

# **Carramar and Tapping Residents Association**

## **Constitution**

### **1. NAME**

The name of the association is the **Carramar and Tapping Residents Association (Inc.)**.

### **2. DEFINITIONS**

In this constitution, unless the contrary intention appears –

“AGM” means annual general meeting of the Association.

“Committee Meeting” means meeting referred to in section 7.5.

“Committee Member” means person referred to in section 7 (2), (3) & (4)

“The Act” means the Associations Incorporation Act 1987”

“The Association” means the Association referred to in section 1.

“The Committee” means the Committee of management of the Association referred to in section 7.

“The President” means, in relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Committee meeting or general meeting in accordance with section 8.

“The Secretary” means the person referred to in section 9.

“The Treasurer” means the person referred to in section 10.

### **3. OBJECTIVES of the ASSOCIATION**

The objectives of the Association are:

- (i) To oversee and maintain the amenity of the residents of Carramar.
- (ii) To promote local community interest in the location of Carramar.
- (iii) To raise funds for Carramar based community amenities/activities.
- (iv) To promote community effort to enhance the lifestyle of the residents.
- (v) To offer Carramar residents an opportunity to participate in the development of community projects.
- (vi) To liaise with other community groups, local and state government departments and appropriate bodies for the benefit of the Carramar community.
- (vii) To promote and facilitate recreational needs of the community in Carramar.

### **4. STATUS**

The status of the Association will be that of a non-profit organization.

### **5. INCOME, ASSETS and PROFITS**

- (1) The assets and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in promotion of those objectives.
- (2) Any assets procured on behalf of the Association or profits made will not be distributed in any form to any members of the Association. Should any assets or profits be surplus at time of winding up of the Association such assets or profits will be donated to a recognised registered charity as determined by the executive.

## **6. MEMBERSHIP**

Membership of the Association is open to all adult residents of the suburb of Carramar. All residents are deemed to be members by their resident status. Membership will be deemed to have ceased when a resident no longer resides in the Carramar region.

### **6.1 Membership Levels**

There shall be two levels of membership of the Association:

- (i) Financial Member – a resident of the Carramar and Tapping region who has paid a membership subscription under section 6.3.
- (ii) Ordinary Member – all other adult residents of the Carramar and Tapping region who have no voting rights.

### **6.2 Register of Members**

- (i) The Secretary shall on behalf of the Association keep and maintain the register of financial members in accordance with section 27 of the Act and that register shall be so kept and maintained at his or her place of residence.
- (ii) The Secretary shall cause the name of a person who dies or ceases to be a member under these rules to be deleted from the register of members referred to in section 6.1.

### **6.3 Subscriptions of members of the Association**

- (i) Members from time to time at a general meeting shall determine the amount of subscription to be paid by each member.
- (ii) Members shall pay an annual subscription fee as determined by the general meeting, prior to the 30<sup>th</sup> June of each year.
- (iii) Ordinary members shall not be required to pay any fees or subscriptions to the Association.

## **7. THE COMMITTEE**

The Committee, subject to the Act or any resolution passed by a general meeting of the Association, will exclusively control and manage the affairs of the Association.

### **7.1 Constitution and Membership.**

The committee shall consist of:

- (a) The President
- (b) The Treasurer
- (c) The Secretary
- (d) Not less than four other members as determined by the committee from time to time, all of whom shall be financial members of the Association elected to membership of the Committee under the rules of this constitution.

A person shall not simultaneously hold more than one position on the committee.

### **7.2 Election of Committee Members**

- (a) Members shall retain their position for a period of four (4) years.
- (b) Elections shall be held for all positions at the August general meeting of each leap year. The first change of positions shall occur in August 2004.
- (c) Casual vacancies shall be filled by the committee from member nominations. Such successful candidates will serve out the remainder of the term.
- (d) All candidates for positions must be a financial member of the Association.
- (e) The committee have the power to form and appoint any sub-committee/s as required for specific purposes.

### **7.3 Removal of Committee Member**

The association in general meeting may by resolution remove any member of the committee from office before the expiration of the member's term of office.

#### **7.4 Vacancies**

- (1) A vacancy in the office of a committee member occurs when:
  - (a) The member dies;
  - (b) Ceases to be a resident;
  - (c) Resigns the office in writing;
  - (d) Fails to attend three (3) consecutive meetings without tendering an apology;
  - (e) Removed from office pursuant to sub-clause 7.3.
- (2) When a vacancy occurs any financial member may nominate for the position.
- (3) If nominations exceed number required. The new member will be determined by a vote of the committee.

#### **7.5 Committee Meetings and Quorum**

- (a) The committee must meet at least 6 times each calendar year and prior to any general meeting.
- (b) The secretary shall give written notice to each committee member at least 48 hours before the time of a meeting in the form of a proposed agenda.
- (c) Pre-scheduled monthly or bi-monthly meetings will be deemed to have been notified.
- (d) Any three committee members shall constitute a quorum.

### **8. THE PRESIDENT**

- 1) Subject to this section, the President shall preside at all general meetings and Committee meetings.
- 2) In the event of the absence from a general meeting, a member elected by other members present at the general meeting; or
- 3) A Committee meeting, a Committee member elected by the other Committee members present shall preside at the general meeting or Committee meeting, as the case requires.

### **9. THE SECRETARY**

The secretary shall:

- (a) Co-ordinate the correspondence of the Association;
- (b) Record, or cause to be recorded, the correct minutes of Committee and general meetings;
- (c) Comply on behalf of the Association with
  - (i) section 27 of the Act in respect of the register of members of the Association
  - (ii) section 28 of the Act in respect of the rules of the Association; and
  - (iii) section 29 of the Act in respect of the record of the office holders, and any Trustees, of the Association.
- (d) Have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (b), other than those required by section 9 to be kept and maintained by, or in the custody of, the Treasurer; and
- (e) Perform such other duties as are imposed by this constitution or the Committee on the Secretary.

### **10. TREASURER**

The Treasurer is to:

- (a) Collect and receive all moneys due to the Association and make payments authorised by the Committee.
- (b) Keep correct accounts and records showing the financial affairs of the Association with full details of all receipts and payments.
- (a) Prepare and submit to the Annual General Meeting a statement of income and expenditure and a balance sheet duly audited.

### **11. ABSENTEES**

The office of a member of the Committee shall be vacated if he or she is absent from three (3) consecutive meetings of the Committee without approved leave.

## **12. GENERAL MEETINGS**

- (a) A general meeting of members shall be held at least twice each calendar year with one of those meetings being the Annual General Meeting (AGM) in August.
- (b) The Committee, via the Secretary, shall advise members of dates, times and venue of pre-scheduled meetings.
- (c) General meetings may be held in conjunction with Committee meetings.
- (d) A notice displayed on the Associations notice board, at least fourteen (14) days prior to any proposed meeting, will be deemed sufficient advice for the purposes of notification of a general meeting.
- (e) Members desiring to bring any business before a general meeting must give notice in writing to the Secretary.

## **13. BUSINESS OF ANNUAL GENERAL MEETING (AGM)**

- (1) The business of the AGM shall include:
  - (a) Confirm the minutes of the preceding AGM and any general meeting whose minutes had not been confirmed.
  - (b) Receive reports from the Committee of the group's activities during the preceding year.
  - (c) Elect members of the Committee (on leap years)
  - (d) Receive and consider the statement of accounts and reports that are required to be submitted to members.

## **14. CALLING A GENERAL MEETING**

- (1) The Committee may, whenever it sees fit, call a general meeting of members.
- (2) Any financial member may request, in writing, a general meeting be held.
- (3) Any requisition for a general meeting shall:
  - (a) State the purpose of the meeting
  - (b) Be signed by the member(s) making the request.
  - (c) Be supported by a 'petition' containing the names, addresses and telephone numbers and signatures of at least fifteen (15) members.
  - (d) Lodge such written request with the secretary.
- (4) If the Committee fails to convene a general meeting within one (1) month of the date of receipt of such request any one or more of the members making such request may convene a general meeting to be held within three (3) months after the date of such requisition.

## **15. GENERAL MEETING PROCEDURES and QUORUM**

- (1) Ten members present in person constitute a quorum.
- (2) If within half an hour of the appointed time for a general meeting a quorum is not present the meeting will stand adjourned until a time, date and place to be agreed.

## **16. PRESIDING MEMBER**

At all meetings the President is to preside. In the absence of the president, any other member as chosen by the meeting in accordance with section 8.

## **17. MAKING DECISIONS**

- (1) Meeting decisions are made in the main by consensus.
- (2) If after serious attempt consensus has not been reached, decisions shall be determined by a majority vote of members present.
- (3) In the event of an equality of votes on any matter, the person presiding will exercise a casting vote.
- (4) Proxy voting shall not be permitted.

## **18. FINANCIAL YEAR**

The financial year of the Association commences on 1<sup>st</sup> July of each year.

## **19. SOURCE OF FUNDS**

- (1) Funds of the Association may be derived from annual subscription fees, donations, fund-raising projects and grants from any appropriate source.
- (2) All moneys received are to be deposited as soon as practicable in the Association's bank account.

## **20. MANAGEMENT OF FUNDS**

- 1) (Subject to any resolution passed by the Association in general meeting, the funds of the Association shall be used in pursuance of the objectives of the Association in such manner as the Committee determines.
- 2) (All cheques, drafts, bills of exchange and other negotiable instruments must be signed by the treasurer and one other committee member (Trustee) authorised to do so by the Committee.

## **21. AUDIT**

- 1) An auditor shall be appointed by the Annual General Meeting of each following year.
- 2) The accounts and financial records of the Association must be audited at least annually.
- 3) Audit must be undertaken by a person who is not on the Committee and who has not helped prepare the accounts.

## **22. COMMON SEAL**

- (1) The Association is to have a common seal, which shall be kept by the Secretary.
- (2) The common seal shall be fixed by the authority of the Committee only, and attested by the signatures of two (2) committee members.

## **23. CUSTODY OF BOOKS**

The Secretary must keep in his or her control all records and other documentation relating to the Association, except financial documents, which shall be kept by the Treasurer.

## **24. RULES OF THE ASSOCIATION**

- (1) The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedures set out in sections 17, 18 and 19 of the Act.
- (2) These rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all the provisions.

## **25. INSPECTION OF THE RECORDS**

A member may, at any reasonable time, inspect without charge the books, documents, records and securities of the Association. All such requests shall be in writing and addressed to the Secretary.