

**EARLY CHILDHOOD AUSTRALIA – TASMANIA BRANCH
INCORPORATED**

(ECA-TAS BRANCH INC)

RULES

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Schedule 1 – The Objects and Purposes of the Branch

Schedule 2 – Members of the Branch

RULES

Name

1. The name of the Branch shall be **Early Childhood Australia-Tasmania Branch Inc.** The acronym ECA-TAS Branch Inc. is commonly used in practice.

Interpretation

2. (1) In these rules, unless the contrary intention appears:

“Act” means the *Associations Incorporation Act 1964 (TAS)*.

“Branch” means the Early Childhood Australia – Tasmania Branch Inc.

“Committee” means the Committee constituted in accordance with rule 26.

“Council” means the Council of the National Association.

“Early Childhood Development” means the overall development of the young child.

“Early Childhood Education” means the education of the child from birth to eight (8) years of age.

“Committee Member” means a member of the Committee to whom rule 26 applies.

“Financial year” means the year commencing on 1 July and ending on 30 June.

“Member” means a person who has been admitted as a Member of the Branch in accordance with rule 5.

“National Association” means Early Childhood Australia Inc.

“Rules” means the provisions and clauses of this document.

“State Government” means the Government of the State of Tasmania or as presently called the Tasmanian Government.

“Young Child” means a child from birth up to eight (8) years of age and “Young Children” has a corresponding meaning.

- (2) In these rules, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form.
- (3) Where a word or expression contained in these rules is susceptible to interpretation in accordance with the provisions of the *Acts Interpretation Act 1931(TAS)*, such a word or expression is to be interpreted in accordance with those provisions so far as the context permits.

Registered Address

3. The registered address of the Branch shall be at the residential address of the Public Officer, or, such other place as the Committee may, from time to time determine.

Objects and Purposes of the Association

4. (1) In this rule, “basic objects of the Branch” means the Objects and Purposes of the Branch as set out in First Schedule.
 - (2) In addition to the basic objects of the Branch, the objects and purposes of the Branch include the following:
 - (a) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property necessary or convenient for any of the objects or purposes of the Branch;
 - (b) the buying, selling and supplying of, and dealing in, goods of all kinds;
 - (c) the construction, maintenance and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Branch;
 - (d) the accepting of any gift for any one or more of the objects or purposes of the Branch;
 - (e) the taking of any step the Committee or the Members in General Meeting consider expedient for the purpose of procuring contributions to the funds of Branch;

(f) the printing and publishing of any newspapers, periodicals, books, leaflets or other documents the Committee or the Members in general meeting consider desirable for the promotion of the objects and purposes of the Branch;

(g) the borrowing and raising of money in any manner and on terms:

(i) the Committee thinks fit; or

(ii) approved or directed by resolution passed at a General Meeting;

(h) subject to the provisions of the *Trustee Act 1898 (TAS)*, the investment of any monies of the Branch not immediately required for any of its objects or purposes in any manner the Committee determines;

(i) the making of gifts, subscriptions or donations to any of the funds, authorities or institutions to which section 78(1)(a) of the *Income Tax Assessment Act 1936 (CTH)* relates;

(j) the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes and conveniences calculated to benefit Servants or past Servants of the Branch and their dependants, and the granting of pensions, allowances or other benefits to Servants or past Servants of the Branch and their dependants, and the making of payments towards insurance in relation to any of those purposes;

(k) the establishment and support, or aiding in the establishment or support, of any other Association formed for any of the basic objects of the Branch;

(l) the purchase or acquisition, and undertaking, of all or any part of the property, assets, liabilities and engagements of any Association with which the Branch is amalgamated in accordance with the provisions of the Act and the rules of the Branch;

(m) the doing of any lawful thing incidental or conducive to the attainment of the basic objects of the Branch or of any of the objects and purposes specified in this rule.

(3) The Branch also subscribes to the Mission, Values and Objects of the National Association

(4) The Branch shall participate in the affairs of the National Association as set out in these Rules

Membership

5. (1) Membership of the Branch shall be open to any person who resides or organisation which is based in the State of Tasmania and:

(a) espouses an interest in the well-being of Young Children;

(b) subscribes to the objects of the Branch; and

(c) agrees to actively promote the objects of the Branch

a person who is not a Member of the Branch at the time of the adoption of these rules is not to be admitted to membership unless the admission as a Member is approved by the Committee.

(2) In exercising its powers under subrule 1 the Committee shall place no restrictions on the membership of any person by virtue of religious belief, sex, nationality, race or age but the Committee shall have the right to refuse membership to any person at its absolute discretion.

(3) A person may apply for membership of the Branch in one of the following membership classes:

(a) Any individual whose membership may be bronze or gold

(b) Service – where that Service is a single Children’s Services Centre, Preschool or such similar Service whose membership may be bronze or gold

(c) Concession– An individual person that is a pensioner, holder of an Australian Government Health Care Card or is a full time student

(d) Organisation –A group of Services, including Government entity, Statewide Service, Non Government organisation, Multi-Service Operator/Provider etc whose membership may be bronze or gold

(e) Life Member – A person to whom the Branch has conferred life membership based upon that person having given outstanding service to the Branch

- (5) An application for membership of the Branch shall be made by the applicant in writing, on a designated application form and forwarded to the designated address.
- (6) As soon as practicable after the receipt of an application for membership, the Public Officer or nominated Officer or Servant of the Branch, is to refer the application to the Committee.
- (7) On an application being approved by the Committee, the Public Officer, or nominated Officer or Servant of the Branch:
 - (a) is to notify the applicant in writing that he has been approved for membership of the Branch; and
 - (b) upon receipt of the sum payable as the first year's Subscription enter the applicant's name in the Register of Members.
- (8) A right, privilege, or obligation of a person by virtue of his membership of the Branch:
 - (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon the cessation of his membership, whether by death, resignation, or otherwise.
- (9) Upon confirmation of an applicant's membership, the Member agrees to be bound by these rules, as amended from time to time.
- (10) In the event of the Branch being wound up:
 - (a) every Member of the Branch; and
 - (b) every person who, within the period of twelve (12) months immediately preceding the commencement of the winding up, was a Member of the Branch;

is liable to contribute to:

- (c) the assets of the Branch for payment of the debts or liabilities of the Branch; and
 - (d) for the costs, charges, and expenses of the winding up; and
 - (e) for the adjustment of the rights of the contributories among themselves.
- (11) Any liability under subrule (10) is not to exceed five dollars (\$5.00).
- (12) A former Member is not liable to contribute under subrule (8) in respect of any debt or liability the Branch contracted after he ceased to be a Member.
- (13) If the Branch has funds in credit, after paying all liabilities and debts, then these monies shall be transferred to any organization or organizations which has similar objects and which has rules prohibiting the distribution of its assets and income to its Members.

Register of Members

6. The Public Officer, or nominated Officer or Servant of the Branch, shall keep and maintain a Register of Members in which shall be entered the full name and address of each Member and the register shall be available for inspection by the membership at the address of the Public Officer, or nominated Officer or Servant of the Branch.

Resignation of Members

7. (1) A Member may at any time, by giving one (1) month's notice in writing to the Public Officer resign his membership of the Branch, but, shall continue to be liable for any annual subscription and all arrears due and unpaid at the date of the resignation and for all other monies owing to the Branch by the Member.

- (2) Upon the expiration of the notice given under subrule (1), the Public Officer, or nominated Officer or Servant of the Branch, shall make in the Register of Members an entry recording the date, on which the Member by whom the notice was given, ceased to hold membership.

Agreed Principles of Conduct of the Branch

8. In addition to adhering to the Purposes and Objects of the Branch previously mentioned, all Members of the Branch also agree:
 - (a) to abide by the majority decision of the membership, however, a specific request may be made for a minority view to be documented;
 - (b) to support the elected representatives of the Branch in public on agreed matters; and
 - (c) to undertake not to engage in private individual negotiations on matters or issues which have been agreed to as being of common interest to other Members, and on which a common platform has been established, without the prior knowledge of the Branch. Members or groups thereof, who wish to negotiate separately on such issues, must first advise the Branch in writing in advance, with at least seven (7) working days notice, of their desire to make a separate approach and provide a reasonable explanation of the need for this action.

Income and Property of the Branch

9. (1) The income and property of the Branch, however derived, shall be applied solely towards the promotion of the objects and purposes of the Branch and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus or otherwise, to any Member of the Branch.
- (2) The Branch shall not:
 - (a) appoint a person who is a Member of the Committee to any office for which there is payable any remuneration by way of salary, fees, or allowances; or
 - (b) pay to any person who is a Member of the Committee any remuneration or other benefits, money or money's worth (other than the repayment of out-of-pocket expenses).

- (3) Nothing in the foregoing provisions of this rule prevents the payment in good faith to a Servant or Member of the Branch of:
- (a) remuneration in return for services actually rendered to the Branch by the Servant or Member or for goods supplied to the Branch by the Servant or Member in the ordinary course of business;
 - (b) interest at a rate not exceeding seven and half per cent (7.5%) on monies lent to the Branch by the Servant or Member; or
 - (c) a reasonable and proper sum by way of rent for premises let to the Branch by the Servant or Member.

Accounts

- 10.** (1) True accounts shall be kept:
- (a) of all sums of money received and expended by the Branch and the matter in respect of which the receipt or expenditure takes place; and
 - (b) of the property, credits and liabilities of the Branch, and
 - (c) subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Branch for the time being, those accounts shall be open to the inspection of the Members of the Branch.
- (2) The Treasurer, or nominated Officer or Servant of the Branch, shall faithfully keep all general records, accounting books, and records of receipts and expenditure connected with the operations and business of the Branch in such form and manner as the Committee may direct.
- (3) The accounts, books, and records referred to in subrules (1) and (2) shall be kept at the Treasurer's office or home or at such other place as the Committee may decide from time to time.

Treasurer and Accounts

- 11.** (1) The Treasurer of the Branch shall, on behalf of the Branch receive all moneys paid to the Branch and if required issue a tax invoice and/or receipt.

- (2) The Committee shall cause to be opened with such bank(s) as the Committee selects banking account(s) in the name of the Branch into which all monies received shall be paid by the Treasurer as soon as possible after receipt thereof.
- (3) The Committee may receive from the Branch's bank or bankers for the time being the cheques drawn by the Branch on any of its accounts with the bank or bankers and may release and indemnify the bank or bankers from and against all claims, actions, suits or demands that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Branch.
- (4) Except with the authority of the Committee, no payment of a sum exceeding one hundred dollars (\$100.00) shall be made from the funds of the Association otherwise than by cheque drawn on one of the Branch's bank account(s), but the Committee may provide the Treasurer with a sum to meet urgent expenditure, subject to the observance of such conditions in relation to the use and expenditure thereof as the Committee may impose.
- (5) No cheques shall be drawn on the Branch's bank account(s) except for payment of expenditure that has been authorised by the Committee except as provided in subrule 6.
- (6) The Committee may cause, without prior authorization pursuant to subrule 5, make payments totaling no more than that sum determined to be appropriate by resolution of the Committee from time to time, in any period between Committee meetings, and then only in relation to the ordinary running expenses of the Branch. These payments are to be ratified at the next meeting of the Committee.
- (7) All cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed by any two (2) of the President, Treasurer, Secretary, Vice President, Public Officer or a nominated Officer or Servant of the Branch.

Auditor

- 12.** (1) At each Annual General Meeting of the Branch, the Members present shall appoint a person as the Auditor of the Branch.
- (2) A person so appointed under subrule 1 shall hold office until the Annual General Meeting next after that at which he is appointed, and is eligible for re-appointment.

- (3) If an appointment is not made at an Annual General Meeting the Committee shall appoint an Auditor for the then current financial year of the Branch.
- (4) The Auditor may only be removed from office by special resolution.
- (5) If a casual vacancy occurs in the office of Auditor during the course of a financial year of the Branch, the Committee may appoint a person as the Auditor and the person so appointed shall hold office until the next succeeding Annual General Meeting.

Examination of Accounts

- 13.** (1) Once at least in each financial year of the Branch, the accounts of the Branch shall be examined by the Auditor.
- (2) The Auditor shall certify as to the correctness of the accounts of the Branch and shall report thereon to the members present at the Annual General Meeting.
- (3) In his report, and in certifying to the accounts, the Auditor shall state:
 - (a) whether he has obtained the information required by him;
 - (b) whether, in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Branch according to the information at his disposal and the explanations given to him and as shown by the books of the Branch; and
 - (c) whether the rules relating to the administration of the funds of the Branch have been observed.
- (4) The Public Officer, or nominated Officer or Servant of the Branch, shall cause to be delivered to the Auditor a list of all accounts, books, and records of the Branch.
- (5) The Auditor:
 - (a) has a right of access to the accounts, books, records, vouchers and documents of the Branch;

- (b) may require from the Committee or Servants of the Branch such information and explanations as may be necessary for the performance of his duties as Auditor;
- (c) may employ persons to assist him in investigating the accounts of the Branch; and
- (d) may, in relation to the accounts of the Branch, examine any Member of the Committee or any Servant of the Branch.

Annual General Meeting

- 14.** (1) The Branch shall in each calendar year, hold an Annual General Meeting.
- (2) The Annual General Meeting shall be held on such day (being not later than three (3) months after the close of the financial year of the Branch) as the Committee may determine.
 - (3) The Annual General Meeting shall be in addition to any other General Meetings that may be held in the same year.
 - (4) The Annual General Meeting shall be specified as such in the notice convening it.
 - (5) The ordinary business of the Annual General Meeting shall be:
 - (a) to confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting;
 - (b) to receive from the Committee, Auditor, and Servants of the Branch reports upon the transactions and business of the Branch during the last financial year;
 - (c) to elect the Officers of the Branch and the Committee Members;
 - (d) to appoint the Auditor and determine his remuneration;
 - (e) to determine the remuneration of Servants of the Branch;
 - (6) The Annual General Meeting may transact special business of which notice is given in accordance with these rules.

- (7) Special Meetings other than the Annual General Meeting & General Meetings shall be called Special General Meetings.
- (8) A quorum for the purposes of the Annual General Meeting is eight (8) Members with voting rights.

Special & General Meetings

- 15.** (1) The Committee may, whenever it thinks fit, convene a Special or General Meeting of the Branch.
- (2) The Committee shall, on the requisition in writing of not less than five (5) Members, convene a Special General Meeting of the Branch.
- (3) A requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the requisitionists and forwarded to the Secretary of the Branch, and, may consist of several documents in the like form, each signed by one or more of the requisitionists.
- (4) If the Committee does not cause a Special General Meeting to be held within twenty one (21) days from the date on which a requisition therefore is received by the Secretary of the Branch, the requisitionists, or any of them, may convene the meeting; but any meeting so convened shall not be held after three (3) months from the date of the deposit of the requisition.
- (5) A Special General Meeting convened by requisitionists in pursuance of these rules shall be convened in the same manner, as nearly as possible, as the meetings of the Committee, and all reasonable expenses incurred in convening the meeting shall be paid by the Branch.
- (6) The Committee shall also convene General Meetings of the Branch at least three (3) times per year at such place as the Committee may determine.
- (7) General Meetings of the Branch shall be convened and run in the same manner, as nearly as possible, as the meetings of the Committee, and all reasonable expenses incurred in convening the meeting shall be paid by the Branch.

Publication of Notice of Special or General Meetings

- 16.** The Public Officer of the Branch shall, at least five (5) days before the date fixed for holding a Special or General Meeting of the Branch

cause notice to be given to all Members specifying the place, day and the time for the holding of the meeting, and the nature of the business to be transacted thereat.

Transaction of Special Business

- 17.** (1) All business that is transacted at Special General Meetings and all business that is transacted at the Annual General Meeting, with the exception of that specially referred to in these rules as being the ordinary business of the Annual General Meeting, shall be deemed to be special business.
- (2) (a) No item of business shall be transacted at a Special General Meeting unless a quorum of Members entitled under these rules to vote is present during the time when the meeting is considering that item.
- (b) For the purpose of determining whether a quorum is present, a person attending as a proxy shall be deemed to be a Member.
- (3) Eight (8) Members personally present or by proxy or attorney (being Members entitled under these rules to vote thereat) constitute a quorum for the transaction of the business of a Special General Meeting.
- (4) If within half an hour after the appointed time for the commencement of a Special General Meeting a quorum is not present, the meeting, if convened upon the requisition of Members, shall be dissolved; and in any other case it shall stand adjourned to the same day in the next week, at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to Members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.

Chairperson of Meetings

- 18.** (1) The President of the Committee, or in his absence, the Vice-President, shall preside as Chairperson at every Annual, Special or General Meeting of the Branch.
- (2) If the President and Vice-President are absent from an Annual, Special or General Meeting, the Members present shall elect one of their number to preside as Chairperson thereat.

Adjournment of Meetings

- 19.** (1) The Chairperson of an Annual, Special or General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) When a meeting is adjourned for fourteen (14) days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.
- (3) Except as provided in the foregoing provisions of this rule, it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

How Vote to be Taken and Recorded

- 20.** A question arising at an Annual, Special or General Meeting of the Branch shall be determined on a show of hands unless before or on the declaration of the result of the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried unanimously, or carried by a particular majority, or lost and an entry to that effect in the minutes of the Branch is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

Voting and Proxies

- 21.** (1) Upon any question arising at an Annual, Special or General Meeting of the Branch, the following membership categories have the listed voting rights:
- (i) Individual – One (1) vote
 - (ii) Concession – No vote
 - (iii) Service - One (1) vote
 - (iv) Organisation – Two (2) votes
 - (v) Life - One (1) vote
- (2) All votes shall be given personally or by proxy.

- (3) In the case of an equality of voting on a question the Chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) An instrument appointing a proxy shall be in writing under the hand of the appointer.
- (5) An instrument appointing a proxy may specify the manner in which the proxy is to vote in respect of a particular resolution and, where an instrument of proxy so provides the proxy is not entitled to vote in the resolution except as specified in the instrument.
- (6) An instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll.
- (7) An instrument appointing a proxy shall be in the following form or in a form that is as similar to the following form as the circumstances allow:

Early Childhood Australia – Tasmania Branch Inc.

*I of being a Member of the above
 named Branch, hereby appoint of or, in his
 absence, of as my or our proxy to
 vote for me on my behalf at an *Annual/Special/or General Meeting of the
 Branch to be held on the day of and at any adjournment of
 that meeting.*

**This form is to be used *in favour of/*against the resolution.*

Signed this day of ,

**Strike out whichever is not desired.*

Poll and Subsequent Resolution

- 22.** If at a meeting a poll on any question is demanded it shall be taken at that meeting in such manner as the Chairman may direct and the result of the poll shall be deemed to be the resolution of the meeting on that question.

Poll on Election of Chairman or on Adjournment

- 23.** A poll that is demanded on the election of a Chairman, or on a question of adjournment, shall be taken forthwith, and, a poll that is

demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.

Committee of Management

- 24.** (1) The affairs of the Branch shall be managed by a Committee of Management constituted by the Officers of the Branch as provided in rule 25.
- (2) The Committee:
- (a) shall control and manage the business and affairs of the Branch;
 - (b) may, subject to these rules, exercise all such powers and functions as may be exercised by the Branch, other than those powers and functions that are required by these rules to be exercised by an Annual, Special or General Meeting of the Branch; and
 - (c) subject to the Act and these rules, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Branch.

Officers of the Branch

- 25.** (1) The Officers of the Branch shall be the:
- (a) President
 - (b) Vice-President
 - (c) Treasurer
 - (d) Secretary
 - (e) Public Officer and
 - (f) National Board Member
- (2) The provisions of subrules (2), (3) and (4) of rule 27 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the Officers mentioned in subrule (1).
- (3) Each Officer of the Branch shall hold office until the second Annual General Meeting next after the date of their election and is eligible for re-election for a further term.
- (4) In the event of a casual vacancy in any office mentioned in subrule (1), the Committee may appoint one of its Members to the vacant office, and the Member so appointed may continue in

office up to and including the conclusion of the Annual General Meeting next following the date of his appointment.

The Committee

- 26.** (1) The Committee:
- (a) shall consist of the Officers of the Branch; and
 - (b) five (5) other Members (the "Ordinary Committee Members"); who shall be elected at the Annual General Meeting of the Branch.
- (2) The Ordinary Committee Members shall, subject to these rules, hold office until the second Annual General Meeting after the date of his election, but are eligible for re-election.
- (3) In the event of a casual vacancy occurring in the office of an Ordinary Committee Member, the Committee may appoint a Member of the Branch to fill the vacancy and the Member so appointed shall hold office subject to these rules until the conclusion of the next Annual General Meeting following the date of his appointment.

Nominations for Elections of Officers & Representaives

- 27.** (1) Nominations of candidates for election as Officers & Ordinary Committee Members of the Branch:
- (a) shall be made in writing signed by two Members of the Branch, with voting rights, accompanied by the written consent of the candidate (which may be endorsed on the form of nomination);
 - (b) shall be financial members of the Branch entitled to vote; and
 - (c) shall be delivered to the Public Officer, or nominated Officer or Servant of the Branch, at least five (5) days day before the date fixed for the holding of the Annual General Meeting.
- (2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the Annual General Meeting.

- (3) A candidate may be nominated for more than one (1) office but shall not be elected to more than one (1) office excluding the position of Public Officer, who may hold another office simultaneously.
- (4) 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.
- (5) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- (6) The ballot for the election of the Officers & Ordinary Committee Members of the Branch shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.
- (7) At the Annual General Meeting the Branch shall appoint and/or elect representatives of the Branch for various Committees and Associations as they fall due

Vacancy in Offices

- 28.** For the purposes of these rules, the office of an Officer of the Branch becomes vacant if the Officer:
- (a) dies;
 - (b) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors, or makes any assignment of his estate for their benefit;
 - (c) becomes of unsound mind;
 - (d) resigns his office by writing under his hand addressed to the Committee;
 - (e) ceases to be resident in the State of Tasmania;
 - (f) fails, without leave being granted by the Committee, to attend four (4) consecutive meetings of the Committee;
or
 - (g) ceases to be a Member of the Branch.

Committee Meetings

- 29.** (1) The Committee shall meet at least once in every three (3) months at such place and at such times as the Committee may determine.
- (2) The Chairman or any four (4) of its Members may convene Meetings of the Committee.
- (3) Notice shall be given to Members of the Committee of any Meeting, specifying the general nature of the business to be transacted.
- (4) Any four (4) Members of the Committee constitute a quorum for the transaction of the business at a Committee meeting.
- (5) No business shall be transacted unless a quorum is present, and, if within half (1/2) an hour of the time appointed for the meeting a quorum is not present, the meeting shall be adjourned to a time and place as agreed as between the Committee, unless the meeting was a Special Meeting, in which case it lapses.
- (6) At meetings of the Committee:
- (a) the President or in his absence the Vice-President; or
- (b) if the President and the Vice-President are absent, such one of the remaining Members of the Committee as may be chosen by the Members present, shall preside.
- (7) Questions arising at meetings of the Committee or of any Sub-Committee appointed by the Committee shall be determined on a show of hands or, if demanded by a Member, by a poll taken in such manner as the person presiding at the meeting may determine.
- (8) Each elected person present at a meeting of the Committee or of any Sub-Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question; the person presiding may exercise a second or casting vote.
- (9) Written notice of each Committee Meeting shall be served on each Member of the Committee by delivering it to him at a reasonable time before the meeting or by sending it by post in a

prepaid letter addressed to him at his usual or last known place of abode or by facsimile to his usual or designated facsimile number or by email to his usual or designated email address, in time to reach him in due course before the date of the meeting.

Interest on Matter before Committee

30. (1) A Member of the Committee who is interested in any contract or arrangement made or proposed to be made with the Branch shall disclose his interest at the first meeting of the Committee at which the contract or arrangement is first taken into consideration, if his interest then exists, or, in any other case, at the first meeting of the Committee after the acquisition of his interest.
- (2) If a Member of the Committee becomes interested in a contract or arrangement after it is made or entered into he shall disclose his interest at the first meeting of the Committee after he becomes so interested.
- (3) No Member of the Committee shall vote as a Member of the Committee in respect of any contract or arrangement in which he is interested and if he does so vote his vote shall not be counted.

Appointment of Sub-Committees

31. (1) The Committee may at any time appoint a Sub-Committee from the Committee as it may think fit and shall prescribe the powers and functions thereof.
- (2) The Committee may co-opt as Members of a Sub-Committee such persons as it thinks fit, whether or not these persons are Members of the Branch.
- (3) Three (3) appointed Members of a Sub-Committee constitute a quorum at a meeting of a Sub-Committee.
- (4) The Public Officer, or nominated Officer or Servant of the Branch, is responsible for calling meetings of a Sub-Committee.
- (5) The Chairman of a Sub-Committee shall cause to be served on the Members of the Sub-Committee notification of a Sub-Committee meeting by delivering it to him by sending it by post in a pre-paid letter addressed to him at his usual or last known place of abode, or, by facsimile to his usual or designated facsimile number, or, by email to his usual or designated email

address in time to reach him in due course before the date of the meeting.

- (6) The President, Vice-President, Treasurer and Secretary constitute an Executive Committee which may issue instructions to the Public Officer and the Servants of the Branch in matters of urgency connected with the management of the affairs of the Branch during the intervals between meetings of the Committee and where any such instructions are issued shall report thereon to the next meeting of the Committee.

Annual Subscription

32. (1) The annual subscription payable by Members shall be ratified by the Branch for each year.

(2) The annual subscription of a Member is payable as it falls due.

(3) If the annual subscription of a Member shall remain unpaid for a period of three (3) calendar months after it becomes due, then the Member, after Notice of Default is sent to the Member by the Secretary or Treasurer, can be debarred by resolution of the Committee from all privileges of membership and the Member's name may be removed by the Committee from the Register of Members. This is provided that the Committee may reinstate the Member and restore the Member's name to the Register of Members upon payment of all arrears; if the Committee thinks fit to do so. This is conditional upon the full payment of arrears being made not later than 1 (one) full working day prior to the meeting of the Committee, as advised to the Member.

(4) The Branch shall pay such annual affiliation fees to the National Association as is determined by resolution of a National Association Council Meeting

Service of Notices

33. A notice may be served by or on behalf of the Branch upon any Member either personally or by sending it through the post in a prepaid letter addressed to the Member at his usual or last known place of abode or by facsimile to his usual or designated facsimile number or by email to his usual or designated email address.

Expulsion of Members

- 34.** (1) Subject to these rules, if the Committee is of the opinion that a Member:
- (a) has refused or neglected to comply with these rules
 - (b) has been guilty of conduct, which in the opinion of the Committee, is unbecoming of a Member, or prejudicial to the interests of the Branch, the Committee may by resolution expel a Member from the Branch;
- (2) A resolution of the Committee under subrule (1):
- (a) does not take effect unless the Committee, at a meeting held not earlier than fourteen (14) days, and not later than twenty-eight (28) days, after the service of a Notice under subrule (3) on the Member confirms the resolution in accordance with this clause; and
 - (b) where a Member exercises a right of appeal to the Association under subrule (3), the resolution does not take effect unless the Branch confirms the resolution in accordance with this clause.
- (3) Where the Committee passes a resolution under subrule (1) the Public Officer shall, within seven (7) working days, cause to be served on the Member a notice in writing:
- (a) stating that the Committee has expelled the Member; and
 - (b) specifying the grounds of the expulsion; and
 - (c) that within fourteen (14) days after the service of the notice on him, appeal against the expulsion as provided in this rule.
- (4) The expulsion of a Member pursuant to subrule (1) of this rule does not take effect:
- (a) until the expiration of fourteen (14) days after the service on the member of a notice under subrule (3) of this rule; or
 - (b) if the member exercises his right of appeal under this rule, until the conclusion of the Special General Meeting convened to hear the appeal, whichever is the later date.
- (5) A Member on whom a notice under subrule (3) is served may appeal against the expulsion to a Special General Meeting by

delivering or sending by post to the Public Officer within fourteen (14) days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing his appeal.

- (6) Upon a receipt of a requisition under subrule (4), the Public Officer shall forthwith notify the Committee of its receipt and the Committee shall thereupon cause a Special General Meeting of Members to be held within twenty-one (21) days after the date on which the Public Officer receives the requisition.
- (7) At a Special General Meeting convened for the purpose of this rule:
 - (a) no business other than the question of the expulsion shall be transacted;
 - (b) the Committee may place before the meeting details of the grounds of the expulsion and the Committee's reasons for the expulsion;
 - (c) the expelled Member shall be given an opportunity to be heard; and
 - (d) the Members present and entitled to vote shall vote by secret ballot on the question whether the expulsion should be lifted or confirmed.
- (9) If at the Special General Meeting a majority of the Members present vote in favour of the lifting of the expulsion, the expulsion shall be deemed to have been lifted and the expelled Member is entitled to continue his membership of the Branch.
- (10) If at the Special General Meeting a majority of the Members present vote in favour of the confirmation of the expulsion ceases to be a Member of the Branch.

Provisions Regarding Arbitration

- 35.**(1) Subject to this rule, a dispute between a Member of the Branch in his capacity as a Member and the Branch shall be determined by arbitration in accordance with the provisions of the *Commercial Arbitration Act 1986 (TAS)*.
- (2) Nothing in this rule affects the operation or effect of rule 34.

The Seal of the Branch

- 36.** (1) The seal of the Branch shall be in the form of a rubber stamp, inscribed with the name of the Branch encircling the word "Seal".
- (2) The seal of the Branch shall not be affixed to any instrument except by the authority of the Committee and the affixing thereof shall be attested by the signatures of either of two (2) Officers of the Branch or of one (1) Officer of the Branch and of the Public Officer, or such other person as the Committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the Committee.
- (3) The seal shall remain in the custody of the Public Officer, or nominated Officer or Servant of the Branch.

Records of the Branch

- 37.** Except as otherwise provided in these rules the Public Officer, or nominated Officer or Servant of the Branch, shall keep in his custody or under his control all books, documents, records and securities of the Branch.

Alteration of Rules and Objects & Purposes

- 38.** (1) These rules and the Objects & Purposes of the Branch shall not be altered except by Special Resolution.
- (2) No addition, alteration or amendment shall be made to or in the rules for the time being in force unless such addition, alteration or amendment shall have been passed by a two-third (2/3) majority of Members with voting rights, including postal or proxy votes, at an Annual, Special or General Meeting convened for the purpose, provided fourteen (14) days notice of the proposed addition, alteration or amendment has been given to all Members with voting rights.
- (3) The Branch may alter these Rules as it deems appropriate and consistent with the Mission, Values and Objects of the National Association

Representation

- 39.** The National Vice President shall represent the Branch at Council meetings of the National Association as fixed in accordance with the Constitution of the National Association.

Bound by National Association Decisions

- 40.** The Branch shall be bound by the decisions relevant to the Branch by a General National Association Council meeting

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The First Schedule

The objects and purposes of the Branch are:

- i. To promote the interests and well-being of young children, their families and the people who work with them as broadly and in as informed and effective a way as possible.
- ii. To maintain and promote a body of knowledge and informed views on issues to do with young children and their families.
- iii. To promote high standards of practice and understanding in those who are responsible for supporting the development and learning of young children.
- iv. To consult widely on relevant issues in the community and to facilitate interaction among associated interest groups at national and branch level.
- v. To enhance the ability of Early Childhood Australia Inc to work to achieve its mission for young children.
- vi. To be a broadly based national organisation known and respected for the quality and impact of its leadership and advocacy on behalf of young children.
- vii. To carry out activities of Early Childhood Australia Inc in a way that is consistent with the Association's mission and values; achieves efficiency, effectiveness and openness in all operations; and demonstrates excellence and leadership to the field.

THE SECOND SCHEDULE

Membership of the Branch

The membership registered as such with the Early Childhood Australia – Tasmania Branch Inc at the time of the adoption of these rules.

