

# LOCAL COMMUNITY SERVICES ASSOCIATION

# CONSTITUTION 2015

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## Part 1 - Preliminary

### 1. Definitions

- (1) In this constitution:
- (a) **community** means a group of interacting people living in a common location (community of location) or sharing common ethnicity, values or experiences (community of culture or community of identity).
  - (b) **community organisation** means a not for profit organisation whose primary objects relate to the service (alt development and wellbeing) of a community.
  - (c) **community based organisation** means a community organisation where membership is open and accessible to all members of a community (and generally reflects the demographics of its community) and which accounts for its actions to that community.
  - (d) **community governed organisation** means a community based organisation where the governing body (board or management committee) is elected rather than appointed and is the main point of authority within the organisation, but does not include a local, state or federal government body or a religious or charitable organisation operating in more than one local community.
  - (e) **delegate** a person authorised to act as a representative of the member organisation.
  - (f) **Director-General** means the Director-General of the NSW Department of Finance and Services.
  - (g) **neighbourhood centre** (community centre) means a community governed organisation which provides a community focal point and a range of community development and social inclusion opportunities and activities and community-focused services.
  - (h) **regional body** means a community governed organisation with a regional or sub-regional coverage whose primary objects relate to the support and development of community organisations in their region (and whose membership includes LCSA members but whose majority of members are ineligible for LCSA membership in their own right).
  - (i) **regional forum** means a meeting of all LCSA members, members in association and individual members within a designated geographical region.
  - (j) **secretary** means:
    - (i) the person holding office under this constitution as secretary of LCSA, or
    - (ii) if no such person holds that office - the public officer of LCSA.
  - (j) **special general meeting** means a general meeting of LCSA other than an annual general meeting.
  - (k) **Act** means the *Associations Incorporation Act 2009 (NSW)*.
  - (l) **Regulation** means the *Associations Incorporation Regulation 2010 (NSW)*.
- (2) In this constitution:
- (a) a reference to a function includes a reference to a power, authority and duty, and
  - (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty, and
  - (c) a rule applying to a member shall also apply to an associate member and an individual member unless otherwise stated.
- (3) The provisions of the *Interpretation Act 1987 (NSW)* apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

### 2. Name

The name of the association shall be the Local Community Services Association Inc. (LCSA).

### **3. Principal Purpose**

- (1) LCSA is a not for profit peak body association for neighbourhood centres and other community based and governed organisations in New South Wales.
- (2) The principal purpose of LCSA is to work with its members to strengthen communities and to alleviate poverty and distress suffered by economically and socially disadvantaged communities in New South Wales.

## **Part 2 – Membership**

### **4. Membership generally**

- (1) A community organisation is eligible to be a full member of LCSA if:
  - (a) the organisation is a neighbourhood centre, or
  - (b) the organisation is a community governed organisation with a focus on community development, social inclusion and community focused services, or
  - (c) the organisation is a regional body, and
  - (d) the organisation has been nominated and approved for membership in accordance with clause 5.
- (2) An organisation is eligible to become an associate member of LCSA if:
  - (a) the organisation functions as a neighbourhood centre but is not a community governed organisation, or
  - (b) the organisation is a community based and community governed organisation with a primary focus on specific service delivery, and
  - (c) the organisation has been nominated and approved for membership in accordance with clause 5.
- (3) A natural person is eligible to become an individual member of LCSA if:
  - (a) the person is a student preparing to work within the disciplines required by LCSA members, or
  - (b) the person has a recognised record of support for the work of LCSA, and
  - (c) the person has been nominated and approved for membership in accordance with clause 5.
- (4) Organisations and persons referred to in subclauses 4(2) and 4(3) do not enjoy voting rights.

### **5. Nomination for membership**

- (1) A nomination of an organisation for full membership or associate membership or a nomination of a person for individual membership of LCSA:
  - (a) must be made by a member of LCSA in writing in the form set out in Appendices 1 to 3 of this constitution, and
  - (b) must be lodged with the secretary of LCSA.
- (2) An organisation applying for full membership or associate membership:
  - (a) shall nominate one (1) natural person as the organisation's delegate to represent the applicant organisation. The application form of the organisation shall state the name and address of the person nominated as the delegate.
  - (b) may appoint an alternate delegate at any time by advising LCSA of their name in writing, with the notification signed by two (2) members of the governing body of that organisation.
  - (c) shall notify in writing to the Secretary any change on that member's address within a period of one (1) month next following such change and all notices given at the address last notified shall be considered duly received.

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- (3) A person applying for individual membership shall notify in writing to the secretary any change on that individual member's address within a period of one (1) month following such change and all notices given at the address last notified shall be considered duly received.
- (4) As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination to the board which is to determine whether to approve or to reject the nomination.
- (5) As soon as practicable after the board makes that determination, the secretary must:
  - (a) notify the nominee, in writing, that the committee approved or rejected the nomination (whichever is applicable), and
  - (b) if the board has approved the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under this constitution by a full member, associate member or individual member as entrance fee and annual subscription.
- (6) The secretary must, on payment by the nominee of the amounts referred to in subclause (3)(b) within the period referred to in that subclause, enter or cause to be entered the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of LCSA.

### **6. Cessation of membership**

- (1) An organisation ceases to be a full member of LCSA if the organisation:
  - (a) ceases to exist, or
  - (b) ceases to be a community managed organisation, or
  - (c) resigns membership, or
  - (d) is expelled from LCSA, or
  - (e) fails to pay the annual membership fee under subclause 8(2) within three (3) months after the annual membership fee is due.
- (2) An organisation ceases to be an associate member of LCSA if the organisation:
  - (a) ceases to exist, or
  - (b) resigns membership, or
  - (c) is expelled from LCSA, or
  - (d) fails to pay the annual membership fee under clause 8(2) within three (3) months after the annual membership fee is due.
- (3) A person ceases to be an individual member of LCSA if the person:
  - (a) dies, or
  - (b) resigns membership, or
  - (c) is expelled from the LCSA, or
  - (d) fails to pay the annual membership fee under clause 8(2) within three (3) months after the annual membership fee is due.

### **7. Membership entitlements not transferable**

A right, privilege or obligation which an organisation or person has by reason of being a member of LCSA:

- (a) is not capable of being transferred or transmitted to another organisation or person, and
- (b) terminates on cessation of the organisation or person's membership of LCSA.

### **8. Resignation of membership**

- (1) A member of LCSA may resign from membership of LCSA by first giving to the secretary written notice of at least one (1) month (or such other period as the board may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (2) If a member of LCSA ceases to be a member under subclause 8(1), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

### **9. Register of members**

- (1) The public officer of LCSA must establish and maintain a register of members of the LCSA specifying the name and postal or residential address of each organisation or person who is a member of the LCSA together with the date on which the organisation or person became a member.
- (2) The register of members must be kept in New South Wales at the main premises of LCSA.
- (3) The register of members must be open for inspection, free of charge, by any member of LCSA at any reasonable hour.
- (4) A member of LCSA may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection that information must not be made available for inspection.
- (6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
  - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to LCSA or other material relating to LCSA, or
  - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

### **10. Fees and subscriptions**

- (1) There is no LCSA membership joining fee but there is an LCSA annual membership fee as set out in subclause 10(2).
- (2) A LCSA member must pay to LCSA an annual membership fee as determined from time to time by the board under the status of an:
  - (a) full member,
  - (b) associate member, or
  - (c) individual member.
- (3) Except as provided by subclause 10(4) the annual membership fee must be paid before 1 July in each calendar year.
- (4) If the member becomes a member of LCSA on or after 1 July in any calendar year the annual membership fee must be paid on becoming a member and before 1 July in each succeeding calendar year.

### **11. Members' liabilities**

The liability of a member of LCSA to contribute towards the payment of the debts and liabilities of LCSA or the costs, charges and expenses of the winding up of LCSA is limited to the amount, if any, unpaid by the member in respect of membership of LCSA as required by clause 8.

### **12. Resolution of disputes**

- (1) If a dispute between a member and another member (in their capacity as members) of LCSA, or a dispute between a member or members and LCSA, cannot be resolved directly with the parties involved it shall be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983 (NSW)*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The *Commercial Arbitration Act 2010 (NSW)* applies to any such dispute referred to arbitration.

### **13. Disciplining of members**

- (1) A complaint may be made to the board by any person that a member of LCSA:
  - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
  - (b) has willfully acted in a manner prejudicial to the interests of LCSA.
- (2) The board may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the board decides to deal with the complaint, the board:
  - (a) must cause notice of the complaint to be served on the member concerned, and
  - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the board in connection with the complaint, and
  - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The board may, by resolution, expel the member from LCSA or suspend the member from membership of LCSA if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the board expels or suspends a member, the secretary must, within seven (7) days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the board for having taken that action and of the member's right of appeal under clause 14.
- (6) The expulsion or suspension does not take effect:
  - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - (b) if within that period the member exercises the right of appeal, unless and until LCSA confirms the resolution under clause 12, whichever is the later.

### **14. Right of appeal of disciplined member**

- (1) A member may appeal to LCSA in general meeting against a resolution of the board under clause 13, within seven (7) days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.



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- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause 14(1), the secretary must notify the board which is to convene a general meeting of LCSA to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of LCSA convened under subclause 14(3):
  - (a) no business other than the question of the appeal is to be transacted, and
  - (b) the board and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
  - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of LCSA.

### **Part 3 – Governance**

#### ***15. Powers of the board***

Subject to the Act, the Regulation and this constitution and to any resolution passed by LCSA in general meeting, the board:

- (a) is to control and manage the affairs of LCSA, including the employment of the Executive Officer, and
- (b) may exercise all such functions as may be exercised by LCSA, other than those functions that are required by this constitution to be exercised by a general meeting of members of LCSA, and
- (c) has power to perform all such acts and do all such things as appear to the board to be necessary or desirable for the proper management of the affairs of LCSA.

#### ***16. Composition and membership of board***

- (1) The board is to consist of:
  - (a) the office-bearers of LCSA, and
  - (b) at least of three (3) ordinary board members each of whom is to be elected at the annual general meeting of LCSA under clause 17.
- (2) The total number of board members is to be seven (7).
- (3) The office-bearers of LCSA are as follows:
  - (a) the president,
  - (b) the vice-president,
  - (c) the treasurer, and
  - (d) the secretary.
- (4) Except for other the president and the vice-president a board member may hold up to two (2) offices.
- (5) Each member of the board is, subject to this constitution, to hold office until the conclusion of the second annual general meeting following the date of the member's election, but is eligible for re-election.



### **17. Election of board members**

- (1) Nominations of candidates for election as office-bearers of LCSA or as ordinary board members:
  - (a) must be made in writing, signed by two (2) delegates of members of LCSA and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
  - (b) must be delivered to the secretary of LCSA at least seven (7) days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the board, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the board are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary members of the board is to be conducted at the annual general meeting in such usual and proper manner as the board may direct.
- (7) A person nominated as a candidate for election as an office-bearer must be a delegate of a member of LCSA, with full membership.
- (8) No member of the board shall be appointed to any salaried office of LCSA or any office of LCSA paid by fees and no remuneration or other benefits in money or monies worth shall be given by LCSA to any members of the board except repayment for out of pocket expenses.

### **18. Secretary**

- (1) The secretary of LCSA must, as soon as practicable after being appointed as secretary, lodge notice with LCSA of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
  - (a) all appointments of office-bearers and members of the board and state council, and
  - (b) the names of members of the board present at a board meeting or state council meeting or a general meeting, and
  - (c) all proceedings at board meetings, state council meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

### **19. Treasurer**

It is the duty of the treasurer of LCSA to ensure:

- (a) that all money due to LCSA is collected and received and that all payments authorised by LCSA are made, and

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- (b) that correct books and accounts are kept showing the financial affairs of LCSA, including full details of all receipts and expenditure connected with the activities of LCSA.

### **20. Casual vacancies**

- (1) In the event of a casual vacancy occurring in the membership of the board, the board may appoint the delegate of a member of LCSA to fill the vacancy and the delegate so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the board occurs if the board member:
  - (a) dies, or
  - (b) ceases to be a delegate of a member of LCSA, or
  - (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* (Cth), or
  - (d) resigns office by notice in writing given to the secretary, or
  - (e) is removed from office under clause 19, or
  - (f) becomes a mentally incapacitated person, or
  - (g) is absent without the consent of the board from three (3) consecutive meetings of the board, or
  - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than three (3) months, or
  - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* (Cth).

### **21. Removal of board members**

- (1) LCSA in general meeting may by resolution remove any member of the board from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the board to whom a proposed resolution referred to in subclause 21(1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of LCSA, the secretary or the president may send a copy of the representations to each member of LCSA or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

### **22. Board meetings and quorum**

- (1) The board must meet at least 3 times in each period of 12 months at such place and time as the board may determine.
- (2) Additional meetings of the board may be convened by the president or by any member of the board.
- (3) Oral or written notice of a meeting of the board must be given by the secretary to each member of the board at least 48 hours (or such other period as may be unanimously agreed on by the members of the board) before the time appointed for the holding of the meeting.
- (4) Board Members may participate in the transaction of business of the board by use of technology.

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- (5) Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the board members present at the meeting unanimously agree to treat as urgent business.
- (6) Three (3) members of the board constitute a quorum for the transaction of the business of a meeting of the board.
- (7) No business is to be transacted by the board unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to a time and place to be determined by the chairperson and secretary.
- (8) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (9) At a meeting of the board:
  - (a) the president or, in the president's absence, the vice-president is to preside, or
  - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the board as may be chosen by the members present at the meeting is to preside.

### ***23. Delegation by the board to sub-committee***

- (1) The board may, by instrument in writing, delegate to one or more sub-committees (consisting of such board members or members of LCSA as the board thinks fit) the exercise of such of the functions of the board as are specified in the instrument, other than:
  - (a) this power of delegation, and
  - (b) a function which is a duty imposed on the board by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this clause 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) Despite any delegation under this clause, the board may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the board.
- (6) The board may, by instrument in writing, revoke wholly or in part any delegation under this clause 23.
- (7) A sub-committee may meet and adjourn as it thinks proper.

### ***24. Voting and decisions***

- (1) Questions arising at a meeting of the board or of any sub-committee appointed by the board are to be determined by a majority of the votes of members of the board or sub-committee present at the meeting.

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- (2) Each member present at a meeting of the board or of any sub-committee appointed by the board (including the person presiding at the meeting) is entitled to one 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 clause 22(6) the board may act despite any vacancy on the board.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the board or by a sub-committee appointed by the board, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the board or sub-committee.

### **Part 4 - General meetings**

#### ***25. Annual general meetings - holding of***

- (1) LCSA must hold its first annual general meeting within 18 months after its registration under the Act.
- (2) LCSA must hold its annual general meetings:
  - (a) within six (6) months after the close of LCSA's financial year, or
  - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

#### ***26. Annual general meetings - calling of and business at***

- (1) The annual general meeting of LCSA is, subject to the Act and to clause 23, to be convened on such date and at such place and time as the board 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 is to include the following:
  - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
  - (b) to receive from the board reports on the activities of LCSA during the last preceding financial year,
  - (c) to elect office-bearers of LCSA and ordinary board members, and
  - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

#### ***27. Special general meetings - calling of***

- (1) The board may, whenever it thinks fit, convene a special general meeting of LCSA.
- (2) The board must, on the requisition in writing of at least (five) 5 per cent of the total number of members, convene a special general meeting of LCSA.
- (3) A requisition of members for a special general meeting:
  - (a) must state the purpose or purposes of the meeting, and
  - (b) must be signed by the members making the requisition, and
  - (c) must be lodged with the secretary, and
  - (d) may consist of several documents in a similar form, each signed by one (1) or more of the members making the requisition.

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- (4) If the board fails to convene a special general meeting to be held within one (1) month after that date on which a requisition of members for the meeting is lodged with the secretary, any one (1) or more of the members who made the requisition may convene a special general meeting to be held not later than three (3) months after that date.
- (5) A special general meeting convened by a member or members as referred to in subclause 27(4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the board.

### **28. Notice**

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of LCSA, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of LCSA, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause 28(1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under subclause 24(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing 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.

### **29. Quorum for general meetings**

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Five (5) members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - (a) if convened on the requisition of members, is to be dissolved, and
  - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the 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 half an hour after the time appointed for the commencement of the meeting, the members present (being at least three (3)) are to constitute a quorum.

### **30. Presiding member**

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of LCSA.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

### **31. Adjournment**

- (1) The chairperson of 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 is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) 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 LCSA 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 subclauses 31(1) and 31(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 LCSA is to be determined by either:
  - (a) a show of hands, or
  - (b) if on the motion of the chairperson or if five (5) or more members present at the meeting decide that the question should be determined by a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson 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 LCSA, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

### **33. Special resolutions**

A special resolution may only be passed by LCSA in accordance with section 39 of the Act.

### **34. Voting**

- (1) On any question arising at a general meeting of LCSA the delegate of a member has one (1) vote only, delegates of members in association and individual members have the right to speak in debate on any resolution but do not have the right to vote.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A delegate of a member is not entitled to vote at any general meeting of LCSA unless all money due and payable by the member to LCSA has been paid.
- (4) A delegate of a member is not entitled to vote at any general meeting of LCSA if the delegate is under 18 years of age.



### **35. Proxy votes not permitted**

Proxy voting must not be undertaken at or in respect of a general meeting.

*Note: Clause 10 of Schedule 1 to the Act provides that an association's constitution is to address whether members of LCSA are entitled to vote by proxy at general meetings.*

### **36. Postal ballots**

(1) LCSA may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 14).

(2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

## **Part 5 – Tax Deductible Gifts**

### **37. Separate Accounting**

If LCSA is endorsed by the Australian Taxation Office as a deductible gift recipient, any tax deductible gifts and contributions made to LCSA for its principal purpose, any contributions made in relation to an eligible fundraising event held for the principal purpose of LCSA, and any money received by LCSA as a result of such gifts or contributions, shall be credited to a separate bank account to be established by LCSA. Money credited to this bank account shall only be used for the principal purpose of LCSA.

### **38. Winding Up and Revocation**

If LCSA is endorsed by the Australian Taxation Office as a deductible gift recipient, and is subsequently wound up or its endorsement is revoked (whichever occurs first), any surplus of the following assets shall be transferred to another organisation to which tax deductible gifts can be made:

- (a) gifts of money or property for the principal purpose of LCSA,
- (b) contributions made in relation to an eligible fundraising event held for the principal purpose of LCSA, and
- (c) money received by LCSA because of such gifts or contributions

### **39. Surplus Property**

In the event of LCSA being wound up or dissolved, any surplus assets remaining after the repayment of the fund's liabilities shall be transferred to another fund, association, authority or institution which has similar objects to LCSA and to which income tax deductible gifts can be made.

## **Part 6 – Miscellaneous**

### **40. Insurance**

LCSA may effect and maintain insurance.

### **41. Funds – source**

(1) Subject to Clause 37, all money received by LCSA must be deposited as soon as practicable and without deduction to the credit of LCSA's bank or other authorised deposit-taking institution account.

(2) LCSA must, as soon as practicable after receiving any money, issue an appropriate receipt.



#### **42. Funds – management**

- (1) Subject to Clause 37 and to any resolution passed by LCSA in general meeting, the funds of LCSA are to be used in pursuance of the objects of LCSA in such manner as the board determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two (2) members of the board or employees of LCSA, being members or employees authorised to do so by the board.

#### **43. Change of name, objects and constitution**

An application to the Director-General for registration of a change in LCSA's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a board member.

#### **44. Custody of books etc**

Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to LCSA.

#### **45. Inspection of books etc**

- (1) The following documents must be open to inspection, free of charge, by a the delegate of a member of LCSA at any reasonable hour:
  - (a) records, books and other financial documents of LCSA,
  - (b) this constitution, and
  - (c) minutes of all board meetings and general meetings of LCSA.
- (2) A delegate of a member of LCSA may obtain a copy of any of the documents referred to in subclause 45(1) on payment of a fee of not more than \$1 for each page copied.

#### **46. Service of notices**

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
  - (a) by delivering it to the person personally, or
  - (b) by sending it by pre-paid post to the address of the person, or
  - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
  - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
  - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
  - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

#### **47. Financial year**

The financial year of LCSA is:

- (a) the period of time commencing on the date of incorporation of LCSA and ending on the following 30 June, and

## **LCSA CONSTITUTION 2015**

- (b) each period of 12 months after the expiration of the previous financial year of LCSA, commencing on 1 July and ending on the following 30 June.

*Note: Clause 16 of Schedule 1 to the Act provides that an association's constitution is to address the association's financial year.*

## Appendix 1 Application for Full Membership of the Local Community Services Association Inc.

(See clause 4(1) of the association's constitution)

### APPLICATION FOR FULL MEMBERSHIP OF ASSOCIATION

Local Community Services Association Inc.  
(incorporated under the *Associations Incorporation Act 2009 (NSW)*)

I, .....  
[full name of applicant]

of .....  
[address]

representing.....  
[name of organisation applying for membership]

hereby apply for my organisation to become a full member of the above named incorporated association. In the event of my organisation's admission as a full member, I agree to be bound by the constitution of the association for the time being in force and nominate

, .....  
[full name of delegate]

of .....  
[address]

to be the delegate of my organisation to the association.

.....  
*Signature of applicant* Date  
I, .....  
[full name]

the delegate of a member of the association, nominate the applicant for full membership of the association.

.....  
*Signature of proposer* Date  
I, .....  
[full name]

the delegate of a member of the association, second the nomination of the applicant for full membership of the association.

.....  
*Signature of seconder* Date

## Appendix 2 Application for Associate Membership of the Local Community Services Association Inc.

(See clause 4(2) of the association's constitution)

### APPLICATION FOR ASSOCIATE MEMBERSHIP OF ASSOCIATION

Local Community Services Association Inc  
(incorporated under the *Associations Incorporation Act 2009 (NSW)*)

I, .....  
[full name of applicant]

of .....  
[address]

representing.....  
[name of organisation applying for membership]

hereby apply for my organisation to become an associate member of the above named incorporated association. In the event of my organisation's admission as an associate member, I agree to be bound by the constitution of the association for the time being in force and nominate

, .....  
[full name of delegate]

of .....  
[address]

to be the delegate of my organisation to the association.

.....  
*Signature of applicant*

.....  
Date

I, .....  
[full name]

the delegate of a member of the association, nominate the applicant for associate membership of the association.

.....  
*Signature of proposer*

.....  
Date

I, .....  
[full name]

the delegate of a member of the association, second the nomination of the applicant for associate membership of the association.

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.....  
*Signature of seconder*

Date

## Appendix 3 Application for Individual Membership of the Local Community Services Association Inc.

(See clause 3(1) of the association's constitution)

### APPLICATION FOR **INDIVIDUAL MEMBERSHIP** OF ASSOCIATION

.....  
Local Community Services Association Incorporated  
(incorporated under the *Associations Incorporation Act 2009 (NSW)*)

I, .....  
[full name of applicant]

of .....  
[address]

.....  
[occupation]

hereby apply to become an individual member of the above named incorporated association. In the event of my admission as an individual member, I agree to be bound by the constitution of the association for the time being in force.

.....  
Signature of applicant Date

I, .....  
[full name]

the delegate of a member of the association, nominate the applicant for individual membership of the association.

.....  
Signature of proposer Date

I, .....  
[full name]

the delegate of a member of the association, second the nomination of the applicant for individual membership of the association.

.....  
Signature of seconder Date