



POLIO NSW INC.

incorporated under the Associations Incorporation Act (1984)

Supporting polio survivors and their families since 1989

PO Box 2799 NORTH PARRAMATTA NSW 1750

CONSTITUTION

DEFINITIONS AND INTERPRETATION

1.1 Definitions

The following definitions apply in this Constitution unless the context requires otherwise:

Annual General Meeting means the Annual General Meeting of the Association;

Annual Report means the report on the Association's activities, accompanied by the audited financial statements, for the period commencing on 1 July in a year and ending on 30 June in the following year;

Associate Member means a member of the Association as defined in clause 4(b) who has been admitted in accordance with the provisions of the Constitution;

Association means Polio NSW Incorporated, an association incorporated under the Associations Incorporation Act (1984);

Constitution means the Constitution of the Association which is contained in this document;

Department means the Department of Fair Trading, its successor or replacement or such other government department carrying out the functions of that department within the State or Territory within which the Association is incorporated, registered or otherwise operating;

Financial Year means the period commencing on 1 July in a year and ending on 30 June in the following year;

Full Member means a member of the Association as defined in clause 4(a) who has been admitted in accordance with the provisions of the Constitution;

General Meeting means either an Annual General Meeting or a Special General Meeting of the Association;

Honorary Member means a member of the Association as defined in clause 4(d) who has been admitted in accordance with the provisions of the Constitution;

Life Member means a member of the Association as defined in clause 4(c) who has been admitted in accordance with the provisions of the Constitution;

Management Committee means the Management Committee of the Association;

Member means any person admitted to membership of the Association who has been admitted in accordance with the provisions of the Constitution;

Membership means membership of the Association;

Membership Fees mean the fees prescribed from time to time by the Association;

Membership Year means the period commencing on 1 July in a year and ending on 30 June in the following year;

Objects mean the objects set out in clause 2 of the Constitution;

Person means any natural person;

Poll means counting the written votes of members indicating whether they are either “for”, “against” or “abstaining from” any motion or resolution which has been raised at or put to any general meeting of the Association at which members are required to attend and vote either personally or by proxy;

President means the President for the time being of the Association;

Proxy means the appointment in writing of a person to represent a member and vote at a properly convened meeting of the Association at which such member is entitled and required to register a vote;

Rules mean the rules of the Association;

Secretary means the Secretary for the time being of the Association;

Special General Meeting means any general meeting of the Association other than the Annual General Meeting;

Treasurer means the Treasurer for the time being of the Association;

Vice-President means the Vice-President for the time being of the Association.

1.2 Interpretation

The following rules of interpretation apply unless the context requires otherwise:

- (a) headings are for convenience only and do not affect interpretation;
- (b) the singular includes the plural and conversely;
- (c) a gender includes any gender;
- (d) if a word or phrase is defined, then its other grammatical forms have a corresponding meaning;
- (e) a reference to **clause** is to a clause in this Constitution;
- (f) a reference to a thing including but not limited to a right, includes a reference to a part of that thing;
- (g) a reference to legislation or to a provision of that legislation includes a modification or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument under it;
- (h) a reference to **month** is a reference to a calendar month;
- (i) a reference to **year** is a reference to a calendar year;
- (j) a reference to **writing** includes any mode of representing and reproducing words in tangible and permanently visible form and including but not limited to email and facsimile transmission.

OBJECTS OF THE ASSOCIATION

2. The objects of the Association are:

- (a) To establish a support system for people who have contracted poliomyelitis, their families and carers.
- (b) To provide information and support in relation to poliomyelitis and its effects and the methods by which polio survivors can manage their disabilities.
- (c) To encourage research into the effects of poliomyelitis.
- (d) To promote the eradication of poliomyelitis.
- (e) Generally to do all such other acts or things or matters as are incidental and conducive to the attainment of any of the aforesaid objects of the Association.

MEMBERSHIP

Eligibility for Membership

3. (a) A person is eligible for membership of the Association if he or she accepts the objects and rules of the Association and falls within one of the categories of membership noted in clause 4; and
- (b) Any association or corporation which supports the objects of the Association is eligible for membership of the Association as an Associate member. Such association or corporation may appoint a representative to attend and vote at general meetings of the Association.

Categories of Membership

4. Membership is divided into the following categories:
 - (a) **Full membership**, which is open to any person who has contracted poliomyelitis.
 - (b) **Associate membership**, which is open to any other person, association or corporation which supports the Association and its objects.
 - (c) **Life membership**, which is awarded to either a Full or Associate member for meritorious service to the Association. A Life member is not required to pay membership fees to the Association and will retain all existing rights and privileges.
 - (d) **Honorary membership**, which is awarded to persons, not holding membership under any other category, who have made a major contribution to the Association, or in fields such as services to polio survivors and research into the late effects of polio.

Membership Fees

5. The membership fees shall be set from time to time by the Management Committee subject to approval by the Association at its Annual General Meeting.

Applications and Nominations for Membership

6. (a) An application for membership as either a Full or Associate member must be made on the form prescribed from time to time by the Management Committee and must be accompanied by the membership fees set for the membership year; and
- (b) A nomination for Life membership may be made by any member and must be endorsed by the Management Committee.

Determination of Applications and Nominations and other Determinations

7. (a) An application for membership as either a Full or Associate member will be dealt with by the Management Committee at its meeting next following the receipt of such application;
- (b) The Management Committee may reject any application for membership without giving any reason for such rejection;
- (c) A nomination for Life membership must be affirmed by resolution of a two-thirds majority of those members who are present in person or by proxy and eligible to vote and who vote at either an Annual General Meeting or Special General Meeting of the Association; and
- (d) The Management Committee may from time to time, by resolution of those members who are present and eligible to vote and who vote, determine that a person be appointed as an Honorary member for such period as the Management Committee determines.

Members' Register

- 8.1 The Management Committee will cause a register of members to be created;
- 8.2 The register will be kept by the Association;
- 8.3 The register will contain the names and addresses of each person who has been admitted to membership of the Association in accordance with the Constitution and such other and further particulars of a non-objectionable nature as the Management Committee shall from time to time determine;
- 8.4 If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- 8.5 No person's name or address shall be entered into the register prior to that person's application having been approved by the Management Committee and duly noted in the minutes of the Management Committee;
- 8.6 No name will be removed from the register except by the authority of the Management Committee;
- 8.7 The privacy and confidentiality of membership records must be maintained; and
- 8.8 Subject to Clause 32 members' details must not be released to third parties, except as may be otherwise required by law, without the prior written consent of the relevant member or members.

Resolution of disputes

- 9.1 A dispute between a member and another member (in their capacity as members) of the Association, or a dispute between a member or members and the Association, are to be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983* or superseding legislation.
- 9.2 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.
- 9.3 The *Commercial Arbitration Act 1984* or superseding legislation applies to any such dispute referred to arbitration.

Termination of Membership

- 10.1. Subject to clause 11 the Management Committee or a Special General Meeting of the Association may decline a renewal or terminate the membership of a Full or Associate member for any of the following reasons:
 - (a) If the member fails to comply with any regulation or policy of the Association; or
 - (b) If the member, in the opinion of the Management Committee, is deemed to behave or have behaved in a manner which is prejudicial to the Association or which brings the activities of the Association into disrepute.
- 10.2 The membership of an Honorary member may be terminated by the Management Committee without having to give any reason for the termination.

Termination Procedures and Appeals

- 11.1 A Full or Associate member who is considered by the Management Committee to be in breach of clause 10.1 (***Affected Member***) must be served with a 14 day written notice advising the date for a

special meeting of the Management Committee to be convened for the purpose of considering the alleged breach;

- 11.2 The Affected Member may attend such special meeting of the Management Committee and be heard;
- 11.3. The Management Committee may terminate or affirm the membership of the Affected Member by passing a resolution by a two-thirds majority of those members who are present at such special meeting and who are eligible to vote and who vote;
- 11.4 If the Management Committee terminates the membership of the Affected Member that member may within 14 days of such special meeting appeal against the termination, by written request to the President of the Association seeking the convening of a Special General Meeting of the Association to hear the appeal;
- 11.5 A two-thirds majority of those members who are present at such Special General Meeting of the Association and who are eligible to vote and who vote, may pass a resolution revoking, affirming or indefinitely deferring the termination subject to the Affected Member complying with any conditions laid down by the Association;
- 11.6 The membership of an Affected Member cannot be terminated unless all the relevant provisions of clause 11 have been complied with; and
- 11.7 All time periods mentioned in clause 11 are of the essence.

Consequences of Termination

12. Any person whose membership is terminated by the Management Committee or by a Special General Meeting of the Association will from the date of such termination:
 - (a) have his/her name removed from the register of members;
 - (b) cease to be a member of the Association; and
 - (c) cease to have any claim against or interest in the affairs of the Association.

Resignation of Membership

- 13.1 Any member may resign membership by written notice to the Management Committee and the payment of any arrears of subscriptions or other moneys due to the Association;
- 13.2 Upon receipt of the written resignation notice by the Management Committee the member will cease to be a member; and
- 13.3 A member who fails to pay membership fees when they fall due may be deemed by the Management Committee to have resigned his/her membership.

Members' Liability

14. Members' liability to contribute towards the payment of debts and liabilities of the Association or the costs charges and expenses of the winding up of the Association, is limited to the amount of their unpaid membership fees.

THE MANAGEMENT COMMITTEE

Function, Composition and Powers

- 15.1 The function of the Management Committee will be to manage and administer all the activities of the Association;

- 15.2 The Management Committee members must be aged 18 years or over and will, subject to Section 21 of the Associations Incorporation Act (1984), be elected annually at the Annual General Meeting;
- 15.3 The Management Committee must not have more than twelve (12) or fewer than six (6) members;
- 15.4 At least two-thirds of all members comprising the Management Committee must be Full members;
- 15.5 If the proportion of Full members falls below two-thirds of the total, then such number of members of the Management Committee as are not Full members must refrain from voting in order that any resolution of members of the Management Committee may be passed by a two-thirds majority of Full members of the Management Committee who are financial, present and voting;
- 15.6 The office bearers will consist of a President, Vice-President, Secretary and Treasurer and such other officers as shall be decided upon by the members of the Association from time to time;
- 15.7 The President, Vice-President, Secretary and Treasurer and such other office bearers as shall be decided upon and appointed by the members of the Association from time to time must be Full members of the Association;
- 15.8 Clause 15.7 does not operate to preclude any Life member from being appointed as an office bearer provided such member was prior to the appointment a Full member of the Association; and
- 15.9 The Management Committee will have the power to make rules for the more effective operation of the Association or which will assist the Association and its members in achieving the objects of the Association.

Management Committee Meetings

- 16.1 The Management Committee will meet at least six (6) times a year in order to conduct the business of the Association, adjourn and otherwise appoint and regulate its meetings as it thinks fit;
- 16.2 The President or in the President's absence the Vice-President or their nominee will act as Chairperson at each Management Committee meeting session;
- 16.3 In the absence of both the President and Vice-President the members present may choose a Chairperson for each session;
- 16.4 The President at any time and the Secretary at the request of any two (2) members of the Management Committee will call a meeting of the Management Committee;
- 16.5 A **quorum** of the Management Committee will consist of one half of the members of the Management Committee, and no fewer than two-thirds of those in attendance must be Full Members of the Association;
- 16.6 If a quorum is not present within half an hour of the scheduled commencement time for any meeting of the Management Committee, that meeting must be adjourned and reconvened within one (1) month of the date of such adjourned meeting;
- 16.7 Resolutions passed by the Management Committee in the absence of a properly constituted quorum will not be valid or enforceable;
- 16.8 Questions arising at any meeting of the Management Committee will be determined by a majority vote of those members present and voting;
- 16.9 A determination by a majority vote of those present and voting will be deemed to be a determination of the Management Committee; and
- 16.10 In the event of a deadlock the Chairperson of the meeting may have a casting vote.

Vacancies on The Management Committee

- 17.1 A vacancy with respect to a member of the Management Committee will occur:
- (a) upon that member's death;
 - (b) if that member becomes incapacitated due to unsoundness of mind;
 - (c) if that member resigns by notice in writing to the Association;
 - (d) if that member is absent from two successive meetings of the Management Committee without the prior leave of the Management Committee which has been duly granted and recorded in the minutes;
 - (e) if that member ceases to be a financial member of the Association; or
 - (f) upon a resolution being passed by a two-thirds majority of members present and voting at a properly convened Special General Meeting for the purpose of removing that member from office.
- 17.2 The Management Committee will have the power to fill any vacancy which may occur from time to time within the Management Committee, or upon a position being unfilled at an AGM, and the person so appointed shall fill such vacancy until the subsequent AGM.

ASSOCIATION MEETINGS

Annual General Meeting

- 18.1 The Annual General Meeting of members must be held within six (6) months after the end of the financial year; and
- 18.2 The Annual Report and audited financial statements must be presented along with any other business on the agenda at the Annual General Meeting.

Special General Meeting

- 19.1 Any two (2) members of the Management Committee may at any time convene a Special General Meeting of the Association;
- 19.2 A Special General Meeting may also be convened by the Secretary of the Association upon receipt of a written notice of business request from not less than 5% of the members of the Association;
- 19.3 An Affected Member may request the President to convene a Special General Meeting as provided for in clause 11.4; and
- 19.4 A Special General Meeting under clause 19.2 or 19.3 must be convened within two (2) months from the date of receipt of the request.

Notice of Meetings

- 20.1 The Secretary must give not less than twenty-one (21) day's notice in writing of all Annual General Meetings and Special General Meetings of the Association to the members of the Association;
- 20.2 A notice of general meeting must specify the place, the day and the hour of the meeting and the general nature of the business to be dealt with at the meeting; and
- 20.3 A notice may be given to any member either personally or by sending it by pre-paid post or electronic means to the address of the member as shown in the records of the Association.

Special Resolution

21. A resolution of the Association is a Special Resolution:

- (a) if it is passed by not less than three-quarters of the members of the Association who are entitled to vote and who attend and vote in person or by proxy at a Special General Meeting of the Association which was properly convened in accordance with clause 19; and
- (b) where it appears to the Department that it is not possible or practicable for the resolution to be passed in the manner specified in sub-clause (a), the resolution will be passed in the manner specified by the Department.

Quorum

- 22.1 At general meetings of members a quorum will consist of twenty (20) Full members or 10% of the Full membership whichever is the lesser, present in person or by proxy;
- 22.2 If within half an hour of the time set down for commencement of a general meeting (**Original Meeting**) a quorum is not present, then the Original Meeting must be adjourned to the same place and time seven (7) days later or to a place and to a time within one (1) month of the date of the Original Meeting, which alternate date and time is to be determined at the Original Meeting;
- 22.3 If at the adjourned general meeting a quorum is not present then those Full members attending the adjourned meeting will be deemed to constitute a quorum provided that the number of Full members attending is not fewer than three (3); and
- 22.4 Except where the Original Meeting is adjourned to the same place and time seven (7) days after the Original Meeting, notice of the adjourned meeting must be given to the members of the Association at least seven (7) days before the date for the adjourned meeting.

Proceedings at General Meetings

- 23.1 The President will be the Chairperson at every general meeting of the Association;
- 23.2 If the President is not present within thirty (30) minutes after the scheduled commencement time for the meeting or is otherwise unable to act then the Vice-President will be the Chairperson;
- 23.3 If the President or Vice-President is not present within thirty (30) minutes after the scheduled commencement time for the meeting or is otherwise unable to act then the members present will elect a Full member who is present to be Chairperson of the meeting and for this purpose a simple majority will suffice;
- 23.4 The Chairperson may, with the consent of any general meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from place to place and from time to time but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place;
- 23.5 When a general meeting is adjourned for thirty (30) days, notice of the adjourned meeting must be given as if it were an Original Meeting;
- 23.6 Except as otherwise provided in clause 22 it will not be necessary to give any notice of an adjournment or of the business to be conducted at an adjourned meeting;
- 23.7 Any resolution must be passed by a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded by the Chairperson or by at least three (3) Full members present in person or by proxy;
- 23.8 It will be conclusive evidence of the passing of a resolution if:
 - (a) in the absence of a demand for a poll the Chairperson declares that a resolution has on a show of hands been carried or carried unanimously or by a particular majority, or lost; and
 - (b) an entry to that effect has been recorded in the minutes of meetings book kept by the Association;

- 23.9 The demand for a poll may be withdrawn;
- 23.10 If a poll is demanded at a general meeting, the poll must be taken:
- (a) immediately in the case of a poll which relates to the election of the Chairperson of the meeting or to the question of an adjournment; or
 - (b) in any other case, in such manner and at such time before the close of the meeting as the Chairperson directs;
 - (c) the results of the poll will constitute the resolution of the meeting with respect to the subject matter of the poll; and
- 23.11 The Chairperson of the meeting will have the casting vote in the event that the votes on any issue, whether on a show of hands or on a poll are equally divided.

Voting Rights

- 24.1 Each member aged 18 years or over, excluding Honorary members, present in person or by proxy at all general meetings of the Association at which any business of the Association is conducted, is entitled to one (1) vote;
- 24.2 Honorary members are not entitled to vote at any time;
- 24.3 Each member, excluding Honorary members, is entitled to appoint a proxy by notice given to the Secretary no later than twenty-four (24) hours before the commencement time of the general meeting in respect of which the proxy is appointed;
- 24.4 The notice appointing the proxy must be in the form prescribed by the Association in its Constitution or rules;
- 24.5 A member who is entitled to vote in person or by proxy cannot vote at any general meeting of the Association unless all money due and payable by that member to the Association has been paid;
- 24.6 All votes must be given personally or by proxy; and
- 24.7 All members who are entitled to vote, apart from the Chairperson, cannot hold more than five proxies.

Minutes of Meetings

- 25.1 Proper minutes must be taken at all general meetings of the Association and Management Committee meetings;
- 25.2 The minutes so taken must record:
- (a) all appointments of office bearers and members of the Management Committee;
 - (b) the names of members who are present at general meetings of the Association and of the Management Committee meetings;
 - (c) all resolutions passed at all general meetings of the Association and of the Management Committee; and
- 25.3 All minutes must be signed by the Chairperson of the meeting at which the minutes were taken or by the Chairperson of the next succeeding meeting.

PATRONS

- 26.1 The Management Committee may appoint as Patrons of the Association such persons as it thinks fit; and

- 26.2 At the Annual General Meeting the name or names of the Patron or Patrons appointed by the Management Committee will be submitted for re-appointment and if they are re-appointed they will hold office until the next Annual General Meeting.

FUNDS, INCOME, RECEIPTS AND PAYMENTS

- 27.1 The funds of the Association will be comprised of any property belonging to the Association, membership fees, donations, fund-raising activities or such other sources approved by the Association;
- 27.2 All moneys received by the Association must be deposited at the earliest possible date into the Association's bank accounts, and where appropriate the Association's gift fund;
- 27.3 Receipts for all moneys received, apart from membership subscriptions moneys, must be issued promptly;
- 27.4 Receipts for membership subscriptions will be issued only on request;
- 27.5 All accounts must be presented to and passed for payment at a properly convened meeting of the Management Committee and full details of such must be recorded in the minutes for that meeting;
- 27.6 All payments by the Association in excess of \$50.00 must be paid by cheque or electronic means such as B-PAY and the like;
- 27.7 All cheques must be signed by any two (2) of the President, Vice-President, Secretary and Treasurer;
- 27.8 Electronic payments must be authorised by any two (2) of the President, Vice-President, Secretary and Treasurer;
- 27.9 Income from all sources and any property owned by the Association will be under the control of the Management Committee;
- 27.10 Funds of the Association must be applied solely towards the promotion of the objects of the Association as set out in this Constitution;
- 27.11 No part of the funds of the Association may be paid or transferred directly or indirectly by way of gift, honorarium, salary or other payment to any member of the Association except as otherwise provided in the Constitution and only if the member has made prior disclosure of any relevant interests and refrained from participating in any decision process related thereto;
- 27.12 No member of the Management Committee will be appointed to any salaried office of the Association or any office of the Association paid by fees; and
- 27.13 No remuneration or other benefit in money or money's worth will be given by the Association to any member of the Management Committee except for the re-payment to that member of out-of-pocket expenses, and reasonable and proper payment for facilities lent to the Association.

AUDIT

- 28.1 The auditor or auditors of the Association must be appointed at the Annual General Meeting of the Association;
- 28.2 The auditors must examine accounts, vouchers, receipts, books, etc. and furnish a report on their findings to the members at the Annual General Meeting;
- 28.3 Audits must be conducted at least once in each Financial Year;
- 28.4 An auditor must not be a member, relative of, or have a close or significant relationship with, any member of the Management Committee;

- 28.5 Subject to clause 28.8 notice of the intention to nominate an auditor to replace the current auditor must be given to the Secretary at least twenty-one (21) days before the Annual General Meeting;
- 28.6 The Secretary must send a copy of the nomination to the current auditor at least seven (7) days before the Annual General Meeting;
- 28.7 The current auditor may attend the Annual General Meeting and if he/she so wishes be heard at the Annual General Meeting; and
- 28.8 Clause 28.5 will not apply where the current auditor submits his/her resignation, or notifies the Secretary of his/her intention not to seek re-election as auditor.

AMENDMENT TO THE OBJECTS AND CONSTITUTION

- 29.1 The objects and Constitution may be amended, rescinded, or supplemented by a Special Resolution of members voting at a Special General Meeting of the Association which has been convened for that purpose;
- 29.2 All changes to the objects and Constitution must be notified to the relevant government department(s) as required by law; and
- 29.3 The Constitution shall be reviewed at least every five years to ensure its continuing relevance.

PUBLIC OFFICER

- 30.1 The Management Committee must appoint a Public Officer for the Association;
- 30.2 The Management Committee may at any time remove the Public Officer and appoint a new Public Officer;
- 30.3 The Public Officer must be a permanent resident of the State or Territory within which the Association is incorporated, registered or otherwise operating;
- 30.4 The Public Officer will be deemed to have vacated that position in the following circumstances:
- (a) death;
 - (b) resignation from office;
 - (c) removal from office by the Management Committee or by a members' resolution passed at a general meeting;
 - (d) on the making of a sequestration order pursuant to Bankruptcy legislation in force throughout Australia;
 - (e) loss of capacity due to unsoundness of mind; and
 - (f) change of permanent residency to a State or Territory other than the State or Territory within which the Association is incorporated, registered or otherwise operating;
- 30.5 When the position of Public Officer becomes vacant the Management Committee must:
- (a) notify the Department in accordance with the requirements of the Department; and
 - (b) appoint a new Public Officer.
- 30.6 The Public Officer must notify the Department in accordance with the requirements of the Department with respect to the following matters:
- (a) the appointment of a Public Officer;
 - (b) the change of residential address of the Public Officer;
 - (c) changes to the Association's objects or Constitution;
 - (d) the Association's financial affairs as adopted by the Annual General Meeting; and

(e) any changes to the Association's name; and

30.7 The Public Officer may be an office bearer, Management Committee member, or any other person regarded as suitable for the position by the Management Committee.

MISCELLANEOUS

Insurance

31. The Association shall effect and maintain insurance as is required under the Associations Incorporation Act (1984) or its replacement legislation together with any other insurance which may be required by law or regarded as necessary by the Association.

Books and Records

32.1 The Secretary shall ensure that records of the business of the Association including the rules, register of members, minutes of all general and Management Committee meetings, and a file of correspondence (collectively called **Records**) are properly kept and maintained;

32.2 The Records must be held in the custody of the Secretary and must be made available for inspection by any member during normal operating hours of the Association;

32.3 The Treasurer must ensure that correct and proper books of account are kept showing the financial affairs of the Association; and

32.4 The books of account must be held in the custody of the Treasurer and must be made available for inspection by any member during normal operating hours of the Association.

Others Legislative Requirements

33.1 The Association must comply with such of the provisions of the Charities Fundraising Act (1991) and other legislation and regulations thereunder as are applicable to it;

33.2 The Management Committee shall cause a review of the Association's activities to be held from time to time to ensure that it retains eligibility for endorsement as an income tax exempt charity and deductible gift recipient; and

33.3 If the Gift Fund is wound up or if the endorsement (if any) of the Association as a deductible gift recipient is revoked, any surplus assets of the Gift Fund remaining after the payment of liabilities attributable to it shall be transferred to a fund, authority or institution to which income tax deductible gifts can be made.

DISSOLUTION

34.1 The Association will be dissolved in the event of membership of the Association becoming fewer than five (5) persons who are Full members or by special resolution of members entitled to vote; and

34.2 If the Association is dissolved under clause 34.1, all assets and funds of the Association on hand shall, after the payments of all expenses and liabilities, be handed over to an organisation of people with disabilities with like-minded philosophy, or other organisation, in Australia which is a public benevolent institution for the purpose of any Commonwealth Taxation legislation then in force and which satisfies the requirements of the Charities Fundraising Act (1991), Section 53(2) of the Associations Incorporation Act (1984), and Section 78 (l)(a)(ii) of the Income Tax Assessment Act or their replacement legislation.

COMPLIANCE

Compliance Declaration

35. The rules of the Association contained in this document are in accordance with Section 11 and contain those matters specified in Schedule 1 of the Associations Incorporation Act (1984).