

CONSTITUTION OF THE TURNER RESIDENTS ASSOCIATION INCORPORATED

(as at 9th February 1998)

1. The name of the Association shall be the Turner Residents Association Incorporated ("The Association").

Interpretation

2. "Turner" refers to the Division (Suburb) in the Australian Capital Territory designated as Turner, bounded by Northbourne Avenue, Macarthur Avenue, David Street and Barry Drive..

"Act" means Associations Incorporation Act 1991.

"Regulations" means the Associations Incorporation Regulations.

Office

3. The office of the Association shall be the Secretary's usual place of residence or such other place as the committee determines.

Objects and Purposes

4. (1) To foster an appreciation of the present Turner environment and encourage its preservation, taking account of the interest and welfare of the community.
(2) To support and implement agreed action on Turner community welfare, rights, interests and projects.

Powers

5. (1) The Association has, in accordance with the Act, and both within and outside the Territory, the legal capacity of a natural person and, without limiting the generality of the foregoing, has the following powers:
 - (a) the taking on lease or in exchange, and the hiring or otherwise acquiring of any legal or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Association.
 - (b) the construction, maintenance and alteration of buildings necessary or convenient for any of the objects of the Association;
 - (c) the accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Association;
 - (d) the taking of such steps from time to time as the committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the Association, whether by way

- of donations, subscriptions or otherwise;
- (e) the printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Association;
 - (f) the borrowing and raising of money in such manner and on such terms that the committee may think fit or as may be approved or directed by resolution passed at a general meeting; and securing the repayment of money so raised or borrowed or the payment of a debt or liability of the Association by giving mortgages, or securities upon or over all or any of the real or personal property of the Association;
 - (g) the investment of any moneys of the Association not immediately required for any of its objects or purposes in such manner as the committee may from time to time determine;
 - (h) 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;
 - (i) the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Association or of any of the objects and purposes specified in the foregoing provisions of this sub-rule.

Membership of Association

- 6. (1) Membership is open to all Turner residents.
- (2) Membership commences when the subscription, if any, is paid or when the resident attends any meeting of the Association and records attendance.
- (3) Membership ceases when the member is no longer a resident of Turner, fails to pay the annual subscription (if any) or resigns from the Association.
- (4) A member of the Association is not 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.

Subscriptions

- 7. Any subscription shall be fixed by the Association at its Annual general Meeting for the current financial year.

Disciplining Members

- 8. (1) Where the committee is of the opinion that a member:
 - (a) has persistently refused or neglected to comply with a provision of these rules; or

- (b) has persistently and wilfully acted in a manner prejudicial to the interests of the Association, the committee may, by resolution:
 - (i) expel the member from the Association; or
 - (ii) suspend the member from such rights and privileges of membership of the Association as the committee may determine for a specified period.

- (2) A resolution of the committee under subrule (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subrule (3), confirms the resolution in accordance with this rule.

- (3) Where the committee passes a resolution under subrule (1), the secretary shall, as soon as practicable, cause a notice in writing to be served on the member:
 - (a) setting out the resolution of the committee and the grounds on which it is based;
 - (b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that the member may do either or both of the following:
 - (i) attend and speak at that meeting;
 - (ii) submit to the committee at or prior to the date of that meeting written representations relating to the resolution.

- (4) Subject to Section 50 of the Act, at a meeting of the committee mentioned in subrule (3) the committee shall:
 - (a) give to the member mentioned in subrule (1) an opportunity to make oral representations;
 - (b) give due consideration to any written representations submitted to the committee by that member at or prior to the meeting; and
 - (c) by resolution determine whether to confirm or to revoke the resolution of the committee made under subrule (1).

- (5) Where the committee confirms a resolution under subrule (4), the secretary shall, within 7 days after that confirmation, by notice in writing inform the member of that confirmation and of the member's right of appeal under rule 9.

- (6) A resolution confirmed by the committee under subrule (4) does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within the period; or
 - (b) where within that period the member exercises the right of appeal, unless and until the Association confirms the resolution in accordance with rule 9.

Right of Appeal of Disciplined Member

- 9. (1) A member may appeal to the Association in general meeting against a resolution of the committee which is confirmed under subrule 8(4), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) Upon receipt of a notice under subrule (1), the secretary shall notify the committee which shall convene a general meeting of the Association to be held within 21 days after the date on which the secretary received the notice or as soon as possible after that date.
- (3) Subject to Section 50 of the Act, at a general meeting of the Association convened under subrule (2):
 - (a) no business other than the question of the appeal shall be transacted;
 - (b) the committee and the member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (c) the members present shall vote by secret ballot on the question of whether the resolution made under subrule 8(4), that the resolution is confirmed.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under subrule 8(4), that resolution is confirmed.

Income and Property of Association

- 10. (1) The income and property of the Association, however derived, shall be applied solely towards the promotion of the objects and purposes of the Association and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of the Association.
- (2) The Association shall not:
 - (a) appoint a person who is a member of the committee to any office in the gift of the Association to the holder of which there is payable any remuneration by way of salary, fees, or allowances; or
 - (b) pay to any such person any remuneration or other benefit in money or money's worth (other than the repayment of out-of-pocket expenses).
- (3) Nothing in the foregoing provisions of this Rule prevents the payment of good faith to a servant or member of the Association of remuneration in return for service actually rendered to the Association by the servant or member or for goods supplied to the Association by the servant or member in the ordinary course of business.

Funds - Source

- 11. (1) The funds of the Association shall be derived from subscriptions of members (if any), donations and, subject to any special resolution passed by the Association in general meeting and subject to Section 114 of the Act, such other sources as the committee determines.
- (2) All money received by the Association shall be deposited as soon as practicable to the Association's bank or credit union account.
- (3) The Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

Accounts of Receipts and Expenditure

- 12. (1) True accounts shall be kept:
 - (a) of all sums of money received and expended by the Association and the matter in respect of which the receipt of expenditure takes place; and
 - (b) of the property, credits and liabilities of the Association.
- (2) The Treasurer of the Association shall faithfully keep all general records, accounting, books, and records of receipts and expenditure connected with the operations and business of the Association in form and manner as the committee may direct.
- (3) All records, books, accounts and other documents of the Association shall be kept at the Association's office, or at such other place as the committee may decide, and shall be open to inspection, by a member of the Association, at a place in the Territory, free of charge, but subject to any reasonable restrictions as to time and manner of inspecting them as may be determined by the committee from time to time.

Banking and Finance

- 13. (1) The Treasurer of the Association shall, on behalf of the Association, receive all moneys paid to the Association and forthwith after the receipt thereof issue official receipt therefor.
- (2) The committee shall cause to be opened with such bank or credit union as the committee selects a banking or credit union account in the name of the Association into which all moneys received shall be paid by the Treasurer as soon as possible after receipt thereof.
- (3) No withdrawal shall be made from the Association's bank or credit union account except for the payment of expenditure that has been authorised by the committee.

- (4) All withdrawals from the Association’s bank or credit union account shall be signed at least by two of the Treasurer, President or Secretary or, in their absence, by such other member or members of the committee as the committee may nominate for that purpose.

Auditor

- 14. (1) At each annual general meeting of the Association, the members present shall appoint a person who:
 - (a) is not a member of the committee or an officer of the Association; and
 - (b) has not prepared or assisted with the preparation of the accounts, as the Auditor of the Association.
- (2) A person so appointed shall hold office until the annual general meeting next after that at which the appointment is made and is eligible for re-appointment.
- (3) The first auditor of the Association may be appointed by the committee before the first annual general meeting, and if so appointed, shall hold office until the first annual general meeting of the Association.
- (4) If an appointment is not made at an annual general meeting the committee shall appoint an auditor of the Association for the then current financial year of the Association.
- (5) If a casual vacancy occurs in the office of the Auditor during the course of a financial year of the Association, the committee may appoint a person as the Auditor and the person so appointed shall hold office until the next succeeding annual general meeting.

Audit of Accounts

- 15. (1) Once at least in each financial year of the Association, the accounts of the association shall be examined by the Auditor.
- (2) The Auditor shall certify as to the correctness of the accounts of the Association and shall report thereon to the members present at the annual general meeting.
- (3) In this report, and in certifying to the accounts, the Auditor shall state:(a) whether he/she has obtained the information required by him/her;(b) whether in his/her opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association according to the information at his disposal and the explanation given to him and as shown by the books of the Association; and (c) whether the rules relating to the administration of the funds of the Association have been observed.
- (4) The Treasurer of the Association shall cause to be delivered to the Auditor a list of all the accounts, books and records of the Association.

- (5) The Auditor:
 - (a) has a right of access to the accounts, books, records, vouchers and documents of the Association;
 - (b) may require from the officers and servants of the Association such information and explanations as may be necessary for the performance of the duties of the Auditor;
 - (c) may, in relation to the accounts of the Association, examine any member of the committee or any servant of the Association.

Annual General Meeting

- 16. (1) The Association shall, in each year, hold an annual general meeting.
- (2) The annual general meeting shall be held on such a day (being no later than six months after the close of the financial year of the Association) as the committee may determine.
- (3) The annual general meeting shall be specified as such in the notice convening it.
- (4) 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 receive from the committee reports on the activities of the Association during the last preceding year;
 - (b) to elect members of the committee, including office-bearers;
 - (c) to receive and consider the audited statement of accounts and reports that are required under Sub-Section 73(1) of the Act.

General Meetings

- 17. (1) The committee may, as it sees necessary, convene general meetings of the Association.
- (2) At least 14 days notice of all general meetings shall be given to members of the Association. The notice shall include the purpose for which the meeting is being called and shall be given in a publication circulating in Turner or in such a manner as determined by the committee.
- (3) Special General Meetings may be held following receipt of a requisition giving reasons for requiring a meeting, signed by five or more members. The notice of meeting shall specify the business to be discussed, and no other business shall be brought forward unless with the consent of not less than two thirds of those present.
- (4) Except for Special General Meetings and for the Annual General Meeting as allowed for according to subrule 16(4), business transacted at general meetings shall be according to the agenda drawn up by the Committee and matters raised at the meeting by any member and agreed to by the meeting.
- (5) A quorum at any general meeting shall consist of six members.

- (6) Upon any question arising at a general meeting of the Association, a member has one vote only. All votes shall be given personally. In the case of an equality of voting on a question the chairman of the meeting is entitled to exercise a second or casting vote.
- (7) The President, or in the absence of the President, the Secretary shall preside as chairman at every general meeting of the Association.
- (8) If the Chairman and Secretary are absent from a general meeting, the members present shall elect one of their number to preside as chairman thereat.

Determination of Questions arising at General Meeting

18. A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the determination of the result of the show of hands a poll is demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried or carried unanimously, or carried by a particular majority or lost, and an entry to that effect in the minutes of the Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

Taking of Poll

19. If at a meeting a poll on any question is demanded it shall be taken at that meeting in such manner as the chairman may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.

Affairs of Association to be Managed by a Committee

20. (1) The committee:
 - (a) shall control and manage the business and affairs of the Association;
 - (b) may, subject to these Rules, exercise all such powers and functions as may be exercised by the Association, other than those powers and functions that are required by these Rules to be exercised by general meetings of members of the Association; and
 - (c) subject to the Act and these Rules, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Association.

Officers of the Association

21. (1) The officer-bearers of the Association shall be:
 - (a) a president;

- (b) a treasurer; and
 - (c) a secretary,
- (2) Each officer of the Association shall hold office until the annual general meeting next after the date of election but is eligible for re-election.
 - (3) In the event of a casual vacancy in any office mentioned in subrule (1) of this Rule, the committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of this appointment.

Constitution of the Committee

22. (1) The committee shall consist of:
 - (a) The officers of the Association; and
 - (b) at least 2 and not more than 10 other persons who shall be elected at the annual general meeting; and
- (2) Each ordinary committee member shall, subject to these Rules, hold office until the annual general meeting next after the date of his election, but is eligible for re-election.
- (3) The committee may coopt a member of the Association to the committee where it feels this may be of benefit to the Association. Such a member shall, subject to these Rules, hold office until the annual general meeting next following the date of cooption.
- (4) If a vacancy occurs in the committee, the committee may appoint a member of the Association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the annual general meeting next following the date of the appointment.

Election of Officers

23. (1) Nominations of candidates for election as officers of the Association and members of the committee shall be made in writing signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination).
- (2) If insufficient nominations are received to fill the number of vacancies of the committee, the candidates nominated are deemed to be elected and further nominations shall be received at the annual general meeting.
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

- (4) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- (5) The ballot for the election of officers and committeemen shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

Committee Meetings and Quorum

- 24. (1) Committee meetings shall be called by the Secretary at the request of the President or as the committee deems necessary but at least quarterly and at such place and time as the committee may determine.
- (2) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (3) At meetings of the committee:
 - (a) the President or in the absence of the President, the Secretary shall preside; or
 - (b) if the President and secretary are absent, one of the remaining members of the committee may be chosen by the members present to preside.

Vacation of Office

- 25. For the purpose of these Rules, the office of an officer of the Association or member of the a committee becomes vacant if the officer or committee member:
 - (1) dies;
 - (2) becomes of unsound mind;
 - (3) resigns his office by writing under his hand addressed to the Committee;
 - (4) fails to be resident in Turner;
 - (5) fails, without leave granted by the committee, to attend three consecutive meetings of the committee;
 - (6) ceases to be a member of the Association.

Financial Year

- 26. The financial year of the Association shall end on 30th June.

Notices

- 27. A notice may be served by or on behalf of the Association upon any member either personally or by sending it through the post in a pre-paid letter addressed to the member at his usual or last-known place of abode or by leaving it at the member's last

known address.

Alteration of the Objects and Rules

28. Neither the objects of the Association nor these Rules shall be altered except in accordance with the Act. Changes to the objects or the Rules or dissolution of the Association may be carried out at a general meeting designated as such for this purpose.

Seal of the Association

29. (1) The seal of the Association shall be in the form of a rubber stamp, inscribed with the name of the Association encircling the word "Seal".
- (2) The seal of the Association shall not be affixed to any instrument except by the authority of the committee and the affixing thereof shall be attested by the signatures either of two members of the committee or of one member of the committee and of the Public Officer of the Association or such other persons as the committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the committee.
- (3) The seal shall remain in the custody of the Public Officer.

Public Officer

30. (1) (a) The committee of the Association shall, within 14 days after the incorporation of the Association, appoint a person resident in Turner, to be the Public Officer of the Association and, if the office at any time becomes vacant, shall, within 14 days after it becomes vacant appoint a person resident in Turner to fill the vacancy.
- (b) The Public Officer may hold any other office in the Association.
- (2) The office of the Public Officer becomes vacant if the person holding that office:
- (1) dies;
 - (2) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his/her creditor;
 - (3) becomes of unsound mind;
 - (4) resigns office by writing under his hand addressed to the committee;
 - (5) ceases to be resident in Turner;
 - (6) ceases to be a member of the Association.