



Constitution

Tomakin Community Association Inc.

July 2021

Version 3

Revision History

Revision Date	Summary of Changes	Version Number
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7 August 2015		
29th July 2021	Updated at a Special General Meeting of the Tomakin Community Association held at The Tomakin Sports and Social Club to align with the NSW Department of Fair Trading Model Constitution changes from 1 September 2016	Version 3

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Part 1 - Preliminary

1. Title

The title of the Association shall be the 'Tomakin Community Association Incorporated' (hereinafter called 'the Association')

2. Definitions

(1) In this constitution:

Director-General means the Director-General of the Department of Services, Technology and Administration.

committee means office-bearers and ordinary committee members of the Association.

ordinary committee member means a member of the committee who is not an office-bearer of the Association.

member means a member, however described, of the Association.

secretary means the person holding office under this constitution as secretary of the Association.

treasurer means the person holding office under this constitution as treasurer of the Association.

the Act means the *Associations Incorporation Act 2009*.

the Regulation means the *Associations Incorporation Regulation 2010*.

(2) In this constitution:

(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, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

3. Objectives

The objectives of the Association:

- (1) Promote activities that build fellowship and community spirit in the Tomakin community.
- (2) Promote community values by conducting regular meetings to hear the views of the residents of the Tomakin community.
- (3) Represent the Tomakin community at appropriate forums and meetings.
- (4) Build positive relationships with Eurobodalla Shire Council staff and elected councillors to ensure the views of the Tomakin community are taken into consideration.
- (5) Build relationships with appropriate businesses and groups that have similar or related objectives.
- (6) Seek or provide funding for community projects identified by the Tomakin community.

- (7) Conduct fundraising events to promote interest in the Association and to raise funds for community projects identified by the Tomakin community.

Part 2 – Membership

4. Membership Generally

- (1) A person is eligible to be a member of the Association if:
 - (a) the person is at least 18 years of age
 - (b) the person is a natural person, and
 - (c) the member has paid the membership fee or annual subscription fee under **clause 10**.
- (2) The committee may from time to time nominate life memberships. Nominations for life membership are to be approved at annual general meetings.
- (3) All volunteers of the Association must be current financial members of the Association.

5. Application for Membership

- (1) An application by a person for membership of the Association:
 - (a) must be made in writing (including by email or other electronic means, if the committee so determines) in the form set out in **Appendix 1** to this constitution
 - (b) must include payment of membership fee, and
 - (c) must be lodged (including by email or other electronic means, if the committee so determines) with the treasurer of the Association.
- (2) The treasurer must enter the applicant's name in the register of members within (7) days of receiving the application and, on the name being so entered, the applicant becomes a member of the Association.
- (3) A member of the Association agrees to abide by the constitution of the Association. Such member further acknowledges that failure to do so could result in action being taken under **clause 13** of this constitution.

6. Cessation of Membership

A person ceases to be a member of the Association if the person:

- (a) dies
- (b) resigns membership
- (c) is expelled from the Association under **clause 13**, or
- (d) fails to pay the annual subscription fee under **clause 10** within 3 months after the fee is due.

7. Membership Entitlements

A right, privilege or obligation which a person has by reason of being a member of the Association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership under **clause 6**.

8. Resignation of Membership

- (1) A member of the Association may resign from membership of the Association by first giving to the treasurer written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

- (2) If a member of the Association ceases to be a member under subclause (1) and in every other case where a member ceases to hold membership, the treasurer must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

9. Register of Members

- (1) The treasurer, or other nominated committee member of the Association must establish and maintain a register of members of the Association specifying:
 - (a) the name of the Association
 - (b) the name and postal or residential address of each member of the Association
 - (c) the date on which the person became a member of the Association, and
 - (d) the date, if any, on which each member ceased to be a member of the Association.
- (2) The register of members of the Association must be kept in New South Wales:
 - (a) at the main premises of the Association, or
 - (b) if the Association has no premises, at the address of the treasurer.
- (3) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting, or event relating to the Association, or other material relating to the Association, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

10. Membership and Annual Membership Renewal Fees

- (1) An application for membership to the Association must, upon application, pay to the Association the full membership fee of such amount as determined by the committee. The committee may vary the membership fee for new membership if the application is lodged after 1 May each year. This does not apply to members who allow their membership to lapse and then re-join the Association – it only applies to new members.
- (2) The annual membership renewal fee of such amount as determined by the committee of a member is due and payable by 1 July each year and is valid to 30 June in the following year.

11. Members' Liabilities

The liability of a member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership and annual subscription fees of the Association as required by **clause 10**.

12. Resolution of Disputes

- (1) A dispute between a member and another member (in their capacity as members) of the Association, or a dispute between a member or members and the Association, are to be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration.

13. Disciplining of Member

- (1) A complaint may be made to the committee by any person, that a member of the Association:
 - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) has wilfully acted in a manner prejudicial to the objectives of the Association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee:
 - (a) must cause notice of the complaint to be served on the member concerned
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from the Association or suspend the member from membership of the Association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under **clause 14**.
- (6) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member exercises the right of appeal, unless and until the Association confirms the resolution under **clause 14**, whichever is the later.

14. Right of Appeal of Disciplined Member

- (1) A member may appeal to the Association against a resolution of the committee under **clause 13**, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the secretary must notify the committee which is to convene an association meeting of the Association to be held within 28 days after the date on which the secretary received the notice.
- (4) At the association meeting convened under subclause (3):
 - (a) no business other than the question of the appeal is to be transacted
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

- (5) The appeal is to be determined by a simple majority of votes cast by members of the Association.

Part 3 - The Committee

15. Powers of the Committee

Subject to the Act, the Regulation, this constitution, and to any resolution passed by the Association at association, special and annual general meetings, the committee:

- (a) is to control and manage the affairs of the Association
- (b) may exercise all such functions as may be exercised by the Association, other than those functions that are required by this constitution to be exercised by association, special or annual meetings of members of the Association, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the Association.

16. Composition and Membership of Committee

- (1) The committee is to consist of:
 - (a) the office-bearers of the Association, and
 - (b) at least 3 ordinary committee members, each of whom is to be elected at the annual general meeting of the Association under **clause 17**.
- (2) The total number of committee members is to be at least 7.
- (3) The office-bearers of the Association are as follows:
 - (a) president
 - (b) vice-president
 - (c) treasurer, and
 - (d) secretary.
- (4) A committee member may hold up to 2 offices (other than both the president and vice-president offices).
- (5) Each member of the committee is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (6) There is no maximum number of consecutive terms for which a committee member may hold office.

17. Election of Committee Members

- (1) Nominations of candidates for election as office-bearers of the Association or as ordinary committee members at the annual general meeting:
 - (a) may be 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 form of the nomination), and
 - (b) must be delivered to the secretary of the Association at least 2 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected, and further nominations are to be received at the annual general meeting.

- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the Association must be a member of the Association.
- (8) Members of the Association are able to vote by Proxy (refer clause 36).

18. Secretary

- (1) The secretary of the Association must, as soon as practicable after being appointed as secretary, lodge notice with the Association of his or her address.
- (2) It is the duty of the secretary to keep minutes (whether in written or electronic form) of:
 - (a) all appointments of office-bearers and ordinary committee members of the committee
 - (b) the names of members of the Association present at committee meetings, association meetings, special general meetings, and annual general meetings, and
 - (c) all proceedings at committee meetings, association meetings, special general meetings, and annual general meetings.

19. Treasurer

It is the duty of the treasurer of the Association to ensure:

- (a) that all money due to the Association is collected and received and that all payments authorised by the Association are made
- (b) that correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association
- (c) that a financial statement of all accounts be conducted for presentation at annual general meetings, and
- (d) that a register of members under clause 9 of the Association is maintained.

20. Public Officer

- (1) The Public Officer of the Association shall be nominated by the committee. This position may be held by the Secretary or other elected committee member in addition to their normal duties.
- (2) The Public Officer shall ensure that all documents required by the Act are properly and regularly maintained and where required shall lodge such documents with the relevant authority.
- (3) A person is not eligible to be the Public Officer unless the person resides in the State of New South Wales and is at least 18 years of age.
- (4) The Public Officer may, by resolution of the committee, be removed from office.
- (5) The office of the Public Officer shall be taken to be vacant if the Public Officer:

- (a) resigns from office
- (b) dies
- (c) becomes bankrupt
- (d) suffers from mental or physical incapacity
- (e) ceases to reside in New South Wales, or
- (f) is convicted of an indictable offence.

21. Casual Vacancies

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the Association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
 - (a) dies
 - (b) ceases to be a member of the Association under **clause 6**
 - (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth
 - (d) resigns office by notice in writing given to the secretary
 - (e) is removed from office under **clause 22**
 - (f) becomes a mentally incapacitated person
 - (g) is absent without the consent of the committee from 3 consecutive meetings of the committee
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
 - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

22. Removal of Committee Member

- (1) The Association at a meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the Association, the secretary or the president may send a copy of the representations to each member of the Association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

23. Committee Meetings and Quorum

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.

- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a committee meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 4 members of the committee (two of which must be office-bearers) constitute a quorum for the transaction of the business of a committee meeting.
- (6) No business is to be transacted by the committee unless a quorum is present. If within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned and a new notice of meeting will be advised (refer **clause 23 (3)**).
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
 - (a) the president or, in the president's absence, the vice-president is to preside, or
 - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.
- (9) Relevant decisions made at committee meetings must be reported at the next association meeting.

24. Voting and Decisions at Committee Meetings

- (1) Questions arising at a meeting of the committee are to be determined by a majority of the votes of members of the committee present at the meeting.
- (2) Each member present at a meeting of the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to **clause 23 (5)**, the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee.

25. Use of Technology at Committee Meetings

- (1) A committee meeting may be held at two or more venues using any technology approved by the committee that gives each of the committee's members a reasonable opportunity to participate.
- (2) A committee member who participates in a committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

Part 4 - Meetings

26. Association Meetings

The Association shall convene association meetings **three to four times** a year commencing in August each year on a date and time to be determined and advised to the members not less than 7 days prior to the meeting.

27. Annual General Meetings

- (1) The Association must hold its annual general meeting:
 - (a) within 4 months after the close of the Association's financial year (refer **clause 48**), or
 - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.
- (2) The annual general meeting of the Association is, subject to the Act and to **clause 27 (1)** to be convened on such date and at such place and time as the committee thinks fit.
- (3) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) Confirm the minutes of the last preceding annual general meeting and of any special general meetings held since that meeting.
 - (b) Receive from the committee reports on the activities of the Association during the last preceding financial year.
 - (c) Elect office-bearers, ordinary committee members and nominate a public officer.
 - (d) Receive and consider any financial statement or report required to be submitted to members under the Act.
- (4) An annual general meeting must be specified as such in the notice convening it.
- (5) Any 9 members of the Association (including 2 office-bearers) as eligible under **clause 4** constitute a quorum for the transaction of business at an annual general meeting.

28. Special General Meetings

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the Association.
- (3) A requisition of members for a special general meeting:
 - (a) must state the purpose or purposes of the meeting
 - (b) must be signed by the members making the requisition
 - (c) must be lodged with the secretary, and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.

- (5) A special general meeting convened by a member or members as referred to in **subclause (4)** must be convened as nearly as is practicable in the same manner as association meetings are convened by the committee.
- (6) For the purposes of sub-clause (3);
 - (a) a requisition may be in electronic form, and
 - (b) a signature may be transmitted, and a requisition may be lodged, by electronic means.

29. Notice

- (1) Except if the nature of the business proposed to be dealt with at association meeting requires a special resolution of the Association, the secretary must, at least 7 days before the date fixed for the holding of the association meeting, give a notice to each member specifying the place, date and time of the meeting.
- (2) If the meeting is an annual general meeting, the secretary must, at least 21 days before the date fixed for holding annual general meeting, give notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting (**refer clause 27**).
- (2) If the nature of the business proposed to be dealt with at a meeting requires a special resolution of the Association, the secretary must, at least 21 days before the date fixed for the holding of the special general meeting, cause notice to be given to each member specifying, the intention to propose the resolution as a special resolution (**refer clause 28**).
- (3) No business other than that specified in the notice convening a special general meeting is to be transacted at the meeting, and in the case of an annual general meeting, business which may be transacted under **clause 27 (3)**.
- (4) A member desiring to bring any business before an association meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling an association meeting given after receipt of the notice from the member.

30. Quorum for Meetings

- (1) No item of business is to be transacted at a meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Five members present, 2 of which must be office-bearers (being members entitled under this constitution to vote at a meetings) constitute a quorum for the transaction of the business of a meeting – except in the case of an annual general meeting (**refer clause 27 (5)**).
- (3) If within half an hour after the appointed time for the commencement of a meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members, is to be dissolved, and
 - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) 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 at least 3 – 2 of which are office bearers) are to constitute a quorum.

31. Presiding Member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each meeting of the Association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their members to preside as chairperson at the meeting.

32. Adjournment

- (1) The chairperson of a meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business 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, the secretary must give written or oral notice of the adjourned meeting to each member of the Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in **subclauses (1) and (2)**, notice of an adjournment of a meeting or of the business to be transacted at an adjourned meeting is not required to be given.

33. Making of Decisions

- (1) A question arising at a meeting of the Association is to be determined by either:
 - (a) a show of hands, or if the meeting is one to which clause 38 applies, any appropriate corresponding method that the committee may determine, or
 - (b) if on the motion of the chairperson at the meeting decide that the question should be determined by a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

34. Special Resolutions

A special resolution may only be passed by the Association in accordance with section 39 of the Act.

35. Voting

- (1) On any question arising at a meeting of the Association a member has one vote only.
- (2) In the case of an equality of votes on a question at a meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any meeting of the Association unless all money due and payable by the member to the Association has been paid (**refer clause 10**).

36. Proxy Votes

Each member is entitled to appoint a member as a proxy by notice given to the secretary no later than 48 hours before the scheduled commencement of the meeting. A member, other than an office-bearer, can exercise no more than one

proxy vote in respect of any vote taken at a meeting. Office-bearers may exercise up to two proxy votes in respect of any vote taken at a meeting.

37. Postal Ballots

- (1) The Association may hold a postal or electronic ballot to determine any issue or proposal (other than an appeal under **clause 14**).
- (2) A postal or electronic ballot is to be conducted in accordance with Schedule 3 to the Regulation.

38. Use of Technology at Committee Meetings

- (1) A committee meeting may be held at two or more venues using any technology approved by the committee that gives each of the committee's members a reasonable opportunity to participate.
- (2) A committee member who participates in a committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

Part 5 - Miscellaneous

39. Insurance

The Association will effect and maintain appropriate insurance.

40. Funds - source

- (1) The funds of the Association are to be derived from new membership fees, annual membership subscription fees, donations and fund raising events, and subject to any resolution passed by the Association at a meeting, such other sources as the committee determines.
- (2) All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank or other authorised deposit-taking institution account.
- (3) The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

41. Funds - management

- (1) Subject to any resolution passed by the Association at a meeting, the funds of the Association are to be used in pursuance of the objectives of the Association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 members of the committee. Accounts will only be paid against an invoice made out to the Association.
- (3) Petty cash of thirty dollars (\$30.00) or an amount decided by the committee may be held by the treasurer to cover incidental expenses. Payment will only be made against a valid invoice/receipt or a resolution passed at a committee meeting.
- (4) A financial statement of the accounts of the Association will be presented at the annual general meeting.

42. Association is non-profit

Subject to the Act and the Regulation, the association must apply its funds and assets solely in pursuance of the objects of the association and must not conduct its affairs so as to provide a pecuniary gain for any of its members.

Note: Section 5 of the Act defines pecuniary gain for the purposes of this clause.

43. Distribution of property on winding up of the association

- (1) Subject to the Act and the Regulations, in a winding up of the association, any surplus property of the association is to be transferred to another organisation with similar objects and which is not carried on for the profit or gain of its individual members.
- (2) In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.

Note: Section 65 of the Act provides distribution of surplus property on the winding up of an association.

44. Change of Name, Objectives and Constitution

An application to the Director-General for registration of a change in the Association's name, objectives or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.

45. Custody of Books etc.

Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the Association.

46. Inspection of Books etc.

- (1) The following documents must be open to inspection, free of charge, by a member of the Association at any reasonable hour:
 - (a) records, books and other financial documents of the Association
 - (b) this constitution, and
 - (c) minutes of all meetings of the Association.
- (2) A member of the Association may obtain a copy of any of the documents referred to in **subclause (1)** on payment of a fee of not more than \$1 for each page copied subject to **clause 9 (3)**.
- (3) Despite subclauses (1) and (2), the committee may refuse to permit a member of the association to inspect or obtain a copy of records of the association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the association and is under the guidelines of the Privacy Act 1988.

47. Service of Notices

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
 - (a) by delivering it to the person personally
 - (b) by sending it by pre-paid post to the address of the person, or

- (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, or
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

48. Financial Year

The financial year of the Association commences on 1 July, ending on the following 30 June.

Application for New Membership/Annual Membership Renewal Form Appendix 1

Renewal

New Member

Applicant 1

First
Name

Last
Name

Phone

Address

Email

Applicant 2

First
Name

Last
Name

Membership Fees

Memberships are \$5 per person (non-refundable) and run by financial year, due July 1st.

Payments can be made by Electronic Funds Transfer (EFT):

BSB 641800

ACC 200087561

Please leave your name as reference.

Alternatively, you can leave monies and forms at The Tomakin Sports & Social Club or post to PO Box 207, Moruya NSW 2537.

Please circle: Cash Cheque EFT

1 year (\$5) 2 years (\$10) 3 years (\$15) 4 years (\$20) 5 years (\$25)

Donations

Would you like to make a donation towards projects for the benefit of the Tomakin Community? Amount \$_____

Other Information

I/We hereby apply for membership to the Tomakin Community Association Inc.

I/We agree to receive the TCA Newsletter and other TCA correspondence by email.

I/We agree to abide by the relevant membership provisions under the TCA Constitution.

Constitution can be found at

<https://www.tomakincommunityassociation.com/about>

Signature

Applicant 1 _____ Date: _____

Applicant 2 _____ Date: _____