

Melissa Roberts



FOUNDATION



In support of people who hear distressing voices

MELISSA ROBERTS FOUNDATION INCORPORATED

CONSTITUTION

Revised Edition - May 2015

TABLE OF CONTENTS

Part 1 - Preliminary

| | | |
|-----|-----------------------------|---|
| 1.1 | Name of Association | 5 |
| 1.2 | Status of Association | 5 |
| 1.3 | Definitions | 5 |

Part 2 - Objects of the Association

| | | |
|-----|-------------------------|---|
| 2.1 | Vision Statement | 7 |
| 2.2 | Mission Statement | 7 |
| 2.3 | Core Values | 7 |
| 2.4 | Aims and Purposes | 7 |
| 2.5 | Not for Profit..... | 8 |

Part 3 - Membership

| | | |
|------|------------------------------------------------|----|
| 3.1 | Membership Qualifications | 9 |
| 3.2 | Nomination for Membership | 9 |
| 3.3 | Cessation of Membership | 10 |
| 3.4 | Membership entitlements not transferable | 10 |
| 3.5 | Resignation of Membership..... | 10 |
| 3.6 | Register of Members..... | 10 |
| 3.7 | Fees and Subscriptions | 11 |
| 3.8 | Members' Liabilities | 11 |
| 3.9 | Resolution of Internal Disputes | 11 |
| 3.10 | Disciplining of Members..... | 12 |
| 3.11 | Right of Appeal of Disciplined Member | 13 |

Part 4 - The Committee

| | | |
|------|-----------------------------------------------|----|
| 4.1 | Powers of the Committee | 14 |
| 4.2 | Composition and Membership of Committee | 14 |
| 4.3 | Election of Members..... | 15 |
| 4.4 | Secretary..... | 15 |
| 4.5 | Treasurer..... | 16 |
| 4.6 | Casual Vacancies..... | 16 |
| 4.7 | Removal of Committee Member | 17 |
| 4.8 | Committee Meetings and Quorum..... | 17 |
| 4.9 | Delegation by Committee to Sub-Committee..... | 18 |
| 4.10 | Voting and Decisions | 19 |

Part 5 - General Meetings

| | | |
|------|------------------------------------------------------------|----|
| 5.1 | Annual General Meetings - holding of..... | 20 |
| 5.2 | Annual General Meetings - calling of and business at | 20 |
| 5.3 | Special General Meetings - calling of | 20 |
| 5.4 | Notice..... | 21 |
| 5.5 | Procedure | 21 |
| 5.6 | Presiding Member | 22 |
| 5.7 | Adjournment..... | 22 |
| 5.8 | Making of Decisions..... | 23 |
| 5.9 | Special Resolution | 23 |
| 5.10 | Voting..... | 23 |
| 5.11 | Appointment of Proxies | 24 |
| 5.12 | Postal Ballots | 24 |

Part 6 - Miscellaneous

| | | |
|------|----------------------------------------------------------|----|
| 6.1 | Insurance..... | 25 |
| 6.2 | Funds - Source..... | 25 |
| 6.3 | Funds - Management | 25 |
| 6.4 | Meaning of DGR Assets | 25 |
| 6.5 | Revocation of Deductible Gift Recipient Endorsement..... | 25 |
| 6.6 | Winding Up..... | 26 |
| 6.7 | Change of name, objects and constitution..... | 26 |
| 6.8 | Custody of Books..... | 26 |
| 6.9 | Inspection of Books | 27 |
| 6.10 | Service of Notices..... | 27 |
| 6.11 | Financial Year | 27 |

Part 7 - Appendices

| | | |
|-----|--------------------------------------------------------------|----|
| 7.1 | Appendix 1 - Application for Membership of Association | 29 |
| 7.2 | Appendix 2 - Form of Appointment of Proxy..... | 30 |

Part 1 - Preliminary

1.1 Name of Association

The name of the association is Melissa Roberts Foundation Incorporated.

1.2 Status of Association

The Melissa Roberts Foundation Incorporated is incorporated under the *Associations Incorporation Act 2009 (NSW)*.

1.3 Definitions

(1) *In this constitution:*

- (a) “**Act**” means the *Associations Incorporation Act 2009 (NSW)*.
- (b) “**Association**” means the Melissa Roberts Foundation Incorporated.
- (c) “**Director-General**” means the Director-General of the Department of Services, Technology and Administration.
- (d) “**Ordinary Member**” means a member of the committee who is not an office-bearer of the Association, as referred to in clause 4.2(2).
- (e) “**Principal Purpose**” means the purposes established under clause 2.3.
- (f) “**Regulations**” means the *Associations Incorporation Regulation 2010 (NSW)*.
- (g) “**Secretary**” means:
 - i. The person holding office under this constitution as secretary of the Association, or
 - ii. If no such person holds that office - the public officer of the Association.
- (h) “**Special General Meeting**” means a general meeting of the Association other than an annual general meeting.

(2) *In this constitution:*

- (a) A reference to a function includes a reference to a power, authority and duty, and
 - (b) A reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
- (3) The provisions of the *Interpretation Act 1987 (NSW)* apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

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Part 2 - Objects of the Association

2.1 Vision Statement

A society that fosters hope, recovery and equality for people with a mental illness.

2.2 Mission Statement

Providing a service that supports, informs, trains and educates people who are disempowered by their lived experience of hearing voices, paranoia and childhood trauma, thereby enhancing their pathway to recovery.

Our service extends to carers and family, mental health organisations, health workers and professionals, educational institutions and the general community.

2.3 Core Values

- Respect
- Equality
- Inclusion
- Integrity

2.4 Aims and Purposes

- (1) To educate society, at all levels, to better understand the experiences of hearing voices, paranoia, and childhood trauma.
- (2) To promote and support research into hearing voices, especially in youth, and the co-relationship with childhood trauma and paranoia.
- (3) To promote and support early intervention programs specifically designed for the experiences of voice hearing, paranoia and childhood trauma.
- (4) To promote and support research and education regarding suicidality and the risk of suicide.
- (5) To advocate for stronger alliances between mainstream mental health services, and NGO's that provide support for people with lived experience of hearing voices, paranoia and childhood trauma.
- (6) To advocate for change in mainstream mental health services "model" for treating people with lived experience of hearing voices, paranoia and childhood trauma, through ongoing media promotional activity, including the publicising of "Melissa's Story".

- (7) To collaborate with other foundations and organisations to conjointly promote recovery through seminars, conferences, workshops and promotional material.
- (8) To collaborate specifically with Hearing Voices Networks and Paranoia Networks both locally and overseas to better promote awareness and recovery.
- (9) To align the foundation with community groups, NGO's and other mental health support groups to further create awareness and recovery.
- (10) To support organisations, through the foundation's fundraising activities, whose aims and objectives are consistent with the mission, aims and purposes of the foundation.
- (11) To create an ongoing legacy to Mel, and in doing so, help others who suffer like Mel suffered.

2.3 Not for Profit

The Association must:

- (1) Pursue the Principal Purpose only and apply its income in promoting those purposes.
- (2) The assets and income of the Association shall be applied solely in furtherance of the Principal Purpose of the Association, and no portion shall be distributed directly or indirectly to the members of the Association except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

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Part 3 - Membership

3.1 Membership Qualifications

- (1) A person is eligible to be a member of the Association if:
 - (a) The person is a natural person; and
 - (b) The person has been nominated and approved for membership of the Association in accordance with clause 3.2.
- (2) A person is taken to be a member of the Association if the person was one of the individuals on whose behalf an application for registration of the Association under section 6(1)(a) of the Act was made.

3.2 Nomination for Membership

- (1) A nomination of a person 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 to this constitution, and
 - (b) Must be lodged with the secretary of the Association.
- (2) As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination to the committee which is to determine whether to approve or to reject the nomination.
- (3) As soon as practicable after the committee makes that determination, the secretary must:
 - (a) Notify the nominee, in writing, that the committee approved or rejected the nomination (whichever is applicable), and
 - (b) If the committee approved the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under this constitution by a member as entrance fee and annual subscription.
- (4) The secretary must, on payment by the nominee of the amounts referred to in clause (3)(b) within the period referred to in that provision, 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.

3.3 Cessation of Membership

A person ceases to be a member of the Association if the person:

- (a) Dies, or
- (b) Resigns membership, or
- (c) Is expelled from the Association, or
- (d) Fails to pay the annual membership fee under clause 3.7(2) within 3 months after the fee is due.

3.4 Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of the Association:

- (a) Is not capable of being transferred or transmitted to another person, and
- (b) Terminates on cessation of the person's membership.

3.5 Resignation of Membership

- (1) A member of the Association may resign from membership of the Association by first giving to the secretary written notice of at least 1 month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (2) If a member of the Association ceases to be a member under clause (1), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

3.6 Register of Members

- (1) The public officer of the Association must establish and maintain a register of members of the Association specifying the name and address of each person who is a member of the Association together with the date on which the person became a member.
- (2) The register of members must be kept at the principal place of administration of the Association (being an address within New South Wales) and must be open for

inspection, free of charge, by any member of the Association at any reasonable hour.

- (3) A member of the Association may obtain a copy of any part of the register on payment of a fee of \$1.00 for each page copied or, if some other amount is determined by the committee, that other amount.
- (4) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- (5) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) The purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Association or other material relating to the Association, or
 - (b) Any other purpose necessary to comply with a requirement of the Act or the Regulations.

3.7 Fees and Subscriptions

- (1) A member of the Association must, on admission to membership, pay to the Association a fee of \$1.00 or, if some other amount is determined by the committee, that other amount.
- (2) In addition to any amount payable by the member under clause (1), a member of the Association must pay to the Association an annual membership fee of \$2.00 or, if some other amount is determined by the committee, that other amount:
 - (a) Except as provided by paragraph (b), before 1st July in each calendar year, or
 - (b) If the member becomes a member on or after 1st July in any calendar year - on becoming a member and before 1st July in each succeeding calendar year.

3.8 Members' Liabilities

The liability of a member of the Association 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 respect of membership of the Association as required by clause 3.7.

3.9 Resolution of Internal Disputes

- (1) Disputes between members (in their capacity as members) of the Association, and disputes between members and the Association, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983 (NSW)*.
- (2) At least 7 days before a mediation session is to commence, the parties are to exchange Statements of the issues that are in dispute between them and supply copies to the mediator.
- (3) If the dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (4) The *Commercial Arbitration Act 2010 (NSW)* applies to any such dispute referred to arbitration.

3.10 Disciplining of Members

- (1) A complaint may be made to the committee by any person that is a member of the Association in respect of any other member of the Association who has:
 - (a) Refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) Wilfully acted in a manner prejudicial to the interests of the Association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with a complaint, the committee:
 - (a) Must cause notice of the complaint to be served on the member concerned, and
 - (b) Must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - (c) Must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from the Association or suspend the member from membership of the Association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.

- (5) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken the action and of the member's right of appeal under clause 3.11.
- (6) The expulsion or suspension does not take effect:
 - (a) Until the expiration of the period within which the member is entitled to appeal against the resolution concerned or
 - (b) If within that period the member exercises the right of appeal, unless and until the Association confirms the resolution under clause 3.10(4), whichever is the latter.

3.11 Right of Appeal of Disciplined Member

- (1) A member may appeal to the Association in general meeting against a resolution of the committee under clause 3.10, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purpose of the appeal.
- (3) On receipt of a notice from a member under clause (1), the secretary must notify the Committee which is to convene a general meeting of the Association to be held within 28 days after then date on which the secretary received the notice.
- (4) At a general meeting of the Association convened under clause (3):
 - (a) No business other than the question of the appeal is to be transacted, and
 - (b) The committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) The members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the Association.

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Part 4 - The Committee

4.1 Powers of the Committee

The committee is to be called the committee of management of the Association and, subject to the Act, the Regulations and this constitution and to any resolution passed by the Association in general meeting:

- (a) Is to control and manage the affairs of the Association, and
- (b) May exercise all such functions as may be exercised by the Association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the Association, and
- (c) Has the power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the Association.

4.2 Composition and Membership of Committee

- (1) The committee is to consist of:
 - (a) The office-bearers of the Association, and
 - (b) A minimum of 3 and a maximum of 8 ordinary members, each of whom is to be elected at the annual general meeting of the Association under clause 4.3.
- (2) The office bearers of the Association are to be:
 - (a) The President
 - (b) The Vice-President
 - (c) The Treasurer
 - (d) The Secretary
- (3) A committee member may hold up to two offices (other than both the President and Vice-President offices).
- (4) Each member of the committee is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

4.3 Election of Members

- (1) Nominations of candidates for election as office-bearers of the Association or as ordinary members of the committee:
 - (a) Must be made in writing, signed by two members of the Association and accompanied by written consent of the candidate (which may be endorsed on the form of the nomination), and
 - (b) Must be delivered to the secretary of the Association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the Association must be a member of the Association.

4.4 Secretary

- (1) The secretary of the Association must, as soon as practicable after being appointed as secretary, lodge notice with the Association of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
 - (a) All appointments of office-bearers and members of the committee,
 - (b) The names of members of the committee present at a committee meeting or a general meeting, and
 - (c) All proceedings at committee meetings and general meetings.

- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

4.5 Treasurer

It is the duty of the treasurer of the Association to ensure:

- (a) That all money due to the Association is collected and received and that all payments authorised by the Association are made, and
- (b) That correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association.

4.6 Casual Vacancies

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the Association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) For the purposes of this constitution, a casual vacancy in the office of a member of the committee occurs if the member:
 - (a) Dies, or
 - (b) Ceases to be a member of the Association, or
 - (c) Becomes an insolvent under administration within the meaning of the *Corporations Act 2001 (Cth)*, or
 - (d) Resigns office by notice in writing given to the secretary, or
 - (e) Is removed from office under clause 4.7, or
 - (f) Becomes a mentally incapacitated person, or
 - (g) Is absent without the consent of the committee from all meetings of the committee held during a period of 6 months, or
 - (h) Is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or

- (i) Is prohibited from being a director of a company under Part 2D.6 (Disqualification from Managing Corporations) of the *Corporations Act 2001 (Cth)*.

4.7 Removal of Committee Member

- (1) The Association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representation be notified to the members of the Association, the secretary or the president may send a copy of the representations to each member of the Association or, if the representations are not so sent, the member is entitled to require that those representations be read out at the meeting at which the resolution is considered.

4.8 Committee Meetings and Quorum

- (1) The committee must meet at least three times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any three members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.

- (8) At a meeting of the committee:
- (a) The president or, in the president's absence, the vice-president is to preside, or
 - (b) If the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

4.9 Delegation by Committee to Sub-Committee

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the Association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:
 - (a) This power of delegation, and
 - (b) A function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (7) A sub-committee may meet and adjourn, as it thinks proper.

4.10 Voting and Decisions

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote, but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to clause 4.8(5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

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Part 5 - General Meeting

5.1 Annual General Meetings - holding of

- (1) The Association must hold its first annual general meeting within 18 months after its registration under the Act.
- (2) The Association must hold its annual general meetings:
 - (a) Within 6 months after the close of the Association's financial year, or
 - (b) Within such later time as may be allowed by the Director-General or prescribed by the Regulations.

5.2 Annual General Meetings - calling of and business at

- (1) The annual general meeting of the Association is, subject to the Act and to clause 5.1, to be convened on such date and at such place and time as the committee think fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) To confirm the minutes of the last preceding annual general meeting and of any Special General Meeting held since that meeting.
 - (b) To receive from the committee reports on the activities of the Association during the last preceding financial year.
 - (c) To elect office-bearers of the Association and ordinary members of the Association.
 - (d) To receive and consider the statement which is required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

5.3 Special General Meetings - calling of

- (1) The committee may, whenever it thinks fit, convene a Special General Meeting of the Association.
- (2) The committee must, on the requisition in writing of at least 5 percent of the total number of members, convene a Special General Meeting of the Association.
- (3) A requisition of members for a Special 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 one or more of the members making the requisition.
- (4) If the committee fails to convene a Special General Meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the Secretary, any one or more of the members who made the requisition may convene a Special General Meeting to be held not later than 3 months after that date.
- (5) A Special General Meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.

5.4 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, give a notice to each member 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, cause notice to be given to each member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at a meeting except, in the case of an annual general meeting, business which may be transacted under clause 5.2(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing 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.

5.5 Procedure

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.

- (2) Five members present in person (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) If convened on the requisition of members, is to be dissolved, or
 - (b) In any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the 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 half an hour after the time appointed for the commencement of the meeting, the members present (being at least three) are to constitute a quorum.

5.6 Presiding Member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the Association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

5.7 Adjournment

- (1) The chairperson of 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 is to 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 clauses (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.

5.8 Making of Decisions

- (1) A question arising at a general meeting of the Association is to be determined by either:
 - (a) a show of hands, or
 - (b) if on the motion of the chairperson or if three or more members present at the meeting decide that the question should be determined by a written ballot - a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson 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 the resolution.
- (3) If a written ballot is demanded at a general meeting, the poll must be taken:
 - (a) Immediately in the case of a written ballot which relates to the election of the chairperson of the meeting or to the question of adjournment.
 - (b) In any other case, in such manner and at such time before the close of the meeting as the chairperson directs.

5.9 Special Resolution

A resolution of the Association is a special resolution if it is passed by a majority which comprises at least three-quarters of such members of the Association as, being entitled under this constitution so to do, vote in person or by proxy at a general meeting of which at least 21 days notice specifying the intention to propose the resolution as a special resolution was given in accordance with this constitution, or

5.10 Voting

- (1) On any question arising at a general meeting of the Association a member has only one vote.
- (2) All votes must be given personally or by proxy but no member may hold more than five proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to 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 in respect of the then current year.

- (5) A member is not entitled to vote at any general meeting of the Association if the member is under 18 years of age.

5.11 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 in respect of which the proxy is appointed.
- (2) The notice is to be given in the form set out in Appendix 2 to this constitution.

5.12 Postal Ballots

- (1) The Association may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 3.11).
- (2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulations.

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Part 6 - Miscellaneous

6.1 Insurance

The Association may effect and maintain insurance.

6.2 Funds - Source

- (1) The funds of the Association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Association in general meeting, such other sources as the committee determines.
- (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 the money, issue an appropriate receipt.

6.3 Funds - Management

- (1) Subject to any resolution passed by the Association in general meeting, the funds of the Association are to be used in pursuance of the objects of the Association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two members of the committee or employees of the Association, being members or employees authorised to do so by the committee.

6.4 Meaning of DGR Assets

"DGR Assets" means income tax deductible gifts and contributions being:

- (a) Gifts of money or property for the Principal Purpose of the organisation,
- (b) Contributions described in item 7 or 8 of the table in section 30-15 of the *Income Tax Assessment Act 1997 (Cth)* made in relation to an eligible fundraising event held for the Principal Purpose of the organisation, and
- (c) Money received by the Association because of such gifts and contributions.

6.5 Revocation of Deductible Gift Recipient Endorsement

If the Association has been endorsed as a deductible gift recipient and the Association ceases to be so endorsed, any DGR Assets remaining after the payment of the

Association's liabilities shall be transferred to a fund, authority or institution to which income tax deductible gifts can be made, provided it:

- (a) Has objects similar to those of the Association,
- (a) Has a constitution that prohibits the distribution of its property among its members, and,
- (b) Has been chosen by the members of the Association at or before the time of dissolution or in default thereof, as directed by such Court as may have or acquire jurisdiction in the matter.

6.6 Winding Up

If the Association is wound up:

- (a) (Any DGR Assets remaining after the payment of the Association's liabilities shall be transferred to a fund, authority or institution to which income tax deductible gifts can be made.
- (b) (Any other assets remaining after the payment of the Association's liabilities shall be transferred to an organisation or organisations:
 - i. Which has objects similar to those of the Association,
 - ii. Whose constitution prohibits the distribution of its property among its members, and
 - iii. Which has been chosen by the members of the Association at or in default thereof, as directed by such Court as may have or acquire jurisdiction in the matter.

6.7 Change of name, objects and constitution

An application to the Director-General for registration of a change in the Association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.

6.8 Custody of Books

Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the Association.

6.9 Inspection of Books

- (1) The following documents must be open to inspection, free of charge, by a member of the Association at any reasonable hour:
 - (a) Records, books and other financial documents of the Association,
 - (b) This constitution, and
 - (c) Minutes of all committee meetings and general meetings of the Association.
- (2) A member of the Association may obtain a copy of any of the documents referred to in clause (1) on payment of a fee of not more than \$1 for each page copied.

6.10 Service of Notices

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
 - (a) By delivering it to the person personally, or
 - (b) By sending it by pre-paid post to the address of the person, or
 - (c) By sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) In the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) In the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) In the case of a notice sent by facsimile or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

6.11 Financial year

The financial year of the Association is:

- (a) The period of time commencing on the date of incorporation of the Association and ending on the following 30 June, and

- (b) each period of 12 months after the expiration of the previous financial year of the Association, commencing on 1 July and ending on the following 30 June.

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Part 7 - Appendices

7.1 Appendix 1 - Application for Membership of Association

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| APPLICATION FOR MEMBERSHIP OF ASSOCIATION | |
|Incorporated (Incorporated under the <i>Associations Incorporation Act 2009 (NSW)</i>) | |
| I,..... (full name of applicant) | |
| of..... (address) | |
| (occupation) | |
| Hereby apply to become a member of the above named incorporated association. In the event of my admission as a member, I agree to be bound by the constitution of the association for the time being in force. | |
| (Signature of applicant) | (Date) |
| I,.....a member of the association, nominate the applicant, who is personally known to me, for membership of the Association. | |
| I,..... (Signature of proposer) | (Date) |

7.2 Appendix 2 - Form of Appointment of Proxy

FORM OF APPOINTMENT OF PROXY

I,.....
(full name)

of.....
(address)

being a member of.....
(name of incorporated association)

hereby appoint.....
(full name of proxy)

of.....
(address)

Being 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 special general meeting, as the case may be) to be held on the day of and at any adjournment of that meeting.

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

[To be inserted if desired.]

.....
(Signature of member appointing proxy)

.....
(Date)

NOTE: A proxy vote may not be given to a person who is not a member of the association.