



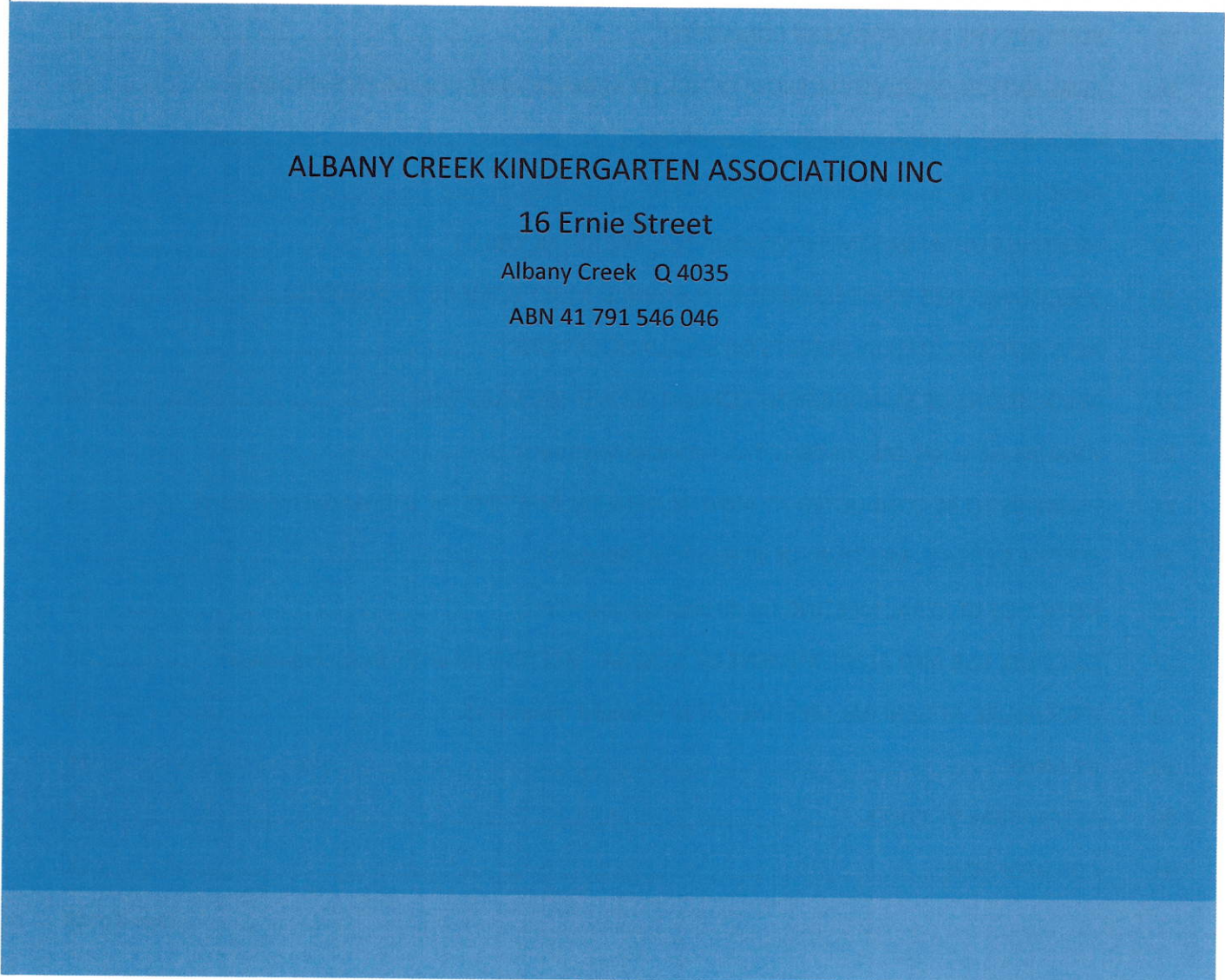
# RULES

ALBANY CREEK KINDERGARTEN ASSOCIATION INC

16 Ernie Street

Albany Creek Q 4035

ABN 41 791 546 046



## Contents

1. Interpretation .....	4
2. NAME .....	4
3. OBJECTS .....	4
4. POWERS .....	5
5. CLASSES OF MEMBERS.....	6
6. MEMBERSHIP .....	6
7. MEMBERSHIP FEES.....	6
8. ADMISSION AND REJECTION OF MEMBERS .....	7
9. WHEN MEMBERSHIP ENDS.....	7
10. APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP .....	8
11. REGISTER OF MEMBERS.....	8
12. PROHIBITION ON USE OF INFORMATION ON REGISTER OF MEMBERS .....	9
13. SECRETARY .....	9
14. MEMBERSHIP OF MANAGEMENT COMMITTEE.....	9
15. ELECTING THE MANAGEMENT COMMITTEE .....	10
16. RESIGNATION OR REMOVAL FROM OFFICE OF MANAGEMENT COMMITTEE MEMBER .....	10
17. VACANCIES ON MANAGEMENT COMMITTEE.....	11
18. FUNCTIONS OF MANAGEMENT COMMITTEE.....	11
19. MEETINGS OF MANAGEMENT COMMITTEE; NOTICE; QUORUM.....	12
20. SUBCOMMITTEES AND DELEGATION OF MANAGEMENT COMMITTEE POWERS.....	13
21. ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS .....	14
22. RESOLUTIONS OF MANAGEMENT COMMITTEE WITHOUT MEETING .....	14
23. ANNUAL GENERAL MEETINGS (Of All Financial Members) .....	14
24. BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING (of all financial members) .....	14
25. SPECIAL GENERAL MEETING (Of all Financial Members).....	15
26. NOTICE OF GENERAL MEETING (of all financial members) .....	15
27. QUORUM FOR AND ADJOURNMENT OF GENERAL MEETING (of all financial members) .....	16
28. PROCEDURE AT GENERAL MEETING (of all financial members).....	16
29. BY-LAWS.....	18
30. ALTERATION OF RULES .....	18
31. COMMON SEAL.....	18

32.	FUNDS AND ACCOUNTS.....	18
33.	EMPLOYEES.....	20
34.	DOCUMENTS.....	20
35.	FINANCIAL YEAR.....	20
36.	KINDERGARTEN/PRESCHOOL BUILDING FUND .....	20
37.	DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY.....	21



## 1. Interpretation

- a) In these rules-

**Act** means the *Associations Incorporation Act 1981*.

**Committee** mean the management committee of the Association as described in rule 14

**present-**

(i) At a management committee meeting, see rule 19(7); & 19(8) or

(ii) At a general meeting see rule 27(2) & 28(2).

**General Meeting** means a meeting called for all financial members of the Association (see rule 26) (eg AGM Or Special General Meeting)

**Committee/Management committee Meeting** is a meeting of the elected or appointed management committee members and only management committee members have voting rights at such meeting (see rule 19)

- b) A word or expression that is not defined in these rules, but is defined in the Act has, if the context permits, the meaning given by the Act.

## 2. NAME

The name of the incorporated association shall be **ALBANY CREEK KINDERGARTEN ASSOCIATION INC.** (referred to in these Rules as "the Association").

## 3. OBJECTS

The objects of the association are—

- (a) To provide an inclusive quality early childhood education program.
- (b) To promote positive early childhood development and wellbeing through referring families where possible to support services.
- (c) To provide children who may have additional needs or require additional support with equitable access to an early education program.
- (d) To facilitate increased participation in an early childhood program by maximising enrolments of children.
- (e) To maintain membership of a central governing body(CGB) as required by the Queensland Government to receive funding.
- (f) To meet the kindergarten program provider eligibility criteria or transition arrangements as specified by the Queensland Government.
- (g) To comply with the data and reporting requirements of relevant government departments.
- (h) To maintain registration and compliance with the Commonwealth Government regulatory authority in respect of Australian Taxation matters for not for profits -(currently the Australian Charities & Not For Profit Commission (ACNC) )

- (i) To apply ethical principles, obligations and standards that guide employees' work performance and professional standards.
- (j) To conduct activities diligently, effectively and in a professional manner.
- (k) To develop partnerships and contribute in a positive manner within the local community.
- (l) Generally in furtherance of the objects of the Association, or such other objects not specifically hereinbefore referred to, as shall be determined by the committee.

#### 4. POWERS

The powers of the Association are: -

- a) The association has the powers of an individual.
- b) The association may, for example –
  - i. enter contracts; and
  - ii. acquire, hold, deal with and dispose of property; and
  - iii. make charges for services and facilities it supplies; and
  - iv. do other things necessary or convenient to be done in carrying out its affairs.

The association may also issue secured and unsecured notes, debentures and debenture stock for the association.

- c) To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit subject where applicable to Regulation 31 of the Collections Regulation 2008 (and as amended)
- d) To subscribe to, become a member of and co-operate with any other association, or organization, whether incorporated or not, whose objects are altogether or in part similar to those of the Association provided that the Association shall not subscribe to or support with its funds any club, association or organization which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of rule 32 (10).
- e) In furtherance of the objects of the Association to amalgamate with any one or more incorporated associations having objects similar to those of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon this Association and which is a fund, authority or institution approved by the Commissioner of Taxation as a fund, authority or institution referred to in section 50-5 of the Income Tax Assessment Act 1997 ( and as amended).
- f) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.



## 5. CLASSES OF MEMBERS

- a) The membership of the Association shall consist of Ordinary Members and Honorary Life Members.
- b) Honorary Life Members shall be such persons, as, having rendered outstanding service to the Association, or for any other sufficient reasons, are elected such by a special resolution by the Association.
- c) The number of Ordinary Members and Honorary Life Members shall be unlimited.

## 6. MEMBERSHIP

- a) Every applicant for membership of the Association (and subject to sub-rules (b)& (c) shall be proposed by one current financial member of the Association and seconded by another financial member. The application for membership shall be made in writing, signed by the applicant and applicant's proposer and seconder and shall be in such form as the Management Committee from time to time prescribes and accompanied by the membership fee. Every applicant must be over the age of 18 years.
- b) Subject to these Rules, the nominated parent or guardian of any child enrolled in any centre conducted by the Association shall be deemed to be a financial member of the Association on payment of the membership fee as prescribed by clause 7. If multiple children of the same family are enrolled in the centre, the parents/guardians aren't entitled to another membership for the additional children.
- c) If both parents or guardians wish to be members and each be entitled to a vote at any Annual General or General Meeting, two Membership Fees must be paid.
- d) Applications for membership are open to, subject to the process in clause a), past parents /guardians and wider community persons who support the objects of the Association .
- e) The membership year is the Financial year of the organisation (January to December)

## 7. MEMBERSHIP FEES

The membership fee for each class of membership-

- a) is the amount decided by the management committee from time to time at a management committee meeting; and
- b) is payable when, and in the way, the management committee decides.
- c) In the case of the parent/parents or guardian/guardians of children attending any centre conducted by the Association in any year, the membership fee/s for that year shall be due and payable on enrolment and before the beginning of the calendar year.
- d) A financial member at any material time is a member who is not then indebted to the organisation in respect of any annual membership.
- e) Only those members who are financial members at the time shall be entitled, subject to the lawful procedure of the meeting, to speak or vote upon any motion at any annual general meeting of the organisation.

- f) Honorary Life Members shall retain the same rights as Ordinary Members of the Association, but shall, by virtue of their election be exempt from payment of the Annual Membership Fee.

## 8. ADMISSION AND REJECTION OF MEMBERS

- a) The management committee must consider an application for membership at the next meeting of the committee held after it receives-
  - i. the application; and
  - ii. the appropriate membership fee for the application.
- b) The management committee must decide at the meeting whether to accept or reject the application.
- c) If a majority of the management committee members present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member to the class of membership applied for.
- d) The secretary of the association must, as soon as practicable after the management committee decides to accept or reject an application, give the applicant a written notice of the decision.
- e) Honorary Life Members shall be such persons, as having rendered outstanding service to the Association, or for any other sufficient reasons, are elected such by a special resolution by the Association.

## 9. WHEN MEMBERSHIP ENDS

- a) A member may resign from the association by giving a written notice of resignation to the secretary.
- b) The resignation takes effect on-
  - i. the day and at the time the notice is received by the secretary; or
  - ii. if a later day is stated in the notice - the later day.
- c) The management committee may terminate a member's membership if the member –
  - i. is convicted of an indictable offence; or
  - ii. does not comply with any of the provisions of these rules; or
  - iii. has membership fees in arrears for at least 2 months; or
  - iv. conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the association.
- d) Before the management committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.
- e) If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.



- f) Membership otherwise ends at the end of Financial year, except in the case of management Committee members, who are considered financial members until the close of the next year's Annual General Meeting.

## 10. APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP

- a) A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the person's intention to appeal against the decision.
- b) A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.
- c) If the secretary receives a notice of intention to appeal, the secretary must, within 3 months after the day of receipt, call a general meeting to decide the appeal.
- d) At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.
- e) Also, the management committee and the committee members who rejected the application or terminated the membership must be given an opportunity to show why the application should be rejected or the membership should be terminated.
- f) An appeal must be decided by a vote of the members present at the meeting.
- g) If a person whose application has been rejected does not appeal against the decision within 1 (one) month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable, refund the application fee paid by the person.

## 11. REGISTER OF MEMBERS

- a) The management committee must keep a register of members.
- b) The register of members must include the following particulars for each member-
  - i. the full name and residential address of the member.
  - ii. the date of admission as a member.
  - iii. the date of death or resignation of the member.
  - iv. details about the termination or reinstatement of membership.
  - v. any other particulars the management committee or the members at a general meeting decide.
- c) The register must be open for inspection by members at all reasonable times.
- d) A member must contact the Secretary to arrange an inspection of the register.
- e) However, the management committee may, on the application of a member of the association, withhold information about the member (other than the member's full name)



from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

## 12. PROHIBITION ON USE OF INFORMATION ON REGISTER OF MEMBERS

A member of the association must not-

- (i) use information obtained from the register of members of the association to contact or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes; or
  - (ii) Disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes.
- a) Subrule (a) does not apply if the association approves the use or disclosure of the information.

## 13. SECRETARY

- a) The members of the management committee must ensure there is a secretary for the association.
- b) If a vacancy happens in the office of secretary, the members of the management committee must ensure a secretary is appointed or elected for the association within 1 month after the vacancy happens.
- c) The secretary must be an individual residing in Queensland, or in another State but not more than 65 km from the Queensland border, who is -
  - i. a member of the association elected by the association as secretary; or
  - ii. any of the following persons appointed by the management committee-
    - i. a member of the association's management committee.
    - ii. a member of the association.

## 14. MEMBERSHIP OF MANAGEMENT COMMITTEE

- a) The Association shall be managed by a Management committee which shall consist of a president, vice-president, secretary, treasurer, and such other members that the association members elect or appoint at a general meeting. The management committee will consist of a minimum of four(4) members and a maximum of six (6) members in total.
- b) At each annual general meeting of the association, the members of the management committee must retire from office, but are eligible, on nomination, for re-election.
- c) A member of the association may be appointed to a casual vacancy on the management committee under clause 17.
- g) Members of the management committee are considered to be financial members until the close of the next year's Annual General Meeting.

- h) Sub-committee members who attend a Management Committee meeting do not hold voting rights at such meeting , but can contribute to the discussion.

## 15.ELECTING THE MANAGEMENT COMMITTEE

- (1) A member of the management committee may only be elected as follows-
  - a) any 2 members of the association may nominate another member (the" candidate") to serve as a member of the management committee;
  - b) If both parents or guardians of any child/children that is enrolled in the centre are paid up members of the Association, only one of these parents / guardians can be elected to the management committee .
  - c) the nomination must be-
    - (i) in writing; and
    - (ii) signed by the candidate and the members who nominated him or her; and
    - (iii) given to the secretary at least 14 days before the annual general meeting at which the election is to be held;
  - d) each member present at the annual general meeting may vote for any number of candidates not more than the number of vacancies;
  - e) if, at the start of the meeting, there are not enough candidates nominated, then nominations that meet that criteria may be taken from the floor of the meeting.
  - f) Any member seeking election must hold and maintain a Current Blue (working with children) card or be willing to apply for one, and their election will be subject to meeting this requirement.
- (2) A list of the candidates' names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the association for at least 7 days immediately preceding the annual general meeting.
- (3) If required by the management committee, balloting lists must be prepared containing the names of the candidates in alphabetical order. The Chairman of the meeting shall appoint two members to conduct the secret ballot in such manner as he/she shall determine, and the result of the ballot as declared by the Chairman shall be deemed to be the resolution of the meeting.

## 16. RESIGNATION OR REMOVAL FROM OFFICE OF MANAGEMENT COMMITTEE MEMBER

- (1) A management committee member may resign from the committee by giving written notice of resignation to the secretary.
- (2) The resignation takes effect on-
  - (a) the day and at the time the notice is received by the secretary; or



- (b) if a later day is stated in the notice - the later day.
- (3) A member may be removed from office at a general meeting of the association if a majority of the members present at the meeting vote in favour of removing the member.
- (4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (5) A member has no right of appeal against the member's removal from office under this section.

## 17. VACANCIES ON MANAGEMENT COMMITTEE

- (1) If a casual vacancy happens on the management committee, the continuing members of the committee may appoint another member of the association, to fill the vacancy until the next annual general meeting.
- (2) However, if the number of committee members is less than the number fixed under these rules as a quorum of the management committee, the continuing members may act only to-
  - (a) increase the number of management committee members to the number required for a quorum and in accordance with clause 19(7); or
  - (b) call a general meeting of the association.

## 18. FUNCTIONS OF MANAGEMENT COMMITTEE

- (1) Subject to these rules or a resolution of the association members carried at a general meeting, the management committee:
  - (a) has the general control and management of the administration of the affairs, property and funds of the association; and
  - (b) has authority to interpret the meaning of these rules and any matter relating to the association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.

*Note- The Act prevails if the Association's rules are inconsistent with the Act- see section 1B of the Act*

- (2) The management committee may exercise the powers of the association –
  - (a) to borrow, raise or secure the payment of amounts in a way the association members decide; and
  - (b) to secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the association in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the association's property, both present and future; and
  - (c) to purchase, redeem or pay off any securities issued; and
  - (d) to borrow amounts from members and pay interest on the amounts borrowed; and



- (e) to mortgage or charge the whole or part of its property; and
  - (f) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the association; and
  - (g) to provide and pay off any securities issued; and
  - (h) to invest in a way the members of the association may from time to time decide subject to where applicable to regulation 33 of the Collections Regulations 1998.
- (3) For sub-section (2)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by –
- (a) the financial institution for the association; or
  - (b) if there is more than 1 financial institution for the association - the financial institution nominated by the association.

## 19. MEETINGS OF MANAGEMENT COMMITTEE; NOTICE; QUORUM

- (1) Subject to subsections (2) to (16), the management committee may meet and conduct its proceedings as it considers appropriate.
- (2) The management committee must meet at least six (6) times a year to exercise its functions, with at least one meeting being held each term.
- (3) The committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the committee.
- (5) If the secretary receives a written request signed by at least 33% of the management committee members, the secretary must call a special meeting of the committee.
- (6) A request for a special meeting must state-
  - (a) why the special meeting is being called; and
  - (b) the business to be conducted at the meeting.
- (7) At a management committee meeting, a simple majority of the management committee elected or appointed to the committee shall form a quorum.
- (8) When required, members may participate at a management meeting by electronic means that reasonably allows the member to hear and take part in discussions as they happen. This may be by phone, facetime, zoom or other technology options available, if agreed by the management committee at the time. The Secretary would usually facilitate such participation via prior notification.
- (9) A question arising at a committee meeting is to be decided by a majority vote of committee members present at the meeting and, if the votes are equal, the question is decided in the negative. If at the request of any 3 committee members present, the vote shall be taken by secret ballot in such manner as the Chairperson directs.

- (10) A management committee member must not vote on a question about a contract or proposed contract with the association if the member has an interest in the contract or proposed contract, and if the member does vote the member's vote must not be counted.
- (11) The secretary must give each management committee member at least 7 days' notice of a special meeting of the committee.
- (12) A notice of a special meeting must state-
  - (a) the day, time and place of the meeting; and
  - (b) the business to be conducted at the meeting.
- (13) The president or, if there is no president or if the president is not present within 10 minutes after the time fixed for a management committee meeting, the vice-president is to preside as chairperson at the meeting.
- (14) If the president and the vice-president are absent from a management committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.
- (15) If a quorum is not present within 30 minutes after the time fixed for a management committee meeting called on the request of committee members, the meeting lapses.
- (16) If a quorum is not present within 30 minutes after the time fixed for a management committee meeting called other than on the request of committee members, the meeting is to be adjourned to-
  - (a) the same day, time and place in the next week; or
  - (b) a day, time and place decided by the committee.
- (17) If, at the adjourned meeting mentioned in subsection (15), a quorum is not present within 30 minutes after the time fixed for the meeting, the meeting lapses.
- (18) The Centre Director of the Kindergarten shall attend all regular meetings of the management committee, and may speak at any such meeting, but shall not be entitled to vote on any motion.

## 20. SUBCOMMITTEES AND DELEGATION OF MANAGEMENT COMMITTEE POWERS

- (1) The Management Committee may delegate any of its powers to a sub-committee consisting of such members of the Association as the Management Committee thinks fit. Any sub-committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the Management Committee.
- (2) A sub-committee may elect a Chairman of its meetings. If no such Chairman is elected, or if at any meeting the Chairman is not present within ten minutes after the time appointed for holding the meeting, the members present may choose one of their number to be Chairman of the meeting.



- (3) A sub-committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present and, in the case of equality of votes, the question shall be deemed to be decided in the negative
- (4) A member of the subcommittee who is not a member of the management committee is not entitled to vote at a management committee meeting

## 21. ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS

- (1) An act performed by the management committee, a subcommittee or a person acting as a member of the management committee or subcommittee is taken to have been validly performed.
- (2) Subsection (1) applies even if the act was performed when-
  - (a) there was a defect in the appointment of a member of the management committee or subcommittee or person acting as a member of the management committee or subcommittee; or
  - (b) a management committee member, subcommittee member or person acting as a member of the management or subcommittee was disqualified from being a member.

## 22. RESOLUTIONS OF MANAGEMENT COMMITTEE WITHOUT MEETING

- (1) A written resolution signed by each member of the management committee for the time being entitled to receive notice of a committee meeting is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in subsection (1) may consist of several documents in like form, each signed by 1 or more members of the committee.

## 23. ANNUAL GENERAL MEETINGS (Of All Financial Members)

An annual general meeting must be held –

- (a) at least once each year; and
- (b) within 6 months after the end of the association's previous financial year.

## 24. BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING (of all financial members)

The following business must be conducted at each annual general meeting –

- (a) receiving the statement of income and expenditure, assets, liabilities and mortgages, charges and securities affecting the property of the association for the last financial year;
- (b) receiving the auditor's report on the financial affairs of the association for the last financial year;
- (c) presenting the audited statement to the meeting for adoption;



- (d) the receiving of the Annual report of the Association including subcommittee reports on the various services the Association operates
- (d) electing members of the management committee and sub committees
- (e) appointing an auditor.

## 25. SPECIAL GENERAL MEETING (Of all Financial Members)

- (1) The secretary may only call a special general meeting by giving each member notice of the meeting within 14 days after-
  - (a) being directed to call the meeting by the management committee; or
  - (b) being given a written request signed by-
    - (i) at least 33% of the members of the association presently on the management committee; or
    - (ii) at least the number of ordinary members of the association equal to double the number of members of the association presently on the management committee plus 1; or
  - (c) being given a written notice of an intention to appeal against the decision of the management committee-
    - (i) to reject an application for membership; or
    - (ii) to terminate a person's membership.
- (2) A request mentioned in subsection (1)(b) must state-
  - (a) why the special general meeting is being called; and
  - (b) the business to be conducted at the meeting.

## 26. NOTICE OF GENERAL MEETING (of all financial members)

- (1) The secretary may call a general meeting of the association.
- (2) The secretary must give at least 14 days' notice of the meeting to each association member.
- (3) The management committee may decide the way in which the notice must be given.
- (4) However, notice of the following meetings must be given in writing-
  - (a) a meeting called to hear and decide the appeal of a member against the rejection or termination of the member's membership by the management committee; or
  - (b) a meeting called to hear and decide a proposed special resolution of the association.
- (5) A notice of a general meeting must state the business to be conducted at the meeting.

## 27. QUORUM FOR AND ADJOURNMENT OF GENERAL MEETING (of all financial members)

- (1) Subject to subsection (5), at a general meeting the number of members equal to double the number of members of the association presently on the management committee plus 1 form a quorum.
- (2) members who attend by way of technology as specified in clause 28(1)&( 2) are considered to be present.
- (2) No business may be conducted at a general meeting unless a quorum of members is present when the meeting proceeds to business.
- (3) If a quorum is not present within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee or the association, the meeting lapses.
- (4) If a quorum is not present within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management committee or the association, the meeting is to be adjourned to-
  - (a) the same day, time and place in the next week; or
  - (b) a day, time and place decided by the management committee.
- (5) If at an adjourned meeting, a quorum under subsection (1) is not present within 30 minutes after the time fixed for the meeting, the member's present form a quorum.
- (6) The chairperson may, with the consent of any meeting at which a quorum is present, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- (7) If a meeting is adjourned under subsection (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- (8) The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- (9) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.
- (10) No proxy voting is permitted.

## 28. PROCEDURE AT GENERAL MEETING (of all financial members)

- (1) A member may take part and vote in a general meeting in person by using any technology that reasonably allows the member to hear and take part in discussion as they happen.
- (2) A member who participates in a meeting as mentioned in subsection (1) is taken to be present at the meeting.
- (3) Subject to these rules, at each general meeting –
  - (a) the president or, if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the vice-president is to preside as chairperson; and

- (b) if the vice-president is absent or unwilling to act as chairperson, the members present must elect 1 of their number to be chairperson of the meeting; and
  - (c) the chairperson must conduct the meeting in a proper and orderly way; and
  - (d) each question, matter or resolution must be decided by a majority of votes of the members present; and
  - (e) each member present and entitled to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote; and
  - (f) a member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting; and
  - (g) voting may be by a show of hands or a division of members, unless at least 20% of the members present demand a secret ballot; and
  - (h) if a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides; and
  - (i) the result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held; and
  - (j) a member may only vote in person.( A person attending by way of technology is considered to be present.) No proxy voting is permitted; and-
    - (i) on a show of hands, each person present who is a member has 1 vote; and
    - (ii) in a secret ballot, each member present in person has 1 vote.
  - (k) the secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting and general meeting are entered in a minute book; and
  - (l) the secretary must ensure the minute book for each general meeting is open for inspection at all reasonable times by any financial member who previously applies to the secretary for the inspection.
- (2) To ensure the accuracy of the minutes recorded under subsection (1) (k)-
- (a) the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy; and
  - (b) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
  - (c) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the association that is a general meeting or annual general meeting, verifying their accuracy.



## 29. BY-LAWS

- (a) The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the association.
- (b) A by-law may be set aside by a vote of members at a general meeting of the association.

## 30. ALTERATION OF RULES

- (a) Subject to the *Associations Incorporation Act 1981*, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- (b) Subject to the provisions of the *Associations Incorporation Act 1981*, these Rules may be amended, repealed or added to from time to time by a special resolution carried by a three fourths majority of members present at any general meeting: Provided that all members shall have received due notice of such amendment, repeal or addition.
- (c) However an amendment, repeal or addition is valid only if it is registered by the chief executive (of Government Department responsible for administering the Act).
- (d) The Australian Taxation Office shall be notified of any changes to the "School building fund" rules or other founding documents.

## 31. COMMON SEAL

- (1) The association may have a common seal.
- (2) The common seal must be-
  - (a) kept securely by the management committee; and
  - (b) used only under the authority of the management committee.
- (3) Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by-
  - (a) the secretary; or
  - (b) another member of the management committee; or
  - (c) someone appointed by the management committee.

## 32. FUNDS AND ACCOUNTS

- (1) The funds of the association must be kept in an account in the name of the association in a financial institution decided by the management committee.
- (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the association.
- (3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.

- (4) All amounts of \$100 or over shall be paid by cheque, electronic funds transfer or other electronic means as available and must be signed/authorised by any 1 of (a) to (d) plus an authorised person under (e)
- (a) the president;
  - (b) the vice president ;
  - (c) the secretary;
  - (d) the treasurer;
  - (e) other members or persons authorised by the management committee for the purpose.( eg Administrator)
- (5) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed 'not negotiable'.
- (6) A petty cash account must be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.
- (7) All expenditure must be approved or ratified at a management committee meeting.
- (8) The treasurer must, as soon as practicable after the end of each financial year, ensure a statement containing the following particulars is prepared –
- (a) the income and expenditure for the financial year just ended.
  - (b) the association's assets and liabilities at the close of the year.
  - (c) the mortgages, charges and securities affecting the property of the association at the close of the year.
- (9) The auditor must examine the statement prepared under subsection (8) and present a report about it to the secretary before the next annual general meeting following the financial year for which the audit was made.
- (10) The income and property of the association must be used solely in promoting the association's objects and exercising the association's powers as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Association provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by him to the Association or otherwise owing by the Association to him or of remuneration to any officers or servants of the Association or to any member of the Association or other person in return for any services actually rendered to the Association provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for premises demised or let to the Association.

### 33. EMPLOYEES

- (1) No member shall admonish or reprimand an employee, but if a member has any complaint he shall make the same in writing to the Secretary who shall bring the same before the Subcommittee of the particular service.
- (2) No employee of the Association shall be entitled to be elected or appointed or otherwise hold a position or office on the Management Committee or a subcommittee of the association.

### 34. DOCUMENTS

The management committee must ensure the safe custody of books, documents, instruments of title and securities of the association.

### 35. FINANCIAL YEAR

The financial year of the association closes on *31 December* in each year.

### 36. KINDERGARTEN/PRESCHOOL BUILDING FUND

- (1) The Kindergarten/Preschool School building fund has been set up in accordance with the provisions of the *Income Tax Assessment Act 1997* and the Association will apply to be endorsed as a Deductible Gift Recipient (DGR) for the operation of the Building Fund under this Act.
- (2) The kindergarten or pre-school building fund is a public fund set up solely to acquire, construct and maintain building/s to be used as a kindergarten/preschool. The term "building" includes one building, a group of buildings or part of a building predominantly used as a kindergarten or pre-school.
- (3) A controlling sub-committee of three members is required. The majority of members of this sub-committee should be persons who are considered to have a degree of responsibility to the general community as a whole in accordance with the Australian Taxation Office requirements.
- (4) Moneys from this fund must not be used to provide playgrounds, car parks, landscaping, furniture, equipment or to pay kindergarten running costs. ( Refer to eligibility rules for expenditure under Australian Taxation legislation.)
- (5) The building fund must only receive money or property by way of gift or their accretions from such gifts. It must not receive compulsory attendance fees or any other receipts that are not gifts including those referred to in [6].
- (6) Receipts such as Government grants, receipts from sponsorships or commercial activities, proceeds of raffles, charity auctions, dinners and the like are not gifts and cannot be credited to the building fund.
- (7) A separate bank account and separate records must be maintained in accordance with Australian Tax Office requirements.
- (8) Receipts issued for gifts to the Building Fund must state:
  - i. The name of the Building Fund;
  - ii. The Australian Business Number of the association; and



- iii. The fact that the receipt is for a gift.
- (9) Contributions to the fund must be sought from the public.
- (10) the fund must operate on a non-profit basis. Moneys must not be distributed to members of the managing sub-committee except as reimbursement for out of pocket expenses incurred on behalf of the fund or proper remuneration for administrative services.
- (11) The full name of the fund is The Albany Creek Kindergarten Association Inc Building Fund.
- (12) The fund is subject to the provisions of the Associations Incorporation Act 1981 and the Income Tax Assessment Act .

### 37. DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

- (1) This section applies if the association-
  - (a) is wound-up under part 10 of the *Association Incorporations Act 1981*; and
  - (b) it has surplus assets.
- (2) The surplus assets must not be distributed among the association members.
- (3) If the building fund is wound up or if the endorsement (if any) of the organisation as a deductible gift recipient is revoked, any surplus assets of the Building Fund remaining after the payment of liabilities attributable to it shall be transferred to a fund, authority or institution to which income tax deductible gifts can be made.
- (4) Any other surplus assets other than the funds of the building fund must be given to another entity
  - (a) having objects similar to the association's objects;
  - (b) the rules of which prohibit the distribution, payment or transfer of any part of the entity's income or property to its members; and
  - (c) is a charitable institution, registered under the Tax Administration Act (Qld). Or
  - (d) or for a purpose the Commissioner of State Revenue is satisfied is charitable or for the promotion of the public good
- (5) In this section –

**"surplus assets"** has the meaning given by section 92(3) of the *Associations Incorporation Act 1981*

**CERTIFICATION**

We certify that this is a true and correct copy of the Rules of

Albany Creek Kindergarten Association Inc

**Name of organisation**

M. Allanson Michelle Allanson

**President**

M. Richards Mary Richards

**Secretary**

30/10/2023

**Date**