



Constitution of the Murrumbateman Community Association Inc

Adopted 21 September 2023

Name

Murrumbateman Community Association Incorporated

Vision

A vibrant and sustainable Murrumbateman and region community

Values

Good governance and compliance

Open and fair engagement

Integrity

Inclusivity

Adaptability

Respecting and valuing the traditional owners of this land

Respecting all people in our community

Commitment to the environment

Transparent and accountable financial management.

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Part 1 Preliminary

1.1 Definitions

committee member	means an office bearer or ordinary committee member
exercise a function	includes perform a duty
function	includes a power, authority or duty
in writing	includes correspondence written by hand, typed or communicated using common electronic means such as, but not limited to, email.
Model constitution	is contained in schedule 3 of the Reg
Public Officer	is the official point of contact for an incorporated association and one of the authorised signatories.
register of members	means the register of members maintained under clause 4.
secretary of the association,	means: a) the person holding office under this constitution as secretary, or b) if no person holds that office -the public officer of the association.
Special general meeting	in accordance with the Regulation, means a general meeting of the Association other than an annual general meeting.
the Act	means the <i>NSW Associations Incorporation Act 2009</i> .
the Committee	Committee of the MCA.
the Reg	<i>NSW Associations Incorporation Regulation 2022</i> .

Note: The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this constitution.

1.2 The NSW *Interpretation Act 1987* applies to this constitution as if it were an instrument made under the Act.

Part 2 – Membership

2 Membership generally, categories and voting rights

2.1 A person is taken to be a member of the association if the person is a natural person, over the age of 18 years, and living in or associated with Murrumbateman and the surrounding region.

2.2 The association shall have the following membership categories:

- Individual
- Family
- Group
- Business.

Individual Membership

2.3 A person may apply for membership if they are:

- a) over the age of 18 years
- b) living in or have a connection in Murrumbateman or the surrounding region, and
- c) agree to the vision, values and objectives of the association.
- d) An individual member has one vote.

Family membership

2.4 Families may apply for a family membership if they are:

- a) comprised of persons with at least one over the age of 18 years
- b) living in or have a connection in Murrumbateman or the surrounding region, and
- c) agree with the vision, values and objectives of the association.
- d) A family membership has only one vote that must be exercised by a person over 18.

Group Membership

2.5 A community, sporting or other group may apply for a Group membership if they:

- a) are incorporated or not incorporated under the Act
- b) agree to comply with the vision, values objectives and operations of the association
- c) are primarily based or have a connection in the Murrumbateman region.

2.5.1 A Group membership has only one vote that is to be exercised by an authorised person of the Group.

Business Membership

2.6 A business may apply for a business membership if:

- a) they are a legally registered business and have an Australian Business Number
- b) their business operations support or are similar to the vision, values or objectives of the association
- c) they are primarily based in or have a connection to the Murrumbateman region.

2.6.1 A business membership only has one vote that must be exercised by a person authorised by the business.

Life Membership

2.7 From time to time, by nomination from the membership, the association may give honorary life membership' upon a member who has made an outstanding contribution to the association.

3 Membership applications

3.1 An application by an individual person, a family, a group, or a business for membership must be: made in writing in the form decided upon by the committee, and must be received by the secretary.

3.2 The secretary must refer an application to the committee, as soon as practicable after receiving the application.

3.3 The committee is to decide whether to approve or to reject the application.

3.4 As soon as practicable after the committee has decided the application, the secretary must:

- a) notify the applicant in writing that the applicant is approved or rejected, and
- b) if the application is approved, inform the applicant to pay the fee and annual subscription unless payment has already been made.

3.5 Payments must be made with the application or within 28 days from acceptance or notification of acceptance of application.

3.6 The secretary must enter the applicant's name and other contact details in the register of members as soon as practicable after payment of the any fee and annual subscription in accordance with clause 5

3.7 The applicant becomes a member once the applicant's name is entered in the register.

4 Register of members

4.1 The secretary must establish and maintain a register of members of the association specifying the name, postal or residential and email address of each member.

4.2 The register

- a) may be in written or electronic form, and must include:
 - i) for an individual member. the members' full name
 - ii) for a Family membership, the full name of each member over 18 years of age
 - iii) for a Group membership, the name of the group and any/or registered group or club name, and name of the primary contact person
 - iv) for a Business membership, the registered business name and Australian Business Number and the name of the primary contact person
- b) specify the date on which the membership became active
- c) if the membership ceases - the date on which the membership category ceased to be a member, and
- d) must be kept in New South Wales:
 - i) at the association's main premises, or
 - ii) if the association has no premises - at the association's official address, and
 - iii) must be available for inspection, free of charge, by members at a reasonable time, and
 - iv) if kept in electronic form - must be able to be converted to hard copy.

4.3 If the register is kept in electronic form, the requirements in subclause 4.2 c) and d) apply as if a reference to the register is a reference to a current hard copy of the register.

4.4 A member may obtain a hard copy of the register, or a part of the register, on payment of a fee of not more than \$1, as decided by the committee, for each page copied.

4.5 Information about a member, other than the member's name, must not be made available for inspection if the member requests that the information not be made available.

4.6 A member must not use information about a member obtained from the register to contact or send material to the member, unless:

- a) the information is used to send:
 - i) a newsletter from the association, or
 - ii) a notice for a meeting or other event relating to the association, or
 - iii) other material relating to the association, or
- b) it is necessary to comply with a requirement of the Act or the Regulation.

5 Fees and subscriptions

5.1 A member of the association must, on application or approval of membership, pay to the association the current fee, which is decided by the committee.

5.2 Membership fees are due on 1 January each year.

5.3 The committee will decide the annual membership fees.

5.4 In addition to membership fees, activity fees shall be payable by any member participating in any activity supported by the association. The committee shall decide any activity fees in association with the relevant subcommittee/s.

5.6 Membership fees will be used for the administration of the association and activities aligned with its vision and values.

5.7 Membership, subject to payment of the necessary fees, shall be continuous except in the case of a member expelled from membership, on the vote of a majority of members.

6 Members' liabilities

6.1 The liability of a member to contribute to the payment of either of the following is limited to the amount of any outstanding fees for the member under clause 5:

- a) the debts and liabilities of the association,
- b) the costs, charges and expenses of the winding up of the association.

7 Membership entitlements not transferable

7.1 A right, privilege or obligation that a person has as a member or a category of membership:

- a) cannot be transferred to another person or member category, and
- b) terminates once the person or member category ceases to be a member of the association.

8 Member resignation

8.1 A member may resign from being a member by giving the secretary written notice of at least 1 month, or another period as decided by the committee, of the member's intention to resign.

8.2 The member ceases to be a member on the expiration of the notice period.

9 Cessation of membership

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

- a) dies, or
- b) resigns from being a member, or
- c) is expelled from the association, or
- d) fails to pay the annual subscription fee payable under clause 5.2 within 3 months of the due date.

10 Disciplinary action against members

10.1 A complaint may be made to the committee that a member of the association has:

- a) failed to comply with a provision of this constitution, or
- b) wilfully acted in a way prejudicial to the interests of the association.

10.2 The committee may refuse to deal with a complaint if the committee considers the complaint is trivial or vexatious.

10.3 If the committee decides to deal with the complaint, the committee:

- a) must cause the notice of the complaint on the member concerned, and
- b) give the member at least 14 days from the time the notice is served within which to make submissions to the committee about the complaint, and
- c) consider any submissions made by the member.

10.4 The committee may, by resolution, expel the member from the association or suspend the member's membership if, after considering the complaint, the committee is satisfied that:

- a) the facts alleged in the complaint have been proved, and
- b) the expulsion or suspension is warranted.

10.5 If the committee expels or suspends the member, the secretary must, within 7 days of that action being taken, give the member written notice of:

- a) the action taken, and
- b) the reasons given by the committee for taking the action, and
- c) the member's right of appeal under clause 11.

10.6 The expulsion or suspension does not take effect until the later of the following:

- a) the day the period within which the member is entitled to exercise the member's right of appeal expires, or

- b) if the member exercises the member's right of appeal within the period - the day the association confirms the resolution under clause 11.

11 Right of appeal of disciplined member

11.1 A member may appeal to the association in general meeting against a resolution of the committee under clause 10, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

11.2 The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

11.3 On receipt of a notice from a member under subclause 11.1, the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.

11.4 At a general meeting of the association convened under subclause 11.3:

- 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.

11.5 The appeal is to be decided by a simple majority of votes cast by members of the association.

12 Resolution of disputes

12.1 A dispute between a member and another member or a dispute between a member or members and the association, is to be referred to the committee in the first instance:

- a) any dispute or complaint made against any other member must be submitted to the committee in writing
- b) the president may assign one or more committee members to review the dispute and mediation should be attempted at the local level
- c) mediation shall involve listening to all parties and the committee will meet to review any outcomes decided and notify all parties concerned of any such outcome within 24 hours of any decision being made.

12.5 If a dispute is not resolved by local mediation, the matter is to be referred to a Community Justice Centre under *Community Justice Centres Act 1983* for mediation.

12.6 If a 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.

12.7 The *Commercial Arbitration Act 2010* applies to any such dispute referred to arbitration.

Part 3 Committee

13 Functions of Committee

13.1 Subject to the Act, the Regulation, this constitution and any resolution passed by the association, the committee:

- a) is to control and manage the affairs of the association, and

- b) may exercise all the functions that may be exercised by the association, other than a function that is required to be exercised by the association in general meeting, and
- c) has power to do all things that are necessary or convenient to be done for the proper management of the affairs of the association.

14 Composition of Committee

14.1 The committee must be elected in accordance with clause 16, consisting of:

- a) the following office-bearers:
 - i) president
 - ii) vice-president
 - iii) secretary,
 - iv) treasurer, and
- b) at least 3 ordinary committee members.

Note - The Act, section 28 contains requirements relating to membership eligibility and composition of the committee.

15 Terms of office

15.1 An office-bearer may hold up to 2 offices, other than both the offices of president and vice-president.

15.2 Each member of the committee is 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.

15.3 The immediate past president becomes a non-voting member of the committee for a term not exceeding 12 months.

15.4 There is no maximum number of consecutive terms for which a committee member may hold office.

16 Election of committee members

16.1 Any member of the association may be a candidate for election as office-bearers or as ordinary committee member by a nomination:

- a) signed by two members and accompanied by the written consent of the candidate, and
- b) delivered to the secretary of the association at least 7 days before the date fixed for the holding of the in writing annual general meeting at which the election is to take place.

16.2 Ordinary members may be chosen as the committee sees fit.

16.3 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.

16.4 If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.

16.5 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.

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

16.7 The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

16.8 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.

17 Casual vacancies

17.1 In the event of a casual vacancy occurring in the committee, the committee may appoint a member of the association to fill the vacancy and the appointed member is to hold office until the conclusion of the annual general meeting next following the date of the appointment.

17.2 A casual vacancy of the committee occurs if the member:

- a) dies, or
- b) ceases to be a member of the association, or becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- c) resigns office by notice in writing given to the secretary, or
- d) is removed from office under clause 18, or
- e) becomes a mentally incapacitated person, or
- f) is absent without the consent of the committee from 3 consecutive meetings of the committee, or
- g) 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
- h) is prohibited or disqualified from being a director of a company under Part 2D.6 of the *Corporations Act 2001* of the Commonwealth.

18 Removal of committee members

18.1 A general meeting may by resolution remove any member of the committee before the expiration of the member's term of office and appoint another person to hold office until the expiration of the term of office of the member so removed.

18.2 The member of the committee to whom a proposed resolution referred to in subclause 18.1 may make written representations to the secretary or president and request that the representations be notified to all members of the association, or if the representations are not so sent, the member is entitled to require the representations be read out at the meeting at which the resolution is considered, if those representations are not sent to the members of the association.

19 Secretary

19.1 The secretary must, as soon as practicable after being elected as secretary, lodge notice with the association of their address.

19.2 The secretary must keep minutes of:

- a) all elected office-bearers and members of the committee, and
- b) the names of committee members present at a committee meeting or a general meeting, and
- c) all proceedings at committee meetings and general meetings.

19.3 Minutes of proceedings must be agreed and signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

20 Treasurer

20.1 The treasurer must 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 receipts and expenditure connected with the activities of the association
- c) advise the secretary of the names of members who have paid membership fees.

21 Subcommittees and working groups

21.1 The committee may:

- a) establish 1 or more subcommittees to assist the committee to exercise the committee's functions and
- b) appoint 1 or more members of the association to be the members of the subcommittee.

21.2 The committee may by delegate to a subcommittee the exercise of the committee's functions specified in the instrument of delegation, other than:

- a) this power of delegation, or
- b) a duty imposed on the committee by the Act or another law.

Note: The *Interpretation Act 1987*, section 49 deals with various matters relating to delegations.

21.3 The committee may also establish subcommittees or working groups, without delegation, to assist the committee in conducting events or activities.

21.4 Subcommittees and working groups shall keep records of its discussions, decisions, financial matters, and make regular reports to the committee in accordance with clause 48.3.

Part 4 Procedure

22 Committee and subcommittee meetings, notice and quorum

22.1 The committee must meet at least 3 times in a 12 month period at the place and time as the committee may decide.

22.2 Additional meetings of the committee may be convened by any member of the committee.

22.3 Oral or written notice of a meeting must be given by the secretary the committee at least 48 hours or other period as may be unanimously agreed, before the time appointed for the holding of the meeting.

Notice of a committee meeting

22.4 Notice of a meeting must specify the general nature of the business to be transacted at the meeting:

- a) only business that may be transacted at the meeting is:
- b) i the business described in the notice, and
- c) ii business that the committee members present at the meeting unanimously agree is urgent business.

Quorum

22.5 Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.

22.6 No business is to be transacted 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 be adjourned to 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 is to be dissolved.

22.8 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 vice president are absent or unwilling to act, one of the remaining members of the committee chosen by the members present at the meeting is to preside.

Note: The Act, section 28A provides for the filling of vacancies on the committee to constitute a quorum.

23 Appointment of association members as committee members to constitute quorum

23.1 If at any time the number of committee members is less than the number required to constitute a quorum for a committee meeting, the existing committee members may appoint a sufficient number of members of the association as committee members to enable the quorum to be constituted.

23.2 A member of the committee so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment. This clause does not apply to the filling of a casual vacancy to which clause 17 applies chosen by the members present at the meeting is to preside.

24 Presiding member

24.1 The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.

24.2 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.

25 Voting and decisions

25.1 Decisions made at a committee meeting or any meeting of a subcommittee established by the committee are to be supported by a majority of the votes of members present at the meeting.

25.2 Each member present at a committee meeting or a subcommittee 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.

25.3 Subject to clause 17, the committee may act despite any vacancy on the committee.

25.4 Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or a subcommittee is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or subcommittee.

Part 5 General meetings of association

26. Annual general meetings

26.1 The association must hold its annual general meeting:

- a) within 6 months after the close of the association's financial year, or
- b) within such later time as may be allowed under section 37 (2) (b) of the Act.

26.2 The business of an annual general meeting is to include the following:

- a) confirm the minutes of the previous annual general meeting and any special general meetings held since the previous annual general meeting.
- b) receive from the committee and subcommittees, reports on the activities of the association during the last preceding financial year,
- c) elect office-bearers of the association and ordinary committee members
- d) receive and consider any financial statement or report required to be submitted to members under the Act, and
- e) submit the future year's annual budget.

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

Note: The Act, section 37(1) and (2) provides for when annual general meetings must be held.

27. Use of technology at annual and other general meetings

27.1 A general meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the association's members a reasonable opportunity to participate.

27.2 A member who participates in a general meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

28 Notice of general meeting

28.1 The secretary must give each member notice at least 14 days before the date of the general meeting.

28.2 If a special resolution is proposed to be decided at a general meeting the notice must be given at least 21 days before the meeting.

28.3 The notice must specify:

- a) the place and time at which the meeting will be held, and
- b) the nature of the business to be transacted at the meeting, and
- c) if a matter to be decided at the meeting requires a special resolution - that a special resolution will be proposed, and
- d) for an annual general meeting - that the meeting to be held is an annual general meeting.

Note. A special resolution must be passed in accordance with section 39 of the Act.

28.4 The only business that may be transacted at the meeting is:

- a) the business specified in the notice, and
- b) for an annual general meeting - business referred to in clause 28.3

28.5 A member may give written notice to the secretary of business the member wishes to raise at a general meeting.

28.6 If the secretary receives a notice under subclause 28.4, the secretary must specify the nature of the business in the next notice calling a general meeting.

29 Special resolutions

A special resolution may only be passed by the association in accordance with section 39 of the Act.

30 Quorum for general meetings

30.1 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.

30.2 The quorum for a general meeting is 5 members present for the transaction of the business.

30.3 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, and
- 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.

30.4 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 3) are to constitute a quorum.

31 Adjourned meetings

31.1 The member presiding at a general meeting may, with the consent of the majority of the members present, adjourn the meeting to another time and place.

31.2 The only business that may be transacted at the adjourned meeting is the business remaining from the meeting at which the adjournment took place. 31.3 If a meeting is adjourned for at least 14 days, the secretary must give each member oral or written notice, at least 1 day before the adjourned meeting, of:

- a) the time and place at which the adjourned meeting will be held, and
- b) the nature of the business to be transacted at the adjourned meeting.

32 Voting

32.1 A member or member category is not entitled to vote at a general meeting unless the member:

- a) is at least 18 years of age, and
- b) has paid all money owed by the member to the association.

32.2 Each member or member category has 1 vote, except as provided by subclause 32.1 b).

32.3 A question raised at the meeting must be decided by:

- a) a show of hands, or
- b) if clause 36 applies - an appropriate method as determined by the committee, or
- c) a written ballot, but only if:
 - i) the member presiding at the meeting moves that the question be decided by ballot, or
 - ii) at least 5 members agree the question should be determined by ballot.

32.4 If a question is decided using a method referred to in subclause 32.3 a) or b), either of the following is sufficient evidence that a resolution has been carried, whether unanimously or by a majority, or lost, using the method:

- a) a declaration by the member presiding at the meeting,
- b) an entry in the association's minute book.

32.5 A written ballot must be conducted in accordance with the directions of the member presiding.

32.6 Proxy voting must not be undertaken at or in respect of a general meeting.

Note: Schedule 1 of the Act provides that an association's constitution is to address whether members of the association are entitled to vote by proxy at general meetings.

33 Postal or electronic ballots

Postal or electronic ballots are not permitted.

34 Transaction of business outside meetings or by telephone or other means

34.1 The association may transact its business by the circulation of papers, including by electronic means, among all members of the association.

34.2 If the association transacts business by the circulation of papers, a written resolution, approved in writing by a majority of members, is taken to be a decision of the association made at a general meeting.

34.3 The association may transact its business at a general meeting at which 1 or more members participate by telephone or other electronic means, provided a member who speaks on a matter can be heard by the other members.

34.4 The member presiding at the meeting and each other member have the same voting rights as they would have at an ordinary meeting of the association for the purposes of:

- a) the approval of a resolution under subclause 34.2, or
- b) a meeting held in accordance with subclause 34.3.

34.5 A resolution approved under subclause 34.2 must be recorded in the minutes of the meetings of the association.

Note: The Act, section 37(3) and (4) contains requirements relating to meetings held at 2 or more venues using technology.

Part 6 Administration

35 Change of name, vision, values and constitution

An application to the Secretary Department of Customer Service, NSW Fair Trading, for registration of a change in the association's name, vision, values or constitution must be made under section 10 of the Act by the public officer or a committee member.

36 Amendment of constitution

36.1 The association's constitution may be amended by resolution at an Annual General Meeting, providing that at least 14 days' notice of any such proposed amendment is given to members.

36.2 The constitution may be amended and accepted at the Annual General Meeting or at a Special General Meeting.

37 Funds – source

37.1 The funds of the association may be derived from entrance fees and annual subscriptions, grants, donations and other sources as decided by the committee.

37.2 All funds received by the association must be deposited as soon as practicable and without deduction to the association's bank or other authorised deposit-taking institution account.

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

38 Funds – management

38.1 Subject to any special resolution passed by the association, the funds of the association are to be used to pursue the vision and values of the association as decided by the committee.

38.2 All payments, cheques and other negotiable instruments must be signed by any 2 members of the committee or employees of the association, authorised to do so by the committee. Signatures may be electronic bank signatures.

Note: The Act, section 36 provides for the appointment of authorised signatories.

39 Insurance

The association may take out and maintain insurance as appropriate for the association's assets and liabilities, and may provide insurance coverage to its various subcommittees, events or activities.

40 Non-profit status

Subject to the Act and the Regulation, the association must not conduct the association's affairs in a way that provides a pecuniary gain for a member of the association.

Note: See the Act, section 40.

41 Service of notices

41.1 For the purposes of this constitution, a notice may be given to or served on 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 electronic transmission to an address specified by the person for giving or serving the notice.

41.2 A notice is taken to have been given to or served on a person, unless the contrary is proved:

- a) for a notice given or served personally - on the date on which the notice is received by the person, or
- b) for a notice sent by pre-paid post - on the date on which the notice would have been delivered in the ordinary course of post, or
- c) for a notice sent by electronic transmission
- d) on the date the notice was sent, or
- e) if the machine from which the transmission was sent produces a report indicating the notice was sent on a later date, on the later date.

42 Custody of records and books

Except as otherwise provided by this constitution, all records, books and other documents relating to the association must be kept in New South Wales:

- a) at the association's main premises, in the custody of either of the following persons, as decided by the committee:
 - b) the public officer,
 - c) a member of the association, or
- d) if the association has no premises - at the association's official address, in the custody of the public officer.

43 Inspection of records and books

43.1 The following documents must be open to inspection, free of charge, by a member at any reasonable time:

- a) records, books and other financial documents of the association
- b) this constitution
- c) minutes of all committee meetings and general meetings of the association.

43.2 A member of the association may obtain a copy of documents referred to in subclause 43.1 on payment of a fee of not more than \$1 for each page copied.

43.3 Despite subclauses 43.1 and 43.2, the committee may refuse to permit a member of the association to inspect or obtain a copy of records of the association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the association.

44 Financial year

The financial year of the association is each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 January and ending on 31 December.

45 Non-distribution of profits

45.1 The income and property of the association however derived shall be subject to any obligations under the *Charitable Trusts Act 1993* or another law, be used and applied solely in the promotion of its vision and values and in the functions conferred upon it.

45.2 No portion of this income and property shall be distributed for the profit or gain of any of the members of the association.

45.3 The requirement contained in 2 above shall not, however, prevent the payment in good faith of remuneration to any officers or members of the association or other person in return for any services genuinely authorised by the association.

46 Distribution of property on winding up of association

46. Subject to the Act and the Regulations, in winding up of the Association, any surplus property of the Association is to be transferred to another organization with similar objects and which is not carried on for the profit or gain of its individual members.

46.2 In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.

Note. Section 65 of the Act provides for distribution of surplus property on the winding up of an association.

47 Activities and events

47.1 The association consistent with its vision and values, and as agreed by members of the association shall:

- a) undertake events and activities
- b) maintain financial capacity to support its events and activities
- c) manage the Murrumbateman Field Days and disperse profits to the community
- d) support and/or participate in community events and activities
- e) support the establishment and/or work of community groups or clubs
- f) undertake and maintain communication and consultation to represent community views.

47.2 Events and activities undertaken by the association should aim to be self-sustaining and contribute fees or other income to the association commensurate with the costs incurred in supporting the event or activity.

47.3 Each event or activity undertaken by a subcommittee or working group shall operate under a management committee that shall:

- a) keep proper records of its decisions and comply with the constitution and any requirements of the association's committee
- b) provide regular reports to the association's committee and general meetings as required.

49 Policies and procedures

49.1 The Committee may develop plans, policies and procedures to assist management of the association consistent with its vision and values as agreed by its members.