



Rules of the Ocean Shores Community Association Inc.

Current Revision Registered by Registry of Co-op & Associations
NSW Office of Fair Trading 28 July, 2009

1. NAME

The name of the association shall be "Ocean Shores Community Association Inc".

2. OBJECTS

- a) to take action to achieve improvement and maintenance of services and facilities within Greater Ocean Shores and Billinudgel.
- b) to represent the community in matters concerning Government authorities.
- c) to act with similar organisations in making representations to any Authority.
- d) to pursue the need for sporting, recreational and park facilities and cultural activities within Greater Ocean Shores and Billinudgel.

3. MEMBERSHIP APPLICATION

- (1) Membership shall be open to all residents, property and business owners and lease holders within the area of Greater Ocean Shores (incl New Brighton / South Golden Beach) & the village of Billinudgel.
- (2) A candidate for membership shall be proposed and seconded by members of the association. The nomination form shall set out the full name and address of the nominee and shall be in such form as the Executive Committee from time to time may determine.
- (3) An application for membership shall require the acceptance of the Executive Committee and, if accepted, upon payment of the prescribed fee, the applicant shall become a financial member of the association at the conclusion of the meeting

Persons admitted to financial membership shall have their details entered into the register of members. Membership is not transferable.

4. CESSATION OF MEMBERSHIP

A person ceases to be a member of the association if that person resigns, is expelled, does not pay their annual fees within 3 months of the due date, or ceases to be a resident, property owner, lease holder or business owner within the membership area as per 3. (1) above or is deceased.

5. RESIGNATION

Members may resign at any time.

6. REGISTER

The Public Officer of the association shall establish and maintain a register of members of the association specifying the name, address and phone number (where applicable) of each person who is a member of the association, together with the date on which the person became a member and ceases to be a member.

7. FEES

A member shall pay a non-refundable annual fee of an amount as determined by the Executive Committee.

- (a) at the annual general meeting in any calendar year, or
- (b) where the member joins after the annual general meeting, upon becoming a member.

8. LIABILITIES

The liability of a member of the association to contribute towards 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 respect of membership of the association as required by rule 7.

9. RESOLUTION OF INTERNAL DISPUTES

Disputes between members (in their capacity as members) of the association, and disputes between members and the association, that are unable to be resolved by normal means, are to be referred to a community justice

centre for mediation in accordance with the Community Justice Centres Act 1983.

At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

10. THE EXECUTIVE COMMITTEE

The Executive Committee of the association, subject to these rules and to any resolution passed by the association .

- a) shall control and manage the affairs of the association;
- b) regulate their own procedure and act on their own initiative, within the policies of the association.
- c) has the power to perform all such acts and do all such things as appear to the Executive Committee to be necessary or desirable for the proper management of the affairs of the association.

11. EXECUTIVE COMMITTEE MEMBERSHIP

- (1) The Executive Committee shall consist of:
 - a) The Office Bearers
 - i) President
 - ii) Vice President
 - iii) Secretary
 - iv) Treasurer and
 - b) other committee members as deemed necessary.
- (2) The Public Officer shall be selected from the Members by the Executive Committee.
- (3) Each executive member of the committee shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the members election, but shall not be eligible for election to the same position for more than three consecutive terms, unless no other nominations are received for that position
- (4) In the event of a casual vacancy occurring, the Executive Committee may appoint a member of the association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of appointment.

12. ELECTION

- (1) Nominations of candidates for election to the Executive Committee shall be delivered to the secretary prior to the commencement of the annual general meeting, in writing, and signed by the candidate and two financial members of the association.
- (2) If no nominations are received, then nominations may be received at the annual general meeting.
- (3) If still no nominations are received for a vacant Executive Committee position, then that committee position shall be deemed to be a casual vacancy.
- (4) If the number of nominations for a committee position exceeds one, then a secret ballot for that committee position shall be conducted at the annual general meeting in such usual and proper manner as the Executive Committee may direct.
- (5) A nomination of a candidate for election as an office bearer under this clause is not valid if that candidate has been elected as an office bearer at the same election.

13. SECRETARY

- (1) The secretary of the association shall, as soon as is practicable after being elected secretary, lodge notice with the association, of his or her address.
- (2) It is the duty of the secretary to keep records of.
 - a) the names of members of the Executive Committee present at committee meetings and general meetings; and
 - b) all proceedings at Executive Committee meetings and general meetings.

Rules of the Ocean Shores Community Association Inc.

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- (3) Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

14. TREASURER

It is the duty of the treasurer of the association to ensure that .

- a) all money due to the association is collected and received and that all payments authorised by the association are made; and
- b) correct books and accounts are kept, showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.
- c) all financial transactions for the current year of the association are audited, and that a report is presented at the annual general meeting for that financial year.

15. CASUAL VACANCIES

For the purpose of these rules, a casual vacancy in the office of a member of the Executive Committee occurs if the member ceases to be a member of the association; resigns; is removed from office under rule 16; is deceased; becomes an insolvent; is mentally incapacitated; is consistently absent from meetings without consent,

16. REMOVAL OF A COMMITTEE MEMBER

- (1) The association in a special general meeting may by resolution remove any member of the Executive Committee from office before expiration of the members term of office and may by resolution appoint another member to hold office until expiration of the term of office of the member so removed.
- (2) A member of the Executive Committee to whom a resolution as referred to in rule 16(1) has been proposed, may have representations made orally or in writing (not exceeding a reasonable length) to the members at the meeting at which the resolution is considered.

17. MEETINGS AND QUORUMS

- (1) The Executive Committee shall meet when necessary at any time and place that the Executive Committee may determine, with not less than three members of the Executive Committee constituting a quorum.
- (2) Oral or written notice of a meeting of the Executive Committee shall be given by the secretary to each member of the Executive Committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the Executive Committee) before the time appointed for holding of the meeting.
- (3) No business shall be transacted by the Executive Committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is still not present, the meeting stands adjourned to a time place and venue determined by those members present provided notice is given pursuant to rule 17(2).
- (4) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.
- (5) At a meeting of the Executive Committee -
 - a) the president or in the presidents absence, the vice president shall chair the meeting, or
 - b) if in the absence or unwillingness of the president or vice president to act, one of the remaining members of the Executive Committee as may be chosen by the members present at the meeting shall chair the meeting.

18. DELEGATION TO SUB-COMMITTEE

- (1) The Executive Committee may, by instrument in writing, delegate to sub-committees (consisting of such members of the association as the Executive Committee sees fit) the exercise of such functions as are specified in the instrument, other than .

- a) this power of delegation; and
- b) a function which is the duty imposed on the Executive Committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this rule 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) The Executive Committee may, revoke wholly or in part any delegation under this rule.
- (4) The President, or a Executive Committee member delegated by the President, may be considered to be ex-officio members of any sub-committee
- (5) A sub-committee may determine its own procedure.

19. VOTING AND DECISIONS

- (1) Questions arising at meetings of the Executive Committee or of any sub-committee, shall be determined by a majority vote of members present at that meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the Executive Committee, including the person chairing the meeting, is entitled to one vote, but in the event of an equality of votes on any question, the person chairing the meeting may exercise a second or casting vote.
- (3) Subject to rule 17(1), the Executive Committee may act notwithstanding any vacancy on the committee
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Executive Committee, or by a sub-committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Executive Committee or subcommittee.

20. GENERAL MEETINGS

Shall be held regularly at such time and place as the members decide and shall be publicised in such a manner as to give each member ample notice.

21. ANNUAL GENERAL MEETINGS

- (1) The association shall, at least once in each calendar year and during the month of March after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (2) The financial year of the association shall follow the calendar year (1st Jan - 31st Dec).
- (3) The annual general meeting of the association shall, subject to rule 21(1), be convened at such time date and place as the committee thinks fit.
- (4) In addition to any other business, which may be transacted at the annual general meeting, the business of the annual general meeting shall be .
 - a) to confirm the minutes of the last annual general meeting.
 - b) to receive from the Executive Committee, reports upon the activities of the association during the preceding financial year of the association,
 - c) to elect the Executive Committee of the association.
 - d) to receive and consider the audited financial statement for the previous financial year.
 - e) to appoint an auditor for the ensuing year.
- (5) An annual general meeting shall be specified as such in the notice convening it, and shall be publicised in such a manner as to give each member ample notice.

22. SPECIAL GENERAL MEETINGS

- (1) The Executive Committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The Executive Committee shall, on the requisition in writing of not less than twenty per cent of the

total number of members, or 5 members, whichever is least, convene a special general meeting of the association.

- (3) A requisition of members for a special general meeting -
 - a) shall state the purpose or purposes of the meeting;
 - b) shall be signed by the members making the requisitions;
 - c) shall be lodged with the secretary; and
 - d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the Executive Committee fails to convene a special general meeting to be held within one month after the date on which the requisition was lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members referred to in rule 22(4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the Executive Committee.

23. Notice

- (1) General Meeting: 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, 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) Special Resolution: 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, cause notice to be given to each member specifying, in addition to the matter required under (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 r 21(4).
- (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.

24. PROCEDURE & QUORUM

- (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.
- (2) Five members or ten percent of the total membership (which ever is the larger), present in person (being members entitled under the rules to vote at a general meeting), shall 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 if convened upon requisition of members shall be dissolved and in any other case the business shall stand adjourned to the next general meeting.
- (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 not less than 3) shall constitute a quorum.

25. PRESIDING MEMBER

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

- (3) 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 business to the next general meeting.

26. MAKING OF DECISIONS

- (1) Voting at all categories of general meetings shall be by show of hands, or by secret ballot if required by a majority of members.
- (2) A record in the minutes of the association that a resolution has been carried or lost is evidence of the fact without proof.

27. SPECIAL RESOLUTION

A resolution of the association is a special resolution if it is passed by a majority which comprises no less than three quarters of the members attending a general meeting of which not less than 21 days written notice specifying the intention to propose a special resolution was given to each member

28. VOTING

- (1) On any question arising at a general meeting of the association a member has one vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than 5 proxies.
- (3) 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.
- (4) A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

29. APPOINTMENT OF PROXY

- (1) Each member shall be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy is to be in the form set out in Appendix 1 to these rules.

30. INSURANCE

The association may effect and maintain insurance.

31. FUNDS

- (1) The funds of the association shall be derived from fees of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the Executive Committee determines.
- (2) All money received by the association shall be deposited as soon as is practicable and without deduction to the credit of the association's bank account.
- (3) The association shall, as soon, as is practicable after receiving any money, issue an appropriate receipt.
- (4) Subject to any resolution passed by the association in general meeting, the funds of the association shall be used in pursuance of the objects of the association in such manner as the Executive Committee determines.
- (5) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two of the Office Bearers, provided that the two office bearers are not of the same family.



Rules of the Ocean Shores Community Association Inc.

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NSW Office of Fair Trading 28 July, 2009

32. ALTERATION

The statement of OBJECTS and these rules may be altered, rescinded or added to only by a special resolution of the association.

33. COMMON SEAL

- (1) The common seal of the association shall be kept in the custody or under the control of the secretary.
- (2) The common seal shall not be affixed to any instrument except by the authority of the Executive Committee, and the affixing of the common seal shall be attested by any two Office Bearers.

34. CUSTODY AND INSPECTION OF BOOKS ETC.

- (1) Except as otherwise provided by these rules, the secretary shall keep in his/her custody or under his/her control, all records, books and other documents relating to the association, except for financial records, cheque books and other financial documents which shall be held by the treasurer.
- (2) The record books and other documents of the association shall be open for inspection, free of charge, by any member of the association, at any reasonable hour.

35. SERVICE OF NOTICES

For the purposes of these rules, a notice may be served by or on behalf of the association upon any member either through the media, electronic transmission, personally or by sending it by post to the member at the members address shown in the register of members.

36. DISSOLUTION

- (1) The association may be dissolved only by a special resolution of the association.
- (2) Upon a resolution being passed in accordance with rule 36(1). The association shall, after all outstanding commitments and liabilities have been satisfied, apply any surplus funds and assets to an established fund within the locality of Ocean Shores, with similar objectives to those of the association, as the members at the meeting shall determine.



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NSW Office of Fair Trading 28 July, 2009

APPENDIX 1

APPOINTMENT OF PROXY	
I,	_____
	<i>(full name)</i>
of:	_____
	<i>(address)</i>
being a member of Ocean Shores Community Association Inc.	
hereby appoint:	_____
	<i>(full name of proxy)</i>
of:	_____
	<i>(address)</i>
being a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or special general meeting, as the case may be) to be held on the _____	
	<i>(day/month/year)</i>
and at any adjournment of that meeting.	
*My proxy is authorised to vote in favour of / against <i>(delete as appropriate)</i> the resolution	
:	_____

	<i>(specify scope of proxy)</i>
	Date: _____
<i>Signature of member appointing proxy</i>	

NOTE: A proxy vote may not be given to a person who is not a member of the association.