

## **Statement of Purposes**

**1. The name of the Incorporated Association is:**

**Ballan and District Preschool Incorporated**

**2. The purposes for which the incorporated Association is established are:**

- (i) To support a preschool program and/or other children's services which functions in accordance with the policies, including Early Years Management policy and standards approved by the Department of Education and Training or such other government authority or department as from time to time carries out those functions
- (ii) The predominant purpose of this Association is charitable. No individual member of the Association will take personal profit merely from membership of the Association.

# Standard Rules

## 1. **Name**

The name of the Association is  
Ballan and District Preschool Incorporated.

## 2. **Interpretation**

- 2.1 In these rules unless the contrary intention appears:
- ‘Association’ means Ballan and District Preschool Incorporated.
  - ‘Department’ means the Department of Education and Training or such other government department or agency as from time to time monitors the provision of appropriate and quality children’s services.
  - ‘Committee’ means the Committee of Management of the Association elected in accordance with these rules.
    - ‘Fee’ means any monies payable by members of the Association, annual or joining subscriptions.
    - ‘Financial year’ means the year ending on 30th September.
  - ‘General Meeting’ means a general meeting of members convened in accordance with these Rules.
  - ‘Member’ means a member of the Association.
  - ‘The Act’ means the Associations Incorporation Reform Act.2012.
  - ‘The regulations’ means the Regulations under the Act.
  - ‘Relevant documents’ means records, or other documents that relate to the incorporated association, including membership records, accounts, accounting records and documents relating to transactions, dealings, business or property of the Association.
- 2.3 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the *Interpretation of legislation Act 1984* and the Act as in force from time to time.

## 3. **Membership**

- (1) The members of the Association shall comprise:
- (a) the parents or legal guardians of the children attending the children’s service supported by the Association or on the waiting list; and
  - (b) any interested citizen who applies for, and is granted, membership by the Committee and who pays any entry or annual subscription of not less than one dollar.
  - (c) Lifetime members as determined by the committee in accordance with Rule 32
- (2) The Committee may set fees for entry or subscription for the Association.

### **General rights of members**

- (3) A member of the Association who is entitled to vote has the right—
- (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
  - (b) to submit items of business for consideration at a general meeting; and
  - (c) to attend and be heard at general meetings; and

- (d) to vote at a general meeting; and
  - (e) to have access to the minutes of general meetings and other documents of the Association as provided under rule 75; and
  - (f) to inspect the register of members.
- (4) A member is entitled to vote if—
- (a) any fees due by the member have been paid; and
  - (b) more than 10 business days have passed since he or she became a member of the Association; and
  - (c) the member's membership rights are not suspended for any reason.

**Rights not transferable**

The rights of a member are not transferable and end when membership ceases.

**4. Register of Members**

The Secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member. The register shall be available for inspection by members.

**5. Finance**

Finance shall be obtained from any fees, endowments, grants, public subscriptions, voluntary contributions, and fund-raising efforts.

**6 Resignation of a Member**

- 6.1 A member of the Association who has paid all fees or other monies due and payable by that person to the Association may resign from the Association by giving one month's notice in writing to the Secretary of the member's intention to resign. Upon the expiration of that period of notice, the member shall cease to be a member.
- 6.2 Upon the expiration of a notice given under rule 6.1, the Secretary shall make in the register of members an entry recording the date on which the member, by whom the notice was given, ceased to be a member.
- 6.3 A member of the Association under rule 3(a) who no longer has a child/children attending the preschool service or on the waiting list and who has not paid the annual subscription within one month following the annual general meeting shall be deemed to have resigned and the Secretary shall make in the register of members an entry recording the date in which the member has ceased to be a member.
- 6.4 A member of the Association under rule 3(b) who has not paid the annual subscription within one month following the annual meeting shall be deemed to have resigned and the Secretary shall make in the register of members an entry recording the date on which the member has ceased to be a member.

**7. Expulsion of a Member**

- 7.1 Subject to these Rules, the Committee may by resolution:
  - (a) expel a member from the Association;
  - (b) suspend a member from membership of the Association for a specified period; or

- (c) fine a member in accordance with the regulations not more than twenty dollars

If the Committee is of the opinion that the member has refused or neglected to comply with these Rules, or has been guilty of conduct which is unbecoming of a member or prejudicial to the interests of the Association.

- 7.2 Upon the passing of a resolution by the Committee under rule 7.1
  - (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
  - (2) The members of the disciplinary subcommittee—
    - (a) may be Committee members, members of the Association or anyone else; but
    - (b) must not be biased against, or in favour of, the member concerned.
- 7.3 The Secretary shall, as soon as is practicable, ensure that the member is served with a notice in writing:
  - (a) setting out the resolution of the Committee and the grounds on which it is based;
  - (b) stating that the member may address the Committee at a meeting to be held not earlier than fourteen and not later than twenty-eight days after service of the notice;
  - (c) stating the date, place and time of that meeting; and
  - (d) informing the member that they may do one or more of the following:
    - (i) attend that meeting;
    - (ii) give the Committee before the date of that meeting a written statement seeking the revocation of the resolution;
  - (iii) not later than twenty-four hours before the date of the meeting, lodge with the Secretary a notice to the effect that the member wishes to appeal to the Association in a general meeting against the resolution
- 7.4 A resolution of the Committee under rule 7.1 does not take effect unless:
  - (a) the Committee, at a meeting held not earlier than fourteen and not later than twenty-eight days after the service on the member of a notice under rule 7.3, confirms the resolution in accordance with this clause; and
  - (b) the Association confirms the resolution in accordance with this clause, in cases in which the member exercises a right of appeal to the Association under this clause.
- 7.5 At a meeting of the Committee held in accordance with rule 7.3, the Committee shall:
  - (a) give to the member an opportunity to be heard;
  - (b) give consideration to any written statement submitted by the member; and
  - (c) determine by resolution whether to confirm or to revoke the resolution.
- 7.6 Upon receipt by the Secretary of a member's notice under rule 7.3(d)(iii), the Secretary shall notify the Committee. The Committee shall convene a general meeting of the Association to be held within twenty-eight days after the date on which the Secretary receives the notice.
- 7.7 At a general meeting of the Association convened under rule 7.6:
  - (a) no business other than the question of the appeal shall be transacted;
  - (b) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
  - (c) the member shall be given an opportunity to be heard; and
  - (d) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 7.8 If at the general meeting:
  - (a) a minimum of two-thirds of the members vote in person in favour of the confirmation of the resolution, the resolution is confirmed; and
  - (b) in any other case, the resolution is revoked.

## **8 Grievance Procedure**

### **8.1 Application**

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
  - (a) a member and another member;
  - (b) a member and the Committee;
  - (c) a member and the Association.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

### **8.2 Parties must attempt to resolve the dispute**

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

### **8.3 Appointment of mediator**

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 8.2, the parties must within 10 days—
  - (a) notify the Committee of the dispute; and
  - (b) agree to or request the appointment of a mediator; and
  - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement—
    - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
    - (ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who—
  - (a) has a personal interest in the dispute; or
  - (b) is biased in favour of or against any party.

### **8.4 Mediation process**

- (1) The mediator to the dispute, in conducting the mediation, must—
  - (a) give each party every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

### **8.5 Failure to resolve dispute by mediation**

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **9. General Meeting**

All general meetings other than the annual general meeting shall be called special general meetings.

## **10. Annual General Meeting**

- 10.1 The Association shall in each calendar year convene an annual general meeting of its members.
- 10.2 The annual general meeting shall be held within the five months following the end of the financial year.
- 10.3 The annual general meeting shall be specified as such in the notice convening it.
- 10.4 The ordinary business of the annual general meeting shall be:
- (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - (b) to receive from the Committee written reports upon the activities and operations of the Association during the last preceding financial year;
  - (c) to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act. This statement contains particulars of the Association's income and expenditure; assets and liabilities; mortgages, charges and securities; and trusts. The statement must give a true and fair view of the financial position of the incorporated association during and at the end of its last financial year, and be accompanied by the auditor's report referred to in rule 31.5.
  - (d) to elect members of the Committee in place of those retiring
  - (e) to appoint an auditor
- 10.5 The annual general meeting may transact special business of which notice is given in accordance with rule **13**.
- 10.6 The annual general meeting shall be in addition to any other general meetings that may be held in the same year.
- 10.7 Ten members personally present, being members entitled to vote at a general meeting as defined by rule **15.7**, constitute a quorum for the transaction of business at the annual general meeting.

## **11. Special General Meeting**

- 11.1 The Committee may, whenever it thinks fit, convene a special general meeting of the Association.
- 11.2 The Committee shall, on the requisition in writing of ten members, convene a special general meeting of the Association.
- 11.3 The requisition for a special general meeting shall state the objectives of the meeting and shall be signed by the members making the requisition and sent to the address of the Secretary, The

requisition may consist of several copies of a pro forma document, each signed by one or more of the members.

- 11.4 If the Committee does not arrange for a special general meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of the members, may convene a special general meeting to be held not later than three months after that date.
- 11.5 A special general meeting convened by members in accordance with rule 12.4 shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee. All reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

## **12. Notice of General Meetings**

- 12.1 All annual general and special general meetings of the Association shall be advertised by the Secretary at least fourteen days before the date fixed for holding such meeting. Advertisement/notice shall be in a newspaper circulating generally in the district and/or by any other appropriate means. The advertisement/notice shall state the place, date, and time of the meeting and the nature of the business to be transacted at the meeting.
- 12.2 No business other than that set out in the advertisement/notice convening the meeting shall be transacted at the meeting.
- 12.3 A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the advertisement/notice calling the next general meeting after the receipt of the notice.

## **13. Notices**

- 13.1 With the exception of the provisions of rule *12.1* and rule *19.9*, all notices shall be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at their address as shown in the register of Members.
- 13.2 In the case of a document being properly addressed, pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

## **14. Proceedings at General Meetings**

- 14.1 All business that is transacted at either a special general meeting or the annual general meeting, with the exception of business specifically referred to in these rules as being the ordinary business of the annual general meeting, shall be deemed to be special business. This business shall be made known to members as such, in accordance with rule *12*.
- 14.2 No item of business shall be transacted at a general meeting unless a quorum of members entitled under these Rules to vote is present during the time when the meeting is considering that item.
- 14.3 Six members personally present, being members entitled under rule *15.7* to vote at a general meeting, constitute a quorum for the transaction of the business of a general meeting.
- 14.4 If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting will not continue at that date, time and place. If the meeting was convened upon the requisition of members, it shall be dissolved. In any other case the meeting shall stand adjourned to the same day in the next week at the same time and (unless

another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place. 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 not less than five] shall constitute a quorum.

- 14.5 The President, or in their absence, the Vice President, shall preside as Chairperson at each general meeting of the Association.
- 14.6 If the President and the Vice President are absent from a general meeting, the members present shall elect one of their number to preside as Chairperson at the meeting.
- 14.7 The Chairperson of the general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 14.8 In the case of rules *14.4* and *14.7*, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting. However, if the meeting is adjourned for fourteen days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.

## **15. Voting at General Meetings**

- 15.1 A question arising at a general meeting of the Association shall be determined on a show of hands, unless a poll is demanded. A poll may be demanded either before or on the declaration of the show of hands. A declaration by the Chairperson that a resolution has, on a show of hands, been:
  - (a) carried by a particular majority;
  - (b) carried unanimously; or
  - (c) lost,and an entry made to that effect in the Minute Book of the Association, is evidence of the resolution. Proof of the number or proportion of the votes recorded in favour or against the resolution is not needed.
- 15.2 Upon any question arising at a general meeting of the Association, each member has one vote only.
- 15.3 All votes shall be given personally. There shall be no votes cast by proxy at any general meeting of the Association.
- 15.4 In the case of an equality in the voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 15.5 If at a meeting a poll on any question is demanded by a member- it shall be taken at that meeting in such manner as the Chairperson may direct. The resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 15.6 A poll that is demanded on the election of a Chairperson or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairperson may direct.
- 15.7 A member is not entitled to vote at any general meeting unless all monies due and payable by that person to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

## **16. Committee of Management**

- 16.1 The affairs of the Association shall be managed by a Committee of Management elected in accordance with these Rules.
- 16.2 The Committee:
- (a) shall control and manage the business and affairs of the Association;
  - (b) may, subject to these Rules, the Regulations and the Act, exercise all the powers and functions available to the Association with the exception of those powers and functions that are required by these Rules to be exercised by general meetings of members of the Association;
  - (c) has power, subject to these Rules, the Regulations and the Act, to Perform all acts that appear to the Committee to be essential for the proper management of the business and affairs of the Association; and
  - (d) shall prepare an annual report containing an account of the activities and operations of the Association during the financial year. This report shall be submitted in writing to the annual general meeting.
- 16.3 The Committee of Management shall consist of (preferably in an equitable representation of all groups):
- (a) a President;
  - (b) a Vice President;
  - (b) a Treasurer;
  - (c) a Secretary;
  - (d) a minimum of Two (2) and maximum of Six (6) ordinary members of the Committee
- 16.4 A member or former member of the committee of an incorporated association must not knowingly or recklessly make improper use of :
- his or her position in the incorporated association; or
  - information acquired by virtue of his or her position;
- so as to gain, directly or indirectly, any financial benefit or material advantage for himself or herself or for any other person, or so as to cause a detriment to the incorporation association.
- 16.5 No member of the Committee shall be appointed to or retain any paid office of the Association while that person is a member of the Committee.
- 16.6 No member of the Committee shall directly or indirectly supply goods or services to the Association in the case of such goods or services being satisfactorily obtained elsewhere locally.
- 16.7.1 Any member of the Committee who has a financial interest in any contract or arrangement made or proposed to be made with the Association shall disclose their interest to the Committee and in the financial statements submitted to the next annual general meeting. This shall be done at the first meeting of the Committee at which the contract or arrangement is first taken into consideration, if that member's interest then exists. In any other case, the member shall disclose the interest at the first meeting of the Committee after the acquisition of that member's interest. If the member becomes interested in a contract or arrangement after it is made or entered into, the member shall disclose their interest at the first meeting after the member becomes interested.
- 16.7.2 Failure of a member to reveal a financial interest in any contract or arrangement with the Association may result in the implementation of rule 8.1 by the Committee. No member of the Committee shall vote on any contract or arrangement in which they are interested. If the member does so vote, that person's vote shall not be counted.

## **17. Election of Committee of Management**

- 17.1 All members of the Committee shall be elected at the annual general meeting. They shall be elected for a period of one year; and shall retire at the annual general meeting next following. However, members shall be eligible for re-election.
- 17.2.1 Nominations of candidates for election as members of the Committee shall be:
- (a) made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - (b) delivered to the Secretary of the Association prior to or on the date fixed for the holding of the annual general meeting.
- 17.2.2 If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- 17.2.3 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 17.2.4 If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- 17.2.5 The ballot for the election of officers and ordinary members of the Committee shall be conducted at the annual general meeting in a systematic and proper manner, as directed by the Committee.
- 17.2.6 A nomination of a candidate for election under this rule is still valid if that candidate has been nominated for another office at the same election. However, that candidate is only eligible to hold one office, and must choose or be assigned to one or another of the offices, as directed by the Committee.
- 17.3 For the purposes of these rules, the office of a member of the Committee becomes vacant if that member:
- (a) ceases to be a member of the Association;
  - (b) becomes an insolvent under administration within the meaning of the Corporations Law;
  - (c) resigns their office by notice in writing given to the Secretary; or
  - (d) is absent for three consecutive meetings without acceptable reason or leave of absence;
- and every such vacancy shall be deemed a casual vacancy.
- 17.4 In the event of a casual vacancy occurring during the year, the Committee shall have the power to appoint a new member from the members of the Association. Any person so appointed shall hold office until the next annual general meeting only, but shall be eligible for election to that office at that time.

## **18. Removal of a Member of the Committee**

- 18.1 The Association in general meeting may by special resolution remove any member of the Committee before the expiration of the member's term of office. In this situation, the Association may appoint another member in that person's stead, to hold office until the expiration of the term of the first-mentioned member.
- 18.2 A Committee member to whom a proposed special resolution refers in rule **18.1** may choose to make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length), and may request that these representations be brought to the attention of the members of the Association. In this case, the Secretary or the President shall send a copy of the representations to each member of the Association. If the representations are not so sent, the member may require that they be read out at the meeting.

## **19. *Proceedings of Committee Meetings***

- 19.1 The Committee shall meet at least four (4) times per year at the preschool or at a place otherwise deemed by the Committee. Committee members may use electronic means of attending meetings including video and telephone.
- 19.2 Special meetings of the Committee may be convened by the President or by any four of the members of the Committee. If deemed necessary these meetings may occur with 24 hours' notice if a quorum is present.
- 19.3 Notice shall be given to members of the Committee of any special meeting, specifying the general nature of the business to be transacted. No other business shall be transacted at the special meeting.
- 19.4 A half plus one of the total numbers of Committee members constitute a quorum for the transaction of the business of a meeting of the Committee. Subject to this, the Committee may act regardless of any vacancy on the Committee.
- 19.5 No business shall be transacted unless a quorum is present. If within half an hour of the time appointed for the Committee meeting a quorum is not present, the meeting shall be adjourned to the same place and at the same hour of the same day in the following week. However, in the case of a special meeting lacking sufficient members to form a quorum, the meeting lapses.
- 19.6 At meetings of the Committee:
  - (a) the President, or in their absence the Vice President, shall preside; or
  - (b) in the event that the President and the Vice President are absent, one of the remaining members of the Committee shall preside. The presiding member shall be chosen by the members present at the meeting.
- 19.7 Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands, unless a poll is demanded by a member. If a poll is demanded, it shall be taken in a manner determined by the person presiding at the meeting.
- 19.8 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. In the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 19.9 Notice of each Committee meeting shall be given to each member of the Committee and preschool families, verbally or in written form, at least two days before the date of the meeting.

## **20. *Sub-committees***

- 20.1 The Committee may appoint sub-committees, whose membership shall be drawn from members of the Committee, members of the Association or other interested persons. Sub-committees may be appointed for staff selection, fund raising, social and other similar purposes. Members of such sub-committees shall have voting rights only within the sub-committees to which they have been appointed or elected.
- 20.2 The quorum for meetings of a sub-committee shall be one-third of its members, but no less than two. The Chairperson and powers of delegation of each sub committee will be determined by the committee.

## **21. Role of Office Bearers**

### 21.1. Secretary

The Secretary of the Association shall ensure that:

- (a) minutes of the resolutions and proceedings of each general meeting and each committee meeting are kept in books provided for that purpose;
- (b) the names of persons present at committee meetings are recorded;
- (c) motions are dealt with as directed; and
- (d) members are notified of meetings.  
correspondence is recorded.

### 21.2 President

The role of the President is:

To chair Committee meetings.

- (a) To act as official spokesperson for the preschool.
- (b) To coordinate Committee activities.
- (c) To ensure that Committee members fulfil their roles.
- (d) To ensure that there is effective communication between Committee members, members of the association, Approved Provider and staff.
- (e) Any other task deemed by the Committee of Management

## **22. Secretary**

The Secretary of the Association is responsible under the Regulations for the following:

- (a) notifying the registrar of Incorporated Associations of:
  - (i) their appointment to the position of Secretary, within fourteen days of the appointment;
  - (ii) a change of address of the Secretary, within fourteen days;
  - (iii) any amendments to the Rules or Statement of Purposes of the Association, within one month of the ratification of the proposed amendments by the Association in a general meeting;
  - (iv) the passing of a special resolution by the Association regarding the disposal of surplus assets after winding-up in accordance with the Act, within one (1) month of the passing of the resolution.
- (b) applying to the Registrar of Incorporated Associations for approval of any desired change of name, in accordance with the Regulations;
- (c) lodging with the Registrar:
  - (i) the documents required in respect of the annual general meeting, within one month of the date of the meeting (unless further time is granted by the Registrar);
  - (ii) details about any trust and a copy of any deed or other instrument creating or embodying that trust, upon the Association becoming a trustee of that trust, within fourteen days;
- (d) producing any book for the Registrar or his/her authorised officer on being required to do so, and telling the Registrar or his/her authorised officer where a book is at the time a request is made;
- (e) ensuring that the Registrar or his/her authorised officer is not hindered or obstructed in any way while that person is making an inspection of any part of the Association, in accordance with the Act.

## **23. Treasurer**

- 23.1 The Treasurer of the Association shall be responsible for:
- (a) overseeing the collection and receipt of all monies due to the Association and the issue of official receipts;
  - (b) the deposit, within 2 working days, of all monies collected and received, to the credit of the Association in a financial institution determined from time to time by the Committee;
  - (c) the payment of all accounts which have been authorised for payment by the Committee;
  - (d) a proper record of all receipts and payments; and
  - (e) the submission of a financial report to each Committee meeting.
- 23.2 The Treasurer shall keep correct accounts and books showing the financial affairs of the Association, with full details of all receipts and expenditure connected with the activities of the Association.
- 23.3 The accounts and books referred to in rule 23.2 shall be available for inspection by members.
- 23.4 An audit is required once a calendar year and must audit from the last period of audit.

## **24. Payments**

- 24.1 All payments must be made by cash, cheque, electronic funds transfer, or periodic debit and payment shall only be made with the authority of the Committee.
- 24.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two of the following 3 positions: President, Treasurer and Secretary. The payee of all cheques shall be designated before the cheque is signed.

## **25. Distribution of Assets**

- 25.1 The assets and income of the Association shall be used solely for the objectives and purposes of the Association. No portion shall be distributed directly or indirectly to its members except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

## **26. Seal and Association Registration Number.**

- 26.1 The Common Seal of the Association shall be kept in the custody of the Secretary.
- 26.2 The Common Seal shall not be affixed to any document or instrument except by the authority of the Committee. The affixing of the Common Seal shall be attested to by the signatures of either two, members of the Committee or of one member of the Committee and of the Public Officer of the Association.
- 26.3 The name of an incorporated association must appear in legible characters on its common seal; in all notices, advertisements and official publications of the association; and in all its business documents.

- 26.4 The registration number of an incorporated association specified in its certificate of incorporation must appear in legible characters in all notices, advertisements, official publications of the association and in all its business documents.

## **27. Alteration of Rules and Statement of Purpose**

- 27.1 Any alterations shall be made in accordance with the Act.
- 27.2 Any proposed alteration to these rules and the Statement of Purpose of the Association shall be decided upon by the Committee. Following this, the proposed alterations shall be ratified by the Association in a general meeting and shall be submitted to the Registrar of Incorporated Associations for approval and processing.
- 27.3 No alteration shall be made to rule 28 without the consent of the Minister.

## **28. Winding Up**

- 28.1 The Association may be wound up voluntarily in accordance with the Act, with the consent of three-fourths of those present at a special general meeting of members called specifically for that purpose.
- 28.2 If upon winding up or dissolution of the Association there remains, after payment of all debts and liabilities, any assets or property whatsoever, the remaining assets shall not be paid or distributed to any member of the Association. These assets or properties shall be given or transferred to some other tax-exempt organisation that:
- (a) has objectives and purposes similar to the objectives and purposes of the Association; and
  - (b) shall prohibit the distribution of its income and property amongst its members to an extent at least as great as that imposed on the Association under these Rules.

Such organisation is to be determined by the members of the Association.

- 28.3 On completion of these actions, a copy of the liquidator's account showing the final distribution of assets and a nil balance is to be forwarded to the Department.

## **29. Annual Returns**

Within one month following the annual general meeting each year, the Association shall give:

A copy of the statement received under rule 10.4(c) to the Registrar of Incorporated Associations in accordance with the Act.

## **30. Custody of Records**

- 30.1 Except as otherwise provided in these Rules, the Secretary shall keep in his/her custody or under his/her control all books, documents and securities of the Association.
- 30.2 All accounts, books, securities and any other relevant documents of the Association shall be available for inspection free of charge, at the kindergarten by any member upon request, with the exception of confidential documents relating to staff, parents and children of the service, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

- 30.3 The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- 30.4 Subject to subrule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.
- 30.5 For purposes of this rule—
- relevant documents* means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—
- (a) its membership records;
  - (b) its financial statements;
  - (c) its financial records;
  - (d) records and documents relating to transactions, dealings, business or property of the Association

### **31 Auditor:**

- 31.1 An Auditor or Auditors shall be appointed by the Committee each year and shall hold office until the next annual general meeting. In the event of a casual vacancy in the office of Auditor the Committee may temporarily appoint to such office some person qualified to hold the same; and the person so appointed may continue in office until the next annual general meeting.
- 31.2 The Committee shall determine the fees and expenses of the Auditor.
- 31.3 The Auditor shall have access to the books and accounts of the Association at all times and shall make such reports as he/she considers necessary direct to the Committee.
- 31.4 The Auditor shall be a qualified accountant and must be registered as a company auditor, a member of the Australian Society of Certified Practising Accountants or the Institute of Chartered Accountants.
- 31.5 The Auditor shall make a report to the members in general meeting and to the Committee on every balance sheet and statement of income and expenditure laid before such general meeting during his/her term of office and shall state in his/her report whether in his/her opinion:-
- (a) the balance sheet (with notes thereto) and statement of income and expenditure are properly drawn up so as to give a true and fair view of the state of the Association's financial affairs at the end of the financial year (or other date appropriate to the period covered by such balance sheet and statement) and of the financial results of its services for the period ended on that date.
  - (b) The accounting and other records examined by him/her have been properly maintained.
  - (c) The accounting records must be kept for 7 years and accounting records must meet Australian Accounting Standards.
- 31.6 The Auditor may, if he/she considered it desirable to do so, make a report direct to the members in general meeting and to the relevant government Departments on any other matter coming within the scope of his/her duties. When the Auditor makes such a report, he/she shall at the same time submit a copy thereof to the Committee for information

### **31 Lifetime Membership:**

1. To be considered for Lifetime Membership, one would have usually completed at least five (5) years service, or to have made an outstanding contribution to the kindergarten, either by actively working in the Committee, and/or volunteering.
2. That the elected Committee, must take a vote as to whether one deserves the right of Lifetime membership status.
3. That Lifetime Membership will be exempt from any fees and/or donations, to retain their full membership rights.
4. That Lifetime Members will have the same rights and conditions as any other member of the Kindergarten, that includes voting rights.
5. That Lifetime Members are welcome to visit the Kindergarten during operating hours, Committee meetings and Annual General Meetings, if they so wish, as does any member of the Kindergarten.