

CONSTITUTION OF THE REID RESIDENTS' ASSOCIATION
INCORPORATED

(As Amended 4 March 1992)

1. The name of the Association shall be the Reid Residents' Association Incorporated ("The Association").

Interpretation

2. "Reid" means all those Blocks of land contained in Sections 1, 2, 15, 16, 17, 18, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39 and 40 Division of Reid.

"Reid Residents" means all permanent adult residents of Reid.

"Act" means Associations Incorporation Act 1991.

"Regulations" means the Associations Incorporation Regulations.

Office

3. The office of the Association shall be the Secretary's usual place of residence or such other place as the committee determines.

Objects and Purposes

4. (1) To foster an appreciation of the present Reid environment and encourage its preservation, taking account of the interest and welfare of the community.
- (2) To support and implement agreed action on Reid Community projects and interests.

Powers

5. (1) The Association has, in accordance with the Act, and both within and outside the Territory, the legal capacity of a natural person and, without limiting the generality of the foregoing, has the following powers:
 - (a) the taking on lease or in exchange, and the hiring or otherwise acquiring of any legal or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Association.
 - (b) the construction, maintenance and alteration of buildings necessary or

convenient for any of the objects of the Association;

- (c) the accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Association;
- (d) the taking of such steps from time to time as the committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the Association, whether by way of donations, subscriptions or otherwise;
- (e) the printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Association;
- (f) the borrowing and raising of money in such manner and on such terms that the committee may think fit or as may be approved or directed by resolution passed at a general meeting; and securing the repayment of money so raised or borrowed or the payment of a debt or liability of the Association by giving mortgages, or securities upon or over all or any of the real or personal property of the Association;
- (g) the investment of any moneys of the Association not immediately required for any of its objects or purposes in such manner as the committee may from time to time determine;
- (h) the establishment and support or aiding in the establishment or support, of any other association formed for any of the basic objects of the Association;
- (i) the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Association or of any of the objects and purposes specified in the foregoing provisions of this sub-rule.

Membership of Association

- 6. (1) Any Reid resident or other person approved by the committee may apply to the Association for membership.

- (2) Application for membership shall be made in writing and admission shall be majority vote at a meeting of the committee.
- (3) A member of the Association may, at any time, resign from the Association by delivering or sending by post to the Public Officer a written notice of resignation.
- (4) Upon receipt of a notice under sub-rule (3) of this rule, the Public Officer shall remove the name of the member by whom the notice was given from the register of members, whereupon that member ceases to be a member of the Association.
- (5) A member of the Association is not liable to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of a winding up of the Association.

Fees and Subscriptions

7. (1) The entrance fee to the association shall be such amount (if any) determined by resolution of the committee. Until such resolution has been passed, there shall be no entrance fee.
- (2) The annual membership fee of the Association shall be such amount as has been determined by resolution of the committee. Until such resolution has been passed, there shall be no annual membership fee.

Disciplining Members

8. (1) Where the committee is of the opinion that a member:
 - (a) has persistently refused or neglected to comply with a provision of these rules; or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the Association, the committee may, by resolution:
 - (i) expel the member from the Association; or
 - (ii) suspend the member from such rights and privileges of membership of the Association 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 28 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 28 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 (3) 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 members's right of appeal under rule 9.
- (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 the period; or
- (b) where within that period the member exercises the right of appeal, unless and until the Association confirms the resolution in accordance with rule 9.

Right of Appeal of Disciplined Mamber

- 9. (1) A member may appeal to the Association in general meeting against a resolution of the committee which is confirmed under subrule 8 (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 Association 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 Association 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 8 (4), that the resolution is confirmed.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under subrule 8 (4), that resolution is confirmed.

Income and Property of Association

- 10. (1) The income and property of the Association, however derived, shall be applied solely towards the promotion of the objects and purposes of the Association and no portion thereof shall be paid or transferred, directly

or indirectly, by dividend, bonus, or otherwise, to any member of the Association.

- (2) The Association shall not:
 - (a) appoint a person who is a member of the committee to any office in the gift of the Association to the holder of which there is payable any remuneration by way of salary, fees, or allowances; or
 - (b) pay to any such person any remuneration or other benefit in money or money's worth (other than the repayment of out-of-pocket expenses).
- (3) Nothing in the foregoing provisions of this Rule prevents the payment of good faith to a servant or member of the Association of:
 - (a) remuneration in return for service actually rendered to the Association by the servant or member or for goods supplied to the Association by the servant or member in the ordinary course of business;
 - (b) interest at a rate not exceeding seven and one-quarter per cent on moneys lent to the Association by the servant or member; or
 - (c) a reasonable and proper sum by way of rent for premises let to the Association by the servant or member.

Funds - Source

- 11. (1) The funds of the Association shall be derived from entrance fees and annual subscriptions of members, donations and, subject to any special resolution passed by the Association in general meeting and subject to Section 114 of the Act, such other sources as the committee determines.
- (2) All money received by the Association shall be deposited as soon as practicable and without deduction to the Association's bank account.
- (3) The Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

Accounts of Receipts and Expenditure

- 12. (1) True accounts shall be kept:
 - (a) of all sums of money received and expended by the Association and the matter in

respect of which the receipt of expenditure takes place; and

- (b) of the property, credits and liabilities of the Association.
- (2) The Treasurer of the Association shall faithfully keep all general records, accounting, books, and records of receipts and expenditure connected with the operations and business of the Association in form and manner as the committee may direct.
- (3) All records, books, accounts and other documents of the Association shall be kept at the Association's office, or at such other place as the committee may decide, and shall be open to inspection, by a member of the Association, at a place in the Territory, free of charge, but subject to any reasonable restrictions as to time and manner of inspecting them as may be determined by the committee from time to time.

Banking and Finance

- 13. (1) The Treasurer of the Association shall, on behalf of the Association, receive all moneys paid to the Association and forthwith after the receipt thereof issue official receipt therefor.
- (2) The committee shall cause to be opened with such bank as the committee selects a banking account in the name of the Association into which all moneys received shall be paid by the Treasurer as soon as possible after receipt thereof.
- (3) The committee may receive from the Association's bank or bankers for the time being the cheques drawn by the Association on any of its accounts with the bank or bankers any may release and indemnify the bank or bankers from and against all claims, actions, suits, or demands that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Association.
- (4) Except with the authority of the committee, no payment of a sum exceeding ten dollars shall be made from the funds of the Association otherwise than by cheque drawn on the Association's bank account, but the committee may provide the treasurer or other specified person with a sum to meet urgent expenditure, subject to the observance of such conditions in

relation to the use and expenditure thereof as the committee may impose.

- (5) No cheques shall be drawn on the Association's bank account except for the payment of expenditure that has been authorised by the committee.
- (6) All cheques, drafts, bill of exchange, promissory notes, and other negotiable instruments shall be signed at least by two of the Treasurer, President or Secretary or, in their absence, by such other member or members of the committee as the committee may nominate for that purpose.

Auditor

- 14. (1) At each annual general meeting of the Association, the members present shall appoint a person who:
 - (a) is not a member or an officer of the Association; and
 - (b) has not prepared or assisted with the preparation of the accounts,
 as the Auditor of the Association.
- (2) A person so appointed shall hold office until the annual general meeting next after that at which he is appointed and is eligible for re-appointment.
- (3) The first Auditor of the Association may be appointed by the committee before the first annual general meeting, and if so appointed, shall hold office until the first annual general meeting of the Association, unless previously removed by a resolution of the members at a general meeting, in which case the members at that meeting may appoint an auditor to act until the first annual general meeting.
- (4) If an appointment is not made at an annual general meeting the committee shall appoint an auditor of the Association for the then current financial year of the Association.
- (5) If a casual vacancy occurs in the office of the Auditor during the course of a financial year of the Association, the committee may appoint a person as the Auditor and the person so appointed shall hold office until the next succeeding annual general meeting.

Audit of Accounts

- 15. (1) Once at least in each financial year of the Association, the accounts of the association shall be examined by the Auditor.
- (2) The Auditor shall certify as to the correctness of the accounts of the Association and shall report thereon to the members present at the annual general meeting.
- (3) In his report, and in certifying to the accounts, the Auditor shall state:(a) whether he has obtained the information required by him;(b) whether in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association according to the information at his disposal and the explanation given to him and as shown by the books of the Association; and(c) whether the rules relating to the administration of the funds of the Association have been observed.
- (4) The Public Officer of the Association shall cause to be delivered to the Auditor a list of all the accounts, books and records of the Association.
- (5) The Auditor:
 - (a) has a right of access to the accounts, books, records, vouchers and documents of the Association;
 - (b) may require from the officers and servants of the Association such information and explanations as may be necessary for the performance of his duties as Auditor;
 - (c) may employ persons to assist him in investigating the accounts of the Association; and
 - (d) may, in relation to the accounts of the Association, examine any member of the committee or any servant of the Association.

Annual General Meeting

- 16. (1) The Association shall, in each year, hold an annual general meeting.
- (2) The annual general meeting shall be held on such a day (being no later than three months after the close of the financial year of the Association) as the committee may determine.

- (3) The annual general meeting shall be specified as such in the notice convening it.
- (4) 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 the Association during the last preceding financial year;
 - (c) to elect members of the committee, including office-bearers;
 - (d) to receive and consider the statement of accounts and the reports that are required to be submitted to members pursuant to Sub-Section 73(1) of the Act; and
 - (e) to appoint the Auditor and determine his remuneration.
- (5) The annual general meeting may transact special business of which notice is given in accordance with these Rules.
- (6) All general meetings, other than the annual general meeting, shall be called special general meetings.

Special General Meeting

17. (1) The committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (2) The committee shall, on the requisition in writing of not less than twenty-five members or 5% of membership (whichever is lesser), convene a special general meeting of the Association.
- (3) A requisition for a special general meeting shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the office of the Association and may consist of several documents in the like form, each signed by one or more of the requisitionists.
- (4) If the committee does not cause a special general meeting to be held within twenty-one days from the date on which a requisition therefor is deposited at the office of the

Association, the requisitionists, or any of them, may convene the meeting; but any meeting so convened shall not be held after three months from the date of the deposit of the requisition.

- (5) A special general meeting convened by requisitionists in persuance of these Rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring them.

General Meetings - Notice

- 18. (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be delivered or sent by 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) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be delivered or sent to each member in the manner provided in subrule (1) specifying, in addition to the matter required under that subrule, 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 16(4).
- (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 notice from the member.

Quorum at General Meeting

- 19. (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 when the meeting is considering that item.

- (2) Twenty-five members personally present (being members entitled under these Rules to vote thereat) or 5% of members entitled to vote under these Rules (whichever is the lesser) constitutes a quorum for the transaction of the business of a general meeting.
- (3) If within one 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 it shall stand adjourned to the same day in the next week, at the time and (unless another place is specified by the chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.

President to preside at General Meeting

20. (1) The President, or in the absence of the President, the Secretary shall preside as chairman at every general meeting of the Association.
- (2) If the Chairman and Secretary are absent from a general meeting, the members present shall elect one of their number to preside as chairman thereat.

Determination of Questions arising at General Meeting

21. A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the determination of the result of the show of hands a poll is demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried or carried unanimously, or carried by a particular majority or lost, and 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 the votes recorded in favour of, or against, that resolution.

Votes

22. (1) Upon any question arising at a general meeting of the Association, a member has one vote only.
- (2) All votes shall be given personally.

- (3) In the case of an equality of voting on a question the chairman of the meeting is entitled to exercise a second or casting vote.

Taking of Poll

23. If at a meeting a poll on any question is demanded it shall be taken at that meeting in such manner as the chairman may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.

Affairs of Association to be Managed by a Committee

24. (1) The committee:
 - (a) shall control and manage the business and affairs of the Association;
 - (b) may, subject to these Rules, exercise all such powers and functions as may be exercised by the Association, other than those powers and functions that are required by these Rules to be exercised by general meetings of members of the Association; and
 - (c) subject to the Act and these Rules, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Association.

Officers of the Association

25. (1) The officers of the Association shall be:
 - (a) a president;
 - (b) a treasurer; and
 - (c) a secretary,
- (2) Each officer of the Association shall hold office until the annual general meeting next after the date of his election but is eligible for re-election.
- (3) In the event of a casual vacancy in any office mentioned in subrule (1) of this Rule, the committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his appointment.

Constitution of the Committee

- 26. (1) The committee shall consist of:
 - (a) The officers of the Association; and
 - (b) at least 2 and not more than 5 other persons who shall be elected at the annual general meeting; and
- (2) Each ordinary committeeman shall, subject to these Rules, hold office until the annual general meeting next after the date of his election, but is eligible for re-election.
- (3) If a vacancy occurs in the committee, the committee may appoint a member of the Association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting following the date of the appointment.

Election of Officers

- 27. (1) Nominations of candidates for election as officers of the Association or as committeemen.
 - (a) shall be made in writing signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) shall be delivered to the Public Officer or chairman of the annual general meeting of the Association.
- (2) If insufficient nominations are received to fill the number of vacancies of the committee, the candidates nominated are deemed to be elected and further nominations shall be received at the annual general meeting.
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (4) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- (5) The ballot for the election of officers and committeemen shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

Committee Meetings and Quorum

- 28. (1) The committee shall meet at least 3 times in each calender year at such place and time as the committee may determine.
- (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 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 3 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 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 he meeting, the meeting shall be dissolved.
- (8) At meetings of the committee:
 - (a) the president or in the absence of the president, the secretary shall preside; or
 - (b) if the president and secretary are absent, 1 of the remaining members of the committee may be chosen by the members present to preside.

Vacation of Office

- 29. For the purpose of these Rules, the office of an officer of the Association or of a committeeman becomes vacant if the officer or committeeman:
 - (a) dies;

- (b) becomes of unsound mind;
- (c) resigns his office by writing under his hand addressed to the Committee;
- (d) fails to be resident in Reid;
- (e) fails, without leave granted by the committee, to attend three consecutive meetings of the committee;
- (f) ceases to be a member of the Association.

Financial Year

30. The financial year of the Association is the period beginning on 1st January in each year and ending on the 31st December next following.

Notices

31. A notice may be served by or on behalf of the Association upon any member either personally or by sending it through the post in a pre-paid letter addressed to the member at his usual or last-known place of abode or by leaving it at the member's last known address.

Alteration of the Objects and Rules

32. Neither the objects of the Association nor these Rules shall be altered except in accordance with the Act.

Seal of the Association

- 33. (1) The seal of the Association shall be in the form of a rubber stamp, inscribed with the name of the Association encircling the word "Seal".
- (2) The seal of the Association shall not be affixed to any instrument except by the authority of the committee and the affixing thereof shall be attested by the signatures either of two members of the committee or of one member of the committee and of the Public Officer of the Association or such other persons as the committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the committee.
- (3) The seal shall remain in the custody of the Public Officer.

Public Officer

69

34. (1) (a) The committee of the Association shall, within fourteen days after the incorporation of the Association, appoint a person resident in Reid, to be the Public Officer of the Association and, if the office at any time becomes vacant, shall, within fourteen days after it becomes vacant appoint a person resident in Reid to fill the vacancy.
- (b) The Public Officer may hold any other office in the Association.
- (2) The office of the Public Officer becomes vacancy if the person holding that office:
- (a) dies;
 - (b) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditor;
 - (c) becomes of unsound mind;
 - (d) resigns his office by writing under his hand addressed to the committee;
 - (e) ceases to be resident in Reid;
 - (f) ceases to be a member of the Association.



REID HOUSING PRECINCT



Area proposed for inclusion in the interim Heritage Places Register of the ACT

