

**North Canberra  
Community Council  
Incorporated**

**CONSTITUTION**

**as at 16 April 2014**

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## **PART I - PRELIMINARY**

### **1.Name**

The name of the council shall be the North Canberra Community Council (hereinafter called "the Council").

North Canberra consists of the neighbourhoods of Acton, Ainslie, Braddon, Campbell, Canberra City<sup>1</sup>, Dickson, Downer, Duntroon, Hackett, Lyneham, North Lyneham, O'Connor, Pialligo, Reid, Russell, Turner and Watson.

### **2. Interpretation**

(1) In this constitution, unless a contrary intention appears -

"the NCCC" means the North Canberra Community Council Incorporated;

"committee" means the NCCC committee established under Part III of this constitution;

"office bearers" means the Chair, Deputy Chair, Secretary and Treasurer established under rule 14 of this constitution;

"financial year" means the year commencing on 1 January and ending on 31 December;

"member" means a member, however described, of the NCCC;

"ordinary committee member" means a member of the committee who is not an office-bearer of the NCCC as referred to in rule 14 (1) (a);

"Chair" means the person holding office under this constitution as the Chair of the NCCC;

"Deputy Chair" means the person holding office under this constitution as the Deputy Chair of the NCCC;

"Secretary" means the person holding office under this constitution as the Honorary Secretary of the NCCC;

"Treasurer" means the person holding office under this constitution as the Honorary Treasurer of the NCCC;

"working group" means such groups of NCCC members as created by the committee under rule 21 of this constitution;

"the council" means NCCC;

"the Act" means the Associations Incorporation Act 1991;

"the Regulations" means the Associations Incorporation Regulations.

(2) In this constitution:

(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, where the function is a power, authority or duty, a reference to the exercise of the power or the authority or the performance of the duty.

(3) The provisions of the Interpretation Act 1967 apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

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1 Canberra City was added on 16 April 2014.

### **3. Objects**

The aim of the Council is to protect, promote and enhance the economic, cultural, social and environmental well being of the North Canberra resident community by pursuing the following objectives:

- (a) Fostering a community identity and providing a local forum for voicing issues of concern to the community;
- (b) Promoting the interests of the North Canberra resident community and:
  - (i) Ensuring that legislators and officials are fully informed of resident community needs and expectations; and
  - (ii) Ensuring that party politics do not impede or override community wishes;
- (c) Identifying, fostering and assisting residents' community groups and establishing and maintaining a close liaison amongst them;
- (d) Identifying other community groups and establishing liaisons with them in mutual interests and the interests of the resident community.
- (e) Contributing to the physical and social planning of North Canberra and Canberra as a whole;
- (f) Valuing and fostering the diversity of the North Canberra community;
- (g) Ensuring that the interests of all residents' groups in North Canberra are properly represented; and
- (h) Informing the community about issues concerning North Canberra.

## **PART II - MEMBERSHIP**

### **4. Membership qualifications**

- (1) Membership is open to all North Canberra residents aged 18 years and over.'
- (2) The committee may choose to approve the membership of any other persons upon application.

### **5. Application for membership**

- (1) Membership commences when a membership application made in writing is accepted by the committee and the payment of any entrance and annual membership fees applying at the time are received.
- (2) An application for membership of the NCCC by other than North Canberra residents -
  - (a) Shall be made by a person in writing in the form set out in Appendix 1 to this constitution, or other such form as adopted by the committee from time to time;
  - (b) Shall be lodged with an authorised member of the NCCC committee; and
  - (c) Shall contain the amounts specified at rule 6 for entrance fee and the annual membership fee.
- (3) At each committee meeting, the names of all applicants for membership, who have applied to become members of the NCCC since the previous committee meeting, shall be tabled.
- (4) Membership applications shall not be processed in the period from 14 days before the holding of an Annual General Meeting and before the holding of such a meeting.

- (5) Where a person has been suspended from the NCCC under rule 11 or rule 12 of this constitution, that person is not eligible to re-apply for membership of the NCCC for such period as the committee may determine.

#### **6. Fee, subscriptions etc**

- (1) Entrance and annual membership fees, if any, for the current financial year shall be fixed by the NCCC at its annual general meeting.

#### **7. Membership entitlements not transferable**

- (1) A right, privilege or obligation which a person has by reason of being a member of the NCCC:
- (a) Is not capable of being transferred or transmitted to another person; and
  - (b) Terminates upon cessation of the person's membership.

#### **8. Cessation of membership**

A person ceases to be a member of the NCCC if the person –

- (a) ceases to be a resident of North Canberra;
- (b) resigns from membership of the NCCC;
- (c) is suspended from the NCCC;
- (d) fails to pay any annual membership fee applicable at the time.

#### **9. Resignation of membership**

A member is not entitled to resign from membership of the NCCC unless that member has paid all amounts payable by the member to the NCCC. A member who has paid all amounts payable by the member to the NCCC may resign from membership of the NCCC by first giving notice (being not less than 1 month or, if the committee has determined a shorter period, that shorter period) in writing to the Secretary of the member's intention to resign and, upon the expiration of the period of notice, the person ceases to be a member.

#### **10. Members' liabilities**

The liability of a member to contribute towards the payment of the debts and liabilities of the NCCC or the costs, charges and expenses of the winding up of the NCCC is limited to the amount, if any, unpaid by the member in respect of membership of the NCCC as required by rule 6.

#### **11. Disciplining of members**

- (1) Where the committee is of the opinion that a member has persistently refused or neglected to comply with a provision of this constitution; or has persistently and wilfully acted in a manner prejudicial to the interests of the NCCC, the committee may, by resolution, suspend the member from such rights and privileges of membership of the NCCC as the committee may determine for a specified period.
- (2) A resolution of the committee under subrule (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 35 days after service on the member of a notice under subrule (3), confirms the resolution in accordance with this rule.
- (3) Where the committee passes a resolution under subrule (1), the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member -

- (a) Setting out the resolution of the committee and the grounds on which it is based;
  - (b) Stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 35 days after service of the notice;
  - (c) Stating the date, place and time of that meeting; and
  - (d) Informing the member that the member may do either or both of the following:
    - (i) Attend and speak at that meeting;
    - (ii) Submit to the committee at or prior to the date of that meeting written representations relating to the resolution.
- (4) Subject to Section 50 of the Act, at a meeting of the committee mentioned in subrule (2), the committee shall:
- (a) Give to the member mentioned in subrule (1) an opportunity to make oral representations;
  - (b) Give due consideration to any written representations submitted to the committee by that member at or prior to the meeting; and
  - (c) By resolution determine whether to confirm or to revoke the resolution of the committee made under subrule (1).
- (5) Where the committee confirms a resolution under subrule (4), the Secretary shall, within 7 days after that confirmation, by notice in writing inform the member of that confirmation and of the member's right of appeal under rule 12.
- (6) A resolution confirmed by the committee under subrule (4) does not take effect -
- (a) Until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
  - (b) Where within that period the member exercises the right of appeal, unless and until the NCCC confirms the resolution in accordance with subrule 12 (4).

## **12. Right of appeal of disciplined member**

- (1) A member may appeal to the NCCC in general meeting against a resolution of the committee which is confirmed under subrule 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) Upon receipt of a notice under subrule (1), the Secretary shall notify the committee which shall convene a general meeting of the NCCC 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 Section 50 of the Act, at a general meeting of the NCCC convened under subrule (2)-
  - (a) No business other than the question of the appeal shall be transacted;
  - (b) The committee and the member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
  - (c) The members present shall vote by secret ballot on the question of whether the resolution made under subrule 11 (4) should be confirmed or revoked.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under subrule 11 (4), that resolution is confirmed.

## **PART III - THE COMMITTEE**

### **13. Powers of the committee**

The committee, subject to the Act, the Regulations, this constitution, and to any resolution passed by the NCCC in general meeting-

- (a) Shall control and manage the affairs of the NCCC in accordance with the aims and objectives contained in rule 3 and resolutions passed at general meetings;
- (b) Shall make reasonable efforts to consult the North Canberra community on significant issues;
- (c) May exercise all such functions as may be exercised by the NCCC other than those functions that are required by these rules to be exercised by the NCCC in general meeting; and
- (d) 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 NCCC.

### **14. Structure of the committee**

- (1) The committee shall consist of -
  - (a) the office bearers of the NCCC; and
  - (b) no more than 5 ordinary committee members; each of whom shall be elected pursuant to rule 15 or appointed in accordance with subrule (4).
- (2) The office bearers of the NCCC shall be:
  - (a) The Chair;
  - (b) The Deputy Chair;
  - (c) The Honorary Treasurer; and
  - (d) The Honorary Secretary.
- (3) Each member of the committee shall, subject to this constitution, hold office until the conclusion of the Annual General Meeting following the date of the member's election, but is eligible for re-election.
- (4) In the event of a vacancy in the membership of the committee, the committee may appoint a member of the NCCC to fill the vacancy and the member so appointed shall hold office, subject to this constitution, until the conclusion of the Annual General Meeting next following the date of the appointment.
- (5) No committee member shall be appointed to any salaried office of the NCCC or any office of the NCCC paid by fees and no remuneration or other benefit in money or kind shall be given by the NCCC to any committee member except as reimbursement for out-of-pocket expenses.

### **15. Election of committee members**

- (1)<sup>i</sup> 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 nomination form); and

- (b) must be given to the secretary of the association not less than 7 days before the date fixed for 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 shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
  - (3) If insufficient further nominations are received, any vacant positions remaining on the committee shall be deemed to be vacancies.
  - (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be taken to be elected.
  - (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
  - (6) The ballot for the election of office bearers and ordinary committee members shall be conducted at the Annual General Meeting in such manner as the committee may direct.
  - (7) With the exception of the position of Public Officer, a person is not eligible to simultaneously hold more than 1 position on the committee.

#### **16. Duties of office bearers**

- (1) The Chair is the senior office-bearer of the NCCC and shall have general supervision of the affairs of the NCCC and subject to the direction of the committee, the Chair shall:
  - (a) Chair all the NCCC meetings that the Chair attends;
  - (b) Be the NCCC's official representative at relevant public functions;
  - (c) Be an authorised signatory to the NCCC cheque account and other NCCC accounts
  - (d) Perform such duties as the committee may direct from time to time;
- (2) The Deputy Chair shall, in the absence or temporary incapacity of the Chair, exercise all of the Chair's powers and at other times shall perform such duties as may from time to time be determined by the committee.
- (3) The Honorary Secretary, under the general direction of the committee and subject to this constitution, shall be responsible for the affairs of the NCCC and shall:
  - (a) prepare and dispatch all correspondence on behalf of the NCCC unless the committee determines otherwise and in that case shall obtain from any office bearer or ordinary committee member copies of any correspondence issued by that other person on behalf of the NCCC as soon as practical;
  - (b) Retain a copy of all correspondence issued on behalf of the NCCC;
  - (c) Receive and assure the retention of all correspondence addressed to the NCCC and present each item to the committee, appropriate working group or committee member for action or direction as to the appropriate reply by or at the following committee meeting;
  - (d) Inform members of meetings in accordance with subrule 20(3) and rule 26 and coordinate preparation and distribution of the agenda for any such meetings;
  - (e) Hold the common seal of the NCCC;
  - (f) Record the minutes of all meetings of the NCCC and its committee and ensure that the minutes are approved as a true and correct record of the meetings to which they pertain and are so endorsed;
  - (g) Record the names of persons attending meetings of the NCCC;



- (h) Inform the Registrar under the Act of any relevant changes within the NCCC; and
  - (i) Perform such other duties as the committee may direct from time to time.
- (4) The Honorary Treasurer, under the general direction of the committee and subject to this constitution, shall;
- (a) Be responsible for maintaining a true and complete record of the financial status of the NCCC in accordance with Part V of the Act;
  - (b) Be responsible for all banking transactions for the NCCC and for the documentation of the same in the financial records of the NCCC;
  - (c) Be an authorised signatory to the NCCC cheque account and other NCCC accounts;
  - (d) Report to the committee on the NCCC's current financial position at each committee meeting and report on any withdrawal from the accounts of the NCCC that has not been authorised by the NCCC or the committee;
  - (e) Cause the accounts of the NCCC to be audited at the end of each financial year and present to the membership at the Annual General Meeting all the documentation required pursuant to Subsection 73 (1) of the Act;
  - (f) Receive, record and acknowledge receipt of all monies paid to the NCCC;
  - (g) Renew all approved insurance policies held by the NCCC;
  - (h) Subject to the agreement of the committee, delegate such duties as may be appropriate whilst maintaining ultimate responsibility for proper discharge of the duties of the office of Honorary Treasurer;
  - (i) Perform such other duties as the committee may direct from time to time;
  - (j) Have all records, accounts, books, receipts and vouchers audited in accordance with the provisions of Section 74 of the Act if relinquishing the office during the year in office; and
  - (k) Except as directed by the Act, take all reasonable steps to ensure the security of moneys held by the NCCC.
- (5) The committee shall determine which office bearers in addition to the Treasurer and the Chair are to be signatories to the accounts of the NCCC.
- (6) The committee shall be responsible for the flow of information within the council.
- (7) The committee shall be responsible for the flow of information to and from the community, the media, the administration and the government.

#### **17. Duties of other committee members**

- (1) The committee shall select a person to occupy the position of Public Officer from the committee members elected at the Annual General Meeting.
- (2) The Public Officer of the NCCC within one month of their appointment and in accordance with Section 59 of the Act, shall notify the Registrar General of their name and address and any subsequent change of address.
- (3) Other Ordinary Committee Members shall perform such duties as the committee from time to time may determine and assist in the furtherance of the objectives of the NCCC in whatever manner the committee determines.

## **18. Vacancies**

- (1) For the purposes of this constitution, a vacancy in the office of a member of the committee occurs if the member -
  - (a) Dies;
  - (b) Ceases to be a member of the NCCC;
  - (c) Resigns the office in writing or resigns the office verbally at a committee meeting or general meeting and does not submit a written retraction of resignation within 7 days;
  - (d) Is removed from office pursuant to rule 19;
  - (e) Becomes an insolvent under administration within the meaning of the Corporations Law;
  - (f) Is disqualified from office under Subsection 63 (1) of the Act; or
  - (g) Is absent without the consent of the committee from all meetings of the committee held during a period of 4 months.

## **19. Removal of committee members**

The NCCC in general meeting may by resolution, subject to Section 50 of the Act, remove any member of the committee from the office of member of the committee before the expiration of the member's term of office.

## **20. Committee meetings and quorum**

- (1) The committee shall meet at such times and places specified by the committee.
- (2) Additional meetings of the committee may be convened by any member of the committee.
- (3) Oral or written notice of a meeting of the committee shall be given by the Secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subrule (3) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 4 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business shall be transacted by the committee unless a quorum is present and if within half an hour after the time appointed for the meeting a quorum is not present the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.
- (8) At meetings of the committee:
  - (a) The Chair or in the absence of the Chair, the Deputy Chair shall preside; or
  - (b) If the Chair and the Deputy Chair are absent, 1 of the remaining members of the committee may be chosen by the members present to preside; and

(c) Notwithstanding the provisions of subrule 16(1)(a), the committee may appoint a committee member as facilitator to conduct committee meetings.

(9) Any member of the NCCC may attend committee meetings as an observer.

## **21. Delegation by committee to working group**

(1) The committee may, by instrument in writing, delegate to 1 or more working groups (consisting of such member or members of the NCCC 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 function imposed on the committee by the Act, by any other law of the Territory, or by resolution of the NCCC in general meeting.

(2) A function, the exercise of which has been delegated to a working group under this rule may, while the delegation remains unrevoked, be exercised from time to time by the working group in accordance with the terms of the delegation.

(3) A delegation under this rule 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) Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegated.

(5) Any act or thing done or suffered by a working group acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.

(6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

(7) A working group may meet and adjourn as it thinks proper.

## **22. Voting and decisions**

(1) The committee shall endeavour to reach all decisions by consensus. Where consensus is not possible decisions will be made by vote as follows:

(a) Subject to the provisions of subrule 20 (5), questions arising at a meeting of the committee or of any working group appointed by the committee shall be determined by a majority of the votes of members of the committee or working group present at the meeting.

(b) Each committee member present at a meeting of the committee or of any working group appointed by the committee (including the member presiding at the meeting) is entitled to 1 vote but, in the event of an equality of votes on any question, the member presiding may exercise a second or casting vote.

(c) Subject to subrule 20 (5), the committee may act notwithstanding any vacancy on the committee.

(c) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a working group appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or working group.

## **PART IV GENERAL MEETINGS**

### **23. Annual General Meetings - holding of**

NCCC shall convene an Annual General Meeting of its members by the end of October of each year.

### **24. Annual General Meetings - calling of and business at**

- (1) The Annual General Meeting of NCCC shall, subject to the Act, be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be -
  - (a) To confirm the minutes of the last preceding Annual General Meeting and of any general meeting held since that meeting;
  - (b) To receive from the committee reports on the activities of NCCC during the last preceding financial year;
  - (c) To elect members of the committee, including office bearers; and
  - (d) To receive and consider the audited statement of accounts and the auditor's and committee reports that are required to be submitted to members pursuant to Subsection 73 (1) of the Act.
- (3) An Annual General Meeting shall be specified as such in the notice convening it in accordance with rule 26.
- (4) An Annual General Meeting shall be conducted in accordance with the provisions of this Part.

### **25. General meetings - calling of and business at**

- (1) The committee may convene general meetings of the NCCC whenever it thinks fit.
- (2) The committee shall, on the requisition in writing of not less than 5 per cent of members, convene a general meeting of the NCCC.
- (3) A requisition of members for a general meeting -
  - (a) Shall state the purpose or purposes of the meeting;
  - (b) Shall be signed by the members making the requisition;
  - (c) Shall be lodged with the Secretary; and
  - (d) May consist of several documents in a similar form, each signed by 1 or more of the members making the requisition.
- (4) If the committee fails to convene a general meeting within 1 month after the date on which a requisition of members for the meeting is lodged with the Secretary, any 1 or more of the members who made the requisition may convene a general meeting to be held not later than 3 months after that date.
- (5) A general meeting convened by a member or members referred to in subrule (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by NCCC for any reasonable expense so incurred.
- (6) A special resolution must be passed in accordance with the Act.

## **26. Notice**

- (1)<sup>ii</sup> 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, send by email or prepaid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2)<sup>iii</sup> 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, send notice to each member in the way provided in subsection (1) specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted pursuant to subrule 24 (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 shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

## **27. General meetings - procedure and quorum**

- (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) 10 members present in person (being members entitled under these rules 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 if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of 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 not less than 5) shall constitute a quorum

## **28. Presiding member**

- (1) The Chair, or in the absence of the Chair, the Deputy Chair, shall preside at each general meeting of NCCC.
- (2) If the Chair and the Deputy Chair are absent from a general meeting, the members present shall elect 1 of their number to preside at the meeting.

## **29. Adjournment**

- (1) The person presiding at 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 shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a general meeting is adjourned for 14 days or more, the Secretary shall give appropriate notice of the adjourned meeting to each member of NCCC 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 subrules (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.

## **30. Making of decisions**

- (1) A question arising at a general meeting of NCCC shall normally be determined by consensus.
- (2) Where consensus is not possible a question arising at a general meeting of the NCCC shall be determined by a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding 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 NCCC, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) At a general meeting of NCCC, a poll may be demanded by the person presiding or by not less than 3 members present in person or by proxy at the meeting.
- (4) Where the poll is demanded at a general meeting, the poll shall be taken -
  - (a) immediately in the case of a poll which relates to the election of the person to preside at the meeting or to the question of an adjournment; or
  - (b) in any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

## **31. Voting**

- (1) Decisions of the NCCC shall normally be determined by consensus. Where consensus is not possible the following voting procedures shall apply -
  - (a) Subject to subrule 1 (c), upon any question arising at a general meeting of NCCC a member has 1 vote only.
  - (b) All votes shall be given personally or by proxy but no member may hold more than 2 proxies.
  - (c) In the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.
  - (d) A member or proxy is not entitled to vote at any general meeting of NCCC unless all moneys due and payable by the member or proxy to NCCC have been paid.

## **32. Appointment of proxies**

- (1) Each member shall be entitled to appoint another member as proxy by notice given to the Secretary before the time of the meeting in respect of which the proxy is appointed.

- (2) The notice appointing the proxy shall be in the form set out in Appendix 2 to this constitution.

## **PART V - MISCELLANEOUS**

### **33. Funds - source**

- (1) The funds of the NCCC shall be derived from donations and, subject to any resolution passed by the NCCC in general meeting and subject to Section 114 of the Act, such other sources as the committee determines.
- (2) All money received by the NCCC shall be deposited as soon as practicable and without deduction to the credit of the NCCC's bank account.
- (3) The Treasurer, or other authorised committee member(s), shall issue a receipt, as soon as practicable, after receiving money for the NCCC.

### **34. Funds - management**

- (1) Subject to any resolution passed by the NCCC in general meeting, the funds of the NCCC shall be used in pursuance of the objects of the NCCC in such manner as the committee determines.
- (2) All proposed payments are to be considered at committee meetings and full details of any approvals to expend the NCCC's funds shall be minuted. However, the committee may determine to approve regular or predictable payments in advance to allow prompt payment of bills.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer and any other office bearer nominated by the Committee.
- (4) Notwithstanding subrule (1) above, the committee may provide for limited advances to office holders in lieu of petty cash and any such advances are to be acquitted to the satisfaction of the committee.

### **35. Alteration of objectives and constitution**

Neither the objectives of the NCCC detailed in rule 3 of this constitution nor this constitution shall be altered except in accordance with the Act.

### **36. Common seal**

- (1) The common seal of the NCCC shall be kept in the custody of the Secretary.
- (2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signatures of 2 members of the committee.
- (3) The common seal of the NCCC shall be in the form of a rubber stamp inscribed with the name of the encircling the word "Seal".

### **37. Custody of books**

Subject to the Act, the Regulations and this constitution, the Secretary shall keep in his or her custody or under his or her control all records, books, and other documents relating to the NCCC.

### **38. Inspection of books**

The records, books and other documents of the NCCC shall be open to inspection at a place in the Territory, free of charge, by a member of the NCCC at any reasonable hour.

### **39. Service of notices**

- (1) For the purpose of this constitution, a notice may be served by or on behalf of the NCCC upon any member either personally or by delivery to the member at the member's address.
- (2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, 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.

### **40. Dissolution**

- (1) Winding up or dissolution of the NCCC shall be in accordance with Part VII of the Act.

### **41. Surplus property**

- (1) At the general meeting of the NCCC at which this constitution is adopted, the NCCC shall pass a special resolution nominating:
  - (a) Another council for the purpose of Subsection 92 (1) paragraph (a) of the Act; or
  - (b) A fund, authority or institution for the purpose of Subsection 92 (1) paragraph (b) of the Act, in which it is to vest its surplus property in the event of the dissolution or winding up of the NCCC.
- (2) An council nominated under subrule (1) (a) must fulfil the requirements specified in Subsection 92 (2) of the Act.

### **42. Auditor**

At each Annual General Meeting the members of the NCCC shall appoint a suitable person, who is not a committee member, to act as the Auditor of the NCCC for the following year and the Auditor shall fulfil the requirements for that role set out in the Act.



**APPENDIX 1**

Subrule 5 ( 1 )

**NORTH CANBERRA COMMUNITY COUNCIL INCORPORATED**

**APPLICATION FOR MEMBERSHIP**

North Canberra Community Council Incorporated  
(incorporated under the Associations Incorporation Act 1991)

I/We, .....

(full name of applicant(s))

of .....

(address)

hereby apply to become a member (s) of the above-named incorporated council. I/we agree to be bound by the rules of the NCCC for the time being in force.

..... Date ...../...../.....

(Signature of applicant)

**APPENDIX 2**

Subrule 32 (2)

**NORTH CANBERRA COMMUNITY COUNCIL INCORPORATED**

**FORM OF APPOINTMENT OF PROXY**

I, .....

(full name)

of .....

(address)

being a member of the North Canberra Community Council Incorporated (the NCCC)

hereby appoint .....

(full name of proxy)

of .....

(address)

being a member of the NCCC, as my proxy to vote for me on my behalf at the general meeting of the NCCC (Annual General Meeting or other general meeting, as the case may be) to be held on the

.....day of .....year....., and at any adjournment of that meeting.

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

.....

.....

.....

(insert details).

.....Date / / .

(Signature of member appointing proxy)

NOTE: A proxy vote may not be given to a person who is not a member of the NCCC.

\* (To be inserted if desired.)

**Note to Open Document (.odt) version of this Constitution**

In order to prevent unintended edits, the Open Document version of this Constitution has been saved with the password “NCCC.”

- i Rule 15 (1) was amended at the Annual General Meeting of 16 October 2013.
- ii Rule 26 (1) was amended at the Annual General Meeting of 16 October 2013.
- iii Rule 26 (2) was amended at the Annual General Meeting of 16 October 2013.