

# TASMANIAN WRITERS' CENTRE INCORPORATED

## CONSTITUTION

As approved at the Special General Meeting

23 April 2013

### 1 Name of Association

The name of the association shall be Tasmanian Writers' Centre Incorporated (in these rules called 'the Association').

### 2 Interpretation

2.1 In these rules, unless the contrary intentions appears:

'Committee' means the Management Committee of the Association.

'general meeting' means a general meeting of members convened in accordance with rule 13

'ordinary Committee member' means a member of the Committee to whom paragraph (b) of rule 22.1 relates.

2.2 In these rules, expressions referring to writing shall, unless the contrary intention appears, to be construed as including references to printing, lithography, photography and other modes of representing or reproducing via electronic means or otherwise, words in a visible form.

2.3 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the *Acts Interpretation Act 1931* and the Act as in force on the date on which these rules are adopted by the Association.

### 3 Association's office

3.1 The office of the Association shall be at 1 Kelly Street, Battery Point, or such other place as the Committee may, from time to time, determine.

### 4 Objects and aims of the Association

4.1 The basic objectives of the Tasmanian Writers' Centre are: to encourage and develop increased awareness of the literary arts in Tasmania; and to assist and promote Tasmanian writers. In addition to the basic objects and aims of the Association, as determined by the Board from time to time, the objects and purposes of the Association include the following:

:

a) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any other the objects or purposes of the Association;

- b) the buying, selling and supplying of, and dealing in, goods of all kinds;
- c) the constructions, maintenance and alterations of buildings or works necessary or convenient for any of the objects or purposes of the Association;
- 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 Association;
- e) the taking of such steps from time to time as the Committee may deem expedient for the purpose of procuring contributions to the funds of the Association, whether by way of donations, subscriptions or otherwise;
- f) the printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the Committee or the members in general meeting may think desirable or the promotion of the objects and purposes of the Association;
- g) the borrowing and raising of money in such manner and on such terms as the Committee may think fit or as may be approved or directed by resolution passed at the general meeting;
- h) subject to the provisions of the Trustee Act 1898, the investment of any money of the Association not immediately required for any of its objects or purposes in such manner as the Committee may from time to time determine;
- i) the making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which the relevant paragraphs and/or Sections of the Income tax Assessment Act 1936 of the Commonwealth relates;
- j) the establishment and support, or aiding in the establishment of support, of associations, institutions, funds, trusts, schemes, and conveniences calculated the benefit servants or passed servants of the Association and their dependants, and the granting of pensions, allowances, or other benefits to servants or passed servants of the Association and their dependants and, the making of payments towards insurance in relation to any of those purposes;
- k) the establishment and support or aiding in the establishment of support of any other association formed for any of the basic objects of the Association;
- l) the purchase or acquisition, and undertaking, of all or any part of the party, assets, liabilities, and engagements of any association with which the Association may at any time become amalgamated in accordance with the provisions of the Act and the Rules of the Association; and
- m) the doing of all such lawful things as are incidental or conducive to the attainment of the basic objects of the Association or of any of the objects and purposes specified in the forgoing provisions of this sub-rule.

4.2 In this rule; 'basic objects of the Association' means the objects and purposes of the Association, as stated in the application under subsection (2) of section 7 of the Act for the incorporation of the Association lodged with the Commissioner pursuant to that section.

## **5 Membership of Association**

5.1 A person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Association on payment of the annual subscription

prescribed in, or fixed under, these rules.

- 5.2 A person who is not a member of the Association at the time of the incorporation of the Association shall not be admitted to membership unless his/her admission as a member is approved by the Committee.
- 5.3 As soon as is practicable after the receipt of a nomination, the Secretary shall refer the nomination to the Committee.
- 5.4 Upon a nomination being approved by the Committee, the Secretary shall, with as little delay as possible, notify the nominee, in writing, that he/she has been approved for membership of the Association and, upon receipt of the sum payable by, or behalf of the nominee as his/her first year's subscription, shall enter the nominee's name in a register of members to be kept at the Association's office, or at such other place as the Committee may decide, whereupon the nominee becomes a member of the Association.
- 5.5 A member of the Association may, at any time, resign from the Association by delivering or sending by post to the Secretary a written notice of resignation.
- 5.6 Upon receipt of a notice under rule 5.8, the Secretary shall remove the name of the member by whom notice was given from the register of members, whereupon that member ceases to be a member of the Association.
- 5.7 A right, privilege, or obligation of a person by virtue of his/her membership of the Associate:
- a) is not capable of being transferred or transmitted to another person; and
  - b) terminates upon the cessation of his/her membership, whether by death, resignation, or otherwise.
- 5.8 In the event of the Association being wound up:
- a) every member of the Association, and
  - c) every person who, within the period of twelve months immediately preceding the commencement of the winding up, was a member of the Association, is liable to contribute to the assets of the Association for payment of the debts or liabilities of the Association and for the costs, charges, and expenses of the winding up and for the adjustment of the rights of the contributors among themselves such sum, not exceeding two dollars, as may be required, but a former member is not liable so to contribute in respect of any debt or liability of the Association contracted after he/she ceased to be a member.
- 5.9 The amount which remains after such dissolution and the satisfaction of all debts and liabilities shall be repaid and applied by the Committee, in accordance with their powers, to an organisation which is exempt from income tax under section 23 of the Income Tax Assessment Act.

## **6 Income and Property of Association**

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

- 6.2 The Association shall not;
- (a) appoint a person who is a member of the Committee to any office in the gift of the Association to the holder of which there is payable any remuneration by way of salary, fees, or allowances, or;
  - (b) pay to any such person any remuneration or other benefit in money or money's worth (other than the repayment of out-of-pocket expenses).
- 6.3 Nothing in the forgoing provision of this rule prevents the payment in good faith to a servant of member of the Association of:
- a) remuneration in return for services actually rendered to the Association by the servant or member or for goods supplied to the Association by the servant or member in the ordinary course of business;
  - b) interest at a rate not exceeding seven and one-quarter per cent on moneys lent to the Association by the servant or member, or;
  - d) a reasonable and proper sum by way of rent for premises let to the Association by the servant or member.

## **7 Accounts of Receipts, Expenditure**

- 7.1 True accounts shall be kept:
- (a) of all sums of money received and expended by the Association and the matter in respect of which the receipt or expenditure takes place; and
  - (b) of the property, credits, and liabilities of the Association; and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Association for the time being, those account shall be open to the inspection of the members of the Association.
- 7.2 The Treasurer of the Association shall faithfully keep all general records, accounting books, and records of receipt and expenditure connected with the operations and business of the Association in such form and manner as the Committee may direct.
- 7.3 The accounts, books, and records referred to in clauses 7.1 and 7.2 of this rule shall be kept at the Association's office or at such other place as the Committee may decide.
- 7.4 The books and records of the Association may be kept in electronic form, and if so, must be convertible into hard copy.

## **8 Banking and Finance**

- 8.1 The Treasurer of the Association shall, on behalf of the Association, receive all moneys paid to the Association and forthwith after the receipt thereof issue official receipts therefore. The Treasurer may delegate this authority on a temporary basis to employees of the Tasmanian Writers' Centre in order to support the efficient daily operations of the Centre.

- 8.2 The Committee shall cause to be opened with such bank as the Committee selects a banking account in the name of the Association into which all moneys received shall be paid by the Treasurer as soon as possible after the receipt thereof.
- 8.3 The Committee may receive from the Association's bank or bankers for the time being the cheques drawn by the Association on any of its accounts with the bank or bankers and may release and indemnify the bank or bankers from and against all claims, actions, suits, or demand that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Association.
- 8.4 Except with the authority of the Committee, no payment of a sum exceeding one hundred dollars shall be made from the funds of the Association otherwise than by cheque drawn on, or electronic transfer from, the Association's bank account.
- 8.5 The Committee may provide the Treasurer with a sum to meet urgent expenditure, subject to the observance of such conditions in relation to the use and expenditure thereof as the Committee may impose.
- 8.6 No cheques shall be drawn on, or electronic transfer made from, the Association's bank account, except for the payment of the expenditure that has been authorised by the Committee.
- 8.6 All Cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed by the Treasurer or, in his absence, by such other member or members as the Committee may nominate for that purpose, and shall be countersigned by one duly authorised officer of the Association.

## **9 Auditor**

- 9.1 At each annual general meeting of the Association, the members present shall appoint a person as the auditor of the Association.
- 9.2 A person so appointed shall hold office until the annual general meeting next after that at which he is appointed, and is eligible for re-appointment.
- 9.3 If an appointment is not made at an annual general meeting the Committee shall appoint an auditor of the Association for the current financial year of the Association.
- 9.4 Except as provided in rule 9.3 of this rule, the auditor may only be removed from office by special resolution.
- 9.6 If a casual vacancy occurs in the office of auditor during the course of a financial year of the Association, the Committee may appoint a person as the auditor and the person so appointed shall hold office until the next succeeding annual general meeting.

## **10 Audit of Accounts**

- 10.1 Once at least in each financial year of the Association, the accounts of the Association shall be examined by the auditor.
- 10.2 The auditor shall certify as to the correctness of the accounts of the Association and shall report thereon to the members present at the annual general meeting.

- 10.3 In his/her report, and in certifying to the accounts, the auditor shall state:
- (a) whether he/she has obtained the information required by him/her;
  - (b) whether in his/her opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association according to the information at his/her disposal and the explanations give to him/her and as shown by the books of the Association; and
  - (c) whether the rules relating to the administration of the funds of the Association have been observed.
- 10.4 The Treasurer of the Association shall deliver to the auditor a list of all the accounts, books and records of the Association.
- 10.5 The auditor:
- (a) has a right of access to the accounts, books, records, vouchers and documents of the Association;
  - (b) may require from the servants of the Association such information and explanations as may be necessary for the performance of his/her duties as auditor;
  - (c) may employ persons to assist him/her in investigating the accounts of the Association; and
  - (d) may, in relation to the accounts of the Association, examine any member of the Committee or any servant of the Association.

## **11 Annual General Meeting**

- 11.1 The Association shall, in each year, hold an annual general meeting.
- 11.2 The annual general meeting shall be held on such day (being not later than sixteen full weeks after the close of the financial year of the Association) as the Committee may determine.
- 11.3 The annual general meeting shall be in addition to any other general meetings that may be held in the same year.
- 11.4 The annual general meeting shall be specified as such in the notice convening it.
- 11.5 The ordinary business of the annual general meeting shall be:
- (a) to confirm the minutes of the last preceding annual general meeting and of any general meetings held since that meeting;
  - (b) to receive from the Committee, auditor and servants of the Association reports upon the transactions of the Association during the last preceding financial year;
  - (c) to elect officers of the Association and the ordinary Committee members to appoint the auditor
- 11.6 The annual general meeting may transact special business of which notice given in accordance with these rules.

11.7 All general meetings other than the annual general meeting shall be called special general meetings.

## **12 Special General Meetings**

12.1 The Committee may, whenever, it thinks fit, convene a special general meeting of the Association.

12.2 The Committee shall, on the requisition in writing of not less than 10% of the number of financial members, convene a special general meeting of the Association.

12.3 A requisition for a special general meeting shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the office of the Association and may consist of several documents in the like form, each signed by one or more of the requisitionists.

12.4 If the Committee does not cause a special general meeting to be held within twenty-one days from the date on which a requisition therefore is deposited at the office of the Association, the requisitionists or any of them, may convene the meeting; but any meeting so convened shall not be held after three months from the date of the deposit of the requisition.

12.5 A special general meeting convened by requisitionists in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring them.

## **13 Notices of Meetings**

13.1.1 The Secretary of the Association shall, at least fourteen days before the date fixed for holding an Annual General Meeting of the Association, cause to be inserted in at least one newspaper published in this state, an advertisement, specifying the place, day, and time of the holding of the meeting, and the nature of the business to be transacted thereat.

13.2 The Secretary of the Association, at least 14 days before the date fixed for holding a General Meeting of the Association, is to be sent to all members by post, electronic email or facsimile transmission -

(a) specifying the place, day and time for the holding of the meeting; and

(b) the nature of the business to be transacted at the meeting.

## **14 Business and Quorum at General Meetings**

14.1 All business that is transacted at special general meetings and all business that is transacted at the annual general meeting, with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting, shall be deemed to be special business.

14.2 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 meeting is considering that item.

- 14.3 Fifteen members personally present or by proxy vote (being members entitled under these rules to vote thereat) constitute a quorum for the transaction of the business of a general meeting.
- 14.4 If within one hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; and in any other case it shall stand adjourned to the same day in the next week, at the same time and (unless another place is specified by the chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place, and 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.

## **15 Chair to Preside at General Meetings**

- 15.1 The Chair, or in his/her absence, Deputy Chair, or in the absence of both the Chair and Deputy Chair, the Secretary shall preside as chairman at every general meeting of the Association.
- 15.2 If the Chair, Deputy Chair, and Secretary are absent from a general meeting, the members present shall elect one of their number to preside as chairman thereat.

## **16 Adjournment of General Meetings**

- 15.2 The chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 16.2 Where a meeting is adjourned for fourteen days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.
- 16.3 Except as provided in the foregoing provisions of this rule, it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

## **17 Determination of Questions Arising at General Meetings**

- 17.1.1.1 A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the result of the show of hands a poll is demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried, or carried unanimously, or carried by a particular majority, or lost, and 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.

## **18 Votes**

- 18.1 Upon any question arising at a general meeting of the Association, a member has one vote only.

18.2 All votes shall be given either in person or in writing, such written votes being delivered to the office of the TWC no later than 3 days before the date set down for the annual general meeting of each year.

18.3 In the case of an equality of voting on a question the chairman of the meeting is entitled to exercise a second or casting vote.

## **19 Taking of Poll**

19.1 If at a meeting a poll on any question is demanded it shall be taken at that meeting in such a manner as the chairman may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.

## **20 When Poll to be Taken**

20.1 A poll that is demanded on the election of a chairman, or on a question of adjournment be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the chairman may direct.

## **21 Affairs of the Association to be managed by a Committee of Management**

21.1 The affairs of the Association shall be managed by a Committee of Management constituted as provided in rule

21.2 The Committee -

- (a) shall control and manage the business and affairs of the Association;
- (b) may, subject to these rules, exercise all such powers and functions as may be exercised by the Association, other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Association; and
- (c) subject to the Act and these rules, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.

## **22 Constitution of the Committee**

22.1 The Committee shall consist of -

- (a) the four officers of the Association; and
- (b) at least three and no more than five other members, all of whom shall be financial members of the Association.

22.2 Each ordinary Committee Member shall, subject to these rules hold office until the annual general meeting next after the date of his election, but is eligible for re-election.

- 22.3 Any member of the Association is eligible for election and re-election to the Committee.
- 22.4 In the event of a casual vacancy occurring in the office of ordinary Committee Member, the Committee may appoint a member of the Association to fill the vacancy, and the member so appointed shall hold office, subject to these rules until the conclusion of the annual general meeting next following the date of his/her appointment.
- 22.5 For special purposes designated by the Committee, up to two financial members of the Association may be co-opted to hold office for a period of time specified by the Committee.

### **23 Officers of the Association**

- 23.1 The officers of the Association shall be:

Office bearers elected at the Annual General Meeting

- a) Chair
- b) Deputy Chair
- c) Treasurer
- d) Secretary

- 23.2 The provisions of rule 24 apply to, and in relation to the election of persons to, any of the offices mentioned in rule 23.1

### **24 Election of Officers of the Association**

- 24.1 Nominations of candidates for election as officers of the Association -
- a) shall be made in writing signed by two financial members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - b) shall be delivered to the Secretary of the Association no later than 10 days before the annual general meeting.
  - c) Clause 24.1 b) shall come into effect for the second AGM following the ratification of this proposed Constitution.
- 24.2 If, for an officer of the Association position, no nominations are received, further nominations shall be received at the annual general meeting.
- 24.3 If more than one nomination is received for any position of officer of the Association, a ballot shall be held for that position.
- 24.4 The ballot for the election of officers shall be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.

### **25 Appointment of Ordinary Members of the Committee**

- 25.1 Nominations of ordinary Committee members shall be delivered to the Secretary no later than 10 days before the annual general meeting, and persons duly nominated

shall be deemed ordinary members of the Committee, except when rule 25.2 applies. At least three persons must be appointed.

- 25.2 In accordance with rules 18 and 19 a ballot of ordinary Committee members shall be held if more than five nominations are received. Five persons shall be declared duly elected as ordinary members of the Committee.
- 25.3 If less than three nominations for ordinary member of the Committee are received at the annual general meeting, the Committee may co-opt such members from the register of financial members of the Association, and may co-opt others up to and including a total of five ordinary members of the Committee.
- 25.4 Each ordinary Committee Member shall, subject to these rules, hold office until the annual general meeting next after the date of his or her appointment or election, but is eligible for re-election.
- 25.5 Clause 25.1 shall come into effect for the second AGM following the ratification of this proposed Constitution

## **26 Vacation of Office**

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

## **27 Meetings of Committee and of Sub-Committees**

- 27.1 The Committee shall meet at least bi-monthly, a minimum of five times each year, at such place and at such times as the Committee may determine.
- 27.2 Special meetings of the Committee may be convened by the Chair, or any two of its members.
- 27.3 Notice shall be given to members of the Committee of any special meeting, specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- 27.4 Any four members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.

- 27.5 No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting, in which case it lapses.
- 27.6 At meetings of the Committee -
- (a) the Chair, or in his/her absence the Deputy Chair, or
  - (b) if the Chair and the Deputy Chair are absent, such one of the remaining members of the Committee as may be chosen by the members present, shall preside.
- 27.7 Questions arising at meetings of the Committee or of any sub-Committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- 27.8 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 one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 27.9 The Secretary shall notify each Committee member by mail, telephone, fax, electronic mail or in person of the date, time and venue of a meeting of the Committee, at least three full days before the meeting.

## **28 Disclosure of Interest in Contracts**

- 28.1 A member of the Committee who is interested in any contract or arrangement made or proposed to be made with the Association shall disclose his/her interest at the first meeting of the Committee at which the contact or arrangement is first taken into consideration, if his/her interest then exists, or, in any other case, at the first meeting of the Committee after the acquisition of his/her interest.
- 28.2 If a member of the Committee becomes interested in a contract or arrangement after it is made or entered into he/she shall disclose his/her interest at the first meeting of the Committee after he/she becomes so interested.
- 28.3 No member of the Committee shall vote as a member of the Committee in respect of any contract or arrangement in which he/she is interested and if he/she does so vote his/her vote shall not be counted.

## **29 Sub-Committees and Executive Committee**

- 29.1 The Committee may at any time convene a sub-Committee and shall prescribe the powers and functions thereof.
- 29.2 Each sub-Committee shall be convened by a member of the Association.
- 29.3 The convenor of each sub-Committee shall present a report to each Committee meeting of sub-Committee activities. Sub-Committee resolutions will not be valid unless and until they have been ratified by the full Committee.

- 29.4 No sub-Committee may enter into any contractual agreement with any party or commit any expenditure of Association funds.
- 29.5 The designated convenor of each sub-Committee is responsible for calling and giving notice of meetings of that sub-Committee.
- 29.6 The Chair and Treasurer of the Association shall be ex-officio members of all sub-Committees.
- 29.7 The Chair, the Deputy Chair, the Treasurer, and the Secretary constitute an executive Committee, which may issue instructions to the servants of the Association in matters of urgency connected with the management of the affairs of the Association during the intervals between meetings of the Committee, and where any such instructions are issued shall report thereon to the next meeting of the Committee.

### **30 Annual Subscription**

- 30.1 The annual subscription will be decided each year by the Committee and ratified at the annual general meeting.
- 30.2 The annual subscription of a member is due and payable twelve months from the date of membership.

### **31 Financial Year**

- 31.1 The financial year of the Association is the period beginning on 1st January in each year and ending on the 31st December next following.

### **32 Notices**

- 32.1 A notice may be served by or on behalf of the Association upon any member either personally or by sending it through the post in a prepaid letter addressed to the member at his/her usual or last-known place of abode.

### **33 Expulsion of Members**

- 33.1 Subject to this rule, the Committee may expel a member from the Association if, in the opinion of the Committee, the member has been guilty of conduct detrimental to the interests of the Association.
- 33.2 The expulsion of a member pursuant to rule 33.1 of this rule does not take effect -
- (a) until the expiration of fourteen days after the service on the member of a notice under rule 33.3 of this rule; or
  - (b) if the member exercises his/her right of appeal under this rule, until the conclusion of the special general meeting convened to hear the appeal, whichever is the later date.
- 33.3 Where the Committee expels a member from the Association, the Secretary of the Association shall, without undue delay, cause to be served on the member a notice in writing -
- (a) stating that the Committee has expelled the member;

- (b) specifying the grounds for expulsion; and
- (c) informing the member that if he/she so desires he/she may, within fourteen days after the service of the notice on him/her, appeal against the expulsion as provided in this rule.

- 33.4 A member on whom a notice under rule 33.3 of this rule is served may appeal against the expulsion to a special general meeting by delivering or sending by post to the Secretary of the Association, within fourteen days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing his/her appeal.
- 33.5 Upon receipt of a requisition under rule 33.3 of this rule, the Secretary shall forthwith notify the Committee of its receipt and the Committee shall thereupon cause a special general meeting of members to be held within twenty-one days after the date on which the requisition is received by the Secretary.
- 33.6 At a special general meeting convened for the purpose of this rule -
- (a) no business other than the question of the expulsion shall be transacted;
  - (b) the Committee may place before the meeting details of the grounds of the expulsion and the Committee's reasons for the expulsion;
  - (c) the expelled member shall be given an opportunity to be heard; and
  - (d) the members present shall vote by secret ballot on the question whether the expulsion should be lifted or confirmed.
- 33.7 If at the special general meeting a majority of the members present vote in favour of the lifting of the expulsion, the expulsion shall be deemed to have been lifted and the expelled member is entitled to continue his/her membership of the Association.
- 33.8 If at the special general meeting a majority of the members present vote in favour of the confirmation of the expulsion, the expulsion takes effect, and the expelled member ceases to be a member of the Association.

#### **34 Disputes**

- Subject to this rule, a dispute between a member of the Association, in his/her capacity as a member, and the Association shall be determined by arbitration in accordance with the provisions of the *Commercial Arbitration Act 1986*.
- Nothing in this rule affects the operation or effect of rule 33

#### **35 Public Officer and Seal**

- The Public Officer is appointed at the first Committee meeting following the annual general meeting. The existing public officer may be reappointed.
- The seal of the Association shall be in the form of a rubber stamp, inscribed with the name of the Association encircling the word "Seal". The seal shall remain in the custody of the public officer.
- The seal of the Association shall not be affixed to any instrument except by the authority of the Committee, and the affixing thereof shall be attested by either two members of the

Committee or of one member of the Committee and the public officer of the Association or such other as the Committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by the authority of the Committee.

### **36 The Tasmanian Writers' Centre Public Fund**

Donations will be deposited into the public fund listed on the Register of Cultural Organisations. These monies will be kept separate from other funds of the Association and will only be used to further the principal purpose of the Association. Investment of monies in this fund will be made in accordance with guidelines for public funds as specified by the Australian Taxation Office.

The fund will be administered by a management committee or a subcommittee of the management committee, the majority of whom, because of their tenure of some public office or their professional standing, have an underlying community responsibility, as distinct from obligations solely in regard to the cultural objectives of Tasmanian Writers' Centre.

No monies/assets in this fund will be distributed to members or office bearers of the Association, except as reimbursement of out-of-pocket expenses incurred on behalf of the fund or proper remuneration for administrative services.

The Department responsible for the administration of the Register of Cultural Organisations will be notified of any proposed amendments or alterations to provisions for the public fund, to assess the effect of any amendments on the public fund's continuing Deductible Gift Recipient status.

Receipts for gifts to the public fund must state:

- the name of the public fund and that the receipt is for a gift made to the public fund;
- the Australian Business Number of the company;
- the fact that the receipt is for a gift; and
- any other matter required to be included on the receipt pursuant to the requirements of the Income Tax Assessment Act 1997.

#### **Item 37 Winding-up clause**

- If upon the winding-up or dissolution of the public fund listed on the Register of Cultural Organisations, there remains after satisfaction of all its debts and liabilities, any property or funds, the property or funds shall not be paid to or distributed among its members, but shall be given or transferred to some other fund, authority or institution having objects similar to the objects of this public fund, and whose rules shall prohibit the distribution of its or their income among its or their members, such fund, authority or institution to be eligible for tax deductibility of donations under Subdivision 30-B, section 30-100, of the Income Tax Assessment Act 1997 and listed on the Register of Cultural Organisations maintained under the Act.