

# **CONSTITUTION OF THE BOTANY BAY FAMILY HISTORY SOCIETY INC**

Accepted by all the members  
at a Special General Meeting held  
21 February 2024

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## PART 1 – PRELIMINARY

### 1. Name of association

The name of the association is Botany Bay Family History Society Inc.

### 2. Objects of the association

The objects of the association are:

- (a) To establish a charity whose purpose is to advance education by providing a library that is open to the public in the Research Centre of the association in Caringbah, NSW, and
- (b) assist members in their family history research, and
- (c) assist non-members in their family history research within the facilities provided by the association, at rates to be determined from time to time by the committee, and
- (d) provide a local genealogical resource centre for the housing of accumulated aids to research and as quarters for the activities of the association, and
- (e) hold meetings for the exchange of knowledge and expertise in research techniques, including a special or annual general meeting of the association, and
- (f) arrange speakers, displays, etc for the benefit of members and the general public, and
- (g) welcome new members and keep all members fully informed of activities of the association, and
- (h) publish a journal at regular intervals and other papers as required, for the information of members and non-members, and
- (i) publish from time-to-time documents, papers or books in a form and content approved by the committee, if publication has been passed by a resolution at a general meeting.

### 3. Powers of the association

The association may undertake the following in furtherance of its objects:

- (a) enter into any arrangements with any Commonwealth, State or Local Government department, agency, council, statutory authority or similar body that may seem conducive to an object of the association and obtain from any such entity any rights, privileges and concessions that may be desirable for the association to obtain and perform functions associated with any such rights, privileges and concessions, and
- (b) affiliate or enter into friendly co-operation with other associations or organisations within or outside Australia whose objects are similar in whole or part to these objects, and
- (c) buy, sell or deal in all kinds of personal property required for the needs of members or non-members visiting the premises of the association, and
- (d) construct, purchase, lease, improve, maintain, develop, work, manage, carry out, alter or control any house, building, ground, work, convenience or other premises that are likely to advance the interests of the association and pay for, contribute to, subsidise or otherwise assist or take part in any such activity, and
- (e) invest and deal with the money of the association not immediately required in such manner as may be permitted by law for the investment of trust funds, and
- (f) enter into any venture of a genealogical nature, with a view to providing income for the furtherance of the objects of the association, if approved by a special resolution at a general meeting, and
- (g) receive money or property donated or bequeathed in favour of the association and issue a receipt or acknowledgement for any such donation or bequest, and

- (h) apply the assets and income of the association solely in furtherance of the objects of the association and not distribute, directly or indirectly, any portion of those assets or income to any member except as compensation for services properly rendered or expenses properly incurred in performing functions of the association.

#### 4. Definitions

- (1) In this constitution:

**the committee** means the Committee of Management of Botany Bay Family History Society Inc.

**membership secretary** means the person appointed by the committee from time to time as membership secretary of the association.

**ordinary committee member** means a member of the committee who is not an office-bearer of the association.

**public officer** means the person appointed by the committee from time to time as public officer of the association, being the official point of contact for the association.

**secretary** means:

- (a) the person holding office under this constitution as secretary of the association, or
- (b) if no such person holds that office - the public officer of the association.

**special general meeting** means a general meeting of the association other than an annual general meeting.

**the Act** means the *Associations Incorporation Act 2009 (NSW)*.

**the Regulation** means the *Associations Incorporation Regulation 2016 (NSW)*.

- (2) In this constitution:

- (a) a reference to a function includes a reference to a power, authority, and duty, and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty

- (3) The provisions of the *Interpretation Act 1987 (NSW)* apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

## PART 2 – MEMBERSHIP

### 5. Membership generally

- (1) A person is eligible to be a member of the association if the person:

- (a) is a natural person, and
- (b) makes application for membership on the prescribed form as set out in Schedule 1 to this constitution, and
- (c) pays the required membership fee.

- (2) The types of membership of the association are:

- (a) Single or Family Membership, where Family Membership includes two people in a family unit at one address, and
- (b) Life Membership, which may be conferred on a person for outstanding service to the association, if this is recommended by the committee and passed by special resolution at an annual general meeting, and

- (c) Honorary Membership, which may be granted by the committee to any person on such terms as the committee decides, and
  - (d) Distance Membership, where a member/s reside more than 120 km from the Research Centre.
- (3) Life members and honorary members are exempt from membership fees.
  - (4) All members shall comply with the Code of Ethics forming part of the membership application form in Schedule 1.

## 6. Application for membership

- (1) Application for membership (in the form of Schedule 1 or such other form as approved by the committee from time to time) must be lodged with the membership secretary.
- (2) The membership secretary shall on payment by the applicant of the sum payable under this constitution by a member as annual membership fee, enter the applicant's name into the register of members and, upon the name being so entered, the applicant becomes a member of the association.
- (3) The application can be sent by email or other electronic means.

## 7. Cessation of membership

A person ceases to be a member of the association if the person:

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the association, or
- (d) fails to pay the annual membership fee within three months after the fee is due or before the annual general meeting next held after the fee is due, whichever is the earlier.

## 8. Membership entitlements not transferable

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

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

## 9. Resignation of membership

- (1) A member of the association may resign from membership of the association by first giving to the membership secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (2) If a member of the association ceases to be a member under clause 9(1), and in every other case where a member ceases to hold membership, the membership secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

## 10. Register of members

- (1) The membership secretary of the association shall establish and maintain a register of members of the association specifying the name and residential address and the nominated postal, or email address of each person who is a member of the association together with the date on which the person became a member.

- (2) A register of members, in hard copy and electronic form, shall be kept at the principal place of administration of the association.
- (3) A member must not use information about a person obtained from the membership register or from the membership secretary to contact or send material to the person, other than for:
  - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association.
  - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

## 11. Fees and subscriptions

- (2) A member of the association, other than a Life Member or an Honorary Member, shall pay to the association an annual membership fee of \$45 or, if some other amount is determined by the committee, that other amount except where a person who becomes a member between 1st March and 30th June in any year shall pay a subscription as determined by the committee.

## 12. Members' liabilities

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges, and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by clause 10.

## 13. Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The *Commercial Arbitration Act 2010 (NSW)* applies to any such dispute referred to arbitration.

## 14. Disciplining of members

- (1) A complaint may be made to the committee by any person that a member of the association:
  - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
  - (b) has wilfully acted in a manner prejudicial to the interests of the association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee shall appoint a disciplinary sub-committee of no less than 3 committee members, that:
  - (a) must cause notice of the complaint to be served on the member concerned, and
  - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the disciplinary sub-committee in connection with the complaint, and
  - (c) must take into consideration any submissions made by the member in connection with the complaint, and

- (d) the member shall have the right to bring another member who witnessed the event either to a physical meeting or as a written submission to the disciplinary sub-committee.
- (4) The disciplinary sub-committee, after hearing from the member either in person or in writing should recommend their decision to the committee for ratification. The committee may, by resolution, reprimand, suspend or expel the member from the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and a reprimand, suspension or expulsion is warranted in the circumstances.
- (5) If the committee reprimands, suspends or expels a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the disciplinary sub-committee for having taken that action and of the member's right of appeal under clause 14.
- (6) The expulsion or suspension does not take effect:
  - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 14, whichever is the later.

## 15. Right of appeal of disciplined member

- (1) A member may appeal to the committee against a resolution of the committee under clause 14(4), within 14 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) On receipt of a notice from a member under clause 15(1), the secretary shall notify the committee to convene a committee meeting to be held within 14 days after the date on which the secretary received the notice.
- (3) At a committee meeting of the association convened under clause 15(2):
  - (a) no business other than the question of the appeal is to be transacted, and
  - (b) the disciplinary sub-committee and the member shall be given the opportunity to state their respective cases orally or in writing, or both, and
  - (c) the committee shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (4) The appeal is to be determined by a simple majority of votes of the committee of the association.

## PART 3 – THE COMMITTEE

### 16. Powers of the committee

The committee shall be subject to the Act, the Regulation, and this constitution and to any resolution passed by the association in general meeting, the committee:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association, and



- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

## 17. Composition and membership of committee

- (1) The committee is to consist of:
  - (a) the office-bearers of the association, and
  - (b) five ordinary committee members,  
each of whom is to be elected at the annual general meeting of the association under clause 18.
- (2) The total number of committee members is to be 10.
- (3) The office-bearers of the association are as follows:
  - (a) the president,
  - (b) two vice-presidents,
  - (c) the treasurer,
  - (d) the secretary.
- (4) Except as provided in clause 17(5) there is no maximum number of consecutive terms for which a committee member may hold office.
- (5) An office bearer may serve for not more than three successive years in any one office, unless, on the recommendation of the committee, the office bearer is re-elected for a further term at the annual general meeting of the association under clause 18.
- (6) A committee member may hold up to 2 offices (other than both the president and vice-president offices).
- (7) Each member of the committee is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election but is eligible for re-election.

## 18. Election of committee members

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary committee members:
  - (a) must be made in writing, signed by 2 members of the association, and
  - (b) must be accepted verbally or in writing by candidates (which may be endorsed on the form of nomination)
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates accepting nomination are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee shall be deemed to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the candidates accepting nomination shall be deemed to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (6) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be a member of the association.

## 19. Secretary

- (1) The secretary of the association shall, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary or an appointed member of the committee acting as minute secretary to keep minutes of:
  - (a) all appointments of office bearers and members of the committee;
  - (b) the names of members of the committee present at a committee meeting or a general meeting; and
  - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (4) Minutes are kept in written and electronic form and may be signed electronically by the chairperson.

## 20. Treasurer

It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

## 21. Casual vacancies

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
  - (a) dies, or
  - (b) ceases to be a member of the association, or
  - (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001 (cth)*, or
  - (d) resigns office by notice in writing given to the membership secretary, or
  - (e) is removed from office under clause 22, or
  - (f) becomes a mentally incapacitated person, or
  - (g) is absent without the consent of the committee from 3 consecutive meetings of the committee, or
  - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
  - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001 (cth)*.

## 22. Removal of committee members

- (1) The association, at a general meeting, may by resolution remove any member of the committee from the office of the member before the expiration of the member's term of

office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.

- (2) If a member of the committee to whom a proposed resolution referred to in clause 22(1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

### 23. Committee meetings and quorum

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) A committee meeting may be held simultaneously at 2 or more venues using any technology that gives each of the committee members a reasonable opportunity to participate. Committee members, who participate at a committee meeting using such technology, have the same rights as committee members who are present at the meeting, including voting rights.
- (4) Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (5) Notice of a meeting given under clause 23(4) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (6) Any five members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (7) No business is to be transacted by the committee 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 stands adjourned to a place and time within the following 7 days, as notified by the secretary using the procedure under clause 23(4).
- (8) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (9) At a meeting of the committee:
  - (a) the president or, in the president's absence, a vice-president shall preside, or
  - (b) if the president and the vice-presidents are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

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

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:
  - (a) this power of delegation, and

- (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (7) A sub-committee may meet and adjourn as it thinks proper.

## 25. Voting and decisions

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to clause 23(6), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

## PART 4 – GENERAL MEETINGS

### 26. Annual general meetings – holding of

The association must hold its annual general meetings:

- (a) within 6 months after the close of the association's financial year as referred to in clause 45, or
- (b) within such later time as may be allowed by NSW Fair Trading or prescribed by the Regulation.

### 27. Annual general meetings – calling of and business at

- (1) The annual general meeting of the association is, subject to the Act and to clause 26, to be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:

- (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
  - (b) to receive from the committee reports on the activities of the association during the last preceding financial year,
  - (c) to elect office-bearers of the association and ordinary committee members,
  - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (3) The business of an annual general meeting may include the appointment of an auditor or honorary auditor, as recommended by the committee.
- (4) An annual general meeting must be specified as such in the notice convening it.

## 28. Special general meetings – calling of

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
- (a) must state the purpose or purposes of the meeting, and
  - (b) must be signed by the members making the requisition, and
  - (c) must be lodged with the secretary, and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in clause 28(4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.

## 29. Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause 29(1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 27(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

### 30. Quorum for general meetings

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) 25 members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - (a) if convened on the requisition of members, is to be dissolved, and
  - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 20) shall constitute a quorum.

### 31. Presiding member

- (1) The president or, in the president's absence, a vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-presidents are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

### 32. Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in clauses 32(1) and 32(2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

### 33. Making of decisions

- (1) A question arising at a general meeting of the association is to be determined by either:
  - (a) a show of hands, or
  - (b) a written ballot, if required by the chairperson or if 25 or more members present at the meeting decide that the question should be determined by a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

### 34. Special resolutions

- (1) A special resolution may only be passed by the association in accordance with section 39 of the Act.
- (2) A resolution of the association is a special resolution if it is passed by a majority which comprises not less than three quarters of such members attending the general meeting as, being entitled under these rules so to do, vote in person or by proxy at a general meeting.

### 35. Voting

- (1) On any question arising at a general meeting of the association a member has one vote only, except in the case of Family Membership, where two votes shall be attributable provided two members of the relevant family are present.
- (2) All votes shall be given personally or by proxy, but no member may hold more than five proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any meeting of the association unless all money due and payable by the member or proxy to the association has been paid.
- (5) A member is not entitled to vote at any general meeting of the association if the member is under 18 years of age.

### 36. Proxy votes permitted

- (1) Each member shall be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy shall be in the form set out in Schedule 2 or such other form as approved by the committee from time to time.

### 37. Postal ballots

The association may hold postal and/or electronic ballots (as the committee determines) to determine any issue or proposal.

## PART 5 – MISCELLANEOUS

### 38. Insurance

The association may effect and maintain insurance.

### 39. Funds – source

- (1) The funds of the association are to be derived from annual membership fees, charges for services provided to members and non-members, donations, bequests, sale of publications and other items made or obtained for sale and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- (2) All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association's bank or other authorised deposit-taking institution account.

- (3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

#### 40. Funds – management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association shall be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two members of the committee or employees of the association, being members authorised to do so by the committee.

##### 40.1 Association is non-profit

The association must apply its funds and assets to be consistent with its objectives.

#### 41. Change of name, objects, and constitution

- (1) An application to NSW Fair Trading for registration of a change in the association's name, objects, or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.
- (2) The statement of objects and this constitution may be altered, rescinded, or added to only by a special resolution of the association.

#### 42. Custody of books etc

- (1) The association's records etc. must be kept in New South Wales at the main premises of the association in the custody of the public officer, or a member of the association as the committee determines.

#### 43. Inspection of books etc

- (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
  - (a) records, books, and other financial documents of the association,
  - (b) this constitution,
  - (c) minutes of all committee meetings and general meetings of the association.

#### 44. Service of notices

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
  - (a) by delivering it to the person personally, or
  - (b) by sending it by pre-paid post to the address of the person, or
  - (c) by sending it by e-mail or facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
  - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
  - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and



- (c) in the case of a notice sent by e-mail or facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the equipment from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

#### 45. Financial year

The financial year of the association is each period of 12 months commencing on 1 July and ending on the following 30 June.

#### 46. Distribution of surplus property

- (1) In the event of the organisation being dissolved, all assets that remain after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes, which is charitable at law and which has rules prohibiting the distribution of its assets and income to its members.
- (2) If the organisation is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets shall be transferred to another organisation with similar objects, which is charitable at law, to which income tax deductible gifts can be made:
  - (i) gifts of money or property for the principal purpose of the organisation,
  - (ii) contributions made in relation to an eligible fundraising event held for the principal purpose of the organisation,
  - (iii) money received by the organisation because of such gifts and contributions.
- (3) The identification of appropriate funds or institutions and the details of surplus funds and property to be paid shall be the subject of a special resolution at one or more general meetings of the association, as recommended by the committee.

# Schedule 1: Application for Membership, Clause 6(1)



## Botany Bay Family History Society Inc.

[membersec@botanybayfhs.org.au](mailto:membersec@botanybayfhs.org.au)

184 Gannons Road, Caringbah South 2229

ABN 70 504 835 285

### APPLICATION FOR MEMBERSHIP

- SINGLE MEMBERSHIP
- DISTANCE MEMEBRSHIP *where address is more than 120kms from Research Centre*
- FAMILY MEMBERSHIP *includes two people in a family unit at one address*

1. GIVEN NAME: ..... SURNAME: .....

2. [FAMILY M'SHIP] GIVEN NAME: ..... SURNAME: .....

HOME ADDRESS: .....

..... POSTCODE: .....

MAILING ADDRESS: .....

..... POSTCODE: .....

OCCUPATION/FORMER OCCUPATION: 1: ..... 2: .....

PHONE: ..... 1: MOB: ..... 2: MOB: .....

1: EMAIL: ..... 2: EMAIL: .....

The BBFHS Journal *The Endeavour* will be forwarded to your email address quarterly

|  |                       |
|--|-----------------------|
| <b>I give my permission for my email address to be added to the Email News Group</b><br><i>These emails will advise members of upcoming events prior to the next meeting, useful websites &amp; other general information. You may unsubscribe / subscribe yourself at any time.</i> | Signature<br>1.<br>2. |
| <b>I give my permission for my name and phone number to be entered on a membership list held at the Research Centre for the reference of Centre Assistants &amp; members.</b>  | Signature<br>1.<br>2. |

### Membership Subscriptions are due 1 July each year

Payable to Botany Bay Family History Society Inc. online by credit card at <https://www.botanybayfhs.org.au/>, eftpos, cash/cheque, or direct deposit to BSB: 062 333 Account No: 1046 3972

| Charge my credit card        |                             |
|------------------------------|-----------------------------|
| Visa ( )      Mastercard ( ) | Amount \$ .....             |
| Card Number .....            | Expiry date ..... CVV ..... |
| Name on Card .....           | Signature .....             |

## PRIVACY STATEMENT

Botany Bay Family History Society Inc. is very conscious of its obligation to comply with privacy legislation and to respect the privacy of its members. However, the nature of family history research involves the exchange of information and knowledge and contact with other members who may be able to help you. We will seek your consent to the release to others of any personal information that we hold such as your address, phone number, email address and surnames being researched. Your personal details will not be included in any published database or other publication without your specific authority. You have the right to know what information about you is held by us and to withdraw your permission for release of information at any time by notification in writing to the Society at its postal address.

## CODE OF ETHICS

Respectful, ethical, inclusive behaviour is core to the values held and promoted by Botany Bay Family History Society Inc. The behaviour of individuals using and/or working at our facilities must always demonstrate respect and care for others both in the manner of personal interaction and the ways in which information is handled and distributed. The association will continue to provide a friendly and supportive environment for individuals conducting, collating and sharing family research.

The association, its committee, volunteers and members will, *at all times*:

- Be respectful of fellow researchers and visitors to our facilities and our meetings
- Speak respectfully and encourage inclusion and thoughtfulness in all interactions
- Respect the opinions of other members and treat them all with equal respect
- Comply with the laws of copyright, observing the legal rights of copyright owners, by copying or distributing any part of their works only with their permission, or to the extent allowed under the copyright laws *fair use* provisions
- Respect the feelings of others who do not want information about themselves or deceased members of their family to be published, referenced, or linked on a web site.
- Comply with privacy laws and not publish the personal details of living people without their specific permission
- Inform people who provide information about their families of the ways it may be used, carefully recording, and observing any conditions they may impose on its use.
- Not publish any information of a sensitive nature that would cause hurt or embarrassment to anyone
- Not publish or publicise as fact anything known to be false, doubtful, or unproved, nor be a party, directly or indirectly to such action by others
- Always credit authors of information, identify sources for all information and cite only those documents personally used
- Act in a way that ensures the reputation of our association, and its members is maintained

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I / we apply to join the membership of the Botany Bay Family History Society Inc.

I / we have read and understand the Privacy Statement.

I / we have read and agree to abide by the Code of Ethics.

I / we agree to be bound by the Constitution of the Botany Bay Family History Society Inc. both at present and if altered in the future.

1. Signature: .....Date: .....

2. Signature: .....Date: .....

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### OFFICE USE ONLY

Payment by:

Eftpos. \$..... Cash \$..... Cheque \$..... Credit Card \$..... Direct Deposit \$.....

Date..... Membership No .....Receipt No.....New Member's Kit Yes / No

Schedule 2: Form of Appointment of Proxy

CLAUSE 35 (2)

FORM OF APPOINTMENT OF PROXY

I, .....

(full name)

of.....

(address)

being a financial member, number .....of BOTANY BAY FAMILY HISTORY SOCIETY Inc.

do appoint .....

(full name of proxy)

of .....

(address)

being a financial member of Botany Bay Family History Society Inc., as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or special general meeting) to be held on the ..... day of.....20..... and at any adjournment of that meeting.

My proxy is authorised to vote in favour of / against (delete as appropriate) the resolution

Signature of member appointing proxy.....

Date.....