Hackett Community Association

Hackett Community Association

CONSTITUTION

This has been replaced

HACKETT COMMUNITY ASSOCIATION

CONSTITUTION

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This has been replaced

PART 1 – PRELIMINARY

1. Name

The name of the Association shall be the **Hackett Community Association** (hereinafter called **"the Association"**).

2. Interpretation

(1) In this constitution, unless a contrary intention appears, -

"the HCA" means the Hackett Community Association;

"Committee" means the HCA committee established under Part III of this constitution;

"office bearers" means the Chair, Deputy Chair, Secretary and Treasurer established under rule 14 of this constitution;

"financial year" means the year commencing on 1 January ad ending on 31 December;

"member" means an individual member, however described, of the HCA;

"ordinary committee member" means a member of the committee who is not an office bearer of the HCA as referred to in Rule 14 (1) (a);

"Chair" means the person holding office under this constitution as the Chair of the HCA"

"Deputy Chair" means the person holding office under this constitution as the Deputy Chair of the HCA;

"Secretary" means the person holding office under this constitution as the Honorary Secretary of the HCA;

"Treasurer" means the person holding office under this constitution as the position of Honorary Treasurer of the HCA;

"working group" means such groups of HCA members as created by the committee under Rule 21 of this constitution;

"the Association" means HCA;

"the Act" means the Associations Incorporation Act 1991;

"the Regulations" means the Councils Incorporation Regulations.

This has been replaced

(2) In this constitution –

(a) reference to a function includes a reference to a power, authority and duty; and

(b) reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or the authority or the performance of the duty.

(3) The provisions of the Interpretation Act 1967 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.

3. Objectives

The Aim of the Association is to –

(a) promote, protect and enhance the social, cultural and physical environment of the community of Hackett;

(b) promote the welfare, community spirit and quality of life of residents of Hackett;

(c) raise funds and expend them in the pursuit of the other objectives of the Association;

(d) inform the community about issues concerning Hackett; and

(e) engage in any other activity conducive to these objectives.

PART II – MEMBERSHIP

4. Membership qualifications

(1) An individual is qualified to be a member of the Association if they reside or work, or if they have a business or property in Hackett.

(2) The committee may choose to approve the membership of any other individuals upon application.

(3) The minimum age for membership is sixteen (16).

5. Application for membership

(1) People who are qualified become members by application and the payment of any fees set by the committee.

(2) An application for membership of the HCA by anyone not qualified under Rule 4 (1) –

This has been replaced

(a) shall be made in writing in the form set out in Appendix 1 to this constitution, or other such form as adopted by the committee from time to time;
(b) shall be lodged with an authorised member of the HCA committee; and
(c) shall contain the amounts specified at Rule 6 for any entrance fee and/or annual membership fee.

(3) At each committee meeting, the names of all applicants for membership, who have applied to become members of the HCA since the previous committee meeting, shall be tabled.

(4) Membership applications shall not be processed in the period between fourteen (14) days before the holding of an Annual General Meeting and the holding of such a meeting.

(5) Where a person has been suspended from the HCA under Rule 11 or Rule 12 of this constitution, that person is not eligible to re-apply for membership of the HCA for such period as the committee may determine.

6. Fee, subscriptions, etc.

The Committee may set an application and/or annual fee.

7. Membership entitlements not transferable.

A right, privilege or obligation which a person has by reason of HCA membership-

(a) is not capable of being transferred or transmitted to another person; and

(b) terminates upon cessation of that person's membership.

8, Cessation of membership

A person ceases to be a member of the HCA if the person-

(a) resigns from membership of the HCA; or

(b) is suspended from the HCA.

9. Resignation of membership

A member is not entitled to resign from membership of the HCA unless that member has paid all amounts payable by the member of HCA. A member of the HCA who has paid all amounts payable by the member to the HCA may resign from membership of the HCA by first giving notice (being not less than one (1) month or, if the Committee has determined, a shorter period, that shorter period) in writing to the Secretary of the member's intention to resign and, on expiration of the period of notice the person ceases to be a member.

This has been replaced

10. Members' liabilities

The liability of a member to contribute towards the payment of the debts and liabilities of the HCA or the costs, charges and expenses of the winding up of the HCA is limited to the amount, if any, unpaid by the member in respect of membership of the HCA as required by Rule 6.

11. Disciplining of members

(1) Where the committee is of the opinion that a member has persistently refused or neglected to comply with a provision of this constitution; or has persistently and wilfully acted in a manner prejudicial to the interests of the HCA, the committee may, by resolution, suspend the member from such rights and privileges of membership of the HCA as the committee may determine, for a specified period.

(2) A resolution of the committee under Subrule (1) is of no effect unless the committee, at a meeting held not earlier than fourteen (14) days and not later than thirty five (35) days after service on the member of a notice under Subrule (3), confirms the resolution in accordance with this rule.

(3) Where the committee passes a resolution under Subrule (1) the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member-

(a) setting out the resolution of the committee and the grounds on which it is based;

(b) stating that the member may address the committee at a meeting to be held not earlier than fourteen (14) days and not later than thirty five (35) days after service of the notice;

(c) stating the date, time and place of the 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 committee at or prior to the date of that meeting written representations relating to the resolution.

(4) Subject to Section 50 of the Act, at a meeting of the committee mentioned in Subrule (2), the committee shall-

(a) give to the member mentioned in Subrule (1) an opportunity to make oral representations;

(b) give due consideration to any written representation submitted to the committee by that member at or prior to the meeting; and

This has been replaced

(c) by resolution determine whether to confirm or to revoke the resolution made by the committee under Subrule (1).

(5) Where the committee confirms a resolution under Subrule (4) the Secretary shall, within seven (7) days after the confirmation, by notice in writing inform the member of that confirmation and of the member's right to appeal under Rule 12.

(6) A resolution confirmed by the committee under Subrule (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 HCA confirms the resolution in accordance with Subrule 12(4).

12. Right of appeal of disciplined member

(1) A member may appeal to the HCA in general meeting against a resolution of the committee which is confirmed under Subrule 11(4) within seven (7) days after notice of the confirmation is served on the member by lodging with the Secretary a notice to that effect.

(2) Upon receipt of a notice under Subrule (1) the Secretary shall notify the committee, which shall convene a General Meeting of the HCA to be held within twenty one (21) days after the date on which the Secretary received the notice or as soon as possible after that date.

(3) Subject to Section 50 of the Act, at a General Meeting of the HCA convened under Subrule

(2)-

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

(b) the committee and the member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and

(c) the members present shall vote by secret ballot on the question of whether the resolution made under Subrule 11(4) should be confirmed or revoked.

(4) If the meeting passes a special resolution in favour confirmation of the resolution made under Subrule 11(4) that resolution is confirmed.

This has been replaced

PART III – THE COMMITTEE

13. Powers of the committee

(1) The committee, subject to the Act, the Regulations, this constitution, and to any resolutions passed by the HCA in general meeting-

(a) shall control and manage the affairs of the HCA in accordance with the aims and objectives contained in Rule 3 and resolutions passed at general meetings;

(b) shall make reasonable efforts to consult the Hackett community on significant issues;

(c) may exercise all such functions as may be exercised by the HCA other than those functions that are required by these rules to be exercised by the HCA in general meeting; and

(d) has power to perform all such acts and do such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the HCA.

14. Structure of the committee

(1) The committee shall consist of –

(a) the office-bearers of the HCA listed in Subrule (2); and

(b) no more than four (4) ordinary committee members; each of whom shall be elected pursuant to Rule 15 or appointed in accordance with Subrule (4).

(2) The office-bearers of the HCA shall be-

(a) the Chair;
(b) the Deputy Chair;
(c) the Honorary Treasurer; and Deputy Treasurer;
(d) the Honorary Secretary; and Deputy Secretary;
(e) the Archives and History Officer; and
(f) the Public Officer.

(3) Each member of the committee shall, subject to this constitution, 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) In the event of a vacancy in the membership of the committee, the committee may appoint a member of the HCA to fill the vacancy and the member so appointed shall hold office, subject to this constitution, until the conclusion of the Annual General Meeting next following the date of the appointment.

This has been replaced

(5) No committee member shall be appointed to any salaried office of the HCA or any office of the HCA paid by fees and no remuneration or other benefit in money or kind shall be given by the HCA to any committee member except as reimbursement for out of pocket expenses.

15. Election of committee members

(1) Nominations of candidates for election as office-bearers of the HCA or as ordinary members shall be made in writing, signed by two (2) members of the HCA and accompanied by the written consent of the candidate (which may be endorsed on the nomination form).

(2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.

(3) If insufficient further nominations are received, the vacant positions remaining shall be deemed to be vacancies.

(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.

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

(6) The ballot for the election of office-bearers and ordinary committee members shall be conducted at the Annual General Meeting in such manner as the committee may direct.

(7) With the exception of the position of Public Officer, a person is not eligible to simultaneously hold more than one (1) position on the committee.

16. Duties of the Office Bearers

(1) The Chair is the senior office-bearer of the HCA and shall have general supervision of the affairs of the HCA and subject to the direction of the committee, the Chair shall:

(a) chair all the HCA meetings that the Chair attends;

(b) be the HCA's official representative at relevant public functions;

(c) be an authorised signatory to the HCA cheque account and other HCA accounts;

(d) perform such duties as the committee may direct from time to time;;

(e) be limited to three successive terms in office;

(f) notwithstanding the requirements of Subrule 16(1)(e), a Past Chair to whom that subrule applies:

This has been replaced

-may seek election to the position of Chair providing a period of not less than twelve (12) months has elapsed since last holding that office; and,

-during any period of ineligibility to hold the office of Chair, may hold any other office or be an ordinary committee member.

(2) The Deputy Chair shall, in the absence or temporary incapacity of the Chair, exercise all the Chair's powers and responsibilities and at other times shall perform such duties as may from time to time be determined by the committee.

(3) The Honorary Secretary, under the general direction of the committee and subject to the constitution, shall be responsible for the affairs of the HCA and shall:

(a) prepare and dispatch all correspondence on behalf of the HCA unless the committee determines otherwise and in that case obtain from any office bearer or ordinary committee member copies of any correspondence issued by that person on behalf of the HCA as soon as practical;

(b) retain a copy of all correspondence issued on behalf of the HCA;

(c) receive and ensure the retention of all correspondence addressed to the HCA and present each item to the committee, appropriate working group or committee member for action or direction as to the appropriate reply by or at the following committee meeting;

(d) inform members of meetings in accordance with Subrule 20(3) and Rule 26 and coordinate preparation of the agenda for any such meetings;

(e) hold the common seal of the HCA;

(f) record the minutes of all meetings of the HCA and its committee and ensure that the minutes are approved as a true and correct records of the meetings to which they pertain, and are so endorsed;

(g) record the names of all persons attending meetings of the HCA and the committee;

(h) inform the Registrar under the Act of any relevant changes within the HCA; and

(i) perform such other duties as the committee may direct from time to time.

(4) The Deputy Secretary shall assist the Secretary and in the absence of the Secretary shall perform the functions of that office.

(5) The Honorary Treasurer, under the general supervision of the committee and subject to this constitution, shall;

This has been replaced

(a) be responsible for maintaining a true and complete record of the financial status of the HCA in accordance with Part 5 of the Act;

(b) be responsible for all banking transactions of the HCA and for the documentation of the same in the financial records of the HCA;

(c) be an authorised signatory to the HCA cheque account and other HCA accounts;

(d) report to the committee on the HCA's current financial position at each committee meeting and report on any withdrawal from the accounts of the HCA that has not been authorised by the HCA or the committee;

(e) Cause the accounts of the HCA to be audited at the end of each financial year and present to the membership at the Annual General Meeting all documentation required pursuant to Subsection 73(1) of the Act;

(f) receive, record and acknowledge receipt of all monies paid to the HCA;

(g) renew all approved insurance policies held by the HCA;

(h) subject to the agreement of the committee, delegate such duties as may be appropriate whilst maintaining ultimate responsibility for proper discharge of the duties of the office of Honorary Treasurer;

(i) perform such other duties as the committee may direct from time to time;

(j) have all records, accounts, books, receipts and vouchers audited in accordance with the provisions of Section 74 of the Act if relinquishing the office during the year in office; and

(k) except as directed by the Act, take all reasonable steps to ensure the security of moneys held by the HCA.

(6) The Deputy Treasurer shall assist the Honorary Treasurer.

(7) The Archives and History Officer shall:

(a) be responsible for the archives and historical activities of the HCA;

(b) assist, when required, the Honorary Secretary with records management tasks;

(c) not be responsible for financial records until they formally archived as "non-current".

(8) The Public Officer of the HCA shall, within one month of their appointment and in accordance with Section 59 of the Act, notify the Registrar of Incorporated Councils of their name and address and any subsequent change of address.

This has been replaced

(9) The committee shall determine which office bearers in addition to the Honorary Treasurer and the Chair are to be signatories to the accounts of the HCA.

(10) The committee shall be responsible for the flow of information within the HCA.

(11) The committee shall be responsible for the flow to and from the community, the media, the administration and the government.

17. Duties of other committee members

Other Ordinary Committee Members shall perform such duties as the committee may from time to time determine and assist in the furtherance of the objectives of the HCA in whatever manner the committee determines.

18. Vacancies

For the purposes of this constitution, a vacancy in the office of a member of the committee occurs if the member:

(a) dies;

(b) ceases to be a member of the HCA;

(c) resigns in writing or resigns verbally at a committee meting or general meeting and does not submit a written retraction of resignation within seven (7) days;

(d) is removed from office pursuant to Rule 19;

(e) becomes an insolvent under administration within the meaning of the Corporations Law;

(f) is disqualified from office under Subsection 63(1) of the Act; or

(g) is absent without the consent of the committee from all meetings of the committee held during a period of four (4) months.

19. Removal of Committee members

The HCA in general meeting may by resolution, subject to Section 50 of the Act, remove any member of the committee from the office of member of the committee before the expiration of the member's term of office.

This has been replaced

20. Committee meetings and quorum

(1) The committee shall meet at such times and places as are specified by the committee.

(2) Additional meetings of the committee may be convened by any member of the committee.

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

(4) Notice of the meeting given under Subrule (3) shall specify the general nature of the business to be transacted at the meeting and no other business shall be transacted at the meeting, except business which the members present at the meeting unanimously agree to treat as urgent business.

(5) Any five (5) members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.

(6) No business shall be transacted by the committee unless a quorum is present and if within half an hour after the time appointed a quorum is not present the meeting stands adjourned to the same place and at the same hour of the same day in the following week.

(7) If at the adjourned meeting a quorum is not present within half an hour after the appointed time the meeting shall be dissolved.

(8) At meetings of the committee-

(a) the Chair or, in the absence of the Chair, the Deputy chair shall preside; or

(b) if the Chair and the Deputy Chair are both absent one of the remaining members of the committee may be chosen by the members present to preside; and

(c) notwithstanding the provisions of Subrule 16(1)(a), the committee may appoint a committee member as facilitator to conduct meetings.

(9) Any member of the HCA may attend committee meetings as an observer.

21. Delegation(s) by committee to working group(s)

(1) The committee may, by instrument in writing, delegate to one (1) or more working groups (consisting of such member or members of the HCA as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than-

(a) the power of delegation; and

This has been replaced

(b) a function, which is a function, imposed on the committee by the Act, by any other law of the Territory, or by a resolution of the HCA in general meeting.

(2) A function, the exercise of which has been delegated to a working group under this rule may, while the delegation remains unrevoked, be exercised from time to time by the working group in accordance with the terms of the delegation.

(3) A delegation under this rule may be made subject to such conditions and/or limitations as to the exercise of any function, or s to time or circumstances, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegated.

(5) Any act or thing done or suffered by a working group acting in the exercise of a delegation under this rule has the same effect or force 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 rule.

(7) A working group may meet and adjourn as it thinks proper.

22. Voting and decisions

(1) the committee shall endeavour to reach all decisions by consensus. Where consensus is not possible decisions will be made by vote as follows-

(a) Subject to the provisions of Subrule 20(5), questions arising at a meeting of the committee or of any working group appointed by the committee shall be determined by a majority of the votes of members of the committee or working group present at the meeting.

(b) Each committee member present at a meeting of the committee, or working group member present at a working group meeting, (including the member presiding at the meeting) is entitled to one (1) vote but, in the event of an equality of votes on any question, the member presiding may exercise a second or casting vote.

(c) Subject to Subrule 20(5), the committee may act notwithstanding any vacancy on the committee.

(d)Any act or thing done or suffered, or purporting to have been done or suffered by the committee or any working group appointed by the committee is valid and effectual notwithstanding any defect that may be afterwards be discovered in the appointment or qualification of any member of the committee or working group.

This has been replaced

PART IV GENERAL MEETINGS

23. Annual General meetings – holding thereof

HCA shall convene an Annual General Meeting of its members by the end of September of each year.

24. Annual General Meetings – calling of and business at

(1) The Annual General Meeting of HCA shall, subject to the Act and of Rule 23, be convened on such date and at such place and time as the committee thinks fit.

(2) In addition to any other business that 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 preceding Annual General Meeting and of any general meeting held since that meeting;

(b) to receive from the committee reports on the activities of the HCA during the last preceding financial year;

(c) to elect members of the committee, including office bearers; and

(d) to receive and consider the audited statement of accounts and the auditor's and committee reports that are required to be submitted to members pursuant to Subsection 73(1) of the Act.

(3) An Annual General Meeting shall be specified as such in the notice convening it in accordance with Rule 26.

(4) An Annual General Meeting shall be conducted in accordance with the provisions of this Part.

25. General meetings – calling of

(1) General meetings of the HCA may be convened at least twice a year.

(2) The committee may, whenever it thinks fit, convene general meetings of the HCA.

(3) The committee shall, on requisition in writing of at least ten (10) members, convene a general meeting of HCA.

(4) A requisition of members for a general meeting-
(a) shall state the purpose or purposes of the meeting;
(b) shall be signed by the members making the requisition;

This has been replaced

(c) shall be lodged with the Secretary; and
(d) may consist of several documents in a similar form, each signed by one (1) or more of the members making the requisition.

(5) If the committee fails to convene a general meeting within one (1) month after the date on which a requisition of members for the meeting is lodged with the Secretary, any one (1) or more of the members who made the requisition may convene a general meeting to be held not later than three (3) months after that date.

(6) A general meeting convened by a member or members referred to in Subrule (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the HCA for any reasonable expense so incurred.

26. Notice

(1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of HCA, the Secretary shall ensure that the members are advised by appropriate means of the date, time and place of the meeting and the nature of the business proposed to be considered.

(2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the HCA the Secretary shall, at least seven (7) days before the date fixed for the holding of the general meeting, ensure that members are advised by appropriate means of the intention to propose the resolution as a special resolution.

(3) No business other than that specified in the notice convening a general meeting shall be transacted at that meeting except, in the case of an Annual General Meeting, business that may be transacted pursuant to Subrule 24(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 shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

27. General meetings – procedure and quorum

(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.

(2) Twenty (20) members present in person (being members entitled under these rules to vote at a general meeting of HCA) constitute a quorum for the transaction of business at 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, if convened upon requisition of members, shall be dissolved, and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at

This has been replaced

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 (not being less than ten (10)) shall constitute a quorum.

28. Presiding member

(1) The Chair or, in the absence of the Chair, the Deputy Chair, shall preside at general meetings of the HCA.

(2) If both the Chair and Deputy Chair are absent from a general meeting the members present shall elect one (1) of their number to preside at the meeting.

29. Adjournment

(1) The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, may 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.

(2) Where a general meeting is adjourned for fourteen (14) days or more the Secretary shall give appropriate notice of the adjourned meeting to each member of HCA 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 Subrules (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.

30. Making of decisions

(1) A question arising at a general meeting of HCA shall normally be determined by consensus.

(2) Where consensus is not possible a question arising at a general meeting of the HCA shall be determined by a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry in the minute book of HCA, is evidence of the fact without proof of the number or proportion of the votes recorded in favour or against that resolution.

(3) At a general meeting of HCA, a poll may be demanded by the person presiding or by not less than ten (10) members present in person or by proxy at the meeting.

(4) Where a poll is demanded at a general meeting the poll shall be taken –

This has been replaced

(a) immediately in the case of a poll which relates to the election of the person to preside at the meeting, or to the question of an adjournment; or

(b) in any other case, in such manner and at such time before the closing of the meeting as the person presiding directs, and the resolution of the poll on that matter shall be deemed to be the resolution of the meeting on that matter.

31. Voting

(1) Decisions of HCA shall normally be decided by consensus. Where consensus is not possible the following procedure shall apply –

(a) Subject to Subrule (1))c), upon any question arising at a general meeting of HCA a member has one (1) vote only.

(b) All votes shall be given personally or by proxy but no member may hold more than two (2) proxies.

(c) In the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.

(d) A member or proxy is not entitled to vote at any general meeting of HCA unless all monies due and payable by the member or proxy to HCA have been paid.

32. Appointment of proxies

(1) Each member shall be entitled to appoint another member as proxy by notice given to the Secretary before the time of the meeting in respect of which the proxy is appointed.

(2) The notice appointing a proxy shall be in the form set out in Appendix 2 to this Constitution.

PART V – MISCELLANEOUS

33. Funds - source

(1) The funds of the HCA shall be derived from donations and, subject to any resolution passed by the HCA in general meeting and subject to Section 114 of the Act, such other sources as the committee determines.

(2) All monies received by HCA shall be deposited as soon as practicable and without deduction to the credit of HCA's bank account.

(3) The Treasurer, or other authorised committee member(s), shall issue a receipt as soon as practicable after receiving money for the HCA.

This has been replaced

34. Funds-management

(1) Subject to any resolution passed by the HCA in general meeting, the funds of the HCA shall be used in pursuance of the objectives of the HCA in such manner as the committee determines.

(2) All proposed payments are to be considered at committee meetings and full details of any approvals to expend HCA funds are to be minuted. However, the committee may determine to approve regular or predictable payments in advance to allow prompt payment of bills.

(3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two (2) office bearers.

(4) Notwithstanding Subrule (1) above, the committee may provide for limited advances to office bearers in lieu of petty cash, and any such advances are to be acquitted to the satisfaction of the committee.

35. Alteration of objectives and constitution

Neither the objectives of HCA detailed in rule (3) of this constitution nor this constitution shall be altered except in accordance with the Act.

36. Common seal

(1) The common seal of the HCA shall be kept in the custody of the Secretary.

(2) The common seal shall not be affixed to any instrument except by authority of the committee and the affixing of the common seal shall be attested by the signatures of two (2) members of the committee.

(3) The common seal of the HCA shall be in the form of a rubber stamp inscribed with the name of the Association encircling the word "Seal".

37. Custody of books

(1) Subject to the Act, Regulations and this constitution, the Secretary shall keep in her or his custody all current records, books and documents relating to the HCA.

(2) Subject to the Act, Regulations and this constitution, non-current material shall be kept in the custody of the Archives and History Officer.

38. Inspection of books

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

This has been replaced

39. Service of notices

(1) For the purpose of this constitution, a notice may be served by or on behalf of the HCA upon any member either personally or by delivery to the member at the member's address.

(2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the 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.

40. Dissolution

(1) Winding up or dissolution of the HCA shall be in accordance with Part VII of the Act.

(2) The HCA shall be dissolved in the event of the membership being less than fifteen (15) persons or upon a resolution for dissolution being passed by a three quarters majority of the members present at a general meeting.

41. Surplus property

(1) At the general meeting of the HCA at which this constitution is adopted the HCA shall pass a special resolution nominating –

(a) another Association for the purpose of Subsection 92(1) of the Act; or

(b) a fund, authority or institution for the purpose of Subsection 92(1)(b) of the Act,
in which it is to invest its surplus property in the event of the dissolution or winding up of the HCA.

(2) An Association nominated under Subrule (1)(a) must fulfil the requirements specified in Subsection 92(2) of the Act.

42. Auditor

At each Annual General Meeting the members of HCA shall appoint a suitable person, who is not a committee member, to act as the Auditor for the HCA for the following year and the auditor shall fulfil the requirements for that role set out in the Act.

This has been replaced

~~APPENDICES~~

This has been replaced

ATTACHMENT 1

HACKETT COMMUNITY ASSOCIATION

P.O. BOX 644. DICKSON. ACT. 2602.

MEMBERSHIP FORM

I/We apply for membership (individual/household)

NAME(s).....

ADDRESS.....

PHONE.....

E-MAIL.....

DATE.....

This has been replaced

ATTACHMENT 2

HACKETT COMMUNITY ASSOCIATION
FORM OF APPOINTMENT OF PROXY

I,
……
(full name)

of
……,
(address)
being a member of the Hackett Community Association (the HCA),

hereby appoint ……
(full name of proxy)

of
……,
(address)

being a member of the HCA, as my proxy, to vote on my behalf at the HCA Annual General Meeting/ General Meeting* to be held on the …….. of ……., ……, and at any
(day) (month) (year)
adjournment of that meeting.

‡My proxy is authorised to vote in favour of /against* the resolution:

……

……

……
(insert details)

…….. Date / / .
(signature of member appointing proxy)

……
(signature of proxy)

* Delete as appropriate.
‡ To be inserted if desired.

NOTE. A proxy vote may not be given to a person who is not a member of the HCA. No member may hold more than two (2) proxies.

This has been replaced

ATTACHMENT 3

HACKETT COMMUNITY SSOCIATION
COMMITTEE MEMBER NOMINATION FORM

I, ……
(full name)

of ……..
(address)
being a member of the Hackett Community Association (the HCA) hereby nominate

……..
(full name of nominee)

of ……
(address)
being a member of the HCA, for the position of ……..
on the Committee of the HCA.

…… Date / /
(Signature of nominating member)

I, ……
Full name)

of ……..
(address)
being a member of Hackett Community Association, hereby second the nomination of

……
(full name of nominee)

of …….
(address)
being a member of the HCA, for the position of …….

…….. Date / /
(signature of seconding member)

I, ……
(full name)
being a member of the HCA, hereby except this nomination to serve as …….

…… Date / /
(Signature of nominee)

This has been replaced