

CONSTITUTION OF THE CANBERRA ALLIANCE FOR PARTICIPATORY DEMOCRACY

Approved 25 October 2015

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DRAFT RULES FOR THE CANBERRA ALLIANCE FOR PARTICIPATORY DEMOCRACY

Part 1 Preliminary

1. Definitions

In these rules:

financial year means the year ending on 30 June.

member means a member, however described, of the association.

ordinary committee member means a member of the committee who is not an office-bearer of the association as mentioned in section 12 (1) (a).

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

the Act means the *Associations Incorporation Act 1991*.

the regulation means the *Associations Incorporation Regulation 1991*.

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

2. Application of Legislation Act 2001

The Legislation Act 2001 applies to these rules in the same way as it would if they were an instrument made under the Act.

3. Name of the Association

The name of the Association shall be the Canberra Alliance for Participatory Democracy, abbreviated CAPaD, referred to herein as the Association.

Part 2 Objectives, principles and ways of operating

4. Objectives of the Association

- (1) To empower people in Canberra to own and plan for our common future and the common good by developing and supporting citizen, community and civil society engagement in public decision making.
- (2) To facilitate opportunities for citizen input to government deliberation
- (3) To develop and assist citizen capacity to hold government more directly accountable.

5. Principles guiding the operation of the Association

The Association shall so far as possible be guided by the following principles of operation:

- (1) Commitment to sustainability, equity, inclusive prosperity and justice
- (2) Community focused
- (3) Democratic
- (4) Respectful
- (5) Valuing diversity
- (6) Non-partisan
- (7) Trustworthy
- (8) Credible
- (9) Transparent
- (10) Accountable

6. Style of Operation of the Association

The Association shall so far as possible

- (1) Seek broad based participation across Canberra;
- (2) Strengthen existing community, faith, environmental and civil society groups;
- (3) Build on volunteerism and publicly acknowledged donations; and
- (4) Employ a learning by doing model.

Part 3 Membership

7. Membership qualifications

A person or organisation is qualified to be a member if—

- (1) the person or organisation is a member of the Association at the time of incorporation of the Association and has not ceased to be a member of the association at any time after incorporation of the association under the Act;

or

- (2) the person or organisation has applied for membership in accordance with section 8(1) and been placed on the register of members.

8. Application for membership

- (1) A person or organisation may seek membership of the association—
 - (a) by requesting membership of the Association and agreeing in writing or electronically to the objectives of the association, as set out in the sample membership form in Appendix 1;
 - (b) by providing their name, address and other contact information as from time to time determined to the Association;
 - (c) by paying the appropriate membership fees; and
 - (d) by lodging this request, details and fee with the secretary of the association or through the association's website or email.
- (2) The secretary must within 28 days of receiving an application for membership which complies with the requirements in subsection 8(1), enter the person's name or the name of the organisations in the register of members. Once the name is entered on the register, the person or organisation becomes a member of the association.

9. Membership entitlements not transferable

A right, privilege or obligation that a person or organisations has because of being a member of the association—

- (1) cannot be transferred or transmitted to another person or organisation; and
- (2) terminates on cessation of the person's or the organisation's membership.

10. Cessation of membership

A person or organisation ceases to be a member of the association if the person or organisation—

- (1) dies or, for an organisation, is wound up; or
- (2) resigns from membership of the association; or
- (3) is expelled from the association; or
- (4) fails to renew membership of the association.

11. Resignation of membership

- (1) A member is not entitled to resign from membership of the association except in accordance with this section.
- (2) A member who has paid all amounts payable by the member to the association may resign from membership of the association giving written notice to the secretary and, 5 days after the notice is received by the secretary, the member ceases to be a member.

- (3) If a person ceases to be a member, the secretary must make an appropriate entry in the register of members recording the date the member ceased to be a member.

12. Fee, subscriptions etc

- (1) The entrance fees to the association, if any, will be as determined by resolution of the committee.
- (2) The annual membership fees of the association will be as determined by resolution of the committee and approval at a general meeting.
- (3) The annual membership fee is payable as determined by the committee.

13. Members' liabilities

The liability of a member to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount (if any) unpaid by the member in relation to membership of the association as required by section 12.

14. Disciplining of members

- (1) If the committee is of the opinion that a member—
 - (a) has persistently refused or neglected to comply with a provision of these rules; or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association;the committee may, by resolution—
 - (c) expel the member from the association; or
 - (d) suspend the member from the rights and privileges of membership of the association that the committee may decide for a specified period.
- (2) A resolution of the committee under subsection (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subsection (3), confirms the resolution in accordance with this section.
- (3) If the committee passes a resolution under subsection (1), the secretary must, as soon as practicable, serve a written notice on the member—
 - (a) setting out the resolution of the committee and the grounds on which it is based; and
 - (b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
 - (c) stating the date, place and time of that meeting; and

- (d) informing the member that the member may do either or both of the following:
 - (i) attend and speak at that meeting;
 - (ii) submit to the committee at or before the date of that meeting written representations relating to the resolution.
- (4) Subject to the Act, section 50, at a meeting of the committee mentioned in subsection (2), the committee must—
 - (a) give to the member mentioned in subsection (1) an opportunity to make oral representations; and
 - (b) give due consideration to any written representations submitted to the committee by that member at or before the meeting; and
 - (c) by resolution decide whether to confirm or to revoke the resolution of the committee made under subsection (1).
- (5) If the committee confirms a resolution under subsection (4), the secretary must, within 7 days after that confirmation, by written notice inform the member of that confirmation and of the member's right of appeal under section 15.
- (6) A resolution confirmed by the committee under subsection (4) does not take effect—
 - (a) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
 - (b) if within that period the member exercises the right of appeal—unless and until the association confirms the resolution in accordance with section 14 (4).

15(b)1515. Right of appeal of disciplined member

- (1) A member may appeal to the association in general meeting against a resolution of the committee that is confirmed under section 9 (4), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) On receipt of a notice under subsection (1), the secretary must notify the committee which must call a general meeting of the association to be held within 21 days after the date when the secretary received the notice or as soon as possible after that date.
- (3) Subject to the Act, section 50, at a general meeting of the association called under subsection (2)—
 - (a) no business other than the question of the appeal may be transacted; and
 - (b) the committee and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (c) the members present must vote by secret ballot on the question of whether the resolution made under section 14 (4) should be confirmed or revoked.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 14 (4), that resolution is confirmed.

Part 4 Committee

16. Powers of committee

The committee, subject to the Act, the regulation, these rules, and to any resolution passed by the association in general meeting—

- (1) manages the affairs of the association, subject to decisions (if any) of the association in general meeting; and
- (2) may exercise all functions that may be exercised by the association other than those functions that are required by these rules to be exercised by the association in general meeting; and
- (3) has power to perform all acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

17. Committee membership

- (1) The committee consists of—
 - (a) the office-bearers of the association; and
 - (b) up to 6 ordinary members elected under section 18 or appointed under subsection 17(6) and such other members as the committee or general meeting determines is necessary for the association to operate as set out in Part 2.;
- (2) The office-bearers of the association are—
 - (a) the convenor or co-convenors; and
 - (b) the deputy convenor or co-convenors; and
 - (c) the treasurer; and
 - (d) the secretary.
- (3) Except for the inaugural committee, each member of the committee holds office, subject to these rules, until the conclusion of the annual general meeting 2 years following the date of the member's election, but is eligible for re-election.
- (4) To ensure continuity and stability in the organisation, by reducing the turnover of the committee on an annual basis, half of the inaugural committee established will hold office for 1 year, and half for 2 years.
- (5) The length of term of each inaugural member will be determined by consensus or, if that is not possible, by the drawing of lots.
- (6) If there is a vacancy in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed holds

office, subject to these rules, until the conclusion of the next annual general meeting after the date of the appointment.

18. Election of committee members

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary committee members—
 - (a) must be 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 form); and
 - (b) unless otherwise determined by the Committee, must be given to the secretary of the association not less than 7 days before the date fixed for the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations may be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.
- (6) The ballot for the election of office-bearers and ordinary committee members must be conducted at the annual general meeting in the way the committee may direct.
- (7) A person is not eligible to simultaneously hold more than 1 position on the committee.

19. Secretary

- (1) The secretary of the association must, as soon as practicable after being appointed as secretary, notify the association of his or her address.
- (2) The secretary or a nominee of the secretary must keep minutes of—
 - (a) all elections and appointments of office-bearers and ordinary committee members; and
 - (b) the names of members of the committee present at a committee meeting or a general meeting; and
 - (c) all proceedings at committee meetings and general meetings.

20. Treasurer

The treasurer of the association must—

- (1) collect and receive all amounts owing to the association and make all payments authorised by the association; and
- (2) keep correct accounts and books showing the financial affairs of the association with full details of all receipts and expenditure connected with the activities of the association.

21. Vacancies

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

- (1) dies; or
- (2) ceases to be a member of the association; or
- (3) resigns the office; or
- (4) is removed from office under section 22 (Removal of committee members); or
- (5) becomes bankrupt or personally insolvent; or
- (6) is unable for any reason to carry out his or her duties on the committee; or
- (7) is disqualified from office under the Act, section 63 (1); or
- (8) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

22. Removal of committee members

The association in general meeting may by resolution, subject to the Act, section 50, remove any member of the committee from the office of member of the committee before the end of the member's term of office.

23. Committee meetings and quorum

- (1) The committee must meet at least 2 times in each calendar year at the place and time that the committee may decide.
- (2) Additional meetings of the committee may be called by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or any other period that may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subsection (3) should specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the committee members present at the meeting unanimously agree to treat as urgent or other business.

- (5) Half of the membership of the committee, plus one, constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business may be transacted by the committee unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.
- (8) At meetings of the committee—
 - (a) one of the convenors or deputy convenors presides; but
 - (b) if the convenors or deputy convenors are absent—1 of the remaining members of the committee may be chosen by the members present to preside.

24. Subcommittee

- (1) The committee, on behalf of the Committee, may, or where required by the general meeting, must, in writing, delegate to 1 or more subcommittees (consisting of the member or members of the association that the committee considers appropriate) the exercise of the functions of the committee that are specified in the instrument, other than—
 - (a) this power of delegation; and
 - (b) a function that is a function imposed on the committee by the Act, by any other Territory law, or by resolution of the association in general meeting.
- (2) A function, the exercise of which has been delegated to a subcommittee under this section may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to any conditions or limitations about the exercise of any function, or about time or circumstances that may be specified in the instrument of delegation.
- (4) Despite any delegation under this section, the committee may continue to exercise any function delegated, unless it is a sub-committee required by the general meeting and the exercise of the function by the committee is not supported by the general meeting.
- (5) Any act or thing done or suffered by a subcommittee acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, in writing, revoke wholly or in part any delegation under this section, unless the committee was established by resolution of the general meeting, where the committee may only revoke the delegation with the consent of the general meeting.

- (7) A subcommittee may meet and adjourn as it considers appropriate.

3031374025. Voting and decisions

- (1) Questions arising at a meeting of the committee or of any subcommittee appointed by the committee are decided by negotiation to a consensus outcome,
- (2) If agreement by consensus fails, the relevant committee or subcommittee may decide to make a decision by voting. In such a situation, the question is decided by a majority of the votes of members of the committee or subcommittee present at the meeting.
- (3) In the event of a vote, 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 1 vote but, if the votes on any question are equal, the vote is lost.

Part 5 General meetings

26. Annual general meetings—holding of

- (1) With the exception of the first annual general meeting of the association, the association must, at least once in each calendar year and within 5 months after the end of each financial year of the association, call an annual general meeting of its members.
- (2) The association must hold its first annual general meeting—
 - (a) within 18 months after its incorporation under the Act; and
 - (b) within 5 months after the end of the first financial year of the association.
- (3) Subsections (1) and (2) have effect subject to the powers of the registrar-general under the Act, section 120 in relation to extensions of time.

27. Annual general meetings—calling of and business at

- (1) The annual general meeting of the association must, subject to the Act, be called on the date and at the place and time that the committee considers appropriate.
- (2) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is—
 - (a) to confirm the minutes of the last annual general meeting; and
 - (b) to receive from the committee reports on the activities of the association during the last financial year, including information about general meetings held during that period; and
 - (c) to elect members of the committee, including office-bearers; and

- (d) to receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act, section 73 (1).
- (3) An annual general meeting must be specified as such in the notice calling it in accordance with section 30 (Notice).
- (4) An annual general meeting must be conducted in accordance with the provisions of this part.

28. General meetings

- (1) The general meeting is one of the means for the association to fulfil its vision of participative democracy as set out under Part 2.
- (2) The general meeting will, among other things:
 - (a) set the association's strategic directions;
 - (b) have the power to require the committee to establish sub-committees for specific purposes;
 - (c) review the actions of the association; and
 - (d) reflect on how well the association is meeting its objectives, principles and other requirements set out in Part 2.
- (3) The frequency of general meetings will be determined by the members at the inaugural meeting and at each annual general meeting, providing that there is at least two general meetings per year.

29. General meetings—calling of

- (1) The committee may, whenever it considers appropriate, call a general meeting of the association.
- (2) The committee must, on the requisition in writing of not less than 5 members, call a general meeting of the association.
- (3) A requisition of members for a general meeting must be lodged with the secretary; and may consist of several documents in a similar form, each signed by 1 or more of the members making the requisition.
- (4) If the committee fails to call a general meeting within 1 month after the date when a requisition of members for the meeting is lodged with the secretary, or a later date agreed with the members requisitioning the meeting, any 1 or more of the members who made the requisition may call a general meeting to be held not later than 3 months after that date.
- (5) A general meeting called by a member or members mentioned in subsection (4) must be called as nearly as is practicable in the same way as general meetings are called by the committee and any member who thereby incurs expense is entitled to be reimbursed by the association for any reasonable expense so incurred.

30. Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting send a notice specifying the place, date and time of the meeting and the general 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 the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, send notice to each member in the way provided in subsection (1) specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a special resolution.
- (3) A member desiring to bring any business before a general meeting may give written notice of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

31. General meetings—procedure and quorum

- (1) No item of business may be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Five members present in person (who are entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within 30 minutes after the appointed time for the start of a general meeting a quorum is not present, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by 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 30 minutes after the time appointed for the start of the meeting, the members present (being not less than 3) constitute a quorum.

32. Presiding member

- (1) One of the convenors, or in the absence of the convenors, one of the deputy convenors presides at each general meeting of the association.
- (2) If the convenors and deputy convenors are absent from a general meeting, the members present must elect 1 of their number to preside at the meeting.

33. Adjournment

- (1) The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business may be transacted at an adjourned

meeting other than the business left unfinished at the meeting at which the adjournment took place.

- (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 the association 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 subsections (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

34. Making of decisions

- (1) A question arising at a general meeting of the association will initially seek to be determined by consensus.
- (2) If a consensus is unable to be reached in a reasonable time, the general meeting may determine that the matter is to be decided on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) At a general meeting of the association, a poll which counts the vote of each person present either in person or by proxy in a show of hands or in a written vote, may be demanded by the person presiding or by not less than 3 members present in person at the meeting.
- (4) If the poll is demanded at a general meeting, the poll must be taken—
 - (a) immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
 - (b) in any other case—in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

35. Voting

- (1) Subject to subsection (3), on any question arising at a general meeting of the association a member has 1 vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than 5 proxies.
- (3) If the votes on a question at a general meeting are equal, the vote is lost.
- (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 for the then current year.

36. Appointment of proxies

- (1) Each member is entitled to appoint another member as proxy by notice given to the secretary before the time of the meeting for which the proxy is appointed.
- (2) The notice appointing the proxy must be in the form set out in appendix 2.

Part 6 Miscellaneous

37. Funds—source

- (1) The funds of the association must be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting and subject to the Act, section 114, any other sources that the committee decides.
- (2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank account.
- (3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt, which indicates the nature of the payment made.

38. Funds—management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association must be used for the objects of the association in the way that the committee decides.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the association, being members of the committee or employees authorised to do so by the committee.
- (3) The Association must manage itself and its funds consistently with its statutory basis for incorporation, as a not-for-profit organisation as set out under the Act.

39. Alteration of objects and rules

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

40. Common seal

- (1) The common seal of the association must be kept in the custody of the secretary or another office-bearer of the association, from time to time determined by the committee.

- (2) The common seal must not be attached to any instrument except by the authority of the committee and the attaching of the common seal must be attested by the signatures of 2 office-bearers or 1 member of the committee and an office-bearer.

41. Custody of books

Subject to the Act, the regulation and these rules, the secretary or another office-bearer determined by the committee must keep in his or her custody or under his or her control all records, books, and other documents relating to the association.

42. Inspection of books

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

43. Service of notice

For these rules, the association may serve a notice on a member by any means set out in the *Legislation Act 2001* to the relevant contact information recorded on the Register of members.

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

44. Surplus property

- (1) If the Association is to be wound up or dissolved, the association must at that time pass a special resolution nominating—
- (a) another association for the Act, section 92 (1) (a); or
 - (b) a fund, authority or institution for the Act, section 92 (1) (b);
- in which it will vest its surplus property at the time of dissolution or winding up of the association.
- (2) An association nominated under subsection (1) (a) must fulfil the requirements specified in the Act, section 92 (2).

45. Signatures on documents

- (1) Where communication is received by a known email from a member that requires the signature of that member with regard to administrative matters for the Association the email may be deemed to qualify as a signature for that purpose
- (2) This provision does not apply to signatures required for funds management under section 38.

46. Public Officer

- (1) The Public Officer must be a member of the association but is not an office-bearer.
- (2) The qualifications, role and responsibilities of the Public Officer are as set out in the Act as amended from time to time.

Appendix 1

(see s 8)

Application for membership of the Canberra Alliance for Participatory Democracy

(incorporated under the *Associations Incorporation Act 1991 of the ACT*)

I,

.....
(full name of applicant)

of

.....
(residential address)

.....
(postal address, if different)

.....
(email)

.....
(Preferred telephone contact)

apply to become a member of the Canberra Alliance for Participatory Democracy. I agree to be bound by the rules of the association for the time being in force.

As a member of the association, I affirm everyone's entitlement to be heard respectfully.

I will abide by and do what I can to support and promote the Objectives, Principles and Style of operation of the Association, as set out in Part 2 of the Constitution of the association.

.....
(Signature of applicant)

Date

Appendix 2

(see s 30 (2))

Form of appointment of proxy - the Canberra Alliance for Participatory Democracy

I,

.....
(full name)

of

.....
(address)

a member of the Canberra Alliance for Participatory Democracy

appoint

.....
(full name of proxy)

of

.....
(address)

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 other general meeting, as the case may be) to be held on

.....

And at any adjournment of that meeting.

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

.....
(Signature of member appointing proxy)

(*To be inserted if desired.)

Date

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