

**FAIR CANBERRA**  
**Incorporated**  
**(AO5869)**

**CONSTITUTION**

**December 2018**

(Version 7)

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## ACKNOWLEDGEMENT

*Fair Canberra Inc* acknowledges traditional custodians of country throughout Australia and recognises the continuing connection to lands, waters and communities. In particular, we pay our respects to the Aboriginal culture on the land that the modern city of Canberra is located and to the Elders both past and present.

This document draws on the provisions and information contained in the *ACT Associations Incorporations Act 1991*, the *ACT Associations Incorporations Regulations 1991*, the *ACT Model Rules, Associations Constitution and Rules Checklist* and the *Incorporated Associations in the ACT Guide July 2017 issued by Access Canberra*.

This document draws some sections from the *Bangladesh Australia Puja Association Canberra (BAPA) Constitution*.

## INTERPRETATION

In these rules:

Note	A definition applies except so far as the contrary intention appears (see Legislation Act, s155)
<b>AGM</b>	Annual General Meeting
<b>Association</b>	Fair Canberra Inc – in short FC
<b>FC</b>	Fair Canberra Inc
<b>Committee/Executive Committee</b>	Means a combination of Office-Bearers and ordinary Committee members, as defined in Clause 1.4.1, with a maximum of nine (9) people at any point in time.
<b>Ordinary Committee member</b>	Means a member of the Committee/Executive Committee who is not an Office-Bearer of Fair Canberra Inc as referred to in Clause 1.4.1 (b)
<b>EC</b>	The Executive Committee
<b>Financial year</b>	Year commencing on 1 July and ending on 30 June
<b>General Meeting</b>	AGM or SGM
<b>Member</b>	A member who has been approved by the Committee and who automatically becomes a Life and Financial member of the Association.
<b>Office Bearers</b>	The people who hold the positions described at Clause 1.4.1 (i to iv)
<b>Public Officer</b>	It is mandatory for all ACT Incorporated Associations to appoint a Public Officer. That person must be at least 18 years of age and reside in the ACT. Under this Constitution, the Public Officer may hold any office of Fair Canberra Inc in addition to the office of Public Officer.
<b>Resident</b>	A person who permanently resides in Australia or who currently resides in Australia legally and holds a valid Australian Visa (e.g. Temporary Resident or Permanent Resident Visa, Student Visa, etc).
<b>Secretary</b>	Means the person holding office under these rules as Secretary of the Association or, if no such person holds that office, the Public Officer of the Association.
<b>SGM</b>	Special General Meeting
<b>Term of EC</b>	Two years
<b>The Act</b>	Means the <i>Associations Incorporation Act 1991</i>
<b>The Regulation</b>	Means the <i>Associations Incorporation Regulation 1991</i>
<b>Application of Legislation Act 2001</b>	The <i>Legislation Act 2001</i> applies to these rules in the same way as it would if the rules were an instrument made under the Act.
<b>Voting member</b>	A member of the Association.
<b>Year</b>	A financial year (1 July to 30 June)

# 1 ORGANISATIONAL STRUCTURE

## 1.1 Name

The name of this organisation must be 'FAIR CANBERRA Incorporated.' - (or in short: FC).

1.1.a The objects of the Association mentioned in the Act, section 29, may not be altered except in accordance with the Act.

## 1.2 Objectives

### Vision and Mission

- a. FC recognises that everyone must be afforded equal opportunity in order to achieve equitable treatment irrespective of gender, race, age, location, education or economic circumstance, religion, ability or disability – and that effective inclusive policy is the key to achieving this.
- b. FC advocates for and represents the ideas, voice and leadership of culturally and linguistically diverse Canberrans, including people of colour.

### Objectives

- a. The main objective of Fair Canberra Inc is to serve in an advocacy and policy advisory role to influence public government policy outcomes through planned, organised and sustained actions, activities, provision of networking services, programs and commentary, particularly on issues facing the general Canberra community, culturally and linguistically diverse persons and people of colour.
- b. FC will identify, investigate and highlight instances, and create awareness, of bigotry, bias and exclusion in the public and private employment and other sectors across the community.
- c. FC will also highlight systemic bigotry and instances of inaction against it, wherever it exists across the broader community.
- d. FC will advocate for, provide network services to, and generally work with service delivery and other partners so that they can deliver quality direct services and programs to meet the social, well being and economic needs of those most vulnerable and isolated in our community, particularly those people from culturally and linguistically diverse backgrounds.
- e. FC will work to empower and involve those individuals and groups affected by decisions that impact their lives to better integrate into our community. FC will work to ensure their voices are heard, valued and respected. Specifically, FC will focus its work on the excluded and marginalised in the cohorts of culturally and linguistically diverse women, youth and refugees with a view to empowering

them and to identifying and rectifying injustice, racism and other forms of discrimination.

- f. In addition, subject to availability of resources, the role of FC will be to produce research and analysis that illustrates the realities of poverty, lack of opportunity, bigotry and social exclusion involving the most vulnerable cohorts in our community – especially looking at those issues facing people from culturally and linguistically diverse backgrounds and people of colour living, working, studying, running businesses and raising families in the ACT.
- g. Ensure the character of a non-political and a not-for-profit organisation.

### Operational Approach

- a. FC will design and deliver effective community engagement strategies and activities that provide the basis for credible policy development, strong advocacy and evidence-based results capable of positively influencing social policy outcomes.
- b. FC will build community trust in the organisation so that individuals and groups feel safe in seeking assistance in relation to the advocacy of issues.
- c. FC will develop a stable of well-qualified partners and policy influencers to assist the work of the organisation.
- d. FC will develop a strong media presence.

## **1.3 Membership**

### **1.3.1 Membership Eligibility**

A person is eligible to be a member of the FC if the person satisfies all the following criteria.

The person -

- a. is over the age of 16 years; and
- b. respects, supports and upholds the objectives of the Association; and
- c. abides by the rules and guidelines of the Association as per this constitution; and
- d. must be an Australian resident; and
- e. must not have been convicted of a criminal offence or misappropriation of private or public funds or forgery of any kind in any court of law.

### **1.3.2 Membership Applications Qualifications**

Applications for membership must be in writing on the official FC membership application form (Attachment 1) or submitted on-line and a statement signed by the applicant indicating support for the goals of the FC and its policies. The Executive Committee will act on all applications for membership.

### **Non-Approval of any Nominated People for Proposed Membership**

The Executive Committee reserves the right to decide the process for managing membership applications (that is, receiving and approving or rejecting membership applications). The process will involve consideration on a case-by-case basis and a decision made by a majority vote of the Executive Committee. The names of the approved new members will be documented in the minutes of the respective meeting.

Anyone who supports the mission, objects, purposes, rules, policies and procedures of FC and agrees to be bound by these rules will be eligible to apply for membership.

After the Executive Committee has approved or rejected a membership application, the Executive Committee must write to the applicant as soon as possible to advise them of the decision.

If the Executive Committee rejects an application for membership, the Committee reserves the right to not give reasons to the applicant in the first instance. But in the event such a person seeks reasons for the rejection of their membership application, the Executive Committee will respond to the person in writing outlining the reasons for its decision to reject the application's membership application.

If the person chooses to take legal action, the Executive Committee will encourage the person to participate in the dispute resolution processes in place for FC (see Clause 4.12). These processes allow each party a reasonable opportunity to be heard and/or to submit their arguments in writing. The parties will be encouraged to first attempt to resolve the dispute in private meeting/s.

### **1.3.3 Classes of Members**

All members of the Association will become 'Financial' and 'Life' members automatically following approval of their respective application by the Executive Committee. All endorsed members may hold Office and vote on matters affecting FC.

### **1.3.4 Membership Fees and Subscriptions**

FC members will not be subjected to paying any entry fees or annual membership fees. There are no entry or annual fees to be paid by members.

### **1.3.5 Unique Membership Number**

- a. A unique membership number shall be created, issued to a member and maintained by the Association for each member, in the format  
Financial and Life Member:FC-xxxx (e.g. FC-0007)
- b. The membership number should remain unique to the person and must not be allocated to another member of the Association.

### **1.3.6 Membership Entitlement**

The right, privilege or obligation that a person is entitled, being a member of the Association (a) cannot be transferred or transmitted to another person except in the case of proxy voting; and (b) will terminate on cessation of the person's membership.

### 1.3.7 Cessation of Membership

- a. A person ceases to be a member of the Association if the person
  - (i) dies or
  - (ii) resigns from membership of the Association - (all members will be notified annually as to their intention to remain a member); or
  - (iii) is expelled from the Association.
  
- b. If a person ceases to be a member, the Secretary must record an appropriate entry (e.g. "C") in the membership register recording the date on which the membership ceased.

### 1.3.8 Suspension of Membership

- a. members may be reprimanded, cautioned or suspended from certain privileges, or expelled from FC for any of the following reasons:
  - (i) wilful misuse of FC property or facilities (for example use of FC influence for personal gain/benefit/fame/reputation/advantage/etc or for benefits of family/relative/friends, not respecting the constitution, lack of transparency and ill-motivated, misuse or inappropriate use of FC fund/asset/premises/event/program/records/information);
  - (ii) conduct in a manner which is undermining, damaging or prejudicial to the objectives or reputation of the Association;
  - (iii) wilful disregard of the safety of themselves and/or of others while participating in a FC activity; or
  - (iv) conduct detrimental to the FC and/or the associated/affiliated associations in Canberra (See 4.1.2. for Disciplinary Process)

## 1.4 Executive Committee

### 1.4.1 Setup and Scope of Executive Committee

The FC must be governed by an Executive Committee (the Committee) made up of:

- a. the Office-Bearers of the Association; and
- b. five (5) executive members each of whom must be elected under Clause 1.5 or appointed in accordance with 1.5.5.

The Office-Bearers of Fair Canberra Inc are:

- (i) President
- (ii) Vice President
- (iii) Secretary
- (iv) Treasurer

The ex-President is automatically elected as an ex-officio executive member (it should be noted that for the first two terms there will be no ex-officio member). For the purposes of

continuity, this person will be the tenth member of the Executive Committee following the expiration of their term as President.

- c. The Executive Committee must have complete authority to control and manage the business, to raise funds in any manner not inconsistent with the policies of the local government, and to perform all other necessary functions.
- d. Decisions or actions of the Executive Committee may be overruled by a three quarters (75%) majority of members present in a general or special meeting (see details in Section 1.10).
- e. A member cannot be in the Executive Committee for more than two consecutive terms (each term is defined as a two-year period); except for the immediate past President, who may remain as a member of the Executive Committee for an additional term as an ex-officio, and upon completion of their term as ex-officio, will be eligible for re-election.
- f. Rules of order, as revised, must govern all procedural questions arising at meetings of the Executive Committee when they are applicable and when they are not inconsistent with the FC's constitution and bylaws.
- g. Chairpersons of sub-committee (set up by Executive Committee for any events or issues) may attend meetings of the Executive Committee and have the privilege of speaking on matters relevant to the respective sub committee's function, but shall have no power to vote by virtue of their committee role. Any other member of the FC may attend Executive Committee meetings and may be granted the privilege of the floor at the discretion of the presiding officer but shall have no power to vote.
- h. The Executive Committee shall have the authority to remove any Executive Committee member who, without just cause, fails to physically attend three consecutive regular Executive Committee meetings in one financial year. There must be at least seven (7) meetings held by the Executive Committee in each financial year.
- i. Filling Executive Committee vacancies (see details in Section 1.5.5).

#### 1.4.2 Duties and Responsibilities of Executive Committee

The Executive Committee has the authority and responsibility for overall governance of the Association in accordance with the objectives, purpose, and aims of the Association. Everything the Executive Committee does must be in line with the governing document, i.e. this constitution.

- a. The Executive Committee will -
  - (i) Work in the best interests of members of the Canberra community with a focus on culturally and linguistically diverse Canberrans and the people of colour community to achieve the objectives of the Association.

- (ii) Plan and organise programs and activities, manage, coordinate and oversee such functions.
  - (iii) Liaise and work closely with members of the Association.
  - (iv) Develop strategies that encourage member and community participation in the programs and activities of the Association.
  - (v) Prepare and manage budgets and manage the Association's assets.
  - (vi) Ensure that membership, finance, accounting, taxation, insurance and all other necessary records (documents, minutes, receipts, etc) are maintained and kept up-to-date.
  - (vii) Coordinate and arrange meetings and venues.
  - (viii) Ensure an update following meetings on major issues is provided to the members by email.
  - (ix) Exercise functions that may be exercised by the Association other than those functions that are required to be exercised by the Association in a general meeting.
  - (x) Be accountable to members for everything FC does including its spending, events, decisions, actions and activities.
  - (xi) Ensure compliance with any relevant legal and regulatory requirements if/as required and seek guidance around any uncertainties.
  - (xii) Ensure that all money, assets and resources of the Association are properly used, managed and accounted for.
- b. While the Executive Committee has the governing authority, it can conduct routine business only and cannot make –
- (i) any alterations or changes to the constitution; or
  - (ii) any decision on a matter or substantive issue which has significant impacts or consequences to the Association, its members, the constitution or the community.
- c. Such decision or resolution in previous clause can only be reached by members in an AGM or SGM.
- d. The Executive Committee is collectively responsible for ensuring that:
- (i) the Association complies with relevant Territory and Federal Government Acts, regulations and this constitution, including to notify:
    - i. certain decisions made by the Association by special resolution, including: changes to the name, address, objects and constitution;
    - ii. when there is a change to the Public Officer (and changes to their registered address)
    - iii. when the Association becomes a trustee;
    - iv. when the Association winds up; or
    - v. when the Association amalgamates with other Association/s;
  - (ii) individual Committee members comply with these principles, ideals, objects, acts, rules and guidelines;
  - (iii) in the circumstance that the Association is registered for tax purposes, the Australian Tax Office is notified of certain changes to the

- Association including the appointment of a new Public Officer within one month from the occurrence of the change;
- (iv) the Association is only doing things that are permitted by the Association's Constitution and objects; and
  - (v) the Committee's decisions are based on what is best for the Association and which will help guide the Association towards achieving its objectives.
- e. Committee members must exercise their powers and discharge their duties -
- (i) honestly, fairly, in good faith and in the best interests of the Association;
  - (ii) with reasonable care, diligence and skill for the benefit of the Association;
  - (iii) for a proper purpose; and
  - (iv) disclose and properly manage conflict of interest situations.
- f. A Committee member and any former Committee member must not make improper use of:
- (i) their position or authority; or
  - (ii) any information acquired by virtue of them holding the position in the Committee so as to:
    - a) gain an advantage for oneself or any other person; or
    - b) cause harm or damage to the Association or its members or the community, for example, by revealing confidential or sensitive information which is discussed at the meetings held by the Executive Committee to persons outside of the Committee.
- g. In addition to duties imposed by the constitution, the Committee must also perform any other duties imposed, from time to time, by resolution at a general meeting.
- h. The outgoing Executive Committee shall properly hand over all necessary records, financial statements/audit reports and other documents to the new elected Executive Committee, within three weeks after the date of the last AGM held. The upcoming Executive Committee must properly take over all necessary accounts, records, assets and documents from the outgoing Executive Committee.
- i. Out going Executive Committee positions are declared vacant at the AGM. After vacating the Executive Committee positions if there is a delay in electing the new Executive Committee for any reason, the outgoing (declared vacant) Executive Committee shall continue to operate the day-to-day activities of the organisation. But the outgoing Executive Committee will not have any significant or major executive decision making authority without consent of general members.

#### 1.4.3 Role of the Individual Member of Executive Committee

- a. **President.** The tasks of the President include but not be limited to:
- (i) organise, plan and work to ensure the continuation and overall success of the FC;

- (ii) delegate responsibilities as needed;
- (iii) represent the FC in social and governmental meetings;
- (iv) act as chair in general and the Committee meetings at which s/he is present;
- (v) ensure the setting of long-term goals for FC, the achievement of these goals, and periodic review of these goals where necessary, in consultation with the Vice President, Secretary and Treasurer;
- (vi) act as a spokesperson for FC;
- (vii) lead, coordinate and drive the team work in accordance with the duties and responsibilities of Executive Committee as outlined in the previous section ([Section 1.4.2](#)); and
- (viii) overall, the President is responsible for ensuring that the Committee fulfils its obligations and responsibilities for the good governance and success of the association and ensure that the organisation's activities are conducted in line with its objectives.

b. **Vice President.** The tasks of the Vice President include, but not be limited to:

- (i) assist the President and members of the Executive Committee in setting of long-term goals for FC, the achievement of these goals and periodic review of these goals;
- (ii) act as a spokesperson for FC in the absence of the President;
- (iii) deputise in the role of President in the absence of the President; and
- (iv) responsible for the management of FC key projects from time to time.

c. **Secretary.** The Secretary is the primary administration officer of the Association.

The tasks of the Secretary include, but not be limited to:

- (i) call meetings of the Executive Committee.
- (ii) call meetings of the AGM/SGM on behalf of the Committee
- (iii) convene meetings and ensure that meetings are effectively organised;
- (iv) book rooms/venues;
- (v) deal with communication and correspondence including circulation of agenda, minutes and reports;
- (vi) prepare agendas for meetings (in consultation with the President and Treasurer);
- (vii) ensure back-up information is available at meetings where the topics to be discussed require it;
- (viii) care of the common seal;
- (ix) record the minutes of each meeting (Executive Committee meeting, AGM, SGM, etc) and submit a copy to next meeting and AGM/SGM;
- (x) fulfil the duties of day to day running of FC;
- (xi) oversee the planning and work of each member;
- (xii) oversee the planning and work of sub-committees formed;
- (xiii) act as the central reference point for administering, managing and maintaining necessary records, documents and information for the Association and provide such information to the Committee members, in meetings and the general membership, as necessary and required;

- (xiv) act as the custodian of Association's records and all governing documents and work in accordance with the "Duties and Responsibilities of Executive Committee" as outlined in the previous section;
  - (i) responsible for personal information and its storage, handling and safe keeping and maintain accurate records of the Association's membership in a Membership Register which includes:
    - a) relevant membership applications,
    - b) individual member's contact details, and membership number in a membership database; and
    - c) list of members; and
  - (ii) communicate with members by sending notes or reminder notices for events and other activities.
- d. **Treasurer.** The tasks of the Treasurer include, but not be limited to:
- (iii) manage all financial transactions of FC and prepare a budget;
  - (iv) submit a periodical financial summary of expenditures to the Executive Committee and an annual financial summary of expenditures to AGM;
  - (v) assist and advice the executive member in charge of media in sponsorship-seeking or fund raising activities. In the event that the member is vacant, the Treasurer is to coordinate all sponsorship-seeking activities;
  - (vi) ensure all financial transactions are done and recorded with proper authorisation. It is the Committee's duty and Treasurer's full responsibility to disclose all financial transactions if any member asks in AGM but not privately;
  - (vii) subject to prior approval of the Executive Committee for any specific program, coordinate and approve any expenditure only up to \$1,000 (Dollar one thousand). Any major expenditure above \$1,000 (Dollar one thousand) has to be approved by a majority of members present in a meeting of the Executive Committee;
  - (viii) ensure any fund collected from members or from any other sources, are deposited into the bank account within 2 weeks from the date of collection; and
  - (ix) work closely with the President and Secretary for the overall governance and administration of the association and work in accordance with the "Duties and Responsibilities of Executive Committee" as outlined in the previous section.
- e. **Executive Members.** The tasks of a committee member include, but not be limited to:
- (i) perform specific duties as delegated by Executive Committee;
  - (ii) help the other Office Bearers to achieve a positive outcome;
  - (iii) discharge duties as assigned within budget and time;
  - (iv) coordinate the integration of members into FC activities; and

- (v) work closely with other executive committee members as a team in accordance with the "Duties and Responsibilities of Executive Committee" as outlined in Section 1.4.2.

#### **1.4.4 Sub-committees**

Sub-committees are considered to be the engine room for FC work. Sub-committees can be established by the Executive Committee to execute the work of FC from time to time. The Executive Committee will develop terms of reference for each sub committee to guide its work.

The Chairperson of the sub-committee will be appointed by the Executive Committee. The Sub-committee chairperson must, in turn, select the members of their respective subcommittee. The sub-committees (except for the Elections Committee) will operate under the direction and approval of the Executive Committee.

### **1.5 Election of the Executive Committee**

- a. Candidates for the Executive Committee will be selected from FC members by an election committee comprising maximum three members. This election committee must be appointed after the two (2) year term by the President and approved by the Executive Committee. The head of this election committee must not be a candidate for the Executive Committee in the election for which the committee is formed.
- b. The nomination forms (see Attachment 2) can be obtained from the election committee. Potential candidates must submit a correctly completed form in writing not less than seven (7) days before the AGM. The notification period for members for an AGM is at least 21 days prior to the AGM.
- c. The Chairperson of the annual general meeting must declare all positions of the Executive Committee vacant and hand over to the election committee to hold elections for the vacated Executive Committee positions. The election committee will then form the new Executive Committee. The election committee must submit a written report to the AGM specifying the results of their election process including the results of any elections. The new Executive Committee will have full authority as soon as it is approved in the AGM.
- d. In the event a new Executive Committee could not be elected for some reason, including if no nominations are received, a subsequent special general meeting will be arranged to resolve the issue not more than 30 days after the AGM.

#### **1.5.1 Executive Committee Membership Eligibility**

- a. In the first annual general meeting of the Association after its incorporation, any member is eligible to be elected or appointed as an Executive Committee member. All members would be eligible to vote in the first AGM.
- b. In subsequent annual general meetings, a member with the following qualifications is eligible to be elected or appointed as an Executive Committee member for any one position. A person:

- (i) is a member of the Association; and
- (ii) has been a member for at least 365 consecutive days prior to nomination deadline date.

### 1.5.2 Nominations for Executive Committee Positions

- a. Prior to the election of each position, the election committee must advise nominations received by due date to fill that position.
- b. A member of the Association may nominate another member, with the nominated member's consent and a third member seconding the nomination in writing by the due date stipulated and advised to the general membership by the election committee prior to the AGM; or
- c. A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.
- d. If only one nomination is received and no other nominations are received to fill vacancy on the Executive Committee, the candidates nominated will be taken to be elected. In the event that no nomination is received prior to the meeting, a further special meeting will be held to seek nominations for vacant positions to fill the vacant position.
- e. If the number of nominations received exceeds the number of vacancies to be filled a ballot must be held. The ballot for the election of the Executive Committee positions must be conducted at the AGM in the way the election committee directs to be the fairest and most appropriate, efficient and transparent manner.

### 1.5.3 Term of Executive Committee

- a. The term of the Executive Committee is two years only.
- b. A Committee member is eligible for a second term but for no more than two consecutive terms
- c. A general meeting of the Association may—
  - (i) by special resolution remove a committee member from office subject to Clause 50 of the Act; and
  - (ii) elect another member of the Association to fill the vacant position.
- d. If the SGM removes a member from office, they will have the right to appeal within 21 days following the date of the letter sent notifying them of the decision. An appeal must be in writing addressed to FC and will be passed on to an independent mediator for resolution.
- e. At the end of its term, the Executive Committee is to call an AGM and prepare to vacate office at that general meeting (unless the Committee is dismissed from office by the SGM prior to the completion of its term).

### 1.5.4 Stepping Down from Executive Committee

- a. A Committee member may resign from the Executive Committee by giving written notice addressed to the Secretary or the President.
- b. A person ceases to be a Executive Committee member if they -
  - (i) cease to be a member of the Association; or
  - (ii) fail to attend three (3) consecutive committee meetings (other than special or urgent committee meetings) without a justified reason accepted by the Executive Committee; or

(iii) deceased.

### 1.5.5 Casual Vacancies in Executive Committee

- a. The Executive Committee may appoint or co-opt another member of the Association to fill a vacant position on the Executive Committee that -
  - (i) has become vacant; or
  - (ii) was not filled by election committee at the AGM.
- b. If the position of any of the three key Executive Committee members (that is, President, Secretary and Treasurer) becomes vacant, the Committee, with a majority decision, must appoint another executive member to the position within 14 days after the vacancy arises. If the position of any other Executive Committee member falls vacant, the Executive Committee will co-opt another member to that position with a majority decision.
- c. The Executive Committee may continue to act despite any vacancy in its membership.
- d. The appointed or co-opted member will work in the role for the remainder of the term of the Executive Committee.

### 1.5.6 Remuneration of Executive Committee Members

Regardless of their position, all members of the Executive Committee must provide voluntary services in their tenure for the benefit of the Association and community alike. The Association will pay no salary, allowances, benefits or remuneration to any member of the Executive Committee. The Executive Committee may appoint salaried staff to undertake a range of duties that are relevant to the work of FC.

## 1.6 Removal of an Executive Committee Member

A member of the Association or a group of members jointly may request the removal of an Executive Committee member from office before the end of the Executive Committee member's term in office. Such a request must be given in writing, and will only be considered if:

- the request includes reasons for removal from office, and
- the request includes the signatures of at least 25 current members of FC.

Such request will be discussed in an Executive Committee meeting that must be held within fourteen (14) days of receipt of the request. The Executive Committee member in question must be given a chance to discuss and explain the issue.

Following consideration of the issues, the Executive Committee member in question can be removed from office by:

- an unanimous vote by the Executive Committee with the exception of the Executive Committee member in question for removal.
- the removed Executive Committee member has a right to appeal, consistent with Clause 50 of the Act, by writing to the President or Secretary and seeking resolution through an independent mediator.

## **1.7 Dismissal of the Entire Executive Committee**

A member of the Association or a group of members may request the removal of the entire Executive Committee from office before the end of the Executive Committee's term in office. Such request must be given in writing, and will only be considered if:

- the request includes reasons for removal from office; and
- the request includes the signatures of at least one quarter (25%) of current members.

Such request can be forwarded to the Executive Committee in question, with a request to convene an SGM. The Executive Committee must make necessary arrangements to convene the SGM within forty five (45) days of the receipt of such request to discuss the matter. The matter will be discussed in the SGM and the Executive Committee in question must be given a chance to explain the issue. The SGM decides whether the Executive Committee be removed from office by –

- Agreement of at least three quarters (75%) of the members present at the SGM. If necessary, a secret ballot shall be held to resolve the matter.
- The removed Executive Committee has no right to appeal.

If the Executive Committee in question does not convene the SGM within forty five (45) days, it will be considered as automatic dismissal of the entire Executive Committee, for not complying with the constitution. In such an unusual situation, the requesting members must take initiatives to convene the SGM immediately to elect a new Executive Committee.

If the entire Executive Committee is removed from office, the Executive Committee positions must be declared vacant at the same SGM by the Chairperson of the meeting and an election must be held to fill the vacant positions.

A removed Executive Committee member may stand for re-election at the SGM for the next Committee.

## **1.8 Handover upon Removal from Executive Committee**

In either case of (a) a removed Executive Committee member from office or (b) removal/dismissal of entire Executive Committee from office before the expiration of its term, the former Executive Committee member/s must make proper handover of office and yield all records, documents, accounts, finances, assets and any organisation information/assets in their possession to:

- a. the remaining Executive Committee members or new elected member in the position within 7 days of removal/dismissal; or
- b. the new Executive Committee within 7 days of removal/dismissal.

## **1.9 Role of the Public Officer**

The Public Officer has both internal and external responsibilities. As a rule, the Public Officer acts as the official person between the Association and relevant government authorities or other entities, as appropriate.

The Public Officer is responsible for supplying Access Canberra with an annual financial return/statement of the Association (signed by two members of the Executive Committee and the Public Officer) and informing or notifying Access Canberra (on the prescribed form together with the prescribed fee as appropriate) if:

- there are any changes to key information about the Association;
- there are any changes to the Executive Committee member/s or the Public Officer (both names and addresses);
- there is a change to the name of the Association;
- the Association becomes a trustee;
- the Association amalgamates with another association/s; and
- the Association is winding up.

The Public Officer is also responsible for:

- collecting all Association documentation from former Executive Committee members and returning the documentation to the new Committee within two weeks of the former Committee member/s leaving their role/s;
- undertaking reporting to the Office of Regulatory Services/Access Canberra or other regulators accurately and on time as necessary;
- ensuring to keep the Association's records (other than financial records which are the responsibility of the Treasurer) up to date in conjunction with the Secretary or other executive members of the Committee as appropriate;
- making sure the Association and the Committee is only doing things that are permitted by the Association's constitution and objects;
- following up action items between the Committee or other meetings as required;
- attending and participating in Committee and other meetings as required;
- working with Committee members to assist to take action if there is concern about the financial and management governance aspects of the operations of the Committee or Association;
- notifying the Australian Tax Office and other relevant authorities as required (by an out going Public Officer) of the new office holders' details before they leave office for smooth transition from one person to the next);
- acting as the official contact for the Association for any relevant external (including governmental) authorities or bodies, or person/s wishing to contact the Association, including taking delivery of documents served on the Association and bringing them to the attention of the Committee as soon as possible; and
- keeping in custody any documents as required by this Constitution.

The Public Officer may:

- make an affidavit or written statement on behalf of the Committee if authorised by the Committee to do so;
- lodge a document relating to the Association that is required to be lodged on behalf of the Committee and has been authorised by the Committee; and
- verify a document relating to the Association that is to be verified by a written statement signed by the Public Officer.

The Public Officer should act honestly, fairly and for a purpose, not misuse their position, disclose and properly manage conflict of interest and act with reasonable care, diligence and skill (particularly applies when the Public Officer is also the member of the Executive Committee of the Association), and use their skill for the benefit of the Association.

The Public Officer is required to adhere to the same rules and standards of governance as Executive Committee members (in areas such as 'Confidentiality', 'Privacy', etc) as outlined in Clause 4 of this Constitution.

If the position of Public Officer becomes vacant, the Association must fill the vacancy within one month and notify Access Canberra of that appointment and the address of the new Public Officer no later than one month after appointment and change of address.

## **1.10 Rules of Meetings**

### **1.10.1 General Rules**

- a. The Executive Committee must determine the date, time, and place for any meetings giving members at least seven (7) days notice.
- b. The date, time, and place of these meetings must be provided to the members before the date of such meetings by the Secretary.
- c. Proxy in the AGM or SGM: Any member of the FC may appoint another member of the FC as a proxy to act for her/him at the AGM, SGM or any general meeting. A proxy may act at one general meeting for only one eligible financial member. The presiding officer (e.g. the President) must be notified of such proxy appointment in writing in the duly signed Standard Proxy Form (at Attachment 3) by the absent member at least 48 hours before the proposed meeting date for approval. Authorisation should state if discretionary powers have been given to the proxy.
- d. Proxy in Executive Committee meeting: any member of the Executive Committee may appoint another member of the Executive Committee as a proxy to act for them at a meeting of the Executive Committee. A proxy may act at one meeting for only one member. The Presiding Officer must be notified of such proxy appointment in writing by the absent member before the proxy may be allowed to serve. Authorization should state if discretionary powers have been given to the proxy.

### 1.10.2 Annual General Meeting

- a. There must be one annual general meeting (AGM) and at least seven Executive Committee meetings in a financial year.
- b. The first AGM should be held within 18 months after the incorporation of the Association and within five months after the end of the first financial year of the Association. The list of members prepared by the convening committee (which was formed for registering the constitution), at the time of first AGM, shall elect the first Executive Committee of the Association.
- c. The AGM must be held before 30 November. However, the preferred date is 31 July.
- d. Notice for AGM is at least fourteen (14) days. Notice for special meetings is at least twenty one (21) days.
- e. The outgoing Executive Committee will prepare the annual audited Financial Report and circulate it to general members at least two weeks before the AGM. The Report shall include the income, expenditure, total assets and liability positions of the Association.
- f. The AGM will agree on an auditor to conduct an annual audit for the organisation.

### 1.10.3 Special General Meeting

- a. A special general meeting (SGM) of the members of the Association, and is not an Annual General Meeting (AGM). SGMs can be convened to address one or more specific matters of significant or unusual nature, organisation's rules or constitution. The SGM must have a specific purpose.
- b. All eligible voting members of the association must be provided with notice of SGM and can vote on any resolutions of SGM.
- c. If required, SGM can be convened by
  - (i) the Executive Committee
  - (ii) initiatives of at least one third members of the Association, with clear written document containing the full names, membership numbers and signatures of initiating members. The collective names and signatures can be sent to the Secretary or an Executive Committee member by one or a group of members with a request to convene the SGM.
  - (iii) The SGM request must include details of the specific matter or the issue that requires resolution at the SGM.
- d. The Executive Committee will undertake necessary steps to inform the members, arrange the SGM and discuss the matter.
- e. If necessary the matter can be resolved by at least three quarters (75%) majority voting of the eligible voting members.
- f. Notice for SGM: A notice of the SGM must be a written notice stating that a meeting is to take place at a specified date, time and venue and also include a brief agenda. The written notice must be initiated at least twenty one (21) before the date of the scheduled SGM. The notice should include information such as the date, time, place, and what is proposed for discussion. Email is the preferred method for communication with the eligible members.

- g. It is not required for three quarters of the total FC membership to pass the resolution, only requires three quarters of those that attend the meeting (or vote by proxy) to pass the resolution.

#### 1.10.4 Executive Committee Meetings

There shall be at least seven (7) Executive Committee meetings in a financial year. The date, time, and place of these meetings shall be provided to the membership of the Executive Committee by the Secretary before the date of such meeting. The Committee shall determine the date, time, and place for any special meetings.

#### 1.10.5 Conflict of Interest in Executive Committee Meeting

- a. An Executive Committee member who has a material financial interest in a matter being considered at an Executive Committee meeting must disclose the nature and extent of that interest to the Committee.
- b. The Committee member -
  - (i) must not be present while the matter is being considered at the meeting; and
  - (ii) must not vote on the matter.

See Section 4.13.

#### 1.10.6 Quorum at Meetings

- a. No business may be conducted at any meeting (AGM or SGM or Executive Committee) unless a quorum of members is present.
- b. The quorum for AGM and SGM is the presence of at least 25 members (physical presence of members).
- c. The quorum for an Executive Committee meeting is the presence of five Committee members (in person and not by proxy).
- d. A member cannot exercise more than five proxy votes, that is, cannot represent more than five members through proxy at AGM or SGM.

#### 1.10.7 Adjournment of General Meeting if Quorum is not Present

- a. If a quorum is not present within 30 minutes after the notified commencement time of a general meeting (AGM or SGM) -
  - (i) the meeting must be adjourned to a later date no more than 21 days after the adjournment; and
  - (ii) notice of the date, time and venue to which the meeting is adjourned must be given at the meeting and also confirmed by written notice given to all eligible members as soon as practicable after the adjournment.
- b. If a quorum is not present within 30 minutes after the notified commencement time of the second general meeting (AGM or SGM) -
  - (i) the meeting must be adjourned to a later date no more than two weeks after the adjournment; and
  - (ii) the notice of the date, time and venue to which the meeting is adjourned must be given at the meeting and also confirmed by written

notice given to all eligible members as soon as practicable after the adjournment.

- (iii) At the third general meeting, the members present may proceed with the business of the meeting as if a quorum was present, even if there less than 25 members present.

#### 1.10.8 Adjournment of General Meeting (other than quorum)

- a. The chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- b. A general meeting may be adjourned -
  - (i) if there is insufficient time to deal with the business at hand; or
  - (ii) to give the members more time to consider an item of business  
*Example: The members may wish to have more time to examine the financial statements submitted by the committee at an annual general meeting; or*
  - (iii) no business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

#### 1.10.9 Voting at General Meeting

On occasions, a question/matter or an issue may arise which may require a resolution through voting by members, at a general meeting (AGM or SGM). In such a situation –

- a. All members present in the meeting may vote.
- b. On any question/matter/issue arising at a general meeting -
  - (i) each member has one vote only; and
  - (ii) a member may vote in person (physical presence) or by proxy;
  - (iii) a member cannot exercise more than five proxy votes – all votes shall be given in person or by proxy. Each member shall be entitled to appoint another member as proxy by notice given to the President or Secretary no later than 48 hours before the time of the meeting in respect of which the proxy is appointed; and
  - (iv) the question/matter/issue must be decided by a majority of votes present in the meeting, except in the case of a special resolution, significant issue requiring a resolution in SGM by voting, constitution change, dismissal of Executive Committee)
  - (v) in the case of a special resolution, significant issues requiring a resolution in SGM such as, a change in the constitution, dismissal of the Executive Committee or remove a committee member from office – the issue must be decided by three quarter (75%) majority members, in favour of the question, who are eligible to vote.
- c. If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

#### 1.10.10 Determining whether Resolution Carried

- a. The Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been -
  - (i) carried; or

- (ii) carried unanimously; or
  - (iii) carried by a particular majority; or
  - (iv) lost and include an entry to that effect in the minutes of the meeting.
- b. If a vote is demanded by one or more members on any question:
- (i) a poll must be taken at the meeting in the manner determined by the chairperson of the meeting (e.g. secret ballot, raising hands); and
  - (ii) the Chairperson must declare the result of the resolution on the basis of the poll.

## **1.11 Minutes of Meeting**

### **1.11.1 Minutes of Executive Committee Meetings**

- a. The Committee must ensure that minutes are taken and kept for each official Executive Committee meeting.
- b. The minutes must accurately record and reflect the true business considered at the meeting (agenda), any decision, issue, how a decision is reached, etc.
- c. The minutes must also include -
  - (i) the date, time and place and purpose of the meeting.
  - (ii) the names and signatures of the Executive Committee members **who** attended the meeting; and
  - (iii) any outstanding issue and so on.

### **1.11.2 Minutes of General Meetings**

- a. The Committee must ensure that minutes are taken and kept of each general meeting (AGM/SGM).
- b. The minutes must accurately record and reflect the true business considered at the meeting, any decisions, motions, issues, and any resolution on which a vote is taken and the result of the vote.
- c. The minutes of any general meeting must also include: -
  - (i) the date, time, place and purpose of the meeting;
  - (ii) the names and signatures of the members attending the meeting;
  - (iii) the chairperson and Executive Committee members attending the meeting;
  - (iv) any outstanding issue and so on;
  - (v) any applicable proxy forms given to the Chairperson of the meeting;
  - (vi) the financial statements/reports with a certificate signed by at least two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the association; and
  - (vii) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

## **1.12 Funds Source and Management**

- a. The funds of the Association will be derived from donations (from any legal source), government grants, fund raising activities, and any other sources that the Executive Committee decides, in-lieu of 'nil payments' by members for entry and annual membership fees as per Section 1.3.4.

- b. 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.
- c. The Association must issue an appropriate receipt, as soon as practicable, after receiving any money.
- d. No receipt books must be printed and used without the approval of the Executive Committee.
- e. Funds of the Association must be used in the pursuant of the goals and objectives of the Association in such manner as the Executive Committee determines by resolution in Executive Committee meeting rather than in General Meeting.
- f. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two (2) members of the Executive Committee or employees of the Association, being members of the Executive Committee or employees authorised to do so by the Executive Committee. These transactions will be independently audited as part of the annual reporting and auditing process.
- g. The assets and income of FC must be applied solely to further its objects and no portion will be distributed directly or indirectly to the members of FC except as genuine compensation for services rendered or expenses incurred on behalf of the organisation.

## **2 RULES**

### **2.1 Standing Rules**

- a. Each action approved by the Executive Committee that serves to establish new policies or administrative procedures can be designated as a "directive", "procedures", or "act." The Secretary of the FC can be made responsible for maintaining a file of such directives and be responsible for notifying the membership in writing of their adoption.
- b. The Office Bearers must maintain the integrity of member records collected and held by the Association. Also, the Executive Committee shall ensure the privacy and confidentiality of members' personal information such the name, address, phone numbers, email addresses, date of birth, bank accounts and so on.
- c. The Association must exercise caution in the use of membership information in forwarding emails, circulating broadcast emails, phone messages, posting letters, etc to ensure the privacy and confidentiality of members.
- d. All members are to receive the Association emails and official correspondence.
- e. The Association must not directly or indirectly encourage or promote using or passing members' information, held by the Association, for sending, or circulating any commercial information/advertisement/charity/appeal/selling goods or services/etc which are not directly related to the official business of the Association (e.g. advertisement emails, SMS for promoting the interests of any individual, business, charity or particular community group). The Association must be guarded with integrity in accordance with Australian Standard Privacy and Confidentiality rules.
- f. The common seal of FC must remain under the custody of the Secretary or President. The common seal must not be attached to any instrument except by the authority of the Executive Committee and attaching the common seal must be attached by the signature of either:
  - (i) President, Vice President or Secretary;

- (ii) Secretary or one Executive Committee member; or
  - (iii) two members of the Executive Committee authorised by the President or Secretary.
- g. The records, books and other documents of FC (except for the financial details and a member's personal details where that member did not agree to disclose) will be open to inspection at a place in the ACT, free of charge, by written request of any member of FC at any reasonable date/time mutually agreed by the member and FC Secretary. Disclosure of detailed financial transactions will be only done in the AGM, but not privately.
  - h. All members of the Executive Committee must not make any media or press release or announcements relating to the work of the FC without the prior sanction or written approval of either the President or Vice President or Secretary, as appropriate on behalf of the Executive Committee. This approval will inform the form, content, timing and manner of the announcement or release.

### **3 BY LAWS**

**3.1 The Constitution and Bylaws** of FC will be binding on FC. Any action inconsistent therewith will be null and void. Neither the objects of *Fair Canberra Inc* referred to in Section 29 of the Act nor these rules can be altered except in accordance with the Act.

#### **3.2 Dissolution of the Organisation**

In the event of dissolution of FC:

- a. all assets that remain after such dissolution and the satisfaction of all debts and liabilities must be transferred to another organisation with similar purposes, which is charitable at law and which has rules prohibiting the distribution of its assets and income to its members. This has to be done only after an AGM/SGM with at least three quarters (75%) of those members' present agreeing to the resolution. In the event of disputes, there must be attempts to address the dispute before asset/s are transferred to others.

#### **3.3 Liability of Members:**

- a. The liability of a member to contribute towards the payment of the debts and liabilities of FC or the costs, charges and expenses of the winding up of the Association is limited to the amount of \$2.
- b. The private property and assets of the members and Office Bearers of the Association shall have no link or connection with the liability or debt of the association. Individual member's private property and personal asset shall be totally exempt in this connection.
- c. However, it must not affect the liability of a member caused by his or her own negligence, personal interests, ill-motives, criminal or wrongful acts, offence or misconduct.

#### **3.4 Insurance**

- (a) The Association must effect and maintain public liability insurance

pursuant to section 44 of the Act.

(b) In addition to the insurance required under the previous clause, the Association may effect and maintain other insurances such as Director Insurance and Volunteers Insurance.

### **3.5 Amendments of Constitution**

- a. Amendments to this constitution may be proposed either by the Executive Committee or by a petition of at least one third of the total FC membership. Adoption of the amendments shall require a three quarters vote (75%) of the members voting present (including proxy votes) at a special resolution meeting provided that notice of the meeting and the content of the amendments have been announced to the membership at least 21 days prior to the time at which the vote will be taken.
- b. The FC is a democratic, not-for-profit organisation. Everyone has a chance to express their acceptance or opposition to a proposed change in constitution or bylaws. The general membership will be kept aware of the decisions being made by the Executive Committee and the justification for such decisions.
- c. It is important to note that the name of the organisation, that is, 'Fair Canberra Inc'–FC, cannot be changed, modified or deleted by any amendments once the name is registered with the relevant authority. The name will automatically disappear once the organisation becomes liquidated or wound up for any reason. This sub-clause [3.5.c) cannot be changed or amended in any form or removed from this constitution by the Executive Committee or by voting in any AGM or SGM.

## **4. GENERAL ADMINISTRATION and GOVERNANCE**

### **4.1 Assessments and Gifts**

- a. The offer of donations has to be generally communicated first to all FC members via email or such electronic media before additional gifts / donations are collected for a certain purpose. The full amount should be spent exclusively on that purpose only. If the donor has explicitly advised that they remain anonymous then their details will only be conveyed to the Executive Committee and a record of the cash donation will appear in the revenue side of the annual financial statement without their name.
- b. No special assessments may be made against members of the FC. Voluntary contributions may be solicited by the Executive Committee for specific purposes. A charge may be made for the FC's special publications and extra copies of regular publications, and fees may be collected for use of the FC's property when approved by the Executive Committee.
- c. Gifts and bequests may be made to the FC in any form or amount and for any use compatible with the purpose of the FC.
- d. A charge may (repeat may) be made to non-members for: attendance at FC-sponsored activities; use of the FC's equipment and other assets; copies of

publications, and other data, and inclusion of non-members on the FC's mailing list.

#### **4.1.2 Disciplinary Process**

- a. Disciplinary action under this provision must be taken only upon a majority of vote of the Executive Committee by a secret ballot. Disciplinary action must be initiated only upon written petition to the Executive Committee for disciplinary action, submitted by at least 25 members of the FC.
  
- b. Upon receiving such a petition, the Executive Committee must take such actions that are deemed necessary to notify the accused member or members, in writing, of the petition, and of the place, date, and time where the petition will be considered by the Executive Committee. Consistent with Clause 50 of the Act, the accused member or members have the right to speak on their own behalf. Such considerations shall take place no sooner than twenty-one days and no later than seventy days after the petition is received by the Executive Committee.

#### **4.2 Finances**

- a. A bank account has to be opened with at least two signatures from among President, Vice president, Secretary and Treasurer. Any cheque issued for the purpose of bill payment, has also to be signed by the Treasurer and one of the other three executives. In the absence of the Treasurer, the President or Secretary shall sign the cheques or other financial instruments (unlimited amount) subject to this sub clause.
- b. The FC may acquire real and intangible property, including equipment, literature, software and other materials for use by and on behalf of the membership. Generally accepted accounting practices shall be used to account for all assets.
- c. The Executive Committee members have the obligation to understand FC accounts and financial situation. The Executive Committee must plan and organise programs/events/activities and acquire any equipment, property or assets considering the overall financial situation of FC. The Executive Committee must plan, budget and structure its income and expenses in a responsible way to operate within its means and financial abilities, so that the Association does not incur loss, debts, liabilities and members -
  - (i) do not have to pay excessive fees and subscriptions; or
  - (ii) need to contribute towards unreasonable expenses or payments for such Executive Committee actions.
- d. All payments made must be appropriately listed in order of payment dates and approved by the Executive Committee within at least the next three meetings of the Executive Committee.

### **4.3 Publications**

The FC may issue and distribute to the members, regular issues of a FC newsletter, and is empowered to issue and distribute special publications, subject to regulations governing the subject matter, publication dates, sales, and distribution as prescribed by the Executive Committee. Copies of the publications must be provided to the FC in accordance with FC policy.

### **4.4 Government Laws Pre-empt**

The Territory and Australian Federal Government laws will pre-empt provisions mentioned herein in this document.

### **4.5 Common Seal**

The common seal of FC must be kept in the custody of the Secretary.

Affixing of the common seal must be attested by the signature of the President and/or the Secretary. The Executive Committee may authorise another member of the Executive Committee to attest where necessary.

A copy of every document upon which the common seal was affixed must be tabled at a Executive Committee meeting at the earliest of once a month or alternate Committee meeting.

### **4.6 Custody of the Books and Documents**

Subject to the Act, the Regulations and these rules, the Secretary must keep in their custody or under their control all records (with the exception of financial records which are the responsibility of the Treasurer), books, and other documents relating to FC.

### **4.7 Inspection of Books and Documents**

The records, books and other documents of FC must be open to inspection at a place in the Territory, free of charge, by a member of FC at any reasonable hour mutually convenient to all parties involved. This includes documents such as the Membership Register, annual and financial reports, and minutes. The documents will be made available consistent with the Information Privacy Principals.

### **4.8 Service of Notice**

For the purposes of these rules, a notice may be served by or on behalf of FC upon any member either personally, by publication relevant newsletters, by posting on FC's web page or by sending it by post to the member at the member's address shown in the register of members.

Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document will, unless the contrary is proved,

be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

#### **4.9 Confidentiality**

Subject to this clause, any member of the Executive Committee and the Public Officer must not, without a prior written approval from the President on behalf of the Executive Committee, make public or disclose to any person, any organisational or Executive Committee confidential information relating to its operations or deliberations.

In the event that written approval is given, the President may impose such terms and conditions that in the President's opinion are appropriate. The President must inform the Executive Committee of this approval at the immediate next meeting of the Executive Committee.

Each Member of the Executive Committee and the Public Officer must ensure that they execute a *Confidentiality Agreement* that spells out their obligations in this regard.

#### **4.10 Privacy**

In performing their duties, responsibilities or functions, all members of the Executive Committee and the Public Officer must not do or perform any act or engage in any practice that would breach any of the Information Privacy Principles contained in the *1988 Privacy Act*.

All the members of the Executive Committee and the Public Officer agree to comply with all the directions, guidelines, determinations and recommendations referred to in, or relating to matters set out in these rules, and other policies and procedures adopted by FC to the extent that they are consistent with the Information Privacy Principles.

Any member of the Executive Committee or the Public Officer that suspects that they have breached or possibly breached any of their obligations under the *1988 Privacy Act* must immediately notify the President of FC to deal with the issue.

#### **4.11 Publicity**

All members of the Executive Committee and subcommittees must not make any media or press releases or announcements relating to the work of FC without the prior approval of either the President or Vice President or Secretary on behalf of the Executive Committee, in the first instance, to decide whether or not to go to the public with the issue, and if so, the form, timing, content and manner of the announcement or release.

#### **4.12 Dispute Resolution Process**

In the event that a dispute or controversy arising from any aspect of the operations of FC cannot be resolved within a period of 21 days of the dispute being first notified to all parties

involved, consistent with Clause 50 of the Act, the Executive Committee may appoint an agreed unbiased person as a mediator to make an attempt to mediate a resolution and to decide a satisfactory outcome for all parties.

In accordance with the rules of natural justice the aggrieved member (or potential member) will be provided an opportunity to state their case to an independent mediator. The appointed mediator must not be a member of FC, but could be a professional mediator who is not connected with any of the people who are a party to the dispute.

If the mediator fails to reach a resolution that is mutually acceptable to both the aggrieved member (or potential member) and the Executive Committee, the final decision will be made by the Executive Committee and provided to the member in writing.

### **4.13 Conflict of Interest**

All members of FC must not be in any conflict of interest situation whereby they:

- (a) pursue objectives that have the real or perceived potential of harming or running counter to the objectives of FC;
- (b) use the organisation to promote any individual interests that are outside the objectives of FC or attempts to promote or personalise the organisation for their own benefit – including personal political campaigns;
- (c) engage in activities that they (or close relatives) become financial or promotional beneficiaries of FC advice, projects or activities; or
- (d) engage in activities to impose any specific ideology or divisive, exclusionary views or ideas on the organisation that run counter to its objectives and purpose.

Members of the Executive Committee must warrant to the best of their knowledge, after making diligent enquiries, no conflict of interest exists or is likely to arise in the performance of their duties and in undertaking their obligations as members of the governance group of FC.

All members of the Executive Committee must use their best endeavours to ensure that a situation does not arise that may result in a conflict of interest. Where a conflict of interest, or a potential conflict of interest, arises in the discharge of their responsibilities they must inform the President of FC and take any steps the Executive Committee or President reasonably require to address (or otherwise deal with) the conflict of interest, or potential conflict of interest. See Section 1.10.5.

The Executive Committee must maintain a Conflict of Interest Register.

## **5. ATTACHMENTS**

The attachments are not a core part of the Constitution and can be updated from time to time as required by the Executive Committee.

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## 5.1 Attachment 1

### Membership Application Form

#### For Fair Canberra Inc (FC)

I, hereby, apply for the membership of FC. I am committed to support and uphold the FC objectives, its values and vision. I will abide by FC guidelines, rules, regulations and codes of conduct. My full particulars are as follows:

Title: Mr/Mrs/Miss/Ms/Dr	
Surname:	My other name(s):
I am 16+ years old:      Yes / No	Date of Birth (optional):
Residential Address:	Mobile Phone:  Email Address:
My contact details can be released to other FC members: Email: Yes / No ; Phone: Yes / No ; Address: Yes / No	

<b>Signature of Applicant:</b>	<b>Date (dd/mm/yyyy):</b>

Introduced/ <b>Proposed</b> by:	Full Name: FC Membership No:
	I personally know the applicant and recommend his/her acceptance as a member to FC.  Signature of Introducer/Proposer: Date (dd/mm/yyyy):

<b>Seconded</b> by:	Full Name: FC Membership No:
	I recommend acceptance of this applicant as a member to FC.  Signature of Seconder: Date (dd/mm/yyyy):

<b><i>This Section is Reserved for the FC Executive Committee Office Use</i></b>													
Date application received:	Approved by the FC EC: Yes / No												
Date application approved:	Signature of FC EC: (President/Secretary/Treasurer)												
Membership No Allocated/Created:													
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<b>F</b>	<b>C</b>	-											

## 5.2 Attachment 2

**Nomination Form** for electing a member of the **Executive Committee** of the *Fair Canberra Inc (FC)*. I/We, a member(s) of FC, wish to propose the candidature of the following person(s) for the mentioned position(s) in the financial year ....., election to be held in the AGM on .....

Positions	Nominee's Name	FC Membership No	Consent received
President			Yes / No
Vice President			Yes / No
Secretary			Yes / No
Treasurer			Yes / No
Member 1			Yes / No
Member 2			Yes / No
Member 3			Yes / No
Member 4			Yes / No
Member 5			Yes / No
	<b>Name</b>	<b>FC Membership No</b>	<b>Signature &amp; Date</b>
<b>Proposer</b>			
<b>Secunder</b>			

For group proposers, please fill up additional proposers' details below. Use attach extra sheet if no of proposers are more than 6:

	Proposer's Name	FC Membership No	Signature & Date
Proposer-2			
Proposer-3			
Proposer-4			
Proposer-5			
Proposer-6			

**Declaration:** I am aware of the *Fair Canberra Inc* constitutional requirements for nomination and obligations of *Fair Canberra inc* Executive Committee members and do solemnly pledge to abide by the same should I be elected to the post to which I have been nominated.

**Name of nominated person:**.....**(printed)**.....**(date)**

**Membership Number of nominated person:**.....

**Signature of nominated person:**.....

**This form (duly signed) must be delivered to and received by the election committee of FC at least seven business days prior to the scheduled AGM/SGM.** Please return by COB.....

Election committee's contact details: .....

Note:

- Nominee(s), proposer(s) and seconder must be member(s) of FC.
- One or more person(s) can propose one or more nominee (s) for one or more position(s). It can be for self-nomination or nomination for other (s).
- If you are proposing yourself for any position(s), please ensure that you are attaching a seconder's support with a signature. Seconder is not necessary for group proposers.

### 5.3 Attachment 3

#### Proxy Voting Form

To be used by the eligible member of **Fair Canberra Inc, Canberra Inc. (FC)** who is unable to attend the General Meeting (AGM or SGM) of the Association.

I, .....(full name)

of .....(home address)

FC Membership Number: .....

Phone Number: ..... Email: .....

being a member of FC, will be unable to attend the general meeting scheduled for .....(dd/mm/yyyy), and hereby authorise:

Full Name of the Proxy: .....

Proxy's FC membership Number: .....

Proxy's Residential Address: .....

Proxy's Phone Number: .....

who is a member of FC to act, for and on my behalf, at the scheduled General Meeting dated above.

Member's Signature and Date:  
(who has authorised the proxy).....

Proxy's Signature and Date:  
(who has agreed to act on behalf of authorising member).....

***This form (duly signed hard copy) must be delivered to and received by the FC President or Secretary at least 48 hours prior to the scheduled commencement of the meeting.***

<b><i>This Section is Reserved for FC Executive Committee Office Use</i></b>	
	Person who received the Proxy Form
	Office Bearer Name:
	Office held: Secretary / President
	Date/Time Form Received: