these Rules, through ratification or otherwise of RSSAG, Regions and Sub-Committees;
- b) act as the Appeals Body for appeals against decisions of the RSSAG, Regions and Sports Specific Sub-Committees in accordance with these Rules
- c) receive and allocate education provider grants, sponsorship monies, team levies and other monies in accordance with the Association's policies as may from time to time be approved;
- d) negotiate the purchase of sports uniforms, equipment and other requisites for all regional and representative teams, and to negotiate travel and accommodation arrangements for ACT school representative sporting teams;
- e) to appoint such staff as may be required to enable the Association to fulfill its duties and obligations under these Rules and under the Act on such terms and conditions as the Association may from time to time approve;
- f) to delegate any of its powers to the RSSAG, Regional Councils and Sub-Committees under such conditions as the Association approves other than the power to decide on approved sports; and
- g) do such other things as may be required to meet the Objects of the Association.

5 Application of Legislation Act 2001

The Legislation Act 2001 applies to these Rules in the same way as it would if they were an instrument made under the Act.

Part 1.2 Membership

6. Membership qualifications

An entity is qualified to be a Member if—

- (a) the entity is an entity mentioned in section 21 (2) (a) or (b) of the Act, and has not ceased to be a Member of the Association at any time after incorporation of the Association under the Act; or
- (b) the entity—
 - (i) has been nominated for membership in accordance with section 7 (1); and
 - (ii) has been approved for membership of the Association by the Council of the Association.

7. Nomination for membership

- (1) A nomination of an entity for membership of the Association—
 - (a) must be made by a Member of the Association in writing in the form set out in Appendix 1; and
 - (b) must be lodged with the Secretary of the Association.
- (2) As soon as is practicable after receiving a nomination for membership, the Secretary must refer the nomination to the Council which must decide whether to approve or to reject the nomination.
- (3) If the Council decides to approve a nomination for membership, the Secretary must as soon as practicable after that decision notify the nominee of that approval and request the nominee to pay within 28 days after receipt of the notification any applicable membership fees.
- (4) The Secretary must, on payment by the nominee of the amounts mentioned in subsection (3) within the period mentioned in that subsection, enter the nominee's name in the register of Members and, on the name being so entered, the nominee becomes a Member of the Association.
- (5) The current Members include the following:
 - a) ACT Education Directorate;
 - b) ACT Catholic Education Office;
 - c) ACT Association of Independent Schools;
 - d) SSACT Regions;
 - e) Australian Education Union (ACT Branch);
 - f) Independent Education Union;
 - g) ACT Council of Parents and Citizens Associations Inc;
 - h) Association of Parents and Friends of ACT Schools; and
 - i) Active Canberra.
- (6) Schools in the ACT may become Affiliate Members by virtue of their membership of a SSACT Region. As Affiliate Members they will not have voting rights.

8. Membership entitlements not transferable

A right, privilege or obligation that an entity has because of being a Member of the Association—

- (a) cannot be transferred or transmitted to another person; and
- (b) terminates on cessation of the person's membership.

9. Cessation of membership

An entity ceases to be a Member of the Association if the entity—

- (a) dies or, for a body corporate, is wound up; or
- (b) resigns from membership of the Association; or
- (c) is expelled from the Association; or

(d) fails to renew membership of the Association.

10. Resignation of membership

- (1) A Member is not entitled to resign from membership of the Association except in accordance with this section.
- (2) A Member who has paid all amounts payable by the Member to the Association may resign from membership of the Association by first giving notice (of not less than 1 month or, if the Council has determined a shorter period, that shorter period) in writing from (or with the documented authorisation of) the Member's CEO or President to the Secretary of the Member's intention to resign and, at the end of the period of notice, the Member ceases to be a Member.
- (3) If an entity ceases to be a Member, the Secretary must make an appropriate entry in the register of Members recording the date the Member ceased to be a Member.

11. Fee, subscriptions etc

- (1) Any annual membership fee of the Association is as determined by resolution of the Council and must be available on request from the Association
- (2) Any annual membership fee is payable—
 - (a) except as provided by paragraph (b)—before 1 January in each calendar year; or
 - (b) if an entity becomes a Member on or after 1 January in any calendar year—within 30 days of becoming a Member.

12. Members' liabilities

The liability of a Member to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount (if any) unpaid by the Member in relation to membership of the Association as required by section 10.

13. Disciplining of Members

- (1) If the Council is of the opinion that a Member—
 - (a) has persistently refused or neglected to comply with a provision of these Rules; or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the Association; the Council may, by resolution—
 - (c) expel the Member from the Association; or
 - (d) suspend the Member from the rights and privileges of

membership of the Association that the Council may decide for a specified period.

- (2) A resolution of the Council under subsection (1) is of no effect unless the Council, at a meeting held not earlier than 14 days and not later than 28 days after service on the Member of a notice under subsection (3), confirms the resolution in accordance with this section.
- (3) If the Council passes a resolution under subsection (1), the Secretary must, as soon as practicable, serve a written notice on the Member—
 - (a) setting out the resolution of the Council and the grounds on which it is based; and
 - (b) stating that the Member (or their representative) may address the Council at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the Member that the Member may do either or both of the following:
 - (i) attend and speak at that meeting;
 - (ii) submit to the Council at or before the date of that meeting written representations relating to the resolution.
- (4) Subject to the Act, section 50, at a meeting of the Council mentioned in subsection (2), the Council must—
 - (a) give to the Member mentioned in subsection (1) an opportunity to make oral representations; and
 - (b) give due consideration to any written representations submitted to the Council by that Member at or before the meeting; and
 - (c) by resolution decide whether to confirm or to revoke the resolution of the Council made under subsection (1).
- (5) If the Council confirms a resolution under subsection (4), the secretary must, within 7 days after that confirmation, by written notice inform the Member of that confirmation and of the Member's right of appeal under section 10.
- (6) A resolution confirmed by the Council under subsection (4) does not take effect—
 - (a) until the end of the period within which the Member is entitled to appeal against the resolution if the Member does not exercise the right of appeal within that period; or
 - (b) if within that period the Member exercises the right of appeal—unless and until the Association confirms the resolution in accordance with section 10 (4).

14. Right of appeal of disciplined Member

- (1) A Member may appeal to the Association in a general meeting against a resolution of the Council that is confirmed under section 9 (4), within 7 days after notice of the resolution is served on the Member, by lodging with the Secretary a notice to that effect.
- (2) On receipt of a notice under subsection (1), the Secretary must notify the Council which must call a general meeting of the Association to be held within 21 days after the date when the Secretary received the notice or as soon as possible after that date.
- (3) Subject to section 50 of the Act, at a general meeting of the Association called under subsection (2)—
 - (a) no business other than the question of the appeal may be transacted; and
 - (b) the Council and the Member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (c) the Members present must vote by secret ballot on the question of whether the resolution made under section 9 (4) should be confirmed or revoked.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 9 (4), that resolution is confirmed.

Part 1.3 Council

15. Powers of Council

The Council, subject to the Act, the Regulation, these Rules, and to any resolution passed by the Association in general meeting—

- a. shall be responsible for the efficient management of the Association and will develop and approve all major policies; and
- b. may exercise all functions that may be exercised by the Association other than those functions that are required by these rules to be exercised by the Association in general meeting; and
- c. has power to perform all acts and do all things that appear to the Council to be necessary or desirable for the proper management of the affairs of the Association.
- d. has the power to delegate any of the above functions to the Executive Officer.

16. Constitution and membership

- 16.1 The Council shall consist of an independently appointed Chair and seven other members all of whom shall be appointed for two year terms with half the Council members' terms concluding each year at the Annual General Meeting of the Association.
- 16.2 Council members shall be appointed by the Association at its Annual General Meetings.
- 16.3 Each Member of the Council holds office, subject to these Rules, until the conclusion of the second annual general meeting following the date of the Member's election, but the Member is eligible for re-election in which case their period of office would be extended by the corresponding period.
- 16.4 The Association shall appoint the initial Council members at its Annual General Meeting where these Rules are first approved.
- 16.5 The Association shall appoint the initial Chair of the Council at its Annual General Meeting where these Rules are first approved.
- 16.6 The Chair shall be appointed initially for two years and shall be eligible for re-nomination at the end of this term.
- 16.7 Subject to the Act and these Rules, the business of SSACT shall be managed and the powers of SSACT shall be exercised by the Council.
- 16.8 The Council may at any time appoint up to two additional Council members with skills that will complement the skills of existing Council members.
- 16.9 In the event of a casual vacancy on the Council the Council may appoint an appropriately qualified person to fill the vacancy and the person so appointed holds office, subject to these Rules, until the conclusion of the next annual general meeting after the date of the appointment.
- 16.10 Any Council member appointed to fill a casual vacancy will be appointed to complete the term of the Council member so replaced and then be eligible for re-nomination at the end of this term.

17. Election of Council members

- (1) Nominations of candidates for election as office-bearers of the Association or as ordinary Council Members—
- (a) must be made in writing, signed by 2 Members of the Association, or Council, and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
 - (b) must be given to the Secretary of the Association not less than 7 days before the date fixed for the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the Council, the candidates nominated are taken to be elected and further nominations may be received at the annual general meeting.

- (3) If insufficient further nominations are received, any vacant positions remaining on the Council are taken to be vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.
- (6) The ballot for the election of office-bearers and Ordinary Council Members must be conducted at the annual general meeting in the way the Council may direct.
- (7) A person is not eligible to simultaneously hold more than 1 position on the Council.

18. Secretary

- (1) The Executive Officer of the Association will fulfil the role of Secretary of the Association, unless an alternative Secretary is appointed.
- (2) The Secretary must keep minutes of—
 - (a) all elections and appointments of office-bearers and Ordinary Council Members; and
 - (b) the names of Members of the Council present at a Council meeting or a general meeting; and
 - (c) all proceedings at Council meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting

19. Treasurer

- (1) The Council may appoint either a Finance Committee or an individual to fulfil the role of Treasurer of the Association. The Treasurer of the Association must—
 - (a) collect and receive all amounts owing to the Association and make all payments authorised by the Association; and
 - (b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- (2) If a Finance Committee is appointed, it shall consist of appropriately qualified individuals with a minimum of 2 members and a maximum of 5 members.
 - (a) The Finance Committee shall have a chair, and the chair shall be a Member of the Council.
 - (b) If the Finance Committee chair is unavailable to attend a Council meeting, he or she will nominate a representative from the Finance Committee to attend the Council meeting in their place.

20. Vacancies

For these rules, a vacancy in the office of a Member of the Council happens if the Member—

- a. dies; or
- b. ceases to be a Member of the Association; or
- c. resigns the office; or
- d. is removed from office under section 20 (Removal of Council Members); or
- e. becomes bankrupt or personally insolvent; or
- f. suffers from mental or physical incapacity; or
- g. is disqualified from office under section 63 (1) of the Act, or
- h. is absent without the consent of the Council from all meetings of the Council held during a period of 6 months.

21. Removal of Council members

The Association in a general meeting may by resolution, subject to compliance with the rules of natural justice as stated in section 50 of the Act, remove any member of the Council from the office of Member of the Council before the end of the Member's term of office.

22. Council meetings and quorum

- (1) The Council must meet at least 4 times in each calendar year at the place and time that the Council may decide.
- (2) Additional meetings of the Council may be called by a minimum of three Members of the Council, by written notice to the Secretary.
- (3) Oral or written notice of a meeting of the Council must be given by the Secretary to each Member of the Council at least 48 hours (or any other period that may be unanimously agreed on by the Members of the Council) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subsection (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the Council Members present at the meeting unanimously agree to treat as urgent business.

- (5) Any 5 Members of the Council constitute a quorum for the transaction of the business of a meeting of the Council.
- (6) No business may be transacted by the Council unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week, unless notice is given by the Secretary of an alternate time in accordance with subsection (3).
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.
- (8) At meetings of the Council—
 - (a) the Chair or, in the absence of the Chair, the Chair shall appoint an alternative Council Member to preside; or
 - (b) if the Chair and the alternative-Chair are absent—1 of the remaining Members of the Council may be chosen by the Members present to preside.

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| 23. Delegation by Council to committees |
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- (1) The Council may, in writing, delegate to 1 or more subcommittees the exercise of the functions of the Council that are specified in the instrument, other than—
 - (a) this power of delegation; and
 - (b) a function that is a function imposed on the Council by the Act, by any other Territory law, or by resolution of the Association in a general meeting.
- (2) A function, the exercise of which has been delegated to a subcommittee under this section may, while the delegation remains unrevoked, be exercised from time to time by the committee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to any conditions or limitations about the exercise of any function, or about time or circumstances that may be specified in the instrument of delegation.
- (4) Despite any delegation under this section, the Council may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by any committee acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the Council.
- (6) The Council may, in writing, revoke wholly or in part any delegation under this section.
- (7) A committee may meet and adjourn as it considers appropriate.

24. Voting and decisions

- (1) Questions arising at a meeting of the Council or of any sub-committee appointed by the Council are decided by a majority of the votes of Members of the Council or sub-committee present at the meeting.
- (2) Each Member present at a meeting of the Council or of any sub-committee appointed by the Council (including the person presiding at the meeting) is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.

Part 1.4 General meetings

25. Annual general meetings—holding of

- (1) With the exception of the first annual general meeting of the association, the Association must, at least once in each calendar year and within 5 months after the end of each financial year of the association, call an annual general meeting of its Members.
- (2) The Chair of the Council attends as an ex-officio and is therefore entitled to vote and exercise all powers of a member of the Association.
- (3) Subsection (1) has effect subject to the powers of the Registrar-General under section 120 of the Act in relation to extensions of time.

26. Annual general meetings—calling of and business at

- (1) The annual general meeting of the Association must, subject to the Act, be called on the date and at the place and time that the Council considers appropriate.
- (2) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is—
 - (a) to confirm the minutes of the last annual general meeting and of any general meeting held since that meeting; and
 - (b) to receive from the Council reports on the activities of the Association during the last financial year; and
 - (c) to elect members of the Council, including office-bearers; and
 - (d) to receive and consider the statement of accounts and the reports that are required to be submitted to members under section 73 (1) the Act.

- (3) An annual general meeting must be specified as such in the notice calling it in accordance with section 27 (**Notice**).
- (4) An annual general meeting must be conducted in accordance with the provisions of this part.

27. General meetings—calling of

- (1) The Council may, whenever it considers appropriate, call a general meeting of the Association.

The Council must, on the requisition in writing of not less than 20% of the total number of Members, call a general meeting of the Association.

- (2) A requisition of Members for a general meeting—
 - (a) must state the purpose or purposes of the meeting; and
 - (b) must be signed by the Members making the requisition; and
 - (c) must be lodged with the Secretary; and
 - (d) may consist of several documents in a similar form, each signed by 1 or more of the Members making the requisition.
- (3) If the Council fails to call a general meeting within 1 month after the date when a requisition of Members for the meeting is lodged with the Secretary, any 1 or more of the Members who made the requisition may call a general meeting to be held not later than 3 months after that date.

28. Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the Secretary must, at least 14 days before the date fixed for the holding of the general meeting, send by email to each Member at the Member's last provided email address appearing in the register of Members (or if the Member has advised they do not have access to email, an alternative contact postal address), a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the Secretary must, at least 21 days before the date fixed for the holding of the general meeting, send notice to each Member in the way provided in subsection (1) specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice calling a general meeting may be transacted at the meeting except, for an annual general meeting, business that may be transacted under section 25 (2).

- (4) A Member desiring to bring any business before a general meeting may give written notice of that business to the Secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the Member.

29. General meetings—procedure and quorum

- (1) No item of business may be transacted at a general meeting unless a quorum of Members entitled under these Rules to vote is present during the time the meeting is considering that item.
- (2) Five Members present in person (who are entitled under these Rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within 30 minutes after the appointed time for the start of a general meeting a quorum is not present, the meeting if called on the requisition of Members is dissolved and in any other case stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to Members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the start of the meeting, the Members present (being not less than 3) constitute a quorum.

30. Presiding member

- (1) Unless otherwise determined by the Members, the Chair of Council will preside at each general meeting of the Association.
- (2) If the Chair of Council is absent from a general meeting, the Members present must elect 1 of their number to preside at the meeting.

31. Adjournment

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

32. Making of decisions

- (1) A question arising at a general meeting of the Association is to be decided on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the Association, a poll may be demanded by the person presiding or by not less than 3 Members present in person or by proxy at the meeting.
- (3) If the poll is demanded at a general meeting, the poll must be taken—
 - (a) immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
 - (b) in any other case—in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

33. Voting

- (1) Subject to subsection (3), on any question arising at a general meeting of the Association, a Member has 1 vote only.
- (2) All votes must be given personally or by proxy but no Member may hold more than 5 proxies.
- (3) If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a second or casting vote.
- (4) A Member or proxy is not entitled to vote at any general meeting of the Association unless all money due and payable by the Member or proxy to the Association has been paid, other than the amount of the annual subscription payable for the then current year.
- (5) A proxy is not invalid by virtue only of the Member who holds the proxy being ineligible to vote in accordance with subsection (4).

34. Appointment of proxies

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

Part 1.5 Miscellaneous

35. Funds—source

- (1) The funds of the Association must be derived from payments from Members and donations, subject to any resolution passed by the Association in general meeting and subject to section 114 of the Act, any other sources that the Council decides.
- (2) All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank account.
- (3) The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

36. Funds—management

- (1) Subject to any resolution passed by the Association in general meeting, the funds of the Association must be used for the Objects of the Association, as stated in these Rules, in the way that the Council decides.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 Members of the Council or employees of the Association, being Members of the Council or employees authorised to do so by the Council.

37. Alteration of Objects and Rules

Neither the Objects of the Association mentioned in section 29 of the Act, and stated in these Rules, nor these Rules themselves may be altered except in accordance with Division 3.4 of the Act.

38. Common seal

- (1) The common seal of the Association must be kept in the custody of the Secretary.
- (2) The common seal must not be attached to any instrument except by the authority of the Council and the attaching of the common seal must be attested by the signatures either of 2 Members of the Council or of 1 Member of the Council and of the Secretary.

39. Custody of books

Subject to the Act, the Regulations and these Rules, the Secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the Association.

40. Inspection of books

Following a request in writing by the Member to the Secretary, with a reasonable amount of notice, the records, books and other documents of the Association must be made available for inspection at a place in the ACT, free of charge, by a Member of the Association during business hours.

41. Service of notice

For these rules, the Association may serve a notice on a member by sending it by post to the member at the member's address shown in the register of members.

Note For how documents may be served, see part 19.5 of the Legislation Act.

42. Surplus property

- (1) At the first general meeting of the association, the Association must pass a special resolution nominating—
 - (a) another Association for the Act, section 92 (1) (a); or
 - (b) a fund, authority or institution for the Act, section 92 (1) (b); in which it is to vest its surplus property in the event of the dissolution or winding up of the Association.
- (2) An Association nominated under subsection (1) (a) must fulfil the requirements specified in the Act, section 92 (2).

Appendix 1

(see s 7 (1))

Application for membership of Association

.....
Incorporated (Incorporated under the *Associations Incorporation Act 1991*) I,

.....
(full name of applicant)

of

.....
(address)

.....apply to become
(occupation)

a Member of the incorporated association. If I am admitted as a Member, I agree to be bound by the rules of the Association for the time being in force.

.....
(Signature of applicant)

Date

I,

.....
(full name)

a Member of the Association, nominate the applicant, who is personally known to me, for the membership of the Association.

.....
(Signature of proposer)

Date

I,

.....
(full name)

a Member of the Association, second the nomination of the applicant, who is personally known to me, for membership of the Association.

.....
(Signature of seconder)

Date

Appendix 2

(see s 34 (2))

Form of appointment of proxy

I,

.....
(full name)

of

.....
(address)

a member of

.....
(name of incorporated association)

appoint

.....
(full name of proxy)

of

.....
(address)

a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the Association (annual general meeting or other general meeting, as the case may be) to be held on

.....
And at any adjournment of that meeting.

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

.....
(Signature of Member appointing proxy)

(*To be inserted if desired.)

Date

Note A proxy vote may not be given to a person who is not a Member.