

ENCOUNTER LAKES RESIDENTS GROUP
INCORPORATED

CONSTITUTION - RULES

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ENCOUNTER LAKES RESIDENTS GROUP INC. CONSTITUTION - RULES

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1. NAME

The name of the Association shall be "Encounter Lakes Residents Group Incorporated" and wherever appearing in these rules "Group" shall mean Encounter Lakes Residents Group Incorporated. "The Group" shall mean the money assets and property constituting "Encounter Lakes Residents Group Incorporated".

2. DEFINITIONS

- 2.1 In these rules, unless by their context shall otherwise apply:
- 2.2 "Residents or Property Owner" means any person who resides or owns property in either the Encounter Lakes Estate or Franklin Island Estate as defined in the Plan: Encounter Lakes and Franklin Island Estates included as Appendix 1 of this Constitution.
- 2.3 "Committee" means the committee of management of the Group
- 2.4 "General Meeting" means a general meeting of members of the Group
- 2.5 "Act" means the Associations Incorporation Act, 1985.

3. OBJECTS OF THE GROUP

- 3.1 The objects of the Group shall be to assist Residents or Property Owners by the provision of activities in the interest of Residents or Property Owners, namely:
- 3.2 To monitor the performance of the City of Victor Harbor in managing the Encounter Lakes Estate and Franklin Island Estate, and make submissions in relation to all aspects of their representation of Residents and Property Owners and development responsibility for the Encounter Lakes Estate and Franklin Island Estate;
- 3.3 To keep Residents and Property Owners informed of the policy, projects and general activities related to the above.
- 3.4 To raise money in such a manner as the Committee may determine for the ongoing management of the Group;
- 3.5 To do all such acts and things as are incidental or ancillary to all or any of the above objects;
- 3.6 The Committee is responsible for the objects of the Group but shall not be responsible for the settlement of neighbourhood disputes.

4. POWERS

The Group shall have all the powers conferred by Section 25 of the Associations Incorporation Act, 1985.

5. MEMBERSHIP

- 5.1 All Residents or Property Owners as defined in rule 2.2 shall be entitled to apply for membership of the Group;
- 5.2 All applications for membership will be brought to the Committee who will accept or reject the application for membership;
- 5.3 The Secretary or Treasurer shall keep a register of all members. Details of the Membership Register will only be used by Committee and will not be made available to others. The Register will contain;
 - the name and address of each member, and
 - the date on which each member was admitted to the Group, and
 - if applicable, the date of and reason(s) for termination of membership.

6. SUBSCRIPTIONS

- 6.1 At each Annual General Meeting of the Group, the Committee shall recommend the Membership Subscription for the following year;
- 6.2 No Resident or Property Owner shall vote at any meeting of the Group unless his/her Membership Subscription has been duly paid.
- 6.3 The subscription fees shall be paid annually. The membership year shall be from 1st January to 31st December.

7. COMMITTEE

- 7.1 The management of the Group shall be vested in a Committee consisting of a President, Secretary and Treasurer; and as many other Committee Members as may be deemed necessary and endorsed by the Membership at the Annual General Meeting.
- 7.2 Members of the committee shall be elected by a simple majority of members voting at the Annual General Meeting. Nominations in writing may be made by any member through the secretary, providing the consent of the nominated member has been obtained and will be received at any time prior to the Annual General Meeting.
- 7.3 The Office Bearers shall hold office for two years and shall be elected by the Committee from its Members.
- 7.4 Committee Meetings shall be held as determined necessary by the Committee to carry out its general business;
- 7.5 A quorum for each Committee Meeting shall be 5 members;
- 7.6 Financial Members may attend Committee Meetings and may contribute to and make submission to the Committee at the discretion of the Chairman, but will not have voting rights with respect to any motions tabled at the meeting.;
- 7.7 The President shall chair Committee Meetings but in the President's absence the committee members present will appoint the Chairperson;
- 7.8 The office of a committee member shall become vacant if a committee member is:
 - Disqualified from being a committee member by the Act; or
 - Absent without apology from more than 3 meetings in a financial year; or
 - No longer a resident or property owner as defined in section 2.2 of these rules.
- 7.9 The Committee may appoint a person to fill a casual vacancy and such person shall hold office until the next Annual General Meeting.

8. POWERS OF THE COMMITTEE

The powers of the Committee shall be:

- 8.1 To carry out the management and general business of the Group;
- 8.2 To call Special General Meetings at such time and upon such issues as the Committee may deem appropriate;
- 8.3 To co-opt additional Committee Members for any purpose.
- 8.4 The Committee may select and appoint Sub-Committees consisting of Committee Members and or Ordinary Members, and may vest such Sub-Committees with the authority to undertake such research and investigation as may be thought proper into any matter which the Group may consider to be general business of the Group.

9. ANNUAL GENERAL MEETING

- 9.1 An Annual General Meeting of the Group shall be held not later than the 30th day of November each year.
- 9.2 Notice of such meeting shall be given by the Secretary by public notice at least 14 days prior to the meeting;
- 9.3 The President shall chair Annual General Meetings but in the President's absence the committee members present will appoint the Chairperson.
- 9.4 The order of the business at the meeting shall be
 - Confirmation of the minutes of the previous annual general meeting and of any special general meeting held since that meeting
 - Consideration of the accounts and reports of the committee
 - Election of committee members
 - Any other business requiring consideration by the association in general meeting

10. SPECIAL GENERAL MEETINGS

Special General Meetings may be called as follows:

- 10.1 By the Committee as here in before provided;
- 10.2 By the Secretary, upon written request signed by 10 financial members of the Group. In this case, the Secretary shall set a date and venue for the Special General Meeting not more than 14 days from the written request and shall give notice of that Special General Meeting by public notice not less than 7 days before the date of the meeting;
- 10.3 The purpose and general business of the Special General Meeting is to be clearly stated on the notice of such a meeting.
- 10.4 The President shall chair Special General Meetings but in the President's absence the committee members present will appoint the Chairperson.

11. VOTING AT GENERAL MEETINGS

- 11.1 A quorum at any General Meeting shall consist of 10 financial members of the Group;
- 11.2 Any motion to determine a matter classified as a special resolution, for example a variation of the rules of the Group, shall be carried by a majority of not less than 75% of financial members present and voting at the meeting;
- 11.3 A simple majority of members present and voting at the meeting shall carry all other motions.
- 11.4 Unless a poll is demanded by at least 5 members, a question for decision at a general meeting must be determined by a show of hands. Any such poll must be conducted in a manner specified by the chairperson and the result of the poll is the resolution of the meeting on that question.

12. PUBLIC STATEMENTS

- 12.1 No Committee Member shall make a public statement concerning the policies or affairs of the Group without express authority of the Committee;
- 12.2 In circumstances of urgency, a public statement may be authorised by any two of the President, Secretary and Treasurer.

13. MINUTES

- 13.1 Minutes of all proceedings of General Meetings of the Group and of meetings of the Committee, shall be entered in minute books kept for the purpose.
- 13.2 The minutes kept pursuant to this rule must be confirmed by the members of the Group or the members of the Committee (as relevant) at a subsequent meeting.
- 13.3 The minutes kept pursuant to this rule shall be signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the next succeeding meeting at which the minutes are confirmed.
- 13.4 Where minutes are entered and signed they shall, until the contrary is proved, be evidence that the meeting was convened and duly held, that all proceedings held at the meeting shall be deemed to have been duly held, and that all appointments made at a meeting shall be deemed to be valid.

14. FINANCIAL/AUDIT

- 14.1 An account shall be maintained with a bank, building society or credit union in the name of "Encounter Lakes Residents Group Incorporated" and maintained for the purpose of depositing for safekeeping all monies received. Such bank/building society/credit union account will be maintained for the duration of existence of The Group.
- 14.2 The Treasurer shall operate the account. The President and Secretary shall each and independently have the right to operate the account in the absence of the Treasurer.
- 14.3 The Treasurer, for the purpose of recording all receipts and payments shall maintain a Cash Book, in manual or electronic form. Reconciliation with reference to financial institution statements of account shall be conducted not less frequently than 6 monthly with an audited financial statement being prepared as at the 30th of June in each year for presentation at the Annual General Meeting.
- 14.4 An official receipt is to be issued for all monies received.
- 14.5 The Committee of the Group shall recommend the appointment of an auditor. This recommendation shall be endorsed at the Annual General Meeting;
- 14.6 Audited financial statements are to be presented to members at the Annual General Meeting.

15. AMENDMENT TO THE RULES OF THE GROUP

- 15.1 The Rules of the Group may be amended at any General Meeting called for that purpose or at the Annual General Meeting. This includes variations to the existing rules or issuing a new set of Rules.
- 15.2 The Secretary shall give at least 21 days written notice of the General Meeting to all members advising of the intention to propose the amendment of the Rules as a special resolution under the Act.
- 15.3 Any motion to amend the rules of the Group shall be carried by a majority of not less than 75% of financial members present and voting at the meeting.
- 15.4 Any amendments to the Rules shall become effective at the time the motion to vary the Rules is passed.

16. DISSOLUTION

- 16.1 In the event of the Group being wound up at any time the whole of its assets shall be sold at the discretion of the Committee and the Committee shall on behalf of the Group present the proceeds to an organisation which has similar objects to the Group and which has Rules which prohibit the distribution of its assets and income to members;
- 16.2 This may be determined by a majority of not less than 75% of financial members present and voting at the Special General Meeting called for the purpose of resolving to dissolve the Group.

Encounter Lakes Residents Group Inc.
Constitution – Rules: Appendix 1
Plan: Encounter Lakes and Franklin Island Estates

