

CONSTITUTION

DOMESTIC VIOLENCE RESOURCE SERVICE (MACKAY & REGION) INC

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1. NAME

- 1.1. The name of the incorporated association shall be Domestic Violence Resources Service (Mackay and Region) Inc. ("the association").

2. OBJECTIVES

The objectives for which the Association is established are:-

- To work towards the elimination of domestic violence within the Region.
- To provide services for families and individuals who are experiencing domestic violence within the Region.
- To increase awareness of domestic violence within the community and develop culturally appropriate responses.
- To provide community education and preventative programs within the region.

3. POWERS

The powers of the Association are:-

- 3.1. To take over the funds and other assets and liabilities of the present unincorporated association.
- 3.2. To subscribe to, become a member of and co-operate with any other association, club or organisation, whether incorporated or not, whose objectives 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 organisation 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 28 (10)
- 3.3. In furtherance of the objectives of the Association to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the Association or persons frequenting the Association's premises
- 3.4. To purchase, take on lease or in exchange, hire and otherwise acquire any lands, building, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with, any of the objectives of the Association: provided that in any case where the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts.
- 3.5. To enter into any arrangements with any government or authority that are incidental or conducive to the attainment of the objectives and the exercise of the powers of the Association; to obtain from any such government or authority and rights, privileges and concessions which the Association may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights privileges and concessions;
- 3.6. To appoint, employ, remove or suspend such managers, clerks, secretaries, and other persons as may be necessary or convenient for the purposes of the Association; To remunerate any person or body corporate for the services rendered, or to be rendered, and whether by way of brokerage or otherwise in placing or assisting to place or guaranteeing the placing of any unsecured notes, debentures or other securities of the incorporated association or in or about the incorporated association or promotion of the incorporated association or in the furtherance of its objectives;

- 3.7. To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to subsidise or otherwise assist and take part in the constructional, improvement, maintenance, development, working, management, carrying out alteration or control thereof;
- 3.8. 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;
- 3.9. To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate;
- 3.10. In furtherance of the objective of the Association to lend and advance money or give credit to any person or body corporate; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate
- 3.11. To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought property and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any moneys and further advances borrowed or to be borrowed alone or with other as afore said by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the incorporated association's property or assets present or future and to purchase, redeem or pay-off any such securities;
- 3.12. To draw, make, accept, endorse, discount, execute, and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- 3.13. In furtherance of the objectives of the Association to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;
- 3.14. To take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Association's property of whatsoever kind sold by the Association, or any money due to the Association from purchasers and others;
- 3.15. To take any gift or property whether subject to any special trust or not, for any one or more of the objectives of the Associations but subject always to the provision sub-rule (4);
- 3.16. To take 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 Association, in the shape of donations, annual subscriptions or otherwise;
- 3.17. To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objectives;
- 3.18. In furtherance of the objectives of the Association to amalgamate with any one or more incorporated associations having objectives altogether or in part 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 the Association under or by virtue of rule 28 (10);
- 3.19. In furtherance of the objectives of the Association to purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or

more of the incorporated associations with which the association is authorized to amalgamate; In furtherance of the objectives of the Association to transfer all or any part of the property, assets, liabilities and engagements of the Association to any one or more of the incorporated associations with which the Association is authorized to amalgamate;

- 3.20. To make donations for patriotic, charitable or community purposes;
- 3.21. To transact any lawful business in aid of the commonwealth of Australia in the prosecution of any war in which the Commonwealth of Australia is engaged;
- 3.22. To do all such other things as are incidental or conducive to the attainment of the objectives and the exercise of the powers of the Association.

4. CLASSES OF MEMBERSHIP

- 4.1. The membership of the Association shall consist of ordinary members only.
- 4.2. The number of members shall be unlimited
- 4.3. Every person who at the date of incorporation of the Association was a member of the unincorporated association and who on or before the day of incorporation agrees in writing to become a member of the Association shall be admitted by the Board to the same class of membership of the Association as that member held in the unincorporated association, and shall not be required to pay any further subscription until the next due date for payment of that subscription.
- 4.4. Every applicant for membership of the Association (other than the members of the unincorporated Association referred to in sub-rule (1)) shall be proposed by one member of the Association and seconded by another member. The application for membership shall be made in writing, signed by the applicant and their proposer and seconder and shall be in such form as the Board from time to time prescribes.

5. MEMBERSHIP FEES

- 5.1. The membership fees shall be such sum as the members shall from time to time at any general meeting so determine.
- 5.2. The membership fees shall be payable at such time and in such manner as the Board shall from time to time determine.

6. ADMISSION AND REJECTION OF MEMBERS

- 6.1. At the next meeting of the Board after the receipt of any application and the fee applicable, such application shall be considered by the Board, who shall thereupon determine upon the admission or rejection of the applicant.
- 6.2. Any applicant who receives a majority of the votes of the members of the Board present at the meeting at which such application is being considered shall be accepted as a member.
- 6.3. Upon the acceptance or rejection of an application for membership the Secretary shall forthwith give the applicant notice in writing of such acceptance or rejection.

7. TERMINATION OF MEMBERSHIP

- 7.1. A member may resign from the Association at any time by giving notice in writing to the Secretary.
- 7.2. Such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.
- 7.3. If a member:-
 - a) is convicted of an indictable offence; or
 - b) fails to comply with any of the provisions of the rules; or
 - c) has membership fees in arrears for a period of two months or more;
 - d) engages in conduct considered to be injurious or prejudicial to the character or interests of the Association, the Board shall consider whether that membership shall be terminated.

The member concerned shall be given a full and fair opportunity of presenting that members case and if the Board resolves to terminate that membership it shall instruct the Secretary to advise the member in writing accordingly.

8. APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP

- 8.1. A person whose application for membership has been rejected or whose membership has been terminated may within one month of receiving written notification thereof, ledge with the Secretary written notice of the member's intention to appeal against the decision of the Board.
- 8.2. Upon receipt of the notification of intention to appeal against rejection or termination of membership the Secretary shall convene, within three months of the date of receipt by the Secretary of such notice, a general meeting to determine the appeal. At any such meeting the applicant shall be given the opportunity to fully present their case and the Board or those members thereof who rejected the application for membership or terminated the membership subsequently shall likewise have the opportunity of presenting its or their case. Appeal shall be determined by the vote of the members present at such meeting.
- 8.3. Where a person whose application is rejected, does not appeal against the decision of the Board within the time prescribed by these rules or so appeals but the appeal is unsuccessful, the Secretary shall forthwith refund the amount of any fee paid.

9. REGISTER OF MEMBERS

- 9.1. The Board shall cause a Register to be kept in which shall be entered the names and residential addresses of all persons admitted to membership of the Association and the dates of their admission.
- 9.2. Particulars shall also be entered into the Register of deaths, resignations, terminations and reinstatements of membership and any further particulars as the Board or the members at any general meeting may require from time to time.
- 9.3. Any ordinary member may, at any reasonable time, inspect the register of members, provided that the addresses and telephone contact details of any other member shall not be provided without the written consent of such member.

10. MEMBERSHIP OF BOARD

- 10.1. The Board of the Association shall consist of a Chairperson, Secretary, Treasurer; all of whom shall be members of the Association, and such number of other members as the members of the Association at any general meeting may from time to time elect or appoint.
- 10.2. At the annual general meeting of the Association, all the members of the Board for the time being shall retire from office, but shall be eligible upon nomination for re-election.
- 10.3. The election of officers and other members of the Board shall take place in the following manner:-
- a) Any two members of the Association shall be at liberty to nominate any other member to serve as an officer or other member of the Board. The nomination, which shall be in writing and signed by the member and their proposer and seconder, shall be lodged with the Secretary at least fourteen days before the annual general meeting at which the election is to take place;
 - b) A list of the candidates' names in alphabetical order, with the proposer's and seconders' names, shall be posted in a conspicuous place in the office or usual place of meeting of the Association for at least seven days immediately preceding the annual general meeting;
 - c) Balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order, and each member present at the annual general meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies;
 - d) Should, at the commencement of such meeting, there be an insufficient number of candidates nominated, nominations may be taken from the floor of the meeting.
- 10.4. Any member of the Management Committee may resign from membership of the Board at any time by giving notice in writing to the Secretary but such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date or such member may be removed from office at a general meeting of the Association where that member shall be given the opportunity to fully present their case. The question of removal shall be determined by the vote of the members present at such a general meeting.

11. VACANCIES ON BOARD

- 11.1. The Board shall have power at any time to appoint any member of the Association to fill any casual vacancy on the Board until the next annual general meeting.
- 11.2. The continuing members of the Board may act notwithstanding any casual vacancy in the Board, but if and so long as their number is reduced below the number fixed by or pursuant to these rules as the necessary quorum of the Board, the continuing member or members may act for the purpose of increasing the number of members of the Board to that number or of summoning a general meeting of the Association, but for no other purpose.

12. FUNCTIONS OF THE BOARD

- 12.1. As otherwise provided by these rules and subject to resolutions of the members of the Association at any general meeting the Board:-
- a) shall have the general control and management of the administration of the affairs, property and funds of the Association; and
 - b) shall have authority to interpret the meaning of these rules and any matter relating to the
 - c) Association on which these rules are silent.
- 12.2. The Board may exercise all the powers of the Association

- a) to borrow or raise or secure the payment of money in such manner as the members of the Association see fit and secure the same 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 and in particular by the issue of debentures, perpetual and otherwise, charge upon all or any of the Association's property, both present and future, and to purchase, redeem or pay off any such securities; and
- b) to borrow money from members at a rate of interest not exceeding interest at the rate for the time being charged by bankers in Brisbane for overdrawn accounts on money lent, whether the term of the loan be short or long, and to mortgage or charge its property or any part thereof and to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Association, and to provide and pay off any such securities; and
- c) to invest in such manner as the members of the Association may from time to time determine.

13. MEETINGS OF BOARD

- 13.1. The Board shall meet at least once every calendar month to exercise its functions.
- 13.2. A special meeting of the Board shall be convened by the Secretary on the requisition in writing signed by not less than one-third of the members of the Board, which requisition shall clearly state the reasons why such special meeting is being convened and the nature of the business to be transacted thereat.
- 13.3. At every meeting of the Board a simple majority of the a number equal to the number of members elected and/or appointed to the Board as at the close of the last general meeting of the members, shall constitute a quorum.
- 13.4. Subject as previously provided in this rule, the Board may meet together and regulate its proceedings as it thinks fit: Provided that questions arising at any meeting of the Board shall be decided by a majority of votes and, in the case of equality of votes, the question shall be deemed to be decided in the negative.
- 13.5. A member of the Board shall not vote in respect of any contract or proposed contract with the Association in which the member is interested, or any matter arising there out, and if the member does so vote their vote shall not be counted.
- 13.6. Not less than fourteen days notice shall be given by the Secretary to members of the Board of any special meeting of the Board. Such notice shall clearly state the nature of the business to be discussed thereat.
- 13.7. The Chairperson will preside at every meeting of the Board, or if there is no Chairperson, or if at any meeting the Chairperson is not present within ten minutes after the time appointed for holding the meeting, the Secretary shall be Chairperson or if the Secretary is not present at the meeting then the members may choose one of their number to be Chairperson of the meeting.
- 13.8. If within half an hour from the time appointed for the commencement of a Board meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Board, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place or to such other day and at such other time and place as the Board may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall lapse.

- 13.9. The Board may delegate any of its powers to a sub-committee consisting of such members of the Association as the Board 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 Board.
- 13.10. A sub-committee may elect a spokesperson its meetings. If no such spokesperson is elected, or if at any meeting the spokesperson 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 Spokesperson of the meeting.
- 13.11. 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 an equality of votes, the question shall be deemed to be decided in the negative.
- 13.12. All acts done by any meeting of the Board or of a sub-committee or by any persons acting as a member of the Board shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the Board or person acting as aforesaid, or that the members of the Board or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the Board.
- 13.13. A resolution in writing signed by all the members of the Board for the time being entitled to receive notice of a meeting of the Board shall be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more members of the Board.

14. ANNUAL GENERAL OR GENERAL MEETINGS

- 14.1. The first general meeting shall be held at such time, not being less than one month nor more than three months after the incorporation of the Association, and at such place as the Board may determine.
- 14.2. The annual general meeting shall be held within three months of the close of the financial year.
- 14.3. The business to be transacted at every annual general meeting shall be:
- a) the receiving of the Management Committee's report and the statement of income and expenditure, assets and liabilities and mortgages, charges and securities affecting the property of the Association for the preceding financial year;
 - b) the receiving of the auditor's report upon the books and accounts for the preceding financial year;
 - c) the election of members of the Board; and
 - d) the appointment of an auditor
- 14.4. The Secretary shall convene a special general meeting:-
- a) when directed to do so by the Board; or
 - b) on the requisition in writing signed by not less than one-third of the members presently on the Board or not less than the number of ordinary members of the Association which equals double the number of members on the Board plus one.
Such requisition shall clearly state the reasons why such special general meeting is being convened and the nature of the business to be transacted thereat; or
 - c) on being given a notice in writing of an intention to appeal against the decision of the Management Committee to reject an application for membership or to terminate the membership of any person.

- d) At any general meeting the number of members required to constitute a quorum shall be double the number of members presently on the Board plus one.
- e) No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business. For the purposes of this rule "member" includes a person attending as a proxy or as representing a corporation which is a member.
- f) If within half an hour from the time appointed for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Board or the Association, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the Board may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.
- g) The spokesperson may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.
- h) Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

14.5. The Secretary shall convene all general meetings of the Association by giving not less than 14 days notice of any such meeting to the members of the Association.

14.6. The manner by which such notice shall be given shall be determined by the Board: Provided that notice of any meeting convened for the purpose of hearing and determining the appeal of a member against the rejection of termination of their membership by the Board, shall be given in writing. Notice of a general meeting shall clearly state the nature of the business to be discussed thereat.

14.7. Unless otherwise provided by these rules, at every general meeting –

- a) The Chairperson shall preside, or if the Chairperson is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act, the Secretary shall be the Chairperson or if the Secretary is not present or is unwilling to act then the members present shall elect one of their number to be Chairperson of the meeting.
- b) The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner.
- c) Every member present shall be entitled to one vote: Provided that no member shall be entitled to vote at any general meeting if the member's annual subscription is more than one month in arrears at the date of the meeting.
- d) Voting shall be by show of hands or a division of members, unless not less than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot. The Chairperson shall appoint two members to conduct the secret ballot in such manner as the Chairperson shall determine and the result of the ballot as declared by the Chairperson shall be deemed to be the resolution of the meeting at which the ballot was demanded.
- e) A member may vote in person or by proxy or by attorney and on a show of hands every person present who is a member or a representative of a member shall have one vote and in a secret ballot every member present in person or by proxy or by attorney or other duly authorized representative shall have one vote.
- f) The instrument appointing a proxy shall be in writing, in the common or usual form under the hand of the appointer or of their attorney duly authorized in writing or, if the appointer is a corporation, either under seal or under the hand or attorney duly authorized. A proxy

may but need not be a member of the Association. The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a secret ballot.

- g) Where it is desired to afford members an opportunity of voting for or against a resolution the instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances permit:-

ASSOCIATION:

I, of.....
Being a member of the abovementioned Association, hereby appoint
..... of or
failing them,
as my proxy to vote for me on my behalf at the (annual) general meeting of the Association,
to be held on the day of 20..... and at my adjournment
thereof. Signed this day of 20.....

.....
Signature

This form is to be used * in favour of the resolution
* against

* Strike out whichever is not desired. (Unless otherwise instructed, the proxy may vote as they think fit).

- 14.8. The instrument appointing a proxy shall be deposited with the Secretary prior to the commencement of any meeting or adjourned meeting as which the person named in the instrument proposes to vote; and
- 14.9. The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Board meeting and general meeting to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection.
- 14.10. For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every Board meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding Board meeting verifying their accuracy. Similarly, the minutes of every general meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding general meeting. Provided that the minutes of any annual general meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding general meeting or annual general meeting.

15. BY-LAWS

- 15.1. The Board may from time to time make, amend or repeal by laws, not inconsistent with these rules, for the internal management of the Association and any by-law may be set aside by a general meeting of members.

16. ALTERATION OF RULES

- 16.1. Subject to the provision of the Associations Incorporation Act 1981, these Rules may be amended, rescinded or added to from time to time by a special resolution carried at any

general meeting: Provided that no such amendment, rescission or addition shall be valid unless the same shall have been previously registered by the chief executive of the Office of Fair Trading or any subsequent person or entity as described by the Associations Incorporation Act 1981 (Qld) as amended from time to time.

17. COMMON SEAL

17.1. The Board shall provide for a Common Seal and for its safe custody. The Common Seal shall only be used by the authority of the Board and every instrument to which the seal is affixed shall be signed by a member of the Board or by some other person appointed by the Board for the purpose.

18. FUNDS AND ACCOUNTS

18.1. The funds of the Association shall be deposited in the name of the Association in such bank or Permanent Building Society as the Board may from time to time direct.

18.2. Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the Association and the particulars usually shown in books of a like nature.

18.3. All monies shall be deposited as soon as practicable after receipt thereof.

18.4. All amounts shall be paid by cheque signed by any two of the Chairperson, Secretary, Treasurer, or other member authorized from time to time by the Board, except Petty Cash.

18.5. Cheques shall be crossed "not negotiable".

18.6. The Board shall determine the amount of petty cash which shall be kept on the imprest system.

18.7. All expenditure shall be approved or ratified at a Board meeting.

As soon as practicable after the end of each financial year the Treasurer shall cause to be prepared a statement containing the particulars of:-

a) the income and expenditure for the financial year just ended; and

b) the assets and liabilities and of all mortgages, charges and securities affecting the property of the Association at the close of that year.

18.8. All such statements shall be examined by the auditor who shall present his report upon such audit to the Secretary prior to the holding of the annual general meeting next following the financial year in respect of which such audit was made.

18.9. The income and property of the Association whomsoever derived shall be used and applied solely in promotion of its objectives and in the exercise of its 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 shall prevent the payment in good faith of interest to any such member in respect of monies advanced by the member to the Association or otherwise owing by the Association to the member or of remuneration to any officers or servants 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.

19. DOCUMENTS

19.1. The Board shall provide for the safe custody of books, documents, instruments of title and securities of the Association.

20. FINANCIAL YEAR

20.1. The financial year of the Association shall close on 30th day of June in each year.

21. DISTRIBUTION OF SURPLUS ASSETS (amendment 23.11.94)

21.1. If the Association shall be wound up in accordance with the provision of the Association Incorporation Act 1981, and there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Association, but shall be given or transferred to some other institution or institutions having objectives similar to the objectives of the Association and which is a fund, authority or institution approved by the Commissioner of Taxation as a fund, authority or institution referred to in subsection 78(4) of the Income Tax Assessment Act 1936, 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 is imposed on the Association under or by virtue of rule 28(10), such institution or institutions to be determined by the members of the Association.