



Bunya Residents Association Inc



CONSTITUTION OF THE BUNYA RESIDENTS ASSOCIATION INC

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30. First annual general meeting

The first annual general meeting must be held within 6 mts after the end date of the association's first reportable financial year.

31. Subsequent annual general meetings

Each subsequent annual general meeting must be held—

- (a) at least once each year; and
- (b) within 6 months after the end date of the association's reportable financial year.

32. Business to be conducted at annual general meeting of level 1 incorporated associations and particular level 2 and 3 incorporated associations

- (1) This rule applies only if the association is—
 - (a) a level 1 incorporated association; or
 - (b) a level 2 incorporated association to which section 59 of the Act applies; or
 - (c) a level 3 incorporated association to which section 59 of the Act applies.
- (2) The following business must be conducted at each annual general meeting of the association—
 - (a) receiving the association's financial statement, and audit report, for the last reportable financial year;
 - (b) presenting the financial statement and audit report to the meeting for adoption;
 - (c) electing members of the management committee;
 - (d) for a level 1 incorporated association—appointing an auditor or an accountant for the present financial year;
 - (e) for a level 2 incorporated association, or a level 3 incorporated association, to which section 59 of the Act applies—appointing an auditor, an accountant or an approved person for the present financial year.

33 Business to be conducted at annual general meeting of other level 2 incorporated associations

- (1) This rule applies only if the association is a level 2 incorporated association to which section 59A of the Act applies.
- (2) The following business must be conducted at each annual general meeting of the association—
 - (a) receiving the association's financial statement, and signed statement, for the last reportable financial year;
 - (b) presenting the financial statement and signed statement to the meeting for adoption;
 - (c) electing members of the management committee;
 - (d) appointing an auditor, an accountant or an approved person for the present financial year.

34. Business to be conducted at annual general meeting of other level 3 incorporated associations

- (1) This rule applies only if the association is a level 3 incorporated association to which section 59B of the Act applies.
- (2) The following business must be conducted at each annual general meeting of the association—



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- (a) receiving the association's financial statement, and signed statement, for the last reportable financial year;
- (b) presenting the financial statement and signed statement to the meeting for adoption;
- (c) electing members of the management and working committee.

35. Notice of general meeting

- (1) The secretary may call a general meeting of the association.
- (2) The secretary must give at least 14 days notice of the meeting to each member of the association.
- (3) If the secretary is unable or unwilling to call the meeting, the president must call the meeting.
- (4) The management and working committee may decide the way in which the notice must be given.
- (5) However, notice of the following meetings must be given in writing or by e-mail—
 - (a) a meeting called to hear and decide the appeal of a person against the management and working committee's decision—
 - (i) to reject the person's application for membership of the association; or
 - (ii) to terminate the person's membership of the association;
 - (b) a meeting called to hear and decide a proposed special resolution of the association.
- (6) A notice of a general meeting must state the business to be conducted at the meeting.

36. Quorum for, and adjournment of, general meeting

- (1) The quorum for a general meeting is at least the number of members elected or appointed to the management committee at the close of the association's last general meeting plus 1.
- (2) However, if all members of the association are members of the management committee, the quorum is the total number of members less 1.
- (3) No business may be conducted at a general meeting unless there is a quorum of members when the meeting proceeds to business.
- (4) If there is no quorum within 30 minutes after the time fixed for a general meeting called on the request of members of the management and working committee or the association, the meeting lapses.
- (5) If there is no quorum within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management and working committee or the association—
 - (a) the meeting is to be adjourned for at least 7 days; and
 - (b) the management and working committee is to decide the day, time and place of the adjourned meeting.
- (6) The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- (7) If a meeting is adjourned under subrule (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- (8) The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- (9) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

37. Procedure at general meeting

- (1) A member may take part and vote in a general meeting in person, by proxy, by attorney or by using any



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technology that reasonably allows the member to hear and take part in discussions as they happen.

(2) A member who participates in a meeting as mentioned in subrule (1) is taken to be present at the meeting.

(3) At each general meeting—

(a) the president is to preside as chairperson; and

(b) if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the members present must elect 1 of their number to be chairperson of the meeting; and

(c) the chairperson must conduct the meeting in a proper and orderly way.

38 Voting at general meeting

(1) At a general meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority of votes of the members present.

(2) Each member present and eligible to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.

(3) A member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting.

(4) The method of voting is to be decided by the management and working committee.

(5) However, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.

(6) If a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides.

(7) The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

39. Special general meeting

(1) The secretary must call a special general meeting by giving each member of the association notice of the meeting within 14 days after—

(a) being directed to call the meeting by the management and working committee; or

(b) being given a written request signed by—

(i) at least 33% of the number of members of the management and working committee when the request is signed; or

(ii) at least the number of ordinary members of the association equal to double the number of members of the association on the management and working committee when the request is signed plus 1; or

(c) being given a written notice of an intention to appeal against the decision of the management and working committee—

(i) to reject an application for membership; or

(ii) to terminate a person's membership.

(2) A request mentioned in subrule (1)(b) must state—

(a) why the special general meeting is being called; and

(b) the business to be conducted at the meeting.

(3) A special general meeting must be held within 3 months after the secretary—

(a) is directed to call the meeting by the management and working committee; or

(b) is given the written request mentioned in subrule (1)(b); or

(c) is given the written notice of an intention to appeal mentioned in subrule (1)(c).

(4) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.



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40. Proxies

- (1) An instrument appointing a proxy must be in writing and be in the following or similar form—
 (2)

BUNYA RESIDENTS ASSOCIATION INC

I, _____ of _____, being
 a member of the association, appoint _____
 of _____
 as my proxy to vote for me on my behalf at the (annual) general meeting of the association, to be
 held _____ on _____ the _____ day _____ of
 _____ 20____
 and at any adjournment of the meeting.

Signed this _____ day of _____ 20____ . _____
 Signature

- (2) The instrument appointing a proxy must—
 (a) if the appointor is an individual—be signed by the appointor or the appointor's attorney properly authorised in writing; or
 (b) if the appointor is a corporation—
 (i) be under seal; or
 (ii) be signed by a properly authorised officer or attorney of the corporation.
 (3) A proxy may be a member of the association or another person.
 (4) The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.
 (5) Each instrument appointing a proxy must be given to the secretary before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote.
 (6) Unless otherwise instructed by the appointor, the proxy may vote as the proxy considers appropriate.
 (7) If a member wants a proxy to vote for or against a resolution, the instrument appointing the proxy must be in the following or similar form—

[BUNYA RESIDENTS ASSOCIATION INC

I, _____ of _____, being
 a member of the association, appoint _____
 of _____
 as my proxy to vote for me on my behalf at the (annual) general meeting of the association, to be
 held _____ on _____ the _____ day _____ of
 _____ 20____
 and at any adjournment of the meeting.

Signed this _____ day of _____ 20____ . _____
 Signature



This form is to be used *in favour of/*against [*strike out whichever is not wanted*] the following resolutions—

[*List relevant resolutions*]

41. Minutes of general meetings

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each general meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes—
 - (a) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
 - (b) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the association that is a general meeting or annual general meeting, verifying their accuracy.
- (3) If asked by a member of the association, the secretary must, within 28 days after the request is made—
 - (a) make the minute book for a particular general meeting available for inspection by the member at a mutually agreed time and place; and
 - (b) give the member copies of the minutes of the meeting.
- (4) The association may require the member to pay the reasonable costs of providing copies of the minutes.

42. By-laws

- (1) The management and working committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the association including management and working committee manuals which provide instructions for the use of standard forms, keeping of minutes, safe keeping of minute books, safe keeping of records of meeting attendances, register/s of members, Common seal stamp, Incorporation Certificate, business records and other significant documents.
- (2) A by-law may be set aside by a vote of members at a general meeting of the association.

43. Alteration of rules

- (1) Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- (2) However an amendment, repeal or addition is valid only if it is registered by the chief executive.
- (3) A declaration by the person presiding at a general meeting that a special 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.

44. Common seal



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- (1) The management and working committee must ensure the association has a common seal.
- (2) The common seal must be—
 - (a) kept securely by the management and working committee; and
 - (b) used only under the authority of the management and working committee.
- (3) Each instrument to which the seal is attached must be signed by a member of the management and working committee and countersigned by—
 - (a) the secretary; or
 - (b) another member of the management and working committee; or
 - (c) someone authorised by the management and working committee.

45. Funds and accounts

- (1) The funds of the association must be kept in an account in the name of the association in a financial institution decided by the management and working committee.
- (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the association.
- (3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- (4) A payment by the association of \$100 or more must be made by cheque or electronic funds transfer.
- (5) If a payment of \$100 or more is made by cheque, the cheque must be signed by any 2 of the following—
 - (a) the president;
 - (b) the secretary;
 - (c) the treasurer;
 - (d) any 1 of 3 other members of the association who have been authorised by the management and working committee to sign cheques issued by the association.
- (6) However, 1 of the persons who signs the cheque must be the president, the secretary or the treasurer.
- (7) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.
- (8) A petty cash account must be kept on the imprest system, and the management and working committee must decide the amount of petty cash to be kept in the account.
- (9) All expenditure must be approved or ratified at a management and working committee meeting.

46. General financial matters

- (1) On behalf of the management and working committee, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.
- (2) The income and property of the association must be used solely in promoting the association's objects and exercising the association's powers.

47. Documents

The management and working committee must ensure the safe custody of books, documents, instruments of title and securities of the association.

48. Financial Year



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The end date of the association's financial year is 30th June in each year.

49 Distribution of surplus assets to another entity

- (1) This rule applies if the association—
 - (a) is wound-up under part 10 of the Act; and
 - (b) has surplus assets.
- (2) The surplus assets must not be distributed among the members of the association.
- (3) The surplus assets must be given to another entity—
 - (a) having objects similar to the association's objects; and
 - (b) the rules of which prohibit the distribution of the entity's income and assets to its members.
- (4) In this rule— *surplus assets* see section 92(3) of the Act.
- (5) A declaration by the person presiding at a general meeting that a special resolution has been passed at the meeting by the vote $\frac{3}{4}$ 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.

DECLARATION

THE MEMBERS OF THE ASSOCIATION RESOLVED TO ADOPT THE AMENDMENTS TO THE REVISED CONSTITUTION AT A SPECIAL GENERAL MEETING HELD ON 27TH FEBRUARY 2008 IN ACCORDANCE WITH THE RULES OF THE EXISTING CONSTITUTION.

Signed

Dated 27/02/2008

Jean Cogill Secretary

AMMENDMENT RECORD:

27/07/1994 Members adopted constitution for the Bunya Residents Association.

27/05/1998 Members adopted draft constitution for incorporation.

10/07/1998 Incorporated in Queensland as an Association (see certificate on page 19).

28/06/2006 Members adopted revised constitution – objectives revised and rules updated to reflect amendments
in the Associations Incorporation Act 1981.

19/07/2006 Management Committee adopted: By-law 1. Appointment of Proxy;
By-law 2. Application for Membership; and
By-law 3. Nomination for Management Committee.

30/08/2006 Members adopted amendments as requested by OFT:

Revised: 27/02/2008



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Rule 8. (6), (7), (8) and (9) conditions of life membership and special resolution requirements.

Rule 31. (3) special resolution requirements.

Rule 36.(4) and (5) special resolution requirements.

14/09/2006 Office of Fair Trading – Registration of Amended Rules (See letter page 22).

27/02/2008 Revised rules adopted and registered by the Office of Fair Trading as of this date.



QUEENSLAND

Associations Incorporation Act 1981
Section 19

Incorporation Number: IA19560

Certified Copy of the Certificate of Incorporation of an Association

This is to certify that

BUNYA RESIDENTS ASSOCIATION INC

was, on and from the tenth day of July 1998
incorporated under the Associations Incorporation Act 1981.

Dated this fourteenth day of June 2006

Delegate of Director-General



Bunya Residents Association Inc



Queensland Government

Department of Tourism, Fair Trading and
Wine Industry Development

GPO Box 3111 Brisbane
Queensland 4001 Australia
Telephone 1300 658 030
Website www.fairtrading.qld.gov.au
Business Names
Facsimile +61 7 3119 0249
Associations & Charities
Facsimile +61 7 3119 0219
Co-operatives
Facsimile +61 7 3119 0209
ABN 29 597 409 596

BUNYA RESIDENTS ASSOCIATION INC
THE SECRETARY
24 BLUE HILLS DR
BUNYA QLD 4055
AUSTRALIA

Contact Officer: JOY WAKELY

Telephone: 3119 0093

14 September 2006

Dear Client,

Registration of Amendment of Rules

BUNYA RESIDENTS ASSOCIATION INC

Incorporation Number: **IA19560**

Document Number: **3112489**

In accordance with the Associations Incorporation Act 1981 the amendment of the rules passed on 30 August 2006 has been registered on the date hereof.

Should you require any further information or assistance in relation to this matter, please telephone the Contact Officer on the number shown above.

Yours faithfully,

ADMINISTRATIVE OFFICER
OFFICE OF FAIR TRADING

***** END OF ASSOCIATION RULES PART TWO *****