

CHILDREN'S LEUKAEMIA AND CANCER
RESEARCH FOUNDATION (INC)

CONSTITUTION



SCHEDULE

A Name

The name of the Association is CHILDREN'S LEUKAEMIA AND CANCER RESEARCH FOUNDATION INC.

B Objects

(1) The objects of the Association are –

- (a) To promote medical research into children's leukaemia, cancers and allied disorders and to encourage and advance investigation into the cause, prevention, diagnosis and treatment of these types of illness.
- (b) To undertake such research and investigation and to provide:
 - (i) facilities for the training of persons in such research and investigation;
 - (ii) teaching facilities for medical students engaged or likely to be engaged in such research and investigation;
 - (iii) postgraduate instruction for medical practitioners in the results and purposes of such research and investigation; and
 - (iv) instruction to nurses, technicians and others in the practice and techniques of such research.
- (c) To provide or arrange for all necessary accommodation, equipment, laboratories, offices, clerical and technical assistance and other facilities for the carrying out of such research and investigation.
- (d) To consider and advise as to any course of study or technical training calculated to promote and ensure the fitness of persons desirous of undertaking research.
- (e) To bring together paediatricians and others for the common benefit and for scientific discussions and demonstrations particularly in these research subjects.
- (f) To publish periodicals, books or leaflets that the Association may think desirable for the promotion of its objects.
- (g) To establish and support and to aid in the establishment and support of any other Association formed for all or any of the objects of this Association.
- (h) To consider all questions affecting the interests of research in paediatrics and child health and to promote or oppose any legislative or other measures affecting such matters concerned with research in paediatrics and child health as may be deemed expedient by the Association.
- (i) To operate as a tax-deductible registered health promotion charity in accordance with item 1.1.6 of section 30.20 of the *Income Tax Assessment Act 1997* (Cth), as set out in Part 9 of these rules.

C Quorum – General Meeting

Any 20 members personally present (being members entitled to vote under these rules at a general meeting) will constitute a quorum for the conduct of business at a general meeting.

D Quorum – Committee Meeting

Any 4 committee members constitute a quorum for the conduct of the business of a committee meeting.

PART 1 — PRELIMINARY

1. Terms used

In these rules, unless the contrary intention appears —

Act means the *Associations Incorporation Act 2015*;

associate member means a member with the rights referred to in rule 9(6) and includes a life member;

Association means the incorporated association specified in Item A of the Schedule to these rules;

books, of the Association, includes the following —

- (a) a register;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

by laws means by-laws made by the Association under rule 65;

chairperson means the committee member holding office as the chairperson of the Association;

Commissioner means the person for the time being designated as the Commissioner under section 153 of the Act;

Commissioner of Taxation means the Commissioner of Taxation, a Second Commissioner of Taxation or a Deputy Commissioner of Taxation for the purposes of the *Income Tax Assessment Act 1997*;

committee means the Committee of Management of the Association;

committee meeting means a meeting of the committee;

committee member means a member of the committee;

deputy chairperson means the committee member holding office as the deputy chairperson of the Association;

financial records includes —

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain —
 - (i) the methods by which financial statements are prepared; and
 - (ii) adjustments to be made in preparing financial statements;

financial report has the meaning given in section 63 of the Act;

financial statements means the financial statements in relation to the Association required under Part 5 Division 3 of the Act;

financial year of the Association, has the meaning given in rule 2;

Fund means the Children's Leukaemia and Cancer Research Fund;

general meeting of the Association, means a meeting of the Association that all members are entitled to receive notice of and to attend;

life member means a member appointed by the committee under rule 8(2);

member means a person (including a body corporate) who is an ordinary member or an associate member of the Association;

ordinary committee member means a committee member who is not an office holder of the Association under rule 28(3);

ordinary member means a member with the rights referred to in rule 9(5);

register of members means the register of members referred to in section 53 of the Act;

rules means these rules of the Association;

secretary means the committee member holding office as the secretary of the Association;

special general meeting means a general meeting of the Association other than the annual general meeting;

special resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

subcommittee means a subcommittee appointed by the committee under rule 49(1)(a);

treasurer means the committee member holding office as the treasurer of the Association;

Trust Deed means the Trust Deed for the Children's Leukaemia and Cancer Research Fund dated 22 April 2015.

2. **Financial year**

The financial year of the Association will be the period of 12 months commencing on 1 July and ending on 30 June in each year.

PART 2 — ASSOCIATION TO BE NOT FOR PROFIT BODY

3. Not-for-profit body

- (1) The property and income of the Association must be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.
- (2) A payment may be made to a member out of the funds of the Association only if it is authorised under subrule (3).
- (3) A payment to a member out of the funds of the Association is authorised if it is —
 - (a) the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or
 - (b) the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - (c) the payment of reasonable rent to the member for premises leased by the member to the Association; or
 - (d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

4. Powers

The powers conferred on the Association under section 14 of the Act are subject to the following additions, exclusions or modifications –

- (a) To borrow or raise money for or in connection with the objects of the Association in any manner whatsoever and in particular by mortgaging or charging the property of the Association or any part thereof;
- (b) To collect funds and accept subscriptions and donations of real or personal property and gifts by will for all or any of the purposes of the Association;
- (c) To purchase or otherwise acquire land or any legal or equitable interest therein and to improve, manage, grant leases or take on leases, mortgage or otherwise deal with all or any of the property of the Association;
- (d) To invest any moneys of the Association not immediately required in any security authorised by the law of Western Australia for the investment of trust moneys and generally to manage, invest and expend all moneys and property belonging to the Association;
- (e) To undertake and execute any trusts which may be deemed desirable or conducive to the objects of the Association;
- (f) To transfer all or any part of the property, assets, liabilities and engagements of the Association to such one or more companies, institutions or associations registered under the Act as shall restrict the distribution of this or their income or property among its or their members to an extent at least as great as does the Association and as may from time to time be approved by the committee;
- (g) To acquire by purchase, donation or otherwise a library of information relative to the objects of the Association, which may also take the form of a computer storage facility comprising hardware, software and data and to maintain and from time to time extend and improve such library;
- (h) To employ such officers and servants as the committee may deem necessary and to pay such sums to such officers and servants whether by way of remuneration or bonus as the committee may deem reasonable and proper; and
- (i) To do all such things as are conducive or incidental to the attainment of any of the objects of the Association.

PART 3 — MEMBERS

Division 1 — Membership

5. Eligibility for membership

- (1) Any person who supports the objects or purposes of the Association is eligible to apply to become a member.
- (2) The committee may create different categories of membership with different criteria for obtaining and maintaining membership including different subscription fees for membership of the Association.
- (3) An individual who has not reached the age of 18 years is not eligible to apply for a class of membership that confers full voting rights.

6. Applying for membership

- (1) A person who wants to become a member must apply in writing to the Association and in a form acceptable to the committee.
- (2) The application must include a member's nomination of the applicant for membership.
- (3) The application must be signed by the applicant and the member nominating the applicant.
- (4) The applicant must specify in the application the class of membership, if there is more than one, to which the application relates.

7. Dealing with membership applications

- (1) The committee must consider each application for membership of the Association and decide whether to accept or reject the application.
- (2) Subject to subrule (3), the committee must consider applications in the order in which they are received by the Association.
- (3) The committee may delay its consideration of an application if the committee considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
- (4) The committee must not accept an application unless the applicant —
 - (a) is eligible under rule 5; and
 - (b) has applied under rule 6.
- (5) The committee may reject an application even if the applicant —
 - (a) is eligible under rule 5; and
 - (b) has applied under rule 6.
- (6) The committee must notify the applicant of the committee's decision to accept or reject the application as soon as practicable after making the decision.
- (7) If the committee rejects the application, the committee is not required to give the applicant its reasons for doing so.

- (8) If an applicant wishes to appeal the committee's decision to reject its application, the applicant must within 14 days of the date of rejection, give notice of its intention to appeal to the secretary.
- (9) Where the Association receives a notice under subrule (8), the Association must –
 - (a) in a general meeting no later than the next annual general meeting, confirm or set aside the committee's decision to reject the application; and
 - (b) give the applicant a reasonable opportunity to be heard or make representations in writing to the Association at the general meeting.

8. **Becoming a member or life member**

- (1) An applicant for membership of the Association becomes a member when —
 - (a) the committee accepts the application; and
 - (b) the applicant pays any membership fees payable to the Association under rule 13.
- (2) The secretary must enter a person's name in the register within 28 days after the person becomes a member.
- (3) The committee may appoint any person, who has rendered special service to the Association, a life member of the Association.

9. **Classes of membership**

- (1) The Association consists of ordinary members and any associate members provided for under subrule (2).
- (2) The Association may have any class of associate membership approved by resolution at a general meeting, including junior membership, senior membership, honorary membership and life membership.
- (3) An individual who has not reached the age of 18 years is only eligible to be an associate member.
- (4) A person can only be an ordinary member or belong to one class of associate membership.
- (5) An ordinary member has full voting rights and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the committee.
- (6) An associate member including a life member has the rights referred to in subrule (5) other than full voting rights.
- (7) The number of members of any class is not limited unless otherwise approved by resolution at a general meeting.

10. **When membership ceases**

- (1) A person ceases to be a member when any of the following takes place —
 - (a) for a member who is an individual, the individual dies;
 - (b) for a member who is a body corporate, the body corporate is wound up;
 - (c) the person resigns from the Association under rule 11;
 - (d) the person is expelled from the Association under rule 16; or
 - (e) the person ceases to be a member under rule 13(4).

- (2) The secretary must keep a record, for at least one year after a person ceases to be a member, of —
 - (a) the date on which the person ceased to be a member; and
 - (b) the reason why the person ceased to be a member.

11. Resignation

- (1) A member may resign from membership of the Association by giving written notice of the resignation to the secretary.
- (2) The resignation takes effect —
 - (a) when the secretary receives the notice; or
 - (b) if a later time is stated in the notice, at that later time.
- (3) A person who has resigned from membership of the Association remains liable for any fees that are owed to the Association (the **owed amount**) at the time of resignation.
- (4) The owed amount may be recovered by the Association in a court of competent jurisdiction as a debt due to the Association.

12. Rights not transferable

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

Division 2 — Membership fees

13. Membership fees

- (1) The committee must determine the annual membership fee to be paid for membership of the Association.
- (2) The fees determined under subrule (1) may be different for different classes of membership.
- (3) A member must pay the annual membership fee to the treasurer, or another person authorised by the committee to accept payments, by the date (the **due date**) determined by the committee.
- (4) If a member has not paid the annual membership fee within the period of 3 months after the due date, the member ceases to be a member on the expiry of that period.
- (5) If a person who has ceased to be a member under subrule (4) offers to pay the annual membership fee after the period referred to in that subrule has expired —
 - (a) the committee may, at its discretion, accept that payment; and
 - (b) if the payment is accepted, the person's membership is reinstated from the date the payment is accepted.

Division 3 — Register of members

14. Register of members

- (1) The secretary, or another person authorised by the committee, is responsible for the requirements imposed on the Association under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the Association.
- (2) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the class of membership (if applicable) to which each member belongs and the date on which each member becomes a member.
- (3) The register of members must be kept at the secretary's place of residence, or at another place determined by the committee.
- (4) A member who wishes to inspect the register of members must contact the secretary to make the necessary arrangements.
- (5) If —
 - (a) a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or
 - (b) a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,

the committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Association.

PART 4 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION

Division 1 — Term used

15. Term used: member

In this Part —

member, in relation to a member who is expelled from the Association, includes former member.

Division 2 — Disciplinary action

16. Suspension or expulsion

- (1) The committee may decide to suspend a member's membership or to expel a member from the Association if —
 - (a) the member contravenes any of these rules; or
 - (b) the member acts detrimentally to the interests of the Association; or
 - (c) the member becomes bankrupt or permanently unable to act as a member because of a mental or physical disability.
- (2) The secretary must give the member written notice of the proposed suspension or expulsion at least 30 days before the committee meeting at which the proposal is to be considered by the committee.
- (3) The notice given to the member must state —
 - (a) when and where the committee meeting is to be held; and
 - (b) the grounds on which the proposed suspension or expulsion is based; and
 - (c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion.
- (4) At the committee meeting, the committee must —
 - (a) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
 - (b) give due consideration to any submissions so made; and
 - (c) decide —
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Association.
- (5) A decision of the committee to suspend the member's membership or to expel the member from the Association takes immediate effect.
- (6) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- (7) A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving notice of the Committee's decision under subrule (6), give written notice to the secretary requesting the appointment of a mediator under rule 24.

- (8) If notice is given under subrule (7), the member who gives the notice and the committee are the parties to the mediation.

17. Consequences of suspension

- (1) During the period a member's membership is suspended, the member —
- (a) loses any rights (including voting rights) arising as a result of membership; and
 - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association.
- (2) When a member's membership is suspended, the secretary must record in the register of members —
- (a) that the member's membership is suspended; and
 - (b) the date on which the suspension takes effect; and
 - (c) the period of the suspension.
- (3) When the period of the suspension ends, the secretary must record in the register of members that the member's membership is no longer suspended.

Division 3 — Resolving disputes

18. Terms used

In this Division —

grievance procedure means the procedures set out in this Division;

party to a dispute includes a person —

- (a) who is a party to the dispute; and
- (b) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

19. Application of Division

The procedure set out in this Division (the grievance procedure) applies to disputes —

- (a) between members; or
- (b) between one or more members and the Association.

20. Parties to attempt to resolve dispute

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

21. How grievance procedure is started

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 20, any party to the dispute may start the grievance procedure by giving written notice to the secretary of —
- (a) the parties to the dispute; and
 - (b) the matters that are the subject of the dispute.
- (2) Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.

- (3) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- (4) The notice given to each party to the dispute must state —
 - (a) when and where the committee meeting is to be held; and
 - (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.
- (5) If —
 - (a) the dispute is between one or more members and the Association; and
 - (b) any party to the dispute gives written notice to the secretary stating that the party —
 - (i) does not agree to the dispute being determined by the committee; and
 - (ii) requests the appointment of a mediator under rule 24,

the committee must not determine the dispute.

22. **Determination of dispute by committee**

- (1) At the committee meeting at which a dispute is to be considered and determined, the committee must —
 - (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
 - (b) give due consideration to any submissions so made; and
 - (c) determine the dispute.
- (2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
- (3) A party to the dispute may, within 14 days after receiving notice of the committee's determination under subrule (1)(c), give written notice to the secretary requesting the appointment of a mediator under rule 24.
- (4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.

Division 4 — Mediation

23. Application of Division

- (1) This Division applies if written notice has been given to the secretary requesting the appointment of a mediator —
 - (a) by a member under rule 16(7); or
 - (b) by a party to a dispute under rule 21(5)(b)(ii) or 22(3).
- (2) If this Division applies, a mediator must be chosen or appointed under rule 24.

24. Appointment of mediator

- (1) The mediator must be a person chosen —
 - (a) if the appointment of a mediator was requested by a member under rule 16(7) — by agreement between the member and the committee; or
 - (b) if the appointment of a mediator was requested by a party to a dispute under rule 21(5)(b)(ii) or 22(3) — by agreement between the parties to the dispute.
- (2) If there is no agreement for the purposes of subrule (1)(a) or (1)(b), then, subject to subrules (3) and (4), the committee must appoint the mediator.
- (3) The person appointed as mediator by the committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by —
 - (a) a member under rule 16(7); or
 - (b) a party to a dispute under rule 21(5)(b)(ii); or
 - (c) a party to a dispute under rule 22(3) and the dispute is between one or more members and the Association.
- (4) The person appointed as mediator by the committee may be a member or former member of the Association but must not —
 - (a) have a personal interest in the matter that is the subject of the mediation; or
 - (b) be biased in favour of or against any party to the mediation.

25. Mediation process

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must —
 - (a) give each party to the mediation every opportunity to be heard; and
 - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
 - (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (4) The mediator cannot determine the matter that is the subject of the mediation.
- (5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (6) If the mediation process does not result in resolution of the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

- (7) If –
- (a) mediation takes place because a member whose membership is suspended or who is expelled from the Association gives notice under rule 16(7); and
 - (b) the mediation process does not result in resolution of the dispute,
- the affected member may within 14 days of the mediation, give written notice to the secretary requesting a general meeting be convened to confirm or set aside the committee's decision in respect of the member's membership.
- (8) The Association must give the affected member a reasonable opportunity to be heard or make representations in writing to the Association at the general meeting convened under subrule (7).
- (9) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

26. If mediation results in decision to suspend or expel being revoked

- If –
- (a) mediation takes place because a member whose membership is suspended or who is expelled from the Association gives notice under rule 16(7); and
 - (b) as a result of the mediation, the decision to suspend the member's membership or expel the member is revoked,
- that revocation does not affect the validity of any decision made at a committee meeting or general meeting during the period of suspension or expulsion.

PART 5 — COMMITTEE

Division 1 — Powers of Committee

27. Committee

- (1) The committee members are the persons who, as the management committee of the Association, have the power to manage the affairs of the Association.
- (2) Subject to the Act, these rules, the by-laws (if any) and any resolution passed at a general meeting, the committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Association.
- (3) The committee must take all reasonable steps to ensure that the Association complies with the Act, these rules and the by-laws (if any).
- (4) For each financial year, the committee must prepare a report on the Association's activities during that financial year and present this report to the members of the Association at the annual general meeting.

Division 2 — Composition of Committee and duties of members

28. Committee members

- (1) The committee members consist of —
 - (a) the office holders of the Association;
 - (b) three (3) ordinary committee members; and
 - (c) may include not more than one (1) person co-opted to membership by the committee for such period as determined by the committee.
- (2) The committee must determine the maximum number of members who may be ordinary committee members.
- (3) The following are the office holders of the Association —
 - (a) the chairperson;
 - (b) the deputy chairperson;
 - (c) the secretary;
 - (d) the treasurer.
- (4) A person may be a committee member if the person is —
 - (a) an individual who has reached 18 years of age; and
 - (b) an ordinary member.
- (5) The committee must at all times consist of a majority of responsible persons, being persons with a degree of responsibility to the public.

29. Chairperson

- (1) It is the duty of the chairperson to consult with the secretary regarding the business to be conducted at each committee meeting and general meeting.
- (2) The chairperson has the powers and duties relating to convening and presiding at committee meetings and presiding at general meetings provided for in these rules.

30. Secretary

The Secretary has the following duties —

- (a) dealing with the Association's correspondence;
- (b) consulting with the chairperson regarding the business to be conducted at each committee meeting and general meeting;
- (c) preparing the notices required for meetings and for the business to be conducted at meetings;
- (d) unless another member is authorised by the committee to do so, maintaining on behalf of the Association the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Act;
- (e) maintaining on behalf of the Association an up-to-date copy of these rules, as required under section 35(1) of the Act;
- (f) unless another member is authorised by the committee to do so, maintaining on behalf of the Association a record of committee members and other persons authorised to act on behalf of the Association, as required under section 58(2) of the Act;
- (g) ensuring the safe custody of the books of the Association, other than the financial records, financial statements and financial reports, as applicable to the Association;
- (h) maintaining full and accurate minutes of committee meetings and general meetings; and
- (i) carrying out any other duty given to the secretary under these rules or by the committee.

31. Treasurer

The treasurer has the following duties —

- (a) ensuring that any amounts payable to the Association are collected and issuing receipts for those amounts in the Association's name;
- (b) ensuring that any amounts paid to the Association are credited to the appropriate account of the Association, as directed by the committee;
- (c) ensuring that any payments to be made by the Association that have been authorised by the committee or at a general meeting, are made on time;
- (d) ensuring that the Association complies with the relevant requirements of Part 5 of the Act;
- (e) ensuring the safe custody of the Association's financial records, financial statements and financial reports, as applicable to the Association;
- (f) coordinating the preparation of the Association's financial report before its submission to the Association's annual general meeting;
- (g) providing any assistance required by an auditor or reviewer conducting an audit or review of the Association's financial report under Part 5 Division 5 of the Act; and
- (h) carrying out any other duty given to the treasurer under these rules or by the committee including, whenever directed to do so, submitting to the committee a report, balance sheet or financial statement.

Division 3 — Election of committee members and tenure of office

32. How members become Committee members

A member, other than a member co-opted by the committee under rule 28(1)(c), becomes a committee member if the member —

- (a) is elected to the committee at a general meeting; or
- (b) is appointed to the committee by the committee to fill a casual vacancy under rule 39.

33. Nomination of committee members

- (1) At least 42 days before an annual general meeting, the secretary must send written notice to all the members —
 - (a) calling for nominations for election to the committee;
 - (b) stating the number of committee members to be elected in accordance with rule 35(1); and
 - (c) stating the date by which nominations must be received by the secretary to comply with subrule (2).
- (2) A member who wishes to be considered for election to the committee at the annual general meeting must nominate for election by sending a signed written notice of the nomination to the secretary at least 28 days before the annual general meeting.
- (3) The written notice must include a signed statement by another member in support of the nomination.
- (4) For the avoidance of doubt, a nomination under this rule 33 is a nomination to be elected as a committee member of the Association.
- (5) A member whose nomination does not comply with this rule is not eligible for election to the committee unless the member is nominated under rule 34(2) or 35(2)(b).

34. Election of office holders

- (1) At the first committee meeting following the annual general meeting, the committee will elect the office holders of the Association.
- (2) The chairperson of the committee meeting will call for nominations for each office holder position from the committee members.
- (3) If only one committee member has nominated for an office holder position, the chairperson of the meeting must declare the committee member elected to the position.
- (4) If more than one committee member has nominated for an office holder position, the committee members must vote in accordance with procedures that have been determined by the committee to decide who is to be elected to the position.
- (5) For each office holder position, each committee member may vote for one committee member who has nominated for the position.
- (6) A committee member who has nominated for the office holder position may vote for himself or herself.
- (7) For the avoidance of doubt, the committee members who are not elected to an office holder position, will hold the position of ordinary committee member.

35. Election of committee members

- (1) Half of the committee member positions will be elected at the annual general meeting as follows:
 - a) at the first annual general meeting of the Association after member approval of these rules by special resolution, four (4) committee members will be elected; and
 - b) at the second annual general meeting of the Association after member approval of these rules by special resolution, three (3) committee members will be elected; and
 - c) at each annual general meeting of the Association thereafter, the number of committee members ceasing to hold office in accordance with rule 36(2) will be elected.
- (2) If the number of members nominating for the position of committee member is not greater than the number to be elected, the chairperson of the meeting —
 - (a) must declare each of those members to be elected to the position; and
 - (b) may call for further nominations from the ordinary members at the meeting to fill any positions remaining unfilled after the elections under paragraph (a).
- (3) If —
 - (a) the number of members nominating for the position of committee member is greater than the number to be elected; or
 - (b) the number of members nominating under subrule (2)(b) is greater than the number of positions remaining unfilled,

the ordinary members at the meeting must vote in accordance with procedures that have been determined by the committee to decide the members who are to be elected to the position of committee member.

- (4) A member who has nominated for the position of committee member may vote in accordance with that nomination.

36. Term of office

- (1) The term of office of a committee member begins when the member —
 - (a) is elected at an annual general meeting or under rule 37(3)(b); or
 - (b) is appointed to fill a casual vacancy under rule 39.
- (2) Subject to rule 38, a committee member holds office until the election of committee members at the second annual general meeting after that committee member's election. For the avoidance of doubt, subject to rule 38, a committee member holds office for a term of two (2) years.
- (3) A committee member may be re-elected.

37. Resignation and removal from office

- (1) A committee member may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the chairperson.
- (2) The resignation takes effect —
 - (a) when the notice is received by the secretary or chairperson; or
 - (b) if a later time is stated in the notice, at the later time.
- (3) At a general meeting, the Association may by resolution —
 - (a) remove a committee member from office; and
 - (b) elect a member who is eligible under rule 28(4) to fill the vacant position.

- (4) A committee member who is the subject of a proposed resolution under subrule (3)(a) may make written representations (of a reasonable length) to the secretary or chairperson and may ask that the representations be provided to the members.
- (5) The secretary or chairperson may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.

38. When membership of committee ceases

A person ceases to be a committee member if the person —

- (a) dies or otherwise ceases to be a member; or
- (b) resigns from the committee or is removed from office under rule 37; or
- (c) becomes ineligible to accept an appointment or act as a committee member under section 39 of the Act;
- (d) becomes permanently unable to act as a committee member because of a mental or physical disability; or
- (e) fails to attend 3 consecutive committee meetings or at least 3 committee meetings in the same financial year, of which the person has been given notice, without having notified the committee that the person will be unable to attend.

39. Filling casual vacancies

- (1) The committee may appoint a member who is eligible under rule 28(4) to fill a position on the committee that —
 - (a) has become vacant under rule 38; or
 - (b) was not filled by election at the most recent annual general meeting or under rule 37(3)(b).
- (2) If the position of secretary becomes vacant, the committee must appoint a member who is eligible under rule 28(4) to fill the position within 14 days after the vacancy arises.
- (3) Subject to the requirement for a quorum under rule 46, the committee may continue to act despite any vacancy in its membership.
- (4) If there are fewer committee members than required for a quorum under rule 46, the committee may act only for the purpose of —
 - (a) appointing committee members under this rule; or
 - (b) convening a general meeting.

40. Validity of acts

The acts of a committee or subcommittee, or of a committee member or member of a subcommittee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a committee member or member of a subcommittee.

41. **Payments to committee members**

A committee member is entitled to be paid out of the funds of the Association for any out-of-pocket expenses for travel and accommodation properly incurred —

- (a) in attending a committee meeting; or
- (b) in attending a general meeting; or
- (c) otherwise in connection with the Association's business.

Division 4 — Committee meetings

42. **Committee meetings**

- (1) The committee must meet at least 4 times in each year on the dates and at the times and places determined by the committee.
- (2) The date, time and place of the first committee meeting must be determined by the committee members as soon as practicable after the annual general meeting at which the committee members are elected.
- (3) Special committee meetings may be convened by –
 - (a) the chairperson or, in the chairperson's absence the deputy chairperson, where not less than 4 committee members make a requisition in writing stating the object of the meeting; and
 - (b) the chairperson or, in the chairperson's absence the deputy-chairperson, in cases where urgent business must be conducted by the committee.

43. **Notice of committee meetings**

- (1) Notice of each committee meeting must be given to each committee member at least 7 days before the time of the meeting.
- (2) The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- (3) Unless subrule (4) applies, the only business that may be conducted at the meeting is the business described in the notice.
- (4) Urgent business that has not been described in the notice may be conducted at the meeting if the committee members at the meeting unanimously agree to treat that business as urgent.

44. **Procedure and order of business**

- (1) The chairperson or, in the chairperson's absence, the deputy chairperson must preside as chairperson of each committee meeting.
- (2) If the chairperson and deputy chairperson are absent or are unwilling to act as chairperson of a meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) The procedure to be followed at a committee meeting must be determined from time to time by the committee.

- (4) The order of business at a committee meeting may be determined by the committee members at the meeting.
- (5) A member or other person who is not a committee member may attend a committee meeting if invited to do so by the committee.
- (6) A person invited under subrule (5) to attend a committee meeting —
 - (a) has no right to any agenda, minutes or other document circulated at the meeting; and
 - (b) must not comment about any matter discussed at the meeting unless invited by the committee to do so; and
 - (c) cannot vote on any matter that is to be decided at the meeting.

45. Use of technology to be present at committee meetings

- (1) The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A committee member who participates in a committee meeting as allowed under subrule (1) is taken to be present at the meeting and, if the committee member votes at the meeting, the committee member is taken to have voted in person.

46. Quorum for committee meetings

- (1) Subject to rule 39(4), no business is to be conducted at a committee meeting unless a quorum, as specified in Item D of the Schedule to these rules, is present.
- (2) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting —
 - (a) in the case of a special meeting — the meeting lapses; or
 - (b) otherwise, the meeting is adjourned to the same time, day and place in the following week.
- (3) If —
 - (a) a quorum is not present within 30 minutes after the commencement time of a committee meeting held under subrule (2)(b); and
 - (b) at least 2 committee members are present at the meeting,those members present are taken to constitute a quorum.

47. Voting at committee meetings

- (1) Each committee member present at a committee meeting has one vote on any question arising at the meeting.
- (2) A motion is carried if a majority of the committee members present at the committee meeting vote in favour of the motion.
- (3) If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (4) A vote may take place by the committee members present indicating their agreement or disagreement or by a show of hands, unless the committee decides that a secret ballot is needed to determine a particular question.

- (5) If a secret ballot is needed, the chairperson of the meeting must decide how the ballot is to be conducted.

48. Minutes of committee meetings

- (1) The committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following —
 - (a) the names of the committee members present at the meeting;
 - (b) the name of any person attending the meeting under rule 44(5);
 - (c) the business considered at the meeting;
 - (d) any motion on which a vote is taken at the meeting and the result of the vote.
- (3) The minutes of a committee meeting must be entered in the Association's minute book within 30 days after the meeting is held.
- (4) The chairperson must ensure that the minutes of a committee meeting are reviewed and signed as correct by —
 - (a) the chairperson of the meeting; or
 - (b) the chairperson of the next committee meeting.
- (5) When the minutes of a committee meeting have been signed as correct they are, until the contrary is proved, evidence that —
 - (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any appointment purportedly made at the meeting was validly made.

Division 5 — Subcommittees and subsidiary offices

49. Subcommittees and subsidiary offices

- (1) To help the committee in the conduct of the Association's business, the committee may, in writing, do either or both of the following —
 - (a) appoint one or more subcommittees;
 - (b) create one or more subsidiary offices and appoint people to those offices.
- (2) A subcommittee may consist of the number of people, whether or not members, that the committee considers appropriate.
- (3) A person may be appointed to a subsidiary office whether or not the person is a member.
- (4) Subject to any directions given by the committee —
 - (a) a subcommittee may meet and conduct business as it considers appropriate; and
 - (b) the holder of a subsidiary office may carry out the functions given to the holder as the holder considers appropriate.

50. Delegation to subcommittees and holders of subsidiary offices

- (1) In this rule —

non-delegable duty means a duty imposed on the committee by the Act or another written law.

- (2) The committee may, in writing, delegate to a subcommittee or the holder of a subsidiary office the exercise of any power or the performance of any duty of the committee other than —
 - (a) the power to delegate; and
 - (b) a non-delegable duty.
- (3) A power or duty, the exercise or performance of which has been delegated to a subcommittee or the holder of a subsidiary office under this rule, may be exercised or performed by the subcommittee or holder in accordance with the terms of the delegation.
- (4) The delegation may be made subject to any conditions, qualifications, limitations or exceptions that the committee specifies in the document by which the delegation is made.
- (5) The delegation does not prevent the committee from exercising or performing at any time the power or duty delegated.
- (6) Any act or thing done by a subcommittee or by the holder of a subsidiary office, under the delegation has the same force and effect as if it had been done by the committee.
- (7) The committee may, in writing, amend or revoke the delegation.

PART 6 — GENERAL MEETINGS OF ASSOCIATION

51. Annual general meeting

- (1) The committee must determine the date, time and place of the annual general meeting.
- (2) If it is proposed to hold the annual general meeting more than 6 months after the end of the Association's financial year, the secretary must apply to the Commissioner for permission under section 50(3)(b) of the Act within 4 months after the end of the financial year.
- (3) The ordinary business of the annual general meeting is as follows —
 - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then if the minutes of that meeting have not yet been confirmed;
 - (b) to receive and consider —
 - (i) the committee's annual report on the Association's activities during the preceding financial year; and
 - (ii) the financial report of the Association for the preceding financial year presented under Part 5 of the Act;
 - (iii) a copy of the auditor's report on the financial report;
 - (c) to elect the committee members of the Association up for election under rule 35(1);
 - (d) to appoint or remove an auditor of the Association in accordance with the Act;
 - (e) to confirm or vary the entrance fees, subscriptions and other amounts (if any) to be paid by members.
- (4) Any other business of which notice has been given in accordance with these rules may be conducted at the annual general meeting.

52. Special general meetings

- (1) The committee may convene a special general meeting.
- (2) The committee must convene a special general meeting if at least 20% of the members require a special general meeting to be convened.
- (3) The members requiring a special general meeting to be convened must —
 - (a) make the requirement by written notice given to the secretary; and
 - (b) state in the notice the business to be considered at the meeting; and
 - (c) each sign the notice.
- (4) The special general meeting must be convened within 30 days after notice is given under subrule (3)(a).
- (5) If the committee does not convene a special general meeting within that 28 day period, the members making the requirement (or any of them) may convene the special general meeting.
- (6) A special general meeting convened by members under subrule (5) —
 - (a) must be held within 3 months after the date the original requirement was made; and
 - (b) may only consider the business stated in the notice by which the requirement was made.
- (7) If a special general meeting is required under rule 7(9) and notice has been given under rule 7(8), a special general meeting must be convened for that purpose no later than the next annual general meeting.

- (8) A special general meeting must be convened within 28 days after notice is given under rule 25(7) for the purpose outlined in rule 25(7) and if the special general meeting is not convened within that 28 day period, the member who gave the notice may convene the general meeting.
- (9) The Association must reimburse any reasonable expenses incurred by the member or members convening a special general meeting under subrules (5) and (8).

53. Notice of general meetings

- (1) The secretary or, in the case of a special general meeting convened under rules 52(5) or 52(8), the member or members convening the meeting, must give to each member —
 - (a) at least 21 days' notice of an annual general meeting or a general meeting if a special resolution is to be proposed at that meeting; or
 - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice must —
 - (a) specify the date, time and place of the meeting; and
 - (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) specify the order the items of business are to be considered at the meeting; and
 - (d) if the meeting is the annual general meeting, include the names of the members who have nominated for election to the committee under rule 33(2); and
 - (e) if a special resolution is proposed —
 - (i) set out the wording of the proposed resolution as required by section 51(4) of the Act; and
 - (ii) state that the resolution is intended to be proposed as a special resolution.

54. Use of technology to be present at general meetings

- (1) The presence of a member at a general meeting need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A member who participates in a general meeting as allowed under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

55. Presiding member and quorum for general meetings

- (1) The chairperson or, in the chairperson's absence, the deputy chairperson must preside as chairperson of each general meeting.
- (2) If the chairperson and deputy chairperson are absent or are unwilling to act as chairperson of a general meeting, the members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) No business is to be conducted at a general meeting unless a quorum, as specified in Item C of the Schedule to these rules, is present.
- (4) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —
 - (a) in the case of a special general meeting — the meeting lapses; or
 - (b) in the case of the annual general meeting — the meeting is adjourned to —
 - (i) the same time and day in the following week; and

- (ii) the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.

(5) If —

- (a) a quorum is not present within 30 minutes after the commencement time of an annual general meeting held under subrule (4)(b); and
- (b) at least 2 ordinary members are present at the meeting,

those members present are taken to constitute a quorum.

56. Adjournment of general meeting

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of a majority of the ordinary members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned —
 - (a) if there is insufficient time to deal with the business at hand; or
 - (b) to give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 30 days or more, in which case notice of the meeting must be given in accordance with rule 53.

57. Voting at general meeting

- (1) On any question arising at a general meeting —
 - (a) subject to subrule (6), each ordinary member has one vote unless the member may also vote on behalf of a body corporate under subrule (2); and
 - (b) ordinary members may only vote personally.
- (2) An ordinary member that is a body corporate may, in writing, appoint an individual, whether or not the individual is a member, to vote on behalf of the body corporate on any question at a particular general meeting or at any general meeting, as specified in the document by which the appointment is made.
- (3) A copy of the document by which the appointment is made must be given to the secretary before any general meeting to which the appointment applies.
- (4) The appointment has effect until —
 - (a) the end of any general meeting to which the appointment applies; or
 - (b) the appointment is revoked by the body corporate and written notice of the revocation is given to the secretary.
- (5) Except in the case of a special resolution, a motion is carried if a majority of the ordinary members present at a general meeting vote in favour of the motion.
- (6) If votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (7) If the question is whether or not to confirm the minutes of a previous general meeting, only members who were present at that meeting may vote.

- (8) For a person to be eligible to vote at a general meeting as an ordinary member, or on behalf of an ordinary member that is a body corporate under subrule (2), the ordinary member —
 - (a) must have been an ordinary member at the time notice of the meeting was given under rule 53; and
 - (b) must have paid any fee or other money payable to the Association by the member.

58. **When special resolutions are required**

- (1) A special resolution is required if it is proposed at a general meeting —
 - (a) to affiliate the Association with another body; or
 - (b) to request the Commissioner to apply to the State Administrative Tribunal under section 109 of the Act for the appointment of a statutory manager.
- (2) Subrule (1) does not limit the matters in relation to which a special resolution may be proposed.

59. **Determining whether resolution carried**

- (1) In this rule —

poll means the process of voting in relation to a matter that is conducted in writing.

- (2) Subject to subrule (4), the chairperson of a general meeting may, on the basis of general agreement or disagreement or by a show of hands, declare that a resolution has been —
 - (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or
 - (d) lost.
- (3) If the resolution is a special resolution, the declaration under subrule (2) must identify the resolution as a special resolution.
- (4) If a poll is demanded on any question by the chairperson of the meeting or by at least 3 other ordinary members present in person —
 - (a) the poll must be taken at the meeting in the manner determined by the chairperson;
 - (b) the chairperson must declare the determination of the resolution on the basis of the poll.
- (5) If a poll is demanded on the election of the chairperson or on a question of an adjournment, the poll must be taken immediately.
- (6) If a poll is demanded on any other question, the poll must be taken before the close of the meeting at a time determined by the chairperson.
- (7) A declaration under subrule (2) or (4) must be entered in the minutes of the meeting, and the entry is, without proof of the voting in relation to the resolution, evidence of how the resolution was determined.

60. **Minutes of general meeting**

- (1) The secretary, or a person authorised by the committee from time to time, must take and keep minutes of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

- (3) In addition, the minutes of each annual general meeting must record —
 - (a) the names of the ordinary members who attended the meeting; and
 - (b) the financial report presented at the meeting, as referred to in rule 51(3)(b)(ii); and
 - (c) the auditor's report on the financial report presented at the meeting, as referred to in rule 51(3)(b)(iii).
- (4) The minutes of a general meeting must be entered in the Association's minute book within 30 days after the meeting is held.
- (5) The chairperson must ensure that the minutes of a general meeting are reviewed and signed as correct by —
 - (a) the chairperson of the meeting; or
 - (b) the chairperson of the next general meeting.
- (6) When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that —
 - (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any election or appointment purportedly made at the meeting was validly made.

PART 7 — FINANCIAL MATTERS

61. Source of funds

The funds of the Association may be derived from entrance fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the committee.

62. Control of funds

- (1) The Association must open an account in the name of the Association with a financial institution from which all expenditure of the Association is made and into which all funds received by the Association are deposited.
- (2) Subject to any restrictions imposed at a general meeting, the committee may approve expenditure on behalf of the Association.
- (3) The committee may authorise the treasurer to expend funds on behalf of the Association up to a specified limit without requiring approval from the committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Association must be signed by —
 - (a) 2 committee members other than the treasurer; or
 - (b) one committee member other than the treasurer and a person authorised by the committee.
- (5) All funds of the Association including pecuniary donations and income from investments must be deposited into the Association's account within 5 working days after their receipt.

63. Financial statements and financial reports

- (1) For each financial year, the committee must ensure that the requirements imposed on the Association under Part 5 of the Act relating to the financial report of the Association are met.
- (2) Without limiting subrule (1), those requirements include —
 - (a) the preparation of the financial report; and
 - (b) the audit of the financial report; and
 - (c) the presentation to the annual general meeting of the financial report; and
 - (d) the presentation to the annual general meeting of the copy of the auditor's report on the financial report.

64. Auditors

- (1) There must be 1 auditor of the Association who will be elected annually by the members of the Association at the annual general meeting of the Association.
- (2) For each financial year, the committee must ensure the auditor conducts an audit of the financial report of the Association in accordance with the requirements under Divisions 5, 6 and 7 of Part 5 of the Act.

PART 8 — GENERAL MATTERS

65. By-laws

- (1) The Association may, by resolution at a general meeting, make, amend or revoke by-laws.
- (2) By-laws may —
 - (a) provide for the rights and obligations that apply to any classes of associate membership approved under rule 9(2); and
 - (b) impose restrictions on the committee's powers, including the power to dispose of the association's assets; and
 - (c) impose requirements relating to the financial reporting and financial accountability of the association and the auditing of the association's accounts; and
 - (d) provide for any other matter the association considers necessary or convenient to be dealt with in the by-laws.
- (3) A by-law is of no effect to the extent that it is inconsistent with the Act, the regulations or these rules.
- (4) Without limiting subrule (3), a by-law made for the purposes of subrule (2)(c) may only impose requirements on the Association that are additional to, and do not restrict, a requirement imposed on the Association under Part 5 of the Act.
- (5) At the request of a member, the Association must make a copy of the by-laws available for inspection by the member.

66. Children's Leukaemia and Cancer Research Fund

- (1) The Association is the trustee of the Fund pursuant to the Trust Deed.
- (2) The Association must perform its duties and exercise its powers as trustee of the Fund in accordance with the Trust Deed.
- (3) In accordance with clause 13 of the Trust Deed, the Association may appoint one or more patrons of the Fund.

67. Executing documents and common seal

- (1) The Association may execute a document without using a common seal if the document is signed by —
 - (a) 2 committee members; or
 - (b) one committee member and a person authorised by the committee.
- (2) The Association's common seal and use of the seal must comply with the following requirements —
 - (a) the name of the Association must appear in legible characters on the common seal; and
 - (b) a document may only be sealed with the common seal by the authority of the committee and in the presence of —
 - (i) 2 committee members; or
 - (ii) one committee member and a person authorised by the committee, and each of them is to sign the document to attest that the document was sealed in their presence.
- (3) The secretary must make a written record of each use of the common seal.

- (4) The common seal must be kept in the custody of the secretary or another committee member authorised by the committee.

68. Giving notices to members

- (1) In this rule —

recorded means recorded in the register of members.

- (2) A notice or other document that is to be given to a member under these rules is taken not to have been given to the member unless it is in writing and —
 - (a) delivered by hand to the recorded address of the member; or
 - (b) sent by prepaid post to the recorded postal address of the member; or
 - (c) sent by facsimile or electronic transmission to an appropriate recorded number or recorded electronic address of the member.
- (3) A notice or other document that is to be given to a member under these rules is taken to have been received by the member as follows:
 - (a) when sent by prepaid post under subrule (2)(b), on the day after the day the notice was posted; or
 - (b) when sent by facsimile transmission under subrule (2)(c), on the day of production of a transmission report indicating the facsimile was successfully received, if produced before 5:00pm on a business day and where otherwise, on the next business day; or
 - (c) when sent by electronic transmission under subrule (2)(c), on the day of transmission if transmitted before 5:00pm on a business day and where otherwise, on the next business day.

69. Custody of books and securities

- (1) Subject to subrule (2), the books and any securities of the Association must be kept in the secretary's custody or under the secretary's control.
- (2) The financial records and the financial reports of the Association must be kept in the treasurer's custody or under the treasurer's control.
- (3) Subrules (1) and (2) have effect except as otherwise decided by the committee.
- (4) The books of the Association must be retained for at least 7 years.

70. Record of office holders

The record of committee members and other persons authorised to act on behalf of the Association that is required to be maintained under section 58(2) of the Act must be kept in the secretary's custody or under the secretary's control.

71. Inspection of records and documents

- (1) Subrule (2) applies to a member who wants to inspect —
 - (a) the register of members under section 54(1) of the Act; or
 - (b) the record of the names and addresses of committee members, and other persons authorised to act on behalf of the Association, under section 58(3) of the Act; or
 - (c) any other record or document of the association.

- (2) The member must contact the secretary to make the necessary arrangements for the inspection.
- (3) The inspection must be free of charge.
- (4) If the member wants to inspect a document that records the minutes of a committee meeting, the right to inspect that document is subject to any decision the committee has made about minutes of committee meetings generally, or the minutes of a specific committee meeting, being available for inspection by members.
- (5) The member may make a copy of or take an extract from a record or document referred to in subrule (1)(c) but does not have a right to remove the record or document for that purpose.
- (6) The member must not use or disclose information in a record or document referred to in subrule (1)(c) except for a purpose —
 - (a) that is directly connected with the affairs of the Association; or
 - (b) that is related to complying with a requirement of the Act.

72. Publication by committee members of statements about Association business prohibited

A committee member must not publish, or cause to be published, any statement about the business conducted by the Association at a general meeting or committee meeting unless —

- (a) the committee member has been authorised to do so at a committee meeting; and
- (b) the authority given to the committee member has been recorded in the minutes of the committee meeting at which it was given.

73. Distribution of surplus property on cancellation of incorporation or winding up

- (1) In this rule —

surplus property, in relation to the Association, means property remaining after satisfaction of —

- (a) the debts and liabilities of the Association; and
- (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Association,

but does not include books relating to the management of the Association.

- (2) If on the cancellation of the incorporation of the Association or the winding up of the Association, there remains any surplus property whatsoever, the same must not be paid or distributed amongst the members or former members, but must be given or transferred to another association incorporated under the Act which has similar objects and to which income tax -deductible gifts can be made as approved by the Commissioner of Taxation and which association will be determined by resolution of the members. In such a case, the association in receipt of the surplus property must:
 - (a) be a registered health promotion charity in accordance with item 1.1.6 of section 30.20 of the *Income Tax Assessment Act 1997* (Cth); and
 - (b) maintain a gift fund exclusively for gifts or contributions of money or property received by the association in support of its health promotion activities.

74. Alteration of rules

If the Association wants to alter or rescind any of these rules, or to make additional rules, the Association may do so only by special resolution and by otherwise complying with Part 3 Division 2 of the Act.

PART 9 — HEALTH PROMOTION CHARITY

75. Health promotion charity

- (1) The Association will at all times ensure that its principal activity is to promote the prevention or the control of diseases (particularly leukaemia and cancer) in human beings.
- (2) The Association will at all times seek to operate as a tax-deductible registered health promotion charity in accordance with item 1.1.6 of section 30.20 of the *Income Tax Assessment Act 1997* (Cth). To this effect, the Association will apply for and maintain endorsement as a health promotion charity from the Australian Charities and Not-for-profits Commission and the Australian Taxation Office.
- (3) In operating as a health promotion charity, the Association will comply with all relevant provisions under any act or regulation including but not limited to the:
 - (a) *Income Tax Assessment Act 1936* (Cth);
 - (b) *Income Tax Assessment Act 1997* (Cth);
 - (c) *Australian Charities and Not-for-Profits Commission Act 2012* (Cth);
 - (d) *Charities Act 2013* (Cth);
 - (e) *Australian Charities and Not-for-Profits Commission Regulation 2013* (Cth);
 - (f) Australian Charities and Not-for-profits Commission – Commissioner’s Interpretation Statement: Health Promotion Charities CIS 2015/01; and
 - (g) Australian Taxation Office tax rulings.

76. Bank Account

- (1) The Association must maintain a bank account for its health promotion activities.
- (2) The Association will attract tax - deductible gifts and donations in support of its health promotion activities.
- (3) The Association must credit to its bank account, monetary gifts and proceeds of sale on gifted property.
- (4) The Association must not credit to its bank account money or property that is not intended for the Association.
- (5) Interest earned on the Association’s bank account must be credited to that account.
- (6) The Association may use its funds to pay for the reasonable costs of operating and managing the Association. Examples of such costs include (but are not limited to) fundraising expenses, bank fees and charges, stationery costs, staffing costs and accounting and audit fees.
- (7) The Association must issue a receipt for gifts and must ensure that the receipt states:
 - (a) the name of the Association;
 - (b) the Australian Business Number of the Association;
 - (c) the fact that the receipt is for a gift;
 - (d) the amount of gifts of money;
 - (e) a description of any gifts of property; and
 - (f) the date of the gift.

77. Inconsistency

The provisions set out in this Part 9 will prevail over anything in these rules, to the extent that there is any inconsistency.