

ACT

Volunteer Brigades Association

Constitution

2010

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Part 1 Preliminary

1. Name

- (1) The name of the organisation will be the ACT Volunteer Brigade Association, (herein referred to as “the association”).

2. Definitions

In these rules:

- (a) *Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).
- (b) **committee** means the office-bearers and committee members responsible for managing the association.
- (c) **committee member** means a member who is a nominated by the volunteer member brigade to serve on the committee and not an office-bearer.
- (d) **financial year** means the year ending on 30 June.
- (e) **member brigade** means an ACT rural fire brigade (herein referred to as “brigade”), however described, of the association.
- (f) **office bearer** means a member who is elected to serve as the association president, vice president, secretary or treasurer.
- (g) **Act** means the *Associations Incorporation Act 1991* (ACT).
- (h) the **regulations** means the *Associations Incorporation Regulations 1991* (ACT).

2A Application of Legislation Act 2001

The *Legislation Act 2001* applies to these rules in the same way as it would if they were an instrument made under the Act.

Part 2 Objects of Association

3. Objects

- (1) The objects of the association shall be to:
- (a) Provide a forum for volunteer brigades to come together to discuss matters of mutual interest, to create special interest committees to study issues of concern.
 - (b) Represent member brigades in negotiations with the ACT Emergency Services Authority, the ACT Government and other organisations or individuals.
 - (c) Provide advice to the Bushfire Council and ACT Captains Group on volunteer issues.
 - (d) To assist volunteer morale.

- (e) Support attendance at forums, conferences or training that assists with volunteer development.
- (f) To ensure a fair go for volunteers.
- (g) Appoint members to represent the Association on other organisations and various committees.
- (h) Support an annual Field Day is held.
- (i) Provide crisis financial support for RFS volunteers

Part 3 Membership

4. Membership qualifications

- (1) A volunteer brigade of the Australian Capital Territory is qualified to be a member if—
 - (a) it has legal identity under the *Emergencies Act 2004*, and any other ACT Government legislation pertaining to the ACT Rural Fire Service;
 - (b) it has paid an annual subscription for the financial year to the association as a membership fee, unless directed otherwise in writing by the association; and,
 - (c) it has been accepted for membership by the committee of the association.

5. Nomination for membership

- (1) A nomination of a volunteer brigade for membership of the association—
 - (a) shall be made by a member brigade of the association in writing in the form set out in appendix 1; and
 - (b) shall be lodged with the secretary of the association.
- (2) As soon as is practicable after receiving a nomination for membership, the secretary shall refer the nomination to the committee which shall determine whether to approve or to reject the nomination.
- (3) Where the committee determines to approve a nomination for membership, the secretary shall as soon as practicable after that determination notify the nominee of that approval and request the nominee to pay within 28 days after receipt of the notification the sum payable under these rules by a member brigade as the annual subscription.
- (4) The secretary shall, on payment by the nominee of the subscription referred to in subrule (3) within the period referred to in that subrule, enter the nominee's name in the register of member brigades and, on the name being so entered, the nominee shall become a member of the association.

6. Membership entitlements not transferable

- (1) A right, privilege or obligation which a volunteer brigade has by reason of being a member of the association—
 - (a) is not capable of being transferred or transmitted to another entity; and
 - (b) terminates on cessation of the volunteer brigade's membership.

7. Cessation of membership

- (1) A volunteer brigade ceases to be a member of the association if it—
 - (a) is wound up; or
 - (b) resigns from membership of the association; or
 - (c) is expelled from the association; or

(d) fails to renew membership of the association.

8. Resignation of membership

- (1) A member brigade is not entitled to resign from membership of the association except in accordance with this rule.
- (2) A member brigade which has paid all amounts payable to the association may resign from membership of the association by first giving notice (being not less than 1 month or, if the committee has determined a shorter period, that shorter period) in writing to the secretary of the member brigade's intention to resign and, on the expiration of the period of notice, the member brigade ceases to be a member.
- (3) Where a member brigade ceases to be a member, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

9. Subscriptions etc

- (1) The annual membership fee of the association is \$50 or, if any other amount has been determined by resolution of the committee, that other amount. The annual membership fee can be \$0 if so determined by the committee.
- (2) The annual membership fee is payable—
 - (a) except as provided by paragraph (b)—before 1 July in each calendar year; or
 - (b) where a volunteer brigade becomes a member on or after 1 July in any calendar year—within 28 days of becoming a member.

10. Members' liabilities

- (1) The liability of a member brigade to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount (if any) unpaid by the member brigade in respect of membership of the association as required by rule 7.

11. Disciplining of members

- (1) Where the committee is of the opinion that a member brigade—
 - (a) has persistently refused or neglected to comply with a provision of these rules; or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association;the committee may, by resolution—
 - (a) expel the member brigade from the association; or
 - (b) suspend the member brigade from such rights and privileges of membership of the association as the committee may determine for a specified period.
- (2) A resolution of the committee under sub-rule (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member brigade of a notice under sub-rule (3), confirms the resolution in accordance with this rule.
- (3) Where the committee passes a resolution under sub-rule (1), the secretary shall, as soon as practicable, cause a notice in writing to be served on the member brigade—
 - (a) setting out the resolution of the committee and the grounds on which it is based; and

- (b) stating that the member brigade may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
- (c) stating the date, place and time of that meeting; and
- (d) informing the member brigade that a representative of the brigade may do either or both of the following:
 - (i) attend and speak at that meeting;
 - (ii) submit to the committee at or prior to the date of that meeting written representations relating to the resolution.
- (4) Subject to the Act, section 50, at a meeting of the committee mentioned in sub-rule (2), the committee shall—
 - (a) give to the member brigade mentioned in sub-rule (1) an opportunity to make oral representations; and
 - (b) give due consideration to any written representations submitted to the committee by that member brigade at or prior to the meeting; and
 - (c) by resolution determine whether to confirm or to revoke the resolution of the committee made under sub-rule (1).
- (5) Where the committee confirms a resolution under sub-rule (4), the secretary shall, within 7 days after that confirmation, by notice in writing inform the member brigade of that confirmation and of the member brigade's right of appeal under rule 12.
- (6) A resolution confirmed by the committee under sub-rule (4) does not take effect—
 - (a) until the expiration of the period within which the member brigade is entitled to appeal against the resolution where the member brigade does not exercise the right of appeal within that period; or
 - (b) where within that period the member brigade exercises the right of appeal, unless and until the association confirms the resolution in accordance with rule 11 (4).

12. Right of appeal of disciplined member

- (1) A member brigade may appeal to the association at a general meeting against a resolution of the committee which is confirmed under rule 9(4), within 56 days after notice of the resolution is served on the member brigade, by lodging with the secretary a notice to that effect.
- (2) On receipt of a notice under sub-rule (1), the secretary shall notify the committee which shall convene a general meeting of the association to be held within 21 days after the date on which the secretary received the notice or as soon as possible after that date.
- (3) Subject to the Act, section 50, at a general meeting of the association convened under sub-rule (2)—
 - (a) no business other than the question of the appeal shall be transacted; and
 - (b) the committee and the member brigade shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (c) the members present shall vote by secret ballot on the question of whether the resolution made under rule 11(4) should be confirmed or revoked.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under rule 11(4), that resolution is confirmed.

Part 4 Committee

13. Powers of committee

- (1) The committee, subject to the Act, the regulations, these rules, and to any resolution passed by the association in general meeting—
 - (a) shall control and manage the affairs of the association; and
 - (b) may exercise all such functions as may be exercised by the association other than those functions that are required by these rules to be exercised by the association in general meeting; and
 - (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

14. Constitution and membership

- (1) The committee shall consist of—
 - (a) committee members nominated by each volunteer member brigade, comprising 2 representatives; and
 - (b) the office-bearers of the association who are elected from the volunteers nominated by member brigades;each of whom shall be elected under rule 15 or appointed in accordance with sub-rule (4).
- (2) The office-bearers of the association shall be—
 - (a) the president; and
 - (b) the vice-president; and
 - (c) the treasurer; and
 - (d) the secretary.
- (3) Each office-bearer of the committee shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) In the event of a vacancy in the membership of the office-bearers, the committee may elect a committee member to fill the vacancy and the committee member so elected shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

15. Election of office bearers

- (1) Nominations of candidates for election as office-bearers of the association—
 - (a) shall be made in writing accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
 - (b) shall be delivered to the secretary of the association not less than 7 days before the date fixed for the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all office-bearer vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be taken to be elected.

- (4) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (5) The ballot for the election of office-bearers shall be conducted at the annual general meeting in such manner as the committee may direct.
- (6) A person is not eligible to simultaneously hold more than 1 position on the committee.

16. President

- (1) The President shall be the figure head of the association and shall preside at each meeting.
- (2) The President shall liaise with interstate and international bodies such as the AAVFBA in regards to volunteering issues or appoint a delegate to represent the association.

17. Vice President

- (1) The Vice President shall act as and hold all authority of the President during any absence of the President.

18. Secretary

- (1) The secretary of the association shall, as soon as practicable after being appointed as secretary, notify the association of his or her address.
- (2) The secretary shall keep minutes of—
 - (a) all elections and appointments of office-bearers and committee members; and
 - (b) the names of members of the committee present at a committee meeting or a general meeting; and
 - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting shall be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

19. Treasurer

- (1) The treasurer of the association shall—
 - (a) collect and receive all moneys due to the association and make all payments authorised by the association;
 - (b) 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;
 - (c) provide a report on the financial position of the Association at each meeting; and
 - (d) prepare an annual financial statement, for independent audit by an independent person not a member of the committee. The audited financial statement shall comply with generally accepted accounting standards and requirements. The audited financial statement will be distributed to committee members at the Annual General Meeting.

20. Vacancies

- (1) For these rules, a vacancy in the office of a member of the committee occurs if the member—
 - (a) dies; or
 - (b) ceases to be a member of the nominating volunteer brigade; or
 - (c) resigns the office; or

- (d) is removed from office under rule 18; or
- (e) becomes an insolvent under administration within the meaning of the Corporations Act; or
- (f) suffers from mental or physical incapacity; or
- (g) is disqualified from office under the Act, section 63 (1); or
- (h) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

21. Removal of committee members

- (1) The association in general meeting may by resolution, subject to the Act, section 50, remove any member of the committee from the office of member of the committee before the expiration of the member's term of office.

22. Committee meetings and quorum

- (1) The committee shall meet at least 5 times in each calendar year at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by any member of the committee.
- (3) Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under sub-rule (3) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any of the committee, representing at least four member brigades, constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business shall be transacted by the committee unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.
- (8) At meetings of the committee—
 - (a) the president or, in the absence of the president, the vice-president shall preside; or
 - (b) if the president and the vice-president are absent—1 of the remaining members of the committee may be chosen by the members present to preside.

23. Delegation by committee to subcommittee

- (1) The committee may, by instrument in writing, delegate to 1 or more subcommittees (consisting of such committee members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than—
 - (a) this power of delegation; and
 - (b) a function which is a function imposed on the committee by the Act, by any other Territory law, or by resolution of the association in general meeting.

- (2) A function, the exercise of which has been delegated to a subcommittee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
- (3) A delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a subcommittee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A subcommittee may meet and adjourn as it thinks proper.

24. Voting and decisions

- (1) Questions arising at a meeting of the committee or of any subcommittee appointed by the committee shall be determined by a majority of the votes of committee members of the committee or sub-committee present at the meeting.
- (2) Each committee member present at a meeting of the committee or of any subcommittee appointed by the committee (including the person presiding at the meeting) is entitled to 1 vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to rule 18(5), the committee may act notwithstanding any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a subcommittee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or subcommittee.

Part 5 General meetings

25. Annual general meetings—holding of

- (1) With the exception of the first annual general meeting of the association, the association shall, at least once in each calendar year and within the period of 4 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (2) The association shall hold its first annual general meeting within the period of 3 months after its incorporation under the Act.
- (3) Sub-rule (1) has effect subject to the powers of the registrar-general under the Act, section 120 in relation to extensions of time.

26. Annual general meetings—calling of and business at

- (1) The annual general meeting of the association shall, subject to the Act, be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an 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; and

- (b) to receive from the committee reports on the activities of the association during the last preceding financial year; and
 - (c) to elect members of the committee to be office-bearers; and
 - (d) to receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act, section 73 (1).
- (3) An annual general meeting shall be specified as such in the notice convening it in accordance with rule 24.
 - (4) An annual general meeting shall be conducted in accordance with the provisions of this part.

27. General meetings—calling of

- (1) The committee may, whenever it thinks fit, convene a general meeting of the association.
- (2) The committee shall, on the requisition in writing of not less than 30% of the total number of member brigades, convene a general meeting of the association.
- (3) A requisition of member brigades for a general meeting—
 - (a) shall state the purpose or purposes of the meeting; and
 - (b) shall be signed by representatives of the member brigades making the requisition; and
 - (c) shall be lodged with the secretary; and
 - (d) may consist of several documents in a similar form, each signed by 1 or more of the member brigades making the requisition.
- (4) If the committee fails to convene a general meeting within 1 month after the date on which a requisition of member brigades for the meeting is lodged with the secretary, any 1 or more of the member brigades who made the requisition may convene a general meeting to be held not later than 3 months after that date.
- (5) A general meeting convened by member brigades referred to in sub-rule (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.

28. Notice

- (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 7 days before the date fixed for the holding of the general meeting, cause to be sent by prepaid post, or e-mail, to each committee member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each committee member in the manner provided in sub-rule (1) specifying, in addition to the matter required under that sub-rule, the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 22 (2).
- (4) A committee member desiring to bring any business before a general meeting may give notice of that business to the secretary who shall include that business in the next notice calling a general meeting.

29. General meetings—procedure and quorum

- (1) No item of business shall be transacted at a general meeting unless a quorum of committee members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Any committee members present in person (being members entitled under these rules to vote at a general meeting), representing at least five members brigades, constitute a quorum for the transaction of the business of a general meeting.
- (3) If within 30 minutes after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened on the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the commencement of the meeting, the committee members present (being not less than 5) shall constitute a quorum.

30. Presiding member

- (1) The president, or in the absence of the president, the vice-president, shall preside at each general meeting of the association.
- (2) If the president and the vice-president are absent from a general meeting, the committee members present shall elect 1 of their number to preside at the meeting.

31. Adjournment

- (1) The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present at 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.
- (2) Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each committee member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in sub-rules (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

32. Making of decisions

- (1) A question arising at a general meeting of the association shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the association, a poll may be demanded by the person presiding or by not less than 5 committee members present at the meeting.
- (3) Where the poll is demanded at a general meeting, the poll shall be taken—
 - (a) immediately in the case of a poll which relates to the election of the person to preside at the meeting or to the question of an adjournment; or

- (b) in any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

33. Voting

- (1) Subject to sub-rule (3), on any question arising at a general meeting of the association a committee member has 1 vote only.
- (2) All votes shall be given personally.
- (3) In the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.
- (4) A committee member is not entitled to vote at any general meeting of the association unless all money due and payable by the member brigade to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

34. Appointment of proxies

- (1) If a nominated committee member is unable to attend a meeting of the association, another representative of the member brigade may attend the meeting of the association, and that other representative has all the rights, privileges and obligations of the absent committee member.

Part 6 Miscellaneous

35. Funds—source

- (1) The funds of the association shall be derived from annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting and subject to the Act, section 114, such other sources as the committee determines.
- (2) All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association's bank or credit union account.
- (3) The association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

36. Funds—management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association shall be used for the objects of the association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 office-bearers of the committee.
- (3) **Non-profit clause.** The assets and income of the Association shall be applied solely in furtherance of its above-mentioned Objects and no portion shall be distributed directly or indirectly to members or other individuals except as *bona fide* compensation for services rendered or expenses incurred on behalf of the Association.
- (4) **Dissolution clause.** In the event of the Association being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred either to any association in the ACT with similar objectives to

this Association and which is not carried on for the profit or gain of those persons comprising its membership, or distributed equally among member brigades.

37. Alteration of objects and rules

- (a) Neither the objects of the association referred to in the Act, section 29 nor these rules shall be altered except in accordance with the Act.

38. Common seal

- (1) The common seal of the Association shall be kept in the custody of the Secretary.
- (2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by either the signatures of 2 office-bearers of the committee or of one committee member and of the secretary.

39. Custody of books

- (1) Subject to the Act, the regulations and these rules, the secretary shall keep in his or her custody or under his or her control all records, books, and other documents relating to the association.

40. Inspection of books

- (1) The records, books and other documents of the Association shall be open to inspection at a place in the ACT, free of charge, by a member brigade of the association at any reasonable hour.

41. Service of notice

- (1) For these rules, a notice may be served by or on behalf of the association on any member brigade or any committee member either personally or by sending it by post or e-mail to the member brigade's or committee member's address shown in the register of members.
- (2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

42. Surplus property

- (1) At the first general meeting of the association, after its incorporation, the association shall pass a special resolution nominating—
 - (a) another association for the Act, section 92 (1) (a); or
 - (b) a fund, authority or institution for the Act, section 92 (1) (b);
 - in which it is to vest its surplus property in the event of the dissolution or winding up of the association.
- (2) An association nominated under sub-rule (1)(a) must fulfil the requirements specified in the Act, subsection 92(2).

Appendix 1

(see rule 5))

Application for membership of the ACT Volunteer Brigades Association

I,
(full name of person representing the applicant volunteer brigade)

of
(address)

hereby apply for to become a
member of the ACT Volunteer Brigades Association. In the event of the volunteer brigade
being accepted as a member, I agree that the brigade will be bound by the rules of the
association for the time being in force.

.....
(Signature of applicant)

Date