

# VICTORIAN COUNCIL OF DEAF PEOPLE INCORPORATED



## CONSTITUTION



# VICTORIAN COUNCIL OF DEAF PEOPLE INCORPORATED

## 1.Name

The name of the incorporated association is  
Victorian Council of Deaf People Incorporated  
(in these rules called The Council)

## 2. Interpretation

2.1 In these Rules, unless the contrary intention appears: -

Committee means the Committee of Management of the Council.

Financial year means the year ending on 30 June.

General Meeting means a general meeting of members convened in accordance with these rules.

Member means persons afforded membership by virtue of these rules.

Member groups means organisations afforded membership by virtue of these rules.

Officers means those persons referred to in Rule 13.4(a).

Director means a member of the Committee under Rule 13.5.

Secretary means the person appointed by the Committee pursuant to these rules.

The Act means the Associations Incorporation Act 1981.

The Regulations means Regulations under the Act.

Deaf person means any person with a hearing loss.



- 2.2 In these Rules, a reference to the secretary of the Council is a reference: -
- a. Where a person holds office under these Rules as a secretary of the Council - to that person; and
  - b. In any other case, to the public officer of the Council.
- 2.3 Words or expressions contained in these Rules shall be interpreted in accordance with the Interpretation of Legislation Act 1984 and the Act as in force from time to time.

### 3. Objects

The objects of the Council are as follows:

- 3.1 To develop and administer advocacy, information and support services on a statewide basis to the Deaf community.
- 3.2 To develop new programs and expand existing services for the Deaf community and to meet the demands of the Deaf community.
- 3.3 To be a role model agency based on self-help principals demonstrating to the Deaf community, through its programs and services, that Deaf people can and are positively participating in community life and taking part in structural and policy changes that affect Deaf people.
- 3.4 To work in co-operation with existing service, self-help, community and other organisations, either statutory or voluntary, serving the Deaf community and/or have similar objectives.
- 3.5 To foster pride in the Deaf community, its language and culture.
- 3.6 To promote a greater interest in and an awareness of Deaf people and their important contributions.
- 3.7 To consult, collaborate and liaise with Deaf individuals and organisations associated with Deaf people to provide the means whereby ideas affecting deafness and Deaf people can be exchanged.
- 3.8 To identify the unique needs and to promote and/or provide means to meet these needs.



- 3.9 To promote community involvement with Deaf people by any appropriate means including education at all levels of government and of the public, welfare organisations, other appropriate bodies and Deaf people.
- 3.10 To liaise and/or co-operate with, or lobby, any relevant government or other organisations, group or individual on behalf of Deaf people.

Solely for the purposes set out above, the Victorian Council of Deaf People Incorporated (the Council) shall have power:

- 3.11 To invest and deal with monies of the Council not immediately required in such manner as is from time to time thought fit.
- 3.12 To raise or borrow money upon such terms and in such manner as it thinks fit.
- 3.13 To secure the repayment of monies so raised or borrowed or the payment of a debt or liability of the Council by giving mortgages, charges or securities upon or over all or any of the property of the Council.
- 3.14 To act as a trustee and accept and hold upon trust real and personal estate provided that the Council shall not have power as trustee of a trust to do any act or thing that, if done by it otherwise than as trustee would contravene the provisions of the Act or the Statement of Purposes or the Rules.
- 3.15 To amalgamate the present Victorian Council of Deaf People Incorporated under the Act on.... and the present Deaf Services Network Incorporated under the Act on.....
- 3.16 To indemnify any person for any loss or damage incurred as a result of having on behalf of the present Deaf Services Network Incorporated become liable to pay any amount by way of damages or otherwise.
- 3.17 To subscribe to, become a member of and co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Council, provided that the Council 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 Council under or by virtue of the Rules.



- 3.18 To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, 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 objects of the Council provided that in case the Council shall take or hold any property, which may be subject to any trust the Council shall only deal with the same in such manner as is allowed by law having regard to such trust.
- 3.19 To enter into any arrangements with any government or authority that are incidental or conducive to the attainment of the purposes and the exercise of the powers of the Council; to obtain from any such government or authority any rights, privileges and concessions which the Council may think its desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
- 3.20 To appoint, employ, remove or suspend such employees as may be necessary or convenient for the purposes of the Council.
- 3.21 To construct, improve, maintain, develop, work, and manage, carry out, alter or control any houses, buildings, grounds, works or conveniences, which may seem calculated directly or indirectly to advance the Councils interests, and, to contribute to, subsidise, or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control there of.
- 3.22 To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate.
- 3.23 To lend or 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.
- 3.24 To take any gift of property whether subject to any special trust or not, for any one or more of the purposes of the Council but subject always to the provision paragraph (3-18).
- 3.25 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 Council, in the shape of donations, annual subscriptions or otherwise.



- 3.26 To print and publish any newspapers, periodicals, books or leaflets that the Council may think desirable for the promotion of its purposes.
- 3.27 To amalgamate with any one or more incorporated associations having objects altogether or in part similar to those of the Council 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 Council under or by virtue of the Rules.
- 3.28 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 Council is authorised to amalgamate.
- 3.29 To transfer all or any part of the property, assets, liabilities and engagements of the Council to any one or more of the incorporated associations with which the Council is authorised to amalgamate.
- 3.30 To make donations for patriotic, charitable or community purposes.
- 3.31 To do all such other things as are incidental or conducive to the attainment of the purposes and the exercise of the powers of the Council.



## 4. Membership

### 4.1 Individual members

- (a) A Deaf person who is nominated and approved for membership as provided in these Rules is eligible to be an individual member of the Council on payment of the entrance fee and annual subscription payable under these rules.
- (b) Such individual members shall have full voting rights.
- (c) Such individual members shall be automatically entitled to membership of the Australian Association of the Deaf.

### 4.2 Organisation membership

- (a) An organisation having at least 51 per cent Deaf members and which is nominated and approved for membership as provided in these rules is eligible to be a member group of the Council on payment of the entrance fee and annual subscription payable under these rules.
- (b) Such member group shall have full voting rights.

### 4.3 Associate membership

- (a) A person, not being Deaf, who is nominated and approved for membership as provided in these Rules is eligible to be an associate member of the Council on payment of the entrance fee and annual subscription payable under these rules.
- (b) An organisation, having Deaf members (but less than is required for membership under rule 4.2) which is nominated and approved for membership as provided in these rules is eligible to be an associate member group of the Council on payment of the entrance fee and annual subscription payable under these rules.
- (c) Associate members and Associate member groups shall have no voting rights.

- 4.4 A person who was a member of Deaf Services Network Incorporated prior to incorporation of the Council hereunder shall be admitted to membership upon incorporation for a period of twelve months provided that after the expiration of twelve months from incorporation of the Council their membership shall lapse automatically and it shall be necessary for such persons to nominate for membership in accordance with the procedure laid down in these rules.



- 4.5 A nomination of a person for membership of the Council
- (a) shall be made in writing in the form set out in Appendix 1; and
  - (b) shall be lodge with the secretary of the Council.
- 4.6 As soon as is practicable after the receipt of a nomination, the secretary shall refer the nomination to the Committee.
- 4.7 Upon a nomination being referred to the Committee, the Committee shall determine whether to approve or to reject the nomination.
- 4.8 Upon a nomination being approved by the Committee, the secretary shall, with as little delay as possible, notify the nominee in writing of the approval for membership of the Council and request payment within the period of 28 days after receipt of the notification of the sum payable under these rules as the entrance fee and the first years annual subscription.
- 4.9 The secretary shall, upon payment of the amounts referred to in sub-clause (8) within the period referred to in that sub-clause, enter the nominees name in the register of members and, upon the name being so entered, the nominee becomes a member of the Council.
- 4.10 A right, privilege, or obligation of a person by reason of membership of the Council -
- (a) is not capable of being transferred or transmitted to another person; and
  - (b) terminates upon the cessation of membership whether by death or resignation or otherwise.

## 5. Entrance Fee and Annual Subscription

The entrance fee and the annual subscription of each category of membership referred to in Rules 4.1, 4.2 and 4.3 shall be determined by the Committee from time to time.

## 6. Register of Members

The secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member and the Register shall be available for inspection by members at the address of the Council.



## 7. Resignation of Members

- 7.1 A member of the Council who has paid all moneys due and payable by the member to the Council may resign from the Council by first giving one month's notice in writing to the secretary of his or her intention to resign and upon the expiration of that period of notice, the member ceases to be a member.
- 7.2 Upon the expiration of a notice given under sub-clause (1), the secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.
- 7.3 Any member resigning from the Council will not have any right, title or interest in or to any property of the Council.

## 8. Expulsion of a Member

- 8.1 Every member of the Council undertakes to comply with the Rules of the Council and any refusal or neglect to do so shall render such member liable to expulsion.
- 8.2 Subject to these Rules, the Committee may by resolution -
  - (a) expel a member from the Council; or
  - (b) suspend a member from membership of the Council for a specified period -if the Committee is of the opinion that the member:
  - (c) has refused or neglected to comply with these Rules; or
  - (d) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Council.
- 8.3 A resolution of the Committee under sub-clause (2) -
  - (a) does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under sub-clause (4) confirms the resolution in accordance with this clause; and
  - (b) where the member exercises a right of appeal to the Council under this clause, does not take effect unless the Council confirms the resolution in accordance with this clause.



- 8.4 If the Committee passes a resolution under sub-clause (2), the secretary shall, as soon as practicable, cause to be served on the member a notice in writing -
- (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 and not less than 28 days after service of the notice;
  - (c) stating the date, place and time of that meeting;
  - (d) informing the member that he or she may do one or more of the following:
    - (i) Attend that meeting;
    - (ii) Give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution; and
    - (iii) Not later than 24 hours before the date of the meeting lodge with the secretary a notice to the effect that he or she wishes to appeal to the Council in general meeting against the resolution.
- 8.5 At a meeting of the Committee held in accordance with sub-clause (3), the committee -
- (a) shall give to the member an opportunity to be heard;
  - (b) shall give due consideration to any written statement submitted by the member; and
  - (c) shall by resolution determine whether to confirm or to revoke the resolution.
- 8.6 If the secretary receives a notice under sub-clause (4), he or she shall notify the Committee and the Committee shall convene a general meeting of the Council to be held within twenty-one days after the date on which the secretary received the notice.



- 8.7 At a general meeting of the Council convened under sub-clause (6)-
- (a) no business other than the question of the appeal shall be transacted;
  - (b) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
  - (c) the member shall be given an opportunity to be heard; and
  - (d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 8.8 If at the general meeting -
- (a) two-thirds of the members vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed; and
  - (b) in any other case, the resolution is revoked.
- 8.9 Any member expelled in accordance with the Rules shall forfeit all rights to a claim upon the Council of his or her property or funds as he or she would have by reason of his or her membership.

## 9. Annual General Meeting

- 9.1 The Association shall in each calendar year convene an Annual General Meeting of its members.
- 9.2 The Annual General Meeting shall be held on such day as the Committee determines.
- 9.3 The Annual General Meeting shall be held on such day as the Committee determines.
- 9.4 The ordinary business of the Annual General Meeting shall be:
- (a) to confirm the minutes of the last preceding Annual General Meeting and of any General Meeting held since that meeting;
  - (b) to receive from the Committee reports upon the transactions of the Council during the last preceding financial year;
  - (c) to elect directors of the Council and the officers of the Committee; and



(d) to receive and consider the statement submitted by the Council in accordance with section 30(3) of the Act.

9.5 The Annual General Meeting may transact special business of which notice is given in accordance with these rules.

9.6 The Annual General Meeting shall be in addition to any other general meetings that may be held in the same year.

## 10. Special General Meetings

10.1 All General Meetings other than the Annual General Meeting shall be called Special General Meetings.

10.2 The Committee may, whenever it thinks fit, convene a Special General Meeting of the Council and, where, but for this sub-clause, more than fifteen months would elapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.

10.3 The Committee shall, on the requisition in writing of members representing not less than 15 or 5% of the total number of members, whichever is the greater, convene a Special General Meeting of the Council.

10.4 The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.

10.5 If the Committee does not cause a Special General Meeting to be held within the month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a Special General Meeting to be held not later than three months after that date.

10.6 A Special General Meeting convened by members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee and, all reasonable expenses incurred in convening the meeting shall be refunded by the Council to the persons incurring the expenses.



## 11. Notice of Meeting

- 11.1 The Secretary of the Council shall, at least 21 days before the date fixed for holding a General Meeting of the Council, cause to be sent to each member of the Council at the address appearing in the register of members, a notice by pre-paid post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 11.2 No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- 11.3 A member desiring to bring any business before a meeting may give notice of that business in writing to the secretary, who shall include that business in the notice calling the next General Meeting after the receipt of the notice.

## 12. Procedure at Meetings

- 12.1 All business that is transacted at a Special General Meeting and all business that is transacted at the Annual General Meeting with the exception of that specially referred to in these rules as being the ordinary business of the Annual General Meeting shall be deemed to be special business.
- 12.2 No item of business shall be transacted at a General Meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.
- 12.3 At least one third of members personally present (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.
- 12.4 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 next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the 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 be a quorum.



- 12.5 (a) The President, or in the Presidents absence, the Vice-President, shall preside as Chairperson at each general meeting of the Council.
- (b) If the President and the Vice-President are absent from a general meeting, the members present shall elect one of their number to preside as Chairperson at the Meeting.
- 12.6 (a) The Chairperson of a General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (b) Where a meeting is adjourned for fourteen days or more, a like notice of the adjourned meeting shall be given as in the case of the General Meeting.
- (c) Except as provided in sub-clauses (a) and (b), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
- 12.7 A question arising at a General Meeting of the Council 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, and an entry to that effect in the Minute Book of the Council is evidence of the fact, without proof of the number or proportion of the votes recorded in favour or, or against, that resolution.
- 12.8 (a) Upon any question arising at a General Meeting of the Council a member has one vote only.
- (b) All votes shall be given personally or by proxy.
- (c) In the case of a equality of voting on a question, the Chairperson of the meeting shall be entitled to exercise a second or a casting vote.
- 12.9 (a) If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.



- (b) A poll that is demanded on the election of a Chairperson or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairperson may direct.

12.10 A member is not entitled to vote at any General Meeting unless all moneys due and payable by the member to the Council have been paid, other than the amount of the Annual subscription payable in respect of the current financial year.

12.11(a) Each member is entitled to appoint another member as a 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.

- (b) The notice appointing the proxy shall be in the form set out in Appendix 2.

12.12 All resolutions passed by a simple majority unless otherwise required by the Rules at Annual or Special General meetings shall be conclusive and binding on all members of the Council whether they be present at such meeting or not provided such meetings are held in accordance with the rules of the Council for the time being in force.

### 13. Committee of Managements

13.1 The affairs of the Council shall be managed by the Committee of Management constituted as provided in sub-clause (5).

13.2 The Committee :-

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

13.3 (a) The Committee may establish sub-committees as may be deemed necessary for the proper functioning of the Council.



- (b) Sub-committees so established shall be subject to the general supervision and control of the Committee whose decision on all matters connected with the management of the work of the Council shall be final.
  - (c) The President shall be an ex-officio member of all sub-committees so established.
  - (d) Sub-committees so established shall not incur expenses on behalf of the Council without prior consultation and approval of the Committee.
- 13.4 (a) The officers of the Council shall be :-
- (i) a President;
  - (ii) a Vice-President;
  - (iii) a Treasurer; and
  - (iv) a Secretary.
- (b) The provisions of Rule 14 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-clause (a).
  - (c) In the event of a casual vacancy in any office referred to in sub-clause (a) the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the Annual General meeting next following the date of the appointment.
- 13.5 Subject to section 23 of the Act, the Committee shall consist of :
- (a) the officers of the Council; and
  - (b) at least 4 but no more than 8 ordinary members.
- 13.6 Each officer and director of the Committee, subject to these rules, hold office for no more than two years after date of his or her election, but they are eligible for re-election.



- 13.7 (a) The Committee shall from time to time appoint a Chief Executive Officer for such period and on such terms and conditions as it sees fit.
- (b) The Chief Executive Officer so appointed shall not be an officer of the Council and:
- (i) any reference in these rules to the Chief Executive Officer holding office as such is a reference only to his or her period of appointment as such;
  - (ii) he or she or his or her delegate shall be a non-voting ex-officio member of the Committee; and
  - (iii) shall be responsible to the Committee and shall be responsible for the day to day management of the Council.
- (c) The Committee acts through the Chief Executive Officer and not through any of its members, unless authorisation is given by the Committee to any Committee member to act on its behalf.
- (d) No member of the Committee shall be appointed to or retain any paid office of the Council whilst he or she is a member of the Committee.

## 14. Elections

- 14.1 Nominations of candidates for election as officers of the Council or as ordinary members of the Committee:
- (a) shall be made in writing, signed by two members of the Council and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - (b) shall be delivered to the Secretary of the Council not less than seven days before the date fixed for the holding of the Annual General Meeting.
- 14.2 If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.



- 14.3 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.
- 14.4 If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- 14.5 The ballot for the election of officers and ordinary members of the Committee shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.
- 14.6 A nomination of a candidate for election under this clause is not valid if that candidate has been nominated for another office for election at the same election.
- 14.7 For the purposes of these rules, the office of an Officer of the Council or of an ordinary member of the Committee becomes vacant if the officer or member:
- (a) ceases to be a member of the Council;
  - (b) becomes an insolvent under administration within the meaning of the Corporations Law;
  - (c) resigns from office by notice in writing given to the Secretary; or
  - (d) is absent without apology or explanation to the satisfaction of the majority of the members of the Committee for more than three consecutive Committee meetings;

and every such vacancy should be deemed a casual vacancy.

- 14.8 In the event of any casual vacancy in the office of any elected member of the Committee, the remaining members of the Committee may select to fill the vacancy a member of the Council who is eligible to be a member of the Committee, and any member so appointed shall hold office for the balance of the term of the member in whose place he or she is selected.

## 15. Meetings of the Committee of Management

- 15.1 The Committee shall meet at least 5 times in each year at such place and such times as the Committee may determine.
- 15.2 Special Meetings of the Committee may be convened by the President or by any four of the members of the Committee.



- 15.3 Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- 15.4 Any four members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- 15.5 No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case is lapses.
- 15.6 At meetings of the Committee:
- (a) the President or in the Presidents absence the Vice-President shall preside; or
  - (b) if the President and the Vice-President are absent, such one of the remaining members of the Committee as may be chosen by the members present shall preside.
- 15.7 Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- 15.8 Each member present at a meeting of the Committee or of any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any questions, the person presiding may exercise a second or casting vote.
- 15.9 Written notice of each committee meeting shall be served on each member of the Committee by delivering it to the member at a reasonable time before the meeting or by sending it by pre-paid post addressed to him or her at his or her usual or last known place of abode at least two business days before the date of the meeting.
- 15.10 Subject to sub-clause (4), the Committee may act notwithstanding any vacancy on the Committee.

## 16. Secretary

The Secretary of the Council shall keep minutes of the resolutions and proceedings of each General Meeting and each committee meeting in books provided for that purpose together with a record of the names of persons present at committee meetings.



## 17. Treasurer

The Treasurer of the Council:

- (a) shall collect and receive all moneys due to the Association and make all payments authorised by the Council; and
- (b) shall keep correct accounts and books showing the financial affairs of the Council with full details of all receipts and expenditure connected with the activities of the Association.

## 18. Removal of a Member of the Committee

- 18.1 The Council in General Meeting may by resolution remove any member of the Committee before the expiration of the members term of office and appoint another member in his or her stead to hold office until the expiration of the term of the first-mentioned member.
- 18.2 Where the member to whom a proposed resolution referred to sub-clause (1) makes representations in writing to the Secretary or President of the Council (not exceeding a reasonable length) and requests that they be notified to the members of the Council, the Secretary or the President may send a copy of the representations to each member of the Council or, if they are not so sent, the member may require that they be read out at the meeting.

## 19. Finance

All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Committee.

## 20. Common Seal

- 20.1 The common seal of the Council shall be kept in the custody of the Secretary.
- 20.2 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 two members of the Committee or of one member of the Committee and of the Public Officer of the Council.

## 21. Alteration of Rules and Statement of Purposes

These rules and the Statement of Purposes of the Council shall not be altered except in accordance with the Act.



## 22. Notices

- 22.1 A notice may be served by or on behalf of the Council upon any member either personally or by sending it by post to the member at the address shown in the Register of Members.
- 22.2 Where a document is properly addressed prepaid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post

## 23. Disposal of Assets and Dissolution

- 23.1 The income and property of the Council shall be used and applied solely in promotion of its purposes and the exercise of its powers as set out herein and no proportion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members in respect of monies advanced by them to the Council or otherwise owing by the Council to them or of remuneration to any officers or servants of the Council or to any member of the Council or other person in return for any services actually rendered to the Council provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Council or reasonable and proper rent for premises demised or let to the Council or the provision of services to a member to which they would be entitled in accordance with the purposes if they were not a member.
- 23.2 If the Council shall be wound up in accordance with the provisions of the Associations Incorporation Act 1981, and there remains, after satisfaction of all its debts and liabilities, any property, whatsoever, the same shall be given or transferred to some other organisation or organisations having purposes similar to the purposes of the Council, and which prohibits the distribution of its other income and property amongst its or their members to an extent at least as great as is imposed on the Council under or by virtue of this rule such organisation or organisations to be determined in accordance with special resolution of the members of the Council or in the absence of a special resolution of the members by the Registrar PROVIDED ALWAYS that such organisations be approved by the Deputy Commissioner of Taxation as an organisation referred to in paragraph 78(1)(a) of the Income Tax Assessment Act 1936 and any monies received by the Council under funding contracts with any government department shall be returned to that government department in the event of winding up.



## 24. Custody of Books

- 24.1 Except as otherwise provided in these Rules, the Secretary shall keep in his or her custody under his or her control all books, documents and securities of the Council.
- 24.2 All accounts, books, documents and securities of the Council shall be available for inspection and copying by any member of the Council upon request.

## 25. Source of Funds

The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other resources as the Committee determines.



## APPENDIX 1

### Application for Membership of Victorian Council of Deaf People Incorporated (Other Council)

I, \_ (occupation) desire to become a member of  
the Council.

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.

Signature of Applicant.

Date

I, (name), a member of the Council, nominate the  
applicant, who is personally known to me, for membership of the Council.

Signature of Proposer.

Date

I, (name), a member of the Council, second the  
nomination of the applicant, who is personally known to me, for membership  
of the Council.

Signature of Proposer.

