

**BEACON CENTRAL
COMMUNITY
RESOURCE
CENTRE INC.**

CONSTITUTION

February 2019

CONSTITUTION

1. NAME

The name of the Association is the Beacon Central Community Resource Centre Inc., herein after referred to as "The Community Resource Centre".

2. OBJECTIVES

The objects or purposes of the Community Resource Centre are -

- 2.1. To provide the communities of the Shire of Mt Marshall and surrounding areas with access to services and information that support capacity building within the community.
- 2.2. To provide access to services and information to address issues of disadvantage within the community including but not limited to poverty, health, isolation and unemployment.
- 2.3. To develop and improve the educational, business, tourism, cultural and social opportunities and relevant to the needs of the community.
- 2.4. To work with stakeholders, other Community Resource Centres and all tiers of government to increase the profile of the WA Community Resources Network.
- 2.5. To provide and ensure local opportunity for access to and training in the use of information and advanced technologies and other media for education, business and cultural development.
- 2.6. To ensure the association is effective and remains community owned and managed.
- 2.7.
 - (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 and/or equipment leased by the member to the Association; or
- (d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

3. POWERS OF THE COMMUNITY RESOURCE CENTRE

- 3.1. To purchase, take on, lease or exchange, hire or otherwise legally acquire and maintain any real or personal property and any rights and privileges in relation thereto.
- 3.2. To sell, exchange, lease, mortgage, hire, dispose of, turn to account or otherwise deal with all or part of the real and personal property of the Community Resource Centre.
- 3.3. To raise any monies required for the objectives and purposes of the Community Resource Centre in such a manner as may from time to time be determined.
- 3.4. To invest and deal with the monies of the Community Resource Centre not immediately required in such a manner as may from time to time be determined.
- 3.5. To open any account(s) with any financial institution(s) and to operate in all usual ways, any such account(s).
- 3.6. To appoint, employ and pay staff as required. The committee has the power to dismiss staff members subject to current industrial relations.
- 3.7. To do all such other things as are incidental or conducive to the attainment of its objectives.
- 3.8. To amalgamate, co-operate, affiliate and enter into reciprocal arrangements with any other group or association which has objectives wholly or in part similar to those of the Community Resource Centre.
- 3.9. To appoint agents to transact any business of the Community Resource Centre on its behalf.

4. MEMBERSHIP

- 4.1 Membership shall be open to:
 - 4.1.1. Any individual person or business wishing to utilise the Community Resource Centre
 - 4.1.2. Any person or business wishing to further the objectives and interests of the Community Resource Centre and its services.

4.2 Any person or business who wishes to become a member shall apply for membership in such a manner as the Committee from time to time directs.

4.3 Each person admitted to membership shall be:

4.3.1. Bound by the Constitution and By-laws of the Community Resource Centre;

4.3.2. liable for such fees and subscriptions as may be fixed by the Community Resource Centre Management Committee; from time to time.

4.3.3. Entitled to all advantages and privileges of membership.

4.4 Membership Categories

4.4.1 Personal Membership

4.4.2 Family Membership

4.4.3 Corporate Membership

4.4.4 Student Membership

4.4.5 Community Group Membership

4.4.6 Associate Membership

4.4.6.1 An Associate Member will not be entitled to any discounted services applying to other membership categories but will be entitled to voting rights and to hold office.

4.5 A member may at any reasonable time, inspect without charge, the books, documents, records and securities of the Community Resource Centre.

4.6 Register of Members

The Secretary, on behalf of the Community Resource Centre, must comply with section 53 of the Act by keeping and maintaining a register-

(1) a register in up to date condition of the members of the Community Resource Centre must be kept, it must keep their address (postal, residential or email) and, upon the request of a member of the Community resource Centre, shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.

(2) The register must be so kept and maintained at the Secretary's place of residence, or at such other place as the members at a general meeting decide.

(3) The Secretary must cause the name of a person who dies or who ceases to be a member under rules 6.1 & 7.4 to be deleted from the register of members referred to in sub-rule 4.6 (1).

5. SUBSCRIPTION OF MEMBERS

- 5.1 The committee shall from time to time at a General Meeting determine the amount of the subscription to be paid by each member.
- 5.2 Each member shall pay to the Community Resource Centre, annually on or before 30 June, the amount of the subscription determined under rule 4.6. sub rule (1).
- 5.3 a member whose subscription is not paid within 2 months after the date specified in rule 5.2 ceases on the expiry of that period to be a member, unless the committee decides otherwise.

6. TERMINATION OF MEMBERSHIP

- 6.1 Any person's membership may be terminated by the following events:
- 6.1.1 Resignation;
- 6.1.1 False or inaccurate statements made in the membership application, breaching of any rule, regulation or by-law of the Community Resource Centre or commitment of anything detrimental to the Community Resource Centre.
- 6.2 The Management committee shall have the power to suspend or expel any member of the Community Resource Centre for any of the events under rule 6.1.
- 6.3 Any member who has their membership terminated shall have the-right to appeal against their suspension by presenting their case to a general meeting called for such purpose and the decision of that meeting shall be final.

7. MANAGEMENT OF COMMUNITY RESOURCE CENTRE

7.1 Committee of Management

The affairs of the Community Resource Centre will be managed exclusively by a Committee of Management consisting of not less than 9 members, including-

- (a) a President;
- (b) a Vice-President;

- (c) a Secretary/Treasurer
- (d) not less than six other persons,

7.2 Election of Management Committee Members

7.2.1 Committee members shall be elected at the Annual General Meeting (AGM) of the Community Resource Centre for a term of one year.

7.2.2 Nominations for Committee Positions

(i) Only financial or associate members of the Community Resource Centre can nominate for election.

(ii) Retiring committee members shall be eligible for re-election.

(iii) Nominations for vacant positions on the committee may be received in writing or in person at the AGM and must be seconded by another member.

(iv) If any committee positions are not filled at the Annual General Meeting the committee shall endeavour to fill the positions as soon as possible from the membership of the Community Resource Centre for the period up until the next AGM.

7.3 Term of Office of Management Committee Members

7.3.1 The term of office of an elected member of management committee ends at the commencement of the next Annual General Meeting.

7.3.2 Retiring committee members shall be eligible for re-election to management committee positions.

7.4 Cessation of Office of Management Committee Members

7.4.1 A member of the committee shall cease to hold office if:

- i. They resign in writing as a committee member.
- ii. They resign, are suspended or expelled as a member of the association.
- iii. A majority of the committee vote to expel a person from the committee.

7.4.2 Expulsion from Management Committee

- i. A member can be expelled as a member of the committee if the committee considers the members conduct is detrimental to the interests of the association or the member is not performing their duties of office fully.

- ii. To expel a member, the committee must give the person at least seven (7) days' notice in writing (including by electronic means) of the committee meeting at which the expulsion will be discussed. The notice must state why the member is being considered for expulsion. The member is entitled to attend this meeting to address the committee, however, they can be required to leave the meeting whilst the committee deliberates the expulsion.
- iii. The committee must advise the member in writing of their decision, and the expulsion of a member takes effect immediately they receive notice of the expulsion.

7.4.3. Absence from Meetings

Absence from three consecutive committee meetings without notification or acceptable excuse is grounds for removal from office of a committee member.

7.4.5 Casual Vacancies in Membership of Committee

- i. When a position on the committee becomes vacant, the committee will second a member of the Community Resource Centre to fill the vacant position until the next AGM of the Community Resource Centre.
- ii. If a representative of an organisational member holds the position on the committee the organisation may select a representative to take their place. If the organisation elects not to select another representative the committee will second a member as per rule 7.4.5 (i).

8. POWERS OF THE COMMITTEE

- 8.1 Administer the finances, appoint bankers and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another and close any such account.
- 8.2 Fix the manner in which such banking accounts shall be operated on, providing all payments are passed by the Management Committee.
- 8.3 Fix fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof.
- 8.4 Adjudicate on all matters brought before it which in any way affect the Community Resource Centre.
- 8.5 Cause minutes to be made of proceedings at meetings of the Committee and General Meetings of members
- 8.6 Make, amend and rescind rulings and By-laws.

- 8.7 The Committee may, at their discretion, employ a person or persons to carry out certain duties required by the Community Resource Centre at salaries and remunerations for such period of time as may be deemed necessary. Any person so employed shall have no voting rights.
- 8.8 Should a vacancy occur on the Management Committee during the year, the Management Committee shall appoint a successor until the next Annual General Meeting.
- 8.9 Determine the amount of Petty Cash to be set aside for the use of the Secretary and Coordinator(s).
- 8.10 Unless the members resolve otherwise at a General Meeting, the Secretary/ Treasurer shall have custody of all securities, books and documents of a financial nature and accounting records of the Community Resource Centre.

9. MEETINGS

9.1 Annual General Meetings

- 9.1.1 The Annual General Meetings of the Community Resource Centre must be convened within the time limits provided for the holding of such meetings by section 50 of the Act, that is, in every calendar year within 4 months after the end of the Association's financial year or such longer period as may in a particular case be allowed by the Commissioner.
- 9.1.2 The Secretary shall give at least 14 days' notice of the Annual General Meeting to members. The Secretary must give a notice of a meeting by;
- (a) serving it on a member personally; or
 - (b) sending it to a member at the address of the member appearing in the register of members kept and maintained under rule 4.6.
 - (c) When a notice is sent by post under rule (9.1.2) sub-rule (b), sending of the notice will be deemed to be properly affected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.
- 9.1.3 All members of the public may attend the Annual General Meeting and may speak by leave of the Chairman but may not vote.
- 9.1.4 The quorum at the Annual General Meeting shall be five members. If at the end of 30 minutes after the time appointed in the notice for the opening of the meeting there be no quorum then the meeting shall stand and adjourn for one week. If on resumption of that meeting there is no quorum those members present shall be competent to discharge the business of the meeting.

9.2 Special & General Meetings

- 9.2.1 A Special or General Meeting shall be called by the Chairperson or any two members of the Committee or on written request of 20% of members of the Community Resource Centre.
- 9.2.2 The Secretary shall give the Committee at least 7 days notice of the date of the Special or General Meeting.
- 9.2.3 The Secretary must give notice of a meeting by
- (a) serving it on a member personally; or
 - (b) sending a text message to the members recorded phone number:
 - (c) sending it to a member at the address of the member appearing in the register of members kept and maintained under rule 4.6.
 - (d) When a notice is sent by post under rule (9.1.2) sub-rule (b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.
- 9.2.4 Quorum for Special & General Meetings
The quorum at a Special or General Meeting shall be five members. If there is no quorum within thirty (30) minutes of the starting time for the meeting, then a majority of members present shall decide to adjourn the meeting for a period of not more than thirty (30) days. The quorum for the adjourned meeting shall be the number of members present 30 minutes after the starting time.

9.3 Management Committee Meetings

- 9.3.1 The Management Committee will meet at least quarterly.
- 9.3.2 The Chairperson or any two members of the Committee shall have the power to call a meeting of the Committee.
- 9.3.3 The quorum for a Management Committee Meeting shall be five Committee members, one of which must be an office bearer.

10. VOTING

- 10.1 Each member present in person or by proxy at a General Meeting or Annual General Meeting is entitled to a deliberate vote.
- 10.2 Voting shall be carried out by a simple majority.
- 10.3 In the event of equal voting on a motion, the President shall have the casting vote.

- 10.4 The Coordinators of the Community Resource Centre, being employees of the Community Resource Centre shall not have a vote.

11. FINANCE

- 11.1 All funds of the Community Resource Centre shall be deposited into the Community Resource Centre's accounts at such bank or recognised financial institution as the Management Committee may determine.
- 11.2 All accounts due by the Community Resource Centre shall be paid by cheque after having been passed for payment at the Management Committee Meeting and when immediate payment is necessary, accounts shall also be paid by cheque or petty cash and the action endorsed at the next Management Committee Meeting.
- 11.3 The Secretary and Coordinators shall not spend more than a set amount of Petty Cash, as determined by the Management Committee from time to time, without the consent of the Management Committee and shall keep a record of such expenditure in the Petty Cash Books.
- 11.4 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting. The auditors report shall be attached to such financial report.
- 11.5 The financial year of the Community Resource Centre shall commence on 1st July each year. The accounts, books and all financial records of the Association shall be audited each year.
- 11.6 The signatories of the Community Resource Centre accounts shall be any two of the President, Vice President, Secretary / Treasurer.

12. AUDIT

- 12.1 The Community Resource Centre will comply with Section 26 of the Act with Financial Statements and reports.
- 12.2 At the AGM the Community Resource Centre may choose to have the books audited and elect or appoint an Auditor or Auditors.
- 12.3 The Auditors if appointed shall examine and audit all the books and accounts of the Community Resource Centre annually and have the power to call for all books, papers, accounts, receipts etc of the Community Resource Centre and report thereon to the Annual General Meeting.

13. COMMON SEAL

- 13.1 The common seal of the Community Resource Centre shall not be used without the express authority of the Committee and every use of the common seal shall be recorded in the minute book maintained by the Secretary.
- 13.2 The affixing of the common seal shall be witnessed by any 2 of the President, Vice President, Secretary or Treasurer, who shall subscribe their names as witnesses.
- 13.3 The common seal of the Community Resource Centre shall be kept in the custody of the Secretary or such other person as the Committee from time to time decides.

14. ALTERATIONS TO THE CONSTITUTION AND BY-LAWS

- 14.1 No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting, or General Meeting called for that purpose and the Secretary shall forward written notice of all motions to alter, repeal or add to the Constitution to all members at least fourteen (14) days prior to the Annual General Meeting or General Meeting called for such purpose.
- 14.2 Alterations to the By-laws can only be made at Management Committee Meetings provided that at least seven (7) days' notice in writing of the proposed alterations has been given to all members.

15. DISSOLUTION

- 15.1 The Community Resource Centre may be wound up by a resolution of 75% of those members present at a Special General Meeting called for such a purpose.
- 15.2 If, on the winding up or dissolution of the Community Resource Centre, there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed amongst the members or former members but must be given or transferred to another incorporated association under the Act which has similar objects and which is not carried out for purposes of profit or gain to its individuals members, and which Association shall be determined by resolution of the members.

16. DISPUTES AND MEDIATION

- 16.1 The grievance procedure set out in this rule applies to disputes under these rules between-
 - (a) a member and another member; or
 - (b) a member and the Association; or
 - (c) if the Association provides services to non-members, those non-members who receive services from the Association, and the Association.

- 16.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- 16.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 16.4 The mediator must be-
- (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement-
 - (i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Association;
 - (ii) in the case of a dispute between a member or relevant non-member (as defined by sub-rule (1)
 - (c) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 16.5 A member of the Association can be a mediator.
- 16.6 The mediator cannot be a member who is a party to the dispute.
- 16.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 16.8 The mediator, in conducting the mediation, must-
- (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 16.9 The mediator must not determine the dispute.
- 16.10 The mediation must be confidential and without prejudice.
- 16.11 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

17. ADOPTION OF THIS CONSTITUTION

This Constitution was adopted by the members of the Beacon Central Community Resource Centre Inc. at a Special General Meeting held on the 13th February 2019 at the Beacon Central Community Resource Centre in Beacon Central, -11 Rowlands Street, Beacon, WA. 6472.

From this date 13th February 2019, any other Constitutions of the Beacon Central Community Resource Centre Inc. which are in force shall be repealed.

