

Hunter Recreational Flying Club Incorporated



CONSTITUTION

13 February 2022

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Part 1 Preliminary

1. Definitions

In this Constitution:

Annual Membership Subscription means the subscription in an amount set by a vote of the Members at the AGM for each type of membership and payable by 30 June each year and applicable to the financial year commencing on the next 1 July.

Annual General Meeting (AGM) means a General Meeting of the members held once per year and notified to members as the “Annual General Meeting”.

General Meeting means a meeting open to all members.

Honorary Member means a person awarded membership for honour or distinction by a majority vote in a General Meeting. An Honorary Member does not have voting rights nor the requirements for Joining Fees and Subscriptions.

HRFC means the Hunter Recreational Flying Club Incorporated.

Joining Fee means the fee in an amount set by a vote of the Members at the AGM and applicable to a person applying for Provisional Membership of the HRFC.

Junior Member means a person under the age of 18 years who has been approved by the President for Junior Membership and paid the appropriate fee. A Junior Member does not have voting rights and may not own a share of a hangar nor keep an aircraft in a Hangar affiliated with the HRFC.

Life Member means a person granted membership of the HRFC for life with full rights and privileges. A Life Membership can be awarded by a majority vote in a General Meeting. Life Members are not required to pay annual membership subscriptions. This is intended as a reward for long and significant contribution to the HRFC.

Ordinary Committee Member means a member of the Committee who is not otherwise an office-bearer of the HRFC.

Postal Vote means a vote on a Special Resolutions using the form in Appendix 3 or an equivalent electronic version approved by the Committee.

Provisional Member means a person who has been granted Provisional Membership while their application for full membership remains under review. Provisional Members do not have voting rights but may hangar an aircraft in an HRFC Hangar.

Secretary means the member of the Committee elected to the office of Secretary, or if no person holds that office, the Public Officer of the HRFC.

Social Member means a person who has been approved for Social Membership by the President and has paid the Social Membership Fee. A Social Member does not have voting rights and may not own a share of a hangar nor keep an aircraft in a Hangar affiliated with the HRFC.

Special General Meeting (SGM) means a meeting open to all members, called by the Committee or the members, to consider and vote on a Special Resolution.

Special Resolution means a resolution proposed by a member on a specific matter. A Special Resolution is required to amend the Constitution of the HRFC.

The Act means the NSW Associations Incorporation Act 2009 No. 7.

The Regulation means the Associations Incorporation Regulations 2010.

Temporary Member means a person who has been granted Temporary Membership by the President and paid the appropriate fee. A Temporary Member does not have voting rights but may rent hangar space for up to one month.

Part 2 Membership

2. Membership generally

- (1) A person is eligible to be a member of the HRFC if the person is a natural person and has been approved for membership in accordance with the application process set out in Clause 3.
- (2) A person is taken to be a member of the HRFC if the person is a natural person, and the person has:
 - (a) met the criteria set out in Clause 3 (Application for Membership);
 - (b) paid the applicable membership subscription and fees;
 - (c) not allowed membership to lapse by failing to pay the Annual Membership Subscription;
 - (d) not been expelled from the HRFC;
 - (e) been granted Life or Honorary Membership
- (3) A person is taken to be a member of the HRFC if the person was one of the individuals on whose behalf an application for registration of the HRFC under section 6 (1) (a) of the Act was made.

3. Application for Membership

- (1) An application for membership of the HRFC must be:
 - (a) made in the form determined by the Committee;
 - (b) lodged with the Secretary; and,
 - (c) the applicable joining and membership fees deposited to the HRFC's bank account.
- (2) On receipt of an application for membership, the Secretary is to make a copy available to the Committee.
- (3) The Committee may approve or decline an application for Provisional Membership. The Secretary will notify the applicant of the Committee's decision and will post a copy of the application on the HRFC's notice board and website and update the Register of Members.
- (4) If at any time during the three months period of Provisional Membership any member lodges an objection to the Secretary, the Committee will consider the objection. If the Committee judges the objection to be reasonable and serious, the Provisional Member will be advised by the Secretary that their Provisional Membership is immediately terminated and that all membership fees that they have paid will be refunded. The Secretary will record the termination of Provisional Membership in the Register of Members.
- (5) If by the end of the three months provisional period there have been no objections lodged with the Secretary by any member, the Secretary will advise the Committee of that, and the Committee may then confirm the Provisional Member has been admitted to full voting membership of the HRFC. The Secretary will then advise the Provisional Member of their acceptance as a member and revise their status on the Register of Members.

- (6) The President may approve or decline an application for Social, Junior or Temporary Membership

4. Cessation of Membership

- (1) A person ceases to be a member of the HRFC if the member:
 - (a) dies, resigns membership or is expelled.
 - (b) the member fails to pay their applicable Annual Membership Subscription in accordance with Clause 8 (Fees and Subscriptions).
- (2) On determination of the cessation of membership, the Secretary will update the Register of Members.

5. Membership entitlements not transferable

A right or privilege which a person has by reason of their membership is not capable of being transferred or transmitted to another person.

6. Termination of Membership

- (1) A member may resign their Membership by giving written notice to the Secretary of their determination to resign. On receipt of the notice, the member ceases to be a member and the Secretary will update the Register of Members to reflect the resignation.
- (2) A member who resigns or has been expelled from membership does not absolve that member of their existing, unmet obligations to the HRFC.

7. Register of Members

- (1) The Secretary must establish and maintain a Register of Members specifying at least the name and postal or residential address of each member together with the date on which the person became a member and, eventually, ends membership.
- (2) The Register of Members may be kept in electronic form and must be able to be reviewed in New South Wales.
- (3) The Register of Members must be open for inspection, free of charge, by any member of the HRFC at any reasonable hour, to inspect their own record in full and just the names of all other members.
- (4) A member of the HRFC may obtain a copy of their record in the Register of Members on request to the Secretary.
- (5) The Committee is entitled to examine the Register of Members only to the extent necessary for the performance of their role. No member may disclose any member's data on the Register other than the member's name, to any other person without the express permission of the member concerned.
- (6) A member of the HRFC, other than a Member of the Committee, must not use information about another member obtained from the Register to contact or send material to that member.

8. Fees and Subscriptions

- (1) Fees and Subscriptions are to be determined by the members by a vote at the AGM or at a Special General Meeting.
- (2) A person applying to join the HRFC as a Provisional Member must pay to the HRFC the Joining Fee plus the Annual Membership Subscription on a pro rata basis from the date of their application to the next 30 June.
- (3) Members must pay the applicable Annual Membership Subscription by 30 June each year, into the HRFC's bank account for the year commencing on the next 1 July.
- (4) If fees that were due by 30 June are not paid on time, a late payment fee, as determined by the Committee from time to time, will apply.
- (5) If fees remain outstanding for more than one month but the Member has consulted the Committee, the Committee may, for good reason, grant a period of grace not exceeding a further one month. If the member has not contacted the Committee regarding the overdue fees, the member will be taken as having resigned their membership immediately prior to the AGM following the date on which the Annual Membership Subscription was due and payable.

9. Members' liabilities

The liability of a member to contribute towards the payment of any debts and liabilities of the HRFC or the costs, charges and expenses of the winding up of the HRFC is limited to the amount, if any, unpaid by the member in respect of their Membership of the HRFC.

10. Resolution of disputes

- (1) A dispute between a member and another member in their capacity as members of the HRFC, or a dispute between a member or members and the HRFC, are to be referred to a community justice centre for mediation under the Community Justice Centres Act 1983.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration under the provisions under the Commercial Arbitration Act 1983 as appropriate.

11. Disciplining of Members

- (1) A complaint may be made to the Committee by any member where another member has refused or neglected to comply with provisions of this Constitution or has wilfully acted in a manner prejudicial to the interests of the HRFC.
- (2) All complaints must be made in writing on the complaints form at Appendix 5.
- (3) The Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.

- (4) If the Committee decides to deal with the complaint, the Committee:
 - (a) must cause notice of the complaint to be served on the member the subject of the complaint; and,
 - (b) must give the subject 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) must take into consideration any submissions made by the subject member in connection with the complaint.
- (5) The Committee will consider the complaint and any submissions made in connection with the complaint. The Committee will, by majority resolution, either dismiss the complaint or suspend or expel the member as it deems appropriate. In the case of suspension, the Committee will determine the period of suspension and, where applicable, the action to be taken by the member to have the suspension lifted.
- (6) If the Committee determines to suspend or expel 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 clause 12.
- (7) 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 of the Committee, or
 - (b) within the period that the member exercises the right of appeal, unless and until the HRFC confirms the resolution under clause 12, whichever is the later.

12. Right of Appeal of Disciplined Member

- (1) A member may appeal to the HRFC in General Meeting against a resolution of the Committee under clause 11, 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 12. (1), the Secretary must notify the Committee and include the matter on the next scheduled General Meeting of the HRFC. If there is no General Meeting scheduled within 28 days from the date of the notice to appeal, the Committee is to convene a Special General Meeting to be held within 28 days from the date on which the Secretary received the notice to appeal.
- (4) At the General or Special General Meeting convened to hear the appeal:
 - (a) the Committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and,
 - (b) the Members present are to vote by secret ballot on the question of whether the Committee's resolution should be confirmed or revoked.
 - (c) The appeal is to be determined by a simple majority of votes cast by Members of the HRFC.

13. Hangar ownership and rental

- (1) In accordance with the Cessnock City Council Licences, only financial Members are entitled to purchase hangar shares. Once purchased, the member must maintain financial member status for the duration of the ownership.
- (2) Only financial Provisional, Temporary and full Members are permitted to rent hangar space or base their aircraft in HRFC hangars.

Part 3 The Committee

14. Powers of the Committee

Subject to the Act, the Regulations and this Constitution and to any resolution passed by the HRFC in General Meeting, the Committee:

- (a) is to control and manage the affairs of the HRFC; and,
- (b) may exercise all such functions as may be exercised by the HRFC, other than those functions that are required by this Constitution to be exercised by a General Meeting of Members of the HRFC; and,
- (c) has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the HRFC.

15. Composition and Membership of Committee

- (1) The Committee is to consist of:
 - (a) the office-bearers of the HRFC, and
 - (b) at least 2 Ordinary Committee Members, each of whom is to be elected at the AGM under Clause 16.
- (2) The total number of Committee Members is to be 6.
- (3) The office-bearers of the HRFC are:
 - (a) President (Chairperson),
 - (b) Vice-President,
 - (c) Treasurer,
 - (d) Secretary
- (4) Each member of the Committee is to hold office until the conclusion of delivery of their Annual Reports at the AGM following the date of the Officer's election but is eligible for re-election.

16. Election of Committee Members

- (1) Nominations of candidates for election as Committee Members at an AGM:
 - (a) must be made in writing made in the form determined by the Committee;
 - (b) signed by the nominated candidate and two financial members of the HRFC who are entitled to vote;
 - (c) must be delivered to the Secretary at least 7 days before the date fixed for the holding of the AGM at which the election is to take place.
- (2) A person nominated as a candidate for election as an office-bearer or as an Ordinary Committee Member of the HRFC must be a financial member who is entitled to vote.
- (3) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated are taken to be elected and further nominations may be received orally at the AGM.
- (4) If insufficient further nominations are received, any vacant positions remaining on the Committee are taken to be casual vacancies.
- (5) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (6) If the number of nominations received exceeds the number of vacancies to be filled, an open ballot is to be controlled by the Chair and determined by a show of hands.

17. Secretary

- (1) The Secretary must, as soon as practicable after being appointed as Secretary, must ensure the Members Register contains 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, and
 - (b) the names of Members of the Committee present at a Committee meeting or a General Meeting, and
 - (c) all proceedings at Committee meetings and General Meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

18. Treasurer

It is the duty of the treasurer of the HRFC to ensure that:

- (a) all money due to the HRFC is collected and banked and that all payments authorised by the HRFC are made; and,
- (b) correct books and accounts are kept showing the financial affairs of the HRFC, including full details of all receipts and expenditure connected with the activities of the HRFC.
- (c) financial reports are prepared and presented at the AGM and at such other times as the Committee may request.

19. Casual vacancies

- (1) In the event of a casual vacancy occurring in the Membership of the Committee, the Committee may appoint a financial member of the HRFC who is entitled to vote, to fill the vacancy and the member so appointed is to hold office until after the delivery of annual reports at the AGM next following the date of their appointment.
- (2) A casual vacancy in the office of a Member of the Committee occurs if a Committee Member:
 - (a) dies, resigns or is removed from office under clause 20; or
 - (b) becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth; or
 - (c) becomes a mentally incapacitated person; or
 - (d) is absent without the consent of the Committee from 3 consecutive meetings of the Committee; or
 - (e) is convicted of an offence involving fraud or dishonesty; or
 - (f) is prohibited from being a director of a company under Part 20.6 (Disqualification from managing corporations) of the Corporations Act 2001 of the Commonwealth

20. Removal of Committee Members

- (1) The HRFC in General Meeting may by resolution remove any Member of the Committee from the Committee before the expiration of the Member's term of office and may, by resolution, appoint a replacement to hold office until after the delivery of annual reports at the AGM next following the date of their appointment.
- (2) If a Member of the Committee to whom a proposed resolution referred to in clause 20 (1) relates makes representations in writing to the Secretary or President, not exceeding a reasonable length, and requests that the representations be notified to the Members of the HRFC, the Secretary or the President may send a copy of the representations to each member of the HRFC 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.

21. Committee meetings and quorum

- (1) The Committee must meet at least three times in each period of twelve months and meetings may be held at two or more venues using technology that gives each of the Committee Members a reasonable opportunity to participate.
- (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 21 (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 four Members of the Committee constitutes 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 the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour 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.
- (9) The Committee may permit Members and other persons to attend a meeting.

22. 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 HRFC 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 the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-Committee under this clause may, while the delegation remains un-revoked, be exercised from time to time by the sub-Committee in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, the Committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-Committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the Committee.
- (6) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (7) A sub-Committee may meet and adjourn as it thinks proper.

23. 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 clause 21 (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 4- General Meetings

24. Annual General Meetings - holding of

- (1) The HRFC must hold its first Annual General Meeting within 18 months after its registration under the Act.
- (2) The HRFC must hold its AGMs:
 - (a) within six months after the close of the HRFC's financial year, or
 - (b) within such later time as may be allowed by the Commissioner for Fair Trading or prescribed by Regulation.

25. Annual General Meetings - calling of and business

- (1) The AGM of the HRFC is, subject to the Act and to clause 23, to be convened on such date and at such place and time as the Committee thinks fit.
- (2) In addition to any other business, which may be transacted at an AGM, the business of an AGM is to include the following:
 - (a) to confirm the minutes of the last preceding AGM and of any special General Meeting held since that meeting,
 - (b) to receive from the Committee reports on the activities of the HRFC during the last preceding financial year,
 - (c) to elect office-bearers of the HRFC and Ordinary Committee Members,
 - (d) to receive and consider any financial statement or report required to be submitted to Members under the Act.
- (3) An AGM must be specified as such in the notice convening it.

26. Special General Meetings - calling of

- (1) The Committee may, whenever it thinks fit, convene a Special General Meeting of the HRFC.
- (2) The Committee must, on the requisition in writing of at least 25 per cent of the total number of Members, convene a Special General Meeting of the HRFC.
- (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 requisition, 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 three months after that date on which a requisition of Members for the meeting is lodged with the Secretary, those Members who made the requisition may convene a special General Meeting to be held not later than six months after that date.
- (5) A special General Meeting convened by the Members as referred to in clause 26 (4) must be convened as nearly as is practicable in the same manner as General Meetings are convened by the Committee.

27. Notice

- (1) Except if the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the HRFC, the Secretary must, at least 14 days before the date fixed for the holding of the General Meeting, give a notice to each member 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 HRFC, the Secretary must, at least 21 days before the date fixed for the holding of the General Meeting, cause notice to be given to each member specifying, in addition to the matter required under clause 27 (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a special General Meeting is to be transacted at the meeting except, in the case of an AGM, business which may be transacted under clause 24 (2).
- (4) A member desiring to bring any business before a General Meeting may give notice in writing of that business to the Secretary who must include that business in the next notice calling a General Meeting given after receipt of the notice from the Member.

28. Quorum for General Meetings

- (1) No item of business is to be transacted at a General Meeting unless a quorum of members entitled under this Constitution to vote is present during the time the meeting is considering that item.
- (2) Ten Members present (being Members entitled under this Constitution to vote at a General Meeting) constitute a quorum for the transaction of the business of a monthly 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 same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to Members given before the day to which the meeting is adjourned) at the same place.
- (4) if at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present being at least twelve [12] are to constitute a quorum.

29. Presiding Member

- (1) The President or, in the President's absence, the vice-President, is to preside as chairperson at each General Meeting of the HRFC.
- (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.

30. 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 HRFC 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 30 (1) and 30 (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.

31. Making of decisions made

- (1) A question arising at a General Meeting of the HRFC is to be determined by either:
 - (a) a show of hands, or
 - (b) if, on the motion of the chairperson or, if 5 or more Members present at the meeting decide that the question should be determined by a written ballot, the Chair of the meeting will conduct a secret written ballot.
- (2) If the question is to be determined by a show of hands, 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 HRFC, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

32. Special Resolutions

A Special Resolution may only be passed by the HRFC in accordance with section 39 of the Act.

Associations Incorporation Act 2009.

s.39 Voting on special resolutions.

- (1) A resolution is passed by an association as a *special resolution*—
 - (a) at a meeting of the association of which notice has been given to its members no later than 21 days before the date on which the meeting is held, or
 - (b) in a postal or electronic ballot conducted by the association, or
 - (c) in such other manner as the Secretary may direct,

if it is supported by at least three-quarters of the votes cast by members of the association who, under the association's Constitution, are entitled to vote on the proposed resolution.
- (2) A notice referred to in subsection (1) (a) must include the terms of the resolution and a statement to the effect that the resolution is intended to be passed as a special resolution.
- (3) A postal or electronic ballot referred to in subsection (1) (b) may only be conducted in relation to resolutions of a kind that the association's Constitution permits to be voted on by means of a postal or electronic ballot and, if conducted, must be conducted in accordance with the regulations.
- (4) A direction under subsection (1) (c) may not be given unless the Secretary is satisfied that, in the circumstances, it is impracticable to require votes to be cast in the manner provided by subsection (1) (a) or (b).

33. Voting

- (1) On any question arising at a General Meeting of the HRFC a member entitled to vote has one vote only.
- (2) 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.
- (3) A member is not entitled to vote at any meeting of the HRFC unless all money due and payable by the member to the HRFC has been paid.

34. Proxy votes not permitted

Proxy voting must not be undertaken at or in respect of any General Meeting.

35. Postal ballots

- (1) The HRFC may hold a postal ballot to determine any ordinary or Special Resolution other than an appeal under clause 12.
- (2) When a postal ballot is to be conducted in accordance with Schedule 3 of the Regulation then the form determined by the Committee is to apply.

Part 5 - Miscellaneous

36. Insurance

The HRFC may effect and maintain insurance.

37. Funds - source

- (1) The funds of the HRFC are to be derived from joining fees and subscriptions of members, donations, investments and subject to any resolution passed by the HRFC in General Meeting, such other sources as the Committee determines.
- (2) All money received by the HRFC must be deposited as soon as practicable and without deduction to the credit of the HRFC's bank or other authorised deposit-taking institution account.
- (3) The HRFC must, as soon as practicable after receiving any money, and if the Committee deems appropriate, Issue the appropriate receipt.

38. Funds - management

- (1) Subject to any resolution passed by the HRFC in General Meeting, the funds of the HRFC are to be used in pursuance of the objects of the HRFC in such manner as determined by resolution of a General Meeting for amounts above one thousand dollars or by the Committee for amounts up to and including one thousand dollars.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be authorised by any 2 Members of the Committee, being Members authorised to do so by the Committee.

39. Change of name, Objects and Constitution

An application to the Commissioner for Fair Trading for registration of a change in the HRFC's name, objects or Constitution is to be made by the Public Officer or a Committee Member only after a Special Resolution supported by at least seventy five percent (75%) of the Membership entitled to vote.

40. Custody of books etc

Except as otherwise provided by this Constitution, the Secretary must keep in his or her custody or under his or her control all records, books and other documents relating to the HRFC.

41. Inspection of books etc

- (1) The following documents must be open to inspection, free of charge, by a member of the HRFC at any reasonable hour:
 - (a) records, books and other financial documents of the HRFC,
 - (b) this Constitution,
 - (c) minutes of all Committee meetings and General Meetings of the HRFC.
- (2) A member of the HRFC may obtain a copy of any of the documents referred to in clause 41 (1) on payment of a fee of not more than \$1 for each page copied.

42. Service of notices

- (1) 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) Unless the contrary is proved, a notice is taken 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 prepaid 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.

43. Financial Year

The financial year of the HRFC is from 1 July to the next 30 June.
