

**MONARO FOLK SOCIETY (INC.)**  
**RULES OF ASSOCIATION**

*(As amended on 30<sup>th</sup> June 2008 to comply with legislative requirements of the A-G's department)*

**INDEX**

**PART I - PRELIMINARY**

1. Name
2. Interpretation
3. Objects and purposes of the society
4. Powers of the society
5. Income and property of the society

**PART II - MEMBERSHIP**

6. Membership qualifications
7. Registration of Members
8. Membership entitlements not transferable
9. Cessation of Membership
10. Resignation of membership
11. Subscriptions
12. Members' liabilities
13. Disciplining of members
14. Right of appeal of disciplined member

**PART III - THE COMMITTEE**

15. Powers of the committee
16. Constitution and membership
17. Election of committee members
18. Secretary
19. Treasurer
20. Public Officer
21. Vacancies
22. Removal of committee members
23. Committee meeting and quorum
24. Delegation by committee to sub-committee
25. Voting and decisions

**PART IV - GENERAL MEETINGS**

26. Annual general meetings - holding of
27. General meeting - calling of
28. Notice of general meetings
29. General meetings - procedures and quorum
30. Presiding member
31. Adjournment
32. Making of decisions
33. Voting

**PART V - MISCELLANEOUS**

34. Property - management
35. Funds - source
36. Funds - management
37. Alteration of objects and rules
38. Common seal
39. Custody of books
40. Inspection of books
41. Service of notices

**MONARO FOLK SOCIETY (INC.)  
RULES OF ASSOCIATION**

**PART 1- PRELIMINARY**

**1. Name**

The name of the association shall be the Monaro Folk Society (Inc.) (in these rules called “the society”).

**2. Interpretation**

(1) In these rules, unless a contrary Intention appears -

“financial year” means the year ending on 30 June;

“member” means a member of the society;

“ordinary committee member” means a member of the committee who is not an office-bearer of the society as referred to in paragraph 12(1)(a);

“the Act” means the *Associations Incorporation Act 1991*;

“the Regulations” means the Associations Incorporation Regulations.

(2) In these rules -

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty.

(3) The provisions of the *Interpretation Act 1967* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

**3. Objects and purposes of the society**

(1) The basic objectives of the society are -

(a) to devise, advocate, promote, conduct and encourage the adoption of measures which may seem to the society to foster enjoyment of and interest in and assist education in, and knowledge of, all aspects of folk lore including folk singing, folk dance, folk music, folk stories, folk ballads, folk poetry and folk literature in the Australian Capital Territory, Australia and overseas.

(b) to adopt such means of achieving the objects of the society as may seem expedient and in particular by delivering public addresses, arranging for and holding public meetings, publishing books, periodicals, leaflets, pamphlets, newspapers and other documents; making and exhibiting films, recordings and pictures; arranging for and holding public exhibitions; and grant prizes, rewards and donations as the Committee or members may think desirable for the promotion of the objects and purposes of the Society;

(c) to conduct classes and courses of classes aimed at promoting in the community an interest in and appreciation of folk lore;

(d) to carry out research and investigation into matters relating to folk lore;

(e) to make representations to appropriate authorities for the conduct of research and investigations into folk lore and the dissemination of information or the implementation of policy or administrative changes which the Society considers necessary in the interests of the preservation, education and dissemination of folk lore in Australia;

(2) Nothing in these basic objects of the society shall be taken to prevent the society from being associated in any of its objects and purposes with any aspects of contemporary music and studies in conjunction with traditional folk lore.

**4. Powers of the Society**

In addition to the basic objects of the society the powers of the Society shall be deemed to include: -

(a) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or

personal property that may be deemed necessary or convenient for any of the objects or purposes of the society;

(b) the buying, selling, and supplying of and dealing in, goods of all kinds;

(c) the construction, maintenance and alteration of building or works necessary or convenient for any of the objects or purposes of the society;

(d) the accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the society;

(e) the taking of such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the society;

(f) the borrowing and raising of money in such manner and on such terms as the society may think fit and securing the repayment of money so raised or borrowed or the payment of a debt or liability of the society by giving mortgages, charges or securities upon or over all or any of the real or personal property of the society;

(g) subject to the provisions of the Trustee Ordinance 1957-1968 the investment of any moneys of the society not immediately required for any of its objects or purposes in such manner as the Committee may from time to time determine;

(h) the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes, and conveniences calculated to benefit servants or past servants of the society and their dependants, and the granting of pensions, allowances or other benefits to servants or past servants of the society and their dependants, and the making of payments towards insurance in relation to any of those purposes;

(i) federating with, affiliating with or acting in conjunction with similar associations throughout Australia and abroad, and to appoint representatives to any such association as the society deems necessary;

(j) the establishment and support, or aiding in the establishment and support, of any other association formed for any of the basic objects of the society;

(k) the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the society or of any of the objects and purposes specified in the foregoing provisions of this rule, and the last preceding rule.

## **5. Income and Property of the Society**

(1) The income and property of the society, however derived, shall be applied solely towards the promotion of the objects and purposes of the society and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of the society.

(2) where any property is given, donated, granted, allocated, assigned, devised, bequeathed or lent to the society or where the society is allowed the use of any property and where the giver, donor, granter, allocator, assigner, testator, lender or person who has allowed their property to be used has done so upon an understanding of subject to a condition that the property be used for a particular purpose the society shall not use the property for any other purpose whatsoever.

(3) where any property subject to sub-rule (2) of this rule comes into the hands of the society, the society shall keep such itemised accounts in relation to that property so that a full and true accounting of, and in relation to, the property is readily available.

(4) Any accounts kept in accordance with sub-rule (3) of this rule shall be made available by the Public Officer, to any member of the society, or to any auditor appointed by the society.

(5) Nothing in the foregoing provisions of this rule prevents the payment in good faith to a servant or member of the society of:-

(a) remuneration in return for services actually rendered to the society by the servant or member or for goods supplied to the society by the servant or member in the ordinary course of business;

(b) interest not exceeding a reasonable and proper rate on moneys lent to the society by the servant or members; or

(c) a reasonable and proper sum by way of rent for premises let to the society by the servant or member.

## **PART II - MEMBERSHIP**

### **6. Membership qualifications**

Any person who supports the objects of the Society is eligible to be a member of the Society.

A person may be an individual, a corporation, or a family.

Application for membership shall be in writing on the society's application form.

Application for membership shall be lodged with the Secretary.

### **7. Registration of Members**

The Secretary shall, on receipt of the application and payment by the applicant of the amounts referred to in 6, enter the applicant's name in the Register of Members and, upon the name being so entered, the applicant shall become a member of the Society.

### **8. Membership entitlements not transferable**

A right, privilege or obligation which a person has by reason of being a member of the Society -

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates upon cessation of the person's membership;

### **9. Cessation of Membership**

A person ceases to be a member of the Society if the person -

- (a) dies or, in the case of a body corporate, is wound up, or in the case of a family, all die;
- (b) resigns from membership of the society;
- (c) is expelled from the society; or
- (d) fails to renew membership of the society.

### **10. Resignation of membership**

(1) A member is not entitled to resign from membership of the society except in accordance with this rule.

(2) A member who has paid all amounts payable by the member to the society may resign by first giving notice (being not less than 1 month, or, if the committee has determined a shorter period, that shorter period) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.

(3) Where a person ceases to be a member, the secretary shall make an appropriate entry in the register of members, recording the date on which the member ceased to be a member.

### **11. Subscriptions**

Changes to the annual membership fees for the next period of membership will be an item of business for each Annual General Meeting. The annual membership fee is payable before 1 July in any calendar year.

### **12. Members' liabilities**

The liability of a member to contribute towards the payment of debts and liabilities of the association or the costs, charges and expenses of the winding up of the society is limited to the amount, if any, unpaid by the member in respect of membership of the society as required by rule 7.

### **13. Disciplining of members**

- (1) Where the committee is of the opinion that a member -
  - (a) has persistently refused or neglected to comply with the provision of these rules: or
  - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the society, the committee, may by resolution -
  - (c) expel the member from the society; or
  - (d) suspend the member from such rights and privileges of membership of the society as the committee may determine for a specified period.
- (2) A resolution of the committee under sub-rule (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 sub-rule (3), confirms the resolution in accordance with this rule.
- (3) Where the committee passes a resolution under sub-rule (1), the secretary shall, as soon as practicable, cause a notice in writing to be served on the member -
  - (a) Setting out the resolution of the committee and the grounds on which it is based;
  - (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,
  - (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 prior to the date of that meeting written representation relating to the resolution.
- (4) Subject to section 50 of the Act, at a meeting of the committee mentioned in sub-rule (2), the committee shall -
  - (a) give to the member mentioned in sub-rule (1) an opportunity to make oral representations;
  - (b) give due consideration to any written representation submitted to that committee by that member at or prior to the meeting; and
  - (c) by resolution determine whether to confirm or revoke the resolution under sub-rule (1).
- (5) When the committee confirms a resolution under sub-rule (4), the secretary shall within 7 days after that confirmation, by notice in writing inform the member of that confirmation and of the member's right of appeal under rule 10.
- (6) A resolution confirmed by the committee under sub-rule (4) does not take effect -
  - (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
  - (b) where within that period the member exercises the right of appeal, unless and until the association confirms the resolution in accordance with sub-rule 10 (4)

### **14. Right of appeal of disciplined member**

- (1) A member may appeal to the society in general meeting against a resolution of the committee which is confirmed under sub-rule 13(2) within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) Upon receipt of a notice under sub-rule (1), the secretary shall notify the committee which shall convene a general meeting of the association to be held within 21 days after the date on which the secretary received the notice or as soon as possible after that date.
- (3) Subject to section 50 of the Act, at a general meeting of the society convened under sub-rule (2) -
  - (a) no business other than the question of the appeal shall be transacted;
  - (b) the committee and the member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
  - (c) the members present shall vote by secret ballot on the question of whether the resolution made under sub-rule 13(2) shall be confirmed or revoked.
- (4) if the meeting passes a special resolution in favour of the confirmation of the resolution made

under sub-rule 13(2), that resolution is confirmed.

### **PART III - THE COMMITTEE**

#### **15. Powers of the committee**

The committee, subject to the Act, the Regulations, these rules, and to any resolution passed by the society in general meeting -

- (a) shall control and manage the affairs of the society;
- (b) may exercise all such functions as may be exercised by the society other than those functions that are required by these rules to be exercised by the society in general meeting; and
- (c) has the power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the society.

#### **16. Constitution and membership**

(1) The committee shall consist of -

- (a) the office bearers of the society; and
- (b) five ordinary members of the society;

each of whom will be elected pursuant to rule 17 or appointed in accordance with sub-rule 16(4).

Note: the auditor appointed by the society may be a member of the society, but not a member of the committee.

(2) The office bearers of the society shall be -

- (a) the president;
- (b) the vice-president;
- (c) the treasurer;
- (d) the secretary, and
- (e) the public officer.

(3) Each member of the committee shall, subject to these rules, hold office until the conclusion of the election process at the AGM following the date of the member's election, but is eligible for re-election.

(4) (a) In the event of a vacancy in the membership of the committee, the committee may appoint a member of the society to fill the vacancy and the member so appointed shall hold office subject to these rules until the conclusion of the election process at the AGM following the date of the appointment.

(b) In the event that a member of the committee is removed by motion at a Special General Meeting, they shall be replaced by election at that Special General Meeting by the procedures used for the election of officers at an Annual General Meeting.

#### **17. Election of committee members**

1. Nomination of candidates for election as office-bearers of the society or as ordinary committee members -

- (a) shall be made in writing, signed by two members of the society and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
- (b) shall be delivered to the secretary of the society at or before the date fixed for the AGM at which the election is to take place.

2. If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be made verbally at the AGM by two members of the society, provided that the candidate(s) signifies consent.

3. If insufficient further nominations are received, any vacant positions remaining on the committee shall be deemed to be vacancies.

4. If the number of nominations received is equal to the number of vacancies to be filled, the

candidates shall be elected.

5. If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.

6. The ballot for the election of office bearers and ordinary committee members shall be completed at the AGM in such manner as the committee may direct.

#### **18. Secretary**

(1) The secretary shall keep minutes of -

(a) all elections and appointments of office-bearers and ordinary committee members;

(b) the names of members of the committee present at a meeting or a general meeting;

and

(c) all proceedings at committee meetings and general meetings.

(2) The secretary shall co-ordinate and keep records of society correspondence.

(3) The secretary shall ensure that minutes of proceedings at a meeting shall be signed by the person presiding at the next meeting.

#### **19. Treasurer**

The treasurer of the society shall -

(a) collect and receive all monies due to the society and make payments authorised by the society;

and

(b) keep correct accounts and books showing the financial affairs of the society with full details of all receipts and expenditure connected with the activities of the society.

#### **20. Public Officer**

The public officer of the society shall -

(a) organise for appropriate documents to be lodged with the registrar's office; and

(b) act as an intermediary between the society and the registrar's office.

Note: the public officer must reside in the A.C.T.

#### **21. Vacancies**

(1) For the purposes of these rules, a vacancy in the office of a member of the committee occurs if the member -

(a) dies;

(b) ceases to be a member of the society;

(c) resigns from office;

(d) is removed from office pursuant to rule 22;

(e) becomes insolvent under administration within the meaning of the Corporation Law;

(f) suffers from mental and physical incapacity;

(g) is disqualified from office under subsection 63(1) of the Act; or

(h) is absent without the consent of the committee members from all meetings of the committee held during a period of three months;

#### **22. Removal of committee members**

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

#### **23. Committee meeting and quorum**

(1) The committee shall meet at least 6 times in a calendar year at such place and time as the committee may determine.

(2) Special meetings of the committee may be convened by the president and any two of its members

- (3) Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the committee) before the time appointed before the holding of the meeting.
- (4) Any 5 members of the committee constitute a quorum for the transaction of the business of the meeting.
- (5) No business shall 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 the same hour of the day in the following week.
- (6) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.
- (7) At meetings of the committee -
  - (a) the president or in the absence of the president, the vice-president shall preside;
  - or
  - (b) if the president and the vice president are absent, one of the remaining members of the committee may be chosen by the members present to preside.

#### **24. Delegation by committee to sub-committee**

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the society as the committee thinks fit) the exercise of such functions of the committee as are specified in the instrument, other than -
  - (a) this power of delegation; and
  - (b) a function which is a function imposed on the committee by the Act, by any other law of the Territory, or by resolution of the society in general meeting.
- (2) A function, the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function, or as time or circumstances, as may be specified in the instrument of delegation.
- (4) Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A sub-committee may meet and adjourn as it thinks proper.

#### **25. Voting and decisions**

- (1) Questions arising at the meeting of the committee or of any sub-committee appointed by the committee shall be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting ) is entitled to 1 vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to subrule 23 (4), the committee may act notwithstanding any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by the sub-committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification

of any member of the committee or sub-committee.

#### **PART IV - GENERAL MEETINGS**

##### **26. Annual general meetings - holding of**

- (1) The society shall at least once in each calendar year and within the period of three months of the expiration of each financial year of the society, convene an annual general meeting of its members on such date and at such place and time as the committee thinks fit.
- (2) The ordinary business of the annual general meeting shall be -
  - (a) to confirm the minutes of the last preceding annual general meeting and the last preceding general meeting;
  - (b) to receive from the committee, auditor and servants of the society reports upon the transactions of the society during the last preceding financial year;
  - (c) to elect the officers of the society and the ordinary committee members.
- (3) The annual general meeting may transact special business for which notice is given.
- (4) The annual general meeting shall be specified as such in the notice convening it.

##### **27. General meeting - calling of**

- (1) The committee may, whenever it thinks fit, convene a general meeting of the society.
- (2) The committee shall, on the requisition in writing of not less than 5% of the total number of members, convene a general meeting of the society.
- (3) A requisition of members for a general meeting -
  - (a) shall state the purpose or purposes of the meeting;
  - (b) shall be signed by the members making the requisition,
  - (c) shall be lodged with the secretary; and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a general meeting within one month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a meeting to be held not more than three months after that date.
- (5) A general meeting convened by a member or members referred to in sub-rule 27(4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be re-imbursed by the society.

##### **28. Notice of general meetings**

- (1) The secretary of the society shall at least 14 days before the date fixed for holding a general meeting of the society, cause to be inserted in at least one newspaper, published in the ACT, an advertisement specifying the place, time and date of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) The secretary of the society shall also at least 14 days before the date fixed for holding a general meeting of the society cause written notice to be given to members specifying the place, time and date of the meeting and the nature of the business proposed to be transacted at the meeting.

##### **29. General meetings - procedure and quorum**

- (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) 10% of the members or 20 members (whichever is the lesser), present in person, constitutes a quorum for the transaction of the business of a general meeting.

(3) If within one hour of the appointed time for the commencement of a general meeting, a quorum is not present, the meeting, if convened upon the requisition of the members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written 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 one hour after the time appointed for the Commencement of the meeting, the meeting shall be dissolved.

### **30. Presiding member**

(1) The president, or in the absence of the president, the vice-president, shall preside at each general meeting of the society.

(2) If the president and the vice-president are absent from the general meeting, the members present shall elect 1 of their number to preside at the meeting.

### **31. 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 shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) Where the general meeting is adjourned for 14 days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.

(3) Except as provided in the foregoing provisions of this rule, it is not necessary to give any notice of an adjourned meeting.

### **32. Making of decisions**

(1) A question arising at a general meeting of the society shall be determined on a show of hands and unless 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 society, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

(2) At a general meeting of the society, a poll may be demanded by the person presiding or by not less than 3 members present in person or by proxy at the meeting.

(3) Where the poll is demanded at a general meeting, the poll shall be taken -

(a) immediately in the case of a poll which 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 such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

### **33. Voting**

(1) Subject to sub-rule 33 (3), upon any question arising at a general meeting of the society, a member has one vote only, except in the case of family membership which carries at most two votes.

(2) All votes shall be given personally.

(3) In the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.

(4) (a) A member is not entitled to vote at any general meeting of the society unless their annual subscription payable in respect of the then current year has been paid.

(b) A member is not entitled to vote unless all money due and payable by the member to the society; other than the annual subscription, has been paid.

## **PART V - MISCELLANEOUS**

### **34. Property - management**

In the pursuit of its objectives the society may;

- (i) raise, obtain and receive funds or other aid,
- (ii) hold land, money, securities and other properties,
- (iii) invest money, and
- (iv) employ servants.

### **35. Funds - source**

- (1) The funds of the society shall 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 section 114 of the Act, such other sources as the committee determines.
- (2) All money received by the society shall be deposited as soon as practicable to the society's bank account except where the Treasurer has authorised reimbursement to a member for expenses incurred, those reimbursements to be subject to proper accounting of receipts and expenses.
- (3) The society shall, as soon as practicable after receiving any money, issue an appropriate receipt.

### **36. Funds - management**

- (1) Subject to any resolution passed by the society in general meeting, the funds of the society shall be used in pursuance of the objects of the society in such a manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall 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) No debt of the society shall be paid without the prior authorisation of 2 members of the committee authorised to sign cheques. Once authorised, payments may be made by electronic funds transfer, by cheque, or by any other means.

### **37. Alteration of objects and rules**

- (1) The rules may be amended by resolution passed by a three quarters majority of financial members voting at a general meeting.
- (2) Notice of the proposed amendment shall be included in the notice calling the general meeting.
- (3) Neither the objects of the society nor these rules shall be altered except in accordance with the Act.

### **38. Common seal**

- (1) The common seal of the society shall be kept in the custody of the public officer.
- (2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the public officer.

### **39. Custody of books**

- (1) Subject to this Act, the Regulations and these rules, the secretary shall keep in his or her control all records books, and other documents relating to the society.

### **40. Inspection of books**

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

**41. Service of notices**

(1) For the purpose of these rules, a notice may be served by or on behalf of the society upon any member at the member's address shown in the register of members.

(2) Where a document is sent to a person by property addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

**42. Surplus property**

(1) If, upon the winding up of the Society, there remains after the satisfaction of its debts and liabilities any assets, these;

(a) must not be paid to or distributed among the members of the society; and

(b) must be distributed to association/s, preferably functioning in the ACT or the Monaro region, which have objects similar to the objects of the Society and which similarly prohibit the distribution of their income or property among their members.

(2) If the society shall have been approved pursuant to Section 78 (1) of the Income Tax Assessment Act then the recipient association/s (under 42 (1) (b) above) must also be so approved.

(c) A Special General Meeting called to wind up the society must determine which association/s are association/s to which surplus assets are to be distributed under 42 (1) (b) or (2).