

# MACMASTER'S BEACH & DISTRICT PROGRESS ASSOCIATION

## CONSTITUTION

Incorporating Standing Orders and Rules of Debate.

Revised November 2004

### Clause 1. NAME

**The Association shall be known as MacMasters Beach and District Progress Association Inc.**

### Clause 2. OBJECTS

The objects of the Association shall be:

- a) To protect, preserve and enhance the District's landscape and natural resources, its character and amenity, for the benefit of present and future landholders, residents and visitors.
- b) To support, co-operate and/or affiliate with other bodies or associations with similar objects, for the more effective furtherance of these and similar objects.

### Clause 3. MEMBERSHIP

- a) **Eligibility:** Any person being a landholder or adult resident of the district, or any member of their immediate family 18 years or over, may become a member of the Association on payment of either the Annual Subscription Fee or a contribution, whichever is the greater.
- b) **Applications:** Written application, on the prescribed form, shall be presented for acceptance by members, at a monthly general meeting. Applications for membership shall not be dealt with at an Annual General Meeting or Extraordinary Meeting.
- c) **Register of Members:** The Honorary Secretary shall keep a register of members.
- d) **Cessation of Membership:** A person ceases to be a member if the person:
  - (1) dies, or
  - (2) resigns membership, or
  - (3) Is expelled from the association.
- e) **Resignation of membership:**
  - (1) A member of the association is not entitled to resign membership except in accordance with this rule.
  - (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving to the secretary 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.
  - (3) If a member of the association ceases to be a member under (2) above, and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

f) **Members liabilities:** The liability of the 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 of the association as required by rule 3(a) and clause (5).

g) **Resolution of Internal disputes:** Disputes between members (in their capacity as members) of the association, that cannot be resolved within the association are to be referred to a community justice centre for mediation in accordance with the community justice centres act 1983.

At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and provide copies to the mediator.

**h) Discipline of Members:**

(1) A complaint may be made to the committee by any person that a member of the association:

*(a) has persistently refused or neglected to comply with a provision or provisions of these rules, or*

*(b) has persistently and willfully acted in a manner prejudicial to the interests of the association.*

(2) On receiving such a complaint, the committee:

*(a) must cause notice of the complaint to be served on the member concerned; and*

*(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 submission made by the member in connection with the complaint.*

(3) The committee may, by resolution, expel the member from the association if, after considering the complaint and any submission made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.

(4) If the committee 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 members right of appeal under clause (H).

(5) 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 rule (H) 5 which ever is the later.*

**i) Right of appeal of disciplined member**

- 1) A member may appeal to the association in a general meeting against a resolution of the committee under rule 3(h) within 7 days after the 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 the notice from a member under clause i (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- 4) At a general meeting of the association convened under clause i (3):
  - a) no business other than the question of the appeal is to be transacted and
  - 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) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution the resolution is confirmed.

**Clause 4. HONORARY LIFE MEMBERSHIP**

- a) In recognition of services rendered to the Association and/or the community, Honorary Life Membership may be conferred upon a member by a two-thirds majority of voting members attending an Annual General Meeting.
- b) Nominations for Honorary Life Membership shall be in the form of a Notice of Motion presented at the monthly general meeting prior to the Annual General Meeting.

**Clause 5. ANNUAL SUBSCRIPTION**

- a) The annual subscription fee shall be fixed at the November monthly general meeting prior to the Annual General Meeting.
- b) Fees shall become due and payable on January 1<sup>st</sup>.
- c) Membership shall lapse if the annual subscription is not paid within six months.

**Clause 6. ELIGIBILITY TO VOTE**

Voting rights may be exercised one month after acceptance of membership

**Clause 7. GENERAL MEETINGS**

General Meetings shall be held monthly, unless otherwise determined by a General Meeting. The venue shall be the MacMasters Beach Progress Hall, unless otherwise determined by the Executive.

**Clause 8. ANNUAL GENERAL MEETING**

- a) The Annual General Meeting shall be held in February.
- b) Notice of the Annual General Meeting shall be by local signboard and or the ‘Progress Newsletter’ or published in the local press seven days’ notice being required.
- c) No business other than that placed on the agenda shall be dealt with at an Annual General meeting.

**Clause 9. EXECUTIVE OFFICERS**

- a) The Executive of the Association shall consist of a President, two Vice Presidents, Honorary Secretary, Assistant Honorary Secretary, Honorary Treasurer, Assistant Honorary Treasurer, and Publicity Officer. A member of the executive will also hold the position of Public Officer.
- b) All Executive Officers shall hold office until their successors have been elected, unless, in the meantime, the office has been declared vacant under Clause 9c. Of this Constitution.
- c) The Office of a member of the Executive shall become vacant –
  - i. Upon his/her death.
  - ii. If he/she resigns his office by notice in writing to the Honorary Secretary.
  - iii. If he/she ceases to be a member of the Association.
  - iv. If he/she is absent for two or more consecutive general meetings without leave of absence from the Executive.
  - v. Upon a resolution being passed by a two-thirds majority of members present at a properly constituted extraordinary meeting called for that purpose, to remove him from office.
- d) Any office becoming vacant may be filled at a general meeting.
- e) On vacating office, Officers shall hand over to their successors all books, documents, stationery and finance within seven days.

**Clause 10. EXECUTIVE POWERS**

Urgent matters requiring attention and/or decision before the next monthly general meeting may be dealt with by the Executive and presented for ratification at that meeting.

**Clause 11. SUB-COMMITTEE**

- a) The Executive may co-opt members to a sub-committee, to lend assistance to any matter. The sub-committee shall be responsible to the Executive.
- b) The President and Honorary Secretary shall be ex-officio members of any sub-committee.
- c) The sub-committee shall choose its own chairman.

**Clause 12. PATRONS**

Members may elect Patrons/Patronesses at an Annual General Meeting.

**Clause 13. AUDITOR**

An Honorary Auditor shall be elected at the Annual General Meeting, to audit books of account at least once yearly.

**Clause 14. FINANCIAL YEAR**

The financial year shall end on 31<sup>st</sup> December each year.

**Clause 15. BANKING**

- a) The Association shall operate financial accounts as decided at a general meeting.
- b) Cheques and withdrawal slips shall be signed by any two of the following officers – President, Honorary Secretary, Honorary Treasurer.

**Clause 16. MEETING PROCEDURE**

The procedure of meetings of the Association shall be in accordance with JOSKE'S (Law and Procedure at Meetings in Australia), unless otherwise provided for in this Constitution.

**Clause 17. VOTING BY POLL**

The Executive or a general meeting may decide to defer any matter of significance to a future general meeting to enable a poll of all members to be conducted.  
The matter shall then be decided by a simple majority of the members attending the meeting; together with the authenticated postal votes received by the Honorary Secretary.

**Clause 18. EXTRAORDINARY MEETING**

- a) An extraordinary meeting shall be convened by the Honorary Secretary at the direction of the Executive, or upon the written request of ten members, for the transaction of special or urgent business, which cannot otherwise be dealt with under Clause 10.
- b) Notice of an Extraordinary Meeting shall be published in the local press or by circular to members, with seven days notice to be given, as well as the reason for the meeting.
- c) No business other than that placed on the agenda shall be dealt with at an Extraordinary Meeting.

**Clause 19. DECLARATION OF A PECUNIARY INTEREST.**

A Member shall declare a direct or indirect pecuniary interest in any matter under discussion.

**Clause 20. WINDING UP.**

- a) The Association shall be dissolved in the event of the membership being less than three persons, or upon the vote of a three-fourths majority of members present at an extraordinary meeting convened to consider dissolution.
- b) Upon dissolution, the assets and funds on hand shall, after payment of all expenses and liabilities, be handed over to an organization with similar objects to the Association, as determined by that meeting.

**Clause 21. ALTERATIONS TO THE CONSTITUTION.**

The constitution, incorporating Standing Orders and Rules of Debate, may be amended at an Extraordinary Meeting.