

Battery Point Community Association

Constitution

V.02

Version control

| | | | | |
|----------------|--|--|---------------|------------------|
| Title | Battery Point Community Association Incorporated Constitution | | | |
| Description | Update of Constitution of Battery Point and Sullivans Cove Community Association (14/10/1998) to reflect new name, include electronic services and to clarify section intent | | | |
| Created By | Battery Point and Sullivans Cove Community Association | | | |
| Date Created | 18/08/2016 | | | |
| Maintained by | The committee of the Battery Point Association Incorporated | | | |
| Version Number | Modified By | Modifications Made | Date Modified | Status |
| V.01 | Committee | As per committee direction, detailed by subcommittee | 18/08/2016 | For review |
| | Committee | As per committee | 07/09/2016 | For distribution |
| V.02 | Committee | As per approval at AGM | 23/09/2016 | FINAL V.02 |

| Revision 2016 | Revision |
|-------------------|--|
| 18/08/2016 V01.01 | <p>Changes in this Constitution have been made to:</p> <ul style="list-style-type: none"> • update in relation to the Association's new name and changes to planning laws • change committee structure and adjustments in sections relating to committee activities to align with those • allow for electronic services in sections relating to correspondence, membership and banking and finance • adjustments to the membership section to clarify application and approval process • adjust wording for clarity, aligned with the model constitution. |
| 07/09/2016 V01.02 | Collated changes relating to model constitution, correcting section references and spelling. |
| 23/09/2016 | Changes approved by annual general meeting. |
| 04/10/2016 | Version 2 changes provided to committee for distribution |

1. NAME OF ASSOCIATION

The name of the Association is as follows –

The Battery Point Community Association Incorporated.

2. INTERPRETATION

In these rules –

“Act” means the Associations Incorporation 1964;

“Association” means the association referred to in rule 1;

“auditor” means the person appointed as the auditor of the Association under rule 9

“basic objects of the Association” means the objects and purposes of the Association as stated in an application under section 7 of the Act for the incorporation of that Association;

“committee” means a committee as defined by the Act;

“general meeting” means –

the annual general meeting; or

any special general meeting;

“ordinary business of the annual general meeting” means the business specified in rule 12(5);

“ordinary committee member” means a member of the committee other than an officer of the Association to whom rule 24(1)(b) relates;

“special general meeting” means a general meeting other than the Annual General Meeting.

3. ASSOCIATION'S OFFICE

The office of the Association is to be at the following place or any other place the committee determines:

Battery Point Community Hall, 52 Hampden Road, Battery Point, Tasmania, 7004.

4. OBJECTS OF THE ASSOCIATION

The basic objects of the Association are:

(a) Forum objective:

- (i) to provide an independent, non-partisan community forum for the residents, ratepayers, and business operators of the area covered by Battery Point.

(b) Planning objective:

- (i) to protect the residential amenity and enhance the aesthetic, heritage and cultural value of Battery Point; and
- (ii) to ensure that in consideration of relevant planning schemes, the future character of Battery Point is in accordance with community desires.

(c) Battery Point Community Hall objective:

- (i) to give priority to the development, management, promotion, and maintenance of the Battery Point Community Hall, in specific pursuit of object (d).

(d) Facilities objective

- (i) to encourage and actively contribute towards the provision of community facilities in Battery Point, in response to community needs and desires.
 - (e) Community objective**
 - (i) to foster a strong sense of community in Battery Point by facilitating communication and co-operative activity among its residents, ratepayers and business operators.
 - (f) Tourism objective**
 - (i) to encourage and assist in the promotion of Battery Point as a place for visitors and tourist enjoyment, where not in conflict with other basic objects.
- (2) In addition to the basic objects of the Association, the objects and purposes of the Association include the following:
- (a) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property necessary or convenient for any of the objects or purposes of the Association;
 - (b) the buying, selling and supplying it and dealing in goods of all kinds;
 - (c) the construction, maintenance and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Association;
 - (d) the accepting of any gift for one or more of the objects or purposes of the Association;
 - (e) the taking of any step the committee or the members in general meeting consider expedient for the purpose of procuring contributions to the funds of the Association;
 - (f) the printing and publishing of any newspapers, periodicals, books, leaflets or other documents the committee or the members in general meeting consider desirable for the promotion of the objects and purposes of the Association;
 - (g) the borrowing and raising of money in any manner and on terms approved or directed by resolution passed at a general meeting;
 - (h) subject to the provisions of the Trustee Act 1898, the investment of any moneys of the Association not immediately required for any of its objects or purposes in any manner the committee determines;
 - (i) the making of gifts, subscriptions or donations to any of the funds, authorities or institutions to which section 78(1)(a) of the Income Tax Assessment Act 1936 of the Commonwealth relates;
 - (j) the establishment and support or aiding in the establishment or support of any other association formed for any of the basic objects of the Association;
 - (k) the purchase or acquisition, and undertaking of all or any part of the property, assets, liabilities and engagements of any association with which the Association is amalgamated in accordance with the provisions of the Act and the rules of the Association;
 - (l) the doing of any lawful thing incidental or conducive to the attainment of the basic objects of the Association or of any of the objects and purposes specified in this rule.

5. MEMBERSHIP OF ASSOCIATION

- (1) A person who is –
 - (a) a resident, ratepayer or business operator of Battery Point; or
 - (b) any other person with a demonstrated interest in the objects of the Association and in such case subject to the prior approval of the committee, and who applies for membership as provided in these rules, is eligible to be a member of the Association on payment of the annual subscription fixed under these rules.
- (2) An application for membership of the Association is to be made in writing or online, which signifies the applicant's agreement to support the objects of the Association.
- (3) The committee must consider each application for membership of the Association and decide whether to accept or reject the application.
- (4) The committee must not accept an application unless the applicant –

- (a) is eligible under rule 5(1); and
 - (b) has applied under rule 5(4).
- (5) The committee may reject an application even if the applicant –
- (a) is eligible under rule 5(1); and
 - (b) has applied under rule 5(4).
- (6) The committee must notify the applicant of the committee's decision to accept or reject the application as soon as practicable after making the decision.
- (7) If the committee rejects the application, the committee is not required to give the applicant its reasons for doing so.
- (8) Upon receipt of the sum payable as the first year's subscription the Public Officer is to enter the nominee's name in a register of members.
- (9) A person
- (a) becomes a member of the Association when his or her name inserted in the register of members; and
 - (b) remains a member while his/her annual subscription has been paid; and
 - (c) ceases to be a member of the Association when his or her annual subscription has not been received by 31 August.
- (10) A member of the Association may resign from the Association by delivering or sending by post or email to the public officer a written notice of resignation.
- (11) On receipt of a notice from a member under sub-rule (10), or non-payment of annual subscription under sub-rule (9)(c), the public officer is to remove the name of the member from the register of members.
- (12) Any right, privilege or obligation of a person as member of the Association
- (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates on the cessation of the membership.
- (13) If the Association is wound up –
- (a) every member of the Association; and
 - (b) every person who, within the period of 12 months immediately preceding the commencement of the winding up was a member of the Association is liable to contribute to the assets of the Association for payment of the debts or liabilities of the Association
 - (i) for the costs, charges and expenses of the winding up; and
 - (ii) for the adjustment of the rights of the contributors among themselves.
- (14) Any liability under sub-rule (13) is not to exceed \$5.
- (15) A former member is not liable to contribute under sub-rule (13) in respect of any debt or liability of the Association contracted after he or she ceased to be a member.

6. INCOME AND PROPERTY OF ASSOCIATION

- (1) The income and property of the Association is to be applied solely towards the promotion of the objects and purposes of the Association.
- (2) No portion of the income or property of the Association is to be paid or transferred to any member of the Association unless the payment or transfer is made in accordance with this rule.
- (3) The Association may –
- (a) pay a servant or member of the Association –
 - (i) remuneration in return for services rendered to the Association, or for goods supplied to the Association, or for goods supplied to the Association, in the ordinary course of business of the servant or member; or
 - (ii) remuneration that constitutes a reimbursement for out-of-pocket expenses incurred by the servant or member for any of the Association; or
 - (iii) interest at a rate not exceeding 7.25% on money lent to the Association by the servant

- or member; or
- (iv) a reasonable amount by way of rent for premises, or a part of premises, let the Association by the servant or member; and
- (b) if so requested by or on behalf of any association, organisation or body, appoint or nominate a member of the Association to an office in that other association organisation or body.
- (4) Despite subrule (3)(a), the Association is not to pay a person any amount under that subrule unless the Association or committee has first approved that payment.
- (5) Despite subrule (3)(b), the Association is not to appoint or nominate a member of the Association under that subrule to an office in respect of which remuneration is payable unless the Association or committee has first approved –
 - (a) that appointment or nomination; and
 - (b) the receipt of that remuneration by that member.

7. ACCOUNTS OF RECEIPTS AND EXPENDITURE

- (1) True accounts are to be kept of
 - (a) all money received and expended by the Association and the matter in respect of which the receipt or expenditure takes place; and
 - (b) the property, credits and liabilities of the Association.
- (2) The accounts are to be open to inspection by the members of the Association, subject to any reasonable restrictions as to time and manner of inspecting the Association may impose.
- (3) The treasurer of the Association is to keep all general records, accounting books and records of receipts and expenditure connected with the operations and business of the Association in the form and manner the committee directs.
- (4) The accounts, books and records are to be kept at the Association's office or at any other place the committee decides.

8. BANKING AND FINANCE

- (1) On behalf of the Association, the treasurer of the Association is to –
 - (a) receive any money paid to the Association; and
 - (b) immediately after receiving the money, issue an official receipt in respect of the money; and
 - (c) cause the money to be paid into the account opened under subrule (2) as soon as practicable after it is received.
- (2) The committee is to open with an authorised deposit-taking institution an account in the name of the Association.
- (3) The committee may –
 - (a) receive from the authorised deposit-taking institution a cheque drawn by the Association on any of the Association's accounts with the authorised deposit-taking institution; and
 - (b) release or indemnify the authorised deposit-taking institution from or against any claim, or action or other proceeding, arising directly or indirectly out of the drawing of that cheque.
- (4) Except with the authority of the committee, a payment of an amount exceeding \$20 is not to be made from the funds of the Association otherwise than by cheque drawn on the Association's account.
- (5) The committee may provide the treasurer with an amount of money to meet urgent expenditure, subject to any conditions the committee may impose in relation to the expenditure.
- (6) A cheque is not to be drawn on the Association's account except for the purpose of making a

payment that has been authorised by the committee.

- (7) A cheque, draft, bill of exchange, promissory note or other negotiable instrument is to be –
 - (a) signed by the treasurer or, in the treasurer's absence, by any other member, or members, of the committee the committee nominates for that purpose; and
 - (b) countersigned by the public officer of the Association.

9. AUDITOR

- (1) At each annual general meeting of the Association, the members of the Association present at the meeting are to appoint a person as the auditor of the Association who is qualified in accordance with the *Association Incorporation Act 1964* unless exempted under the Act.
- (2) If an auditor is not appointed at an annual general meeting under subrule (1), the committee is to appoint a person as the auditor of the Association as soon as practicable after that annual general meeting.
- (3) The auditor is to hold office until the annual general meeting next after that at which he or she is appointed and is eligible for reappointment.
- (4) The first auditor –
 - (a) may be appointed by the committee before the first annual general meeting; and,
 - (b) if so appointed, holds office until the first annual general meeting, unless earlier removed by a resolution of the members at any general meeting.
- (5) If the first auditor is appointed by the committee under subrule (4)(a) and subsequently removed at a general meeting under subrule (4)(b), the members of the Association, at that general meeting, may appoint an auditor to hold office until the first annual general meeting. an appointment is not made at an annual general meeting the committee is to appoint an auditor for the current financial year of the Association.
- (6) Except as provided in sub-rule (4)(b), the auditor may only be removed from office by special resolution.
- (7) If a casual vacancy occurs in the office of auditor during the course of a financial year of the Association, the committee may appoint a person as the auditor to hold office until the next Annual General meeting.

10. AUDIT OF ACCOUNTS

- (1) The auditor is to examine the accounts of the Association at least once in each financial year of the Association.
- (2) The auditor is to –
 - (a) certify as to the correctness of the accounts of the Association; and
 - (b) report to the members present at the annual general meeting.
- (3) In the report and in certifying to the accounts, the auditor is to state if
 - (a) he or she has obtained the required information; and
 - (b) in his or her opinion, the accounts are properly drawn up to exhibit a true and correct view of the financial position of the Association –
 - (i) according to the information at his or her disposal and the explanations given; and
 - (ii) as shown by the books of the Association; and
 - (iii) the rules relating to the administration of the funds of the Association have been observed.
- (4) The public officer of the Association is to cause to be delivered to the auditor a list of all the accounts, books and records of the Association.
- (5) The auditor may –

- (a) have access to the accounts, books, records, vouchers and documents of the Association; and
 - (b) require from the servants of the Association any information and explanations he or she considers necessary for the performance of the duties as auditor; and
 - (c) employ persons to assist in investigating the accounts of the Association; and
 - (d) in relation to the accounts of the Association, examine any member of the committee or any servant of the Association.
- (6) Rule 10 shall not apply if the Commissioner of Fair Trading exempts the Association from the audit requirement and members do not appoint an auditor.

11. ANNUAL GENERAL MEETING

- (1) The Association is to hold an annual general meeting each year.
- (2) The annual general meeting is to be held on any day (being not later than three months after the close of the financial year of the Association) the committee determines.
- (3) The annual general meeting is to be in addition to any other general meetings that may be held in the same year.
- (4) The notice convening the annual general meeting is to specify the purpose of the meeting.
- (5) The ordinary business of the annual general meeting is to be as follows:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
 - (b) to receive from the committee, auditor and servants of the Association reports on the transactions of the Association during the last preceding financial year;
 - (c) to elect the officers of the Association and the ordinary committee members;
 - (d) to appoint the auditor and determine his or her remuneration except when the commissioner of Fair Trading exempts the Association from the audit requirement and members decide not to appoint an auditor;
 - (e) to determine the remuneration of servants of the Association.
- (6) The annual general meeting may transact special business of which notice is given in accordance with these rules.

12. SPECIAL GENERAL MEETINGS

- (1) The committee may convene a special general meeting of the Association at any time.
- (2) The committee, on the requisition in writing of at least 10 members, may convene a special general meeting of the Association.
- (3) A requisition for a special general meeting –
 - (a) is to state the objects of the meeting; and
 - (b) is to be signed by the requisitionists; and
 - (c) is to be deposited at the office of the Association; and
 - (d) may consist of several documents, each signed by one or more of the requisitionists.
- (4) If the committee does not cause a special general meeting to be held within 21 days from the day on which a requisition is deposited at the office of the Association, the requisitionists, or any of them, may convene the meeting within three months from the day of the deposit of the requisition.
- (5) A special general meeting convened by requisitionists is to be convened in the same manner as nearly as possible as meetings that are convened by the committee.
- (6) All reasonable expenses incurred by requisitionists in convening a special general meeting are to be refunded by the Association.

13. NOTICES OF GENERAL MEETINGS

1. The public officer of the Association, at least 14 days before the date fixed for holding a general meeting of the Association, is to cause to be inserted in at least one newspaper published in this State an advertisement –
 - (a) specifying the place, day and time for the holding of the meeting; and
 - (b) the nature of the business to be transacted at the meeting.

14. BUSINESS AND QUORUM AT GENERAL MEETINGS

1. Business and quorum at general meetings
 - (1) All business transacted at a general meeting, except the ordinary business of the annual general meeting, is special business.
 - (2) Business is not to be transacted at a general meeting unless a quorum of members entitled to vote is present at the time the meeting is considering that business.
 - (3) A quorum for the transaction of the business of a general meeting is 20 per cent of members entitled to vote and present .
 - (4) If a quorum is not present one hour after the appointed time for the commencement of a general meeting, the meeting –
 - (a) if convened on the requisition of members, is to be dissolved; or
 - (b) in any other case, is to be adjourned to the same day in the next week at the same time at the same place.
 - (5) If at an adjourned meeting a quorum is not present one hour after the time appointed for the commencement of the meeting the meeting is to be dissolved.
 - (6) The chairperson, by written notice or at the time of the adjournment may specify another place to which a meeting is to be adjourned.

15. PRESIDENT TO PRESIDE AT GENERAL MEETINGS

- (1) The president, or in his or her absence, the vice-president, is to preside as chairperson at every general meeting of the Association.
- (2) If the president and vice-president are absent from a general meeting, the members present are to elect one of their number to preside as chairperson.

16. ADJOURNMENT OF GENERAL MEETINGS

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of 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 meeting is adjourned for 14 days or more, the notice of the adjourned meeting is to be given in the same manner as the notice of the original meeting.
- (3) It is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

17. DETERMINATION OF QUESTIONS ARISING AT GENERAL MEETINGS

- (1) A question arising at a general meeting of the Association is to be determined on a show of hands.

- (2) A declaration by the chairperson that a resolution has, on a show of hands, been lost or carried, or carried unanimously or carried by a particular majority, together with an entry to that effect in the minute book of the Association, is evidence of that fact unless a poll is demanded on or before that declaration.

18. VOTES

- (1) On any question arising at a general meeting of the Association, a member has one vote only.
- (2) All votes are to be given personally.
- (3) In the case of an equality of voting on a question, the chairperson has a second or casting vote.

19. TAKING OF POLL

- (1) If at a meeting, a poll on any question is demanded –
 - (a) it is to be taken at that meeting in the manner the chairperson directs; and
 - (b) the result of the poll is taken to be the resolution of the meeting on that question.

20. WHEN POLL TO BE TAKEN

- (1) A poll that is demanded on the election of a chairperson, or on a question of adjournment, is to be taken immediately.
- (2) A poll that is demanded on any other question is to be taken at any time before the close of the meeting as the chairperson directs.

21. AFFAIRS OF ASSOCIATION TO BE MANAGED BY A COMMITTEE

- (1) The affairs of the Association are to be managed by a committee of management constituted as provided in rule 23.
- (2) The committee –
 - (a) is to control and manage the business and affairs of the Association; and
 - (b) may exercise all the powers and perform all the functions of the Association, other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Association; and
 - (c) has power to do anything that appears to the committee to be essential for the proper management of the business and affairs of the Association.

22. OFFICERS OF THE ASSOCIATION

- (1) The officers of the Association are as follows –
 - (a) a president;
 - (b) a vice-president;
 - (c) a treasurer;
 - (d) a secretary.
- (2) The provisions of rule 24(1), (2), (3) and (4) so far as they are applicable and with the necessary modifications, apply in relation to the election of persons to any of the offices referred to in sub-rule (1).
- (3) Each officer of the Association is to hold office until the annual general meeting next after the

date of election, and is eligible for re-election.

- (4) If a casual vacancy in any office referred to in sub-rule (1) occurs, the committee may appoint one of its members to the vacant office, to hold the office up to and including the conclusion of the annual general meeting next following the date of the appointment.

23. CONSTITUTION OF THE COMMITTEE

- (1) The committee consists of the following members elected at the annual general meeting of the Association in each year –
 - (a) the four officers of the Association;
 - (b) at least four and no more than six other members.

24. ELECTION OF MEMBERS OF COMMITTEE

- (1) Nominations of candidates for election as officers of the Association or as ordinary committee members are to be –
 - (a) made in writing signed by 2 members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the nomination); and
 - (b) delivered to the public officer of the Association at least 7 days before the date for holding the annual general meeting.
- (2) If insufficient nominations are received to fill all vacancies on the committee –
 - (a) the candidates nominated are taken to be elected; and
 - (b) further nominations are to be received at the annual general meeting.
- (3) If the number of nominations received is equal to the number of vacancies to be filled the persons nominated are taken to be elected.
- (4) If the number of nominations exceeds the number of vacancies to be filled, a ballot is to be held.
- (5) The ballot for the election of officers and ordinary committee members is to be conducted at the annual general meeting in the usual manner as directed by the committee.

25. VACATION OF OFFICE

- (1) For the purpose of these rules, the office of an officer of the Association or of an ordinary committee member becomes vacant if the officer or committee member –
 - (a) dies; or
 - (b) becomes bankrupt or applies to or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his or her creditors, or makes any assignment of his or her estate for their benefit; or
 - (c) becomes of unsound mind; or
 - (d) resigns office in writing addressed to the committee; or
 - (e) ceases to be resident in the State; or
 - (f) fails, without leave granted by the committee, to attend 3 consecutive meetings of the committee; or
 - (g) ceases to be a member of the Association; or
 - (h) fails to pay all arrears of subscription due, within 14 days after receiving a notice in writing signed by the public officer stating that he or she has ceased to be a financial member of the Association.

26. MEETINGS OF THE COMMITTEE AND OF SUBCOMMITTEES

- (1) The committee is to meet at least quarterly at any place and time the committee determines.
- (2) The president or any four members of the committee may convene special meetings of the committee.
- (3) Notice is to be given to members of the committee of any special meeting, specifying the general nature of the business to be transacted, and no other business is to be transacted at such a meeting.
- (4) Any five members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (5) Business is not to be transacted unless a quorum is present.
- (6) If half an hour after the time appointed for the meeting a quorum is not present, the meeting is to be adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it is to be dissolved.
- (7) At a meeting of the committee, the following is to preside:
 - (a) the president, or in his or her absence the vice-president, ;
 - (b) if the president and the vice-president are absent, the members present may choose any one of the remaining members of the committee.
 - (c) Any question arising at a meeting of the committee or of any subcommittee appointed by the committee is to be determined –
 - (i) on a show of hands; or
 - (ii) if demanded by a member, by a poll taken in any manner the person presiding at the meeting determines.
- (8) Each member present at a meeting of the committee or of any subcommittee appointed by the committee (including the person presiding at the meeting) is entitled to one vote.
 - (a) If there is an equality of votes on any question, the person presiding has a second or casting vote.
- (9) Written notice of each committee meeting is to be served on each member of the committee by –
 - (a) delivering it at a reasonable time before the meeting, or
 - (b) sending it by email or through the post prepaid envelope addressed to his or her last known address in time to reach him or her in due course of post before the date of the meeting.

27. DISCLOSURE OF INTEREST IN CONTRACTS

- (1) A member of the committee who is interested in any contractor arrangement made or proposed to be made with the Association is to disclose the interest:
 - (a) at the first meeting of the committee at which the contract or arrangement is first taken into consideration, if the interest then exists;
 - (b) in any other case at the first meeting of the committee after the acquisition of the interest.
- (2) If a member of the committee becomes interested in a contract or an arrangement entered into, he or she is to disclose the interest at the first meeting of the committee after he or she becomes so interested.
- (3) A member of the committee is not to vote as a member of the committee in respect of any contractor arrangement in which he or she is interested and any such vote is not to be counted.

28. SUBCOMMITTEES

- (1) The committee may –

- (a) appoint a subcommittee from the committee; and
 - (b) prescribe the powers and functions of that subcommittee.
- (2) The committee may co-opt any person as a member of a subcommittee without voting rights, whether or not the person is a member of the Association.

29. EXECUTIVE COMMITTEE

- (1) The president, the vice-president, the treasurer, and the secretary constitute the executive committee.
- (2) The executive committee may issue instructions to the public officer and the servants of the Association in matters of urgency connected with the management of the affairs of the Association during the period between meetings of the committee.
- (3) The executive committee is to report on any instructions issued under sub-rule (2) to the next meeting of the committee.

30. ANNUAL SUBSCRIPTION

- (1) The annual subscription payable by members for the ensuing year is to be determined by the committee prior to 30 June.
- (2) The annual subscription of a member is due on 1 July in each year.

31. FINANCIAL YEAR

The financial year of the Association is the period beginning on 1 July in one year and ending on 30 June the next year.

32. NOTICES

A notice may be served by or on behalf of the Association on any member –

- (a) personally; or
- (b) by sending it by email or through the post in a prepaid envelope addressed to the member at his or her usual or last known address.

33. EXPULSION OF MEMBERS

- (1) The committee may expel a member from the Association if, in the opinion of the committee, the member is guilty of conduct detrimental to the interests of the Association.
- (2) The expulsion of a member under sub-rule (1) does not take effect until whichever of the following is the later:
- (a) the expiration of 14 days after the service on the member of a notice under sub-rule (3);
 - (b) if the member exercises his right to hear the appeal under this rule, the conclusion of the special general meeting convened to hear the appeal.
- (3) If the committee expels a member from the Association, the public officer of the Association, without undue delay, is to cause to be served on the member a notice in writing –
- (a) stating that the committee has expelled the member; and
 - (b) specifying the grounds for the expulsion; and
 - (c) informing the member of a right to appeal against the expulsion under rule 34.

34. APPEAL AGAINST EXPULSION

- (1) A member may appeal against an expulsion under rule 33 by delivering or sending by email or through the post to the public officer of the Association within 14 days after the service of a notice under rule 33(3), a requisition in writing demanding the convening of a special general meeting for the purpose of hearing the appeal.
- (2) On receipt of registration –
 - (a) the public officer is to immediately notify the committee of its receipt; and
 - (b) the committee is to cause a special general meeting to be held within 21 days after the date on which the requisition is received.
- (3) At a special general meeting convened for the purpose of this rule –
 - (a) no business other than the question of the expulsion is to be transacted; and
 - (b) the committee may place before the meeting details of the grounds of the expulsion and the committee's reasons for the expulsion; and
 - (c) the expelled member is to be given an opportunity to be heard; and
 - (d) the members present are to vote by secret ballot on the question whether the expulsion should be confirmed.
- (4) If at the special general meeting a majority of the members present vote in favour of the lifting of the expulsion –
 - (a) the expulsion is to be taken to have been lifted; and
 - (b) the expelled member is entitled to continue as a member of the Association.

35. DISPUTES

- (1) A dispute between a member of the Association in the capacity as a member and the Association is to be determined by arbitration in accordance with the provisions of the *Commercial Arbitration Act 1986*.
- (2) This rule does not affect the operation of rule 34.

36. SEAL OF ASSOCIATION

- (1) The seal of the Association is to be in the form of a rubber stamp, inscribed with the name of the Association encircling the word "Seal".
 - (2) The seal of the Association is not to be affixed to any instrument except by the authority of the committee.
 - (3) The affixing of the seal is to be attested by the signatures of:
 - (a) two members of the committee; or
 - (b) one member of the committee and the public officer of the Association or any other person the committee may appoint for that purpose.
 - (4) Attestation under sub-rule (3) is sufficient for all purposes that the seal was affixed by the authority of the committee.
 - (5) The seal is to remain in the custody of the public officer.
-