

# **Constitution of the Samford and Districts Progress and Protection Association Inc**

**As at: 29 April 2014 (latest approved revision)**

## **1 Interpretation**

(1) In these rules— *Act* means the *Associations Incorporation Act 1981*. (2) A word or expression that is not defined in this constitution, but is defined in the Act has, if the context permits, the meaning given by the Act. (3) Words expressed in this constitution are there to comply with this act.

## **2 Name**

The name of the incorporated association shall be *SAMFORD AND DISTRICTS PROGRESS AND PROTECTION ASSOCIATION INC* (abbreviated to SDPPA)

## **3. OBJECTS**

(1) To promote civic pride; (2) To protect as far as possible the outstanding natural beauty, flora and fauna of Samford Valley and surrounding districts; (3) To act as a representative body on behalf of the residents and ratepayers of Samford and Districts and to liaise on their behalf with Government and statutory bodies in matters pertaining to the progress and protection of the Samford Valley and surrounding districts; (4) To promote and support with its funds, the associations, clubs or organisations in the Samford and Districts area, whose objects are principally to meet the needs of the community. (5) the SDPPA shall remain non-political and non-religious.

## **4 Classes of members**

(1) The membership of the SDPPA shall consist of Ordinary Members and any of the following classes of members:-

(a) Ordinary Members shall be residents or ratepayers within Samford and the local district, with the exclusion of those residents or ratepayers, who are members of Local, State or Federal Government. Should an Ordinary Member nominate for election to Local, State or Federal Government, that Member must resign from membership of the SDPPA; in the event of the person being unsuccessful in the election, that person shall be reinstated as a member;

(b) Life Membership shall be limited to twelve at any one time. Any Member shall have the right to nominate another Member to be considered for Life Membership by writing to the Secretary for consideration by the management committee. Life Membership shall be given for long and outstanding service as a member.

(c) Honorary Members shall be a person who is excluded from the above categories and maybe invited to become an Honorary Member at the discretion of the Management Committee; this membership is without voting powers. Honorary Membership shall not be limited.

(2) The number of Ordinary Members shall be unlimited.

## **5 New membership**

(1) An applicant for membership of the SDPPA must be proposed by one member of the SDPPA (the *proposer*) and seconded by another member (the *seconder*). (2) An application for membership must be—

(a) in writing; (b) signed by the applicant and the applicants proposer and seconder; and (c) in the form decided by the management committee.

(3) An applicant must be 18 yrs or older.

## **6 Membership fees**

(1) The membership fee for each ordinary membership and for each other class of membership (if any)—

(a) is the amount decided by the members from time to time at a general meeting; (b) is payable when, and in the way, the management committee decides.

## **7 Admission and rejection of new members**

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

(a) the application for membership;

(b) the appropriate membership fee for the application. (2) The management committee must ensure that, as soon as possible after the person applies to become a member of the SDPPA, and before the management committee considers the persons application, the person is advised whether or not the SDPPA has public liability insurance; and the amount of the insurance. (3) The management committee must decide within one month whether to accept or reject the application. (4) The secretary of the SDPPA must, as soon as practicable after the management committee decides to accept or reject an application, give the applicant a written notice of the decision and the secretary will decide what form the communication to the new member will take.

## **8 When membership ends**

(1) A member may resign from the SDPPA 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 committee may terminate a member’s 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 SDPPA.

(4) Before the management 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 committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.

## **9 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 person’s intention to appeal against the decision. (2) A notice of intention to appeal must be given to the secretary within one month after the person receives written notice of the decision.

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

## **10 General meeting to decide appeal**

(1) The general meeting to decide an appeal must be held within

two 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 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 one 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.

## **11 Register of members**

(1) The management committee must keep a register of members of the SDPPA. (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 committee may decide.

(3) If requested the register must be open for inspection by members of the SDPPA. (4) A member must contact the secretary to arrange an inspection of the register. (5) However, the

management committee may, on the application of a member of the SDPPA, withhold information about the member (other than the member's full name and the time of registration or death) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information of that member would put the member at risk of harm.

## **12 Prohibition on use of information on register of members**

(1) A member of the SDPPA must not— (a) use information obtained from the register of members of the SDPPA to contact, or send material to, another member of the SDPPA for the purpose of advertising for political, religious, charitable, SDPPA committee election, or for 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 SDPPA for the purpose of advertising for political, religious, charitable, SDPPA committee election or for commercial purposes.

(2) Sub rule (1) does not apply if the use or disclosure of the information is approved by the SDPPA at a general meeting.

## **13 Appointment or election of secretary**

(1) The secretary must be an individual residing in Queensland, who is— (a) a member of the SDPPA elected by the SDPPA as secretary; or (b) any of the following persons appointed by the management committee as secretary -

(i) a member of the SDPPA management committee;

(ii) another member of the SDPPA. (2) If a vacancy happens in the office of secretary, the members of the management committee must ensure a secretary is appointed or elected for the SDPPA within 1 month after the vacancy happens. (3) If the management

committee appoints a person mentioned in subrule (1)(b)(ii) as secretary to fill a casual vacancy on the management committee, the person becomes a member of the management committee. (4) In this rule - *casual vacancy*, on a management committee, means a vacancy that happens when an elected member of the management committee resigns, dies or otherwise stops holding office.

#### **14 Removal of secretary**

(1) The management committee of the SDPPA may at any time remove a person appointed by the committee as the secretary. (2) If the management committee removes a secretary who is a person mentioned in rule 14(1) the person remains a member of the management committee.

#### **15 Functions of secretary**

The secretary's functions include, but are not limited to - (a) calling meetings of the SDPPA, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the SDPPA; (b) keeping minutes of each meeting; and (c) Correspondence -

(i) keeping copies of all correspondence and other documents relating to the SDPPA management committee and sub-committees;

(ii) the correspondence and documents as above in 15c(i) & 15c(ii) shall be kept in any manner that the management committee see fit; and

(d) Maintaining the register of members of the SDPPA.

#### **16 Membership of management committee**

(1) The management committee of the SDPPA consists of a president, vice president, treasurer and secretary. (2) A member of

the management committee must be a member of the SDPPA. (3) At each annual general meeting the members of the management committee must retire from office, but are eligible, on nomination, for re-election.

(4) A member of the SDPPA may be appointed to a casual vacancy on the management committee under rule 19.

## **17 Electing the management committee**

(1) A member of the management committee may only be elected as follows - (a) Any two members of the SDPPA may nominate another member (the *candidate*) to serve as a member of the management committee; (b) the nomination must be—

(i) in writing; (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 SDPPA present and eligible to vote at the annual general meeting may vote for one candidate for each vacant position on the management committee; (d) if there are not enough candidates nominated 14 days prior nominations may be taken from the floor of the meeting, otherwise no other such nominations from the floor are allowed.

(2) A person may be a candidate only if the person— (a) an applicant must be 18 yrs or older

(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 SDPPA for at least

seven days immediately preceding the annual general meeting. (4) If required by the management committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.

(5) The management committee must ensure that, before a candidate is elected as a member of the management committee, the candidate is advised whether or not the SDPPA has public liability insurance; and the amount of the insurance.

### **18 Resignation, removal or vacation of office of management committee member**

(1) A member of the management committee may resign 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 committee member's membership may be terminated if the member is; (a) convicted of an indictable offence; or

(b) does not comply with any of these rules; or (c) has membership fees in arrears for at least 2 months or (d) Conducts himself or herself in a way to be considered to be injurious or

prejudicial to the character or interests of the SDPPA. (e) A member of the management committee may be removed from office at a

general meeting of the SDPPA if a majority of the members present and eligible to vote, 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 member's

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.

## **19 Vacancies on management committee**

(1) If a casual vacancy occurs on the management committee, the continuing members of the committee may appoint another member of the SDPPA to fill the vacancy until the next annual general meeting. (2) The continuing members of the management committee may act despite a casual vacancy on the management committee.

(3) However, if the number of committee members is less than the number fixed under rule 22(1) as a quorum of the management committee, the continuing members may act only to -

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

## **20 Functions of management committee**

(1) Subject to these rules or a resolution of the members of the SDPPA carried at a general meeting, the management committee has the general control and management of the administration of the affairs, property and funds of the SDPPA. (2) The management committee has authority to interpret the meaning of these rules and any matter relating to the SDPPA 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 SDPPA rules are inconsistent with the Act—see section 1B of the Act.*

(3) The management committee may exercise the powers of the SDPPA - (a) to borrow, raise or secure the payment of amounts in

a way the members of the SDPPA decide; (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 SDPPA in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the

SDPPA's property, both present and future;

(c) to purchase, redeem or pay off any securities issued; (d) to borrow amounts from members and pay interest on the amounts borrowed; (e) to mortgage or charge the whole or part of its property; (f) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the SDPPA; (g) to provide and pay off any securities issued; and (h) to invest in a way the members of the SDPPA may from time to time decide.

(4) For sub rule (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 SDPPA; or (b) if there is more than 1 financial institution for the SDPPA—the financial institution nominated by the management committee.

(5) All recommendations must be submitted to the monthly General Meeting of the SDPPA for approval and ratification.

## **21 Meetings of management committee**

(1) Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate. (2) The management committee must meet at least once every 4 months to exercise its functions.

(3) The management 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 committee. (5) The management 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 sub rule (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, the question is decided in the negative. (8) A member of the management committee must not vote on a question about a contract or proposed contract with the SDPPA if the member has an interest in the contract or proposed

contract and, if the member does vote, the member's vote must not be counted.

(9) The president is to preside as chairperson at a management 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 committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.

## **22 Quorum for, and adjournment of, management committee meeting**

(1) At a management 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 committee meeting called on the request of members of the committee, the meeting lapses.

(3) If there is no quorum within 30 minutes after the time fixed for a management 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 committee who are present are to decide the day, time and place of the adjourned meeting.

(4) If, at an adjourned meeting mentioned in sub rule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

### **23 Special meeting of management committee**

(1) If the secretary receives a written request signed by at least 33% of the members of the management 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 committee must be held within 14 days after notice of the meeting is given to the members of the management committee.

### **24 Minutes of management committee meetings**

(1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting are entered in a minute book. (2) To ensure the accuracy of the minutes, the minutes of each

management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy.

(3) The minutes of Management Committee meetings should be available electronically to all members of the management committee prior to the next General Meeting.

## **25 Appointment of subcommittees**

(1) The management committee may appoint a subcommittee consisting of members of the SDPPA considered appropriate by the committee to help with the conduct of the SDPPA's operations. (2) A member of the subcommittee who is not a member of the management committee is not entitled to vote at a management committee meeting.

(3) Each subcommittee may determine their own committee structure and processes for conducting their meetings, work and making decisions, however they are expected to conduct their affairs in keeping with the objects of the SDPPA ( rule 3) and to not be considered to be injurious or prejudicial to the character or interests of the SDPPA. 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 one 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 member of the management committee may attend a subcommittee meeting as the management committee sees fit as an observer. (8) The subcommittee shall advise the management committee and obtain approval of all outwards correspondence prior to despatch. (9) All subcommittee minutes and reports shall be sent to the secretary

before the next general meeting of the SDPPA

## **26 Acts not affected by defects or disqualifications**

(1) An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed and if the act is considered by the management committee not to be lawful and the act may commit the SDPPA, then the act should be considered unlawful and the SDPPA has the right to disqualify the person.

(2) Sub rule (1) applies even if the act was performed when -

- . (a) there was a defect in the appointment of a member of the management committee, subcommittee or person acting as a member of the management committee; or
- . (b) a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

## **27 Resolutions of management committee without meeting**

(1) A written resolution signed by each member of the management 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 sub rule (1) may consist of several documents in like form, each signed by one or more members of the committee.

## **28 Annual general meetings**

Annual general meetings must be held - (a) at least once each year; and

(b) within 4 months after the end date of the reportable financial year being 30 June.

## **29 Business to be conducted at annual general meeting**

(1) The following business must be conducted at each annual general meeting of the SDPPA - (a) receiving the SDPPA'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, acceptance and ratification (c) electing members of the management committee; (d) presenting reports from all chairpersons of any sub-committees; and (e) Appointing an auditor for the present financial year.

## **30 Notice of general meeting**

(1) The secretary may call a general meeting of the SDPPA. (2) The secretary must give at least fourteen days notice of the meeting to each member of the SDPPA by any means deemed appropriate by the management committee. (3) If the secretary is unable or unwilling to call the meeting, the president must call the meeting. (4) The management committee may decide the way in which the notice must be given. (5) However, notice of the following meetings must be given in writing -

(a) a meeting called to hear and decide the appeal of a person against the management committee's decision -

(i) to reject the person's application for membership of the SDPPA;  
or

(ii) to terminate the person's membership of the SDPPA; (b) a meeting called to hear and decide a proposed special resolution of the SDPPA.

(6) A notice of a general meeting must state the business to be conducted at the meeting.

## **31 Quorum for, and adjournment of general meeting**

(1) At any General Meeting, the number of Members required to constitute a quorum shall be equal to twice the number of Members presently on the Management Committee plus one. (2) No business may be conducted at a general meeting unless there is a quorum of members when the meeting proceeds to business.

(3) 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 committee or the SDPPA, the meeting lapses. (4) 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 committee or the SDPPA—

(a) the meeting is to be adjourned for at least 7 days; and (b) the management committee is to decide the day, time and place of the adjourned meeting.

(5) 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. (6) If a meeting is adjourned under sub rule (5), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting. (7) 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 thirty days.

(8) If a meeting is adjourned for at least thirty days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

## **32 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 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 sub rule (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 the president is not present within fifteen minutes after the time fixed for the meeting or is unwilling to act, the members present must elect one of their number to be chairperson of the meeting; and (c) the chairperson must conduct the meeting in a proper and orderly way.

### **33 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. A special resolution is a resolution that is passed at a general meeting (including the AGM) of an incorporated association by the votes of 75 per cent of the members who are present and entitled to vote. (2) Each member present and eligible to vote is entitled to one 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 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 two 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.

### **34 Special general meeting**

(1) The secretary must call a special general meeting by giving

each member of the SDPPA notice of the meeting within fourteen days after -

(a) being directed to call the meeting by the management committee; or (b) being given a written request signed by-

(i) at least 33% of the number of members of the management committee when the request is signed; or (ii) at least the number of ordinary members of the SDPPA equal to double the number of members of the SDPPA on the management 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 committee -

(i) to reject an application for membership; or

(ii) to terminate a person's membership. (2) A request mentioned in sub rule (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 committee; or (b) is given the written request mentioned in sub rule (1)(b); or (c) is given the written notice of an intention to appeal mentioned in sub rule (1)(c).

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

### **35 Proxies for a General meeting resolution**

(1) 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—

## Samford and Districts Progress and Protection Association:

I, *(insert name)* of *(insert address)* being a member of the SDPPA, appoint *(insert proxy name)* of *(insert proxy address)* as my proxy to vote for me on my behalf at the general

meeting of the SDPPA, to be held on the *(insert meeting date)* and at any adjournment of the meeting.

Signed: *(insert date signed)* Signature: This form is to be used: *(strike out whichever is not wanted)*

- In favour of the resolution - Against the resolution -  
Proxy holder may vote as thinks fit.

(2) The instrument appointing a proxy must - (a) if the appointer is an individual - be signed by the appointer or the appointer's attorney properly authorised in writing; or (b) if the appointer 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 SDPPA 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 appointer, the proxy may vote as the proxy considers appropriate.

### **36 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 and are posted electronically to members prior to the following General Meeting at which they may be approved, subject to any changes.

(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 SDPPA that is a general meeting or annual general meeting, verifying their accuracy.

(3) If asked by a member of the SDPPA, the secretary must, within twenty days after the request is made give the member copies of the minutes of the meeting.

### **37 Alteration of rules**

(1) Subject to the Act, these rules may be amended, repealed or added to by a special resolution. A special resolution is a resolution that is passed at a general meeting (including the AGM) by the votes of 75 per cent of the members who are present and entitled to vote. (2) However an amendment, repeal or addition is valid only if it is registered by the Chief Executive, Department of Justice and Attorney-General.

### **38 By-laws**

(1) Subject to a special resolution of members, the management committee may make, amend, repeal or set aside by-laws, not inconsistent with these rules, for the internal management of the SDPPA.

### **39 Common seal**

(1) The management committee must ensure the SDPPA has a common seal. (2) The common seal must be - (a) Kept securely by the management committee; and (b) Used only under the authority of the management committee.

(3) Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by—

(a) the secretary; or (b) another member of the management committee; or (c) someone authorised by the management committee.

#### **40 Funds and accounts**

(1) The funds of the SDPPA must be kept in an account in the name of the SDPPA in a financial institution decided by the management committee. (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the SDPPA.

(3) All amounts must be deposited in the financial institution account as soon as practicable after receipt. (4) A payment by the SDPPA 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 one of three other members of the SDPPA who have been authorised by the management committee to sign cheques issued by the SDPPA.

(6) However, one 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 committee must decide the amount of petty cash to be kept in the account.

#### **41 General financial matters**

(1) On behalf of the management 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 SDPPA must be used solely in promoting the SDPPA's objects and exercising the SDPPA's powers.

## **42 Documents**

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

## **43 Financial year**

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

## **44 Distribution of surplus assets to another entity**

(1) This rule applies if the SDPPA - (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 SDPPA. (3) The surplus assets must be given to another entity -

(a) having objects similar to the SDPPA'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.