iSCHEDULE 1 - Model rules for an association\_

Regulation 3

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\_1. **Name of association**\_

The name of the association is as follows:

.Dolphin Sands Ratepayers Association Inc ................................................................Should a change of name be considered/recommended as part of this review. Is “Ratepayers” sufficiently inclusive

.....

\_\_\_2. **Interpretation\_**

In these rules, unless the context otherwise requires -

\_accounting records\_ has the same meaning as in the Act;

\_Act\_ means the \_Associations Incorporation Act 1964\_;

\_annual general meeting\_ means an annual general meeting of the

Association held under rule 11;

\_Association\_ means the association referred to in rule 1;

\_association\_ has the same meaning as in the Act;

\_auditor\_ means the person appointed as the auditor of the

Association under rule 9;

\_authorised deposit-taking institution\_ means a body corporate that

is an authorised deposit-taking institution for the purposes of the

\_Banking Act 1959\_ of the Commonwealth;

\_basic objects of the Association\_ means the objects and purposes

of the Association as stated in an application under section 7 of

the Act for the incorporation of the Association;

\_committee\_ means the committee of management referred to in

rule 21;

\_financial year\_ has the same meaning as in the Act;

\_general meeting\_ means -

\_(a)\_ an annual general meeting; or

\_(b)\_ a special general meeting;

\_officer of the Association\_ means a person elected as an officer

of the Association at an annual general meeting or appointed as an

officer of the Association under rule 22(5);

\_ordinary business of an annual general meeting\_ means the business

specified in rule 11(5);

\_ordinary committee member\_ means a member of the committee other

than an officer of the Association;

\_special committee meeting\_ means a meeting of the committee that

is convened under rule 26(2) by the president or any 4 of the

members of the committee;

\_special general meeting\_ means a meeting of the Association, other

than an annual general meeting, convened under rule 12;

\_special resolution\_ has the same meaning as in the Act.

\_\_\_3. **Association's office**\_

The office of the Association is to be at the following place or at

any other place the committee determines:

The Office of the Association shall be at the Address of the Honorary Secretary from time to time and the Postal address will be maintained at the Swansea Post Office at the cost of the Association.

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\_\_\_4. **Objects and purposes of Association**\_

The objects and purpose of the Association shall be-

a. To establish a non-political and non-sectarian Ratepayers Association to provide a forum for its members,  
b To promote and develop civic pride in the Territory.

c. To use the Association's best endeavours to safeguard the interests of the Ratepayers within the Territory,  
d To promote acceptable development in the Territory,

e To take such action in respect of all the foregoing objects and purposes as shall be resolved by the Association,

The objects and purposes of the Association consist of the basic

objects of the Association and the following objects and purposes:

\_(a)\_ the purchase, taking on lease or in exchange, hire or other

acquisition of any real or personal property necessary or

convenient for any of the objects or purposes of the Association;

\_(b)\_ the purchase, sale or supply of, or other dealing in, goods;

\_(c)\_ the construction, maintenance or alteration of any building

or works necessary or convenient for any of the objects or purposes

of the Association;

\_(d)\_ the acceptance of a gift for any of the objects or purposes

of the Association;

\_(e)\_ the taking of any step the committee or the members of the

Association at a general meeting determine expedient for the

purpose of procuring contributions to the funds of the Association;

\_(f)\_ the printing or publication of any newspaper, periodical,

book, leaflet or other document the committee or the members of the

Association at a general meeting determine desirable for the

promotion of any of the objects or purposes of the Association;

\_(g)\_ the borrowing and raising of money in any manner and on

terms -

\_(i)\_ the committee thinks fit; or

\_(ii)\_ approved or directed by resolution passed at a general

meeting;

\_(h)\_ subject to the provisions of the \_Trustee Act 1898\_, the

investment, in any manner the committee determines, of any money of

the Association not immediately required for any of the objects or

purposes of the Association;

\_(i)\_ the making of a gift, subscription or donation to any of the

funds, authorities or institutions to which \_section 78A of the

Income Tax Assessment Act 1936\_ of the Commonwealth relates;

\_(j)\_ the establishment and support, or aiding in the establishment

and support, of associations, institutions, funds, trusts, schemes

or conveniences calculated to benefit servants or past servants of

the Association and their dependants, and the granting of pensions,

allowances or other benefits to servants or past servants of the

Association and their dependants, and the making of payments

towards insurance in relation to any of those purposes;Question whether this objective required

\_(k)\_ the establishment and support, or aiding in the establishment

or support, of any other association formed for any of the basic

objects of the Association;

\_(l)\_ the purchase, or acquisition, and the undertaking of all or

part of the property, assets, liabilities or engagements of any

association with which the Association is amalgamated in accordance

with the provisions of the Act and the rules of the Association;

\_(m)\_ the doing of any lawful thing incidental or conducive to the

attainment of the objects or purposes of the Association.

\_\_\_5. **Membership of Association**\_

Membership of the Association shall be restricted to:-  
a. Residents of the defined Territory.

b Persons who pay rates in respect of property situated in the Territory and spouses /partners of such persons,  
c. Persons not included in either (a) or (b) above but have interests in the Territory and have the approval of the Association,

The question of membership needs to be fully examined and reviewed with community input as to a revised definition.

6. ANNUAL SUBSCRIPTION

The annual subscription shall be defined by the Association at its Annual Meeting and shall be due on the first day of January each year. A member shall be deemed to be un-financial

should his / her subscription be not paid by the first of April following (Amended  
23/01/2010)

Financial members may only vote at meetings and may only be eligible to be elected to any office of the Association and further, if any elected Office Bearer becomes non-financial, he/ she must be immediately replaced on the Committee. This clause is also relevant to rule 30.

\_(1)\_ A person who is nominated and approved for membership in

accordance with this rule is eligible to be a member of the

Association on payment of the annual subscription specified in

rule 30.Should nomination for membership and the following rules be required?

\_(2)\_ A person who is not a member of the Association at the

time of the incorporation of the Association is not to be admitted as

a member of the Association unless - ?

\_(a)\_ the person is nominated for membership in accordance with

subrule (3); and

\_(b)\_ the person is approved for membership by the committee.

\_(3)\_ A nomination of a person for membership is to be -

\_(a)\_ made in writing and signed by 2 members of the Association;?

and

\_(b)\_ accompanied by the written consent of the person nominated;?

and

\_(c)\_ lodged with the public officer of the Association.

\_(4)\_ The consent referred to in subrule (3)(b) may be endorsed

on the nomination.?

\_(5)\_ As soon as practicable after the receipt of a nomination,

the public officer is to refer the nomination to the committee. Not required?

\_(6)\_ If a nomination is approved by the committee, the public

officer is to -?

\_(a)\_ notify the nominee, in writing, that the nominee has been

approved for membership of the Association; and ?

\_(b)\_ on receipt of the amount payable by the nominee as the first

annual subscription, enter the nominee's name in a register of

members.

\_(7)\_ A member of the Association may resign by serving on the

public officer a written notice of resignation.

\_(8)\_ On receipt of a notice from a member of the Association

under subrule (7), the public officer is to remove the name of the

member from the register of members.

\_(9)\_ A person -

\_(a)\_ becomes a financial(?) member of the Association when his or her name is

entered in the register of members; and

\_(b)\_ ceases to be a member of the Association when his or her name

is removed from the register of members.

\_(10)\_ Any right, privilege or obligation of a person as a

member of the Association -

\_(a)\_ is not capable of being transferred to another person; and

\_(b)\_ terminates on the cessation of the membership.

\_(11)\_ If the Association is wound up, each member of the

Association, and each person who was a member of the Association

within the period of 12 months immediately preceding the commencement

of the winding-up, is liable to contribute – necessary?, same for 12 & 13

\_(a)\_ to the assets of the Association for payment of the

liabilities of the Association; and

\_(b)\_ for the costs, charges and expenses of the winding-up; and

\_(c)\_ for the adjustment of the rights of the contributors among

themselves.

\_(12)\_ Any liability under subrule (11) is not to exceed

...................... .

\_(13)\_ Despite subrule (11), a former member of the Association

is not liable to contribute under that subrule in respect of any

liability of the Association incurred after he or she ceased to be a

member.

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\_6. **Income and property of Association**\_

\_(1)\_ The income and property of the Association is to be

applied solely towards the promotion of the objects and purposes of

the Association.

\_(2)\_ No portion of the income or property of the Association is

to be paid or transferred to any member of the Association unless the

payment or transfer is made in accordance with this rule.

\_(3)\_ The Association may – Query whether the whole of sub-rules 2,3,4,&5 are required

\_(a)\_ pay a servant or member of the Association -

\_(i)\_ remuneration in return for services rendered to the

Association, or for goods supplied to the Association, in the

ordinary course of business of the servant or member; or

\_(ii)\_ remuneration that constitutes a reimbursement for

out-of-pocket expenses incurred by the servant or member for any of

the objects or purposes of the Association; or

\_(iii)\_ interest at a rate not exceeding 7.25% on money lent to the

Association by the servant or member; or

\_(iv)\_ a reasonable amount by way of rent for premises, or a part

of premises, let to the Association by the servant or member; and

\_(b)\_ pay a member of the committee remuneration in return for

carrying out the functions of a member of the committee; and

\_(c)\_ pay a member of a subcommittee remuneration in return for

carrying out the functions of a member of the subcommittee; and

\_(d)\_ if so requested by or on behalf of any other association,

organisation or body, appoint or nominate a member of the

Association to an office in that other association, organisation or

body.

\_(4)\_ Despite subrule (3)(a), (b) and (c), the Association is

not to pay a person any amount under that subrule unless the

Association or committee has first approved that payment.

\_(5)\_ Despite subrule (3)(d), the Association is not to appoint

or nominate a member of the Association under that subrule to an

office in respect of which remuneration is payable unless the

Association or committee has first approved -

\_(a)\_ that appointment or nomination; and

\_(b)\_ the receipt of that remuneration by that member.

\_\_\_7**. Accounts of receipts and expenditure**\_

\_(1)\_ True accounts are to be kept of the following:

\_(a)\_ each receipt or payment of money by the Association and the

matter in respect of which the money was received or paid;

\_(b)\_ each asset or liability of the Association.

\_(2)\_ The accounts are to be open to inspection by the members

of the Association at any reasonable time, and in any reasonable

manner, determined by the committee.

\_(3)\_ The treasurer of the Association is to keep all accounting

books, and general records and records of receipts and payments,

connected with the business of the Association in the form and manner

the committee determines.

\_(4)\_ The accounts, books and records are to be kept at the

Association's office or at any other place the committee determines.

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\_8. **Banking and finance**\_

\_(1)\_ On behalf of the Association, the treasurer of the

Association is to -

\_(a)\_ receive any money paid to the Association; and

\_(b)\_ immediately after receiving the money, issue an official

receipt in respect of the money; and

\_(c)\_ cause the money to be paid into the account opened under

subrule (2) as soon as practicable after it is received.

\_(2)\_ The committee is to open with an authorised deposit-taking

institution an account in the name of the Association.

\_(3)\_ The committee may -

\_(a)\_ receive from an authorised deposit-taking institution a

cheque drawn by the Association on any of the Association's

accounts with the authorised deposit-taking institution; and

\_(b)\_ release or indemnify the authorised deposit-taking

institution from or against any claim, or action or other

proceeding, arising directly or indirectly out of the drawing of

that cheque.

\_(4)\_ Except with the authority of the committee, a payment of

an amount exceeding $20 is not to be made from the funds of the

Association otherwise than by cheque drawn on the Association's

account.EFT payments?

\_(5)\_ The committee may provide the treasurer with an amount of

money to meet urgent expenditure, subject to any conditions the

committee may impose in relation to the expenditure.

\_(6)\_ A cheque is not to be drawn on the Association's account

except for the purpose of making a payment that has been authorised by

the committee.

\_(7)\_ A cheque, draft, bill of exchange, promissory note or

other negotiable instrument is to be -

\_(a)\_ signed by the treasurer or, in the treasurer's absence, by

any other member, or members, of the committee the committee

nominates for that purpose; and

\_(b)\_ countersigned by the public officer of the Association.

\_\_\_9. **Auditor**\_

DSRA is exempt from requiring an audit of accounts as its annual revenue is below the $250,000 threshold. But see rule 10A(1)(a)where association may require an audit to be undertaken.

\_(1)\_ At each annual general meeting, the members of the

Association present at the meeting are to appoint a person as the

auditor of the Association.

\_(2)\_ If an auditor is not appointed at an annual general

meeting under subrule (1), the committee is to appoint a person as the

auditor of the Association as soon as practicable after that annual

general meeting.

\_(3)\_ The auditor is to hold office until the next annual

general meeting and is eligible for re-appointment.

\_(4)\_ The first auditor -

\_(a)\_ may be appointed by the committee before the first annual

general meeting; and

\_(b)\_ if so appointed, holds office until the first annual general

meeting unless earlier removed by a resolution of the members of

the Association at a general meeting.

\_(5)\_ If the first auditor is appointed by the committee under

subrule (4)(a) and subsequently removed at a general meeting under

subrule (4)(b), the members of the Association, at that general

meeting, may appoint an auditor to hold office until the first annual

general meeting.

\_(6)\_ Except as provided in subrule (4)(b), the auditor may only

be removed from office by special resolution.

\_(7)\_ If a casual vacancy occurs in the office of auditor, the

committee is to appoint a person to fill the vacancy until the next

annual general meeting.

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\_10. **Audit of accounts**\_

Same comment as per rule 9

\_(1)\_ The auditor is to audit the financial affairs of the

Association at least once in each financial year of the Association.

\_(2)\_ The auditor, after auditing the financial affairs of the

Association for a particular financial year of the Association, is

to -

\_(a)\_ certify as to the correctness of the accounts of the

Association; and

\_(b)\_ at the next annual general meeting, provide a written report

to the members of the Association present at that meeting.

\_(3)\_ In the report and in certifying to the accounts, the

auditor is to -

\_(a)\_ specify the information, if any, that he or she has required

under subrule (5)(b) and obtained; and

\_(b)\_ state whether, in his or her opinion, the accounts exhibit a

true and correct view of the financial position of the Association

according to the information at his or her disposal; and

\_(c)\_ state whether the rules relating to the administration of the

funds of the Association have been observed.

\_(4)\_ The public officer of the Association is to deliver to the

auditor a list of all the accounting records, books and accounts of

the Association.

\_(5)\_ The auditor may -

\_(a)\_ have access to the accounting records, books and accounts of

the Association; and

\_(b)\_ require from any servant of the Association any information

the auditor considers necessary for the performance of his or her

duties; and

\_(c)\_ employ any person to assist in auditing the financial affairs

of the Association; and

\_(d)\_ examine any member of the committee, or any servant of the

Association, in relation to the accounting records, books and

accounts of the Association.

\_\_\_10A. Exemptions under the Act\_

\_(1)\_ For any financial year that the Association is exempt from

the requirement to be audited by virtue of section 24(1B) or (1C) of

the Act -

\_(a)\_ an auditor is not required to be appointed for that financial

year under rule 9 unless the Association elects to have the

financial affairs of the Association for that financial year

audited in accordance with the Act and these rules; and

\_(b)\_ if an auditor is not appointed for a financial year by virtue

of paragraph (a) -

\_(i)\_ rules 9 and 10 do not apply in respect of the Association for

that financial year; and

\_(ii)\_ rule 11(5)(b), to the extent that it relates to an auditor,

does not apply in respect of the annual general meeting held by the

Association in respect of that financial year; and

\_(iii)\_ rule 11(5)(d) does not apply in respect of the annual

general meeting held by the Association in respect of that

financial year.

\_(2)\_ For any financial year that the Association is exempt from

the requirement to provide an annual return by virtue of section

24B(1B) of the Act, the committee must provide, as part of the

ordinary business of the annual general meeting for that financial

year, a copy of the annual financial report given under the

\_Australian Charities and Not-for-profits Commission Act 2012\_ of the

Commonwealth in respect of that financial year.

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\_11. **Annual general meeting**\_

MEETINGS

Because of the nature of the Association meetings shall be at the "call of the President":  
nevertheless, a meeting shall be called at the earliest convenient time following receipt by the  
Secretary of a request for a meeting signed by at least three members. The Annual General  
Meeting shall be held between January 1 and March 31. (Amended23/01/2010)

* + 1. MEETING PROCEDURE
       1. General Meetings

1. Seven members shall constitute a quorum.

2 The Chairman shall have a deliberate vote and a casting vote.

* + - * 1. Proxies shall be limited to two per family where more than one person in the  
           group are members, otherwise proxies shall be limited to one per person,
        2. The rules of procedure shall be decided by each meeting.

5 Only current financial members may vote on any matter, but any interested  
party may talk on any matter with the approval of the Chairman of the Meeting.

ANNUAL SUBSCRIPTION

The annual subscription shall be defined by the Association at its Annual Meeting and shall be due on the first day of January each year. A member shall be deemed to be un-financial

should his / her subscription be not paid by the first of April following (Amended  
23/01/2010)

Financial members may only vote at meetings and may only be eligible to be elected to any  
office of the Association and further, if any elected Office Bearer becomes non-financial, he  
/ she must be immediately replaced on the Committee.

\_(1)\_ The Association is to hold an annual general meeting each

year.

\_(2)\_ An annual general meeting is to be held on any day (being

not later than 3 months after the end of the financial year of the

Association) the committee determines.

\_(3)\_ An annual general meeting is to be in addition to any

other general meeting that may be held in the same year.

\_(4)\_ The notice convening an annual general meeting is to

specify the purpose of the meeting.

\_(5)\_ The ordinary business of an annual general meeting is to

be as follows:

\_(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, auditor and servants of the

Association reports on the transactions of the Association during

the last preceding financial year of the Association;

\_(c)\_ to elect the officers of the Association and the ordinary

committee members;

\_(d)\_ to appoint the auditor and determine his or her remuneration;

\_(e)\_ to determine the remuneration of servants of the Association.

\_(6)\_ An annual general meeting may transact special business of

which notice is given in accordance with rule 13.

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\_12. **Special general meetings**\_

* + 1. SPECIAL GENERAL MEETINGS

1. The Committee may convene a special general meeting of the Association at any  
   time.
2. The Committee, on the requisition in writing of at least ten (10) members, may  
   convene a special general meeting of the Association.
3. A requisition for a special meeting:
   1. Is to state the objects of the meeting; and
   2. Is to be signed by die requisitionists, and

lii. Is to be deposited at the office of the Association, and

iv. May consist of several documents, each signed by one or more of the

requisitionists.

1. If the committee does not cause a special general meeting to be held within  
   twenty-one (21) days from the day on which a requisition is deposited at the office of  
   the Association, the requisitionists, or any of them, may convene the meeting within  
   three (3) months from the day of the deposit of the requisition (Included 23/01/2010)

\_(1)\_ The committee may convene a special general meeting of the

Association at any time.

\_(2)\_ The committee, on the requisition in writing of at least

10 members of the Association, is to convene a special general meeting

of the Association.

\_(3)\_ A requisition for a special general meeting -

\_(a)\_ is to state the objects of the meeting; and

\_(b)\_ is to be signed by each of the requisitionists; and

\_(c)\_ is to be deposited at the office of the Association; and

\_(d)\_ may consist of several documents, each signed by one or more

of the requisitionists.

\_(4)\_ If the committee does not cause a special general meeting

to be held within 21 days after the day on which a requisition is

deposited at the office of the Association, any one or more of the

requisitionists may convene the meeting within 3 months after the day

of the deposit of the requisition.

\_(5)\_ A special general meeting convened by requisitionists is

to be convened in the same manner, as nearly as practicable, as the

manner in which a special general meeting would be convened by the

committee.

\_(6)\_ All reasonable expenses incurred by requisitionists in

convening a special general meeting are to be refunded by the

Association.

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\_13. **Notices of general meetings**\_

At least 14 days before the day on which a general meeting of the

Association is to be held, the public officer of the Association is to

publish in at least one newspaper circulating in Tasmania an

advertisement specifying –How meetings are to be advertised/notified needs to be considered

\_(a)\_ the place, day and time at which the meeting is to be held;

and

\_(b)\_ the nature of the business that is to be transacted at the

meeting.

\_\_\_14. **Business and quorum at general meetings**\_

\_(1)\_ All business transacted at a general meeting, other than

the ordinary business of an annual general meeting, is special

business.

\_(2)\_ Business is not to be transacted at a general meeting

unless a quorum of members of the Association entitled to vote is

present at the time the meeting considers that business.

\_(3)\_ A quorum for the transaction of the business of a general

meeting is 15 members of the Association entitled to vote.

\_(4)\_ If a quorum is not present within one hour after the time

appointed for the commencement of a general meeting, the meeting -

\_(a)\_ if convened on the requisition of members of the Association,

is dissolved; or

\_(b)\_ if convened by the committee, is to be adjourned to the same

day in the next week at the same time and -

\_(i)\_ at the same place; or

\_(ii)\_ at any other place specified by the chairperson -

\_(A)\_ at the time of the adjournment; or

\_(B)\_ by notice in a manner determined by the chairperson.

\_(5)\_ If at an adjourned general meeting a quorum is not present

within one hour after the time appointed for the commencement of the

meeting, the meeting is dissolved.

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\_15. **Chairperson at general meetings\_**

At each general meeting of the Association, the chairperson is to be -

\_(a)\_ the president; or

\_(b)\_ in the absence of the president, the senior vice-president;

or

\_(c)\_ in the absence of the president and the senior

vice-president, the other vice-president; or

\_(d)\_ in the absence of the president and both vice-presidents, a

member of the Association elected to preside as chairperson by the

members of the Association present and entitled to vote at the

general meeting.

\_\_\_16. **Adjournment of general meetings**\_

\_(1)\_ The chairperson of a general meeting at which a quorum is

present may adjourn the meeting with the consent of the members of the

Association who are present and entitled to vote at the meeting, but

no business is to be transacted at an adjourned meeting other than the

business left unfinished at the meeting at which the adjournment took

place.

\_(2)\_ If a meeting is adjourned for 14 days or more, notice of

the adjourned meeting is to be given in the same manner as the notice

of the original meeting.

\_(3)\_ If a meeting is adjourned for less than 14 days, it is not

necessary to give any notice of the adjournment or of the business to

be transacted at the adjourned meeting.

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\_17. **Determination of questions arising at general meetings**\_

\_(1)\_ A question arising at a general meeting of the Association

is to be determined on a show of hands.

\_(2)\_ A declaration by the chairperson that a resolution has, on

a show of hands, been lost or carried, or carried unanimously or

carried by a particular majority, together with an entry to that

effect in the minute book of the Association, is evidence of that fact

unless a poll is demanded on or before that declaration.

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\_18. **Votes**\_

\_(1)\_ On any question arising at a general meeting of the

Association, a member of the Association (including the chairperson)

has one vote only.

\_(2)\_ All votes are to be given personally.

\_(3)\_ Despite subrule (1), in the case of an equality of votes,

the chairperson has a second or casting vote.

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\_19. **Taking of poll**\_

If at a general meeting a poll on any question is demanded -

\_(a)\_ the poll is to be taken at that meeting in the manner the

chairperson determines; and

\_(b)\_ the result of the poll is taken to be the resolution of the

meeting on that question.

\_\_\_20. **When poll to be taken**\_

\_(1)\_ A poll that is demanded on the election of a chairperson,

or on a question of adjournment, is to be taken immediately.

\_(2)\_ A poll that is demanded on any other question is to be

taken at any time before the close of the meeting as the chairperson

determines.

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\_21. Affairs of Association to be managed by a committee\_

\_(1)\_ The affairs of the Association are to be managed by a

committee of management constituted as provided in rule 23.

\_(2)\_ The committee -

\_(a)\_ is to control and manage the business and affairs of the

Association; and

\_(b)\_ may exercise all the powers and perform all the functions of

the Association, other than those powers and functions that are

required by these rules to be exercised and performed by members of

the Association at a general meeting; and

\_(c)\_ has power to do anything that appears to the committee to be

essential for the proper management of the business and affairs of

the Association.

\_\_\_22. **Officers of the Association**\_

OFFICEBEARERS

The office bearers of the Association shall be:-  
a President

* 1. Vice President
  2. Secretary / Treasurer
  3. Three elected Committee members
  4. A representative of Neighbourhood Watch

Nomination for each vacant position shall be made on the form required, signed by the nominee, proposer and seconder and lodged with the Secretary (7) seven fays before the date of the Annual General Meeting, Any nomination of non-financial members will not be accepted.

At the 1998 Annual General Meeting the positions of President and two Committee members shall become vacant with an election to be held. The holder of these positions shall be elected for a period of two years. At the 1999 Annual General Meeting the positions of Vice President, Secretary / Treasurer and one Committee member shall become vacant and an election will be held to fill these positions. The holder of these positions shall be elected for a period of two years. Election will therefore be held on each position every two years. The Committee has the power to co-opt any person it sees fit.

\_(1)\_ The officers of the Association are as follows:

\_(a)\_ one president;

\_(b)\_ two vice-presidents;

\_(c)\_ one treasurer;

\_(d)\_ one secretary.

\_(2)\_ One of the vice-presidents is to be known as the senior

vice-president.

\_(3)\_ Rule 24(2), (3) and (4) applies, with all necessary

modifications, to the election of persons to any of the offices

referred to in subrule (1).

\_(4)\_ Each officer of the Association is to hold office until

the next annual general meeting after that at which he or she is

elected and is eligible for re-election.

\_(5)\_ If a casual vacancy in an office referred to in

subrule (1) occurs, the committee may appoint one of its members to

fill the vacancy until the next annual general meeting after the

appointment.

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\_23. **Constitution of the committee**\_

\_(1)\_ The committee consists of -

\_(a)\_ the officers of the Association; and

\_(b)\_ ................. other members elected at the annual general

meeting.

\_(2)\_ An ordinary committee member is to hold office until the

next annual general meeting after that at which he or she is elected

and is eligible for re-election.

\_(3)\_ If a casual vacancy occurs in the office of ordinary

committee member, the committee may appoint a member of the

Association to fill the vacancy until the next annual general meeting

after the appointment.

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\_24. **Election of numbers of committee**\_

\_(1)\_ A nomination of a candidate for election as an officer of

the Association, or as an ordinary committee member, is to be -

\_(a)\_ made in writing, signed by 2 members of the Association and

accompanied by the written consent of the candidate (which may be

endorsed on the nomination); and

\_(b)\_ delivered to the public officer of the Association at least

10 days before the day on which the annual general meeting is to be

held.

\_(2)\_ If insufficient nominations are received to fill all

vacancies on the committee -

\_(a)\_ the candidates nominated are taken to be elected; and

\_(b)\_ further nominations are to be received at the annual general

meeting.

\_(3)\_ If the number of nominations received is equal to the

number of vacancies on the committee to be filled, the persons

nominated are taken to be elected.

\_(4)\_ If the number of nominations received exceeds the number

of vacancies on the committee to be filled, a ballot is to be held.

\_(5)\_ If the number of further nominations received at the

annual general meeting exceeds the number of remaining vacancies on

the committee to be filled, a ballot is to be held in relation to

those further nominations.

\_(6)\_ The ballot for the election of officers and ordinary

committee members is to be conducted at the annual general meeting in

the manner determined by the committee.

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\_25. **Vacation of office**\_

For the purpose of these rules, the office of an officer of the

Association, or of an ordinary committee member, becomes casually

vacant if the officer or committee member -

\_(a)\_ dies; or

\_(b)\_ becomes bankrupt, applies to take the benefit of any law for

the relief of bankrupt or insolvent debtors, compounds with his or

her creditors or makes an assignment of his or her remuneration or

estate for their benefit; or

\_(c)\_ becomes a represented person within the meaning of the

\_Guardianship and Administration Act 1995\_; or

\_(d)\_ resigns office in writing addressed to the committee; or

\_(e)\_ ceases to be ordinarily resident in Tasmania; or

\_(f)\_ is absent from 3 consecutive meetings of the committee

without the permission of the other members of the committee; or

\_(g)\_ ceases to be a member of the Association; or

\_(h)\_ fails to pay all arrears of subscription within 14 days after

receiving a notice in writing signed by the public officer of the

Association stating that the officer or committee member has ceased

to be a financial member of the Association.

\_\_\_26. **Meetings of the committee**\_

* + - 1. Committee Meetings

1. The President and the Secretary / Treasurer are herby given power to run the

day to day matters of the Association.

2 Where a full Committee meeting is called, a quorum shall consist of 50% of those elected.

3 At all Committee meetings either the President or the Secretary / Treasurer must be in attendance

\_(1)\_ The committee is to meet at least once in each month at

any place and time the committee determines.

\_(2)\_ A meeting of the committee, other than a meeting referred

to in subrule (1), may be convened by the President or any 4 of the

members of the committee.

\_(3)\_ Written notice of any special committee meeting is to be

served on members of the committee and is to specify the general

nature of the business to be transacted.

\_(4)\_ A special committee meeting may only transact business of

which notice is given in accordance with subrule (3).

\_(5)\_ A quorum for the transaction of the business of a meeting

of the committee is 6 members of the committee.

\_(6)\_ Business is not to be transacted at a meeting of the

committee unless a quorum is present.

\_(7)\_ If a quorum is not present within half an hour after the

time appointed for the commencement of -

\_(a)\_ a meeting of the committee (other than a special committee

meeting), the meeting is to be adjourned to the same day in the

next week at the same time and at the same place; or

\_(b)\_ a special committee meeting, the meeting is dissolved.

\_(8)\_ At each meeting of the committee, the chairperson is to

be -

\_(a)\_ the president; or

\_(b)\_ in the absence of the president, the senior vice-president;

or

\_(c)\_ in the absence of the president and the senior

vice-president, the other vice-president; or

\_(d)\_ in the absence of the president and both vice-presidents, a

member of the committee elected to preside as chairperson by the

members of the committee present at the meeting.

\_(9)\_ Any question arising at a meeting of the committee is to

be determined -

\_(a)\_ on a show of hands; or

\_(b)\_ if demanded by a member, by a poll taken at that meeting in

the manner the chairperson determines.

\_(10)\_ On any question arising at a meeting of the committee, a

member of the committee (including the chairperson) has one vote only.

\_(11)\_ Despite subrule (10), in the case of an equality of

votes, the chairperson has a second or casting vote.

\_(12)\_ Written notice of each committee meeting is to be served

on each member of the committee by -

\_(a)\_ giving it to the member during business hours before the day

on which the meeting is to be held; or

\_(b)\_ leaving it, during business hours before the day on which the

meeting is to be held, at the member's postal or residential

address or place or address of business or employment last known to

the server of the notice; or

\_(c)\_ sending it by post to the person's postal or residential

address or address of business or employment last known to the

server of the notice in sufficient time for it to be delivered to

that address in the ordinary course of post before the day on which

the meeting is to be held; or

\_(d)\_ faxing it to the member's fax number; or

\_(e)\_ emailing it to the member's email address.

\_\_\_27. **Disclosure of interests**\_

\_(1)\_ If a member of the committee or a member of a subcommittee

has a direct or indirect pecuniary interest in a matter being

considered, or about to be considered, by the committee or

subcommittee at a meeting, the member is to, as soon as practicable

after the relevant facts come to the member's knowledge, disclose the

nature of the interest to the committee.

\_(2)\_ If at a meeting of the committee or a subcommittee a

member of the committee or subcommittee votes in respect of any matter

in which the member has a direct or indirect pecuniary interest, that

vote is not to be counted.

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\_28. **Subcommittees**\_

\_(1)\_ The committee may -

\_(a)\_ appoint a subcommittee from the committee; and

\_(b)\_ prescribe the powers and functions of that subcommittee.

\_(2)\_ The committee may co-opt any person as a member of a

subcommittee without voting rights, whether or not the person is a

member of the Association.

\_(3)\_ A quorum for the transaction of the business of a meeting

of the subcommittee is 3 appointed members entitled to vote.

\_(4)\_ The public officer of the Association is to convene

meetings of a subcommittee.

\_(5)\_ Any question arising at a meeting of a subcommittee is to

be determined -

\_(a)\_ on a show of hands; or

\_(b)\_ if demanded by a member, by a poll taken at that meeting in

the manner the chairperson determines.

\_(6)\_ On any question arising at a meeting of a subcommittee, a

member of the subcommittee (including the chairperson) has one vote

only.

\_(7)\_ Written notice of each subcommittee meeting is to be

served on each member of the subcommittee by -

\_(a)\_ giving it to the member during business hours before the day

on which the meeting is to be held; or

\_(b)\_ leaving it, during business hours before the day on which the

meeting is to be held, at the member's postal or residential

address or place or address of business or employment last known to

the server of the notice; or

\_(c)\_ sending it by post to the person's postal or residential

address or address of business or employment last known to the

server of the notice in sufficient time for it to be delivered to

that address in the ordinary course of post before the day on which

the meeting is to be held; or

\_(d)\_ faxing it to the member's fax number; or

\_(e)\_ emailing it to the member's email address.

\_\_\_29. **Executive committee**\_

\_(1)\_ The president, the vice-presidents, the treasurer and the

secretary constitute the executive committee.

\_(2)\_ During the period between meetings of the committee, the

executive committee may issue instructions to the public officer and

servants of the Association in matters of urgency connected with the

management of the affairs of the Association.

\_(3)\_ The executive committee is to report on any instructions

issued under subrule (2) to the next meeting of the committee.

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\_30. **Annual subscription**\_

\_(1)\_ The annual subscription payable by members of the

Association is the following amount:

......................................................................

...

\_(2)\_ The members of the Association may alter the annual

subscription by special resolution.

\_(3)\_ The annual subscription of a member of the Association is

due and payable on or before the first day of each financial year of

the Association.

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\_31. **Service of notices and requisitions**\_

Except as otherwise provided by these rules, a document may be served

under these rules on a person by -

\_(a)\_ giving it to the person; or

\_(b)\_ leaving it at, or sending it by post to, the person's postal

or residential address or place or address of business or

employment last known to the server of the document; or

\_(c)\_ faxing it to the person's fax number; or

\_(d)\_ emailing it to the person's email address.

\_\_\_32. **Expulsion of members**\_

\_(1)\_ The committee may expel a member from the Association if,

in the opinion of the committee, the member is guilty of conduct

detrimental to the interests of the Association.

\_(2)\_ The expulsion of a member under subrule (1) does not take

effect until the later of the following:

\_(a)\_ the fourteenth day after the day on which a notice is served

on the member under subrule (3);

\_(b)\_ if the member exercises his or her right of appeal under this

rule, the conclusion of the special general meeting convened to

hear the appeal.

\_(3)\_ If the committee expels a member from the Association, the

public officer of the Association, without undue delay, is to cause to

be served on the member a notice in writing -

\_(a)\_ stating that the committee has expelled the member; and

\_(b)\_ specifying the grounds for the expulsion; and

\_(c)\_ informing the member of the right to appeal against the

expulsion under rule 33.

\_\_\_33. **Appeal against expulsion**\_

\_(1)\_ A member may appeal against an expulsion under rule 32 by

serving on the public officer of the Association, within 14 days after

the service of a notice under rule 32(3), a requisition in writing

demanding the convening of a special general meeting for the purpose

of hearing the appeal.

\_(2)\_ On receipt of a requisition, the public officer is to

immediately notify the committee of the receipt.

\_(3)\_ The committee is to cause a special general meeting to be

held within 21 days after the day on which the requisition is

received.

\_(4)\_ At a special general meeting convened for the purpose of

hearing an appeal under this rule -

\_(a)\_ no business other than the question of the expulsion is to be

transacted; and

\_(b)\_ the committee may place before the meeting details of the

grounds of the expulsion and the committee's reasons for the

expulsion; and

\_(c)\_ the expelled member must be given an opportunity to be heard;

and

\_(d)\_ the members of the Association who are present are to vote by

secret ballot on the question of whether the expulsion should be

lifted or confirmed.

\_(5)\_ If at the special general meeting a majority of the

members present vote in favour of the lifting of the expulsion -

\_(a)\_ the expulsion is lifted; and

\_(b)\_ the expelled member is entitled to continue as a member of

the Association.

\_(6)\_ If at the special general meeting a majority of the

members present vote in favour of the confirmation of the expulsion -

\_(a)\_ the expulsion takes effect; and

\_(b)\_ the expelled member ceases to be a member of the Association.

\_\_\_34. **Disputes**\_

\_(1)\_ A dispute between a member of the Association, in the

capacity as a member, and the Association is to be determined by

arbitration in accordance with the provisions of the \_Commercial

Arbitration Act 2011\_.

\_(2)\_ This rule does not affect the operation of rule 33.

\_\_

\_35. **Seal of Association**\_

\_(1)\_ The seal of the Association is to be in the form of a

rubber stamp inscribed with the name of the Association encircling the

word "Seal".

\_(2)\_ The seal is not to be affixed to any instrument except by

the authority of the committee.

\_(3)\_ The affixing of the seal is to be attested by the

signatures of -

\_(a)\_ two members of the committee; or

\_(b)\_ one member of the committee and the public officer of the

Association or any other person the committee may appoint for that

purpose.

\_(4)\_ If a sealed instrument has been attested under

subrule (3), it is presumed, unless the contrary is shown, that the

seal was affixed to that instrument by the authority of the committee.

\_(5)\_ The seal is to remain in the custody of the public officer

of the Association.

The DSRA constitution currently contains clause 11. Amendment of Constitution as follows-

AMENDMENT OF CONSTITUTION

This constitution may be amended at any duly called meeting of the Association provided the Notice of motion of such intention has been given at the preceding Genera! Meeting and that members will have been notified in writing of that intention at least seven days prior to that duly called meeting to look at the amendment. No amendment shall be made to this constitution except by two-thirds majority vote of members present or by proxy.

There is no equivalent in the Model Rules..The Associations Incorporation Act contains at section 18 the following-

18. **Alteration of rules, objects, &c., of incorporated association\_**

\_(1)\_ The rules of an incorporated association may be altered only

by special resolution.

\_(2)\_ The public officer of an incorporated association shall,

within one month after an alteration of -

\_(a)\_ the rules of the association;

\_(b)\_ the objects or purposes of the association; or

\_(c)\_ any trusts relating to the association -

lodge with the Commissioner a notice of the alteration in the

prescribed form.

\_(3)\_ Where, under the rules of an incorporated association, the

members of the association are liable to contribute towards the

payment of the debts and liabilities of the association or the

costs, charges, and expenses of a winding up of the association and

an alteration of the rules of the association affects that

liability, the public officer of the association shall, within one

month after the alteration, give notice of that alteration in a

newspaper circulating in the State.

\_(4)\_ An alteration of the rules, objects or purposes of an

association, or of any trusts relating to an association, is of no

effect until subsections (2) and (3) have been complied with in

respect of that alteration and, in the case of an alteration of the

objects or purposes of the association, unless the alteration is

approved by the Commissioner.

\_(5)\_ A notice under subsection (2) shall, in the case of the

alteration of the rules of an association, be accompanied by a copy

of the special resolution by which the alteration was authorized.

\_(5A)\_ An alteration to the rules of an incorporated association

which purports to have the effect of enabling alterations to its

rules to be carried out otherwise than in accordance with

subsection (1) is of no effect.

\_(6)\_ If the public officer of an incorporated association fails to

comply with the provisions of subsection (2) or subsection (3), he

is guilty of an offence.

Penalty: Fine not exceeding 2 penalty units

Likewise clause 12 of current DSRA constitution refers to Dissolution of DSRA as follows-

* + 1. DISSOLUTION

Notwithstanding the provisions of Article 9(a) at any duly called General Meeting at which not less than a quarter of the then financial members of the Association are present or by proxy, the Association may be dissolved and its affairs wound up following a resolution to that effect by no less than two-thirds of the members present or by proxy

In the event of the Association being wound up. the Association's assets shall be disbursed to likeminded organisation/s in the area, according to agreement being reached at the General Meeting of the Association at which the Association was wound up {Amended02/12/2006)

The Model Rules are silent on Dissolution. The Act contains the following provisions-

\_32. Winding up of incorporated associations\_

\_(1)\_ The winding up of an incorporated association is declared to

be an applied Corporations legislation matter for the purposes of

Part 3 of the \_Corporations (Ancillary Provisions) Act 2001\_ in

relation to Part 5.5 (Voluntary winding up), Part 5.6 (Winding up

generally) and Part 5.7 (Winding up bodies other than companies) of

the Corporations Act, subject to the following modifications:

\_(a)\_ the modifications referred to in subsection (2);

\_(b)\_ such other modifications (within the meaning of Part 3 of the

\_Corporations (Ancillary Provisions) Act 2001\_ as may be prescribed

by the regulations.

\_(2)\_ The following modifications to the text of the Corporations

Act apply for the purposes of subsection (1):

\_(a)\_ a reference to a company or body is to be read as a reference

to an incorporated association;

\_(b)\_ a reference to the directors of a company is to be read as a

reference to the members of the committee of an incorporated

association;

\_(c)\_ a reference to the secretary of a company is to be read as a

reference to the public officer of an incorporated association;

\_(d)\_ a reference to the principal place of business of a company

is to be read as a reference to the address of the public officer

of an incorporated association last notified under this Act to the

Commissioner;

\_(e)\_ a reference to a company carrying on business or having a

place of business is to be read as a reference to an incorporated

association pursuing its objects;

\_(f)\_ a reference to ASIC is to be read as a reference to the

Commissioner;

\_(g)\_ a reference to a document in the prescribed form is to be

read as a reference to a document in the corresponding form

prescribed under the Corporations Act with all necessary

modifications;

\_(h)\_ a reference to the Court is to be read as a reference to the

Supreme Court;

\_(i)\_ a reference to the lodgment of a document is to be read as a

reference to lodgment of that document with the Commissioner;

\_(j)\_ a reference to a company's constitution is to be read as a

reference to an incorporated association's rules;

\_(k)\_ a reference to a special resolution is to be read as a

reference to a special resolution within the meaning of this Act;

\_(l)\_ a reference to an officer of a company is to be read as a

reference to a member of the committee of an incorporated

association and, where applicable, a reference to a past officer is

a reference to a past member of the committee of an incorporated

association;

\_(m)\_ a reference in sections 495, 542(1), 547 and 548 to a

contributory of a company is to be read as a reference to a member

of an incorporated association.

\_33. Distribution of surplus assets\_

\_(1)\_ Where, upon the winding up of an incorporated association, a

resolution relating to the distribution of the surplus assets of

the association has been passed by a majority of at least

two-thirds of the members of the association, the Court shall,

subject to subsection (2), make an order for the distribution of

those assets in accordance with the resolution.

\_(2)\_ Where -

\_(a)\_ the Court considers that a distribution of the surplus assets

of an incorporated association in accordance with a resolution of a

kind referred to in subsection (1) would not be just; or

\_(b)\_ such a resolution has not been passed -

the Court shall make such order for the distribution of those

assets as, having regard to the objects and purposes of the

association being wound up, it considers just.

\_(3)\_ In this section -

\_Court\_ means the Supreme Court;

\_surplus assets\_ means the assets of an incorporated association

remaining on the winding up of the association after payment of the

debts and liabilities of the association and the costs, charges,

and expenses of the winding up.