

Illawarra Citizen Advocacy

Constitution

Prepared for the web, September 2001

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MISSION STATEMENT

To promote, protect and defend the personal well-being and interests of a growing number of people with intellectual disability,

in order to enhance and defend their identity and role as human beings growing and developing persons, and citizens,

by establishing and supporting a range of individualised, voluntary, personal relationships between such persons and valued, competent citizens,

prepared to undertake committed and sustained relationships based upon the representation of each person's interests.

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ASSOCIATIONS INCORPORATION ACT 1984

CONSTITUTION OF ILLAWARRA CITIZEN ADVOCACY INCORPORATED

PART I

PRELIMINARY

1. NAME

1.1 The name of the Association is Illawarra Citizen Advocacy (in these rules called “the Association”).

1.2 The Association is a non-profit, non-sectarian, non- political and charitable organisation.

2. INTERPRETATION

2.1 In these rules, except in so far as the context or subject matter otherwise indicates or requires: -

“ordinary member” means a member of the board of management who is not an office-bearer of the association;

“secretary” means -

a) the person holding office under these rules as secretary of the association; or

b) where no such person holds that office - the public officer of the association.

“special general meeting” means a general meeting of the association other than annual general meeting;

“the Act” means the Associations Incorporation Act, 1984;

“the Regulation” means the Associations Incorporation Regulation, 1985.

2.2 In these rules: -

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, where the function is a duty, a reference to the performance of the duty.

2.3 The provisions of the Interpretation Act, 1987, apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

PART II

MEMBERSHIP

3. MEMBERSHIP QUALIFICATIONS

3.1 A person is qualified to be a member of the Association if, but only if: -

(a) the person is a natural person who -

(i) has been nominated for membership of the association as provided by rule 4; and

(ii) has been approved for membership of the association by the board of management of the association.

(b) An organisation which supports the objects of the association may apply to be an associate member. This application shall be in a form to be decided by the board of management from time to time.

4. NOMINATION FOR MEMBERSHIP

4.1 A nomination of a person for membership of the association: -

a) shall be made by a member of the association in writing in the form set out in Appendix I to these rules; and

b) shall be lodged with the secretary of the association.

4.2 As soon as practicable after receiving a nomination for membership, the secretary shall refer the nomination to the board of management which shall determine whether to approve or to reject the nomination.

4.3 Where the board of management determines to approve a nomination for membership, the secretary shall, as soon as practicable after that determination, notify the nominee of that approval and request to pay within the period of 28 days after receipt by the nominee of the notification the sum payable under these rules by a member as entrance fee and annual subscription.

4.4 The secretary shall, on payment by the nominee of the amounts referred to in clause 4.3 within the period referred to in that clause, enter the nominee's name in the register of members and, upon the name being so entered, the nominee becomes a member of the association.

5. CESSATION OF MEMBERSHIP

5.1 A person ceases to be a member of the association if the person: -

a) dies;

b) resigns that membership; or

c) is expelled from the association.

6. MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

6.1 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 upon cessation of the person's membership.

7. RESIGNATION OF MEMBERSHIP

7.1 A member of the association is not entitled to resign that membership except in accordance with this rule.

7.2 A member of the association who has paid all amounts payable by the member of the association in respect of the member's membership may resign from membership of the association by first giving notice (being not less than 1 month or not less than such other period as the board of management may determine) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.

7.3 Where a member of the association ceases to be a member pursuant to clause 7.2 and in every other case where a member ceases to hold membership, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

8. REGISTER OF MEMBERS

8.1 The public officer of the association shall establish and maintain a register of members of the board of management specifying the name and address of each person who is a member of the board of management together with the date on which the person became a member.

8.2 The register of board members shall be kept at the principal place of administration of the association and shall be open for inspection, free of charge, by any member of the association at any reasonable hour.

9. FEES, SUBSCRIPTION, ETC.

9.1 A member of the association shall, upon admission to membership, pay to the association a fee as determined from time to time determined by the board of management.

9.2 In addition to any amount payable by the member under clause 9.1, a member of the association shall pay to the association an annual membership fee of \$25 or, where some other amount is determined by the board of management, of that other amount: -

- a) except as provided by paragraph (b), before 1st July in each calendar year; or
- b) where the member becomes a member on or after 1st July in any calendar year - upon becoming a member and before 1st July in each succeeding calendar year.

10. MEMBERS' LIABILITIES

10.1 The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the cost, 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 rule 9.

11. DISCIPLINING OF MEMBERS

11.1 Where the board of management is of the opinion that a member of the association: -

- a) has persistently refused or neglected to comply with a provision or provisions of these rules; or
- b) has persistently and willfully acted in a manner prejudicial to the interests of the association, the board of management may, by resolution -
- c) expel the member from the association; or
- d) suspend the member from membership of the association for a specific period.

11.2 A resolution of the board of management under clause 11.1 is of no effect unless the board of management, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under clause 11.3, confirms that resolution in accordance with this rule.

11.3 Where the board of management passes a resolution under clause 11.1, the secretary shall as soon as possible, cause a notice in writing to be served on the member: -

- a) setting out the resolution of the board of management and the grounds on which it is based;
- b) stating that the member may address the board of management at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
- 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 board of management at or prior to the date of that meeting written representations relating to the resolution.

11.4 At a meeting of the board of management held as referred to in clause 11.3, the board of management shall: -

- a) give to the member an opportunity to make oral representations;
- b) give due consideration to any written representations submitted to the board of management by the member at or prior to the meeting; and
- c) by resolution determine whether to confirm or to revoke the resolution.

11.5 Where the board of management confirms a resolution under clause 11.4, the secretary shall, within 7 days after that confrontation, by notice in writing inform the member of the fact and of the member's right of appeal under rule 12.

11.6 A resolution confirmed by the board of management under clause 11.4 does not take effect: -

a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or

b) where within that period the member exercises the right of appeal, unless and until the association confirms the resolution pursuant to rule 12.4.

12. RIGHT OF APPEAL OF DISCIPLINED MEMBER

12.1 A member may appeal to the association in general meeting against a resolution of the board of management which is confirmed under rule 11.4, within 7 days after notice of the resolution is served on the member by lodging with the secretary a notice to that effect.

12.2 Upon receipt of a notice from a member under clause 12.1, the secretary shall notify the board of management which shall convene a general meeting of the association to be held within 21 days after the date on which the secretary received the notice.

12.3 At a general meeting of the association convened under clause 12.2: -

a) no business other than the question of the appeal shall be transacted;

b) the board of management and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and

c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

12.4 If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

PART III

THE BOARD OF MANAGEMENT

13. POWERS, ETC., OF THE BOARD OF MANAGEMENT

13.1 The board of management shall be called the board of management of the association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in general meeting: -

- a) shall control and manage the affairs of the association;
- b) may exercise all such functions as may be exercised by the association other than those functions that are required by these rules to be exercised by a general meeting of members of the association; and
- c) has power to perform all such acts and do such things as appear to the board of management be necessary or desirable for the proper management of the affairs of the association.

14. CONSTITUTION AND MEMBERSHIP

14.1 The board of management shall consist of: -

- a) the office-bearers of the association; and
- b) 9 ordinary members

each of whom shall be elected at the annual general meeting of the association pursuant to rule 15.

14.2 The office-bearers of the association shall be: -

- a) the chairperson;
- b) the vice-chairperson;
- c) the treasurer; and
- d) the secretary.

14.3 Each member of the board of management shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election but is eligible for re-election.

14.4 In the event of a casual vacancy occurring in the membership of the board of management, the board of management may appoint a member of the association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of appointment.

14.5 In the event that the number of casual vacancies causes the board of management to fall below the number required for a quorum a special general meeting will be called.

15. ELECTION OF MEMBERS

15.1 Nominations of candidates for the election as office bearers of the association or as ordinary members of the board of management: -

a) shall be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and

b) shall be delivered to the secretary of the association not less than 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.

15.2 If insufficient nominations are received to fill all vacancies on the board of management the candidates nominations shall be deemed to be elected and further nominations shall be received at the annual general meeting.

15.3 If insufficient further nominations are received any vacant positions remaining on the board of management shall be deemed to be casual vacancies.

15.4 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

15.5 If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.

15.6 The ballot for the election of office-bearers and ordinary members of the board of management shall be conducted at the annual general meeting in such usual and proper manner as the board of management may direct.

15.7 A nomination of a candidate for election under this clause is not valid if that candidate has been nominated for election to another office at the same time.

16. PAYMENT ETC OF OFFICER BEARERS AND MEMBERS

16.1 A member of the board of management shall not be appointed to any salaried office of the association or any office of the association paid by fees, and no remuneration or other benefit in money or moneys worth shall be given by the association to any member of the board of management except:-

a) repayment of out-of-pocket expenses;

b) interest at a rate not exceeding interest at the rate for time being which is or would be charged by the association's bankers for money lent to the association; and

c) reasonable and proper rent for premises let to the association.

17. VACATION OF OFFICE

17.1 Without limiting the operation of rule 19, the office of a member of the board of management shall become vacant if:-

a) the member holds an office of profit in the association;

b) the member is directly or indirectly interested in any contract or proposed contract with the association.

18. SECRETARY

18.1 The secretary of the association shall, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.

18.2 It is the duty of the secretary to keep minutes of: -

- a)** all appointments of office-bearers and members of the board of management;
- b)** the names of members of the board of management present at a committee meeting or a general meeting; and
- c)** all proceedings at committee meeting and general meetings.

18.3 Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the chairperson of the of the succeeding meeting.

19. TREASURER

It is the duty of the treasurer of the association to report regularly to the board of management the financial position of the organisation and to ensure that: -

19.1 all money due to the association is collected and received and that all payments authorised by the association are made; and

19.2 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.

20. CASUAL VACANCIES

For the purposes of these rules, a casual vacancy in the office of a member of the board of management occurs if the member -

- a)** dies;
- b)** ceases to be a member of the association;
- c)** becomes an insolvent under administration within the meanings of the Companies (New South Wales) Code;
- d)** resigns office by notice in writing given to the secretary;
- e)** is removed from the office under rule 21;
- f)** becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- g)** is absent without the consent of the board of management from all meetings of the board of management held during a period of 6 months.

21. REMOVAL OF MEMBER

21.1 The association in a general meeting may by resolution remove any member of the board of management 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.

21.2 The member of the board of management referred to in 21.1 has the right to reply in writing to the chairperson or secretary, stating his rebuttal of the accusation. This reply may be either circulated to each member of association, or be read out at the general meeting.

22. MEETINGS AND QUORUM

22.1 The board of management shall meet at least 3 times in each period of 12 months at such place and time as the board of management may determine.

22.2 Additional meetings of the board of management may be convened by the chairperson or by any member of the board of management.

22.3 Oral or written notice of a meeting of the board of management shall be given by the secretary to each member of the board of management at least 48 hours (or such other period as may be unanimously agreed upon by the members of the board of management) before the time appointed for the holding of the meeting.

22.4 Notice of a meeting given under clause 22.3 shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the board of management members present at the meeting unanimously agree to treat as urgent business.

22.5 Any 5 members of the board of management constitute a quorum for the transaction for the business of a meeting of the board of management.

22.6 No business shall be transacted by the board of management 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 stands adjourned to the same place and the same hour the same day in the following week.

22.7 If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.

22.8 At a meeting of the board of management: -

- a) the chairperson or, in the chairperson's absence, the vice-chairperson shall preside; or
- b) if the chairperson and the vice-chairperson are absent or unwilling to act such one of the remaining members as may be chosen by the members present at the meeting shall preside.

23. DELEGATION BY COMMITTEE TO SUB-COMMITTEE

23.1 The board of management may delegate to one or more sub-committees a specific function. The delegation of authority and responsibility, as with membership of the board of management, will be by instrument in writing. The sub-committee has no power of delegation and cannot subsume a function which is a duty imposed on the board of management by the Act or by any other law.

23.2 A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

23.3 A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.

23.4 Notwithstanding any delegation under this rule, the board of management may continue to exercise any function delegated.

23.5 Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have had it had been done or suffered by the board if management.

23.6 The board of management may, by instrument in writing, revoke wholly or in part any delegation under this rule.

23.7 A sub-committee may meet and adjourn as it thinks proper.

24. VOTING AND DECISIONS

24.1 Questions arising at a meeting of the board of management or of any sub-committee appointed by the board of management shall be determined by a majority of the votes of members of the board of management or sub-committee present at the meeting.

24.2 Each member present at a meeting of the board of management or of any sub-committee appointed by the board of management (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 status quo will be maintained.

24.3 Subject to clause 22.5, the board of management may act notwithstanding any vacancy on the board of management.

24.4 Any act or thing done or suffered or purporting to have been done or suffered, by the board of management or by a sub-committee appointed by the board of management, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the board of management or sub-committee.

PART 1V

GENERAL MEETINGS

25. ANNUAL GENERAL MEETINGS - HOLDING OF

25.1 The association shall, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.

26. ANNUAL GENERAL MEETINGS - CALLING OF AND BUSINESS AT

26.1 The annual general meeting of the association shall be convened on such date and at such place and time as the board of management thinks fit.

26.2 In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be: -

- a)** to confirm the minutes of the last annual general meeting and of any special general meeting held since the meeting;
- b)** to receive from the board of management reports upon the activities of the association during the last financial year;
- c)** to elect the members of the board of management; and
- d)** to receive and consider the financial statement for the previous financial year.

26.3 An annual general meeting shall be specified as such in the notice convening it.

27. SPECIAL GENERAL MEETINGS - CALLING OF

27.1 The board of management may, whenever it thinks fit, convene a special general meeting of the association.

27.2 The board of management shall, on the requisition in writing of not less than 5 per cent of the total number of members, convene a special meeting of the association.

27.3 A requisition of members for a special general meeting: -

- a)** shall state the purpose or purposes of the meeting;
- b)** shall be signed by members making the requisitions;
- c)** shall 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.

27.4 If the board of management fails to convene a special general meeting to be held within 1 month after the 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.

27.5 A special general meeting convened by a member or members as referred to in clause 27.4 shall be convened as nearly as practicable in the same manner as general meetings are convened by the board of management and any member who thereby incurs expense is entitled to reimbursed by the association for any expense so incurred.

28. NOTICE OF GENERAL MEETING

28.1 Except where the nature of the business proposed to be dealt with at general meetings requires a special resolution of the association, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, send to each member appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting and by public notice in local newspaper 14 days before.

28.2 Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in clause 28.1 specifying, in addition to the matter required under clause 28.1 the intention to propose the resolution as a special resolution.

28.3 No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to rule 26.2.

28.4 A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

29. PROCEDURE AT GENERAL MEETING

29.1 No item of business shall 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.

29.2 Five members present in person (being members entitled under these rules to vote at general meeting) constitute a quorum for the transaction of the business of a general meeting.

29.3 If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the 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 adjourn) at the same place.

29.4 If at the adjournment meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 5) shall constitute a quorum.

30. PRESIDING MEMBER AT GENERAL MEETING

30.1 The chairperson or, in the chairperson's absence, the vice-chairperson, shall preside as chairperson at each general meeting of the association.

30.2 If the chairperson and the vice-chairperson are absent from a general meeting or unwilling to act, the members present shall elect one of their number to preside as chairperson at the meeting.

31. ADJOURNMENT AT GENERAL MEETING

31.1 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 shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

31.2 Where a general meeting is adjourned for 14 days or more, the secretary shall 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.

31.3 Except as provided in clauses 31.1 and 31.2, 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 AT GENERAL MEETING

32.1 A question arising at a general meeting of the association shall be determined 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 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 that resolution.

32.2 At a general meeting of the association, a poll may be demanded by the chairperson or by not less than 3 members present in person or by proxy at the meeting.

32.3 Where a poll is demanded at a general meeting, the poll shall be taken: -

a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or

b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on the matter.

33. SPECIAL RESOLUTION AT GENERAL MEETING

A resolution of the association is a special resolution if -

33.1 It is passed by a majority which comprises not less than three-quarters of such members of the association as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which not less than 21 days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or

33.2 Where it is made to appear to the Department of Fair trading that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph 33.1 - the resolution is passed in a manner specified by the Department of Fair Trading.

34. VOTING AT GENERAL MEETING

34.1 Upon any question arising at a general meeting of the association a member has only one vote.

34.2 All votes shall be given personally or by proxy but no member may hold more than 5 proxies.

34.3 In the case of an equality of votes on a question at a general meeting, the status quo will be maintained.

34.4 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.

35. APPOINTMENT OF PROXIES AT GENERAL MEETING

35.1 Each member shall be 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.

35.2 The notice appointing the proxy shall be in the form set out in Appendix II to these rules.

PART V

MISCELLANEOUS

36. INSURANCE

36.1 The association shall effect and maintain insurance pursuant to section 44 of the Act.

36.2 In addition to the insurance required under clause 36.1, the association may effect and maintain other insurance.

37. FUNDS

37.1 The funds of the association shall 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 board of management determines.

37.2 All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association's bank account.

37.3 The association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

38. FUNDS - MANAGEMENT

38.1 Subject to any resolution passed by the association in general meeting, the funds of the association shall be used in pursuance of the objects of the association in such manner as the board of management determines.

38.2 All cheques, draft, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 members of the board of management or employees of the association, being members or employees authorised to do so by the board of management.

39. NOTIFICATION OF PROPOSED ALTERATION OF RULES

39.1 A proposed alteration of the rules or of these statement of objects of the association shall be notified to the Minister administering the Charitable Collections Act, 1934 in the manner required by the regulation under that Act.

40. COMMON SEAL

40.1 The common seal of the association shall be kept in the custody of the public officer.

40.2 The common seal shall not be affixed to any instrument except by the authority of the board of management and the affixing of the common seal shall be attested by the signatures either of 2 members of the board of management or of 1 member of the board of management and of the public officer or secretary.

41. CUSTODY OF BOOKS, ETC.

41.1 Except as otherwise provided by these rules, the public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the association.

42. INSPECTION OF BOOKS , ETC.

42.1 The records, books and other documents of the association shall be open to inspection, free of charge, by a member of the association at any reasonable hour.

43. SERVICE OF NOTICE

43.1 For the purpose of these rules, a notice may be served by or on behalf of the association upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.

43.2 Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

44. SURPLUS OF PROPERTY

44.1 At the first general meeting of the association, the association shall, notwithstanding rule 43, pass a special resolution nominating a charity registered under the Charitable Collections Act, 1934 or exempted from registration by or under the Act in which is to rest its surplus property pursuant to section 53(2) of the Act in the event of the winding up or the cancellation of the incorporation of the association.

44.2 The charity so nominated shall be one which fulfills the requirements specified in section 53(2) (a)-(c) of the Act.

CONSTITUTION OF ILLAWARRA CITIZEN ADVOCACY
(incorporated under the Associations Incorporation Act, 1984)

APPENDIX I

APPLICATION FOR MEMBERSHIP OF ASSOCIATION

I,
(full name of applicant)

of
(address)

..... hereby apply to become a
(occupation)

member of the above mentioned incorporated association. In the event of my admission 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, a member of the association,
(full name)

nominate the applicant, who is personally known to me, for membership of the association.

.....
Signature of proposer

Date.....

I, a member of the association,
(full name)

second the nomination of the applicant, who is personally known by me, for membership of the association.

.....
Signature of seconder

Date.....

CONSTITUTION OF ILLAWARRA CITIZEN ADVOCACY

APPENDIX II

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 behalf at the general meeting of the association (annual general or special meeting as the case may be) to be held on theday of 20..... and at any adjournment of that meeting.

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

* To be inserted if desired

.....
Signature of member appointed proxy

Date.....

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