Asthma Australia

Constitution

Name

The name of the Association is Asthma Australia Incorporated

Objects

The Objects of the Association are:

- to reduce the individual and community burden of asthma and linked chronic respiratory conditions;

- to provide for Members the national identity and community voice for people with asthma and linked chronic respiratory conditions and their carers;

- to build national partnerships and advocate to enhance health and quality of life for people with asthma and linked chronic respiratory conditions and their carers;

- to promote social inclusion for people with asthma and linked chronic respiratory conditions and their carers;

- to provide national policy, protocols and quality assurance processes to enable members to collaboratively deliver quality, nationally agreed services; and

- such other activities as are necessary for or ancillary to any of the above objects.
Rules

The Rules of the Association are contained in the Annexed Rules
Rules

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Part 1.1 Preliminary

1. Definitions and Interpretation

(a) Definitions

In these rules:

Note A definition applies except so far as the contrary intention appears (see Legislation Act (Act) s 155).

Board -see clause 12

Circular Resolution means a resolution made by the means described in clause 31.

Financial Year means the year ending on 30 June.

Independent means a member of the Board appointed under clause 14(d).

Member means a member of the association.

Member Appointee means a member of the Board Appointed under clause 14(a).

Ordinary Resolution means, in respect of resolution of the Board, a sub-committee of the Board or the Members, a resolution passed by a simple majority of those present and voting.

Representative-see clause 30(a)(ii).

Secretary means the person holding office under these rules as secretary of the association or, if no such person holds that office, the Chief Executive Officer or, if no such person holds that office either, the public officer of the association.

Special Resolution has the meaning given it in the Act.

Tax Act means the Income Tax Assessment Act 1997 (Cth)

the Act means the Associations Incorporation Act 1991.
the regulation means the Associations Incorporation Regulation 1991.

(b) Interpretation

In these rules, unless the context requires otherwise:

(i) the singular includes the plural and vice versa, and a gender includes other genders;

(ii) another grammatical form of a defined word or expression has a corresponding meanings;

(iii) a reference to a clause, paragraph, schedule or annexe is to a clause or paragraph of or appendix to, these Rules;

(iv) a reference to a document or instrument includes the document or instrument as novated, altered, supplemented or replaced from time to time;

(v) a reference to time is to Canberra, ACT time;

(vi) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, reenactments or replacements of any of them;

(vii) a reference to a particular provision of a statute, ordinance, code or other law is that provision as it is amended or replaced;

(viii) a word or expression defined in the Act has the meaning given to it in the Act

(ix) the meaning of general words is not limited by specific examples introduced by including, for example or similar expressions;

(x) a reference to a resolution of either the Board or of Members is to an Ordinary Resolution unless the Act or this Constitution requires otherwise; and

(xi) headings are for ease of reference only and do not affect interpretation

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 1.2  Membership

3. The Members

(a) There are two classes of Member of the association. They are:

(i) Full Members; and

(ii) Associate Member.

(b) The Full Members are:

(i) The Asthma Foundation of New South Wales Incorporated;

(ii) The Asthma Foundation of the Northern Territory;

(iii) The Asthma Foundation of Queensland;

(iv) The Asthma Foundation of South Australia Incorporated;

(v) The Asthma Foundation of Tasmania;

(vi) The Asthma Foundation of Victoria;

(vii) The Asthma Foundation of Western Australia Incorporated;

(viii) The Asthma Foundation of the Australian Capital Territory Incorporated; and

(ix) any other organisation that is admitted to Full Membership under clause 4.

(c) The Associate Members are those organisations that are admitted to Associate Membership under clause 4.
4. **Admission to Membership**

(a) An organisation may apply for Membership of the association but a natural person may not. An application for Membership:

(i) must be made in writing in the form set out in appendix 1;

(ii) must nominate the class of Membership for which the applicant applies; and

(iii) must be lodged with the Secretary of the association.

(b) As soon as is practicable after receiving a nomination for Membership, the Secretary must refer the nomination to the Members for decision.

(c) The decision of the Members may be made by Circular Resolution unless, by notice in writing given to the Secretary within 7 days after the resolution is circulated, at least one of the Members requires it to be made at a general meeting in which case the Secretary must convene a general meeting for the purpose.

(d) If the Members resolve to admit an applicant to Membership, the Secretary must as soon as practicable after that decision notify the applicant of that approval and request the nominee to pay within 28 days after receipt of the notification the sum (if any) payable under these rules by a Member of the class of Membership to which the applicant is to be admitted as the entrance fee and the first year’s annual fee for Members of that class.

(e) The Secretary must, on payment by the applicant of the amounts mentioned in clause 4(d), within the period mentioned in that clause, enter the applicant’s name in the register of Members and, on entry of the name, the applicant becomes a Member of the association in the class of Membership for which the applicant applied.

5. **Membership entitlements not transferable**

The rights, privileges and obligations of Membership of the association:
(a) cannot be transferred or transmitted to another person or organisation; and
(b) terminate on cessation of the Membership.

6. Cessation of Membership

A Member ceases to be a Member of the association if the Member:
(a) is wound up; or
(b) resigns from Membership of the association; or
(c) is expelled from the association under clause 10 or by operation of clause 11.

7. Resignation of Membership

(a) A Member is not entitled to resign from Membership of the association except in accordance with this section.
(b) A Member who has paid all amounts payable by the Member to the association may resign from Membership of the association by first giving notice (of not less than 6 months or, if the Board has determined a shorter period, that shorter period) in writing to the Secretary of the Member’s intention to resign and, at the end of the period of notice, the Member ceases to be a Member.
(c) If a person ceases to be a Member, the Secretary must make an appropriate entry in the register of Members recording the date the Member ceased to be a Member.

8. Fee, subscriptions etc

(a) The entrance fee to the association is $500 or, if any other amount has been determined by resolution of the Board, the other amount. The Board may fix different entrance fees for each of the classes of Membership.
(b) The annual Membership fee may be fixed by the Board.
(c) The annual Membership fee may consist of a fixed sum or (subject to clause 8(d)) a variable levy or both and may differ between the classes of Membership.

(d) A levy on Members may vary in quantum from one Member to another but must be fixed by the application of the same criteria to each Member of a class of Membership.

(e) The annual Membership fee is payable at the times and in the manner fixed by the Board.

9. Members’ liabilities and rights to distribution are restricted

(a) The liability of a Member 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 in relation to Membership of the association as required by clause 8.

(b) The assets and income of the association must be applied only to further its objects, and no portion may be applied or distributed (directly or indirectly) to the Members except as bona fide remuneration for services rendered or expenses incurred on behalf of the association.

10. Expulsion for misconduct

(a) If the Board is of the opinion that a Member—

(i) has persistently refused or neglected to comply with a provision of these rules; or

(ii) has persistently and wilfully acted in a manner prejudicial to the interests of the association;

the Board may, by resolution (Expulsion Resolution)—

(iii) expel the Member from the association; or
(iv) suspend the Member from those of the rights and privileges of Membership of the association that the Board may decide for a specified period.

(b) An Expulsion Resolution of the Board is of no effect unless the Board has complied with the rules of natural justice as required by the Act, section 50.

(c) An Expulsion Resolution does not take effect until either:
(i) if the Member appeals under clause 10(d), the Members are taken to have confirmed the Expulsion Resolution under clause 10(f); or
(ii) the time allowed under clause 10(e) for the making of an appeal expires without an appeal having been made.

(d) The Member who is the subject of an Expulsion Resolution may appeal the Expulsion Resolution to the Members in general meeting.

(e) An appeal under clause 10(d) must be made by notice to the association served within 30 days after the Member receives notice of the Expulsion Resolution.

(f) On an appeal under clause 10(d) the Members may, by resolution, overturn the Expulsion Resolution, in which case it will have no effect. If the Members do not resolve to overturn the Expulsion Resolution, the Member is expelled from Membership with effect from the date of the Expulsion Resolution.

11. Expulsion for failure to pay fees

(a) Unless the Board otherwise determines, a Member ceases to be a Member if any amount payable by the Member under these rules remains unpaid for;
(i) a period of six months after it becomes due; and
(ii) a period of one month after a notice requiring payment and drawing the Member’s attention to this sub-rule has been served on the Member.

(b) A notice may not be given under clause 11(a)(ii) until after the end of the six months period referred to in clause 11(a)(i)
The Board may, by resolution, at any time after a Member ceases to be a Member pursuant to this sub-rule reinstate the Member to Membership on such terms as the Board thinks fit.

Part 1.3  Board

12. Powers of Board

The Board constitutes the committee required by the Act, sub-section 60(1). Subject to the Act, the regulations, these rules, and to any resolution passed by the association in general meeting, the Board:

(a) controls and manages the affairs of the association; and

(b) may exercise all functions that 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 acts and do all things that appear to the Board to be necessary or desirable for the proper management of the affairs of the association.

13. Constitution and membership

The Board consists of—

(a) the Member Appointees and

(b) the Independents (if any);

14. Appointment of Board members

(a) Each Full Member is entitled to appoint one person (Member Appointee) to the Board and may also appoint an alternate to its Member Appointee.
(b) A Member Appointee or the alternate of a Member Appointee may be removed from office and replaced at the pleasure of the Full Member who appointed him or her.

(c) A Full Member may appoint or remove its Member Appointee by notice in writing to the association.

(d) Subject to clause 14(e), the Member Appointees for the time being may appoint one or more additional Board members (Independents).

(e) The maximum number of Independents in office at any time is that number which is two less than the number of Members at that time.

(f) The term of office of an Independent is:

   (i) the period fixed by the Board at the time of his or her appointment; or

   (ii) if no term is fixed at that time, two years.

(g) Despite clause 14(f), the Member Appointees may remove an Independent from office at any time.

(h) A decision of the Member Appointees to appoint or remove an Independent may be made by simple majority of all of the Member Appointees then in office.

15. **Officers**

   (a) The Board must elect from its number:

      (i) a President (who is also the Chair); and

      (ii) a Vice-President

   and it may elect from its number either or both of:

      (iii) a Secretary; and

      (iv) a Treasurer.
(b) Each member elected to an office under clause 15(a) will have the duties allocated to that office by the Act and these rules and any other duties for the time being allocated to that office by the Board.

(c) The Board may appoint a person who is not a member of the Board to be the Chief Executive Officer of the association.

(d) Subject to clauses 15(e) and 15(f), the Board may fix the terms and conditions of the Chief Executive Officer's appointment, including, but not limited to, terms as to tenure and remuneration.

(e) If at any time, the Board has appointed a Chief Executive Officer but has not appointed a Secretary, the Chief Executive Officer must perform the duties of the Secretary under these rules.

(f) If at any time, the Board has appointed a Chief Executive Officer but has not appointed a Treasurer, the Chief Executive Officer must perform the duties of the Treasurer under these rules.

16. Vacancies

For these rules, a vacancy in the office of a member of the Board happens if the member—

(a) dies; or

(b) in the case of Member Appointee, either:
   (i) his or her appointor ceases to be a Member of the association; or
   (ii) he or she is removed from office by the appointor;

(c) in the case of an Independent, either:
   (i) his or her term of office expires; or
   (ii) he or she is removed from office by the Member Appointees; or

(d) resigns the office; or

(e) becomes bankrupt or personally insolvent; 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 Board from all meetings of the Board held during a period of 6 months.

17. Alternate Members of the Board

(a) An alternate appointed under clause 14(a) may attend any meeting of the Board from which the Member Appointee for whom he or she is the alternate is absent and can participate in and vote at the meeting in place of that Member Appointee.

(b) If Member Appointee ceases to hold office as a member of the Board, his or her alternate contemporaneously ceases to hold office as the alternate.

18. Board meetings and quorum

(a) The Board must meet at least 3 times in each calendar year either by electronic communication or in situ, at the place and time that the Board may decide.

(b) Oral or written notice of a meeting of the Board must be given by the Secretary to each member of the Board at least 10 days' (or any other period that may be unanimously agreed on by the members of the Board) before the time appointed for the holding of the meeting.

(c) Two thirds members of the Board present in person or by alternate constitute a quorum for the transaction of the business of a meeting of the Board.

(d) No business may be transacted by the Board 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 a time which is appointed by those present but which is not less than 7 days hence.
If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, those present constitute a quorum.

At meetings of the Board—

(i) the president or, in the absence of the president, the vice-president presides; or

(ii) if the president and the vice-president are absent, 1 of the remaining members of the Board may be chosen by the members present to preside.

The Board must cause minutes to be kept of—

(i) all elections and appointments of office-bearers and ordinary Board members; and

(ii) the names of members of the Board present at a Board meeting or a general meeting; and

(iii) all proceedings at Board meetings and general meetings.

Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

19. Delegation by Board to subcommittees

(a) The Board may, in writing, delegate to 1 or more subcommittees (each of which must contain at least one Board member) the exercise of the functions of the Board that are specified in the instrument, other than—

(i) this power of delegation; and

(ii) a function that is a function imposed on the Board by the Act, by any other law, or by resolution of the association in general meeting.

(b) A function, the exercise of which has been delegated to a subcommittee under this section may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
A delegation under this section may be made subject to any conditions or limitations about the exercise of any function, or about time or circumstances, that may be specified in the instrument of delegation.

Despite any delegation under this section, the Board may continue to exercise any function delegated.

Any act or thing done or suffered by a subcommittee acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the Board.

The Board may, in writing, revoke wholly or in part any delegation under this section.

A subcommittee may meet and adjourn as it considers appropriate.

20. Voting and decisions

Questions arising at a meeting of the Board are to be decided by Ordinary Resolution.

Questions arising at a meeting of any subcommittee appointed by the Board are to be decided by Ordinary Resolution of the members of the subcommittee.

Each member present at a meeting of the Board and each alternate present at a meeting of the board in place of an absent member (including the person presiding at the meeting) is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.

Likewise, each member of any subcommittee appointed by the Board present at a meeting of the sub-committee (including the person presiding at the meeting) is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.
Part 1.4 General meetings

21. Annual general meetings—holding of

(a) The association must, at least once in each calendar year and within 5 months after the end of each financial year of the association, call an annual general meeting of its Members.

(b) Clause 21(a) has effect subject to the powers of the registrar-general under the Act, section 120 in relation to extensions of time.

22. Annual general meetings—calling of and business at

(a) The annual general meeting of the association must, subject to the Act, be called on the date and at the place and time that the Board considers appropriate.

(b) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is—

(i) to confirm the minutes of the last annual general meeting and of any general meeting held since that meeting; and

(ii) to receive from the Board reports on the activities of the association during the last financial year; and

(iii) 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).

(iv) to appoint a public officer of the Association;

(v) to appoint the auditor and to determine his remuneration
23. General meetings—calling of

(a) The Board may, whenever it considers appropriate, call a general meeting of the association and must call one if an appeal is made under clause 10(d).

(b) The Board must call a general meeting of the association on the requisition in writing of not less than two Full Members.

(c) A requisition of Full Members for a general meeting—
   (i) must state the purpose or purposes of the meeting; and
   (ii) must be signed by the Full Members making the requisition; and
   (iii) must be lodged with the Secretary; and
   (iv) may consist of several documents in a similar form, each signed by 1 or more of the Full Members making the requisition.

(d) If the Board fails to call a general meeting within 1 month after the date when a requisition of Full Members for the meeting is lodged with the Secretary, any 1 or more of the Full Members who made the requisition may call a general meeting to be held not later than 3 months after that date.

(e) A general meeting called by a Member or Members mentioned in 23(d) must be called as nearly as is practicable in the same way as general meetings are called by the Board.

24. Notice

(a) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the Secretary must, at least 14 days before the date fixed for the holding of the general meeting, send by prepaid post to each Member at the 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.
(b) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the Secretary must, at least 21 days before the date fixed for the holding of the general meeting, send notice to each Member in the way provided in clause 24(a) specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a special resolution.

(c) No business other than that specified in the notice calling a general meeting may be transacted at the meeting except, for an annual general meeting, business that may be transacted under clause 22(b).

(d) A Member desiring to bring any business before a general meeting may give written notice of that business to the Secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the Member.

25. General meetings—procedure and quorum

(a) No item of business may be transacted at a general meeting unless a quorum of Members entitled under these rules to vote is present during the time the meeting is considering that item.

(b) Two thirds of the Full Members present (who are entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

(c) If within 30 minutes after the appointed time for the start of a general meeting a quorum is not present, the meeting if called on the requisition of Members is dissolved and in any other case stands 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.

(d) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the start of the meeting, the Members present (being not less than 3) constitute a quorum.
26. **Presiding member**

(a) The president, or in the absence of the president, the vice-president, presides at each general meeting of the association.

(b) If the president and the vice-president are absent from a general meeting, the Members present must elect 1 of their number to preside at the meeting.

27. **Adjournment**

(a) 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 may be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(b) If a general meeting is adjourned for 14 days or more, the Secretary must give written or oral notice of the adjourned meeting to each 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.

(c) Except as provided in subsections (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.

28. **Making of decisions**

(a) A question arising at a general meeting of the association is to be decided on a show of hands of Full Members 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.
At a general meeting of the association, a poll may be demanded by the person presiding or by not less than 3 Full Members present at the meeting.

If the poll is demanded at a general meeting, the poll must be taken—

(i) immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or

(ii) in any other case—in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

Resolutions of a general meeting require a special majority (as defined by the Act) where either these rules or the Act require it.

Otherwise, resolutions of a general meeting require only a simple majority of Members present.

29. Voting

Subject to subsection (3), on any question arising at a general meeting of the association a Full Member has 1 vote.

An Associate Member has the right to be present but has no right to vote.

The person presiding is entitled only to those deliberative votes (if any) to which he or she is entitled as a Member's Representative or proxy but, if the votes on any question are equal, the person presiding may exercise a casting vote.

A Full Member is not entitled to vote at any general meeting of the association unless all money due and payable by the Member the association has been paid, other than the amount of the annual subscription payable for the then current year.

30. Appointment of representatives

Member is entitled to be represented at a general meeting by:
(i) a proxy appointed by notice in the form set out in appendix 2 given to the Secretary no later than 24 hours before the time of the meeting for which the proxy is appointed; or

(ii) a representative appointed under clause 30(b) (Representative).

(b) A Member may by written notice to the Secretary appoint a natural person to act as its Representative in some or all matters connected with the Member as if the association were a body corporate to which section 253B of the Corporations Act 2001 applies and the appointed Representative will have the powers in relation to the Member that he or she would have as if section 253B applied to the Association.

(c) A member may by written notice to the Secretary revoke an appointment made under clause 30(b).

(d) For the purposes of these rules, a Member represented at a general meeting by either a proxy or a Representative is to be taken to be present at the meeting.
Part 1.5 MISCELLANEOUS

31. CIRCULAR RESOLUTIONS

(a) Subject to clause 31(f), the Board may pass a resolution without a Board meeting being held if all the Board members entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document. The resolution is passed when the last Board member signs.

(b) Likewise, the Members may pass a resolution without a general meeting being held if all the Members entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document. The resolution is passed when the last Member signs.

(c) For the purposes of clauses 31(a) and 31(b), separate copies of a document may be used for signing by those entitled to vote if the wording of the resolution and statement is identical in each copy.

(d) Any document referred to in this clause may be in the form of a facsimile or electronic transmission.

(e) A resolution that is put to the Board or to the Members under this clause 31 is to be taken to have been put to a meeting of the Board or of the Members and must be minuted accordingly.

(f) A resolution may not be passed under clause 31(a) if, before it is circulated for voting under clause 31(a), the Board resolves that it can only be put at a meeting of the Board.
32. **Funds—source**

(a) The funds of the association must be derived from entrance fees and annual subscriptions of Members, donations and, subject to the Act, section 114, any other sources that the Board decides.

(b) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association’s bank account.

(c) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

33. **Funds—management**

(a) The funds of the association must be used for the objects of the association in the way that the Board decides.

(b) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 Members of the Board or employees of the association, being Members of the Board or employees authorised to do so by the Board.

34. **Alteration of objects and rules**

Neither the objects of the association mentioned in the Act, section 29 nor these rules may be altered except in accordance with the Act.

35. **Common seal**

(a) The common seal of the association must be kept in the custody of the Secretary.

(b) The common seal must not be attached to any instrument except by the authority of the Board and the attaching of the common seal must be attested by the signatures either of 2 Members of the Board or of 1 Member of the Board and of the Secretary.
36. **Custody of books**

Subject to the Act, the regulation and these rules, the Secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the association.

37. **Inspection of books**

The records, books and other documents of the association must be open to inspection at a place in the ACT, free of charge, by a Member of the association at any reasonable hour.

38. **Service of notice**

For these rules:

(a) the association may serve a notice on a Member by sending it by post to the Member at the Member’s address shown in the register of Members;

(b) a Member may serve a notice on the association by sending it by post to the association's public officer; and

(c) the notice will be taken to have been served at the time at which it would have been delivered in the ordinary course of post.

*Note* For how documents may be served, see the Legislation Act, pt 19.5.

39. **Surplus property**

(a) At the first to occur of one of the following events, namely:

(i) the winding up of the association; and

(ii) the revocation of the association's endorsement under Subdivision 30–BA of the Tax Act,
the association must transfer any surplus referred to in section 30-125(6)(b) of the *Tax Act* to a fund, authority or institution gifts to which can be deducted under Division 30 of the *Tax Act*.

40. **Winding up**

(a) If upon the winding up or deregistration of the association there remains any 'surplus property' as defined in the Act (apart from any property already dealt with under clause 39), the surplus property must not be paid to or distributed amongst the Members, but must be given or transferred to one or more qualifying funds, authorities or institutions nominated for the purpose by Special Resolution of the association in general meeting.

(b) For the purposes of clause 40(a), a fund, authority or institution is a qualifying fund, authority or institution if, and only if;

(i) either:

   (A) it is another association for the Act, section 92 (1) (a); or

(ii) it is a fund, authority or institution for the Act, section 92 (1) (b), and

(c) gifts to it can be deducted under Division 30 of the *Tax Act*. 
Appendix 1

(see s 3 (1))

Application for Membership of association
.................................................................................................................................................. Incorporated
(incorporated under the Associations Incorporation Act 1991),
..................................................................................................................................................

(full name of applicant)
of ........................................................................................................................................

(address)
applies to become

a Full Member/an Associate Member (strike out whichever is inapplicable) of the incorporated
association. If admitted as a Member, the applicant agrees to be bound by the rules of the
association for the time being in force.
........................................................................

(Signature of authorised officer of the applicant)

Date .................................
SCHEDULE—continued
Appendix 2

(see s 30 (2))

Form of appointment of proxy

(full name)
of .........................................................................................................................

a Member of ASTHMA AUSTRALIA INCORPORATED appoints

(full name of proxy)
of .........................................................................................................................

(address)
as its proxy to vote for it on its behalf at the general meeting of the association (annual general
meeting or other general meeting, as the case may be) to be held on

.......................................................... and at any adjournment of that meeting.

*The proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert
details).

..........................................................

(Signature of Authorised Signatory of the Member appointing proxy)

Date ........................................

(*To be inserted if desired.)
SCHEDULE—continued