



# WESNET Inc

## Women's Services Network

*Australia's peak women's organisation working to eliminate domestic and family violence*

# Constitution (Rules of Association)

**Adopted February 2017**

## 1. NAME

The name of the Association is WESNET (Women's Services Network) Incorporated.

## 2. DEFINITIONS

In these Rules the following words have the following meanings unless the context plainly indicates to the contrary:

"The Act" – is the Associations Incorporation Act 1991 (ACT).

"A person of Aboriginal background" - a person is of Aboriginal background if they identify themselves as such and if they are generally accepted by their peers as such.

"A person of Torres Strait Island background" – a person is of Torres Strait Island background if they identify themselves as such and if they are generally accepted by their peers as such.

"A person of immigrant, refugee and/or non-English speaking background" – a person is of immigrant, refugee and/or non-English speaking background if they identify themselves as such and if they are generally accepted by their peers as such.

"Alternate" – an alternate is a woman nominated by a member of the Committee to attend meetings and vote in the place of a particular member.

"Commissioner" – shall have the same meaning ascribed to that expression in the Tax Act.

"Deductible Gift Recipient" – shall have the same meaning as given to that expression in the Tax Act.

"Family and Domestic Violence" – means violent, abusive or intimidating behaviour carried out by an adult person against a family member or the person's partner or former partner, whether occurring in the home or in public, and includes emotional, physical, sexual and economic abuse.

"Objectives" – means the objects of the Association as described in Rule 3.

"Peers" – a reference to peers is a reference to other women working in domestic and family violence related occupations who claim the same racial, ethnic or geographical background.

---

### WESNET National Secretariat

GPO Box 1579 Canberra City ACT 2601

Phone: 1800 937 638 Email: [wesnet@wesnet.org.au](mailto:wesnet@wesnet.org.au) Web: <http://www.wesnet.org.au>

"Public Fund" – means the fund established and maintained pursuant to Rules 29, 30 and 31.

"Responsible Person" – means a natural person who:–

- (a) performs a significant public function; or
- (b) is a member of a professional body having a code of ethics or rules of conduct; or
- (c) is officially charged with spiritual functions by a religious institution; or
- (d) is a director of a company whose shares are listed on the Australian Stock Exchange; or
- (e) has received a formal recognition from government for services to the community; or
- (f) because of their tenure in a public office or their position in the community, have a degree of responsibility to the community as a whole; or
- (g) is approved as a Responsible Person by the Commissioner.

"Special resolution" – is a resolution required to be passed by a 75% majority of persons present and entitled to vote, either in person, by alternate or by proxy; and of which twenty-one (21) days written notice has been given at the meeting concerned.

"Tax Act" – means the *Income Tax Assessment Act 1997* (Commonwealth).

"Women's service" – a women's service is defined as being a non-government organisation which provides services to women and children which are delivered and managed by women.

### **3. OBJECTIVES**

The principal activity of WESNET is the promotion of the prevention or control of human behaviour that is harmful or abusive to human beings, specifically the reduction of Family and Domestic Violence against women and their children, which will be carried out through the following activities:

- (a) Providing educational resources, training and information to professionals that increases their knowledge of technology-facilitated Family and Domestic Violence and identifies strategies, measures and interventions that:
  - (i) Support and empower women and their children to avoid, manage and/or recover from Family and Domestic Violence
  - (ii) Deter re-offending by keeping perpetrators accountable
  - (iii) Promote the best interests of women and their children.
- (b) Providing access to and information about communication products and services, which increases the safety of women and their children and facilitates access to emergency services and support networks.
- (c) Analysing, recommending and communicating best-practice actions to improve service delivery, thereby controlling the extent of Family and Domestic Violence and harm arising from it.

- (d) Developing and disseminating information that drives action to reduce violence against women and their children by:
  - (i) Undertaking research, analysis, investigations and advocacy to address gaps in service provision to women and children experiencing Family and Domestic Violence
  - (ii) Communicating information, recommendations and expert advice to others, which can influence policies, programs and practice and
  - (iii) Conducting events and/or campaigns to increase awareness and understanding of Family and Domestic Violence and how to prevent it.

In order to satisfy these objectives, WESNET shall;

- (a) Attract and retain the financial support of members of the public;
- (b) Solicit donations, gifts and all other forms of financial assistance;
- (c) Raise money from the public;
- (d) Do all lawful things incidental or conducive to the attainment of the Objectives.

#### **4. POWERS OF THE ASSOCIATION**

In addition to the powers:

- (a) Conferred by the Act or by any other law; and
- (b) Conferred elsewhere in these Rules;
- (c) WESNET shall have such powers as are reasonably required for attaining its Objectives, and, without limiting the generality of the foregoing, it shall have powers:
  - (d) To acquire and dispose of real and personal property;
  - (e) To borrow money and to charge its property by way of security;
  - (f) To accept donations of money and property;
  - (g) To engage and dismiss employees as WESNET deems necessary, and to determine the terms of employment.

#### **5. INCOME AND PROPERTY**

- (a) The income and property of WESNET, however derived, shall be applied solely towards the promotion of the objectives of WESNET and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of WESNET.
- (b) This does not prevent the payment in good faith to a worker or member of WESNET of remuneration in return for services actually rendered to WESNET by the worker or member or for goods supplied to WESNET by the worker or member in the ordinary course of business.
- (c) This rule does not prevent the reimbursement by WESNET of the out of pocket costs incurred by members of the Committee and representatives of members attending formal meetings of WESNET.

#### **6. MEMBERSHIP**

- (a) There shall be three classes of membership:

- (i) Organisational members  
Organisational membership shall be open to women's services as defined in these Rules who support WESNET's Vision, Purpose and Objectives.
  - (ii) Individual members  
Individual membership shall be open to individual women who support WESNET's Vision, Purpose and Objectives and who are not employees of State, Territory or Commonwealth governments.
  - (iii) Associate members  
Associate membership shall be open to any other organisation or individual who support WESNET's vision, purpose and Objectives.
- (b) Employees of any State, Territory or Commonwealth governments shall only be entitled to apply for individual associate membership. If an Individual member becomes an employee of a State, Territory or Commonwealth government, they should notify the WESNET committee and their membership shall revert to associate membership.
- (c) The application for membership shall be:
- (i) Made in writing in such form prescribed from time to time by the Committee.
  - (ii) Accompanied by a declaration of support for WESNET's vision, purpose and Objectives.
  - (iii) Lodged with the Secretary, together with the sum payable as the first year's subscription.
- (d) All membership applications shall be considered by the Committee who shall have the right to accept or refuse membership or associate membership to any person, service or organisation, at its absolute discretion, but subject to the rights of appeal contained in Rule 16. Written notice of the outcome of membership application will be provided in writing.
- (e) The annual subscription for membership or associate membership shall be set by ordinary resolution of the Committee. All membership fees shall become due and payable in advance by the 1st of July each year.

## **7. REGISTER OF MEMBERS**

- (a) A register of members shall be kept at a place in the Australian Capital Territory and available for inspection at all reasonable times by any member who has applied to the Secretary orally or in writing to inspect it.
- (b) The register will record the full name of each member, the category of membership and date of admission to and termination of membership.

## **8. LIABILITY OF MEMBERS**

- (a) The liability of members is limited.
- (b) A member of WESNET is liable to contribute towards the payment of the debts of the Association or the costs, charges and expenses of a winding up of the Association, only to the extent of any arrears in their membership subscription.

## **9. CESSATION OF MEMBERSHIP**

An organisation or person ceases to be a member of WESNET if the organisation or person:

- (a) Dies, or, in the case of a body corporate, is wound up.

- (b) Resigns from membership of WESNET by written notice to the Committee. The resignation shall take effect at the time the notice is received, unless the notice specifies a later date, in which case the resignation shall take effect at that later date. The Secretary shall record the date that the person ceased to be a member in the Register.
- (c) Is expelled from WESNET in accordance with Rule 15.
- (d) Fails to pay the annual membership subscription within six months of the due date.

## **10. MANAGEMENT OF THE ASSOCIATION**

The affairs of WESNET shall be managed by a national WESNET Committee ("the Committee"). The Committee, subject to the Associations Incorporation Act 1991, Regulations, these rules and to any resolution passed by WESNET in a general meeting, shall:

- (a) Exercise all functions as may be exercised by WESNET other than those functions that are required by the Act and these rules to be exercised by WESNET in a general meeting.
- (b) 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 WESNET.
- (c) Employ at its discretion an Executive Officer or other persons to carry out the day to day policy, research, liaison, secretarial and financial activities of WESNET.
- (d) Direct the activities of the National office of WESNET and its employees.

## **11. THE COMMITTEE**

- (a) The Committee shall be comprised of 10 women as follows:
  - (i) 1 representative of the membership of each State and Territory.
  - (ii) 1 representative of a Torres Strait Island and/or Aboriginal background.
  - (iii) 1 representative of immigrant, refugee and/or non-English speaking background.
- (b) The officers of WESNET shall consist of a Chairperson, a Secretary and a Treasurer, each of whom shall be drawn from the membership of the Committee and shall be elected at the first meeting of the Committee following immediately after the AGM for each year. All other members of the Committee shall be ordinary members of the Committee.
- (c) Each member of the Committee shall have one vote, and where there is an equality of votes the Chairperson will have a casting vote.
- (d) Each member of the Committee shall nominate a woman alternate to attend meetings and vote in their place, when the member is unavailable. The identity of the alternate must be notified by the member to the Secretary, at least three (3) days before any meeting or vote, involving the alternate. The alternate is bound to vote on any identified issue, in accordance with any direction given by the member by whom the alternate was appointed.
- (e) Alternates nominated by an Aboriginal and/or Torres Strait Island background representative must also be women from Aboriginal and/or Torres Strait Island backgrounds.
- (f) Alternates nominated by an immigrant, refugee and/or non-English speaking background representative must also be women from immigrant, refugee

and/or non-English speaking backgrounds.

- (g) If neither a member nor their alternate can attend a Committee meeting, the member may authorise any other member of the Committee to exercise a vote by proxy on their behalf, provided that the member who gives the proxy has notified the Secretary of the fact, in writing on an approved form, at least three (3) days before the meeting or vote concerned. No Committee member may cast more than three (3) proxy votes in any ballot.
- (h) Following the elections to be held in February 2001, half of the committee positions will expire at the following AGM with remaining committee positions expiring at the second AGM occurring thereafter. Subsequently half elections for committee positions will occur at each AGM. The order of committee positions to be contested at elections will be drawn by lot at the first national committee meeting following the elections held in February 2001.
- (i) Except for the provisions Rule 11(h) and 13(f) each Committee member shall hold office from the AGM at which they were appointed to the second AGM occurring thereafter (i.e. for approximately 2 years), unless:
  - (i) The Committee passes a special resolution to convene an election for all or some of the Committee positions at the intervening AGM. No member shall be required to stand for re-election until their two year term has expired.

OR

- (ii) The WESNET membership pass a resolution, at an Annual General Meeting or Special General Meeting, to extend the terms of Committee members for up to one year (the period between the Annual General Meeting at which the election would have been due and the following AGM).
- (j) The Chairperson shall preside at all Committee meetings or if they are absent a committee member appointed by the meeting.
- (k) The Secretary shall be responsible for ensuring that minutes of all meetings are kept and that the books and records of WESNET are maintained properly.
- (l) The Treasurer shall be responsible for the financial records of WESNET, and for monitoring and ensuring that the financial records, annual financial reports and other financial dealings are properly recorded and maintained.
- (m) The Committee may appoint any woman to fill any casual vacancy on the Committee, as long as that woman would have been eligible to have been elected to the position which has become vacant. Any member so appointed will vacate their position at the next election.

## **12. ELECTION OF COMMITTEE MEMBERS**

- (a) The Committee shall notify members each year of the Committee positions to be filled at the next AGM. This notification shall be dispatched by mail at least nine (9) weeks before the AGM concerned.
- (b) Nominations for each category of membership of the Committee are only open to individual members and women working in an organisational member service, and are not open to associate members. The nomination of women working in an organisational member service must be endorsed by the member service.
- (c) Only eligible women from Aboriginal and/or Torres Strait Islander backgrounds may nominate for the Aboriginal and/or Torres Strait Islander

committee position.

- (d) Only eligible women from immigrant, refugee and/or non-English speaking backgrounds may nominate for the immigrant, refugee and/or non-English speaking background committee position.
- (e) Nominations for each category of membership of the Committee must be received at least seven (7) weeks before the AGM and must be circulated to members at least four (4) weeks before the AGM, with postal ballot forms.
- (f) If there are not more nominations than positions available in any particular category of membership on the Committee four (4) weeks before the AGM, then the nominees shall be elected unopposed and confirmed at the AGM, otherwise a postal ballot shall be held for each position.
- (g) Completed postal ballots must be received by the national office at least two weeks before the AGM.
- (h) A Returning Officer appointed by the Committee shall count the votes and determine the outcome of the election for each position. The result shall not take effect till confirmed at the next general meeting.
- (i) Except as provided for in sub-rule (k)-(l) below, only individual WESNET members or women working in member services, who are the appointed representative of a member service, may vote in a ballot. Associate members may not vote, nor may workers who are not the appointed representative of a member service.
- (j) Each member has one vote in the ballot for State or Territory representatives for the State or Territory in which they are located.
- (k) Only individual members or women working in a member service, and who are of Aboriginal or Torres Strait Islander background, may vote in the election of the Indigenous representative.
- (l) Only individual members or women working in a member service, and who are of immigrant, refugee and/or non-English speaking backgrounds may vote in the election of the immigrant, refugee and/or non-English speaking background representative.

### **13. MEETING OF THE COMMITTEE**

- (a) The Committee shall meet at least twice each year, which may occur in person or by telecommunications. A resolution in writing, including email in its printed form, signed by all members of the committee or ratified at the next meeting shall have effect as if it was a resolution of a meeting.
- (b) Special meetings of the Committee may be convened by any three (3) of the members of the Committee.
- (c) Seven (7) days notice shall be given of any special meeting outlining the general nature of the business to be done, and no other business will be done unless agreed by the Committee.
- (d) A quorum for the Committee shall be half the number of the committee plus one.
- (e) No business shall be done unless there is a quorum present. If within half an hour of the proposed starting time of the meeting a quorum is not present, then the meeting shall be adjourned to another day, time and place as the Committee may determine. If the meeting was a special meeting then the meeting shall lapse.

- (f) If a member of the Committee or their alternate fails to attend two consecutive meetings without reasonable excuse the Committee shall advise the member in writing that their position is vacated.
- (g) All resolutions shall be decided by a majority of votes of Committee members.
- (h) Voting on any issue shall generally be by show of hands but if so requested by any member present shall be by secret ballot.

#### **14. ANNUAL AND SPECIAL GENERAL MEETINGS**

- (a) The Annual General Meeting shall be held within five (5) months of the close of the financial year.
- (b) The business of the Annual General Meeting shall be:
  - (i) To confirm the minutes of the last Annual General Meeting and of any general meetings held since that meeting;
  - (ii) To receive the Committee's Annual report and the reports specified under Section 73(i) of the Act.
  - (iii) To receive the financial accounts of WESNET and the Auditor's report.
  - (iv) The declaration of the results of the postal ballot for Committee members.
  - (v) The appointment of a returning officer to conduct any elections required at the AGM.
  - (vi) The appointment of an auditor.
- (c) The Annual General Meeting may only transact other business of which notice is given in accordance with Rule 14(i) and (j).
- (d) A special general meeting shall be arranged:
  - (i) when directed by the Committee;
  - (ii) on the request, in writing by not less than one-fourth of the members of WESNET. Such requests shall clearly show the reasons why such a special general meeting is being convened and the nature of the business to be transacted.
- (e) A quorum for any Annual or Special general meeting shall be half plus one of the Committee, plus five (5).
- (f) No business shall take place unless there is a quorum present. If within half an hour of the proposed starting time of the meeting a quorum is not present, then the meeting if arranged upon the request of the Committee shall lapse. In any other case the meeting shall be adjourned to a time and place determined by the Committee. If at the adjourned meeting a quorum is not present within half an hour from the arranged time, the members present shall be a quorum.
- (g) The Chairperson may, with permission of any meeting where a quorum is present, adjourn the meeting, from time to time, and place to place. The only business to be done at the adjourned meeting shall be business left unfinished.
- (h) The Committee will arrange all general meetings of WESNET by giving not less than fourteen (14) days notice except in the case of the AGM or a general meeting where a special resolution is proposed, in which case twenty-one (21) days notice must be given.
- (i) No business may be transacted at an AGM or special general meeting unless



notice of the proposed motion is given to members, either with or before the notification of the meeting. This rule does not preclude amendments to motions on notice.

- (j) Voting at general meetings shall be restricted to the appointed representatives of member services, who shall each have one vote. It will generally be by show of hands unless 25 percent of those present and entitled to vote, request a secret ballot.
- (k) Any person entitled to vote at a general meeting may do so by proxy provided they have notified the Secretary, in writing on the approved form, at least three (3) days before the meeting.
- (l) No person is entitled to cast more than five (5) proxy votes on any motion, at a general meeting.

## **15. SUSPENSION AND TERMINATION OF MEMBERSHIP**

- (a) Any member or associate member may resign from WESNET by advising the Committee in writing. The resignation shall take effect at the time the notice is received, unless the notice specifies a later date, in which case the resignation shall take effect at that later date. The Secretary shall record the date that the person ceased to be a member in the Register.
- (b) If the Committee believes that the member, associate member or employee of a member has refused or fails to comply with WESNET's Vision, Purpose, Objectives and Rules or has not acted in the best interests of WESNET, the Committee may pass a resolution to:
  - (i) warn a member or the employee of a member;
  - (ii) suspend a member or associate member from WESNET for a specified period or the participation of an employee of a member for a specified period;
  - (iii) terminate a member or associate member from membership of WESNET or ban the participation of an employee of a member.

## **16. APPEALS AGAINST REJECTIONS, SUSPENSIONS OR TERMINATION OF MEMBERSHIP**

- (a) Where the Committee passes a resolution to reject or amend a service's, organisation's or person's application for membership or associate membership, the Secretary or her delegate shall, as soon as possible notify the service, organisation or person in writing of:
  - (i) the decision of the Committee and the reasons it was based on;
  - (ii) informing them of the right to attend a meeting of the Committee to present their case;
  - (iii) stating the date, time and place of that meeting;
  - (iv) informing the service, organisation or person that they may do one or more of the following:
    - attend the meeting;
    - give to the Committee a written statement, or communication by other means approved by the Committee, appealing against the resolution.
- (b) If the service, organisation or person attends the Committee meeting for the purpose of appeal, the Committee:

- (i) Shall ensure that the service, organisation or person has a fair opportunity to be heard;
  - (ii) Shall give due consideration to any written statement or other approved communication tendered; and
  - (iii) Shall confirm, vary or revoke the original resolution.
- (c) If the service, organisation or person is still aggrieved following the Committee's decision, they may request the Committee to refer the matter to a general meeting of WESNET. The Committee is not required to refer a matter to a general meeting and may decline to do so if it considers the matter of insufficient gravity to warrant the resources and inconvenience involved. If the Committee determines to refer the matter to a general meeting, it may direct that a special general meeting be convened or may refer the matter to the next general meetings.
- (d) Where the Committee passes a disciplinary resolution under Rule 15(b), the Secretary shall advise the member or person concerned in the same terms as Rule 16(a) above, and the processes of Rule (a), (b) and (c) above shall apply.

## **17. GRIEVANCE APPEALS**

- (a) For the purpose of this Rule, the hierarchy of authority within WESNET is as follows:
- (i) a WESNET employee designated by the Committee;
  - (ii) the Executive Committee;
  - (iii) the Committee;
  - (iv) the members in General Meeting.
- (b) Any member or associate member aggrieved by a decision of any entity within the WESNET hierarchy, as defined in Rule 17(a) may lodge with the national office a written statement of their grievance and request that the matter be reviewed by the next entity within the hierarchy of authority, except that a matter may only go to a general meeting in the manner described in Rule 16(c).
- (c) The matter shall be referred to the entity against whom the complaint is made for their written reasons for the decision concerned, after which the process outlined in Rule 16(a) and (b) apply at each stage. If a party remains aggrieved by a decision of the Committee, the process of Rule 16(c) applies.

## **18. THE EXECUTIVE COMMITTEE**

- (a) The Executive Committee of WESNET shall be constituted by four Committee members as the Committee determines. There will be a quorum of three for any decision to take effect.
- (b) The functions of the Executive Committee are:
- (i) such functions and powers as are delegated to it by the Committee;
  - (ii) such functions and powers of the Committee which, by reason of urgency, cannot be exercised by the Committee, including without being limited to, media responses;
  - (iii) any powers of the Committee of a minor nature which it is expedient for the Executive Committee to exercise.

- (c) The Secretary shall convene a meeting of the Executive Committee and ensure that proper minutes are kept.

## **19. SUB-COMMITTEES**

- (a) The Committee may establish sub-committees as are necessary to conduct its business and fulfil its objects. The Committee may delegate any of its powers to such sub-committees and make rules for regulating the proceedings of the sub-committees.
- (b) The term of members of a sub-committee is at the discretion of the Committee.
- (c) The Committee may appoint associate members and non-members to sub-committees.

## **20. PUBLIC OFFICER**

- (a) The Committee of WESNET shall within fourteen (14) days after the incorporation of WESNET, appoint a member of WESNET to be the Public Officer and, if the office becomes vacant, shall within fourteen (14) days after it becomes vacant, appoint a member to fill the vacancy.
- (b) The office of the Public Officer becomes vacant if the person holding that office:
  - (i) dies;
  - (ii) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent creditors or compounds with her creditors;
  - (iii) resigns her office by writing under her hand addressed to the Committee;
  - (iv) ceases to be a resident of the Territory; or
  - (v) is removed as Public Officer by resolution of the Committee.

## **21. SOURCE OF FUNDS**

The Association may derive funds from member's subscriptions and contributions, grants and donations, fees for services provided, charges for activities and any other lawful source.

## **22. FUNDS AND ACCOUNTS**

- (a) The funds of WESNET shall be banked in the name of WESNET in such bank as the Committee may from time to time direct.
- (b) Proper books and accounts shall be kept and maintained.
- (c) All moneys shall be banked as soon as possible after receipt.
- (d) As soon as possible after the end of each financial year the Treasurer shall arrange the preparation of a statement containing particulars of:
  - (i) income and expenditure for the year just ended; and
  - (ii) the assets, liabilities and of all mortgages, charges and securities affecting the property of WESNET at the close of that year.
- (e) Any member may inspect the books and records of account at any reasonable time after application to the national office.

### **23. ALTERATION OF RULES OF ASSOCIATION**

These Rules may be amended, rescinded or added to, by resolution, carried by a seventy five percent (75%) majority at any general meeting. At least twenty-one (21) days notice in writing shall be given to all members.

### **24. COMMON SEAL**

The Committee shall provide for a common seal and for its safe keeping, and it may be affixed and attested by a delegated employee and one Committee member, or by two Committee members.

### **25. FINANCIAL YEAR**

The financial year of WESNET shall commence on 1st July and end on 30th June of the following year.

### **26. NOTICES**

The Committee shall determine the way notice is given to members unless stated otherwise in these Rules.

### **27. APPOINTMENT OF AN AUDITOR**

WESNET shall at the first Annual General Meeting and at each Annual General Meeting appoint an Auditor. This shall be a person with sufficient experience to carry out capably the duties of Auditor. This person shall not be a member of WESNET.

### **28. ANNUAL AUDIT OF ACCOUNTS**

- (a) The Committee shall submit to the Auditor all the accounts, books and records of WESNET at the end of each financial year.
- (b) The Auditor shall present a detailed annual balance sheet and statement of receipts and expenditure at the Annual General Meeting.

WESNET shall comply with Part 5 of the Associations Incorporation Act, 1991 (ACT) concerning the presentation of financial statements to the AGM.

### **29. ESTABLISHMENT OF PUBLIC FUND**

The Association may, and if granted endorsement as a Deductible Gift Recipient must, establish a Public Fund for the specific purpose of supporting the objects of the Association. The Public Fund is established to receive all gifts of money or property for this purpose and any money received because of such gifts must be credited to its bank account. The Public Fund must not receive any other money or property into its account and it must comply with Division 30 of the Tax Act. The public will be invited to contribute to the Public Fund.

### **30. MANAGEMENT OF PUBLIC FUND**

- (a) A management committee of no less than three (3) persons will manage the Public Fund.
- (b) The management committee will be appointed by the Committee. The members of the management committee may be Members and/or Committee. A majority of the committee members must be Responsible Persons.
- (c) The Committee shall have the power to remove any member of the management committee where it appears to the Committee that such member:–
  - (i) has lost his or her legal capacity to retain membership of the management committee;

- (ii) has used their position as a member, or information obtained through his or her membership, of the management committee to gain an advantage for any person or entity other than the Association or the Public Fund;
  - (iii) has a conflict of interest with his or her membership of the management committee;
  - (iv) does not devote sufficient time nor effort in discharging his or her duties as a member of the management committee; or
  - (v) is no longer making a contribution of sufficient value to the management committee or to the Public Fund.
- (d) Subject to Rule 30(e), questions arising at a meeting of the management committee shall be decided by a majority of votes of management committee members present and voting and any such decision shall for all purposes be deemed a decision of the management committee.
- (e) A decision dealing with the disposition of funds in excess of one thousand dollars (\$1,000.00), whether that disposition be for an isolated transaction or a series of transactions over the period of a year, shall be decided by a unanimous vote of all management committee members present and voting and any such decision shall for all purposes be deemed a decision of the management committee.
- (f) The Public Fund must operate on a not-profit basis. No portion of the moneys nor non-monetary gifts will be paid, transferred or distributed directly or indirectly to members of the management committee or trustees of the Public Fund except as reimbursement for out-of-pocket expenses incurred on behalf of the Public Fund or proper remuneration for administrative services.

### **31. RULES GOVERNING THE PUBLIC FUND**

- (a) All gifts of money made to the Public Fund and all income received by the Public Fund as gifts or donations from any member of the public or from any other source are to be deposited to one or more separate bank accounts operated by the Association and, in the books of account of the Association, credited to one or more separate accounts. For the purposes of this Constitution, any such bank account will be referred to as the Public Fund Account.
- (b) All gifts or donations of a non-monetary nature or type must be specifically identified on a gift register and all such items must in the books of account of the Association be credited to the Public Fund Account.
- (c) A receipt must be given by the Association to the donor of all gifts or donations, whether of a monetary or non-monetary nature. The receipt must show the following items:-
- (i) name of the Association and of the Public Fund; and
  - (ii) the Australian Business Number applicable to the Public Fund;
  - (iii) if the gift or donation is of a
    - (A) monetary nature, the quantum of money received; or
    - (B) non-monetary nature, a full and accurate description of the item or items the subject of the gift or donation; and
  - (iv) a statement that the receipt is for a gift.
- (d) The funds standing to the credit of the Public Fund Account must be used solely in pursuance of the purposes of the Association. Detailed records are to be maintained of all amounts debited to the Public Fund Account.

- (e) All income and property received by the Association from all sources other than from gifts or donations from the public or from any other source such as government grants, funds from sponsors, proceeds of raffles, fundraising activities and the like are to be credited to such other accounts in the books of account of the Association and under no circumstances shall any such income be credited to the Public Fund Account.

### **32. DISTRIBUTION OF PROPERTY ON REVOCATION OF ENDORSEMENT OR WINDING UP OF PUBLIC FUND**

- (a) Where on the withdrawal or revocation of any endorsement given by the Commissioner of Taxation of the Association's status as a Deductible Gift Recipient under Division 30 of the Tax Act, or upon the winding up of the Public Fund, any surplus assets or property of the Public Fund shall not form part of the Association's assets or property but must be given or transferred to such other fund, authority or institution which has all of the following features:-
  - (i) it has been approved under Division 30 of the Tax Act as a body which may receive donations of money and/or property with such donations being deductible from the taxable income of the donor; and
  - (ii) it has similar objects to those described in Rule 3; and
  - (iii) it is an institution or body which prohibits the distribution of income, profits or assets to its members; and
  - (iv) if the Association has been registered by the Australian Charities and Not-for-profits Commission as a registered charity, the other fund, authority or institution is a registered charity; and
  - (v) it has gained approval to be recognised as a body whose income is exempt from taxation.
- (b) Such institution or Association will be determined by the members of the Association within three (3) months of the Association's receipt of formal written notification from the Commissioner of the withdrawal or revocation of endorsement. Failing such a determination, the institution or Association shall be determined by application to the Supreme Court in the Australian Capital Territory.

### **33. REVOCATION OF DEDUCTIBLE GIFT RECIPIENT ENDORSEMENT**

In the event that the Association is endorsed as a Deductible Gift Recipient and subsequently, the endorsement of the Association as a Deductible Gift Recipient is revoked, any surplus:-

- (a) gifts of money or property for the objects of the Association stated in Rule 3;
  - (b) contributions made in relation to an eligible fundraising event held for the objects of the Association stated in Rule 3, and
  - (c) money received by the Association because of such gifts and contributions,
- shall be transferred to another organisation which:-
- (d) has been approved under Division 30 of the Tax Act as a body which may receive donations of money and/or property with such donations being deductible from the taxable income of the donor; and
  - (e) if the Association has been registered by the Australian Charities and Not-for-profits Commission as a registered charity, the other fund, authority or institution is a registered charity.

### **34. DISSOLUTION OF THE ASSOCIATION**

- (a) WESNET shall be dissolved:
  - (i) if the membership is less than three (3); or
  - (ii) a resolution to dissolve WESNET is carried by a three-fourths majority of the members present at a general meeting convened to consider the question. One (1) month's notice in writing shall be given to all members outlining the intention of the general meeting.
- (b) In the event of the Association being wound up, any surplus assets remaining after the payment of the Association's liabilities and expenses shall not be paid or distributed to the Members but will be given or transferred to such other institution or Association:-
  - (i) having similar objects to those described in Rule 3; and
  - (ii) is an institution or body and which prohibits the distribution of income, profit or assets to its Members; and
  - (iii) which has gained approval from the Commissioner to be recognised as a body whose income is exempt from taxation; and
  - (iv) if the Association has been registered by the Australian Charities and Not-for-profits Commission as a registered charity, the other fund, authority or institution is a registered charity.
- (c) Such institution or Association will be determined by the Members of the Association on or before the time of such winding up or dissolution, failing such determination the institution or Association shall be determined by application to the Supreme Court in the deemed State of registration.