



CONSTITUTION

TUGGERANONG COMMUNITY COUNCIL INC

AN ASSOCIATION INCORPORATED UNDER THE ASSOCIATIONS INCORPORATION ACT 1991 OF THE AUSTRALIAN CAPITAL TERRITORY (Registered No. A 968)

As Amended by a Resolution at a Special General Meeting of the Association,
held on 7 August 2018

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CONSTITUTION AND RULES

Declaration of Intent

The **Tuggeranong Community Council (TCC)** is to represent, fairly and openly the best interests of residents and businesses within the Tuggeranong community in accordance with the Constitution.

“Represent” is defined as the financial members of the TCC, giving members of the Committee of the TCC the authority to speak and act on behalf of the TCC only in accordance with the attached Rules.

“Best Interest” is defined as those views expressed by the majority of the financial members of the TCC. Best interest is further defined in line with the “Objects and Purposes of the Association” as set out at Rule (4).

“Fairly” is defined as making every accessible and available effort and facility to canvass the opinions and views of all members of the TCC. (Ref: Policy 2)

“Openly” is defined as allowing any member of the TCC to request an issue be discussed and an opinion formed within a meeting of the TCC. (Ref: Policy 3)

“Name of Association” shall be Tuggeranong Community Council Incorporated.

(hereinafter called “the Association”)

Interpretation. In these Rules, unless a contrary intention appears:

“Financial year” means, year ending 30th June.

“Member” means a member, however described, of the Association. A financial member is a member of the Association who has paid fees for the current financial year and that payment remains current and has been accepted as a member of the Association under Rule (7).

“Quorum” Five members present, (being members entitled under these rules to vote) constitutes a quorum for the transaction of the business of a general meeting.



“Executive Committee Member” means the Office Bearers of the Committee, holding office under these rules as President, Vice President, Treasurer and Secretary.

“Ordinary Committee Member” means a member of the Committee who is not an office bearer of the Association as referred to in Rule 6 sub-rule (6.1), Secretary means the person holding office under these rules as Secretary of the Association or, where no such person holds that office, the Public Officer of the Association.

“The Act” means the Associations Incorporation ACT 1991.

“The Regulations” means the Associations Incorporation Regulations.

(2) In these rules:

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

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

(3) The provisions of the Interpretation ACT 1967 apply to and in respect of these Rules in the same manner as those provisions would so apply if these Rules were an instrument made under the Associations Corporations ACT 1991.

(4) Objects and Purposes of the Association are:

(a) To promote the interests of the Tuggeranong Valley community;

(b) To enhance and improve the economic, cultural, social and environmental well-being of Tuggeranong residents, and community groups;

(c) To identify community groups, and establish and maintain a close liaison amongst them;

(d) To contribute to the physical and social planning of and the development of the Tuggeranong Valley;



- (e) To ensure that the interests of youth, the aged and other groups in the district are properly represented; and
- (f) To inform the community about matters affecting the Tuggeranong Valley.

(5) Powers

(5.1) In all instances, the powers, authority and execution of the work of the Executive Committee is subject to the agreement of the majority of the members of the Association.

(5.2) In addition to the objects of the Association the powers of the Association shall be deemed to include:

- (a) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed to be necessary or convenient for any of the objects or purposes of the Association; (Ref: Policy 4)
- (b) the buying, selling, and supplying of, and dealing in, goods of all kinds; (Ref: Policy 4)
- (c) the construction, maintenance and alteration of building or works necessary or convenient for any of the objects or purposes of the Association;
- (d) 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, on the provision that all gifts are declared to the Association and agreement is reached as to purpose and outcome of accepting the gift;
- (e) 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;
- (f) the printing and publishing of such newspapers, periodicals, books, leaflets, all aspects of electronic media 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;

- (g) the borrowing and raising of money in such manner and on such terms as 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, charges or securities upon or over all or any of the real or personal property of the Association;
- (h) subject to the provisions of the Trustee Act 1957, the investment of any moneys of the Association not immediately required for any of its objects or purposes in such manner as the Committee, with the agreement of the majority response by members of the Association may from time to time determine;
- (i) the making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which paragraph (a) of subsection (1) of section 78 of the Income Tax Assessment Act 1936 of the Commonwealth relates;
- (j) the establishment or support of any other association formed for any of the basic objects of the Association;
- (k) the performance of all such lawful activities as are incidental or conducive to the attainment of the objects of the Association or any of the powers specified in the foregoing provisions of this sub-rule.

(6) Rules of the Association

(6.1) In these Rules, unless the contrary intention appears, "General Meeting" means a general meeting of members convened in accordance with rule (14), "Ordinary Committee Member" means a member of the Committee to whom Rule (24) relates.

(6.2) In these Rules, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, electronic media and other modes of representing or reproducing words in a visible form.



(6.3) Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Interpretation Act 1967 and the Act in force on the date on which those Rules are adopted by the Association.

(7) Membership of Association

(7.1) A person who is nominated by a member, and an Executive Officer or a Committee member as provided in these Rules is eligible to be a member of the Association on payment of the annual subscription prescribed in, or fixed under, these Rules (Ref: Policy 5):

(a) The member shall be a resident of Tuggeranong; or conduct a business with a registered place of work in Tuggeranong; or be the principal representative of a community organisation based in Tuggeranong; or own property in Tuggeranong; or be directly involved with or represent an organisation with issues affecting Tuggeranong;

(b) Unless he/she is nominated as provided in sub-rule (2) of this Rule.

(7.2) A nomination of a person for membership of the Association:

(a) shall be made in writing, signed by a member and an Executive Officer or a Committee member of the Association;

(b) shall be accompanied by the written consent of the person nominated (which may be endorsed on the form of nomination) and agrees to abide by the Code of Conduct;

(c) shall be lodged with the Secretary of the Association. Upon receipt of the sum payable by or on behalf of the nominee as their first year's subscription, shall enter the nominee's name in a register of members to be kept by the Secretary, whereupon the nominee becomes a member of the Association. [Ref: Policy 5]

(7.3) The Secretary is to ensure that a register is maintained which contains the name, address, telephone number and email address, as available, of each member with the date on which the person became or ceased to be a member of the Association.



- (7.4) The Committee is to have regard to the privacy legislation in dealing with any request for access to the register.
- (7.5) A member of the Association may, at any time, resign from the Association by delivering by electronic mail or sending by post to the Secretary a written notice of resignation.
- (7.6) Upon receipt of a notice under sub-rule (7.3) of this Rule, the Secretary shall remove the name of the member by whom the notice was given from the register of members, whereupon that member ceases to be a member of the Association.
- (7.7) A right, privilege, or obligation of a person by virtue of his/her membership of the Association:
- (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon the cessation of their membership, whether by death, resignation, or otherwise. (See Rule 27 – Cessation of Membership)

(8) Members Income and Property of the Association

- (8.1) Members are not liable to contribute towards payment of any liabilities of the dissolution of the Association on a winding up.
- (8.2) 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.
- (8.3) The Association shall not:
- (a) appoint a person who is a member of the Committee to any office 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 equivalent value (other than the repayment of accountable and receipted out-of-pocket expenses).



(8.4) Nothing in the foregoing provisions of this Rule prevents the payment in good faith to a servant or member of the Association:

- (a) remuneration in return for services actually rendered to the Association by the servant or for goods supplied to the Association by the servant or member in the ordinary course of business;
- (b) interest at current bank overdraft rate on money lent; or
- (c) a reasonable or proper sum by way of rent for premises let to the Association by the servant or member.

(9) Accounts, receipts, expenditure etc.

(9.1) True accounts shall be kept:

- (a) of all sums of money received by the Association and the matter in respect of which the receipt or expenditure takes place; and
- (b) of the property, assets, and liabilities of the Association, and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Association for the time being, those accounts shall be open to the inspection of the members of the Association.

(9.2) 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 such form and manner as the Committee may direct.

(9.3) The accounts, books and records referred to in sub-rules (9.1) and (9.2) of this Rule shall be kept at the Association's office or at such other place as the Committee may decide.

(9.4) An electronic copy of accounts to be sent on a monthly basis to the President or to a person nominated by the Committee and their name be made available to the membership of the Association.

(10) Banking and Finance



- (10.1) The Treasurer of the Association shall, on behalf of the Association, receive all monies paid to the Association, and issue official receipts.
- (10.2) The Committee shall cause to be opened with such financial institution as the Committee selects a banking account in the name of the Association into which all monies received shall be paid by the Treasurer as soon as possible after receipt.
- (10.3) The Committee may receive from the Association's financial institution for the time being the cheques drawn by the Association on any of its accounts with that institution and may release and indemnify them from and against all claims, actions, suits, or demands that may be brought against the institution arising directly or indirectly out of those cheques or the surrender thereof to the Association.
- (10.4) Except with the authority of the Committee, no payment of a sum exceeding an amount as determined by a resolution of the members of the Association (Ref: Policy 9) shall be made from the funds of the Association otherwise than by cheque, debit card or electronic transfer, drawn on any of the Association's bank accounts, but the Committee may provide the Treasurer with a sum to meet urgent expenditure, subject to the observance of such conditions in relation to the use and expenditure thereof as the Committee may impose.
- (10.5) No cheques shall be drawn on the Association's bank account except for the payment of expenditure that has been authorised by the Committee.
- (10.6) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed jointly by any two unrelated members of the Committee or employees of the Association authorised to do so by the Committee.

(11) Auditor

- (11.1) At each Annual General Meeting of the Association, the Committee shall appoint a person, as auditor for the accounts of the Association, who:
- (a) is not an officer of the Association, and;
 - (b) has not prepared or assisted with the preparation of these accounts.



(11.2) A person so appointed shall hold office until the Annual General Meeting next after that at which he/she is appointed, and is eligible for re-appointment.

(11.3) 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.

(11.4) If a casual vacancy occurs in the office of auditor during the course of the financial year, the Committee may appoint a person as the auditor and that person so appointed shall hold office until the next succeeding Annual General Meeting.

(12) Audit of Accounts of the Association

(12.1) Once at least in each financial year, the accounts of the Association shall be examined by the auditor.

(12.2) The Committee shall ensure that the audit of the Association's accounts is completed at least 14 days before the audited statement is required to be presented at the Annual General Meeting, to be held before 30th September. (See Rule 13, sub-rule 2 – Annual General Meeting)

(12.3) The auditor shall certify as to the correctness of the accounts of the Association and shall prepare a report thereon to be provided to the members present at the Annual General Meeting.

(12.4) In his/her 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/her disposal and the explanations given to him/her, 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.

(12.5) The Public Officer, Treasurer or Committee of the Association shall cause to be delivered to the auditor a list of all accounts, books and records, of the Association.



(12.6) The auditor:

- (a) has a right of access to the accounts, books, records, vouchers, and documents of the Association;
- (b) may require from the servants of the Association such information and explanations as may be necessary for the performance of his/her duties as auditor;
- (c) may employ persons to assist him/her in investigating the accounts of the Association; and
- (d) may, in relation to the accounts of the Association, examine any member of the Committee or any servant of the Association.

(13) Annual General Meeting

(13.1) The Association shall, in each year, hold an Annual General Meeting.

(13.2) The Annual General Meeting shall be held on such day (being not later than five months after the close of the financial year of the Association) as the Committee may determine. (Ref: Policy 6)

(13.3) The Annual General Meeting shall be in addition to any other general meetings that may be held in the same year.

(13.4) The Annual General Meeting shall be specified as such in the notice convening it.
(Ref: Policy 6)

(13.5) The ordinary business of the Annual General Meeting shall be:

- (a) to confirm the minutes of the last preceding Annual General Meeting;
- (b) to receive from the Committee, auditor, and servants of the Association reports upon the transactions and activities of the Association during the last preceding financial year;
- (c) to elect the officers of the Association and the Ordinary Committee members;



(d) to appoint the auditor and determine his remuneration; and

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

(13.6) The Annual General Meeting may transact special business of which notice is given in accordance with these Rules.

(14) Special General Meeting

(14.1) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association

(14.2) The Committee shall, upon receiving a request in writing by not less than five members, convene a Special General Meeting of the Association.

(14.3) A request for a Special General Meeting shall state the objects of the meeting and shall be signed either directly or electronically by those requesting the Special General Meeting and may consist of several documents in like form, each signed by one or more of the members requesting the Special General Meeting.

(14.4) If the Committee does not convene a Special General Meeting to be held within twenty one days from the date that the request is received by the Committee, those members, or anyone of the signatories of the request, may convene the meeting. Any meeting so convened shall be held within three months from the date of the original request.

(14.5) A Special General Meeting convened on request by no less than five members in pursuance of these Rules shall be convened in the same manner as near as possible as that in which those meetings are convened by the Committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring them.

(15) Notices of General Meetings

(15.1) Except where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Association, the Secretary shall, at least 14 days before the date fixed for the holding of a General Meeting, cause to be sent



by electronic mail, or where specifically requested by a member by prepaid post, to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

- (15.2) Where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Association, the Secretary shall, at least 21 days before the fixed date for the holding of the general meeting, cause notice to be sent to each member in the manner provided in sub-rule (15.1) specifying, in addition to the matter required under that sub-rule, the intention to propose the resolution as a special resolution.
- (15.3) The Association may accept business, other than those items appearing on the agenda, from the floor, on issues directly affecting Tuggeranong.
- (15.4) A member desiring to bring any business before a General Meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice calling a General Meeting given after the receipt of the notice from the member.

(16) Business and Quorum at General Meetings

- (16.1) All business that is transacted at quorum (Ref: Policy 7) at General Meetings and all business that is transacted at the Annual General Meeting, with the exception of that specifically referred to in these Rules as being the ordinary business of the Annual General Meeting, shall be deemed to be special business.
- (16.2) 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 when the meeting is considering that item.
- (16.3) Five members personally present (being members entitled under these Rules to vote) with at least one to be an executive officer constitute a quorum for the transaction of the business of a General Meeting.
- (16.4) If within one hour after the appointed time for the commencement of a General Meeting a quorum is not present, the meeting, if convened upon the request of



members shall be dissolved; and in any other case it shall stand adjourned to the same day in the next week, at the same time and place (unless another place is specified by the President at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned), and 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.

(16.5) All Special Meetings, General Meetings and Committee meetings, other than Executive Committee meetings, are open to members of the public, however, members of the public are not entitled to vote on any question before the Association.

(17) President to preside at the General Meetings

(17.1) The President, or in his/her absence, the Vice President shall preside as Chair at every General Meeting of the Association

(17.2) If the President and Vice President are absent from a General Meeting, the Committee members shall elect one of their number to preside as Chair.

(18) Adjournment of General Meetings

(18.1) The President of a General Meeting at which a quorum is present may, with the consent of 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.

(18.2) Where a meeting is adjourned for fourteen days or more, similar notice of the adjourned meeting shall be given as in the case of the original meeting.

(18.3) Except as provided in the foregoing provisions of this Rule, it is not necessary to give any notice of an adjourned meeting.

(19) Determination of questions arising at General Meetings



(19.1) A question arising at a General Meeting of the 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 President 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 Minute book 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.

(20) Votes

(20.1) All votes shall be given personally.

(20.2) Upon any question arising at a General Meeting of the Association, a member (who is a full member) has one vote only and where a member organisation has more than one representative present, only one vote per organisation is allowed and the voting member is identified prior to the vote being taken.

(20.3) In the case of an equality of voting on a question, the President of the meeting is entitled to exercise a second or casting vote.

(20.4) To be eligible to vote at an Annual General Meeting a member must be a full, financial member and have attended at least four regular monthly meetings since the previous Annual General Meeting.

(21) Taking of Polls

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

(22) When poll to be taken

(22.1) A poll that is demanded on the election of a President, or on a question of adjournment, shall be taken forthwith and a poll that is demanded by any other question shall be taken at such time before the close of the meeting as the President may direct.



(23) Affairs of Association to be managed by a Committee

(23.1) The affairs of the Association shall be managed by a Committee of management constituted as provided in Rule 24.

(23.2) The Committee:

- (a) shall control and manage the business and affairs of the Association in line with the purpose, and objectives of the Association;
- (b) may, subject to these Rules, and those requirements of consultation and the agreement of the majority of the membership of the Association, 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;
- (c) subject to the Ordinance 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; and
- (d) shall appoint a Public Officer who shall be a resident of the Australian Capital Territory. The Public Officer shall act until he/she resigns or his/her successor is appointed by the Committee.

(23.3) Notifying, writing and recording information shall be defined as using all forms of communication which can be verified, audited and referred to later in the business of the Association. This includes retaining all emails, copies of letters, reports, surveys, receipts created in the business of the Association and retaining and keeping accessible to all Association members, all Minutes of all meetings and discussions concerning the business of the Association.

(24) Officers of the Association

(24.1) The officers of the Association shall be:

- (a) President (Ref: Policy 7) (Executive Officer)
- (b) Vice President (Executive Officer)



- (c) Treasurer (Executive Officer)
 - (d) Secretary (Executive Officer)
 - (e) Officer (Ordinary Committee Member) – up to five Committee members
- (24.2) A person who holds any position (other than ordinary membership) in a political Party, or is an elected representative or is standing for election in either the Australian Federal Parliament or the Legislative Assembly of the Australian Capital Territory, is not eligible to be an officer or an ordinary Committee member of the Association.
- (24.3) The provisions of sub-rules (25.1), (25.2) and (25.3) of Rule 25, so far as they are applicable and with necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-rule (24.1) of this Rule.
- (24.4) Each Officer of the Association shall hold office until the Annual General Meeting next after the date of his/her election, but is eligible for re-election. (Ref: Policy 8)
- (24.5) In the event of a casual vacancy in any office mentioned in sub-rule (24.1) 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 his/her appointment.
- (24.6) A person who wishes to nominate for the membership to the Executive must be a full member as per the membership form and be financial (according to Policy 8) and have attended at least four meetings in the previous year.
- (24.7) Officers are to be elected from existing financial members who have attended at least four meetings since the previous Annual General Meeting.
- (24.8) At the Annual General Meeting prospective new officers may be required to give an outline of their experience and why they wish to stand for election.

(25) Constitution of Committee

- (25.1) The Committee shall consist of:



- (a) the Executive Officers of the Association, and
 - (b) Ordinary Committee Members as required.
- (25.2) 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.
- (25.3) In the event of a casual vacancy occurring in the office of an Ordinary Committee Member, 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 conclusion of the Annual General Meeting next following the date of his/her appointment.
- (25.4) Honorary Officers:
- (a) The Executive of the Association, where necessary, may appoint members to honorary office positions as considered appropriate for the conduct of the business and activities of the Council.
 - (b) The role of an Honorary Officer is to assist the Executive Committee with issues relevant to their area of expertise. Honorary Officers may attend the first half hour of an Executive Meeting if there is any pressing business to discuss. Honorary officers will be required to give a report at public meetings. Honorary Officers have no voting rights at an executive level.

(26) Election of members of the Association as Officers of the Committee

- (26.1) Nominations for election as office bearers or Ordinary Committee Members of the Association:
- (a) are to be made on the prescribed form, approved by the Committee, giving the written consent of the candidate and signed by two members of the Association; and
 - (b) shall be delivered to the Secretary of the Association at least ten days before the date fixed for the holding of the Annual General Meeting.



- (26.2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
- (26.3) If insufficient further nominations are received, any vacant positions remaining on the Committee are deemed to be vacant. The Committee may appoint a member of the Association to fill the vacancy.
- (26.4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (26.5) If the number of nominations exceeds the number of vacancies to be filled, a secret ballot shall be held. See rule (24) Sub-Rule (24.6)
- (26.6) The secret ballot for the election of Officers and Ordinary Committee Members shall be conducted at the Annual General Meeting in such usual proper manner as the Committee may direct.

(27) Cessation of Membership

- (27.1) For the purposes of these Rules, the position of an Officer of the Association or of an Ordinary Committee Member becomes vacant if the Officer or Committee Member:
- (a) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors;
 - (b) becomes of unsound mind or is deceased;
 - (c) resigns his office by providing notice in writing addressed to the Committee;
 - (d) becomes ineligible under the provision of sub-rule (34.1) of Rule 34;
 - (e) fails, without leave granted by the Committee, to attend three consecutive meetings of the Committee;
 - (f) ceases to be a member of the Association; or



(g) fails to pay all arrears of subscription due by him within fourteen days after he has received a notice in writing signed by the Secretary stating that he has ceased to be a financial member of the Association.

(28) Meetings of the Committee and Sub-Committees

(28.1) The Committee shall meet at least once in each quarter at such place and at such times as the Committee may determine.

(28.2) Special Meetings of the Committee may be convened by the President, or any five of its members.

(28.3) Notice shall be given to members of the Committee of any Special Meeting, specifying the general nature of the business to be transacted at such a meeting.

(28.4) Any three members of the Committee constitute a quorum for the transaction of business of a meeting of the Committee.

(28.5) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place at the same hour of the same day in the following week unless the meeting was a Special Meeting, in which case it lapses.

(28.6) At meetings of the Committee:

(a) the President, or in his/her absence the Vice President, or

(b) if the President and Vice President are absent, one of the remaining members of the Committee as may be chosen by the members present shall preside.

(28.7) Questions arising at meetings of the Committee or of any sub-Committee appointed by the Committee shall be determined by a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

(28.8) Each member present at a meeting of the Committee or of any sub-Committee appointed by the Committee (including the person presiding at the meeting) is



entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

(28.9) Written notice of each Committee Meeting shall be served on each member of the Committee by delivering to him/her at a reasonable time before the meeting, or by either electronic mail or by post in a prepaid letter addressed to him/her at the usual or last known place of abode in time to reach him/her in due course of post before the due date of the meeting.

(29) Disclosure of interests in Contracts

(29.1) A member of the Committee who is interested in any contract or arrangement made, or proposed to be made, with the Association shall disclose his/her interest at the first meeting of the Committee at which the contract or arrangement is first taken into consideration, if his/her interest then exists, or, in any other case, at the first meeting of the Committee after the acquisition of his/her interest.

(29.2) If a member of the Committee becomes interested in a contract or arrangement after it is made or entered into he/she shall disclose his/her interest at the first meeting of the Committee after he/she becomes so interested.

(29.3) No member of the Committee shall vote as a member of the Committee in respect of any contract or arrangement in which he/she is interested and if he/she does so his/her vote shall not be counted.

(30) Sub-Committees and Executive Committee

(30.1) The Committee may at any time appoint a sub-Committee from the membership and shall prescribe the powers and functions. The sub-Committee may be chaired by any member of the sub-Committee; selected by a vote of all the members of the sub-Committee.

(30.2) The Committee may co-opt as members of a sub-Committee such persons as it thinks fit, whether or not those persons are members of the Association, but a person so co-opted is not entitled to vote.



(30.3) Three appointed members of a sub-Committee constitute a quorum at a meeting of the sub-Committee.

(30.4) The Secretary of the Association is responsible for calling meetings of a sub-Committee.

(30.5) At the AGM each year, the Public Officer appointed at the meeting, shall assume the duties of the Judiciary Committee Chair, providing the Public Officer is not also a member of the Executive. If this is the case, the AGM will appoint a non-Executive and/or Committee officer holder to that role.

(a) The Judiciary Chair will upon request from the Secretary, form a Judiciary Committee comprising of two additional independent persons (NON members) and their duties will be to establish the facts of the complaint and report to the Executive in writing a statement of facts and make recommendations to the Executive in regard to possible actions to be taken.

(b) The executive will review the Judiciary committee report and make decisions to accept, amend and/or vary the recommendations as they deem appropriate.

(c) Natural Justice shall be the cornerstone of all disciplinary actions.

(30.6) The President, Vice President, Secretary, and the Treasurer constitute an Executive Committee, which may issue instructions to the Public Officer and the servants of the Association in matters of urgency connected with the management of the affairs of the Association during the intervals between meetings of the Committee, and where any such instructions are issued shall report thereon to the next meeting of the Committee.

(31) Annual subscription

(31.1) Until otherwise fixed pursuant to sub-rule (2) of this Rule, the annual subscription payable by members shall be prescribed by the Committee. (Ref: Policy 8)

(31.2) The amount of the annual subscription may be altered from time to time by a resolution of the members.



(31.3) The annual subscription of a member is due on or before the first day of the financial year of the Association. (Ref: Policy 8)

(32) Financial Year

(32.1) The financial year of the Association is the period beginning on the 1st of July in each calendar year and ending on the 30th of June next following.

(33) Notices

(33.1) A notice may be served by or on behalf of the Association upon any member either personally, or by electronic mail or by sending it through the post in a prepaid letter addressed to the member at his/her usual or last known place of abode.

(34) Expulsion of Members

(34.1) Subject to this Rule, the Executive may refer a member to the Judiciary of the Executive if a complaint has been lodged to the Secretary regarding the conduct of said member.

(34.2) The expulsion of a member pursuant to sub-rule (34.1) of the Rule does not take effect:

(a) until the expiration of fourteen days after the service on the member of a notice under sub-rule (34.3) of this Rule; or

(b) if the member exercises their right of appeal under this Rule, until the conclusion of the Special General Meeting convened to hear the appeal, whichever is the later date.

(34.3) Where the Committee acting upon advice received from the Judiciary has decided to expel the member from the Association, the Secretary shall, without undue delay, cause to be served on the member a notice in writing, outlining the decision, reasons for the decision and including rights of appeal.

(35) Right of Appeal of disciplined member



(35.1) A member on whom a notice under sub-rule (34.3) of this Rule is served may appeal against the expulsion to a Special General Meeting by delivering or sending by post to the Secretary of the Association, within seven days after the service of that notice, a request in writing for the convening of such a meeting for the purpose of hearing his/her appeal.

(35.2) On receipt of a notice under sub rule (35.1), the Secretary shall notify the Committee which shall convene a Special General Meeting of the Association to be held within twenty one days after the date on which the Secretary received the notice or as soon as possible after that date.

(35.3) At a Special General Meeting convened for the purpose of this rule:

- (a) no business other than the question of the expulsion shall be transacted;
- (b) the Committee may place before the meeting details of the grounds of the expulsion and the Committee's reasons for the expulsion;
- (c) the expelled member shall be given an opportunity to be heard; and
- (d) the members present shall vote by secret ballot on the question whether the expulsion should be lifted or confirmed.

(35.4) If at the Special General Meeting a majority of the members present vote in favour of the lifting of the expulsion, the expulsion shall be deemed to have been lifted and the expelled member is entitled to continue his/her membership of the Association.

(35.5) If at the Special General Meeting a majority of the members present vote in favour of the confirmation of the expulsion, the expulsion takes effect and the expelled member ceases to be a member of the Association immediately.

(36) Removal of Committee Members

(36.1) The Association in General Meeting may by resolution, subject to the Act, section 50, remove any member of the Committee from the office of member of the Committee before the expiration of the member's term of office.

(37) Alteration of Constitution



- (37.1) The Rules may be amended by resolution passed by a three-quarters majority of financial members voting at a General or Special Meeting.
- (37.2) Notice of the proposed amendment shall be included in the notice calling the General or Special Meeting of which at least 21 days notice is given and is accompanied by a notice in writing to propose the resolution as a special resolution, which has been given to the members of the Association.
- (37.3) An amendment to the objects and purposes of the Association shall not be effective until the notice has been lodged with the Registrar.
- (37.4) An alteration of the Rules is of no effect until a copy of the alteration is lodged with the Registrar.

(38) Common Seal of the Association

- (38.1) The Common Seal of the Association shall be in the form of a rubber stamp, inscribed with the name of the Association encircling the words 'Common Seal'.
- (38.2) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and affixing of the common seal shall be attested by the signatures of either of two members of the Committee or of one member of the Committee and the Secretary.
- (38.3) The Common Seal shall remain in the custody of the Secretary.

(39) Duties of the Executive Committee

(39.1) The duties listed are those currently adopted by the Executive to carry out the objects of the Tuggeranong Community Council. They may be changed by the Executive from time to time provided they remain consistent with the Constitution. The duties of specific office bearers are as follows:

PRESIDENT

The President shall:



1. Preside at all meetings of the Council.
2. Preserve order and decorum at meetings and so exercise authority in conducting business of the Council.
3. In consultation with the Secretary, assist in answering any necessary correspondence addressed to the Council.
4. Act as spokesperson for the Council.

5. Exercise general supervision over the activities of the Council.
6. Convene a public meeting at least 10 times a year, Annual General Meeting every 12 months, and other Special Meetings as deemed necessary.
7. Convene monthly Executive Meetings.

VICE PRESIDENT

1. Assist in maintaining order.
2. In the absence of the President, preside at meetings of the Council with the full power and authority of presiding authority.
3. Deputise for the President in exercising duties other than at meetings when the President is unavailable.
4. Assist the President in exercising duties of that office.
5. Assist any member of the Executive who is required to represent the Council in an official capacity by being a witness to discussions etc., particularly involving negotiations on behalf of the Council.
6. Undertake to be available at relatively short notice to carry out such assistance.

TREASURER

1. Collect and receive all monies due to the Council and make all payments authorised by the Council.
2. Keep correct accounts and books showing the financial affairs of the Council with full details of all receipts and expenditure connected with activities of the Council.
3. Prepare a financial report for every Executive Meeting and present the report at every General Meeting.
4. Prepare financial records for auditing in time for an audited report to be presented to the Executive at least one month prior to the Annual General Meeting.
5. Present an audited report of the receipts and expenditures for the financial year



together with an audited balance sheet of the Council at the Annual General Meeting.
6. Liaise with the Public Officer and the Auditor when required to under the Constitution.

SECRETARY

1. Receive and in conjunction with the President answer all correspondence addressed to the Council.
2. Ensure that the Attendance Record for Meetings is maintained.
3. Ensure that the names and addresses/organisations of all visitors/guests who attend Council meetings are recorded.
4. Ensure sufficient copies of any documents required for the meetings are available.
5. Liaise with the Public Officer and the auditor as/when required under the Constitution.

FIVE COMMITTEE MEMBERS

Duties as directed by the President.

CONSTITUTIONAL POLICIES

The Policies operate in conjunction with the Constitution. These Policies may be added to, deleted or edited, only by the members.

Fourteen days notice will be given for any such alteration. Members shall vote at a General Meeting with a show of hands, with a majority decision from members present. In the case of an equality of votes the President is entitled to exercise a second or casting vote.

Policy 1 Code of Conduct

in order to achieve the aim as set out in the Constitution, the TCC requires that all members must adhere to the Code of Conduct.

The Code of Conduct forms are attached to all membership forms and are to be signed by all members. Copies are also available at each General Meeting from the Public Officer

Policy 2

All members shall be consulted on all issues on which the Tuggeranong Community Council is expected, required, requested or volunteers to voice, write or report an opinion on, on behalf of and in the name of the Tuggeranong Community Council. This



consultation may be by electronic mail, members present at a meeting or through surveys on the TCC Web Site. As many issues have deadlines to respond by, the members have an obligation to voice their opinions as soon as possible so that they can be included in the submission.

Policy 3

All members have the right to request any issue to be discussed at a General Meeting or to request a guest speaker on any issue. A request in writing is to be handed to a member of the Executive Committee. Every step shall be taken to include the request in the following month's meeting.

Policy 4

Under Powers **(5.2) (a)** and **(b)** a dollar amount limited to five hundred dollars (\$500) per month will apply. Any item exceeding \$500 shall be agreed upon by the membership with a vote by a show of hands at a General Meeting.

Policy 5

A person joining the Tuggeranong Community Council is to be nominated by a member and seconded by a member of the Executive Committee or member of the Ordinary Committee. This enables the person being nominated to become a member immediately upon receipt of their membership form and on payment of their annual fee.

Policy 6

The Annual General Meeting shall be held in September each year to enable the new Committee to have two months in office before the December/January break period. Rule (13) sub-rule (13.2) may still apply if the need arises.

Policy 7

A President's term of office shall not exceed three consecutive years. If no one nominates for President when the current President's term of office is complete the members present at the AGM will vote by a secret ballot whether or not the President can continue in the position.

Policy 8

Membership fees may be charged at the discretion of the Committee. If no fees are



applicable membership is acknowledged by the receipt of a formal written declaration stating acceptance of the TCC rules and by-laws and a willingness to abide by such rules.

Policy 9

Rule (10) Banking and Finance – reference at (10.4) states “no payment of a sum exceeding an amount as determined by a resolution of the members of the Association (Ref: Policy 9) shall be made from the funds of the Association otherwise than by cheque, debit card or electronic transfer, drawn on any of the Association’s bank accounts”. This amount shall be fifty (50) dollars but may be increased to keep up with inflation, providing the members vote on the change as stated in the guidelines of the Policies.

Policy 10

General Meetings will be held monthly from February to November inclusive, on the first Tuesday of each month at 7.30pm at Vikings Club, Tuggeranong, unless otherwise advised.

Tuggeranong Community Council Area comprises:

- Banks Bonython
- Calwell Chisholm
- Conder – Lanyon Market Place Fadden
- Gilmore Gordon
- Greenway – Tuggeranong Town Centre Gowrie
- Hume Isabella Plains
- Kambah – Kambah Village Centre (including Gleneagles) Macarthur
- Monash Oxley
- Richardson Tharwa
- Theodore Wannniassa – Erindale Centre