

Newcastle Boys' High School

Old Boys' Association

RULES



PART 1
PRELIMINARY

Interpretation.

- 1.1 (1) In these rules, except in so far as the context or subject-matter otherwise indicates or requires -
- "ordinary member" means a member of the committee who is not an office-bearer of the association, as referred to in rule 13(2);
- "secretary" means -
- (a) the person holding office under these rules as secretary of the association; or
- (b) where no such person holds that office - the public officer of the association;
- "special general meeting" means a general meeting of the association other than annual general meeting;
- "the Act" means the Associations Incorporation Act, 1984;
- "The Regulation" means the Associations Incorporation Regulation, 1985;
- "School" means the former Newcastle Boys' High School and its predecessor Newcastle High School.**
- (2) In these rules -
- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty; **and**
- (c) **headings are included for convenience only and do not form part of the text and these rules are not to be read and construed by reference to them.**
- (3) The provisions of the Interpretation Act, 1897, apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

Objects

1.2 **Objects of the association shall be:**

- (a) **To hold and facilitate the holding of dinners, reunions and like events of former students and teachers of the School;**
- (b) **To collect, restore, preserve, catalogue, maintain in permanent collection, display and lend relics and memorabilia of or relating to the School;**
- (c) **To solicit, acquire, establish, administer and award gifts, bequests, scholarships, prizes and benefits for students of Newcastle High School and Waratah High School and such other schools as the Association from time to time may determine;**
- (d) **To acquire and administer gifts, bequests, prizes, scholarships and benefits belonging to and administered by the School;**
- (e) **To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Association PROVIDED THAT in case 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;

- (f) 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;
- (g) To print and publish any newspapers, periodicals, books or leaflets that the association may think desirable for the promotion of its objects; and
- (h) 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 companies, institutions, societies or associations with which the association is authorised to amalgamate.

PART I

MEMBERSHIP

Membership qualifications

- 2.1 A person is qualified to be a member of the association if, but only if -
- (a) the person is a person referred to in section 15(1)(a), (b) or (c) of the Act and has not ceased to be a member of the association at any time after incorporation of the association under the Act; or
 - (b) the person is a natural person who -
 - (i) **has been a student or teacher of the School; and**
 - (ii) has been nominated for membership of the association as provided by rule 3; and
 - (iii) has been approved for membership of the association by the committee of the association.
- 2.2 **There shall be no classes of membership.**

Nomination for membership

3. (1) A nomination of a person for membership of the association -
- (a) shall be made by a member of the association in writing in the form set out in Appendix 1 to these rules; and
 - (b) shall be lodged with the secretary of the association.
- (2) As soon as practicable after receiving a nomination for membership, the secretary shall refer the nomination to the committee which shall determine whether to approve or to reject the nomination. **In no circumstances shall the committee be required to give any reason for the rejection of an application.**
- (3) Where the committee determines to approve a nomination for membership, the secretary shall, as soon as practicable after that determination, notify the nominee of that approval and request the nominee to pay within the period of 28 days after receipt by the nominee of the notification the sum payable under these rules by a member as entrance fee and annual subscription.
- (4) The secretary shall, on payment by the nominee of the amounts referred to in clause (3) within the period referred to in that clause, enter the nominee's name in the

register of members and, upon the name being so entered, the nominee becomes a member of the association.

Cessation of membership

4. A person ceases to be a member of the association if the person -
- (a) dies;
 - (b) resigns that membership; or
 - (c) is expelled from the association; **or**
 - (d) **fails to pay his/her subscription by the expiration of 1 month of the notice to do so such notice having been given not less than 2 months after the subscription became due and payable.**

Membership entitlement not transferable

5. 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 upon cessation of the person's membership.

Resignation of membership

6. (1) A member of the association is not entitled to resign that membership except in accordance with this rule.
- (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving notice (being not less than 1 month or not less than such other period as the committee may determine) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.
- (3) Where a member of the association ceases to be a member pursuant to clause (2), and in every other case where a member ceases to hold membership, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

Register of members

7. (1) The public officer of the association shall establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member.
- (2) The register of members shall be kept at the principal place of administration of the association and shall be open for inspection, free of charge, by any member of the association at any reasonable hour.

Fees, subscriptions, etc

8. (1) A member of the association shall pay to the association an annual membership fee of \$5 or, where some other amount is determined by the committee, of that other amount -
- (a) except as provided by paragraph (b), before 1st **January** in each calendar year; or

- (b) where the member becomes a member on or after 1st **January** and on or before 30 June in any calendar year - upon becoming a member and before 1st January in each succeeding calendar year; **or**
- (c) **where the member becomes a member on or after 1st July in any calendar year upon becoming a member and before 1 January in each succeeding calendar year except the first; or**
- (d) **a member may elect to pay a life subscription in such sums as the committee shall from time to time prescribe and until the committee shall otherwise prescribe shall be \$50.00. Payment of a life subscription shall absolve a member from payment of any further subscription; or**
- (e) **the committee in its absolute discretion may waive payment of any subscription by a member and shall not be required to give any reason for such decision; or**
- (f) **any member of or above the age of 70 years may apply to the committee to have his/her annual subscription waived and upon the committee's approving the application, no further subscription shall be payable by that member.**

Members' liabilities

9. 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 rule 8.

Disciplining of members

10. (1) Where the committee is of the opinion that a member of the association -
- (a) has persistently refused or neglected to comply with a provision or provisions of these rules; or
 - (b) has persistently or wilfully acted in a manner prejudicial to the interests of the association,
- the committee may, by resolution -
- (c) expel the member from the association; or
 - (d) suspend the member from membership of the association for a specified period.
- (2) Where the committee passes a resolution under clause (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under clause (3), confirms the resolution in accordance with this rule.
- (3) Where the committee passes a resolution under clause (1), the secretary shall, as soon as practicable, cause a notice in writing to be served on the member -
- (a) setting out the resolution of the committee and the grounds on which it is based;
 - (b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that the member may do either or both of the following:-

- (i) attend and speak at the meeting;
 - (ii) submit to the committee at or prior to the date of that meeting written representations relating to the resolution;
- (4) At a meeting of the committee held as referred to in clause (3), the committee shall-
- (a) give to the member an opportunity to make oral representations;
 - (b) give due consideration to any written representations submitted to the committee by the member at or prior to the meeting; and
 - (c) by resolution determine whether to confirm or to revoke the resolution.
- (5) Where the committee confirms a resolution under clause (4), the secretary shall, within 7 days after that confirmation by notice in writing inform the member of the fact and of the member's right of appeal under rule 11.
- (6) A resolution confirmed by the committee under clause (4) does not take effect -
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
 - (b) where within that period the member exercises the right of appeal, unless and until the association confirms the resolution pursuant to rule 11(4).

Right of appeal of disciplined members

11. (1) A member may appeal to the association in general meeting against a resolution of the committee which is confirmed under rule 10(4), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) Upon receipt of a notice from a member under clause (1), the secretary shall notify the committee which shall convene a general meeting of the association to be held within 21 days after the date on which the secretary received the notice.
- (3) At a general meeting of the association convened under clause (2) -
- (a) no business other than the question of the appeal shall be transacted;
 - (b) the committee and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - (c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (4) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

PART III

THE COMMITTEE

Powers, etc., of committee

- 12.1 The committee shall be the committee of management of the association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in general meeting -
- (a) shall control and manage the affairs of the association;

- (b) may exercise all such functions as may be exercised by the association other than those functions that are required by these rules 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.

12.2 All cheques, promissory notes, drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the association shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by any two members of the committee or in such other manner as the committee from time to time determines.

Constitution and membership

13. (1) Subject in the case of the first member of the committee to section 21 of the Act, the committee shall consist of -
- (a) the office bearers of the association; and
 - (b) **7 ordinary members; and**
 - (c) **the immediate past president ex officio.**
- each of whom shall be elected at the annual general meeting of the association pursuant to rule 14.
- (2) The office bearers of the association shall be -
- (a) the president;
 - (b) the vice-president;
 - (c) the treasurer; and
 - (d) the secretary; **and**
 - (e) **the publicity officer.**
- (3) Each **elected** member of the committee shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) 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 shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

Election of members.

14. (1) Nominations of candidates for election as office-bearers of the association or as ordinary members of the committee **shall be made and seconded from the floor at the annual general meeting.**
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected.
- (3) **If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.**
- (4) **Any vacant positions remaining on the committee shall be deemed to be casual vacancies.**
- (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 members of the committee shall be conducted **in the order named in rule 13** at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A candidate **once elected to an office is ineligible** for election to another office at the same election.

Secretary

- 15.1 (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 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.

Treasurer

16. It is the duty of the treasurer of the association to ensure that -
- (a) all money due to the association is collected and received and that all payments authorised by the association are made; and
 - (b) 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.

Casual vacancies

17. For the purposes of these rules, 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 Companies (New South Wales) Code; or
 - (d) resigns office by the notice in writing given to the secretary; or
 - (e) is removed from office under rule 18; or
 - (f) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
 - (g) is absent without the consent of the committee **(which may be given by acceptance of an apology or grant to leave of absence)** from **3 consecutive** meetings of the committee.

Removal of a member

18. (1) The association in a general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint any other persons to hold office until the expiration of the term of office of the member so removed.

- (2) Where a member of the committee to whom a proposed resolution referred to in clause (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 they 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.

MEETINGS AND QUORUM

19. (1) The committee shall meet a least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) **The committee may adjourn and otherwise regulate its meetings as it thinks fit.**
- (3) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (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 upon by the member of the committee) before the time appointed for the holding of the meeting.
- (5) Notice of a meeting given under clause (3) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (6) Any **5** members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (7) No business shall 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 the same place and at the same hour of the same day in the following week.
- (8) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.
- (9) At a meeting of the committee -
- (a) the president or, in the president's absence, the vice-president shall preside; or
- (b) if the president and the vice-president 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 shall preside.
- (10) **The continuing members of the committee may act notwithstanding any vacancy in the committee, 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 committee, the continuing member or members may act for the purpose of increasing the number of members of the committee to that number or of summoning a general meeting of the association, but for no other purpose.**
- (11) **A member of the committee shall not vote in respect of any contract or proposed contract with the association in which he is interested, or any matter arising thereout, and if he does so vote his vote shall not be counted.**

Delegation by committee to sub-committee

20. (1) The Committee may, by **resolution** 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 **resolution of the committee 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 rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
 - (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the **resolution of the committee and subject thereto shall have power to co-opt any member or members of the association.**
 - (4) Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegated.
 - (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.
 - (6) The committee may, by instrument in writing, revoke wholly or in part by delegation under this rule.
 - (7) A sub-committee may meet and adjourn as it thinks proper.
 - (8) **The chairman of a sub-committee shall be appointed by the committee and shall be a person who is a member of the committee.**
 - (9) **A sub-committee may adjourn and otherwise regulate its meetings as it thinks fit.**

Voting and decisions

- 21. (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to 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 rule 19(5), the committee may act notwithstanding any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment of qualification of any member of the committee or sub-committee.

PART IV

GENERAL MEETINGS

Annual general meetings - holding of

- 22. (1) With the exception of the first annual general meeting of the association, the association shall, at least once in each calendar year and within the period of 6

months after the expiration of each financial year of the association, convene an annual general meeting of its members.

- (2) The association shall hold its first annual general meeting -
 - (a) within the period of 18 months after its incorporation under the Act; and
 - (b) within the period of 2 months after the expiration of the first financial year of the association.
- (3) Clause (1) and (2) have effect subject to any extension or permission granted by the Commission under section 26(3) of the Act.

Annual general meetings - calling of and business at

23. (1) The annual general meeting of the association shall, subject to the Act and to rule 22, 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 any annual general meeting, the business of an annual general meeting shall be -
 - (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 upon the activities of the association during the last preceding financial year;
 - (c) to elect office-bearers of the association and ordinary members of the committee; and
 - (d) to receive and consider the statement which is required to be submitted to members pursuant to section 26(6) of the Act.
- (3) An annual general meeting shall be specified as such in the notice convening it.

Special general meetings - call of

24. (1) **The president may, whenever he thinks fit,** or the committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee shall, on the requisition in writing of not less than **5** members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting -
 - (a) shall state the purpose or purposes of the meeting;
 - (b) shall be signed by the members making the requisitions;
 - (c) shall be lodged with the secretary; and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after the date on which a requisition of members of 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 (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the association for any expense so incurred.

Notice

25. (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 14 days (**exclusive of the day on which the notice is served or deemed to be served and exclusive of the day for which notice is given**) before the date fixed for the holding of the general meeting, cause to be sent by pre-paid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in clause (1) specifying, in addition to the matter required under clause (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 pursuant to rule 23(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 shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

Procedure

26. (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) **Eight** members present in person (being members entitled under these rules 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 if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the 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 3) shall constitute a quorum.

Presiding member

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

Adjournment

28. (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 shall be transacted at an adjourned

meeting other than the business left unfinished at the meeting at which the adjournment took place.

- (2) Where a general meeting is adjourned for **30** days or more, the secretary shall 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 (1) and (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.

Making of decisions

29. (1) A question arising at a general meeting of the association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded, 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.
- (2) At a general meeting of the association, a poll may be demanded by the chairperson or by not less than 3 members present in person or by proxy at the meeting.
- (3) Where a poll is demanded or required at a general meeting, the poll shall be taken -
- (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
 - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

Special resolution

30. A resolution of the association is a special resolution if -
- (a) it is passed by a majority which comprises not less than three-quarters of such members of the association as, being entitled under these rules so to do, vote in person at a general meeting of which not less than 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or
 - (b) where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a) - the resolution is passed in a manner specified by the Commission.

Voting

31. (1) Upon any question arising at a general meeting of the association a member has one vote only.
- (2) All votes shall be given personally or by proxy but no member may hold more than 5 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 is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

- (5) A member who is of unsound mind or whose person or estate is liable to be dealt with in any way under the law relating to mental health may vote, whether on a show of hands or on a poll, by his committee or by his trustee or by such other person as properly has the management of his estate, and any such committee, trustee or other person may vote by proxy or attorney.
- (6) No member shall be entitled to vote at any general meeting if his annual subscription shall be more than one month in arrears at the date of the meeting.

Appointment of proxies:

32. (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 Appendix 2 to these rules.
- (3) The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a notarially certified copy of that power or authority shall be deposited at the principal place of administration of the association not less than forty-eight hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote, or, if the case of a poll, not less than twenty-four hours before the time appointed for the taking of the poll and in default the instrument of proxy shall not be treated as valid.
- (4) A vote given in accordance with the terms of an instrument of proxy or attorney shall be valid notwithstanding the previous death or unsoundness of mind of the principal or revocation of the instrument or of the authority under which the instrument was executed, if no intimation in writing of such death, unsoundness of mind or revocation as aforesaid has been received by the association at the registered office before the commencement of the meeting or adjourned meeting at which the instrument is used.

PART V
MISCELLANEOUS

Insurance

33. (1) The association shall effect and maintain insurance pursuant to section 44 of the Act.
- (2) In addition to the insurance required under clause (1), the association may effect and maintain other insurance.

Funds - source

34. (1) The funds of the association shall be derived from entrance fees and annual subscriptions of members, donations 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 account.
- (3) The association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

Funds - management

35. (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, draft, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 members of the committee or employees of the association, being members or employees authorised to do so by the committee.

Alteration of objects and rules

36. The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the association.

Common seal

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

Custody of books etc.

38. Except as otherwise provided by these rules, the public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the association.

Inspection of books etc.

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

Service of notices

40. (1) For the purpose of these rules, a notice may be served by or on behalf of the association upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- (2) Where a document is sent to a person by properly addressing, pre-paying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person **on the second business day at the place of receipt after the date of its posting.**

Surplus property

41. (1) In a winding up of the Association the surplus property of the Association shall (subject to any trust affecting that property any part of it) vest in an association (whether or not incorporated under the Act) nominated by a special resolution of the Association which complies with Section 53 of the Act.
- (2) The incorporated association so nominated shall be one which fulfils the requirements specified in section 53(2) (a)-(c) of the Act.

Income and property and members

42. **The income and property of the association, whencesoever derived, shall be applied solely towards the promotion of the objects of the association as set forth in these rules and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise, to the members of the association except as provided in rule 48.**

Accounts

43. True accounts shall be kept of the sums of money received and expended by the association, and the matter in respect of such receipt and expenditure takes place, and of the property, credits and liabilities of the association.

Indemnity

44. Every member of the committee for the time being of the association shall be indemnified out of the assets of the association against any liability arising out of the execution of the duties of his office which is incurred by him in defending any proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted or in connection with any application under in which relief is granted to him by the court in respect of any negligence, default, breach of duty or breach of trust.

Auditor

45. A registered company auditor shall be appointed as auditor of the association at each annual general meeting. It shall be his duty to examine the books and accounts of the association and to audit the balance sheet for presentation to the annual general meeting and at any time when requested to do so by the committee.

Financial Year

46. The financial year of the association shall commence on 1st January and end on 31st December next following.

PART VI**ADDITIONAL RULES APPLICABLE TO CHARITIES****Application of Part.**

47. This Part applies where the association is registered under or is exempted from registration by or under the Charitable Collections Act, 1934.

Payment, etc., of office bearers and members

48. A member of the committee shall not be appointed to any salaried office of the association or any office of the associated paid by fees, and no remuneration or other benefit in money or money's worth shall be given by the association to any member of the committee except -
- (a) repayment of out-of-pocket expenses;
 - (b) interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the association's bankers for money lent to the association; and
 - (c) reasonable and proper rent for premises let to the association.

Vacation of office

49. Without limiting the operation of rule 17, the office of a member of the committee shall become vacant if -
- (a) the member holds an office of profit in the association; or
 - (b) the member is directly or indirectly interested in any contract or proposed contract with the association.

Surplus property.

- 50.** (1) At the first general meeting of the association, the association shall, notwithstanding rule 41, pass a special resolution nominating a charity registered under the Charitable Collections Act, 1934, or exempted from registration by or under that Act, in which is to vest its surplus property pursuant to section 53(2) of the Act in the event of the winding up or the cancellation of the incorporation of the association.
- (2) The charity so nominated shall be one which fulfils the requirements specified in section 53(2)(a)-(c) of the Act.

Notification of proposed alteration of rules.

- 51.** A proposed alteration of the rules or of the statement of objects of the association shall be notified to the Minister administering the Charitable Collections Act, 1934, in the manner required by the regulations under that Act.
- 52.** The association shall comply with such of the provisions of the Charitable Collections Act, 1934, and the regulations thereunder as are applicable to it.



APPENDIX 1 TO THE RULES

(Rule 3(1).1

APPLICATION FOR MEMBERSHIP OF ASSOCIATION

Newcastle Boys' High School Old Boys' Association Incorporated (incorporated under the Associations Incorporation Act, 1984).

I,.....
(full name of applicant)

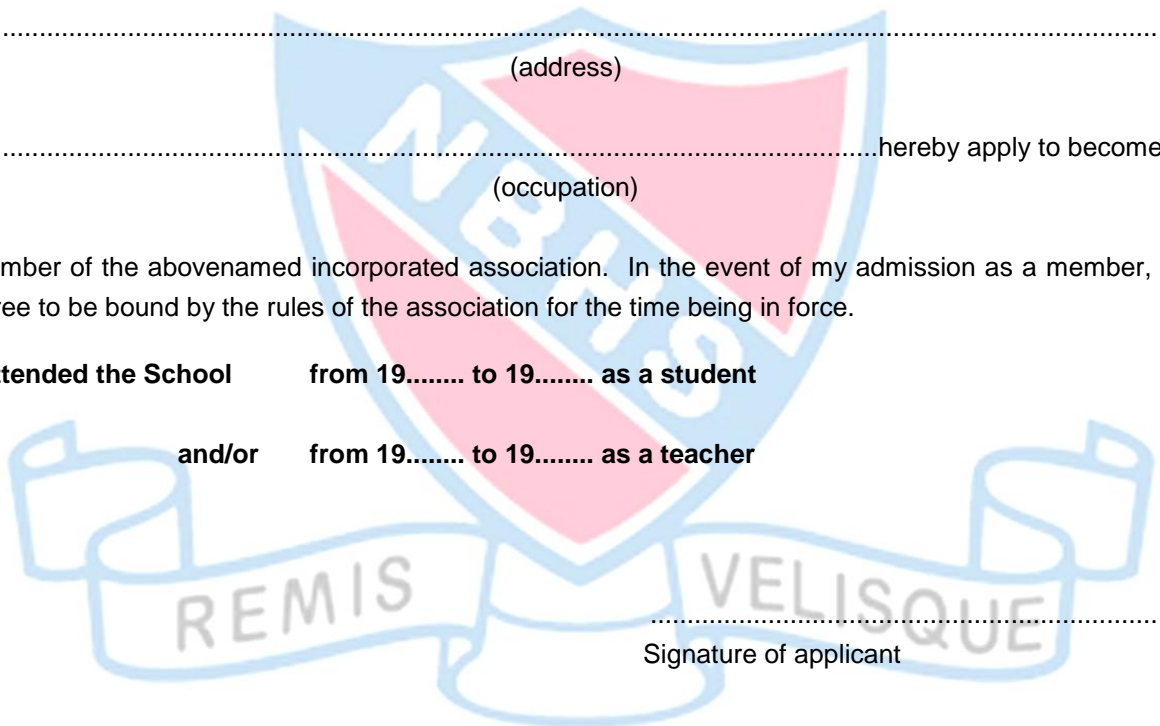
of.....
(address)

.....hereby apply to become
(occupation)

member of the abovenamed incorporated association. In the event of my admission as a member, I agree to be bound by the rules of the association for the time being in force.

I attended the School from 19..... to 19..... as a student

and/or from 19..... to 19..... as a teacher



.....
Signature of applicant

Date.....

Further information

I tender \$ 1 year's subscription

or

\$ Life Subscription.

I was School Captain/Vice-Captain/Prefect/Other..... in 19

I was a member of the Cadets / ATC / Other

I would like to assist the Committee in the following:-

Locating former students / teachers

Compiling Lists of Old Boys for the years

Locating Memorabilia

I have some memorabilia which may be copied for /I will donate to the Association Archives:

.....

I would be prepared to give Professional Assistance to the Association in the following areas:-

Accounting Legal

Photography Librarianship

Organising Functions Committee Work

Curating Memorabilia Other

Surname First name/s

Address.....

..... Post Code

Home Telephone Work Telephone

Any other Information

.....

.....

APPENDIX 2 TO THE RULES

FORM OF APPOINTMENT OF PROXY

I, of
(full name)

.....
(address)

being a member of Newcastle Boys' High Old Boys' Association

Incorporated hereby appoint.....
(full name of proxy)

of.....
(address)

being a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or special general meeting, as the case may be) to be held on the..... day of....., 19..... and at any adjournment of that meeting.

* My proxy is authorised to vote in favour / against (delete as appropriate) the resolution (insert details):

.....
.....

* To be inserted if desired.

Signature of member appointing proxy:

Date

NOTE: A proxy vote may not be given to a person who is not a member of the association.
