

Constitution
of the
Port Macquarie Seniors Computer Group Incorporated
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Constitution

The Port Macquarie Seniors Computer Group Incorporated

Part 1 – Preliminary

1 Definitions

“**Association**” means **The Port Macquarie Seniors Computer Group Inc.**

“**Member**” means any person having membership of the Association in accordance with the Rules.

“**Ordinary Member**” means a member of the committee who is not an office-bearer of the association, as referred to in rule 19 (1).

“**Secretary**” means:

- (a) the person holding office under these rules as Secretary of the Association.
- (b) the Public Officer of the Association.

“**special general meeting**” means a general meeting of the Association other than an annual general meeting.

“**the Act**” means the Association Incorporation Act, 1984;

“**the Regulations**” means the Association Incorporation Regulations, 1994.

2 In these Rules;

- (a) a reference to a function includes a reference to a power, authority and duty; and,
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

3 The Interpretation Act, 1987

The provisions of the Interpretation Act, 1987, apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

“**Committee Member**” means a member elected to the Management Committee, either an office-bearer or an ordinary committee member.

“**Rules**” mean the Association Rules, based on the Model Rules for the Incorporation of Associations issued by the New South Wales Department of Fair Trading according to the Association Incorporation Act of 1984, and as modified for the particular needs of the Association.

“**Applicant**” is a person who has applied in writing to become a member.

4 Title

The Association shall be called **The Port Macquarie Seniors Computer Group Incorporated**

5 Sphere of Influence

Membership is intended for persons over the age of 55 years who have retired from full participation in the workforce, residing in Port Macquarie and the area administered by the Hastings Council, and subject to the discretion of the Committee.

6 Aims and Objectives

1. The purpose of the Association shall be to assist its members by:
 - i. enabling them, through mutual help and at minimum cost, to acquire and improve their computer and electronic communication skills;
 - ii. providing them with facilities pursuant to this aim;
 - iii. providing a setting for the interchange, in an atmosphere of fellowship and enjoyment, of computer and communications knowledge, skills and ideas;
 - iv. enabling members to keep up with developments in the use of computers and technology so that they continue to participate in this aspect of modern life, thereby contributing to their self-confidence and self esteem;
 - v. providing regular meetings, activities and training sessions pursuant to attaining the above;
 - vi. striving at all times to gain and retain the approval of the local community as a worthwhile organisation contributing to the quality of life within the community.
 - vii. developing and maintaining their intellectual, cultural and social interests.
2. The Association will be non-political, non-sectarian, non-profit and financially competent, and will not indulge in fundraising for any purpose other than its stated Aims and Objectives.
3. Members shall observe and uphold the rules of the Association and actively support and defend the association, its aims and objectives.
4. Membership numbers may be restricted to a maximum figure as determined and/or amended at any Annual or Special General Meeting.

Part II – MEMBERSHIP

7 Membership Qualifications

1. A person is qualified to be a member of the Association if, but only if the person is:
 - (a) a person referred to in section 15(1)(a), (b) or (c) of the Act and has not ceased to be a member of the Association at any time after the incorporation of the Association under the Act; or
 - (b) the person is a natural person who:

- i. has applied for membership of the Association as provided by Rule 8, and
- ii. has been approved for membership of the Association by the committee.

8 Application for Membership

1. An application of a person for membership of the Association:
 - (a) shall be made in writing in the form set out in Appendix 1 of these rules; and
 - (b) shall be lodged with the secretary of the Association, together with subscription fees.
2. As soon as practicable after receiving a nomination for membership, the secretary shall refer the nomination to the committee which shall determine whether to approve or to reject the application, the committee's decision on this matter being final.
3. The secretary shall enter the applicant's name in the register of members and, upon the name being so entered, the applicant becomes a member of the Association.
4. Where an application has not been approved, fees will be refunded.

9 Cessation of Membership

1. A person ceases to be a member if the person:
 - (a) dies;
 - (b) resigns that membership
 - (c) is expelled from the Association
 - (d) has not renewed their membership by March 1st of that membership year.except in exceptional circumstances as determined by the committee.

10 Membership Entitlements Not Transferable

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

11 Resignation of Membership

1. A member of the Association is not entitled to resign that membership except in accordance with this rule.
2. A member of the Association who has paid all amounts payable by the member to the Association in respect of the member's membership may resign from the Association by first giving to the Secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

3. If a member of the Association ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the month in which the member ceases to be a member.

12 Register of Members

1. The public officer of the Association must establish and maintain a register of members of the Association specifying the name and address of each person who is a member of the Association together with the month in which the person became a member.

2. The register of members must be kept at the office of the Association and must be open for inspection, free of charge, by any member of the Association provided reasonable notice is given.

13 Fees and Subscriptions

1. A member of the Association must, when applying for membership, pay subscription fees as determined by the committee,

2. In addition to any amount payable by the member under class (1), a member of the Association must pay to the Association an annual or pro rata subscription fee as determined by the committee.

3. Subscriptions payable by members shall be reviewed and determined at each Annual General Meeting.

14 Members' Liabilities

1. The liability of a member of the association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by rule 10.

15 Resolution of Internal Disputes

1. Disputes between members (in their capacity as members) of the association, and disputes between members and the association which cannot be resolved, are to be referred to a community justice centre for mediation in accordance with the Community Justice Centres Act 1983.

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

16 Disciplining of Members

1. A complaint may be made to the committee by any member of the Association that some other member of the Association has persistently:
 - (a) refused or neglected to comply with a provision or provisions of these rules; or
 - (b) willfully acted in a manner prejudicial to the interests of the Association.

2. On receiving such a complaint, the committee must:
 - (a) cause notice of the complaint to be served on the member concerned; and
 - (b) give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint; and
 - (c) take into consideration any submissions made by the member in connection with the complaint.

3. The committee may, by resolution, expel the member from the Association or suspend the member from membership of the Association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.

4. If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under rule 17.

5. The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned: or
 - (b) if within that period the member exercises the right of appeal, unless and until the Association confirms the resolution under rule 17 (4), whichever is the later.

17 Right of Appeal of Disciplined Member

1. A member may appeal to the Association in general meeting against a resolution of the committee under rule 15, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

2. The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

3. On receipt of a notice from a member under clause (1), the secretary must notify the committee which is to convene a general meeting of the Association to be held within 28 days after the date on which the secretary received the notice.

4. At a general meeting of the association convened under clause (3):
 - i. no business other than the question of the appeal is to be transacted; and
 - ii. the committee and the member must be given the opportunity to state their

- respective cases orally or in writing or both; and
 - iii. the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
5. If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

Part 111 - THE COMMITTEE

18 Powers of the Committee

1. The committee is to be called the committee of management of the Association and, subject to the Act, the Regulation and these rules and to any resolution passed by the Association in general meeting;
- (a) shall control and manage the affairs of the association;
 - (b) may exercise all such functions as may be exercised by the Association other than those functions that are required by these rules to be exercised by a general meeting of members of the Association; and
 - (c) has power to perform all such acts and do all such things as appear to the Committee to be necessary for the proper management of the affairs of the association.

19 Constitution and Membership

1. The office-bearers of the association are to be:
- (a) the President;
 - (b) the Vice-President;
 - (c) the Treasurer;
 - (d) the Secretary; and
 - (e) four (4) ordinary members, each of whom is elected at the annual general meeting.
2. Each member of the committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
3. Members will be eligible to vote for office-bearers and committee members.
4. The committee may fill any vacant position on the Committee for the remainder of the year ending at the next Annual General Meeting.

20 Election of Members

21 Nomination of Members

1. Nominations of candidates for election as office-bearers of the association or as ordinary members of the committee must be:
 - (a) made in writing, signed by two (2) members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination); and
 - (b) delivered to the Secretary of the Association at least seven (7) days before the date fixed for the holding of the annual general meeting at which the election is to take place.
2. If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
3. If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
4. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
5. If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
6. The ballot for the election of office-bearers and ordinary members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

22 Secretary

1. The secretary of the Association must, as soon as practicable after being appointed as secretary, lodge notice with the Association of his or her address.
2. It is the duty of the secretary to keep minutes of:
 - (a) all appointments of office-bearers and members of the committee;
 - (b) the names of members of the committee present at a committee meeting or a general meeting; and
 - (c) all proceedings at committee meetings, annual general meetings and special general meetings.
3. Minutes of proceedings at committee meetings, annual general meetings, and special general meetings must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

23 Treasurer

1. It is the duty of the treasurer of the Association to ensure that:
 - (a) all money due to the Association is collected and received and that all payments authorised by the Association are made; and
 - (b) correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association.

24 Casual Vacancies

1. For the purpose of these rules, a casual vacancy in the office of a member of the committee occurs if the member:
 - (a) dies, or
 - (b) ceases to be a member of the Association, or
 - (c) becomes an insolvent under administration within the meaning of the Corporations Law, or
 - (d) resigns office by notice or in writing given to the secretary, or
 - (e) is removed from office under rule 25, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is absent from three consecutive committee meetings without apology or leave of absence.

25 Removal of a Member

1. The Association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
2. If a member of the committee to whom a proposed resolution referred to in clause (1) makes representations in writing to the secretary or president and requests that the representations be notified to the members of the Association, the secretary or the president may send a copy of the representations to each member of the Association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

26 Meetings and Quorum

1. The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
2. Additional meetings of the committee may be convened by the president or by any member of the committee
3. Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be

unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.

4. Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.

5. Any three (3) members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.

6. No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to a time and place to be determined by the secretary in consultation with committee.

7. If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.

8. At a meeting of the committee:

- (a) the president, or, in the president's absence, the vice-president is to preside, or
- (b) if the president and the vice president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

27 Delegation by Committee to Sub-Committee

1. The committee may, by instrument in writing, delegate to one or more sub-committees consisting of such member or members of the Association as the committee thinks fit the exercise of such of the functions of the committee as are specified in the instrument, other than;

- (a) this power of delegation, and
- (b) a function which is a duty imposed on the committee by an Act or any other law.

2. A delegation under this section 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.

3. Despite any delegation under this clause, the committee may continue to exercise any function delegated.

4. Any act or thing done or suffered by a sub-committee 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.

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

6. A sub-committee may meet and adjourn as it thinks proper.

28 Voting and Decisions

1. Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.

2. Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

3. Subject to rule 26(5) the committee may act despite any vacancy on the committee.

4. Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Part IV - GENERAL MEETINGS

29 Annual General Meeting - holding of

1. The Association shall hold its Annual General Meeting on the fourth Monday of February each year.

30 Annual General Meeting - business at

1. In addition to any other business that may be transacted at an annual general meeting, the business of the annual general meeting shall include the following to:

(a) confirm the minutes of the preceding Annual General Meeting and of any special general meeting held since that meeting;

(b) receive from the committee reports upon the activities of the Association during the preceding year;

(c) receive and adopt the balance sheets and financial statements of the Association and accompanying reports thereon;

(d) elect office bearers and members of the management committee

(e) fix the annual subscription fee for the ensuing year; to transact any other business included on the written agenda attached to the Notice of Meeting.

2. An annual general meeting shall be specified as such in the notice convening it.

3. Clauses (1) and (2) have effect subject to any extension or permission granted by the Director-General under section 26(3) of the Act.

31 Special General Meeting - calling of

1. The committee may, whenever it thinks fit, convene a special general meeting of the Association.

2. The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the Association.

3. A requisition of members for a special general meeting:

- (a) must state the purpose or purposes of the meeting, and
- (b) must be signed by the members making the requisitions, and
- (c) must be lodged with the secretary, and
- (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

4. If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.

5. A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expenses is entitled to be reimbursed by the Association for any expense so incurred.

32 Notice

1. Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by prepaid post or email, to each member at the member's postal or email 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. If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in clause (1) specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.

3. No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business that may be transacted pursuant to rule 30.

4. A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary, who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

33 Procedure

1. No item of business is to 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. Five 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;

(a) if convened on the requisition of members, is to be dissolved, and

(b) in any other case, is to stand adjourned to the same day in the following week at the time and (unless another place is specified at the time of the adjourned meeting 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 3) is to constitute a quorum.

34 Presiding Member

1. The president, or, in the president's absence, the Vice-President, is to preside as chairperson at any general meeting of the Association.

2. If the president and the Vice-President are absent or unwilling to act, the members present must elect one of their numbers to preside as chairperson at the meeting.

35 Adjournment

1. The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

2. If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the Association stating the

place, date, and time of the meeting and the nature of the business to be transacted at the meeting.

3. Except as provided in Clauses (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.

36 Making of Decisions

1. A question arising at a general meeting of the Association is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact without proof of the number or proportion of votes recorded in favour of or against that resolution.

2. At a general meeting of the Association, a poll may be demanded by the chairperson or by not less than 3 members present in person or by proxy at the meeting.

3. If a poll is demanded at a general meeting, the poll must be taken.

(a) immediately in the case of a poll which relates to the election of the chairperson of 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 chairperson directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

37 Special Resolution

1. A resolution of the Association is a special resolution:

(a) if it is passed by a majority which comprises at least three-quarters of such members of the Association as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or

(b) where it is made to appear to the Director General that it is not practicable for the resolution to be passed in the manner specified in paragraph (a), if the resolution is passed in a manner specified by the Director General.

38 Voting

1. On any question at a general meeting of the Association a member has one vote only.

2. All votes must be given personally or by proxy but no member may hold more than 5 proxies.

3. In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.

4. Only fully financial members or proxies are entitled to vote at any general meeting of the Association.

39 Appointment of Proxies

1. Each member is to be entitled to appoint another member as proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

2. The notice appointing the proxy is to be in the form set out in Appendix 2 of these rules.

Part V – MISCELLANEOUS

40 Insurance

1. The association may effect and maintain insurance.

41 Funds – Source

1. The funds of the Association are to be derived from fees and annual subscriptions of members, and, subject to any resolution passed by the Association in a general meeting, such other sources as the committee determines.

2. All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank account.

3. The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

42 Funds – Management

1. Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.

2. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee, being members authorised to do so by the committee.

3. In the event of the association being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities, shall be paid and applied by the

association in accordance with its powers to any organization which has similar objects and which has rules prohibiting the distribution of its assets and income to its members.

4. The assets and income of the association shall be applied predominately to the promotion of its objects as set out in these rules and no portion shall be paid or distributed directly to members of the association except as a bona fide remuneration for services rendered or expenses incurred on behalf of the association.

43 Common Seal

1. The common seal of the Association must be kept in the custody of the public officer.

2. The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of 2 members of the committee or of 1 member and of the public officer or secretary.

44 Custody of Books, etc.

1. Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the Association.

45 Inspection of Books, etc.

1. The records, books and other documents of the Association must be open to inspection, free of charge, by a member of the Association at any reasonable hour.

46 Service of Notices

1. For the purpose of these rules, a notice may be served on or given to a person:

- (a) by delivering it to the person personally, or
- (b) by sending it by pre-paid post to the address of the person, or
- (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.

2. For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:

- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
- (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which

the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

47 Financial Year

1. The financial year of the Association shall commence on the first day of January in each year and terminate on the 31st day of December in the same year.

48 Newsletter

1. The management committee may authorise the publication of an Association Newsletter under such name and subject to such terms and conditions and containing such subject matter as committee may determine from time to time.