Schedule 1 Model rules

(see s 5)

Contents

		Page
Part 1.1	**Preliminary**	6
1	Model rules—application	6
2	Association objects	6
3	Application of certain Acts	6
Part 1.2	**Membership**	7
4	Membership—application	7
5	Membership—decision	7
6	Membership—when membership begins	8
7	Membership—joining fee and annual membership fee	9
8	Membership—when membership ends	9
9	Membership—resigning	10
10	Membership—rights and liabilities not transferable	11
Part 1.3	**Dispute resolution and disciplinary procedure**	12
Division 1.3.1	**Dispute resolution procedure**	12
11	Application—div 1.3.1	12
12	Meaning of *party* to a dispute—div 1.3.1	13
13	Resolving dispute by agreement	13
14	Dispute resolution procedure—starting the procedure	13
15	Dispute resolution procedure—appointing decision-maker	14
16	Dispute resolution procedure—notice to parties about decision-maker	14
17	Dispute resolution procedure—opportunity to be heard	15
18	Dispute resolution procedure—outcome	15
19	Dispute resolution procedure—ending dispute by agreement	16
Division 1.3.2	**Disciplinary procedure**	17
20	Definitions—div 1.3.2	17

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21	Application—div 1.3.2	17
22	Disciplinary procedure—grounds for disciplinary action	18
23	Disciplinary procedure—proposed disciplinary action	18
24	Disciplinary procedure—appointing decision-maker	18
25	Disciplinary procedure—notice to member about proposed disciplinary action	19
26	Disciplinary procedure—opportunity to be heard	19
27	Disciplinary procedure—outcome	20
28	Disciplinary procedure—stopping	21
29	Disciplinary procedure—no further action by committee	22
Division 1.3.3	**Appealing decisions**	22
30	Appeal outcome—setting aside decision-maker's decision	22
31	Who can appeal a decision?	22
32	Appeal notices	22
33	Withdrawing an appeal	23
34	General meeting to decide appeal	23
Part 1.4	**Committee**	25
Division 1.4.1	**Committee—membership and functions**	25
35	Committee—members	25
36	Committee—functions	25
37	Committee—delegating functions to subcommittees	26
38	Committee—functions of president	26
39	Committee—functions of vice president	27
40	Committee—functions of secretary	27
41	Committee—functions of treasurer	28
42	Committee—delegating functions of committee members	28
Division 1.4.2	**Committee—election and removal**	29
43	Committee—membership	29
44	Committee—nominating members for election	29
45	Committee—electing members	30
46	Committee—term of office	31
47	Committee—removal of member from office	32
48	Committee—filling casual vacancies	33

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Division 1.4.3	**Committee meetings**	34
49	Committee meetings	34
50	Committee meetings—notice and business	34
51	Committee meetings—chair	35
52	Committee meetings—quorum	35
53	Committee meetings—voting	36
54	Committee meetings—minutes	37
55	Committee meetings—records	37
Part 1.5	**Annual and other general meetings**	38
56	General meetings—called by committee	38
57	General meetings—called at request of members	38
58	General meetings—virtual attendance	39
59	Annual general meetings—notice and business	40
60	Other general meetings—notice and business	41
61	General meetings—authorising proxy	42
62	General meetings—chair	43
63	General meetings—quorum	43
64	General meetings—voting	44
65	General meetings—minutes	44
66	General meetings—adjournment	45
Part 1.6	**Financial matters**	46
67	Funds—source	46
68	Funds—use and management	46
Part 1.7	**Miscellaneous**	48
69	Records and other documents	48
70	Common seal	48
71	Property of defunct association	49
Part 1.8	**Forms**	50
Part 1.9	**Dictionary**	53

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Part 1.1 Preliminary

1 Model rules—application

These model rules, as in force from time to time, are the rules of the [*insert name of incorporated association*] (the ***Association***).

Note The Association may, by special resolution, at any time, decide to adopt rules other than these model rules (see Act, s 33). However, if a rule is inconsistent with the Act or another law in force in the ACT, the rule has no effect (see Act, s 34). Also, if the model rules make provision for a matter not provided for in the Association's rules, the Association's rules are taken to include the provision of the model rules in relation to that matter (see Act, s 31 (2)).

2 Association objects

The objects of the Association are [*insert objects*].

Note The objects of the Association are the objects appearing in the statement of the Association's objects lodged with the registrar (see Act, s 29). The Association may alter its objects by special resolution (see Act, s 30).

3 Application of certain Acts

The following Acts apply to the Association's rules as if the rules were an instrument made under the Act:

(a) the *Electronic Transactions Act 2001*;

(b) the *Legislation Act 2001*.

Note 1 Under the *Electronic Transactions Act 2001*, s 8, information required to be given in writing may be given electronically. For example, applications for membership may be given by email.

Note 2 The Legislation Act contains definitions and other provisions relevant to the Association's rules.

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Part 1.2 Membership

4 Membership—application

(1) A person may apply to the committee to become a member of the Association.

Note Founding members of the Association are dealt with in the Act, s 21 (2).

(2) The application must—

(a) be in writing; and

(b) include—

(i) the applicant's name and contact details; and

(ii) a statement that the applicant supports the Association's objects and agrees to comply with the Act and the Association's rules; and

(iii) a member's nomination of the applicant for membership; and

(c) be signed by the applicant and the member nominating the applicant.

(3) The committee may require the application to be in a form decided by the committee.

Note The committee may require form 1 in pt 1.8 to be used.

5 Membership—decision

(1) The committee must consider each application for membership and decide whether to accept or reject the application.

(2) The committee may reject an application only if—

(a) the application does not comply with section 4 (2); or

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(b) if the committee requires an application to be in a particular form under section 4 (3)—the application is not in the required form; or

(c) the committee is not satisfied that the applicant will support the Association's objects and comply with the Act and the Association's rules.

(3) As soon as practicable after deciding the application, the committee must give the applicant written notice of the decision.

(4) If the committee accepts the application, the committee must—

(a) ask the applicant to pay the joining fee; and

(b) after the applicant pays the fee—record the information required by the Act, section 67 (2) in the register of members.

Note 1 The information required to be recorded in the register includes the person's name and contact details and the date the person became a member (see Act, s 67 (2)).

Note 2 A member may apply to the committee to restrict access to the member's personal information on the register (see Act, s 67B).

6 Membership—when membership begins

A person's membership begins on—

(a) if the joining fee is $0—the day the committee accepts the person's application for membership; or

(b) in any other case—the later of the following:

(i) the day the committee accepts the person's application for membership;

(ii) the day the person pays the joining fee.

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7 Membership—joining fee and annual membership fee

(1) The fee to join the Association (the ***joining fee***) is—

(a) $1; or

(b) if the committee decides another amount—that amount.

(2) The annual fee for membership of the Association (the ***annual membership fee***) is—

(a) $2; or

(b) if the committee decides another amount—that amount.

(3) To remove any doubt, a joining fee or annual membership fee may be $0.

(4) The annual membership fee is payable before (the ***due date***)—

(a) 1 July each year; or

(b) if the committee decides another date—that date.

(5) However, if a person's membership begins after the due date in a calendar year, the due date for the annual membership fee is—

(a) 1 July in the following calendar year; or

(b) if the committee decides another date—that date.

8 Membership—when membership ends

A person's membership ends if—

(a) the person resigns under section 9; or

(b) the person has not paid their annual membership fee by the due date; or

(c) the person's membership is cancelled as a result of disciplinary action taken under part 1.3; or

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(d) if the member is an individual—the individual—

(i) dies; or

(ii) is not physically or mentally fit to exercise the functions of membership; or

(e) if the member is a corporation—the corporation is wound up; or

(f) the incorporation of the Association is cancelled under—

(i) the Act, section 83 (Cancellation where continued incorporation inappropriate); or

(ii) the Act, section 85 (Cancellation of incorporation following voluntary transfer); or

(iii) the Act, section 93 (Cancellation of incorporation); or

(g) the Association is wound up under—

(i) the Act, section 88 (Voluntary winding-up); or

(ii) the Act, section 90 (Winding-up by the court).

9 Membership—resigning

(1) A member may resign their membership of the Association by giving written notice to the committee.

(2) The resignation takes effect—

(a) on the day the committee receives the notice; or

(b) if another day is stated in the notice—on that day.

(3) Despite section 10 (b), a person who resigns their membership remains liable for any annual membership fee the person owes the Association when the resignation takes effect.

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see Legislation Act, s 177).

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(4) The committee must remove information about the member from the register of members as soon as practicable after the member's resignation takes effect.

10 Membership—rights and liabilities not transferable

A member's rights and liabilities—

(a) are not transferable; and

(b) end when the member's membership ends.

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Part 1.3 Dispute resolution and disciplinary procedure

Division 1.3.1 Dispute resolution procedure

11 Application—div 1.3.1

This division sets out the dispute resolution procedure for dealing with a dispute under the Act or the Association's rules between—

(a) a member and another member; or

(b) a member and the committee.

Examples—disputes under the Act or the Association's rules

1 a dispute about when the annual membership fee for membership is due

2 a dispute about when an annual general meeting must be held

3 a dispute arising out of a refusal of a request under the Act, s 67B by a member to restrict access to personal information about the member recorded in the register of members

4 a dispute about whether the Association is acting in accordance with its objects

5 a dispute about whether a member is acting in accordance with the Association's objects

Note 1 There are further requirements for dispute resolution procedures in the Act, s 65B.

Note 2 On application by the Association, a court may direct a person to comply with the Association's rules and may declare and enforce the rights or obligations of members or the Association (see Act, s 53).

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12 Meaning of *party* to a dispute—div 1.3.1

In this division:

party, to a dispute, means—

(a) if the dispute is between members—the members; or

(b) if the dispute is between a member and the committee—the member and the committee.

Note A member may appoint someone to act on their behalf in the dispute resolution procedure (see Act, s 65B (2)).

13 Resolving dispute by agreement

(1) The parties to a dispute must attempt to resolve the dispute by agreement between themselves.

(2) A party to the dispute may ask the committee to help the parties resolve the dispute by agreement if—

(a) the committee is not a party to the dispute; and

(b) the parties are unable to resolve the dispute between themselves.

14 Dispute resolution procedure—starting the procedure

(1) If the parties to a dispute do not resolve the dispute by agreement under section 13, any party to the dispute may start the dispute resolution procedure by giving written notice to the committee.

Note A member who is the subject of a disciplinary procedure must not start a dispute resolution procedure in relation to the same matter until the disciplinary procedure (including any appeal) is complete (see Act, s 65C (4)).

(2) The notice must—

(a) include the names and contact details of the parties to the dispute; and

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(b) give a brief summary of the matters in dispute (a ***dispute summary***) including the relevant provisions of the Act and the Association's rules (if known); and

(c) briefly state the steps the parties have taken to resolve the dispute.

15 Dispute resolution procedure—appointing decision-maker

(1) As soon as practicable after receiving a notice under section 14, the committee must appoint a decision-maker to decide the outcome of the dispute.

Note For laws about appointments, see the Legislation Act, pt 19.3.

(2) The committee must ensure that the decision-maker—

(a) is unbiased; and

(b) has, or can quickly acquire, knowledge of the following:

(i) the Act;

(ii) the Association's rules;

(iii) the Association's objects;

(iv) the management and operation of the Association; and

(c) does not have a conflict of interest.

(3) The committee must give the decision-maker a copy of the notice.

16 Dispute resolution procedure—notice to parties about decision-maker

(1) As soon as practicable after a decision-maker is appointed under section 15, the secretary must give written notice to each party to the dispute that the dispute resolution procedure has started.

(2) However, if the committee is a party to the dispute, the secretary is not required to give the committee notice under subsection (1).

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(3) The notice must include—

(a) a copy of the dispute summary for the dispute; and

(b) the name and contact details of the decision-maker; and

(c) information about the dispute resolution procedure.

17 Dispute resolution procedure—opportunity to be heard

(1) Before deciding the outcome of a dispute, the decision-maker must invite each party to make a written or oral submission (or both) about the dispute.

(2) The invitation must state—

(a) if the decision-maker invites the parties to make a written submission—a period of not less than 14 days in which a party may make a written submission (the ***submission period***); and

(b) if the decision-maker invites the parties to make oral submissions—the day and time (within the submission period) when the party can make their oral submissions.

(3) The decision-maker may also attempt to resolve the dispute with the agreement of the parties to the dispute.

18 Dispute resolution procedure—outcome

As soon as practicable after the submission period has ended, the decision-maker must—

(a) consider any submissions received by the decision-maker during the submission period; and

(b) decide the outcome of the dispute (the ***dispute decision***); and

(c) give the parties to the dispute a written notice stating—

(i) the dispute decision; and

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(ii) the reasons for the dispute decision; and

Note For what must be included in a statement of reasons, see the Legislation Act, s 179.

(iii) that a party to the dispute may appeal the dispute decision under division 1.3.3 (Appealing decisions); and

(d) if the committee is not a party to the dispute—give the committee a copy of the notice mentioned in paragraph (c).

19 Dispute resolution procedure—ending dispute by agreement

(1) The parties to a dispute may agree to end the dispute at any time before the decision-maker decides the outcome of the dispute.

(2) If the parties agree to end the dispute, they must give written notice to the following people:

(a) if the committee is not a party to the dispute—the committee;

(b) if a decision-maker has been appointed for the dispute—the decision-maker.

(3) The notice must state—

(a) that the parties have agreed to end the dispute; and

(b) the terms of the agreement.

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Division 1.3.2 Disciplinary procedure

20 Definitions—div 1.3.2

In this division:

disciplinary action, against a member of the Association in relation to the member's status as a member of the Association, includes any of the following:

(a) demoting the member to a level of membership with fewer rights and privileges;

(b) suspending the member's entitlement to exercise some or all of the member's rights and privileges as a member for a stated period;

(c) suspending the member's membership for a stated period;

(d) cancelling the member's membership and disqualifying the member from applying for membership for a stated period.

ground for disciplinary action—see section 22.

21 Application—div 1.3.2

This division sets out the disciplinary procedure the Association must use if it proposes to take disciplinary action against a member.

Note 1 There are further requirements for disciplinary procedures in the Act, s 65C.

Note 2 A court may direct a person to comply with the Association's rules and may declare and enforce the rights or obligations of members or the Association (see Act, s 53).

Note 3 The Association may (but need not) also use the disciplinary procedure set out in this division if it proposes to take other disciplinary action against a member.

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22 Disciplinary procedure—grounds for disciplinary action

Each of the following is a ***ground for disciplinary action*** against a member of the Association:

(a) the member has failed to comply with the Act or the Association's rules;

(b) the member has acted in a way that is likely to be harmful to the Association.

23 Disciplinary procedure—proposed disciplinary action

If the committee is satisfied that a ground for disciplinary action exists in relation to a member of the Association, the committee may, by resolution, propose to take disciplinary action (the ***proposed disciplinary action***) against the member in relation to the member's status as a member.

24 Disciplinary procedure—appointing decision-maker

(1) If the committee passes a resolution under section 23, the committee must appoint a decision-maker to decide whether to take the proposed disciplinary action.

Note For laws about appointments, see the Legislation Act, pt 19.3.

(2) The committee must ensure that the decision-maker—

(a) is unbiased; and

(b) has, or can quickly acquire, knowledge of the following:

(i) the Act;

(ii) the Association's rules;

(iii) the Association's objects;

(iv) the management and operation of the Association; and

(c) does not have a conflict of interest.

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(3) The committee must give the decision-maker the following information in writing:

(a) the name and contact details of the member who is the subject of the proposed disciplinary action;

(b) details about the proposed disciplinary action;

(c) the grounds for the proposed disciplinary action.

25 Disciplinary procedure—notice to member about proposed disciplinary action

(1) As soon as practicable after appointing a decision-maker under section 24, the committee must give the member written notice telling the member that the disciplinary procedure has started.

(2) The notice must include—

(a) details about the proposed disciplinary action; and

(b) the grounds for the proposed disciplinary action; and

(c) the name and contact details of the decision-maker; and

(d) information about the disciplinary procedure.

26 Disciplinary procedure—opportunity to be heard

(1) Before deciding whether to take the proposed disciplinary action, the decision-maker must invite the member to make a written or oral submission (or both) about—

(a) the proposed disciplinary action; and

(b) the grounds for the proposed disciplinary action.

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(2) The invitation must state—

(a) if the decision-maker invites the member to make a written submission—a period of not less than 14 days in which the member may make a written submission (the ***submission period***); and

(b) if the decision-maker invites the member to make oral submissions—the day and time (within the submission period) when the member can make their oral submissions.

27 Disciplinary procedure—outcome

(1) As soon as practicable after the submission period has ended, the decision-maker must—

(a) consider any submissions received by the decision-maker during the submission period; and

(b) decide whether to take the proposed disciplinary action, another disciplinary action, or no disciplinary action against the member (the ***disciplinary action decision***); and

(c) give the member and the committee written notice stating—

(i) the disciplinary action decision; and

(ii) the reasons for the disciplinary action decision; and

Note For what must be included in a statement of reasons, see the Legislation Act, s 179.

(iii) if the decision-maker decides to take disciplinary action—the day the disciplinary action takes effect; and

(iv) that the member or the committee may appeal the disciplinary action decision under division 1.3.3 (Appealing decisions).

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(2) If the decision-maker decides to take disciplinary action against a member, the committee must—

(a) if the member's membership is cancelled—remove information about the member from the register of members; or

(b) in any other case—record the details of the disciplinary action in the register of members.

(3) If the decision-maker decides to suspend the member's membership for a stated period—

(a) the person is taken not be a member of the Association during the period of suspension; and

(b) the period of suspension does not affect the suspended member's liability to pay the annual membership fee.

28 Disciplinary procedure—stopping

(1) The committee may, by resolution, decide to stop a disciplinary procedure against a member at any time before the decision-maker makes a disciplinary action decision.

(2) If the committee decides to stop the disciplinary procedure, the committee must give written notice to—

(a) the member; and

(b) the decision-maker.

(3) The notice must state—

(a) that the committee has decided to stop the disciplinary procedure for proposed disciplinary action against a member; and

(b) the reasons for the committee's decision to stop the disciplinary procedure.

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29 Disciplinary procedure—no further action by committee

If a decision-maker makes a disciplinary action decision in relation to a member, no further disciplinary action may be proposed or taken against the member in relation to the conduct making up the grounds for disciplinary action set out in the written notice given to the member under section 25.

Division 1.3.3 Appealing decisions

30 Appeal outcome—setting aside decision-maker's decision

A dispute decision or disciplinary action decision may be set aside only by special resolution of the Association.

Note 1 A special resolution requires at least 21 days notice and needs to be passed with at least ¾ of the votes (see Act, s 70).

Note 2 If a decision of the Association deprives a member of a right provided by the Association's rules, the member may apply to the court for an order to vary or set aside the decision (see Act, s 49).

31 Who can appeal a decision?

(1) A party to a dispute may appeal the dispute decision.

(2) The following people may appeal a disciplinary action decision:

(a) the member who is the subject of the disciplinary action decision;

(b) the committee.

32 Appeal notices

A person appealing a decision must, within 7 business days after being given notice of the decision, give the secretary written notice of the appeal (an ***appeal notice***) stating the grounds for the appeal.

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33 Withdrawing an appeal

A person appealing a decision may, at any time before the appeal is decided, withdraw the appeal by giving written notice to the secretary.

34 General meeting to decide appeal

(1) As soon as practicable after the secretary receives an appeal notice—

(a) the secretary must give the parties to the appeal a copy of the appeal notice; and

(b) the committee must call a general meeting to consider a special resolution about the appeal.

Note A special resolution requires at least 21 days notice and needs to be passed with at least ¾ of the votes (see Act, s 70).

(2) The chair of the general meeting must ensure that—

(a) the special resolution is the only item of business at the general meeting called under subsection (1) (b); and

(b) the parties to the appeal are given the opportunity to be heard about the special resolution; and

(c) the members vote on the special resolution by a secret ballot.

(3) The parties to the appeal must not vote on the special resolution.

(4) In this section:

party to the appeal, means—

(a) if the appeal is against a dispute decision—the parties to the dispute; and

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(b) if the appeal is against a disciplinary action decision—

(i) the member who is the subject of the disciplinary procedure; and

(ii) the committee.

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Part 1.4 Committee

Division 1.4.1 Committee—membership and functions

35 Committee—members

(1) The committee must include the following office-bearers for the Association:

(a) the president;

(b) the secretary;

(c) the treasurer.

(2) The committee may also include—

(a) a vice president; and

(b) ordinary committee members.

(3) A member must not hold more than 1 position on the committee at the same time.

Note Committee members have duties of care and diligence, good faith and proper purpose and duties about the use of their position and the use of information obtained because of their position (see Act, div 4.2 and dict, def ***officer***).

36 Committee—functions

The committee may exercise the Association's functions under the Act and the Association's rules, other than conducting the Association's business mentioned in—

(a) section 59 (Annual general meetings—notice and business); and

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(b) section 60 (Other general meetings—notice and business).

Note 1 The committee has the management of the Association (see Act, s 60 (2)).

Note 2 A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196).

37 Committee—delegating functions to subcommittees

(1) The committee may delegate a function of the committee under the Association's rules to 1 or more subcommittees.

(2) However, the committee must not delegate a function given to the committee—

(a) under the Act or another territory law; or

(b) by resolution of the members at a general meeting.

Note For laws about delegations, see the Legislation Act, pt 19.4.

(3) If the committee delegates a function to a subcommittee, the subcommittee may, subject to any limitation or condition in the delegation—

(a) meet on the dates and at the times and places agreed by the subcommittee; and

(b) decide its own procedures.

38 Committee—functions of president

The functions of the president include—

(a) chairing committee meetings and general meetings (including annual general meetings); and

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(b) exercising any other function given to the president—

(i) under the Act or the Association's rules; or

(ii) by the committee or the members to achieve the Association's objects.

39 Committee—functions of vice president

The functions of the vice president (if any) include—

(a) exercising the functions of the president if the president is unavailable to exercise those functions for any reason; and

(b) exercising any other function given to the vice president—

(i) under the Act or the Association's rules; or

(ii) by the committee or the members to achieve the Association's objects.

40 Committee—functions of secretary

(1) The functions of the secretary include—

(a) keeping minutes of committee meetings and general meetings (including annual general meetings); and

(b) exercising any other function given to the secretary—

(i) under the Act or the Association's rules; or

(ii) by the committee or the members to achieve the Association's objects.

(2) The secretary must lodge the notice mentioned in the Act, section 62 (1) (Notice of changes in committee).

Note A committee member must notify the Association of any change of address within 1 month (see Act, s 62 (2)).

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41 Committee—functions of treasurer

The functions of the treasurer include—

(a) keeping the accounting records mentioned in the Act, section 71 (Accounting records); and

(b) preparing the statement of accounts mentioned in the Act, section 72 (Annual statement of accounts); and

(c) presenting the documents mentioned in the Act, section 73 (Presentation of statement to members) at the annual general meeting; and

(d) lodging with the registrar-general the documents mentioned in the Act, section 79 (Registrar-general's power to require statements and reports); and

(e) exercising any other function given to the treasurer—

(i) under the Act or the Association's rules; or

(ii) by the committee or the members to achieve the Association's objects.

42 Committee—delegating functions of committee members

(1) A relevant committee member may delegate their functions under the Association's rules to any other committee member.

(2) However, a relevant committee member must not delegate a function given to the committee member—

(a) under the Act or another territory law; or

(b) by resolution of the members at a general meeting.

Note For laws about delegations, see the Legislation Act, pt 19.4.

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(3) In this section:

relevant committee member means the following committee members:

(a) the president;

(b) the vice president (if any);

(c) the secretary;

(d) the treasurer.

Division 1.4.2 Committee—election and removal

43 Committee—membership

A member of the Association becomes a committee member if the member—

(a) is elected to the committee at an annual general meeting under section 45; or

(b) is appointed by the committee to fill a casual vacancy on the committee under section 48.

Note The inaugural committee is established under the Act, s 61.

44 Committee—nominating members for election

(1) The secretary must, at least 28 days before an annual general meeting, give written notice to the members of the Association calling for nominations of members for election to the committee.

(2) A nomination of a member must—

(a) be in writing; and

(b) be signed by 2 other members; and

(c) include the written consent of the nominated member; and

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(d) be given to the secretary by not later than 14 days after the day the notice under subsection (1) is given.

(3) The committee must not accept the nomination of a member if—

(a) the member is disqualified from election to the committee; or

Note A person may be disqualified from election to the committee under the Act, s 63, s 63A and s 63B.

(b) disciplinary action has been taken against the member under division 1.3.2 in the previous 2 years.

45 Committee—electing members

(1) If more than 1 member is nominated for a particular committee member position, the members at the annual general meeting must vote to decide who is to be elected to the position.

(2) If only 1 member is nominated for a particular committee member position, the nominated member is taken to be elected to the position at the annual general meeting.

(3) If no member is nominated for a particular committee member position, at the annual general meeting, the chair must call for further nominations to fill the position.

(4) If the chair calls for further nominations under subsection (3), the chair—

(a) may accept the nomination of a member only if—

(i) the nomination is supported by 2 members; and

(ii) the nominated person consents to the nomination; and

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(b) must not accept the nomination of a member if—

(i) the member is disqualified from election to the committee; or

Note A person may be disqualified from election to the committee under the Act, s 63, s 63A and s 63B.

(ii) disciplinary action has been taken against the member under division 1.3.2 in the previous 2 years.

(5) If the chair calls for further nominations under subsection (3)—

(a) if more than 1 member is nominated for the position—the members at the meeting must vote to decide who is to be elected to the position; or

(b) if only 1 member is nominated for the position—the nominated member is taken to be elected to the position; or

(c) if no member is nominated for the position—the position is taken to be vacant.

46 Committee—term of office

(1) The term of office of a committee member begins—

(a) for an elected committee member—at the end of the annual general meeting at which the member is elected; or

(b) for a committee member appointed to fill a casual vacancy under section 48—on the day the appointment commences.

(2) The term of office of a committee member ends on the earliest of the following:

(a) the end of the annual general meeting held after the committee member's term of office begins;

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(b) if the person resigns from office—the day the resignation takes effect;

Note A committee member may resign from the committee by written notice given to the public officer (see Act, s 64A).

(c) if the person's membership of the Association ends—the day the membership ends;

(d) if the person is disqualified from holding committee membership under—

(i) the Act, section 63 (Disqualification from office—convictions or bankruptcy)—the day the disqualification takes effect; or

(ii) the Act, section 63A (Disqualification from office—noncompliance with Act)—the day the disqualification takes effect; or

(iii) the Act, section 63B (Disqualification from office—disqualified under other legislation)—the day the disqualification takes effect;

(e) if the person is removed from office under section 47—the day the removal takes effect.

47 Committee—removal of member from office

The Association may, by resolution passed at a general meeting, remove a committee member from the committee before the end of their term of office if the member—

(a) does not exercise their functions or discharge their duties under the Act, section 66A (Duty of care and diligence); or

(b) does not exercise their functions or discharge their duties under the Act, section 66B (Duty of good faith and proper purpose); or

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(c) contravenes—

(i) the Act, section 66C (Use of position); or

(ii) the Act, section 66D (Use of information); or

(d) fails to attend 2 consecutive committee meetings and does not have the agreement of the committee to be absent from 1 or both of the meetings; or

(e) does not exercise the functions of their office for a period of 3 months.

48 Committee—filling casual vacancies

(1) The committee may appoint a member to fill a position on the committee that—

(a) was not filled at the last annual general meeting; or

(b) becomes vacant because a person's committee membership ends for a reason mentioned in section 46 (2) (b) to (e).

(2) If there is a vacancy on the committee during a term of the committee, the committee may appoint a member to the committee for the remainder of the term of the committee.

Note For laws about appointments, see the Legislation Act, pt 19.3.

(3) However, the committee must not appoint a member under this section if disciplinary action has been taken against the member under division 1.3.2 in the previous 2 years.

Note A person may also be disqualified from appointment to the committee under the Act, s 63, s 63A and s 63B.

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Division 1.4.3 Committee meetings

49 Committee meetings

(1) The committee must meet (a ***committee meeting***) at least 3 times during its term.

(2) Committee meetings must be held on the dates and at the times and places decided by the committee.

(3) The committee may, by resolution, decide to hold a committee meeting using a method of communication, or a combination of methods of communication, that allows a committee member taking part to hear or otherwise know what each other committee member taking part says without the members being in each other's presence.

Examples—methods of communication

video conferencing software, instant messaging, telephone conferencing

(4) A committee member who takes part in a committee meeting conducted under subsection (3) is taken, for all purposes, to be present at the meeting.

50 Committee meetings—notice and business

(1) The secretary must give each committee member notice of a committee meeting (a ***committee meeting notice***) at least—

(a) 48 hours before the meeting; or

(b) if the committee unanimously agrees on another period—that period before the meeting.

(2) The committee meeting notice must state—

(a) the date, time and place of the meeting; and

(b) the general nature of the business to be conducted at the meeting.

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(3) The committee may conduct business at a committee meeting only if—

(a) the business is mentioned in the committee meeting notice; or

(b) the majority of the committee members at the meeting agree that—

(i) the business is urgent; and

(ii) it is appropriate to conduct the business at the meeting.

51 Committee meetings—chair

A committee meeting must be chaired by—

(a) the president; or

(b) if the president is absent—any vice president; or

(c) if the president and any vice president are absent—a committee member elected to chair the meeting by the committee members at the meeting.

52 Committee meetings—quorum

(1) The committee may conduct business at a committee meeting only if there is a quorum of 3 committee members.

(2) If there is not a quorum at the time stated in the committee meeting notice, the time of the meeting is taken to be postponed for 30 minutes.

(3) If there is not a quorum after the 30-minute postponement, the meeting is ended.

Note If a quorum for a committee meeting is not reached because a committee member present at the meeting has a personal interest in a matter being considered, a general meeting may be called to pass a resolution to deal with the matter (see Act, s 65A (3)).

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53 Committee meetings—voting

(1) Each committee member—

(a) has 1 vote on each question arising at the committee meeting; and

(b) must vote personally.

Note A committee member who has a material personal interest in a matter must not be present while the matter is being considered by the committee and must not vote on the matter (see Act, s 65A).

(2) A motion is carried if a majority of the committee members at the committee meeting vote in favour of the motion.

(3) However, if the votes on a question are equal, the chair has a second or deciding vote.

(4) The committee members at a committee meeting may vote on a question at the meeting orally, in writing or by a show of hands.

(5) However, a vote on a question at a committee meeting must be by ballot conducted at the meeting if—

(a) the chair decides the vote is to be by ballot; or

(b) at least 2 committee members request the vote be by ballot.

(6) If a ballot is required, the chair must decide how the ballot is to be conducted.

(7) For this section, voting ***personally*** includes voting while taking part in a committee meeting conducted using a method of communication that allows a committee member taking part to hear or otherwise know what each other committee member taking part says without the members being in each other's presence.

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54 Committee meetings—minutes

(1) The committee must ensure that minutes are taken and kept for each committee meeting.

(2) The following must be recorded in the minutes:

(a) the names of the committee members at the meeting;

(b) whether the committee agreed that the minutes of the previous meeting are correct;

(c) a description of the business conducted at the meeting;

(d) if a committee member makes a disclosure of a material personal interest as required by the Act, section 65 (1)—

(i) the nature and extent of the interest; and

(ii) the relation of the interest to the Association's activities;

(e) any motion on which a vote is taken at the meeting and the outcome of the vote.

Note A summary of the minutes of committee meetings must be provided to members on request (see Act, s 35). However, the committee may refuse access if satisfied that allowing access would be prejudicial to the Association's interests (see Act, s 35A).

55 Committee meetings—records

The committee must keep the following records for each committee meeting:

(a) committee meeting notices;

(b) minutes of committee meetings;

(c) copies of documents considered at committee meetings.

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Part 1.5 Annual and other general meetings

Note The provisions in this part apply to all general meetings, including annual general meetings, unless otherwise stated.

56 General meetings—called by committee

The committee may call a general meeting whenever it considers appropriate.

Note 1 The Association must hold its first annual general meeting within 18 months after it is incorporated (see Act, s 68).

Note 2 The Association must hold an annual general meeting once each calendar year, within 5 months after the end of the Association's financial year (see Act, s 69).

Note 3 The Association's incorporation may be cancelled if it has not convened an annual general meeting during the previous 3 years (see Act, s 93 (1) (d)).

57 General meetings—called at request of members

(1) The committee must call a general meeting (other than an annual general meeting) if—

(a) at least 5% of the members of the Association ask for a meeting to be called (the ***requesting members***); and

(b) the request—

(i) is made in writing; and

(ii) is given to the secretary; and

(iii) states the purpose of the meeting; and

(iv) is signed by the requesting members.

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(2) If the committee does not call a general meeting within 1 month after the date of the request, a requesting member may call a general meeting to be held not more than 3 months after the date of the request.

(3) If a general meeting is called under subsection (2), the requesting members must give the general meeting notice required under section 58 (1).

(4) The committee must reimburse any reasonable expenses incurred by the requesting members in calling a general meeting under subsection (2).

58 General meetings—virtual attendance

(1) A general meeting may be held using a method of communication, or a combination of methods of communication, that allows a member taking part to hear or otherwise know what each other member taking part says without the members being in each other's presence if—

(a) the committee decides, by resolution, to hold the meeting using the method of communication; or

(b) for a meeting called by a requesting member under section 57 (2)—the requesting member decides to hold the meeting using the method of communication.

Examples—methods of communication

video conferencing software, instant messaging, telephone conferencing

(2) A member who takes part in a general meeting conducted under subsection (1) is taken, for all purposes, to be present at the meeting.

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59 Annual general meetings—notice and business

(1) The committee must give each member written notice of an annual general meeting at least 14 days before the meeting.

(2) The notice must—

(a) state the date, time and place of the annual general meeting; and

(b) include the agenda for the annual general meeting; and

(c) attach minutes of the previous annual general meeting; and

(d) provide information and documents directly relevant to any matters to be decided, dealt with or done at the annual general meeting.

Examples—information relevant to matters to be decided

1 information about nominees for committee membership

2 information about a proposed budget for the Association

(3) The following must be done at an annual general meeting:

(a) the minutes of the previous annual general meeting must be confirmed;

(b) the committee must be elected under section 45;

(c) the documents mentioned in the Act, section 73 (1) must be presented;

Note The Act, s 73 (1) requires the committee to present a statement of accounts, a reviewer's or auditor's report, and a report about the committee membership, principal activities and profit or loss.

(d) the documents the Association is required to lodge with the registrar-general under the Act, section 79 (1) must be dealt with.

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60 Other general meetings—notice and business

(1) The committee, or the requesting member for a meeting called under section 57 (2), must give each member written notice of a general meeting (a ***general meeting notice***)—

(a) at least 14 days before the meeting; or

(b) if a special resolution is to be considered at the meeting—at least 21 days before the meeting.

Note A special resolution requires at least 21 days notice (see Act, s 70).

(2) A general meeting notice must—

(a) state the date, time and place of the meeting; and

(b) include the agenda for the meeting; and

(c) provide information and documents directly relevant to any matters to be decided at the meeting.

(3) A member may give the secretary written notice about any business the member would like included in the agenda for a general meeting.

(4) If a member gives the secretary written notice under subsection (3), the secretary must include the business in the agenda for the next general meeting.

(5) The chair of a general meeting must ensure that the only business conducted at the meeting is—

(a) the business stated in the general meeting notice for the meeting; and

(b) decisions about the procedure of the meeting.

Examples—decisions about procedure

1 election of chair for the general meeting

2 decision to adjourn the general meeting

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61 General meetings—authorising proxy

(1) A member of the Association (the ***authorising member***) may authorise another member (the ***proxy***) to vote on their behalf at a general meeting.

(2) However, a particular member must not be a proxy for more than 5 other members at a general meeting.

(3) The authorisation must—

(a) be in writing; and

(b) include the name and contact details of the authorising member and the proxy; and

(c) be signed by the authorising member and the proxy; and

(d) include anything else required by the committee; and

(e) be in a form decided by the committee.

Note The committee may require form 2 in pt 1.8 to be used.

(4) The authorisation may include instructions about how the proxy is to vote on the authorising member's behalf.

(5) If the authorisation does not include instructions, the proxy may vote on the authorising member's behalf in any way the proxy considers appropriate.

(6) The proxy may vote on the authorising member's behalf at a general meeting only if—

(a) the authorising member gives the authorisation to the secretary not later than 24 hours before the general meeting; and

(b) the committee accepts the authorisation.

(7) The committee must not accept the authorisation of a proxy if the committee has already accepted 5 authorisations for that proxy.

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(8) If the committee does not accept the authorisation, the committee must, as soon as practicable before the meeting, give the authorising member written notice that the authorisation has not been accepted.

(9) To remove any doubt, an authorising member is not taken to be present at a general meeting only because they have authorised a proxy to vote on their behalf at the meeting.

62 General meetings—chair

A general meeting must be chaired by—

(a) the president; or

(b) if the president is absent—any vice president; or

(c) if the president and any vice president are absent—a member elected to chair the meeting by members at the meeting.

63 General meetings—quorum

(1) The members of the Association may conduct business at a general meeting only if there is a quorum of members present.

(2) If a quorum of 5 members is not present at the time stated in the general meeting notice, the time of the meeting is taken to be postponed for 30 minutes.

(3) If a quorum of 5 members is not present after the 30-minute postponement, the chair of the meeting may adjourn the meeting to another day and time that is not earlier than 7 days, and not later than 14 days, after the meeting that is being adjourned.

(4) The committee must, within 48 hours after adjourning a meeting under subsection (3), give each member written notice stating—

(a) that the meeting was adjourned under subsection (3); and

(b) the new date, time and place of the meeting.

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64 General meetings—voting

(1) Each member of the Association—

(a) has 1 vote on each question arising at a general meeting; and

(b) may vote—

(i) personally; or

(ii) if an authorisation of a proxy has been accepted by the committee under section 61—by proxy.

(2) A motion is carried (except in the case of a special resolution) if a majority of the members vote in favour of the motion.

Note A special resolution needs at least ¾ of the votes to pass (see Act, s 70).

(3) However, if the votes on a question are equal, the chair has a second or deciding vote.

(4) The members at a general meeting may vote on a question at the meeting orally, in writing or by a show of hands.

(5) However, a vote on a question at a general meeting must be by ballot conducted at the meeting if—

(a) the chair decides the vote is to be by ballot; or

(b) at least 3 members request the vote be by ballot.

(6) For this section, voting ***personally*** includes voting while taking part in a general meeting conducted using a method of communication that allows a member taking part to hear or otherwise know what each other member taking part says without the members being in each other's presence.

65 General meetings—minutes

(1) The secretary, or another person authorised by the committee, must take and keep minutes of each general meeting.

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(2) The following must be recorded in the minutes:

(a) the names of the members present at the meeting;

(b) any authorisation of a proxy accepted by the committee under section 61;

(c) a description of the business conducted at the meeting;

(d) if a vote is taken at the meeting—

(i) the motion on which the vote is taken; and

(ii) the outcome of the vote; and

(iii) whether the vote was taken orally, in writing, by a show of hands or by ballot; and

(iv) the number of votes by proxy.

(3) The chair must review the minutes and sign them if they are correct.

(4) The outcome of a vote on a matter at a general meeting is taken to be the resolution of the general meeting of the members of the Association on the matter.

66 General meetings—adjournment

(1) The chair of a general meeting may, at any time, adjourn the meeting if—

(a) there is a quorum; and

(b) the majority of members vote to adjourn the meeting.

(2) The only business that may be conducted on the resumption of an adjourned meeting is the business that remained unfinished when the meeting was adjourned.

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Part 1.6 Financial matters

67 Funds—source

(1) The Association's funds may only be made up of—

(a) joining fees for the Association given under section 7 (1); and

(b) annual membership fees of members given under section 7 (2); and

(c) donations; and

(d) any other source that the committee decides, subject to—

(i) the Act, section 114 (Investment with associations); and

(ii) a resolution passed by the Association at a general meeting.

(2) The committee must—

(a) ensure that all money received by the Association is deposited into the Association's account with a deposit taking institution as soon as practicable after the money is received; and

(b) issue a receipt for any money received by the Association as soon as practicable after the money is received, unless it is impracticable to do so.

Examples—when impracticable to issue receipt

- a gold coin donation
- an anonymous donation

68 Funds—use and management

(1) The Association must—

(a) open and maintain an account with an authorised deposit-taking institution; and

(b) pay all money received by the Association into the account; and

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(c) pay all amounts spent by the Association out of the account.

Note An ***authorised deposit-taking institution*** is an institution (eg a bank, credit union or building society) that is authorised under the *Banking Act 1959* (Cwlth), s 9 (3) (see Legislation Act, dict, pt 1).

(2) The Association's funds may only be used—

(a) for the Association's objects; and

(b) either—

(i) in the way the committee decides; or

(ii) if a general meeting passes a resolution about the way the funds are to be used—in accordance with the resolution.

(3) The committee may make payments on the Association's behalf.

(4) The committee may delegate its functions under subsection (3) to—

(a) a committee member; or

(b) anyone employed or engaged by the Association.

Note For laws about delegations, see the Legislation Act, pt 19.4.

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Part 1.7 Miscellaneous

69 Records and other documents

(1) The secretary must keep all the Association's records and other documents, other than accounting records, in their custody or under their control.

(2) The treasurer must keep the Association's accounting records in their custody or under their control.

(3) The secretary must ensure that all the Association's records and other documents (other than the register of members) are available for inspection by a member free of charge at a place in the ACT at a reasonable time.

Note 1 The committee may refuse to allow a member to inspect a record or other document if satisfied that allowing access would be prejudicial to the Association's interests (see Act, s 35A).

Note 2 A copy of certain documents (including the Association's rules) must also be provided to members on request (see Act, s 35) unless the committee is satisfied that allowing access would be prejudicial to the Association's interests (see Act, s 35A).

Note 3 The Act provides for inspection of the register of members (see Act, s 67A). A member may apply to restrict access to personal information of the member recorded on the register of members (see Act, s 67B).

70 Common seal

(1) If the Association has a common seal, the secretary must keep the common seal in their custody.

(2) The common seal may only be attached to a document if its attachment is—

(a) authorised by the committee; and

(b) witnessed by 2 committee members.

Note The Association's documents may be authenticated or executed other than under a common seal (see Act, s 55).

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71 Property of defunct association

The Association may pass a special resolution nominating another association, or a fund, authority or institution, in which surplus property of the Association will vest if the Association is dissolved or wound up.

Note 1 If the Association does not nominate another association, fund, authority or institution, the surplus property will vest in the registrar-general (see Act, s 92 (1) (c)).

Note 2 An association may be nominated only if it complies with the Act, s 92 (2). A fund, authority or institution may be nominated only if it is in Australia and is mentioned in the *Income Tax Assessment Act 1997* (Cwlth), sdiv 30-B (see Act, s 92 (1) (a) and (b)).

Note 3 A special resolution requires at least 21 days notice and needs to be passed with at least ¾ of the votes (see Act, s 70).

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Part 1.8 Forms

Form 1 Application for membership

(see s 4 (3))

Application for membership of [*insert name of incorporated association*]

I, ...
name of applicant

of .....
contact details of applicant

apply to become a member of the Association.

As a member, I agree to—

(a) support the Association's objects; and

(b) comply with the *Associations Incorporation Act 1991* and the Association's rules.

……..
signature of applicant

……..
date

Nomination

I, ...
name of nominator

a member of the Association, nominate

.....
name of applicant

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for membership.

…….. ……..
signature of nominator *date*

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Form 2 Proxy for meeting

(see s 61)

I, ...
name of authorising member

of .....
contact details of authorising member

a member of .....
name of Association

authorise.....
name of proxy

of .....
contact details of proxy

a member of the Association, to vote on my behalf at the .....
type of meeting

held on…….and at any adjournment of that meeting.
date of meeting

…… ……

signature of authorising member *date*

*My proxy is authorised to vote for/against the resolution .....
insert details of resolution

**to be inserted if desired*

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Part 1.9 Dictionary

Note 1 Terms used in the Association's rules have the same meaning that they have in the Act. For example, the following terms are defined in the Act, dict:

- accounting records
- annual general meeting
- committee
- incorporated
- member
- model rules
- objects
- register of members
- special resolution.

Note 2 The Legislation Act contains definitions relevant to the Association's rules. For example:

- authorised deposit-taking institution
- document
- may (see s 146)
- must (see s 146)
- writing.

Act means the *Associations Incorporation Act 1991*.

annual membership fee—see section 7 (2).

appeal notice—see section 32.

Association—see section 1.

authorising member, for a general meeting—see section 61 (1).

committee meeting—see section 49 (1).

committee meeting notice—see section 50 (1).

contact details, for a person, includes the person's address, email and telephone number.

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decision-maker means—

(a) for a dispute resolution procedure—the person appointed under section 15; and

(b) for a disciplinary procedure—the person appointed under section 24.

disciplinary action, against a member of the Association in relation to the member's status as a member of the Association, for division 1.3.2 (Disciplinary procedure)—see section 20.

disciplinary action decision—see section 27 (1) (b).

dispute decision—see section 18 (b).

dispute summary—see section 14 (2) (b).

due date, for payment of an annual membership fee—see section 7 (4).

financial year means the year ending on 30 June.

Note Financial year is defined in the Act to mean the period not exceeding 12 months, fixed by the Association's rules as the Association's financial year (see Act, dict).

general meeting notice—see section 60 (1).

ground for disciplinary action, for division 1.3.2 (Disciplinary procedure)—see section 22.

joining fee—see section 7 (1).

party, to a dispute, for division 1.3.1 (Dispute resolution procedure)—see section 12.

proposed disciplinary action—see section 23.

proxy, for a general meeting—see section 61 (1).

requesting members, for a general meeting—see section 57 (1) (a).

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submission period—

(a) for a dispute resolution procedure—see section 17 (2) (a); and

(b) for a disciplinary procedure—see section 26 (2) (a).

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