

foodwatershelterinc

We build early learning, eco-friendly
children's villages and big, bright futures

Rules of Incorporation Food WaterShelter Inc

INC 9884829

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Part 1 Preliminary

1 Name

The name of the not-for-profit organisation is “Food Water Shelter Incorporated”.

2 Definitions

(1) In these rules:

Annual Membership Fee means an amount determined by the committee from time to time as being the annual fee payable by members of the Organisation.

Application Fee means an amount determined by the committee from time to time as being application fee payable by a member on admission into the Organisation.

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

ordinary committee member means a member of the committee who is not an office-bearer of the Organisation, as referred to in rule 19(2).

the Organisation means Food Water Shelter Incorporated.

secretary means:

- (a) the person holding office under these rules as secretary of the Organisation, or
- (b) if no such person holds that office – the public officer of the Organisation.

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

the Act means the *Associations Incorporation Act 2009*.

the regulation means the *Associations Incorporation Regulation 2010*.

(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, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* 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.

3 Objects

Food Water Shelter Incorporated is a not-for-profit, non-denominational, non-governmental organisation that builds and manages eco-friendly villages with educational, social and health facilities for vulnerable people within disadvantaged communities in developing countries. The objects of Food Water Shelter Incorporated are to raise money and fund:

- (a) programs that provide access to nourishing meals, access to clean water and safe shelter for vulnerable women and children (and where possible the wider community)
- (b) access to health education and support for vulnerable community members
- (c) environmental, health, business, social and educational programs that teach life skills to vulnerable women and children
- (d) educational programs for the wider community
- (e) all of the above with minimal impact on the local environment.

4 Non-distribution of profits

- (1) The income and property of the Organisation shall, subject to any obligations under charitable trust law or any other statutory requirements, be used and applied solely in furtherance of its objects and in the exercise of powers conferred upon it by the rules.
- (2) No portion of this income and property 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 of the Organisation.
- (3) The requirement contained in clause(2) shall not, however, prevent the payment in good faith of:
 - (a) Any remuneration to any officers or servants of the Organisation or other person in return for any services genuinely rendered to the Organisation, or
 - (b) for the out-of-pocket expenses incurred in carrying out the duties of a member where the payments do not exceed an amount previously approved by the committee.

5 Remuneration of Officeholders

- (1) The committee may determine that a member holding an office in the Organisation:
 - (a) may be paid a salary; or
 - (b) may be rewarded by way of remuneration or other benefit in money or money's worth.
- (2) For the purpose of clause 5(1), any salary, remuneration or other benefit in money or money's worth must be referable to:
 - (a) services genuinely rendered by the officeholder, or
 - (b) out-of-pocket expenses actually incurred by the officeholder in carrying out the duties of the office.

Part 2 Membership

6 Membership qualifications

A person is eligible to be a member of the Organisation if:

- (a) the person is a natural person; and
- (b) the person has applied and been approved for membership of the Organisation in accordance with rule 7.

7 Application for membership

- (1) A person may apply for membership of the Organisation by submitting an application in writing in the form approved by the committee from time to time.
- (2) As soon as practicable after receiving an application for membership, the secretary must refer the application to the committee which is to determine whether to approve or to reject the application.
- (3) As soon as practicable after the committee makes that determination, the secretary must:
 - (a) notify the applicant, in writing, that the committee approved or rejected the application (whichever is applicable), and
 - (b) if the committee approved the application, request the applicant to pay (within the period of 28 days after receipt by the nominee of the notification) the Application Fee and the Annual Membership Fee.
- (4) the secretary must, on payment by the applicant of the amounts referred to in clause (3)
 - (b) within the period referred to in that provision, enter the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the Organisation.

8 Cessation of membership

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

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the Organisation; or
- (d) fails to pay the Annual Membership Fee within 3 months after the fee is due (in the committee's absolute discretion).

9 Membership entitlements not transferable

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

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

10 Resignation of membership

- (1) A member of the Organisation is not entitled to resign that membership except in accordance with this rule.
- (2) A member of the Organisation who has paid all amounts payable by the member to the Organisation in respect of the member's membership may resign from membership of the Organisation by first giving to the secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the

member ceases to be a member.

- (3) If a member of the Organisation ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

11 Register of members

- (1) The public officer of the Organisation must establish and maintain a register of members of the Organisation specifying the name and email address of each person who is a member of the Organisation.
- (2) The register of members must be available for inspection, free of charge, by any member of the Organisation upon any reasonable request.
- (3) A member of the Organisation may obtain a copy of any part of the register on payment of a fee of \$1 for each page copied or, if some other amount is determined by the committee, that other amount.

12 Fees and subscriptions

- (1) A member of the Organisation must, on admission to membership, pay to the Organisation the Application Fee.
- (2) In addition to any amount payable by the member under clause (1), a member of the Organisation must pay to the Organisation the Annual Membership Fee:
 - (a) except as provided by paragraph (b), before 1 July in each calendar year, or
 - (b) if the member becomes a member on or after 1 July in any calendar year – on becoming a member and before 1 July in each succeeding calendar year.

13 Members' liabilities

The liability of a member of the Organisation to contribute towards the payment of the debts and liabilities of the Organisation or the costs, charges and expenses of the winding up of the Organisation is limited to the amount, if any, unpaid by the member in respect of membership of the Organisation as required by rule 12.

14 Resolution of internal disputes

- (1) Disputes between members (in their capacity as members) of the Organisation, and disputes between members and the Organisation, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration.

15 Disciplining of members

- (1) A complaint may be made to the committee by any person that a member of the Organisation:
 - (a) has refused or neglected to comply with a provision or provisions of these rules,
 - (b) has willfully acted in a manner prejudicial to the interests of the Organisation.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.

- (3) If the committee decides to deal with the complaint, the committee:
 - (a) must cause notice of the complaint to be served on the member concerned, and
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from the Organisation or suspend the member from membership of the Organisation if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under rule 16.
- (6) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member exercises the right of appeal, unless and until the Organisation confirms the resolution under rule 15(3),
 whichever is the later.

16 Right of appeal of disciplined member

- (1) A member may appeal to the Organisation in general meeting against a resolution of the committee under rule 15, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under clause (1), the secretary must notify the committee, which is to convene a general meeting of the Organisation to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the Organisation convened under clause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the association.

17 Dissolution

- (1) The Organisation will be dissolved:
 - (a) upon a resolution being passed with a vote of a majority of members present a special general meeting convened to consider such a question, or
 - (b) if its registration is cancelled by Fair Trading NSW, or
 - (c) if ordered to be wound up by a Court.
- (2) In the event of the Organisation being dissolved, the amount that remains after such dissolution after satisfying all the Organisation's debts and liabilities shall be

transferred to any organisation with similar purposes which is not carried on for the profit or gain of its individual members, subject to clause (3) below.

- (3) If the Organisation / a gift fund maintained by the Organisation is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets shall be transferred to another organisation, fund, authority or institution to which income tax deductible gifts can be made:
- (a) gifts of money or property for the principal purpose of the Organisation,
 - (b) contributions made in relation to an eligible fundraising event held for the principal purpose of the Organisation; and
 - (c) money received by the Organisation because of such gifts and contributions.

Part 3 The committee

18 Powers of the committee

Subject to the Act, the Regulation and these rules and to any resolution passed by the Organisation in general meeting, the committee:

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

19 Constitution and membership

- (1) The committee is to consist of:
 - (a) the office-bearers of the Organisation, and
 - (b) ordinary members, each of whom is to be elected at the annual general meeting of the Organisation under rule 28.
- (2) The office-bearers of the Organisation are to be:
 - (a) the president
 - (b) the vice-president
 - (c) the treasurer, and
 - (d) the secretary
- (3) Each member of the committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the Organisation to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

20 Election of committee members

- (1) Nominations of candidates for election as office-bearers of the Organisation or as ordinary members of the committee:
 - (a) must be made in writing, and
 - (b) must be delivered to the secretary of the Organisation at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office bearers and ordinary members of the committee is to be conducted at the annual general meeting in such usual and proper manner

as the committee may direct.

21 Secretary

- (1) The Secretary of the Organisation must, as soon as practicable after being appointed as secretary, lodge notice with the Organisation 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 must be confirmed by the committee members at the next succeeding meeting.

22 Treasurer

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

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

23 Casual vacancies

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 Organisation, or
- (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under rule 24, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the committee from 3 consecutive meetings of the committee.

24 Removal of committee member

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

25 Meetings and quorum

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.

- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 7 days (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (5) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to a time and date to be determined by the committee.
- (6) At a meeting of the committee:
 - (a) the president or, in the president's absence, the vice president is to 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 is to preside.

26 Delegation by committee to sub-committee

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the Organisation as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:
 - (a) this power of delegation, and
 - (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this 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, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite 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 any delegation under this rule.
- (7) A sub-committee may meet and adjourn, as it thinks proper.

27 Voting and decisions

- (1) Questions arising at a meeting of the committee or of any subcommittee appointed by the committee are to be determined by a majority of the votes of members of the committee or subcommittee present at the meeting.
- (2) Each member present at a meeting of the committee or of any subcommittee 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 25(5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Part 4 General meeting

28 Annual general meetings - holding of

- (1) The Annual General Meeting of members must be held:
 - (a) at least once in each calendar year; and
 - (b) within six months from the expiration of each financial year of the Organisation.
- (2) The Organisation must 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 6 months after the expiration of the first financial year of the Organisation.
- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Director-General.

29 Annual general meetings - calling of and business at

- (1) The annual general meeting of the Organisation is, subject to the Act and to rule 28, to be convened on such date and time and at such place and in such manner as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the committee reports on the activities of the Organisation during the last preceding financial year,
 - (c) to elect office-bearers of the Organisation and ordinary members of the committee,
 - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

30 Special general meetings - calling of

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

meetings are convened by the committee.

31 Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Organisation, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Organisation, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause (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 is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 29(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

32 Quorum for general meetings

- (1) No item of business is to 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) Five 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:
 - (a) if convened on the requisition of members, is to be dissolved, and
 - (b) in any other case, is to stand adjourned to a time and date to be determined by the committee.
- (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 at least 3) is to constitute a quorum.

33 Presiding member

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

34 Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the Organisation 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.

35 Making of decisions

- (1) A question arising at a general meeting of the Organisation is to be determined by either:
 - (a) a show of hands, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot – a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Organisation, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

36 Special resolution

A special resolution may only be passed by the Organisation in accordance with section 39 of the Act.

37 Voting

- (1) On any question arising at a general meeting of the Organisation a member has one vote only.
- (2) 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.
- (3) A member or proxy is not entitled to vote at any general meeting of the Organisation unless all money due and payable by the member or proxy to the Organisation has been paid, other than the amount of the annual subscription payable in respect of the then current year.

38 Appointment of proxies

Each member is to 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.

39 Postal ballot

- (1) The Organisation may hold a postal ballot to determine any issue or proposal (other than an under clause 16).
- (2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

Part 5 Miscellaneous

40 Financial Year

The financial year of the Organisation shall be determined by the committee, but currently concludes on 30 June.

41 Insurance

The Organisation may effect and maintain insurance.

42 Funds - source

- (1) The funds of the Organisation are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Organisation in general meeting, such other sources as the committee determines.
- (2) All money received by the Organisation must be deposited as soon as practicable and without deduction to the credit of the Organisation's bank account.
- (3) The Organisation must, as soon as practicable after receiving any money, issue an appropriate receipt.

43 Funds - management

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

44 Change of name, objects and rules

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

45 Custody of books

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

46 Inspection of books

The records, books and other documents of the Organisation must be available for inspection, free of charge, by a member of the Organisation upon any reasonable request.

47 Service of notices

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