

Rules of Deakin Residents' Association

Registration No A05199

(as at 17 September 2020)

Rules of Deakin Residents' Association

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PART I – PRELIMINARY**Name**

The name of the Association shall be Deakin Residents' Association (in these rules called Deakin Residents' Association or the Association).

Objects

The objects and purposes of the Deakin Residents' Association are to enhance the residential, suburban, social and environmental qualities of Deakin, consistent with garden city planning principles, through participation in, community discussion on and input to planning and land management in the ACT as it impacts on Deakin residents, including through advocacy to the ACT and Commonwealth Governments, and advocacy to and representation before tribunals and courts.

Character of operations

The operations of Deakin Residents' Association must at all times be undertaken in a manner that is conducive to the inclusion of all Members in the work and decision-making of the Association. The Deakin Residents' Association places high importance on keeping Members informed of the work and activities of the Association and of the issues it is addressing. It may do this by regular publication of its work and activities, at informal Members meetings, General Meetings, by electronic means or in any other way it considers appropriate.

1. Interpretation

1.1 Except as provided in this clause, these rules are to be interpreted by reference to the Legislation Act 2001 (ACT) and, where necessary, to the Associations Incorporation Act 1991 (ACT).

1.2 In these rules, unless the contrary intention appears –

- 'Financial Year' means the year ending on 30 June in each year.
- 'Member' means a member, however described, of the Deakin Residents' Association who has paid all applicable fees and has been entered into the register of Members according to these rules.

- 'Objects' means the objects of Deakin Residents' Association established by these rules.
- 'Ordinary Committee Member' means a member of the Committee who is not an Officer of Deakin Residents' Association as mentioned in rule 13.
- 'Registrar' means the person holding this office under the Act.
- 'Secretary' means the person holding office under these rules as secretary of Deakin Residents' Association or, if no such person holds that office, the Public Officer of Deakin Residents' Association.
- 'the Act' means the Associations Incorporation Act 1991 (ACT).
- 'the Regulation' means the Associations Incorporation Regulation 1991.
- 'Garden city planning principles' are discussed in *Assessment of Garden City Planning Principles in the ACT*, prepared by Andrew Ward, Architectural Historian for Environment ACT Heritage Unit, September 2000.

1.3 Part and clause titles, notes, the table of contents and the index are not part of the text of these rules and may not be used in their interpretation.

2. Powers

2.1 Deakin Residents' Association may do all things permitted by law and by these rules that are necessary or helpful to pursue Deakin Residents' Association's Objects.

2.3 Deakin Residents' Association's Powers, subject in particular to the provisions of these rules relating to financial management, include Powers to –

- (a) make statements or representations, including to courts and tribunals, or implement action in pursuit of the Objects;
- (b) publish material to promote the Objects;
- (c) initiate projects, or make arrangements or co-operate with other organisations concerned with or related to the Objects;
- (d) arrange, promote, conduct and direct events, including public meetings, and social activities;
- (e) undertake fund raising activities and raise funds by subscription, sponsorship, donation, interest, investments or other forms of income;
- (f) engage contractors or staff to perform tasks as directed by the Committee;
- (g) manage the investment and expenditure of Deakin Residents' Association's funds;
- (h) make or accept gifts, grants, subscriptions or donations for purposes consistent with the Objects;
- (i) provide services that are consistent with the Objects;
- (j) make contracts connected with any services and facilities Deakin Residents' Association provides or receives;
- (k) affiliate with other bodies that promote similar Objects;
- (l) choose representatives and delegates for purposes consistent with the Objects;
- (m) establish sub-committees and teams that are convenient from time to time;
- (n) obtain from any government authority, body or person any grant, rights, privileges and concessions;
- (o) buy, sell, supply and deal in goods of all kinds;
- (p) purchase, lease, hire or otherwise acquire or deal with any property that may be necessary or convenient for the Objects;
- (q) invest any moneys not immediately required by Deakin Residents' Association in any way that the Committee considers appropriate, subject to provisions of relevant legislation;
- (r) establish and support, or to help establish or support, any other association or other body formed for objectives related or similar to the Objects of Deakin Residents' Association; and
- (s) do anything else that is lawful and incidental or conducive to attaining Deakin Residents' Association Objects and purposes.

PART II – MEMBERSHIP

3. Membership qualifications

3.1 A person is qualified to be a Member if the person –

- (a) has applied for membership in accordance with rule 4.1;
- (b) has been approved for membership by the Committee of the Deakin Residents' Association;
- (c) is over the age of 18 years and is –
 - (i) a leaseholder of a residential lease, the address of which is in Deakin; or
 - (ii) a member of the family of a Deakin leaseholder, and is residing in Deakin; or
 - (iii) a person who is not a residential leaseholder but has resided in Deakin for 10 years and continues to reside in Deakin; or

(d) is not a resident of Deakin but whose application is approved by a majority of Committee Members.

3.2 Where a person holds more than one residential lease in Deakin that person (including a member of that person's family) can have only one membership of the Association.

4. Application for membership

4.1 An application by a person for membership of Deakin Residents' Association –

- (a) shall be made in writing on Deakin Residents' Association current membership form;
- (b) shall be accompanied by the annual membership fee (if any) and joining fee (if any); and (c) shall be lodged with the Committee.

4.2 As soon as is practicable after receiving an application for membership, the Committee shall approve or disapprove the application. The Committee has absolute discretion to approve or disapprove an application for membership.

4.3 Once the Committee determines to disapprove an application for membership, the Committee shall as soon as practicable notify the applicant of that disapproval and refund any current fees paid.

4.4 Once the Committee approves an application, the name of the applicant will be entered in the register of Members and, upon the name being so entered, the applicant shall become a Member of Deakin Residents' Association.

4.5 Upon becoming a Member, the Member agrees to abide by the provisions of these rules, and any policies and procedures formulated under these rules.

5. Membership entitlements not transferable

5.1 A right, privilege or obligation which a person has by reason of being a Member of Deakin Residents' Association –

- (a) is not capable of being transferred or transmitted to another person or organisation; and
- (b) terminates upon cessation of the person's membership.

6. Cessation of membership

6.1 A person ceases to be a Member of Deakin Residents' Association if the person –

- (a) dies;
- (b) resigns from membership or is not eligible for membership as in rule 3.1 (a), (b) and (c);
- (c) is expelled;
- (d) fails to pay any annual membership fee within three months of such fee falling due; or
- (e) the person's qualification for membership has ceased.

7. Resignation of membership

7.1 A Member who has paid all amounts payable by the Member to Deakin Residents' Association may resign from membership of Deakin Residents' Association by first giving notice (being not less than one month or, if the Committee has determined, a shorter period) in writing to the Committee of the Member's intention to resign and, upon the expiration of the period of notice, the Member ceases to be a Member.

7.2 Where a person ceases to be a Member, the Committee shall make an appropriate entry in the register of Members recording the date on which the Member ceased to be a Member.

8. Fees

8.1 The entrance fee to Deakin Residents' Association is an amount determined by resolution of the Committee.

8.2 The annual membership fee of Deakin Residents' Association is an amount determined by resolution of the Committee.

8.3 Different membership fees may be fixed for different classes of membership.

8.4 The annual membership fee (if any) is for a period of one year from 1 July. Membership fees are payable before 1 July being the first day of the year to which the fees apply. The Committee may determine whether to apply a pro-rata membership fee for applications received during the course of a membership year.

8.5 Notification to Members regarding fees may be by electronic communication where a suitable address is provided.

9. Members' liabilities

9.1 The liability of a Member to contribute towards the payment of Deakin Residents' Association's debts and liabilities or the costs, charges and expenses of its winding up is limited to the amount (if any) of unpaid fees by the Member in relation to membership, unless the debt or liability has been incurred through an action of that Member that was not authorised by the Committee.

9.2 The Deakin Residents' Association or a Member shall not bear any responsibility for the safety or well-being of any Member.

9.3 Each Member engages in any Deakin Residents' Association activity entirely at his or her own risk.

10. Disciplining of Members

10.1. Deakin Residents' Association may take disciplinary action against a Member who in the opinion of the Committee –

- (a) has failed to comply with these Rules;
- (b) refuses to support the objects of the Association; or
- (c) has engaged in conduct prejudicial to the Association.

10.2. Disciplinary action may consist of one of the following –

- (a) reprimanding a Member;
- (b) suspending a Member from such rights and privileges of membership of the Association as the Committee may determine for a specified period; or
- (c) expelling a Member from the Association.

10.3. Where a complaint is made to the Committee about the conduct of a Member, the Committee must decide either –

- (a) that there is no case to answer or an allegation is trivial, and notify the Member who has made the complaint that it has been dismissed; or
- (b) to consider the complaint and to notify the Member complained about as provided for in subrule 10.4.

10.4 Before the Committee takes disciplinary action against a Member, it must –

- (a) give the Member written notice that it is considering whether or not to take such action;
- (b) set out the grounds on which the action could be taken;
- (c) hold the meeting referred to in paragraph (d) no earlier than 14 days and no later than 28 days after notice has been given to the Member under this subrule;
- (d) give the Member an opportunity to be heard in relation to those grounds in person or in writing, or both, at a meeting of the Committee to be held at a stated time and place; and
- (e) give due consideration to representations made by the Member before or at the meeting.

10.5. A member of the Committee who is not unbiased in a matter must not take part in the Committee's deliberations or decision on that matter at the meeting referred to in subrule 10.4.

10.6 Within 7 days of a decision to take disciplinary action against a Member, the Committee must notify the Member in writing of its decision and the reasons for it, and inform the Member of the right to appeal under rule 11 within the time specified in that rule.

10.7 To the extent that it is compatible with the foregoing subrules, a disciplinary procedure should be completed as soon as is reasonably practicable.

10.8 A decision to take disciplinary action against a member does not take effect until either –

- (a) the expiration of the appeal period in rule 11 without an appeal being lodged; or
- (b) on an appeal under rule 11, the special General Meeting confirms the disciplinary action.

10.9 If a Member is the subject of disciplinary procedure, the member or representative must not initiate a dispute resolution procedure under rule 11A in relation to the matter which is the subject of the disciplinary procedure until the disciplinary procedure has been completed.

11. Right of appeal of disciplined Member

11.1 Within 7 days of the Committee notifying a Member that it has taken disciplinary decision against them, the Member may appeal to a special General Meeting convened by the Committee for that purpose.

11.2 At a General Meeting of the Association convened under this rule –

- (a) no business other than the question of the appeal may be conducted;
- (b) the Committee may place before the meeting details of the grounds for its decision and the reasons for its adoption;
- (c) the Member or their representative must be given an opportunity to be heard, whether orally, in writing or both; and
- (d) the Members present must thereupon vote by secret ballot on the question whether the disciplinary action should be upheld or revoked.

11.3 A special resolution to uphold disciplinary action is carried if it is passed by at least three-quarters of those present and voting in person. If such a resolution fails, or is not put, the disciplinary action becomes of no effect from the time it was made.

11A. Dispute resolution procedure

11A.1 Where a dispute arises under the Act or these Rules between a Member and another Member in their capacity as Members, or between a Member and Deakin Residents' Association (the Association), the Committee must establish a dispute resolution procedure to assist in resolving the dispute. The procedure must comply with the rules of natural justice, as required by section 50 of the Act, and the provisions of section 65B of the Act.

11A.2 A Member may appoint any person to act on behalf of the Member in the dispute resolution procedure.

11A.3 In applying the dispute resolution procedure, the Committee must ensure that –

- (a) each party to the dispute has been given an opportunity to be heard on the matter which is the subject of the dispute;
- (b) the outcome of the dispute is determined by an unbiased decision-maker;
- (c) the decision-maker notifies each party to the dispute, in writing, about the decision and gives reasons for the decision;
- (d) to the extent that doing so is compatible with paragraphs (a) to (c), the dispute resolution procedure is completed as soon as is reasonably practicable; and
- (e) the dispute resolution procedure includes an appeal process.

11A.4 If a Member has initiated a dispute resolution procedure in relation to a dispute between the Member and the Association, the Association must not take disciplinary action under rule 10 against the Member under subrule 11A.2, until the dispute resolution procedure has been completed.

PART III - THE COMMITTEE

12. Powers of the Committee

12.1 The Committee, subject to the Act, the Regulations, these rules, and to any resolution passed by Deakin Residents' Association in General Meeting –

- (a) is the legal authority for Deakin Residents' Association and Committee Members are trustees for Deakin Residents' Association;
- (b) shall manage the affairs of the Deakin Residents' Association;
- (c) is responsible to the Members for the management of the Deakin Residents' Association; and
- (d) has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper governance of the affairs of the Deakin Residents' Association.

13. Membership of the Committee

13.1 The Committee shall comprise of the following Officers –

- (a) the President;
- (b) the Vice President;
- (c) the Treasurer; and
- (d) the Secretary.

13.2 The Committee shall also have up to eight other Members.

13.3 Committee Members must be Members of the Deakin Residents' Association.

13.4 The Committee must nominate one of the Committee to undertake the role of Public Officer in accordance with the Act.

Note: Division 4.2 of the Act, Duties of Officers, provides that Officers of an incorporated association have duties of care and diligence, to act in good faith and for proper purposes, and duties not to improperly use their positions, or information gained from holding those positions, to gain advantage for any person or to cause detriment to the Association (sections 66A–66D).

14. Election of the Committee

14.1 The Officers and other Committee Members are to be elected at the Annual General Meeting (AGM).

14.2 Notification of the election is to be circulated to all Members with the notice of the AGM.

14.3 Nominations for the election of the Officers and other Committee Members are –

- (a) to be in writing and signed by two Members Deakin Residents' Association;
- (b) be accompanied by the written consent of the candidate; and
- (c) to reach the Secretary before the date of the AGM.

14.4 If insufficient nominations are received to fill all vacancies on the Committee the candidates nominated shall be deemed to be elected and further nominations can be received at the Annual General Meeting.

14.5 If insufficient nominations are received, any vacant positions remaining on the Committee shall be deemed to be vacancies and may be filled in terms of rule 15.2.

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

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

14.8 The ballot for the election of Committee Members shall be conducted at the Annual General Meeting in such manner as the Chairperson may direct.

14.9 An Officer of the Association cannot serve more than six years in any one role, other than with the agreement of a majority of Members attending an AGM.

14.10 A person is not eligible –

(a) to simultaneously hold more than one position on the Committee other than the positions of Secretary and Treasurer; and

(b) to nominate for election as a Committee Member if they have ceased to be a Member of Deakin Residents' Association in terms of rule 6.

15. Vacancies

15.1 For the purposes of these rules, 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 Association;

(c) resigns the office by notice in writing given to the Public Officer;

(d) is removed from the office under rule 16.1;

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

(f) suffers from mental or physical incapacity;

(g) is disqualified from office under the Act; or

(h) fails to attend three consecutive meetings without tendering an apology.

15.2 The Committee may appoint a Member to fill any casual vacancy on the Committee, and the Member so appointed is to continue in office until the next AGM.

16. Removal of Committee Members

16.1 Deakin Residents' Association in General Meeting may by resolution, subject to 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.

17. Committee meetings and quorum

17.1 The Committee is to meet as and when required.

17.2 The President, or any three Committee Members, may convene additional Committee meetings, provided notice is given to all Committee Members.

17.3 At any meeting of the Committee a quorum is three of its Members, including one of its Officers.

17.4 The President, or in his or her absence, the Vice President is to chair meetings. In the absence of the President or Vice President, the meeting shall elect a chairperson.

17.5 Having regard for the informality of Committee meetings, the procedure to be followed is to be determined from time to time by the Committee.

17.6 Committee meetings are open to all Members to attend but non-Committee Members are not entitled to vote.

17A. Use of technology at Committee meetings

17A.1 A Committee meeting may be held at 2 or more venues using any technology approved by the Committee that gives each of the Committee's members a reasonable opportunity to participate, including –

- (a) all members being able, without being in each other's presence, to hear or otherwise apprehend what other members communicate;
- (b) all members being able to speak and otherwise communicate their views readily; and
- (c) all members being furnished with the same written material that is relevant to a discussion.

17A.2 A Committee member who participates in a Committee 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.

18. Delegation by Committee

18.1 The Committee may delegate to any of its Members any Committee Powers and functions that the Committee considers necessary for the proper conduct and management of Deakin Residents' Association business and affairs.

18.2 The Committee may rescind any delegation made under rule 18.1.

18.3 The Committee delegate may exercise any of the Powers and Functions that the Committee delegates to it, but must report its action to the next Committee meeting. The President, Vice President and Secretary are ex-officio Members of any sub-committees.

19. Voting and decisions

19.1 Each Committee Member, either in person or via telephone, video or other electronic means at a Committee meeting has one vote.

19.2 Questions arising at a meeting of the Committee shall, subject to a quorum, be resolved by a majority of the votes of Members of the Committee. In the case of an equality of votes then the person presiding may exercise a second or casting vote.

19.3 Members of Deakin Residents' Association may attend meetings of the Committee, propose agenda items and speak to those items, however only Members of the Committee may vote.

19.4 Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any Member of the Committee.

19.5 The Committee speaks with one voice, and no one Member shall publicly express his or her opinion as a representative of Deakin Residents' Association, should this deviate from an agreed Committee position or decision.

19A. Disclosure of material personal interests

19A.1 Subject to the exclusions in sections 65 and 65A(2) of the Act, a Member of the Committee who has a material personal interest in a matter being considered at a Committee meeting must –

- (a) as soon as the Member becomes aware of the interest, disclose to the Committee the nature and extent of the interest, and the relation of the interest to the activities of the Association; and

(b) disclose the nature and extent of the interest, and the relation of the interest to the activities of the Association, at the next general meeting of the Association;

and must not –

(c) be present while the matter is being considered at a meeting; or

(d) vote on the matter.

19A.2. The details disclosed in accordance with subrule 19A.1(a) and (b) must be recorded in the minutes of the meeting at which the disclosure is made.

PART IV - GENERAL MEETINGS

20. Annual General Meetings - holding of

20.1 With the exception of the first Annual General Meeting of the Association, Deakin Residents' Association shall, at least once in each calendar year and within the period of 5 months after the expiration of each financial year of Deakin Residents' Association, convene an Annual General Meeting of its Members.

20.2 Deakin Residents' Association shall hold its first Annual General Meeting –

(a) within the period of 18 months after its incorporation under the Act; and

(b) within the period of five months after the expiration of the first financial year of the Deakin Residents' Association.

20.3 Rules 20.1 and 20.2 have effect subject to the powers of the Registrar of Incorporated Associations under section 120 of the Act in relation to extensions of time.

21. Annual General Meetings - business at

21.1 The Annual General Meeting of Deakin Residents' Association shall, subject to the Act, be convened on such date and at such place and time as the Committee considers appropriate.

21.2 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 General Meeting held since that meeting;

(b) to receive from the Committee reports on the activities of Deakin Residents' Association during the last financial year including a report on the record of attendance of the Members of the Committee;

(c) to elect Members of the Committee, including office-bearers; and

(d) to receive and consider the statement of accounts and the reports that are required to be submitted to Members under the Act, section 73 (1).

21.3 An Annual General Meeting must be specified as such in the notice calling it in accordance with rule 23.

21.4 An Annual General Meeting shall be conducted in accordance with rules 23 to 29 inclusive.

22. General Meetings - calling of

22.1 The Committee may, whenever it thinks fit, convene a General Meeting of the Deakin Residents' Association.

22.2 The Committee shall, on the requisition in writing of any ten Members, convene a General Meeting of Deakin Residents' Association within one month after the date on which the Secretary received the notice.

22.3 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;
- (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.

22.4 If the Committee fails to convene a General Meeting within one month after the date on which a requisition of Members for the meeting is lodged with the Committee, any one or more of the Members who made the requisition may convene a General Meeting to be held not later than three months after that date.

22.5 A General Meeting convened by a Member or Members referred to in rule 22.4 shall be convened as nearly as is practicable in the same manner as General Meetings are convened by the Committee.

23. Notice

23.1 Except where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Deakin Residents' Association, the Committee shall, at least 14 days before the date fixed for the holding of the General Meeting, cause to be sent to each Member at the Member's address appearing in the register of Members, and where an electronic address is provided to that address, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

23.2 Where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Deakin Residents' Association, the Committee 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 rule 23.1 specifying, in addition to the matter required under that rule, the intention to propose the resolution as a Special Resolution.

23.3 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 21.2.

23.4 A Member desiring to bring any business before a General Meeting may give notice in writing of that business to the Committee who shall include that business in the next notice calling a General Meeting given after receipt of the notice from the Member.

24. General Meetings - procedure and quorum

24.1 The quorum for the Annual General Meeting or General Meetings is 5 Members of the Deakin Residents' Association present in person.

24.2 At any General Meeting the chairperson, provided they are a Member, has a deliberative vote. (And see rule 28.3 for the chair's second or casting vote).

24.3 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.

24.4 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 any other case shall stand adjourned to the same day in the following week at the same time and at the same place unless another time and place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to Members.

24.5 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 not less than three) shall constitute a quorum.

24A. Use of technology at General Meetings including Annual General Meetings

24A.1 A general meeting may be held at 2 or more venues using any technology approved by the Committee that gives each of the members of the Association a reasonable opportunity to participate, including –

- (a) all members being able, without being in each other's presence, to hear or otherwise apprehend what other members communicate;
- (b) all members being able to speak and otherwise communicate their views readily; and
- (c) all members being furnished with the same written material that is relevant to a discussion.

24A.2 A member of the Association 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.

24A.3 The provisions in rule 29 relating to appointment of proxies and voting by proxy apply to voting at two or more venues as provided in subrule 24A.1.

Note: Some examples of methods of communication that could be used, singly or in combination, are: a phone link, a satellite link, an internet or intranet link, in writing.

25. Chairperson

25.1 The Committee must appoint a chairperson to preside at General Meetings of Deakin Residents' Association and this may be an independent chairperson, The President, or the Vice President.

25.2 If in the event the appointed person is absent from a General Meeting the Members present shall elect one of their number to preside at the meeting.

26. Adjournment

26.1 The person presiding at an Annual General Meeting or 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.

26.2 Where a 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 Deakin Residents' Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

27. Making of decisions

27.1 A question arising at a General Meeting of Deakin Residents' 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 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 to that effect in the minute book of the Deakin Residents' Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

27.2 At a General Meeting of the Deakin Residents' Association, a poll may be demanded by the person presiding or by not less than three Members present in person or by proxy at the meeting.

27.3 Where the 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 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 close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

28. Voting

28.1 Upon any question arising at a meeting of Deakin Residents' Association a Member has one vote only.

28.2 All votes shall be given personally or by proxy but no Member may hold more than three proxies.

28.3 In the case of an equality of votes on a question at a General Meeting the person presiding is entitled to a second or casting vote.

28.4 A Member or proxy is not entitled to vote at any General Meeting of Deakin Residents' Association unless all money due and payable by the Member to Deakin Residents' Association has been paid.

29. Appointment of proxies

29.1 Each Member may appoint another Member as proxy provided –

- (a) the proxy is in the form as determined from time to time by the Committee; or
- (b) a proxy is to be registered with the person chairing the meeting before the meeting, or as the first item of business at that meeting.

PART V – MANAGEMENT

30. Funds - source

30.1 Deakin Residents' Association may only derive income from annual membership fees, joining fees, entrance fees, event fees, donations and any other sources that the Committee decides, subject to

relevant legislation and consistent with the Deakin Residents' Association's Objects and Powers set out in these rules, may –

- (a) pursue any form of fundraising or income generation;
- (b) make any form of investment or deposit, with a financial institution;
- (c) accept bequests or gifts, in any form, if no conditions are attached; and
- (d) make gifts, grants, subscriptions or donations for purposes of the Deakin Residents' Association.

31. Funds - management

31.1 The financial year of Deakin Residents' Association runs from 1 July to 30 June in each year.

31.2 The Treasurer is responsible for the maintenance of financial records and –

- (a) receipt of all moneys paid to Deakin Residents' Association;
- (b) issuing official receipts; and
- (c) the deposit, as soon as possible after receipt, of all moneys into the account Deakin Residents' Association holds with a bank or other financial institution.

31.3 Payments by Deakin Residents' Association may be made electronically, by cheque, or in cash (up to \$100).

31.4 Deakin Residents' Association payments must be –

- (a) authorised by the Treasurer or, in this person's absence, by another Committee Member that the Committee nominates for that purpose; and
- (b) co-authorised by any other officer provided they do not have a financial interest in the payment.

31.5 The assets and income of Deakin Residents' Association must be applied exclusively to the promotion of its Objects and no portion is to be paid or distributed directly or indirectly to the Members except as proper remuneration for services rendered or expenses incurred on Deakin Residents' Association behalf.

31.6 Deakin Residents' Association may pay a Member for services actually rendered or for goods supplied, but must not pay a Committee member for their service as an Officer or Committee Member.

31.7 Deakin Residents' Association may pay a Member –

- (a) interest, at the prevailing average rate payable by banks, for monies lent to Deakin Residents' Association by the Member.
- (b) a reasonable and proper amount of rent for premises let to Deakin Residents' Association by the Member.

32. Auditor/Reviewer

32.1 An Auditor or Reviewer must audit or review the accounts and financial records of Deakin Residents' Association at least annually.

32.2 Deakin Residents' Association must appoint an Auditor or Reviewer in accordance with the provisions of the Act.

32.3 The accounts of the Association must be reviewed or audited in accordance with Part 5 of the Associations Incorporation Act 1991.

33. Lodgment of annual returns

33.1 The Committee must, within the period of 6 months beginning at the end of each financial year of the Deakin Residents' Association, lodge with the registrar-general –

- (a) a statement of particulars relating to Deakin Residents' Association in the approved form;
- (b) an audited or reviewed statement of the Deakin Residents' Association's accounts;
- (c) a copy of the auditor's or reviewer's report in relation to those accounts;
- (d) any prescribed documents; and
- (e) a statement by 2 Members of the Committee of Deakin Residents' Association certifying whether the provisions of the Act that apply to Deakin Residents' Association in relation to that year in relation to –

- (i) the preparation of the annual statement of the Deakin Residents' Association's accounts; and
- (ii) the auditing or reviewing of the accounts and the presentation of the audited or reviewed statement of accounts at the Annual General Meeting of the Deakin Residents' Association

has been complied with.

PART VI – MISCELLANEOUS

34. Alteration of Objects and Rules

34.1 Proposed changes to these rules can be considered at any General Meeting whether Annual, or General, provided due notice has been given.

34.2 If a Member or group of Members opposing the proposed change so requests, a statement of the reasons for their opposition must likewise be circulated.

34.3 Any Member of Deakin Residents' Association may speak to the proposed rule change at the meeting at which it is considered.

34.4 A rule change is passed by at least three-quarters of the votes of those Members of Deakin Residents' Association who, being entitled to vote, vote in person or by proxy as allowed in rules 28 and 29.

35. Policies and procedures

35.1 Deakin Residents' Association may formulate –

- (a) policies on issues as required, and
- (b) procedures for carrying out its operations or that otherwise relate to the implementation of matters provided for in these rules.

35.2 The role of policies and procedures is to provide an orderly way for Deakin Residents' Association to proceed with its business from year to year, and to keep track of decisions made, stances taken, or procedures established or utilised, which may be helpful in future years.

35.3 Policies and procedures must not be inconsistent with these rules, but if they are, the provision of the rules prevails over an inconsistent provision in a policy or procedure.

35.4 Policies and procedures may be adopted, changed or revoked –

(a) in the case of policies, by simple majority at a General Meeting called for the purpose or the Annual General Meeting with due notice;

(b) the substance of the proposal must be circulated to all Members, and

(c) in the case of procedures, by simple majority at any Committee meeting, but notice and the substance of the proposal must be circulated to all Committee Members before the meeting.

36. Common Seal

36.1 The Common Seal of the Association must be kept in the custody of the Secretary.

36.2 The Common Seal must not be attached to any instrument except by the authority of the Committee and the attaching of the common seal must be attested by the signatures either of 2 Members of the Committee or of 1 Member of the Committee and of the Secretary.

36.3 Each use of the Common Seal must be recorded in a register and noted in the minutes of Committee meetings.

Note: For execution of a document or deed without the use of an association's common seal, see section 55 of the Act.

37. Custody and inspection of books including the register of Members

37.1 Subject to the Act, the Regulation and these Rules, the Secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the Association.

37.2 The Association must keep and maintain a register of its Members, and must enter any particulars in the register required by the Act, the Regulation or these Rules..

37.3. Subject to the Act, the Regulation and these Rules, the records, books and other documents of the Association shall be open to inspection at a place in the Territory, free of charge, by a Member of the Association at any reasonable hour.

37.4. A request from the Association's auditor or reviewer, the Public Officer, or from the Registrar, to inspect the records, books and other documents must be met.

37.5 A Member of the Association may apply to the Committee to inspect the register of Members as provided in section 67A of the Act, under which the Committee must –

(a) allow the request; or

(b) refuse the request

in accordance with subsection (3) of that provision.

37.6. In exercising any discretion it has under section 67A of the Act, wherever possible the Committee must be guided by the provisions of the Commonwealth *Privacy Act 1988*.

38. Special Resolutions

38.1 A resolution of the Deakin Residents' Association is taken to be a Special Resolution if:

- (a) it is passed at a General Meeting of the Deakin Residents' Association, being a meeting of which at least 21 days notice, accompanied by notice of intention to propose the resolution as a Special Resolution, has been given to the Members of the Deakin Residents' Association; and
- (b) it is passed by at least three-quarters of the votes of those Members of Deakin Residents' Association who, being entitled to vote, vote in person or by proxy as allowed in rules 28 and 29.

39. Service of notices

39.1 For the purpose of these rules, a notice may be served by or on behalf of Deakin Residents' 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 or by sending it electronically to the Member at the Member's address shown in the register of Members.

39.2 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 purpose 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.

39.3 Where a document is sent to a person electronically, the document shall unless the contrary is proved, be deemed for the purpose of these rules to have been served on the person twenty four hours after the transmission has taken place.

40. Surplus property

40.1 Deakin Residents' Association may be wound up voluntarily by the Members of Deakin Residents' Association resolving by Special Resolution that this happen.

40.2 In the event of the winding up of Deakin Residents' Association, any assets of Deakin Residents' Association acquired by way of grant money must be distributed in accordance with the requirement of the grant.

40.3 Any property remaining after meeting the debts and liabilities of the Deakin Residents' Association, and paying the costs of winding up, is to be disposed of in accordance with the requirements of the Act at that time and paid to an organisation (or organisations) which has similar Objects to Deakin Residents' Association and which has rules prohibiting the distribution of its assets and income to its Members.