

ACT Retirement Village Residents Association Inc.

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NOTICE OF SPECIAL RESOLUTION

ACTRVRA members are advised that the following Special Resolution will be submitted for consideration at the 2024 AGM.

Special Resolution

Proposed that “*The draft revised Constitution (incorporating existing By-Laws) be adopted*”.

Background

The ACT RVRA is an Association incorporated under the Associations Incorporation Act 2019. In February 2024, a new set of Model Rules (Constitution and By-Laws by another name) was issued under the Associations Incorporation Regulation 2023 (the Regulation).

Given the release of the Regulation, the Committee considered it appropriate to review the ACT RVRA Constitution and By-Laws particularly as some provisions were out of date or inconsistent with current practice. The ACT RVRA Constitution and By-Laws were last amended in 2014.

It is worth noting that the Model Rules still apply to our Association in relation to any matters that are not covered in our Constitution.

Process to Adopt the Draft Revised Constitution

Section 33 of the Associations Incorporation Act 1991 (the Act), requires that “an incorporated association may, by special resolution, alter its rules in whole or in part”.

Section 70 of the Act sets out the rules for adoption of a special resolution:

A resolution of an incorporated association is taken to be a special resolution if—

- (a) it is passed at a general meeting of the association, being a meeting of which at least 21 days notice, accompanied by notice of intention to propose the resolution as a special resolution, has been given to the members of the association; and
- (b) it is passed by at least $\frac{3}{4}$ of the votes of those members of the association who, being entitled to vote, vote personally or, if the rules of the association permit voting by proxy, vote by proxy at the meeting.

Please see accompanying Explanatory Statement detailing the substantive amendments proposed to be made to the Constitution.