



# Bunya Residents Association Inc



## CONSTITUTION OF THE BUNYA RESIDENTS ASSOCIATION INC

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### 1. Interpretation

(1) In these rules— *Act* means the *Associations Incorporation Act 1981*.

*present*—

(a) at a management committee meeting, see rule 23(6); or

(b) at a general meeting, see rule 37(2).

(2) A word or expression that is not defined in these model rules, but is defined in the Act has, if the context permits, the meaning given by the Act.

### 2. Name

The name of the incorporated association is **BUNYA RESIDENTS ASSOCIATION INC**

### 3. Objects

The objects of the association are to—

a) Provide a single organisation representing the interests of Bunya residents and protect the natural environment of the general defined area previously known as and now known as Bunya and its immediate environs within the boundaries of the two adjacent Forrest/Conservation Parks and the South Pine River;

b) Provide a forum where residents living in the area described above, can meet and discuss issues of mutual interest, concerns or benefit;

c) Provide a single organisation which can link the residents, businesses, sporting groups, social groups, religious groups or other community groups within our community, to foster the betterment of the community;

d) Make or receive representation on behalf of residents via contact with government instrumentalities, businesses and community organisations;

e) Provide a single forum where individual members will be able to speak about any issue of concern in the area and seek the support of the association to represent that issue, or address the concern, or help resolve conflict of interest;

f) Promote the preservation of local buildings, objects or cemeteries and areas of cultural, historic, environmental, aesthetic or scientific importance to the community;

g) Maintain and promote the safety of local residents, by auspicing Bunya Neighbourhood Watch and by liaising with Neighbourhood Watch, Police, Fire Services, Council and Government;

h) Promote good relations between all people in our community regardless of race, religion, politics or ability;

i) Preserve and enhance the natural environment, the amenity and pollution control of our community through education programmes and co-operative projects in consultation with other organizations, Council and



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Government; and

j) Publish a regular newsletter for members; establish an association website and electronic means for members to communicate with the Association.

### **4. Powers**

- (1) The association has the powers of an individual.
- (2) The association may, for example—
  - (a) enter into contracts; and
  - (b) acquire, hold, deal with and dispose of property; and
  - (c) make charges for services and facilities it supplies; and
  - (d) do other things necessary or convenient to be done in carrying out its affairs.
- (3) The association may also issue secured and unsecured notes, debentures and debenture stock for the association.

### **5. Classes of members**

- (1) The membership of the association consists of Ordinary Members and Life Members (honorary).
- (2) The number of ordinary members is unlimited.

### **6. Membership**

- (1) An applicant for membership of the association must be proposed by 1 member of the association (the *proposer*) and seconded by another member (the *seconder*)
- (2). Membership is only open to residents of Bunya and the defined area in Rule 3 a
- (3) An application for membership must be—
  - (a) in writing; and
  - (b) signed by the applicant and the applicants proposer and seconder; and
  - (c) in the form decided by the management committee.

### **7. Membership fees**

- (1) The membership fee for each ordinary membership and for each other class of membership
  - (a) is the amount decided by the members from time to time at a general meeting; and
  - (b) is payable when, and in the way, the management and working committee decides.
- (2) Members other than Life Members must have paid the membership fees for the current financial year to exercise their voting rights.

### **8. Admission and rejection of new members**

- (1) The management and working committee must consider an application for membership at the next committee meeting held after it receives—



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- (a) the application for membership; and
  - (b) the appropriate membership fee for the application.
- (2) The management and working committee must ensure that, as soon as possible after the person applies to become a member of the association, and before the management and working committee considers the persons application, the person is advised—
- (a) whether or not the association has public liability insurance; and
  - (b) if the association has public liability insurance—the amount of the insurance.
- (3) The management and working committee must assess and make recommendations to the members at the next general meeting re the acceptance or the rejection of the application.
- (4) If a majority of the members present and eligible to vote at the general meeting vote to accept the applicant as a member, the applicant must be accepted as a member for the class of membership applied for.
- (5) The secretary of the association must, as soon as practicable after the management and working committee decides to accept or reject an application, give the applicant a written notice of the decision.
- (6) Life members shall be nominated by the management and working committee and accepted or rejected via special resolution at the next general meeting.
- (7) A declaration by a person presiding at a general meeting , that the resolution has been passed at the meeting by the votes of  $\frac{3}{4}$  of the members who are present in person and entitled to vote on the resolution; is conclusive evidence of the fact, unless a poll is demanded at the meeting.
- (8) A Life Member shall have the same voting rights and eligibility to hold office as an ordinary member.
- (9) The number of persons who can be appointed as Life Members is limited to one person in any one year.
- (10) The process for termination of membership of a Life Member is as for ordinary members.

### **9. When membership ends**

- (1) A member may resign from the association by giving a written notice of resignation to the secretary.
- (2) The resignation takes effect at—
  - (a) the time the notice is received by the secretary; or
  - (b) if a later time is stated in the notice—the later time.
- (3) The management and working committee may terminate a members membership if the member—
  - (a) is convicted of an indictable offence; or
  - (b) does not comply with any of the provisions of these rules; or
  - (c) has membership fees in arrears for at least 2 months; or
  - (d) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the association.
- (4) Before the management and working committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.
- (5) If, after considering all representations made by the member, the management and working committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.

### **10. Appeal against rejection or termination of membership**

- (1) A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the persons intention to appeal against the decision.
- (2) A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.



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(3) If the secretary receives a notice of intention to appeal, the secretary must, within 1 month after receiving the notice, call a general meeting to decide the appeal.

### **11. General meeting to decide appeal**

(1) The general meeting to decide an appeal must be held within 3 months after the secretary receives the notice of intention to appeal.

(2) At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.

(3) Also, the management and working committee and the members of the committee who rejected the application or terminated the membership must be given a full and fair opportunity to show why the application should be rejected or the membership should be terminated.

(4) An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.

(5) If a person whose application for membership has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable, refund the membership fee paid by the person.

### **12. Register of members**

(1) The management and working committee must keep a register of members of the association.

(2) The register must include the following particulars for each member—

(a) the full name of the member;

(b) the postal or residential address of the member;

(c) the date of admission as a member;

(d) the date of death or time of resignation of the member;

(e) details about the termination or reinstatement of membership;

(f) any other particulars the management and working committee or the members at a general meeting decide.

(3) The register must be open for inspection by members of the association at all reasonable times.

(4) A member must contact the secretary to arrange an inspection of the register.

(5) The secretary may limit the view of the register to only the name and suburb of all registered members to protect their privacy

(6) However, the management and working committee may, on the application of a member of the association, withhold information about the member (other than the members full name) from the register available for inspection if the management and working committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

### **13. Prohibition on use of information on register of members**

(1) A member of the association must not—

(a) use information obtained from the register of members of the association to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes; or

(b) disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes.





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(2) Subrule (1) does not apply if the use or disclosure of the information is approved by the association.

### **14. Appointment or election of secretary**

(1) The secretary must be an individual residing in Queensland, or in another State but not more than 65km from the Queensland border, who is—

- (a) a member of the association elected by the association as secretary; or
- (b) any of the following persons appointed by the management and working committee as secretary—
  - (i) a member of the association's management or working committee;
  - (ii) another member of the association;
  - (iii) another person.

(2) If the association has not elected an interim officer as secretary for the association before its incorporation, the members of the management committee must ensure a secretary is appointed or elected for the association within 1 month after incorporation.

(3) If a vacancy happens in the office of secretary, the members of the management and working committee must ensure a secretary is appointed or elected for the association within 1 month after the vacancy happens.

(4) If the management and working committee appoints a person mentioned in subrule (1)(b)(ii) as secretary, other than to fill a casual vacancy on the management and working committee, the person does not become a member of the management and working committee.

(5) However, if the management and working committee appoints a person mentioned in subrule (1)(b)(ii) as secretary to fill a casual vacancy on the management and working committee, the person becomes a member of the management and working committee.

(6) If the management and working committee appoints a person mentioned in subrule (1)(b)(iii) as secretary, the person does not become a member of the management and working committee.

(7) In this rule— *casual vacancy*, on a management and working committee, means a vacancy that happens when an elected member of the management and working committee resigns, dies or otherwise stops holding office.

### **15. Removal of secretary**

(1) The management and working committee of the association may at any time remove a person appointed by the committee as the secretary.

(2) If the management and working committee removes a secretary who is a person mentioned in rule 15(1)(b)(i), the person remains a member of the management and working committee.

(3) If the management and working committee remove a secretary who is a person mentioned in rule 15(1)(b)(ii) and who has been appointed to a casual vacancy on the management and working committee under rule 15(5), the person remains a member of the management and working committee.

### **16. Functions of secretary**

The secretary's functions include, but are not limited to—

- (a) calling meetings of the association, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the association; and
- (b) keeping minutes of each meeting; and
- (c) keeping copies of all correspondence and other documents relating to the association; and
- (d) maintaining the register of members of the association.



### 17. Membership of management committee

- (1) The Management committee of the association consists of a President, Treasurer and Secretary .
- (2) A member of the management committee must be a member of the Association.
- (3) At each annual general meeting of the association, the members of the management committee must retire from office, but are eligible, on nomination, for re-election.
- (4) A member of the association may be appointed to a casual vacancy on the management committee under rule 21.

#### 17. (A) Membership of the working committee

- (1) The General committee of the association consists of a Vice President, Neighbourhood Watch Co-ordinator and a number of committee members which a general meeting shall from time to time determine according to the needs of the association.
- (2) A member of the working committee must be a member of the association.
- (3) At each annual general meeting of the association, the members of the working committee must retire from office, but are eligible on nomination for re-election.
- (4) A member of the association may be appointed to a casual vacancy on the working committee under rule 21.

### 18. Management of the Association

- (1) The management committee and the working committees will function together and will have the general control and management of the affairs of the association as set down under rule 22.

### 19. Electing the management committee

- (1) A member of the management and working committee may only be elected as follows—
  - (a) any 2 members of the association may nominate another member (the *candidate*) to serve as a member of the management committee;
  - (b) the nomination must be—
    - (i) in writing; and
    - (ii) signed by the candidate and the members who nominated him or her; and
    - (iii) given to the secretary at least 14 days before the annual general meeting at which the election is to be held;
  - (c) each member of the association present and eligible to vote at the annual general meeting may vote for 1 candidate for each vacant position on the management and working committee;
  - (d) if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- (2) A person may be a candidate only if the person—
  - (a) is an adult; and
  - (b) is not ineligible to be elected as a member under section 61A of the Act.
- (3) A list of the candidates names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the association for at least 7 days immediately preceding the annual general meeting.



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(4) If required by the management and working committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.

(5) The management and working committee must ensure that, before a candidate is elected as a member of the management and working committee, the candidate is advised

- (a) whether or not the association has public liability insurance; and
- (b) if the association has public liability insurance—the amount of the insurance.

### **20. Resignation, removal or vacation of office of management and working committee member**

(1) A member of the management and working committee may resign from the committee by giving written notice of resignation to the secretary.

(2) The resignation takes effect at—

- (a) the time the notice is received by the secretary; or
- (b) if a later time is stated in the notice—the later time.

(3) A member may be removed from office at a general meeting of the association if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member.

(4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.

(5) A member has no right of appeal against the members removal from office under this rule.

(6) A member immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act.

### **21. Vacancies on management and working committee**

(1) If a casual vacancy happens on the management and working committee, the continuing members of the committee may appoint another member of the association to fill the vacancy until the next annual general meeting.

(2) The continuing members of the management and working committee may act despite a casual vacancy on the management and working committee.

(3) However, if the number of committee members is less than the number fixed under rule 24(1) as a quorum of the management and working committee, the continuing members may act only to—

- (a) increase the number of management and working committee members to the number required for a quorum; or
- (b) call a general meeting of the association.

### **22. Functions of management and working committee**

(1) Subject to these rules or a resolution of the members of the association carried at a general meeting, the management and the working committee has the general control and management of the administration of the affairs, property and funds of the association.

(2) The management and working committee has authority to interpret the meaning of these rules and any matter relating to the association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.

*Note—*

The Act prevails if the associations rules are inconsistent with the Act—see section 1B of the Act.





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- (3) The management and working committee exercise the powers of the association—
- (a) to borrow, raise or secure the payment of amounts in a way the members of the association decide; and
  - (b) to secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the association in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the associations property, both present and future; and
  - (c) to purchase, redeem or pay off any securities issued; and
  - (d) to borrow amounts from members and pay interest on the amounts borrowed; and
  - (e) to mortgage or charge the whole or part of its property; and
  - (f) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the association; and
  - (g) to provide and pay off any securities issued; and
  - (h) to invest in a way the members of the association may from time to time decide.
- (4) For subrule (3)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by—
- (a) the financial institution for the association; or
  - (b) if there is more than 1 financial institution for the association—the financial institution nominated by the management committee.

### **23. Meetings of management and working committee**

- (1) Subject to this rule, the management and working committee may meet and conduct its proceedings as it considers appropriate.
- (2) The management and working committee must meet at least once every 4 months to exercise its functions.
- (3) The management and working committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the management and working committee.
- (5) The management and working committee may hold meetings, or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (6) A committee member who participates in the meeting as mentioned in subrule (5) is taken to be present at the meeting.
- (7) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, working committee must not vote on a question about a contract or proposed contract with the association if the member has an interest in the contract or proposed contract and, if the member does vote, the members vote must not be counted.
- (9) The president is to preside as chairperson at a management and working committee meeting.
- (10) If there is no president or if the president is not present within 10 minutes after the time fixed for a management and working committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.

### **24. Quorum for, and adjournment of, management and working committee meeting**

- (1) At a management and working committee meeting, more than 50% of the members elected to the committee as at the close of the last general meeting of the members form a quorum.
- (2) If there is no quorum within 30 minutes after the time fixed for a management and working committee meeting called on the request of members of the committee, the meeting lapses.



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- (3) If there is no quorum within 30 minutes after the time fixed for a management and working committee meeting called other than on the request of the members of the committee—
- (a) the meeting is to be adjourned for at least 1 day; and
  - (b) the members of the management and working committee who are present are to decide the day, time and place of the adjourned meeting.
- (4) If, at an adjourned meeting mentioned in subrule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

### **25. Special meeting of management and working committee**

- (1) If the secretary receives a written request signed by at least 33% of the members of the management and working committee, the secretary must call a special meeting of the committee by giving each member of the committee notice of the meeting within 14 days after the secretary receives the request.
- (2) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.
- (3) A request for a special meeting must state—
- (a) why the special meeting is called; and
  - (b) the business to be conducted at the meeting.
- (4) A notice of a special meeting must state—
- (a) the day, time and place of the meeting; and
  - (b) the business to be conducted at the meeting.
- (5) A special meeting of the management and working committee must be held within 14 days after notice of the meeting is given to the members of the management and working committee.

### **26. Minutes of management and working committee meetings**

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management and working committee meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes, the minutes of each management and working committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management and working committee meeting, verifying their accuracy.

### **27. Appointment of subcommittees**

- (1) The management and working committee may appoint a subcommittee consisting of members of the association considered appropriate by the committee to help with the conduct of the associations operations.
- (2) A member of the subcommittee who is not a member of the management and working committee is not entitled to vote at a management and working committee meeting.
- (3) A subcommittee may elect a chairperson of its meetings.
- (4) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- (5) A subcommittee may meet and adjourn as it considers appropriate.
- (6) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.
- (7) A subcommittee must make regular reports to the management and working committee.



### **28. Acts not affected by defects or disqualifications**

- (1) An act performed by the management and working committee, a subcommittee or a person acting as a member of the management and working committee is taken to have been validly performed.
- (2) Subrule (1) applies even if the act was performed when—
  - (a) there was a defect in the appointment of a member of the management and working committee, subcommittee or person acting as a member of the management and working committee; or
  - (b) a management and working committee member, subcommittee member or person acting as a member of the management and working committee was disqualified from being a member.

### **29. Resolutions of management and working committee without meeting**

- (1) A written resolution signed by each member of the management and working committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in subrule (1) may consist of several documents in like form, each signed by 1 or more members of the committee. An electronic communication sent from a member shall be taken as a signed resolution

\*\*\*\*\* **END OF ASSOCIATION RULES PART ONE** \*\*\*\*\*