

WYONG FAMILY HISTORY GROUP INCORPORATED
CONSTITUTION (as Amended-February 2011)

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PART 1 – PRELIMINARIES

Clause

1 Background

This Constitution shall form part of the Rules of the Association (the structure in which the Association operates) Changes shall be by Special Resolution adopted at a Special General Meeting of the Association. All to be in accordance with the Act. The Constitution is supplemented by the Appendices, which are developed and revised through the Committee. *Guide note; Refer to The Act and Model Constitution, as amended where a matter is not covered.*

WFHG; Founded 1983; Incorporated 15 July 1997; Registered Number Y2635223
This revision adopted 12 March 2009.

2 Name

The Name of the Association shall be “**The Wyong Family History Group Incorporated**”, here in after referred to in these rules as the “WFHG”

3 Objectives

The Objectives of the WFHG shall be:

- a To promote and encourage the study and preservation of family and local history.
- b To assist members and others, **including the Public**, in family history research.
- c To develop and maintain a Public Library, containing books and other literary material for reading, study or reference, particularly to foster and research Family History in the Wyong area and elsewhere. These resources are to be supplemented by establishment of IT facilities.
- d The Group shall research, collect, preserve and maintain its Resources in its Library.

4 Definitions

- a **The Act.** means the Associations Incorporation Act and Associations Incorporation Regulation 2010, as amended.(a copy of each shall be kept)
- b **Committee.** means The Management Committee.
- c **Member.** means a person who has applied for membership and paid fees to be and remain financial with the WFHG. **Life Members** are deemed to be financial members.
- d **By-Laws.** means a set of rules which indicate meeting procedure. Where not covered by the By-laws, the Authority for meetings shall be “*Robert’s Rules of Order Newly Revised April 2004*’ (a copy shall be kept and updated regularly).
- e **Guides.** means a set of guides to a process within the WFHG, (e.g. Library) to assist members to understand the process.
- f **Duties.** means a list of process responsibilities for which a member is responsible and to assist those doing the job.
- g **Assets.** means and shall include property and possessions.

- h Kept.** means “shall be kept in the WFHG library, in a special folder with the Constitution”.

PART 2 – MEMBERSHIP

- 5 Membership** is open to all individuals who accept the objectives and rules of the WFHG.
- 6 Application.** Individuals wishing to become members of the WFHG shall apply, in writing, on the prescribed form, to the Secretary for membership. The Committee shall determine whether or not to accept an application for membership. The WFHG is not required to supply reasons for accepting or rejecting an application for membership.
- 7 Register.** A register of members shall be kept by the WFHG showing the name, address and date of commencement of membership for each member. Provision for noting the date of cessation of membership shall also be contained in the register. It shall be the responsibility of the Secretary to ensure that this register is maintained. Some other member may have the task of updating the register.
- 8 Life Member.** A person, who has provided outstanding service to the WFHG, may either on the recommendation of the Committee or of any member, be considered by the Committee for Life Membership. If considered appropriate by the Committee, the nominated person shall be submitted to a GM so that the WFHG members may endorse such Life Membership. The Life Member shall thereafter be entitled to all privileges of financial membership without any obligation to pay the fees listed in Clause 10. The nominee should not be present at the GM while the question is put and endorsed or rejected. A simple majority vote is required in either case.
- Guide note; Such considerations should include;
 LM nominee should be an active member.
 Quality of service should be comparable with that of previous LMs.
 That quantity of LMs does not diminish the quality or esteem of previous LMs.
 Where such person is no longer active; **Honorary Membership** may be considered.
- 9 Fees;** Members shall pay membership and joining fees as determined by the WFHG at an AGM or SGM.
 Fees shall be set for; Single Membership : (An individual person)
 Family Membership: (1 or 2 parents and their children, who
 are all living at the one address.)
- 10 a Membership fees** shall fall due on the first day of each WFHG year. The WFHG year shall run from 1st July to 30th June. People who apply for membership after 31st March and pay a full years’ subscription, will have their initial membership until the end of the next WFHG year.
b Joining Fees shall be paid by new members and by rejoining members, whose membership has ceased.
- 11 Liability.** The liability of a member to contribute towards the payment of debts and liabilities and / or costs of winding up of the WFHG is limited to the amount, if any, unpaid by the member in respect of membership of WFHG, as required in clause 10.
- 12 Cessation.** Membership shall cease upon resignation, expulsion, or failure to pay outstanding membership fees within three months of the 1st July – ie, the due date.

[Guide note; the member has No voting rights after 30th June - see cl 34b, 19 and 34d – but can use resources until 30th September]

13 Disciplining / Suspension / Expulsion of members.

a A complaint may be made to the Committee by any person, that a member has persistently refused or neglected to comply with the provisions of these rules or acted in a manner prejudicial to the interests of the WFHG.

b On receiving such complaint, the Committee shall serve notice on the member concerned of the complaint and allow the member 14 days to make submission in connection with the complaint. The notice shall advise the member of the time and place of the Committee meeting at which the matter is to be considered.

c The member may be present and/or represented at the CM by a nominee and their submission must be considered by the Committee.

d The Committee may, after consideration, by resolution, suspend for a time or expel the member from membership of the WFHG, if the Committee is satisfied that the facts alleged in the complaint have been proven.

e If the Committee suspends or expels the member, the member shall be given Notice in writing within 7 days, of such action and the reasons for the actions. The member shall also be advised of their Rights under clause 14.

f This takes effect 7 days after the Notice (above) has been given or 7 days after an appeal has been lost as per clause 14, whichever is the later.

14 Right of Appeal. The member may appeal in writing, to the WFHG against a resolution under Clause 13 of this Constitution. The notice may include a statement of the grounds on which the appeal is made. The appeal shall be considered in a Special General Meeting, and procedure shall apply; as for a Notice of Motion/ Special Resolution, and as detailed for CM in clause 13.

PART 3 – COMMITTEE

15 Committee of Management. The WFHG shall have its affairs controlled and managed by a Committee of Management, being the three Office Bearers and eight other members. (Herein and generally known as the Committee)

16 a Powers. Control and manage all such functions necessary or desirable for the proper management of the affairs of the WFHG except those required by these rules to be exercised at an AGM or SGM of the WFHG by the members

b Office bearers, Committee, Persons who have taken on a position of responsibility and subcommittee members must disclose any conflict of interest; must not use their position or any information for any dishonest purpose; and must hand over any documents or assets of the WFHG within 21 days after ceasing to hold office or position.

c All shall reside in NSW within a distance from Wyong which allows effective execution of their duties.

17 Office Bearers shall be the President, Secretary and Treasurer.

18 Election. At each Annual General Meeting shall be elected, in order; the President, Secretary and Treasurer, also the Vice President and 7 other members to form the Committee. Only financial members may stand for office.

19 Vacancies. Any casual vacancy occurring in the Committee may be filled by a member nominated by the Committee and ratified at the next GM. The member shall be deemed elected at that GM.

20 Tenure. Each member of the Committee shall hold office from the date of their election or appointment until the next AGM. Each Office Bearer shall hold that position of office or duty in Committee for a maximum of 3 consecutive years. Any Office Bearer who has served the maximum 3 years in a position may, if no other member seeks the position and if approved by a GM or AGM, serve a further period until the next AGM.

Retiring Committee members are eligible for re-election.

21 Cessation. A member of the Committee shall cease to hold office upon resignation in writing, cessation as a member of the WFHG; or after three successive absences from Committee meetings without approval by the Committee. Such approval should be minuted.

22 Expulsion. of a Committee member shall be as detailed in Clauses 13 and 14.

23 Office Bearer Duties shall include;

a The **President** or, in the President's absence, the Vice President, shall act as chairperson at each meeting of the Committee and of the WFHG.

b If the President and Vice President are **both absent** from a meeting or unwilling to act, the members present at the meeting shall elect one of their number to act as chairperson.

c The **Secretary** shall ensure that records of the business of the WFHG including the rules, register of members, minutes of all ordinary and Committee meetings and a file of correspondence are kept. These records shall be held in the custody of the Secretary. The records shall be available for inspection by any member at a reasonable time agreed by both parties.

d The **Treasurer** shall ensure that:

(i) All money due to the WFHG is collected and received and paid into an account in the WFHG's name

(ii) All payments, authorised by the WFHG are made. Payments shall be made through a petty cash system or by cheque signed by two signatories of the 3 authorised Office Bearers. Major or unusual expenditure shall be authorised in advance, where practical, by the WFHG at a General Meeting.

The Treasurer shall ensure that correct books and accounts are kept showing the financial affairs of the WFHG. These records shall be held in the custody of the Treasurer. The records shall be available for inspection by any member at a reasonable time agreed by both parties.

24 Other Duties Allocation may be made, to Committee and/or Ordinary Members. Nominations shall be normally called and filled for specific "Other Duties" at the GM immediately following the AGM. Allocation should be so minuted. Casual vacancies shall be filled by the Committee.

25 Duties and Guides Lists. Lists are recommended to assist members to better use the resource centre. (Refer to Appendices)

Part 4 – PUBLIC OFFICER (PO) - or such name as the Act shall decree.

26 Appointed. The Committee shall ensure that a person is appointed as Public Officer when a vacancy exists. The Public Officer may be an office bearer, committee member, or any other member regarded as suitable for the position.

27 Removal. The WFHG may at any time remove the Public Officer and appoint a new Public Officer provided the person appointed is 18 years of age or older and a resident of New South Wales. Removal shall be as detailed in Clauses 13 and 14.

28 Cessation The Public Officer shall be deemed to have vacated their position in the following circumstances of their:

- a. Death
- b. Resignation
- c. Removal by the Committee or at a GM
- d. Bankruptcy or financial insolvency.
- e. Mental illness
- f. Residency outside New South Wales or at a distance which affects their duties.

29 Vacancy. When a vacancy occurs in the position of the Public Officer the Committee shall within 14 days notify the appropriate Government Department by the prescribed form and appoint a new Public Officer.

30 Notification. The Public Officer is required to notify the appropriate Government Department on the prescribed form in the following circumstances:

- a Their appointment as PO. (within 14 days)
- b Their change of residential address. (within 14 days)
- c A change in the WFHG's objectives or Constitution or rules (within one month)
- d Of the WFHG's financial affairs (within one month after the AGM)
- e A change in the WFHG's name (within one month)

PART 5 – MEETINGS

31 Meetings Generally.

a Quorum. The quorum for a meeting shall be number of members, in person, as shown below. If within half an hour of the time appointed for a meeting a quorum is not present the meeting shall lapse. The Chairperson shall set the time and date for another general meeting. If at the reconvened meeting a quorum is still not present, the members present may conduct the business of the agenda and report to the next general meeting of action taken and request endorsement of that action. The action shown below for each type of meeting shall take precedence to this clause.

b Voting at meetings shall be by a show of hands unless a secret ballot is demanded. Decisions on questions arising shall be made by a majority vote of the financial members present. Only financial members may vote. All votes shall be given personally and there shall be no voting by proxy.

c Casting Vote. In the case of an equality of votes, the person appointed to chair the general meeting shall have a second or casting vote. (i.e.; The Chairperson has a second vote to resolve the question).

d Notice is required to be given for Meetings, Special Resolutions and Notices of Motion. Notice shall be given in writing to members, either by WFHG journals, personally, by post or by electronic means. Notices sent by post shall be deemed to have been received five days after the date of posting.

A copy of such notice shall be displayed at the resource centre.

32 Special Resolutions. (SR)

(a) Majority. For those matters which must be decided by special resolution a three quarter majority of those present is required.

(b) Matters. A Special Resolution must be passed by a SGM of the WFHG to affect the following matters:

- (i) To change the WFHG's Name
- (ii) To change the WFHG's Constitution
- (iii) To change the WFHG's Objectives
- (iv) An amalgamation with another Incorporated Society or Group.

- (v) To voluntarily wind up the WFHG and distribute its property;
- (vi) To apply for registration as a Company or a Co-operative.
- (vii) To resolve an Appeal by a member under rule 14

(c) **A Special Resolution** (as above) shall be passed in the following manner. A notice must be sent to all members advising that a Special General Meeting is to be held to consider a SR. The notice must give details of the proposed SR and give at least 21 days' notice of the meeting. At least three quarters of those present must vote in favour of the SR. In situations where it is not possible or practicable for a SR to be passed as described above, a request may be made to the Corporate Affairs Commission for permission to pass the SR in some other way.

33 General Meetings.

- a **Held.** Shall be held monthly, normally on the 2nd Thursday of each month, except in December and January.
- b **Business.** shall be, as arranged by the Committee, for the Objectives of WFHG.
- c **Quorum.** shall be twelve members, If a quorum is not present the Chairman may decide to proceed with the normal business ie; Discussion, guest speaker, etc may proceed, but management business may not be conducted.
- d **Notice.** at least 14 days notice shall be given of the GM and / or any Notice of Motions received and to be discussed. A program for GMs should be adopted early in the WFHG year and advised to members.

34 Annual General Meetings (AGM)

- a **Held;** The AGM of the WFHG shall be held each year, normally in September, but within six months from the end of the of the WFHG year.
 - b **Notice.** at least 14 days notice shall be given of the AGM
 - c **Business.** only the following business shall be transacted at the AGM
 - (i) Confirmation of the minutes of the last AGM and SGM held since then.
 - (ii) Receive the WFHG President's Annual Report on activities of the WFHG, since the previous AGM, including action required by any Special Resolutions.
 - (iii) Receive the WFHG Treasurer's Annual Financial Report.
 - detailing;
 - income and expenditure for the previous year, July to June.
 - assets and liabilities as at the end of the previous year , 30th June.
- The Annual Financial Report shall have been verified, prior to the AGM, by an auditor, who was nominated and appointed by the WFHG. Such appointment should be minuted.
- Guide notes; A; The Treasurer's Annual Financial Report provides the statement which is required to be submitted to members under section 26(6) of the Act.
- B; "an auditor" should be honorary and is not intended to indicate a need to have professional qualifications.
- (iv) Election of Office Bearers and Committee.
 - (v) Such other matters for which a Notice of Motion has been been correctly given to members.

d **Quorum.** Shall be 15 members.

e **Nominations** of candidates for election as Office Bearers or other Committee members shall be made on the nomination form distributed by the Committee. The person nominated is to acknowledge their consent to the nomination on the form by their signature. The nomination form should include a member to "second" that nomination. Forms should be in the hand of the Secretary seven (7) days prior to the AGM. Nominations for any unfilled positions may be made at the AGM or in such other ways as may be determined by the Chairperson. The Secretary shall post, on the notice board at the resource centre at least 5 days before the AGM, a list of nominations received.

35 Special General Meetings. (SGM)

a Held. The Committee may, whenever it thinks fit, to deal with a Special Resolution, convene a SGM of the WFHG. Also a SGM of the WFHG must be convened by the Committee within three months of receiving a written request. to do so, from at least five per cent of the membership of the WFHG. Such request must include the Notice of Motion of the question to be put to the meeting.

b Business. only the business covered by the Notice of Motion, shall be transacted at a SGM.

c Notice. at least 21 days notice shall be given of the SGM.

d Quorum. shall be 15 members.

36 Committee Meetings. (CM)

a Held. Committee meetings shall be held, as agreed by the Committee, monthly and additionally, as necessary to conduct the business of the WFHG.

b Quorum for meetings of the Committee shall be seven members, two of whom shall be Office Bearers.

Guide note; Should Committee numbers fall below the quorum required, through resignation or some other permanent situation, the remaining Committee members should act to nominate new Committee members at the next GM.

c Notice of Committee meetings shall be given at the previous meeting or by such other means as the Committee may decide upon.

d Voting. Only duly elected members of the Committee shall have the right to vote at the Committee meetings.

37 Sub Committee and Meetings. (SCM)

a A Sub-Committee may, and as minuted, be appointed for a specific function, and for such time, as the Committee agrees. The time and place of meetings shall be as agreed by the Subcommittee. The subcommittee shall elect a chairperson from its WFHG financial members. Only WFHG financial members of that Sub-Committee shall have voting rights within the subcommittee. Non members may be co-opted as advisors and/ or specialists. The President shall be an ex officio member of any Sub Committee.

b Quorum shall be as nominated by the Committee.

c Notice of at least 5 days shall be given of the SCM.

PART 6 – MISCELLANEOUS

38 Insurance. The WFHG shall effect and maintain insurance as is required under the Act together with any other insurance which may be required by law or regarded as necessary by the WFHG.

39 Funds. The funds of the WFHG shall be derived from fees of members, donations, grants and other sources approved by the WFHG.

40 Formal Signatories shall be any two of the Executive.

Guide Note; May be required for a Contract, Appointment of an agent or similar actions.

41 Surplus Assets. The WFHG may at any time pass a special resolution determining how any surplus property is to be distributed in the event that the WFHG should be wound up. The distribution of surplus assets shall be in accordance with section 53 of the Associations Incorporation Act 1984.

42 Service of documents on the WFHG is effective by serving them on the Public Officer or by serving them personally on two members of the Committee.

43 a The **income and assets** of the WFHG shall be used only for the promotion of the objectives of the WFHG and shall not be paid or transferred to members by way of dividend, bonus or profit.

b Non Profit Organisation; The income and assets of the Group shall be applied solely in furtherance of its above-mentioned objectives and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

44 Intellectual Property. The WFHG shall retain exclusive copyright to, and ownership of, any computer records, papers, books, other documents, project material or work derived from the work of, or produced by members or other volunteers on behalf of the WFHG. Such members or volunteers participating in any project are required to sign the 'copyright disclaimer form'.

45 The Official Address of the WFHG shall be” The Cottage, Wyong Community Cultural Centre, 6 Rankens Court, Wyong, NSW, 2259 _ Postal Address: PO Box 247, Wyong, 2259.
Note; This changes from address of Public Officer.

PART 7 – APPENDICES - Copies of each should be Kept

Appendices **do not** form part of the Constitution, but are an attachment which may contain By-Laws, Guides, Duties, Charts, etc, developed and revised by the Committee for the guidance of members and to assist with the smooth running of the WFHG.

BY LAWS

A set of By Laws for the conduct of debate or discussion have been adopted and included for the guidance of members, and are titled 'Rules of Debate and Discussion'.

Rules of Debate and Discussion

These Standing Orders shall be applicable, when required, to all general meetings and committee meetings and, as far as appropriate, to meetings of sub-committees, and shall be construed subject to the Constitution. Where not covered by the By-laws, the Authority for meetings shall be “*Roberts Rules of Order Newly Revised April 2004*”. (a copy of which shall be kept and updated regularly)

Meetings shall, subject to the presence of a quorum, start at the time set out on the notice, and shall, subject to the discretion of the meeting, continue until all business on the agenda is disposed of.

- a) Any member desiring to speak at meetings shall raise their hand and when called upon by the Chair shall address the chair. If two or more members raise their hands simultaneously, the Chair shall call upon the member who first caught the eye of the Chair.
- b) Except in committee, no member other than the person who has proposed a motion or an amendment shall speak to it until it has been seconded. A motion or amendment, lapsing for want of a person to second it, shall not be recorded in the minutes.
- c) A motion or amendment before the chair shall not be withdrawn except by its mover and by leave of the meeting. No motion shall be withdrawn while any amendment is under discussion or after any amendment has been adopted.
- d) If required to do so by the chair, the person who has proposed any motion or amendment shall submit it in writing.
- e) A motion or amendment before the chair may be reworded by the mover subject to the leave of the meeting.

- f) A member moving a motion or amendment shall be deemed to have spoken to it. A member seconding a motion or amendment without speaking to it may reserve the right to speak to it subsequently.
- g) When an amendment is before the chair, discussion shall be confined to that amendment. No further amendment shall be proposed until the amendment has been disposed of.
- h) The Chair shall, as far as practicable, call on speakers for and against a motion or amendment alternatively, subject to the right of the person who has seconded the motion, to speak immediately after the mover. If two consecutive speakers have both argued for or against a motion or amendment, and there is no member wishing to argue the opposite view, or in the case of a motion, to move an amendment, the motion or the amendment shall (subject, in the case of a motion, to the mover's right of reply) be put without further debate.
- i) Any member may raise a point of order, which shall take precedence over all other business, and which shall be open to discussion. The point must be raised at the time the alleged irregularity occurred. An explanation or contradiction shall not constitute a point of order.
- j) Any member disagreeing with the Chair's ruling on a point of order may move dissent. The Chair shall then vacate the chair and such motion shall be put forthwith without debate.
- k) On an equality of voting, the Chair shall declare the question resolved so as to maintain the status quo.
- l) A member who has not already participated in the debate may at any time, whether another speaker has the floor or not, move, 'That the question be now put', which motion, if accepted by the chair, shall be put without amendment or debate. The Chair shall have absolute discretion to accept or refuse the motion. The Chair may also personally put the question if the Chair feels that adequate discussion has taken place. In either case the mover of a motion shall retain the right of reply. If an amendment is before the chair, the closure motion shall be deemed to close the debate on the amendment only.
- m) During discussion of a motion (but not of an amendment), a member who has not already participated in the debate on the motion may move, 'That the question be not now put'. This motion shall be open to debate, and shall be debated together with the original motion. If carried, the original motion shall not be dealt with further. If lost, the original motion shall be put forthwith, subject to the mover's right of reply. The motion may be foreshadowed while an amendment is before the chair, but in no case shall it be put till all amendments have been disposed of.
- n) The Chair should be neutral toward questions arising. If the Chair wishes to move and / or speak to a question, they should stand down and an alternative Chair be appointed until 'the question is put'.
- o) By Laws "a to o" may be suspended by a majority of those present. A motion to this effect shall be open to debate and minuted.

DUTIES The Committee shall maintain lists of "**Duties**" of each of the various positions for the guidance of persons acting in that position. Each such list shall be reviewed and updated by the person responsible and soon after accepting that position, then endorsed by the Committee. A copy of each such list should be kept. These should be developed and updated, by the Committee.

GUIDES The Committee shall maintain a "**Guide**" of each of the various processes (e.g.; Library) for the guidance of members. Each Guide shall be reviewed and updated by the person responsible for that process / activity, soon after accepting that position, then endorsed by the Committee. A copy of each such list should be kept. It may be desirable to have 2 versions (a guide for those responsible and another for the user).

CHARTS**Eg
Meetings**

Type	Quorum	Notice	Minutes	Held	Matters	Notes
AGM	15	14 (34b)	F	A	37c	Set annually
SGM	15	21 (35c)	F	Needs	38b	
GM	12	14 (21d)	F	M	All	*Regular meetings held
CM	5 (39c)	* (35c)	F	M	All	*Regular meetings held
SCM	(40b)	5 (36c)	Informal	Needs	40a	
Notice of Motion		(32c) (33d)	F			
Special Resolution	15	21 (32c)	F		35b	Require 75 % majority of present
Appointments			F			See 15, 20, 32, 37e/cv, 39b, 40a

Notices / Actions per The Act: By PO (or other party as shown)

Notice by	Action	Notice within days	Notes (Ref to Act)
PO	New PO Appointment	14	CI 25
Committee	Vacancy of PO	14	CI 23 -Committee to advise
PO	PO changes address	14	CI 25
PO	Change of Objectives	28	CI 20
PO	Change of Rules	28	CI 20
PO	Annual Financial Report	28	CI 27
PO	Apply to Change of Name	28 check	CI 14 (2)
Committee	Keep Register of C Members	Record within 28	CI 21A –to be kept by Committee
Insurer	Insurance cancelled/Lapsed	14	CI 43
WFHG	Apply for Amalgamation		CI 46
WFHG	Winding Up		Part 8

A chart highlights obvious differences / missed details and forms a good check sheet.