

**CONSTITUTION
OF
BELLINGEN COMMUNITY ARTS COUNCIL**

**11th January 2000
Amended AGMs 2014, May 2016, March 2018**

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DEFINITIONS

In these rules, except in so far as the context or subject matter otherwise indicates or requires-

“affiliation” refers to an organization officially attached to the association that is required to update the management committee annually regarding current and proposed activities

“association” means the Bellingham Community Arts Council

“Director-General” means the Director General of the Department of Services, Technology and Administration

“management committee” refers to the committee of members elected at the annual general meeting and those later co-opted.

“nominated activity” means any designated activity to achieve the mission of the association as defined by the constitution

“ordinary resolution” means a resolution passed by a majority of members present and entitled so to vote at an annual or special general meeting of the association of which the notice required by the constitution has been given

“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

“special resolution” means a resolution required to be passed by a majority of not less than three fourths of such members being present and entitled so to vote at an annual or special general meeting of the association of which the notice required by the association has been given

“sub-committee” means a secondary committee appointed by the management committee to manage a nominated activity of the BCAC

“substantive” means any issue that is important and/or critical to the ability of a working group or sub-committee to carry out its specified duties

“working group” means a secondary committee appointed by the management committee for a specific purpose and normally for a limited time

“the Act” means the Associations Incorporations Act, 2010

“the regulation” means the Associations Incorporation Regulation, 2010

1. ADDRESS

- 1) The association will determine its address for the service of all notices by resolution of the management committee provided only that such address be notified to the general public and members by advertisement in the local press.

2. MISSION

- 1) The purpose for which this association is established are:
 - a. to promote, encourage and support the practice and appreciation of arts across the community
 - b. to maintain and develop an association which will exist, not to serve any personal financial gain or interest of its members, but to work for the encouragement of all kinds of artistic expression
 - c. to invite and receive donations or grants
 - d. to do all such other lawful things as are incidental to or conducive to the attainment of the above.

3. MEMBERSHIP

- 1) Membership of the association shall be open to any person upon payment of an annual subscription the amount of which is determined by the management committee.
- 2) Other local community-based organizations may be affiliated by resolution of a meeting of the management committee or of any general meeting of the association, provided only that no organization can be affiliated if its objectives are not consistent with the mission of the association.
- 3) Life membership may be conferred by special resolution of the association passed at any annual or special general meeting provided only that no person shall be nominated unless the person has given outstanding service to the arts by the practice of the same or in the advancement and administration of the same for a period exceeding ten years.
- 4) The association in an annual or special general meeting on recommendation of the committee may establish other classes of members on such terms and conditions as may be prescribed and whether with or without the right to attend or vote at general meetings of the association.

4. CESSATION OF MEMBERSHIP

- 1) A person may cease to be a member of the association if the person –
 - a. dies
 - b. resigns that membership or
 - c. is expelled from the association
 - d. fails to pay the annual membership fee within 3 months after the fee is due
- 2) 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.
- 3) Other community-based organisations may be affiliated by resolution of a meeting of the management committee or of any general meeting of the association, provided only that no organization can be affiliated if its objectives are not consistent with the mission of the association.

5. MEMBERS' LIABILITIES

- 1) The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the cost, 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 4 required by clause 3.

6. DISCIPLINING OF MEMBERS

Where the management 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 and willfully acted in a manner prejudicial to the interests of the association
- c. has breached the Code of Conduct and the Complaints Officer has been unable to resolve the matter with the member

the management committee may, by resolution-

- d. expel the member from the association or
- e. suspend the member from membership of the association for a specified period.

2) Where the management committee passes such a resolution the secretary shall inform the member in writing of the following-

- a. the resolution and the grounds on which it is based
- b. the member's right to address the management committee at its next meeting and/or to submit to the committee a written reply to the resolution
- c. the date, time and place of the next management committee meeting.

3) At its next meeting the management committee shall consider any response by the member and resolve either to confirm or rescind the resolution. The secretary shall convey the outcome to the member within 7 days. Where the management committee confirms the resolution the secretary shall inform the member in writing of the member's right of appeal under rule 7.

7. RIGHT OF APPEAL OF A DISCIPLINED MEMBER

- 1) A member shall have 7 days from the date of the notice confirming the resolution in 6(1) to inform the secretary in writing of an intention to appeal against the management committee's decision.
- 2) Upon receipt of such notice the secretary shall notify the committee which shall convene a general meeting of the association to be held within one month of receipt of the notice of appeal.
- 3) At this meeting the member and the committee shall have the opportunity to state their respective cases after which the members present shall vote by secret ballot whether the resolution shall be confirmed or revoked.

8. THE MANAGEMENT COMMITTEE

1. The committee shall be called the management committee of the association and, subject to the Act and Regulation and these rules, and to any resolution passed by the association at an annual or special 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.
2. If necessary, an interim decision may be made by a quorum of members out of a management committee meeting as long as the four includes one or more of the office bearers.

9. COMPOSITION AND MEMBERSHIP OF THE MANAGEMENT COMMITTEE

- 1) The management committee shall consist of
 - a) the office bearers of the association and
 - b) at least three ordinary management committee members each of whom is to be elected at the annual general meeting of the association.
- 2) The office bearers of the association are as follows:
 - a. the president
 - b. the vice-president
 - c. the secretary
 - d. the treasurer
- 3) The management committee shall have the power to co-opt up to 3 other persons. Co-opted members shall, by their co-option and payment of the annual subscription, become members of the association and entitled to the same rights and privileges and subject to the same liabilities and duties as an elected member.
- 4) The management committee shall appoint the Complaints Officer who may or may not be a member of the management committee.
- 5) Each member of the management committee shall hold office until the end of the annual general meeting following the date of the member's election, but is eligible for re-election. Co-opted members shall hold office only until the end of the annual general meeting following their co-option.

10. ELECTION OF MEMBERS

- 1) Nomination for election of any person to the management committee shall be proposed by a member of the association.
- 2) Such nomination shall be in writing and shall bear the signature of the proposer together with the consent thereto of the nominee.
- 3) A member of the association may nominate himself or herself as a candidate for election or re-election to the management committee.
- 4) Nominations may be received in writing by the chairperson up to the time of the commencement of the election of officers at the annual general meeting, and, following that, from the floor by the returning officer.
- 5) If insufficient nominations are received to fill all vacancies on the management committee, the candidates nominated shall be deemed to be elected and any vacant positions remaining shall be deemed to be casual vacancies.
- 6) 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.
- 7) If the number of nominations exceeds the number of vacancies a ballot shall be held.
- 8) A casual vacancy may be filled by the management committee but any person chosen to fill such vacancy shall retire at the next annual general meeting.

11. SECRETARY

- 1) The secretary shall receive and reply, where appropriate, to all correspondence relating to the association.
- 2) The secretary shall be responsible for notifying members of general meetings.

- 3) 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.
- 4) Minutes of proceedings at a management committee meeting must be signed by the chairperson of the next succeeding meeting.
- 5) The secretary shall ensure that a register of members is established and maintained.
- 6) Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

12. TREASURER

- 1) It is the duty of the treasurer to ensure that –
 - a. all money due to the association is collected and received and that all payments authorized by the association are made
 - b. correct books and accounts are kept showing the financial affairs of the association including full details of all receipts and expenditure connected with activities of the association
 - c. a financial statement is prepared and presented to the management committee at each of its meetings and
 - d. an annual financial statement is prepared in time for auditing and presentation to the association's annual general meeting.
 - e. a budget is presented to the management committee for approval at the start of each financial year.
 - f. a report of performance against budget is presented biannually to the management committee.

13. PUBLIC OFFICER – FOR DISCUSSION AT NEXT MEETING – refer Model Constitution

- 1) The management committee shall appoint the secretary or another member of the association as public officer. The public officer must be resident of New South Wales and at least 18 years of age.
- 2) It is the duty of the public officer to apply for incorporation, and, once the association is incorporated, to lodge the association's Annual Financial Statement with the Department of Fair Trading and the minutes of the AGM along with the appropriate form and to notify that agency of any changes in the association, such as changes to –
 - a. the association's name;
 - b. the mission or rules of the association;
 - c. the association's address;
 - d. membership of the committee.

14. COMPLAINTS OFFICER

- 1) Breaches of the Code of Conduct (Appendix 1) shall be reported to the complaints officer who shall attempt to resolve the matter with the member.
- 2) If the matter is not resolved, the complaints officer shall refer the matter to the management committee.

15. CASUAL VACANCIES

- 1) A casual vacancy on the management committee occurs if the member
 -
 - a. dies or becomes of unsound mind
 - b. ceases to be a member of the association or is suspended for any period from such membership
 - c. resigns office by notice in writing
 - d. ceases to be a resident of new South Wales
 - e. is removed from office under clause 16 16
 - f. is absent without the consent of the management committee from more than three consecutive meetings of the committee.
- 2) The management committee may suspend the public officer at a committee meeting and appoint a new public officer. The position of public officer shall not remain vacant for more than 14 days.

16. REMOVAL OF A MANAGEMENT COMMITTEE MEMBER

- 1) The association in an annual or special general meeting may, by resolution, remove any member of the management committee from office and may by resolution appoint another person to hold office until the next annual general meeting.
- 2) Where a member of the management committee to whom such a resolution relates makes representations in writing to the secretary or president and requests that the representations be notified to the members of the association, the secretary or 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 they be read out at the meeting at which the resolution is considered.

17. MANAGEMENT COMMITTEE MEETINGS

- 1) The management committee shall meet at least once every 3 months in each calendar year at such a place and time as the management committee may determine.
- 2) Additional meetings of the management committee may be convened by the president.
- 3) Oral or written notice of a management committee meeting shall be given by the secretary to each member at least 7 days (or such other period as may be unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.
- 4) Provided such notice shall have been duly sent, the non-receipt of a notice of meeting by a member entitled to receive notice shall not invalidate the proceedings of any management committee meeting.
- 5) The quorum necessary for the transaction of business of the management committee may be fixed by the committee and unless so fixed shall be 4 members and in no case shall the quorum be fixed at less than 4 members.
- 6) No business shall be transacted by the management committee unless a quorum is present and if within 30 minutes of the time appointed for the meeting a quorum is not present the meeting must be adjourned to such time and place as those members present may decide.
- 7) At a meeting of the management committee –
 - a. the president, or in the president's absence, the vice-president shall preside as chairperson or
 - b. if the president and vice-president are absent or unwilling to act the members present shall choose one of their number to chair the meeting.
- 8) Ordinary 8 members of the association and

interested members of the public may attend any management committee meeting. They may enter into discussion with the leave of the committee but shall not have the right to vote on matters being determined by the committee at that time.

18. DELEGATION BY COMMITTEE TO WORKING GROUP

- 1) The management committee may delegate the exercise of specific powers, in writing, to one or more working groups or sub-committees
- 2) The membership of any working group or sub-committee so formed must include at least one member of the elected management committee.
- 3) Any working group or sub-committee so formed shall, in the exercise of the powers so delegated, conform to any restrictions imposed upon it by the management committee.
- 4) Any act or thing done or suffered by a working group or sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it would have been done or suffered by the management committee.
- 5) The management committee may revoke wholly or in part any delegation under this rule.
- 6) A working group or sub-committee must report regularly to the management committee on progress and planning in relation to the exercise of its specific powers.
- 7) A working group or sub-committee must adhere to all policies formally adopted by the BCAC.

19. VOTING AND DECISIONS

- 1) A working group or sub committee shall inform and seek the advice of the management committee on any substantive issues that need to be discussed and/or resolved by the management committee;
- 2) Questions arising at a meeting of the management committee or of any working group or sub-committee shall be determined by a majority of the votes of members present at said meeting, provided a quorum is present.
- 3) Each member present is entitled to one vote but, in the event of an equality of votes, the chairperson may exercise a second or casting vote. At least three members of a working group or sub-committee need to be present to form a quorum.
- 4) The management committee shall cause proper minutes of all its meetings to be made and any minutes of any meeting of the committee if purporting to be signed by the chairperson of each meeting shall be receivable as prima facie evidence of matters stated in such minutes.
- 5) Decisions of the working group or sub-committee shall be recorded and made available at the subsequent management committee.
- 6) Any act or thing done or suffered by the management committee or by a working group appointed by the committee is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member.

20. ANNUAL GENERAL MEETINGS

- 1) The association shall convene an annual general meeting at least once in each calendar year at a date to be fixed by the management committee but within 6 months after the close of the association's financial year or, within such later time as may be allowed by the Director-General or prescribed by the Regulation.
- 2) In addition to 9 any other business which may be

transacted at an annual general meeting, the business of an annual general meeting shall be –

- a. to confirm the minutes of the preceding annual general meeting and of any special general meeting held since that meeting
 - b. to receive from the management committee reports on the activities of the association and an audited balance sheet and income and expenditure statement for the previous year ended 31 December
 - c. to elect office bearers of the association and other members of the management committee and, if necessary, to appoint an auditor and other officers
 - d. to receive and consider the statement which is required to be submitted to members pursuant to section 26(6) of the Act.
- 3) Any member may submit any resolution to be placed before the annual general meeting. Notice of such proposed resolution shall be emailed, posted or delivered personally to the secretary so as to reach him or her not later than 7 days prior to the date of the annual general meeting.
- 4) If the management committee fails to call the annual general meeting in accordance with these rules any ten members of the association may by requisition in writing signed by them call upon the management committee forthwith to call the annual general meeting. If after requisition the management committee fails within 14 days to call the meeting the members signing the requisition may jointly proceed to call the meeting and all records of the association shall be made available to them for that purpose and the meeting shall be validly held notwithstanding the failure through inadvertence or other reasonable cause to give notice to any person or organization entitled to receive notice.

21. SPECIAL GENERAL MEETINGS

- 1) The management committee may at any time for any special purpose convene a special general meeting of the association.
- 2) The management committee shall, on the requisition in writing of not less than 10 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.
- 4) If the management committee fails to convene a meeting to be held one month after the date on which a requisition 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.

22. SPECIAL RESOLUTIONS

- 1) A special resolution must be passed by an annual or special general meeting of the association to effect any of the following changes-
 - a. a change of the association's name, rules or mission
 - b. an amalgamation with another association or a division into two or more separate associations
 - c. the temporary dissolution of the association
- 2) A special resolution must be passed in the following manner-
 - a. all members shall be notified of the details of the special resolution and notice of the general meeting shall be given in accordance with rule 23 (2) below
 - b. a quorum must be present at the meeting
 - c. at least three fourths of those members present must vote in favour of the resolution.

23. NOTICE OF ANNUAL AND SPECIAL GENERAL MEETINGS

- 1) Every notice convening an [annual](#) or special general meeting shall specify the place, the day and the hour of the meeting and shall furnish such further information as will indicate the business to be transacted.
- 2) Such notice shall be advertised in the local newspaper and emailed, posted or delivered personally to every member and shall be sent so as to give not less than 14 days' notice in the case of an annual general meeting and not less than 21 days' notice in the case of a special general meeting.
- 3) Provided notice of any annual or special general meeting shall have been duly sent in accordance with clause (2) above the non-receipt of notice of meeting by any member entitled to receive notice shall not invalidate the proceedings of any meeting.
- 4) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 20 (2).

24. QUORUM AND PROCEEDINGS AT ANNUAL AND SPECIAL GENERAL MEETINGS

- 1) No item of business shall be transacted at an annual or special general meeting unless a quorum of members is present during the time the meeting is considering the item. Five members of the association entitled to vote shall constitute a quorum.
- 2) If within 30 minutes after the appointed time for the commencement of an annual or special general meeting a quorum is not present, the meeting if convened on 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 same time and place or to such other day (not being more than 14 days after such first meeting date) at such time and place as the chairperson may decide.
- 3) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the commencement of the meeting the members present (being not less than 3) shall constitute a quorum.
- 4) The president or, in the president's absence, the vice-president, shall preside as chairperson at each annual or special general meeting and if both are absent or unwilling to act the members present shall elect one of their number to preside as chairperson.
- 5) The chairperson of an annual or special general meeting at which a quorum is present may, with the consent of the majority of members present, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than business left unfinished at the meeting at which the adjournment took place.
- 6) Where an annual or special general meeting is adjourned for 14 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.
- 7) If the chairperson is standing for election he or she must vacate the chair for the period of the election of management committee members.

25. VOTING

- 1) At any annual or special general meeting a resolution put to the vote shall be decided on a show of hands or by written ballot. In the case of an equality of votes the chairperson in addition to his or her deliberative vote shall have a second or casting vote.
- 2) Each member shall have one vote only on each question.
- 3) Each member may appoint another member as proxy. Notice must be given to the secretary no later than 24 ¹¹ hours before the meeting.

- 4) A member is not entitled to vote unless full annual membership fees payable by the member to the association have been paid.
- 5) Proxy voting must not be undertaken at or in respect of an annual or special general meeting.

26. FUNDS – SOURCE

- 1) The funds of the association may come from any legal source the management committee determines, subject to any resolution passed at an annual or special general meeting.
- 2) All money received shall be deposited as soon as practicable and without deduction to the credit of the association's bank account.
- 3) The association shall issue an appropriate receipt as soon as practicable.

27. FUNDS-MANAGEMENT

- 1) Subject to any resolution passed at an annual or special general meeting, the funds of the association shall be used in pursuance of the mission of the association in such manner as the management committee determines and no portion shall be distributed directly or indirectly to the members of the association except as bona fide compensation for services rendered or expenses incurred on behalf of the association.
- 2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 authorised signatories
- 3) The management committee may recoup any travelling and other expenses incurred on behalf of the association and remunerate any of its officers for such expenses. A policy for the reimbursement of expenses shall be determined in advance and be reviewed annually by the committee.

28. ACCOUNTS

- 1) The financial year of the association shall end on 31 December in each year.
- 2) The accounts shall be audited as soon as practicable after the end of the financial year by a person who shall be appointed at an annual or special general meeting and who shall not be a member of the committee of management.
- 3) A vacancy occurring in the office of auditor during the year shall be filled by the committee as a casual vacancy and such appointee shall hold office until the next annual general meeting when the vacancy shall be filled.
- 4) Every balance sheet and statement of income and expenditure that is audited and approved by an annual or special general meeting shall be conclusive.

29. CUSTODY OF BOOKS, ETC

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

30. INSPECTION OF BOOKS

- 1) The records, books, committee minutes, constitution and other documents of the association shall be open to inspection, free of charge, by a member of the association at any reasonable hour.

31. INSURANCE

- 1) The association shall effect and maintain public liability insurance pursuant to section 44 of the Act.
- 2) The association may effect and maintain any other insurance policies or policies.

32. STANDING ORDERS

- 1) The management committee shall from time to time make and repeal and amend such standing orders (not inconsistent with this constitution) as it shall think expedient for the internal management and well-being of the association. All standing orders made by the management committee may be set aside by ordinary resolution at an annual or special general meeting.

34. RESTRICTION OF POWER OF AUTHORITY

- 1) No person purporting to represent this association shall have the power or authority express or implied to pledge the credit of the association or to pay, satisfy, agree, contract, guarantee, incur or indemnify against liability for any cost or charge for the booking or reservation of accommodation, premises or any goods or services whatsoever or in respect of any appearance or performance by any professional artist or paid performers without the prior consent of the management committee expressed by resolution or minute.
- 2)

35. COMMON SEAL -

- 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 management committee and the affixing of the common seal shall be attested by the signatures of 2 members of the management committee.

36. ALTERATIONS OF MISSION AND RULES

- 1) The statement of mission and rules and these rules may be altered rescinded or added to only by a special resolution of the association.
- 2) An application to the Director-General for registration of a change in the association's name, mission or constitution in accordance with section 10 of the Act is to be made by the public officer or management committee member.

37. COMPLIANCE WITH CHARITABLE FUNDRAISING ACT

- 1) Should the association become registered as a charity the association shall comply with such of the provisions of the Charitable Fundraising Act, 1991, and regulations thereunder as are applicable to it.

38. TEMPORARY DISSOLUTION OF THE ASSOCIATION

- 1) The association may go into recess only in response to a special resolution approved at an annual or special general meeting. Notification in writing shall be provided to the Department of Fair Trading within 14 days of the resolution being passed. Such notification shall include the name and address of a trustee appointed by the association to take responsibility for the association's assets and property and any matters arising when the association is in recess.
- 2) Should members of the local community wish to reform the association, when it is in recess, the trustee or any 4 former members of the association may call a public meeting for that purpose. In the event that neither the trustee

nor 4 former members are available the person or persons wishing to reform the association may contact the company.

- 3) In the event of the association not reforming within 24 months of going into recess the trustee shall notify the company and proceed to formal permanent dissolution. In the event of the company not being notified after 24 months the company shall have the right to wind up the association under clauses 38 (1) to 38(3).

39. PERMANENT DISSOLUTION OF THE ASSOCIATION

- 1) The association may be dissolved only after the holding of a public meeting which has been advertised in the local press and all members have been notified in the manner prescribed in the rules for the holding of an annual or special general meeting. Notification of such dissolution shall be forwarded to the Director-General within 14 days of the date of the public meeting. Such notification shall include the name and address of a trustee who shall be responsible for procedures under clauses 38 (2)
- 2)
- 3) If upon winding up of the association there remains after satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the association but shall be given or transferred to some other institution or institutions having object similar to the mission of the association and which shall prohibit the distribution of its or their income and property among members.
CHECK
- 4) The institution or institutions so to benefit shall be determined by a simple majority of members present and voting at the public meeting called in accordance with clause. 38(1), but should there be no such members present, then determination shall be made by the Board of Directors of Regional Arts NSW by resolution or Board minute. CHECK
- 5) In the event that the company is satisfied that the association is no longer active and in breach of the requirements for affiliation the company shall have the right to wind up the association in accordance with rule 38(1) to 38(3).

PUBLIC FUND

40.

- 1) Donations for the Bellingen Art Prize will be deposited into the public fund listed on the Register of Cultural Organisations. These monies will be kept separate from other funds of the Association and will only be used to further the Association's mission. Investment of monies in this fund will be made in accordance with guidelines for public funds as specified by the Australian Taxation Office.
- 2) The fund will be administered by a management committee or a subcommittee of the management, a majority of whom, because of their tenure of office or their professional standing, have an underlying community responsibility as distinct from obligations solely in regard to the cultural objectives of the Bellingen Art Prize.
- 3) No monies/assets in this fund will be distributed to members or office bearers of the Association, except as reimbursement of out-of-pocket expenses incurred on behalf of the fund or proper remuneration for administrative services.
- 4) If upon the winding up or dissolution of the public fund, there remains after satisfaction of all its debts and liabilities, any property or funds, the property or funds shall not be paid to or distributed among its members but shall be given or transferred to some other fund, authority or institution having objectiveness similar to the objectiveness of this public fund, and whose rules shall prohibit the distribution of its or their income among its members, such fund, authority or institution to be eligible for tax deductibility of donations under Subdivision 30-B, section 30-100, of the Income tax Assessment Act 1997 (the Act) and

listed on the Register of Cultural Organisations maintained under the Act.

- 5) Any proposed amendments or alterations to provisions for the public fund will be notified to the Department responsible for the administration of the Register of Cultural Organisations to assess the effect of any amendment on the public fund's continuing deductible gift status.

APPENDIX (1)

CODE OF CONDUCT (2013)

This Code of Conduct sets out minimum standards of behaviour for members participating or volunteering in Bellinghen Community Arts Council activities.

Contractors, their employees and representatives and others engaging in any Bellinghen Community Arts Council activity are also expected to conduct themselves in a manner consistent with this code.

The Code of Conduct requires that all involved in Bellinghen Community Arts Council activities:

- Show respect and fairness to everyone without discrimination.
- Behave honestly and with integrity.
- Act with care and diligence.
- Be courteous to everyone.
- Use Bellinghen Community Arts Council property and money honestly with due care and appropriate authorization.
- Comply with reasonable directions of those with delegated authority.
- Behave in a way that upholds the reputation of the Bellinghen Community Arts Council.
- Refrain from any verbal or physical intimidation.

Any breaches of this Code of Conduct should be reported to the Complaints Officer who will attempt to resolve the matter. If unresolved it will be referred to the Bellinghen Community Arts Council Committee to investigate, remediate and provide feedback to complainants in accordance with procedures outlined in the Bellinghen Community Arts Council Constitution.