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# SADBURY COMMUNITY HOUSE



*Supporting the Community*

## Sudbury Community House Association Inc. Constitution 2015

This is the annexure of 7 Page(s)  
marked "A" referred to in the form 5  
Signed by me and dated 16.11.15  
Signature(s) Mrs. V. Aden

## SUDBURY COMMUNITY HOUSE ASSOCIATION Inc.

### CONSTITUTION

#### 1. NAME

The Association shall be an Incorporated Association and shall be called SUDBURY COMMUNITY HOUSE ASSOCIATION Incorporated henceforth shown as the Association.

#### 2. STATEMENT OF PURPOSE

The purpose of the Association is to promote, support and enhance the quality of life and positive developmental outcomes of all children and families in the Stirling and Wanneroo Local Government Areas, particularly vulnerable and at risk families, and children with a disability, and those from culturally and linguistically diverse backgrounds and indigenous children.

#### 3. OBJECTS OF THE ASSOCIATION

- 3.1. To foster and promote educational and cultural activities and in these ways relieve distress, illness, poverty, delinquency, helplessness and to improve the quality of life.
- 3.2. To provide and maintain one or more non – profit Education and Care Service and or other agreed programs in response to community needs.
- 3.3. To ensure that children with additional needs have access to, and fully participate in the same children's services as other children.
- 3.4. To provide direct benevolent relief in the provision of education and care for children of families in Australia experiencing distress, misfortune, disability or helplessness.
- 3.5. To promote the wellbeing and care of individuals, families and children ensuring equal access for all families.
- 3.6. To promote, develop and coordinate activities which relate to the cultural background of children, families and members of the community.
- 3.7. To create an environment in which personal and community development can take place in a friendly community context breaking down barriers and isolation.
- 3.8. To support Community Groups in developing self-help activities.
- 3.9. To undertake community development in response to community needs.
- 3.10. To operate as a nonprofit public benevolent institution.
- 3.11. To liaise with government and non-government agencies and funding bodies where necessary and appropriate.
- 3.12. To act as a resource to individuals and government agencies concerned with the wellbeing of families and children.



#### 4. POWERS

The powers of the Association shall be:

- To purchase, take on lease or in exchange, hire or otherwise real or personal property and any other privileges necessary for the objects of the Association,
- To borrow and raise funds in any lawful manner for the objects of the Association and upon such terms and securities as may be determined,
- Appoint, employ and pay officers and servants and dismiss or suspend any officer and servants.

To do all such lawful things as are incident or conducive to the attainment of the aforesaid objects.

Management Committee: The Management of the Association shall be vested in the Management Committee comprising of suitably qualified and experienced individuals including members attending any program at SCH or whose child is enrolled to attend SHCDC.

#### Structure

Chairperson            Vice Chairperson

Secretary             Treasurer

and not less than four and no more than eight other Committee members.

#### 5. MANAGEMENT COMMITTEE

- The following representatives shall be ex-officio
- The Executive Manager,
- The Children's Services Manager,
- The Management Committee may co-opt persons with special knowledge of the Association, who shall be ex-officio.

5.1. The Committee Members will be elected at the Annual General Meeting of the Association,

5.2. Ex-employees or contractors will not be eligible for membership on the Management Committee of the Association for two years before or after involvement,

5.3. If a vacancy occurs in the membership of the committee:

- a) The committee may appoint a member to fill that vacancy; and
- b) A member appointed under this sub-rule will
  - i. Hold office until the election; and
  - ii. Be eligible for election to membership of the committee at the next following annual general meeting.

5.4. Office Bearers will be elected at the first General Meeting following the Annual General Meeting.

A member is not eligible for election to membership of the committee unless a member has nominated him or her in writing, signed by

- a) The nominator and
- b) The nominee to signify his or her willingness to stand for election, to the secretary not less than 7 days before the annual general meeting.

A person who is eligible for election or re-election under this rule may

- a) Either propose or second himself or herself for election or re-election; or
- b) Vote for himself or herself.

5.5. Office Bearers and Committee Members will be elected for twelve months and may stand for re-election at the Annual General Meeting.



- 5.6. The Quorum will be minimum of 50% of committee members plus one (1) but decisions may be electronically ratified.
  - 5.7. Resignations of Committee Members are to be received in writing.
  - 5.8. If a Management Committee position becomes vacant at any time the Committee may appoint a person to fill such vacant positions until the next Annual General Meeting, when the position will be declared vacant.
  - 5.9. Membership of the Management Committee shall cease if the member fails to attend:
    - a) Three consecutive General Meetings in the same financial year without tending an apology to the Management Committee.
  - 5.10. The Management Committee shall meet no less than six (6) times per year.
  - 5.11. No two consecutive months shall pass without a Management Committee meeting.
  - 5.12. Voting: Any ex-officio or co-opted representative as per Clause 5 shall have the right to address a General Meeting but shall have no rights to vote at that meeting.
  - 5.13. Voting at Committee meetings shall be by show of hands.
6. SUB-COMMITTEES
- 6.1. Sub-Committee may be appointed for specific purposes and their terms of reference set out.
  - 6.2. All recommendations made by a sub-committee must be reported to the Management Committee, and approved by that committee before they are implemented or acted upon.
7. MEMBERSHIP
- Any person who supports the purpose and objects of the Association is eligible for membership upon payment of the prescribed fee
- 7.1. Membership Eligibility: A person shall not be deemed to be a member of the Association until the prescribed annual fee is received and receipted.
  - 7.2. Register of Members: A register of members will be maintained in accordance with Section 27 of the Act,
  - 7.3. Any financial members acting in any way prejudicial to the interests of the Association, whether pecuniary, ethical or otherwise, may be expelled or suspended from membership for such period as determined by the Management Committee but not exceeding 12 months provided that any member so suspended shall have the right to appeal to a General Meeting of the Association. The Appeal shall be dismissed if a simple majority of members present vote for a dismissal of the appeal. Any such vote shall be a secret ballot. A suspended person shall not be entitled to any refund of fees.
  - 7.4. Membership Ceases
    - 7.4.1. On resignation in writing,
    - 7.4.2. When the Annual Fee is not paid within 60 days of it falling due.

## 8. FINANCE

The financial year of the Association will commence on the first of July and finish on the thirtieth of June the following year.

- 8.1. The Treasurer shall cause a proper records of all accounts to be kept of all monies received and expended.
- 8.2. The Treasurer will report on the financial affairs of the committee at each meeting.
- 8.3. All payments shall be made by cheque, signed by two signatories, Associations Credit Cards and or electronic funds transfer (EFT) by Authorized persons.
- 8.4. Funds of the Association shall be kept in an account with the name of the Association at either bank or building society nominated by the Management Committee.

## 9. ANNUAL GENERAL MEETING

The Annual General Meeting shall be held in the first three months of each Financial Year.

- 9.1. Items of business conducted at the meeting will include:
  - Minutes of Previous Annual General Meeting,
  - Presentation and adoption of Reports,
  - Election of Management Committee Members,
  - Appointment of Auditor,
  - General Business.
- 9.2. Notice of Meeting: Notice of Annual General Meeting will be sent to all financial members at least twenty-one (21) days before the Annual General Meeting. Any accidental omission to give notice to any member shall not invalidate the meeting.
- 9.3. Notices of Motions: Notices of motions for the Annual General Meeting shall be in the hands of the Secretary at least seven (7) days prior to such meetings.
- 9.4. Voting: Voting at the Annual General Meeting shall be by show of hands. All matters shall be decided by a simple majority and in case of a tied vote the Chairperson shall have a casting vote. In the case of a casting vote being used it will be used to defeat the motion.

## 10. SPECIAL GENERAL MEETING

Special General Meetings of the Association may be convened by a Resolution of the Committee or following a request 50% of committee members plus one (1). At least twenty one (21) days' in notice in writing will be given of the Special General Meeting.

## 11. NON PROFIT

The income and property of the Association shall be applied solely towards the promotion of the objects of the Association. No portion of the income or property shall be paid, transferred or distributed directly or indirectly to the members of the Association, provided that nothing shall prevent the payment in good faith of remuneration to any officers or employees of the Association or to any person other than a member, in return for services rendered to the Association.

## 12. AUDIT

The financial records of the Association shall be audited at the end of each financial year, and an audited statement shall be presented at the Annual General Meeting.

### 13. INCOME AND PROPERTY

The income and property of the Association from whatsoever source shall be applied solely toward the promotion of the objects of the Association and no part thereof shall be paid or transferred directly or indirectly by way of dividends or allowances to the persons who at any time are or have been members of the Association unless such person is employed by the Management Committee.

The Association shall not carry on any trade or seek to secure pecuniary profit to or for its members.

### 14. CONSTITUTION

The Centre shall be conducted in accordance with the Constitution.

- 14.1. The objects of the Association (subject to approval as may be required by law) and the Rules herein contained may be amended, varied or rescinded and a new object or objects and Rules approved at an Annual General Meeting or Special General Meeting provided that the notice of such meeting shall contain the text of the proposed amendment or states that the amendments are available for inspection by any committee members at a place nominated in the notice of a period for not less than fourteen days.
- 14.2. No amendments to the Constitution shall be adopted unless 75 percent of the support is received from the voting members.

### 15. TRUSTEES

Unless otherwise determined by the members, the committee of the Association for the time being shall be deemed to be the trustees of the Association to hold any property real or personal belonging to the Association.

### 16. COMMON SEAL

The common seal for the Association engraved with the name of the Association shall be kept in the care of the Chairperson .8011 The seal shall not be used or affixed to any deed or other document except pursuant to the resolution of the Committee both of whom shall subscribe their name as witnesses.

### 17. DISSOLUTION

The Association may be wound up by consent of 75% of those members present at a Special General Meeting convened by not less than 21 days notice called for such purpose.

- 17.1. If on the winding up the Association any property of the Association remains after the satisfaction on any debts and liabilities of the Association and the costs, charges and expenses of that "Winding up", that property shall be distributed to another Incorporated Association having objects similar to those of the Association or having charitable purposes that is also exempt from Income Tax under Section 16 of the Income Tax Assessment Act.
- 17.2. "Which Incorporated Association or purposes, as the case required, shall be determined by Resolution of the Members when authorizing and directing the Management Committee under Section 33(3) of the Act to prepare a distribution plan for the distribution of the surplus property of the Association".
- 17.3. In default of any such resolution, such payment or distribution shall be determined by a judge of the Supreme Court of Western Australia.



17.4. Revocation of deductible gift recipient status – If the Association is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first) any surplus of the following assets shall be transferred to another organisation with similar objects, and which is charitable at law, to which income tax deductible gifts can be made:

- Gifts of money and property for the principle purpose of the Association,
- Contributions made in relation to an eligible fund raising event held for the principle purpose of the Association,
- Money received by the Association because of such gifts and contributions.

I HEREBY CERTIFY the foregoing to be true and correct copy of the Constitution of the Association.

SIGNED: \_\_\_\_\_

DATE OF EFFECT: \_\_\_\_\_