

**ACT RETIREMENT VILLAGE RESIDENTS ASSOCIATION
INCORPORATED**

CONSTITUTION
Amended 26 September 2014

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ACT RETIREMENT VILLAGE RESIDENTS ASSOCIATION INCORPORATED

CONSTITUTION

Name of the Association

The name of the Association shall be ACT Retirement Village Residents Association Incorporated, (referred to in this constitution as “the Association”)

Objects of the Association

- (a) to advance and protect the interests of residents of retirement villages;
- (b) to provide and disseminate information to residents and prospective residents of retirement villages;
- (c) to remain financially and constitutionally independent from political parties and those involved in the development, administration and management of retirement villages;
- (d) to inform and educate residents of retirement villages about the legislation relating to retirement villages and associated matters through seminars, publishing, electronic media and other methods approved by the committee;
- (e) to present to government, the regulator, operator groups and companies, matters of concern to residents of retirement villages; and
- (f) to advocate on behalf of residents and/or to participate in dispute resolution processes when requested.

Part 1.1 Preliminary

1. Definitions

In this constitution:

financial year means the year ending 30 June.

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

secretary means:

- (a) the person holding office under this constitution as secretary of the association; and
- (b) if no such person holds that office—the public officer of the association.

general meeting means a general meeting of the association other than an annual general meeting.

Act means the Associations Incorporation Act 1991.

Regulation means the Associations Incorporation Regulation 1991

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.

1A Application of Legislation Act 2001

The *Legislation Act 2001* applies to these rules in the same way as it would if they were an instrument made under the Act.

Part 1.2 Membership

2. Membership Qualifications

A member of the Association must:

- (a) be a resident living in an Independent Living Unit/Villa (ILU) in an ACT Retirement Village; or
- (b) be a person with Power of Attorney and/or Enduring power of Attorney of an ILU resident in a Retirement Village in the ACT; and
- (c) have paid the appropriate annual subscription.

The initial application must be on the prescribed form, which application must be approved by the Committee.

3. Life Membership

A member who has been determined by the members to have made an exceptional contribution to the advancement of the objectives of the association may be appointed by the association as a life member of the association and shall enjoy the rights and privileges of a member.

The committee may approve a written recommendation supported by documentation.

4. Cessation of membership

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

- (a) dies; or
- (b) resigns membership; or
- (c) is expelled from the association; or
- (d) fails to pay the annual membership fee under clause 8 (2) within 3 months after the fee is due; or
- (e) ceases to be a resident living in an Independent Living Unit/Villa in an ACT retirement village.

5. Membership entitlements not transferable

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.

6. Resignation of membership

- (1) A member of the association 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.
- (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 secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

7. Register of members

- (1) The Secretary, or a Committee member appointed by the Committee to perform this task, must establish and maintain a register of members of the association specifying the name and address of each person, the date each member became a member and the date (if any) each member ceased to be a member of the association.

- (2) The register of members must be kept in the Australian Capital Territory at the association's official address.
- (3) The register of members must be open for inspection, free of charge, by any financial member of the association at any reasonable hour.
- (4) A member must not use information about a person obtained from the register to personally contact or send material to the person unless authorised by the committee.
- (5) A member may use information about a person obtained from the register to contact or send material to the person for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event authorised by 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.

8. Fees and subscriptions

- (1) Members of the Association must pay to the Association annual membership fees as recommended by the committee and subsequently endorsed by the members at an Annual General Meeting.
- (2) The annual membership fee is payable on the 1st July in each calendar year.

9. 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 of the association as required by clause 8.

10. Resolution of disputes

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, should seek to be resolved in the first instance by direct dialogue between the parties. Should this be

unsuccessful, then the dispute may be referred, by either party, to a dispute resolution specialist.

11. Disciplining of members

- (1) If the committee is of the opinion that a member:
 - (a) has persistently refused or neglected to comply with a provision or provisions of this constitution; or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association;
 - (c) the committee may, by resolution –
 - (i) expel the member from the association; or
 - (ii) suspend the member from the rights and privileges of membership of the association that the committee may decide for a specified period.
- (2) A resolution of the committee under subsection (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after the service on the member of a notice under subsection (3), confirms the resolution in accordance with this section.
- (3) If the committee passes a resolution under subsection (1), the secretary must, as soon as practicable, serve written notice on the member-
 - (a) setting out the resolution of the committee and the grounds on which it is based; and
 - (b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
 - (c) stating the date, place and time of the meeting; and
 - (d) informing the member that the member may do either or both of the following:
 - (e) attend and speak at the meeting;
 - (f) submit to the committee at, or before, that date of that meeting written representations relating to the resolution.
- (4) Subject to the Act, section 50, at a meeting of the committee mentioned in subsection (2), the committee must –
 - (a) give the member mentioned in subsection (1) an opportunity to make oral representations; and
 - (b) give due consideration to any written representations submitted to the committee by that member at or before that meeting: and

- (c) by resolution decide whether to confirm or to revoke the resolution made under subsection (1).
- (5) If the committee confirms a resolution under subsection (4), the secretary must, within 7 days after that confirmation, by written notice inform the member of that confirmation and the member's right of appeal under section 12.
- (6) A resolution confirmed by the committee under subsection (4) does not take effect
 - (a) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
 - (b) if within that period the member exercises the right of appeal – unless and until the association confirms the resolution in accordance with section 13 (4).

12. Right of appeal of disciplined member

- (1) A member may appeal to the association in a general meeting, called for the purpose, against a resolution of the committee under section 11 (4), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) On receipt of a notice from a member under subsection (1), the secretary must notify the committee, which shall convene such general meeting of the association, to be held within 21 days after the date on which the secretary received the notice or as soon as possible after that date.
- (3) Subject to the Act, section 50, at such general meeting of the association convened under subclause (2) -
 - (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 must vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 11 (4), that resolution is confirmed.

Part 1.3

The committee

13. Powers of the committee

Subject to the Act, the Regulation and this constitution and to any resolution passed by the association in general meeting, the committee:

- (a) controls and manages the affairs of the association; and
- (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 a general meeting 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.

14. 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 16.
- (2) The total number of committee members is to be a maximum of 12.
- (3) The office-bearers of the association are as follows:
 - (a) the president;
 - (b) the vice-president (administration);
 - (c) the vice-president (village liaison);
 - (d) the secretary;
 - (e) the treasurer;
 - (f) the public officer.
- (4) A committee member may hold up to 2 offices (other than a president and a vice-president's office) at any one time.
- (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, but not beyond three terms in the same office.

15. Election of members

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary committee members:
 - (a) must 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 7 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 may 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.

16. President

The President shall:

- (a) provide leadership for the association by being proactive in pursuing any matter of significance to the association discussing issues with the Vice-Presidents, Executive, Committee or Membership as appropriate;
- (b) represent the association and its members to other organisations, industry, government and public agencies;
- (c) serve as the primary spokesperson for the association; and
- (d) may not hold the office of Treasurer or Public Officer.

17. Vice-President (Administration)

The Vice President (Administration) shall:

- (a) assume the duties of President in the President's absence;
- (b) assist the President in liaison with relevant organisations, industry, government and public agencies; and
- (c) assist with other responsibilities as assigned by the President.

18. Vice President (Village Liaison)

The Vice President (Village Liaison) shall:

- (a) establish and maintain contact with residents in ACT retirement villages in accordance with the Associations Objectives;
- (b) arrange visits, by members of the association's committee to villages, to provide general information and inform them on their rights and responsibilities under the Retirement Villages Act and Regulation, and listen to their concerns; and
- (c) assist with other responsibilities as assigned by the President.

19. Secretary

- (1) The secretary must as soon as practicable after being appointed as secretary, lodge notice of his or her address and the details of the Public Officer with the Office of Regulatory Services.
- (2) The secretary shall keep minutes of:
 - (a) all appointments of office-bearers and members of the committee; and
 - (b) the names of members of the committee present at a committee meeting or a general meeting; and
 - (c) all proceedings at executive, committee and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the next succeeding meeting.

20. Treasurer

The treasurer shall 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; and

- (c) that the books of account are ready for the preparation of the annual financial reports and audit.

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 next annual general meeting 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; or
 - (b) ceases to be a member of the association; or
 - (c) becomes insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth; or
 - (d) resigns office by notice in writing given to the secretary; or
 - (e) is removed from office under clause 22; or
 - (f) becomes a mentally incapacitated person; or
 - (g) is absent without the consent of the committee from 3 consecutive meetings of the committee.

22. Removal of Committee member

- (1) The association in general meeting may by resolution, subject to section 50 of the Act, 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 4 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 at the request of the executive.
- (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 meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting.
- (5) Any 5 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same day in the following week, and as nearly as is practicable at the same place and time.
- (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, a vice-president is to preside; or
 - (b) if the president and vice-presidents 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.

24. Delegation by committee to sub-committee

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the

functions of the committee as are specified in the instrument, other than:

- (a) this power of delegation; and
 - (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
 - (3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
 - (4) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.
 - (5) The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
 - (6) A sub-committee may meet and adjourn as it considers appropriate.
 - (7) A sub-committee must report regularly to the committee on its functions.

25. Voting and decisions

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote 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 or by a sub-committee appointed 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 or sub-committee.

26. Public Officer

As required by sections 57 and 58 of the Act, a Public Officer shall be appointed by the Committee.

Part 1.4 General meetings

27. Annual general meetings—holding of

- (1) The association must hold its annual general meeting:
 - (a) within 5 months after the close of the association's financial year; or
 - (b) within such later time as may be allowed by the Registrar-General or prescribed by the Regulation.
- (2) Sub-sections (1) and (2) have effect subject to the powers of the Registrar-General under section 120 of the Act in relation to extensions of time.

28. Annual general meetings—calling of and business at

- (1) The annual general meeting of the association is, subject to the Act and to clause 27, to be convened on such date and at such place and time as the committee considers appropriate.
- (2) 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 meeting 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 of the association and ordinary committee members; and
 - (d) receive and consider any financial statement or reports required to be submitted to members under section 73 (1) of the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.
- (4) An annual general meeting shall be conducted in accordance with the provisions of this part.

29. General meetings—calling of

- (1) The committee may, whenever it thinks fit, convene a general meeting of the association.
- (2) The committee must, on the requisition in writing of at least 25 financial members, convene a general meeting of the association.
- (3) A requisition of members for a general meeting:
 - (a) must state the purpose of the meeting; and
 - (b) must be signed by the members making the requisition; and
 - (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 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 general meetings are convened by the committee and any member who consequently incurs expense is entitled to be reimbursed by the association for any reasonable expense so incurred.

30. Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the

secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a 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.

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

31. General Meetings – procedures and quorums

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Fifteen members present in person (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general 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 15 of their number) are to constitute a quorum.

32. Presiding member

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

33. Adjournment

- (1) The chairperson of a general 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 general 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 general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

34. Making of decisions

- (1) A question arising at a general meeting of the association is to be determined by either:
 - (a) a show of hands; or
 - (b) if on the motion of the chairperson or if 3 or more members present at the meeting decide that the question should be determined by a written ballot.

- (2) If the question 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.

35. Special resolutions

A special resolution may only be passed by the association in accordance with section 70 of the Act.

36. Voting

- (1) Subject to subsection (3), on any question arising at a general meeting of the association a member has one vote only.
- (2) All votes must be given personally or by proxy, but no member may hold more than 5 proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.
- (5) Procedures for the appointment of a Returning Officer, preparation of voting roll and ballot papers, counting of votes and statement of result(s) shall be as set down in Schedule 1.

37. Appointment of Proxies

- (1) Each member is entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time for the meeting for which the proxy is appointed.
- (2) Notice appointing the proxy must be in the form set out at Schedule 2.

38. Postal Ballots

Postal Ballots are not permitted.

Part 1.5 Miscellaneous

39. Insurance

The association may effect and maintain insurance.

40. Funds—source

- (1) The funds of the association may be derived from annual subscriptions of members, donations, bank interest and entrance fees subject to any resolution passed by the association in general meeting and subject to the Act, section 114, any other such 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 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 in a general meeting, the funds of the association must be used in pursuance of the objects of the association in the way that the committee decides.
- (2) Any 2 authorised committee members must sign all cheques, drafts, bills of exchange, promissory notes and other negotiable instruments.

42. Not for Profit Status

- (1) Application of the association's income and property:
 - (a) the assets and income of the association must be applied solely in furtherance of its objects;
 - (b) no portion may be distributed directly or indirectly to its members except as bona-fide compensation for services

rendered or approved expenses incurred on behalf of the association.

- (2) No member of the association may be appointed to any salaried office of the association.
- (3) Other payment to committee and members:
All other payments to committee members and/or other members must be approved by the committee including, but not limited to:
 - (a) out-of-pocket expenses incurred in performing a duty; or
 - (b) a service rendered to the association in a professional or technical capacity other than in the capacity as a member of the association, where:
 - (i) the provision of the service has the prior approval of the committee; and
 - (ii) the amount is not more than an amount which commercially would be reasonable payment for the service.

43. Alteration of objects and rules

Neither the objects of the association submitted with the application for incorporation, nor these rules, can be altered, except in accordance with the Act.

44. Custody of books etc

Subject to the Act, the Regulation and these rules, the secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the association.

45. Inspection of books etc

- (1) The following documents must be open to inspection in the ACT, 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;
 - (c) minutes of all committee meetings and general meetings of the association.

46. 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; or
 - (b) by sending it by pre-paid post to the member's address shown in the register of members; 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; and
 - (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; and
 - (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.

47. Financial year

The financial year of the Association is:

- (a) the period of time commencing on the date of incorporation of the association and ending on the following 30 June; and
- (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 July and ending on the following 30 June.

48. Appointment of Auditor

The Committee must take reasonable steps to ensure that an audit of the Association's accounts is completed at least 14 days before the audited statement of accounts is required to be presented at the annual general meeting of the Association under section 73 of the Act.

49. Common Seal

There shall be a Common Seal kept in the custody of the Secretary and applied as prescribed in Regulation 34.

Schedule 1 – Voting by ballot

1. Returning officers

- (1) A returning officer shall be appointed by the Committee.
- (2) A committee member of the association may not be appointed as a returning officer.
- (3) The returning officer may be assisted in the performance of his or her duties by any person (who would be eligible to be a returning officer) appointed by the returning officer.

2. Preparation of voting roll and ballot papers

- (1) The returning officer must obtain, from the Secretary, a roll of the full names and addresses of the members of the association who are eligible to vote.
- (2) A person whose name is on the roll is entitled to vote in the ballot, and no person is otherwise so entitled.
- (3) The returning officer must cause ballot papers to be prepared in such form as the committee determines.
- (4) Each ballot paper provided to an eligible voter must :
 - (a) be initialled by the returning officer or an appointed assistant,
or
 - (b) bear a mark that identifies it as a genuine ballot paper.

3. Voting

- (1) A member casts a vote in the ballot by marking his or her vote on the ballot paper according to the instructions on the ballot paper.

4. Safe keeping of ballot papers

- (1) The returning officer must provide a ballot box that must be locked immediately before the ballot papers are delivered to members and must remain locked until the close of the ballot.

5. Counting of the votes

- (1) As soon as practicable after the date fixed for the closing of the ballot, the returning officer must, in the presence of such scrutineers

as may be appointed by the committee, open the ballot box and count all votes in accordance with subsection 2.

- (2) The ballot papers must be scrutinised by the returning officer, who must reject as informal any ballot paper that:
 - (a) is not duly initialled by the returning officer or appointed assistant or does not bear a mark that identifies it as a genuine ballot paper, or
 - (b) is so imperfectly marked that the intention of the voter cannot be ascertained by the returning officer, or
 - (c) has any mark or writing not authorised by this Schedule that, in the opinion of the returning officer, will enable the voter to be identified, or
 - (d) has not been marked as prescribed on the ballot paper itself.

6. Statement by returning officer

- (1) The returning officer must count all votes cast and make out and sign a statement of:
 - (a) the number of formal votes cast in favour of the proposal, and
 - (b) the number of formal votes cast against the proposal, and
 - (c) the number of informal votes cast, and
 - (d) the proportion of the formal votes cast in favour of the proposal.
- (2) On the declaration of the returning officer of the result of the ballot, the committee must ensure an entry to be made in the minute book showing the particulars referred to in subclause (1) (a)–(d).
- (3) The returning officer must forward a copy of the statement to the chairperson of the committee who must announce the result of the ballot immediately.

7. Notification of result of ballot for special resolutions

In the case of a special resolution, the association must cause the result of the ballot to be notified in writing to its members as soon as practicable after the ballot.

8. Retention of ballot papers

- (1) The returning officer must retain: all ballot papers (whether formal or otherwise).

- (2) The returning officer must retain those items for a period of not less than 8 weeks after the date fixed for the closing of the ballot unless directed in writing by the committee to retain those items for a longer period.

Schedule 2 - Form of appointment of Proxy

ACT RETIREMENT VILLAGE RESIDENTS ASSOCIATION

FORM OF APPOINTMENT OF PROXY

I,
(full name)

of.....
(address)

a financial member of ACT Retirement Village Residents' Association

appoint

.....
(full name of proxy)

of
(address)

a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or other general meeting as the case may be) to be held on..... and at any adjournment of that meeting.

* My proxy is authorised to vote in favour of/ against (delete as appropriate) of the resolution to...

.....(insert details)

.....
(signature of member appointing proxy)

Date.....

* *To be inserted if desired*