

# Moggill Creek Catchment Group Inc Rules (2023 Update)

## 1 Interpretation

(1) In these rules—

*Act* means the [Associations Incorporation Act 1981](#).

*present*—

(a) at a management committee meeting, see rule 23(6); or

(b) at a general meeting, see rule 37(2).

(2) A word or expression that is not defined in these rules, but is defined in the Act has, if the context permits, the meaning given by the Act.

## 2 Name

The name of the incorporated association is the [Moggill Creek Catchment Group Inc](#). (*the association*).

## 3 Objects

The objects of the association are—

(1) To focus on environmental works within the [Moggill Creek Catchment](#) (the catchment), defined as the natural waterways collected by the landscapes encompassing the Moggill Creek, Gold Creek, Mackay Brook and Gap Creek.

(2) To work in concert with the Brisbane City Council (BCC), SEQWater and delegates/staff toward the implementation of the actions recommended in the Moggill Creek Catchment Management Plan formulated by BCC in June 1997 and their strategic plan published in July 2003, and updated as the [Moggill Creek Catchment Management Plan \(2017\)](#) to:

(a) improve the environment within the catchment,

(b) to rehabilitate and restore the catchment and waterways,

(c) educate the general community about the importance of protecting our waterways,

(d) as a member of the [Brisbane Catchments Network](#), contribute to and implement the [Brisbane Community Biodiversity Strategy \(2012\)](#).

(3) To establish and maintain a public fund to be called the Moggill Creek Catchment Fund (the Fund) for the specific purpose of supporting the environmental objects/purposes of the association. The Fund is established to receive all gift money or property for this purpose and any money received because of such gifts must be credited to its bank account. The Fund must not receive any other money or property into its account. Refer to rule 45 (10-14) for detail regarding the operations of the Moggill Creek Catchment Fund.

1   **4       Powers**

- 2       (1) The association has the powers of an individual.
- 3       (2) The association may, for example—
- 4             a. enter contracts; and
- 5             b. acquire, hold, deal with, and dispose of property; and
- 6             c. make charges for services and facilities it supplies; and
- 7             d. do other things necessary or convenient in carrying out its affairs.

8   **5       Classes of members**

- 9       (1) The membership of the association consists of ordinary members and life
- 10       members. The number of ordinary members is unlimited.

11   **6       Automatic membership**

- 12       (1) A person who is nominated for, and accepts, a life membership upon decision by
- 13       the management committee of the association.

14   **7       New membership**

- 15       (2) An applicant for membership of the association must be proposed by 1 member
- 16       of the association (the *proposer*) and seconded by another member (the *seconder*),
- 17       by committee process of proposal and acceptance by the association management
- 18       committee. Usually this occurs via the Secretary of the association supplying a
- 19       list of new membership applications, which are then proposed, seconded and
- 20       approved by the Management Committee.
- 21       (3) An application for membership must be—
- 22             (a) in writing; and
- 23             (b) signed by the applicant;
- 24             (c) in the form decided by the management committee.

25   **8       Membership fees**

- 26       (1) The membership fee for each ordinary membership and for each other class of
- 27       membership (if any)—
- 28             (a) is the amount decided by the members from time to time at a general
- 29             meeting (usually an annual general meeting of the association); and
- 30             (b) is payable when, and in the way, the management committee decides.
- 31       (2) A member of the incorporated association who, before becoming a member, has
- 32       paid the member’s annual subscription for membership of the unincorporated
- 33       association on or before a day fixed by the management committee, is not liable
- 34       to pay a further amount of annual subscription for the period before the day fixed
- 35       by the management committee as the day on which the next annual subscription
- 36       is payable.

1 (3) A financial member at any material time is a member who is not indebted to the  
2 association in respect of annual subscription.

3 (4) Only those members who are financial members at the time shall be entitled,  
4 subject to lawful procedure of the meeting, to speak or vote upon any motion at  
5 any general meeting of the association.

6 **9 Admission and rejection of new members**

7 (1) The management committee must consider an application for membership at the  
8 next committee meeting held after it receives—

9 (a) the application for membership; and

10 (b) the appropriate membership fee for the application.

11 (2) The management committee must ensure that, as soon as possible after the person  
12 applies to become a member of the association, and before the management  
13 committee considers the person's application, the person is advised—

14 (a) whether or not the association has public liability insurance; and

15 (b) if the association has public liability insurance—the amount of the  
16 insurance.

17 (3) The management committee must decide at the next meeting after the application  
18 is received whether to accept or reject the application.

19 (4) If a majority of the members of the management committee present at the meeting  
20 vote to accept the applicant as a member, the applicant must be accepted as a  
21 member for the class of membership applied for.

22 (5) The Secretary of the association must, as soon as practicable after the management  
23 committee decides to accept or reject an application, give the applicant a written  
24 notice of the decision.

25 **10 When membership ends**

26 (1) A member may resign from the association by giving a written notice of  
27 resignation to the Secretary.

28 (2) The resignation takes effect at—

29 (a) the time the notice is received by the Secretary; or

30 (b) if a later time is stated in the notice—the later time.

31 (3) The management committee may terminate a member's membership if the  
32 member—

33 (a) is convicted of an indictable offence; or

34 (b) does not comply with any of the provisions of these  
35 rules; or

36 (c) has membership fees in arrears for at least 6 months; or

- 1 (d) conducts themselves in a way considered to be injurious or prejudicial to the  
2 objects or interests of the association.
- 3 (4) Before the management committee terminates a member's membership, the  
4 committee must give the member a full and fair opportunity to show why the  
5 membership should not be terminated.
- 6 (5) If, after considering all representations made by the member, the management  
7 committee decides to terminate the membership, the Secretary of the committee  
8 must give the member a written notice of the decision.

9 **11 Appeal against rejection or termination of membership**

- 10 (1) A person whose application for membership has been rejected, or whose  
11 membership has been terminated, may give the Secretary written notice of the  
12 person's intention to appeal against the decision.
- 13 (2) A notice of intention to appeal must be given to the Secretary within 1 month after  
14 the person receives written notice of the decision.
- 15 (3) If the Secretary receives a notice of intention to appeal, the Secretary must, within  
16 1 month after receiving the notice, call a general meeting to decide the appeal.

17 **12 General meeting to decide appeal**

- 18 (1) The general meeting to decide an appeal must be held within 3 months after the  
19 Secretary receives the notice of intention to appeal.
- 20 (2) At the meeting, the applicant must be given a full and fair opportunity to show  
21 why the application should not be rejected or the membership should not be  
22 terminated.
- 23 (3) Also, the management committee and the members of the committee who rejected  
24 the application or terminated the membership must be given a full and fair  
25 opportunity to show why the application should be rejected or the membership  
26 should be terminated.
- 27 (4) An appeal must be decided by a majority vote of the members present and eligible  
28 to vote at the meeting.
- 29 (5) If a person whose application for membership has been rejected does not appeal  
30 against the decision within 1 month after receiving written notice of the decision,  
31 or the person appeals but the appeal is unsuccessful, the Secretary must, as soon  
32 as practicable, refund the membership fee paid by the person.

33 **13 Register of members**

- 34 (1) The management committee must keep a register (written or electronic) of  
35 members of the association.
- 36 (2) The register must include the following particulars for each member—  
37 (a) the full name of the member;  
38 (b) the postal or residential address or email address of the member;

- 1 (c) the date of admission as a member;
- 2 (d) the member is a fully paid member of the association for that financial year;
- 3 (e) any other particulars the management committee or the members at a
- 4 general meeting decide.
- 5 (3) The register must be open for inspection by members of the association at all
- 6 reasonable times.
- 7 (4) A member must contact the Secretary to arrange an inspection of the register.
- 8 (5) However, the management committee may, on the application of a member of the
- 9 association, withhold information about the member (other than the member's full
- 10 name) from the register available for inspection if the management committee has
- 11 reasonable grounds for believing the disclosure of the information would put the
- 12 member at risk of harm.

#### 13 **14 Prohibition on use of information on register of members**

- 14 (1) A member of the association must not—
- 15 (a) use information obtained from the register of members of the association to
- 16 contact, or send material to, another member of the association for the
- 17 purpose of advertising for political, religious, charitable or commercial
- 18 purposes; or
- 19 (b) disclose information obtained from the register to someone else, knowing
- 20 that the information is likely to be used to contact, or send material to,
- 21 another member of the association for the purpose of advertising for
- 22 political, religious, charitable or commercial purposes.

#### 23 **15 Appointment or election of Secretary**

- 24 (1) The Secretary must be an adult (18 years of age or older) residing in Queensland,
- 25 or in another State but not more than 65km from the Queensland border, who is—
- 26 (a) a member of the association elected by the association as Secretary; or
- 27 (b) any of the following persons appointed by the management committee as
- 28 Secretary—
- 29 (i) a member of the association's management committee;
- 30 (ii) another member of the association; (iii) another person.
- 31 (2) If a vacancy happens in the office of Secretary, the members of the management
- 32 committee must ensure a Secretary is appointed or elected for the association
- 33 within 1 month after the vacancy happens.
- 34 (3) If the management committee appoints a person mentioned in subrule 15(1)(b)(ii)
- 35 as Secretary, other than to fill a casual vacancy on the management committee,
- 36 the person does not become a member of the management committee.
- 37 (4) However, if the management committee appoints a person mentioned in subrule
- 38 15(1)(b)(ii) as Secretary to fill a casual vacancy on the management committee,
- 39 the person becomes a member of the management committee. A non-member

1 appointment will be notified to the next general meeting of members with reasons  
2 why such an appointment was made.

3 (5) If the management committee appoints a person mentioned in subrule 15(1)(b)(iii)  
4 as Secretary, the person does not become a member of the management  
5 committee.

6 (6) In this rule— *casual vacancy*, on a management committee, means a vacancy that  
7 happens when an elected member of the management committee resigns, dies or  
8 otherwise stops holding office.

## 9 **16 Removal of Secretary**

10 (1) The management committee of the association may at any time remove a person  
11 appointed by the committee as the Secretary.

12 (2) If the management committee removes a Secretary who is a person mentioned in  
13 rule 15(1)(b)(i), the person remains a member of the management committee.

14 (3) If the management committee removes a Secretary who is a person mentioned in  
15 rule 15(1)(b)(ii) and who has been appointed to a casual vacancy on the  
16 management committee under rule 15(5), the person remains a member of the  
17 management committee.

## 18 **17 Functions of Secretary or membership Secretary**

19 The Secretary's functions include, but are not limited to—

20 (a) calling meetings of the association, including preparing notices of a meeting  
21 and of the business to be conducted at the meeting in consultation with the  
22 President/Chairperson of the association; and

23 (b) keeping minutes of each meeting; and

24 (c) keeping copies of all correspondence and other  
25 documents relating to the association; and

26 (d) maintaining the register of members of the association.

## 27 **18 Membership of management committee**

28 (1) The management committee of the association consists of a Chairperson,  
29 Treasurer, Secretary and any other members the association members elect at a  
30 general meeting, up to a maximum of 14 in total. The management committee of  
31 the association is to always include advice and active consultation and instruction  
32 from Section Leaders, defined as persons performing a leadership or organiser  
33 role within active or current [sub-catchments](#) within the Moggill Creek Catchment,  
34 and actively engaged in revegetation or environmental works allied with, or  
35 directly fulfilling the goals of the association. Section Leaders are welcome to  
36 attend meetings of the Management Committee, but do not vote. Section Leaders  
37 are appointees and only need to be nominated, seconded and elected if they want  
38 to serve as a member of the Management Committee.

- 1 (2) A member of the management committee, other than a Secretary appointed by the  
2 management committee under rule 15(1)(b)(iii), must be a member of the  
3 association.
- 4 (3) At each annual general meeting of the association, the members of the  
5 management committee must retire from office, but are eligible, on nomination,  
6 for re-election.
- 7 (4) A member of the association may be appointed to a casual vacancy on the  
8 management committee under rule 21.

9 **19 Electing the management committee**

- 10 (1) A member of the management committee may only be elected as follows—
- 11 (a) any 2 members of the association may nominate another member (the  
12 *candidate*) to serve as a member of the management committee;
- 13 (b) the nomination must be—
- 14 (i) in writing; and
- 15 (ii) signed by the candidate and the members who nominated him or her;  
16 and
- 17 (iii) given to the Secretary at least 7 days before the annual general meeting  
18 at which the election is to be held;
- 19 (c) each member of the association present and eligible to vote at the annual  
20 general meeting may vote for 1 candidate for each vacant position on the  
21 management committee;
- 22 (d) if, at the start of the meeting, there are not enough candidates nominated,  
23 nominations may be taken from the floor of the meeting.
- 24 (2) A person may be a candidate only if the person—
- 25 (a) is an adult; and
- 26 (b) is not ineligible to be elected as a member under section 61A of the Act.
- 27 (3) A list of the candidates' names in alphabetical order, with the names of the  
28 members who nominated each candidate, must be posted on the Moggill Creek  
29 Catchment Group's website at least 7 days immediately preceding the annual  
30 general meeting.
- 31 (4) If required by the management committee, balloting lists must be prepared  
32 containing the names of the candidates in alphabetical order.
- 33 (5) The management committee must ensure that, before a candidate is elected as a  
34 member of the management committee, the candidate is advised—
- 35 (a) whether or not the association has public liability insurance; and
- 36 (b) if the association has public liability insurance—the amount of the  
37 insurance.

1 **20 Resignation, removal or vacation of office of management committee**  
2 **member**

- 3 (1) A member of the management committee may resign from the committee by  
4 giving written notice of resignation to the Secretary.
- 5 (2) The resignation takes effect at—  
6 (a) the time the notice is received by the Secretary; or  
7 (b) if a later time is stated in the notice—the later time.
- 8 (3) A member may be removed from office at a general meeting of the association if  
9 a majority of the members present and eligible to vote at the meeting vote in  
10 favour of removing the member.
- 11 (4) Before a vote of members is taken about removing the member from office, the  
12 member must be given a full and fair opportunity to show cause why he or she  
13 should not be removed from office.
- 14 (5) A member has no right of appeal against the member’s removal from office under  
15 this rule.
- 16 (6) A member immediately vacates the office of member in the circumstances  
17 mentioned in section 64(2) of the Act.

18 **21 Vacancies on management committee**

- 19 (1) If a casual vacancy happens on the management committee, the continuing  
20 members of the committee may appoint another member of the association to fill  
21 the vacancy until the next annual general meeting.
- 22 (2) The continuing members of the management committee may act despite a casual  
23 vacancy on the management committee.
- 24 (3) However, if the number of committee members is less than the number fixed  
25 under rule 24(1) as a quorum of the management committee, the continuing  
26 members may act only to—  
27 (a) increase the number of management committee members to the number  
28 required for a quorum; or  
29 (b) call a general meeting of the association.

31 **22 Functions of management committee**

- 32 (1) Subject to these rules or a resolution of the members of the association carried at a  
33 general meeting, the management committee has the general control and management  
34 of the administration of the affairs, property, and funds of the association.
- 35 (2) The management committee has authority to interpret the meaning of these rules and  
36 any matter relating to the association on which the rules are silent, but any interpretation  
37 must have regard to the Act, including any regulation made under the Act.

38 *Note—*

39 The Act prevails if the association’s rules are inconsistent with the Act—see section 1D of the  
40 Act.



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**23 Meetings of management committee**

- (1) Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate.  
*Note—*  
See also sections 70B and 70C of the Act about requirements relating to the proceedings of the management committee if a member of the committee has a material personal interest in a matter being considered at a meeting of the committee.
- (2) The management committee must meet at least once every 4 months to exercise its functions.
- (3) The management committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the management committee.
- (5) The management committee may hold meetings or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (6) A committee member who participates in the meeting as mentioned in subrule (5) is taken to be present at the meeting.
- (7) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.
- (8) The Chairperson (i.e. President or Chair) is to preside as Chairperson at a management committee meeting.
- (9) If there is no Chairperson or if the Chairperson is not present within 10 minutes after the time fixed for a management committee meeting, the members may choose 1 of their number to preside as Chairperson at the meeting.

**24 Quorum for, and adjournment of, management committee meeting**

- (1) At a management committee meeting, more than 50% of the members elected to the committee as at the close of the last annual general meeting of the members form a quorum, which is highly desirable to include the Chairperson, the Secretary, the Treasurer (or nominated representatives) and two other members of the management committee. That is, half the number or more of the total elected office-bearers at the previous annual general meeting form a quorum of the association.
- (2) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called on the request of members of the committee, the meeting lapses.
- (3) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called other than on the request of the members of the committee—
  - (a) the meeting is to be adjourned for at least 1 day; and

- 1 (b) the members of the management committee who are present are to decide  
2 the day, time and place of the adjourned meeting.
- 3 (4) If, at an adjourned meeting mentioned in subrule (3), there is no quorum within  
4 30 minutes after the time fixed for the meeting, the meeting lapses.

5 **25 Special meeting of management committee**

- 6 (1) If the Secretary receives a written request signed by at least 33% of the members  
7 of the management committee, the Secretary must call a special meeting of the  
8 committee by giving each member of the committee notice of the meeting within  
9 14 days after the Secretary receives the request.
- 10 (2) If the Secretary is unable or unwilling to call the special meeting, the Chairperson  
11 must call the meeting.
- 12 (3) A request for a special meeting must state—  
13 (a) why the special meeting is called; and  
14 (b) the business to be conducted at the meeting.
- 15 (4) A notice of a special meeting must state—  
16 (a) the day, time and place of the meeting; and  
17 (b) the business to be conducted at the meeting.
- 18 (5) A special meeting of the management committee must be held within 14  
19 days after notice of the meeting is given to the members of the management  
20 committee.

21 **26 Minutes of management committee meetings**

- 22 (1) The Secretary must ensure full and accurate minutes of all questions, matters,  
23 resolutions, and other proceedings of each management committee meeting are  
24 entered in a minute book or equivalent electronic format. These are to be emailed  
25 to members, especially Section Leaders, as soon as practicable.
- 26 (2) To ensure the accuracy of the minutes, the minutes of each management  
27 committee meeting must be approved by the Chairperson of the next management  
28 committee meeting, verifying their accuracy, and provided to the management  
29 committee.
- 30 (3) After approval of the minutes of the management committee meetings, they will  
31 be made accessible to members, as determined by the management committee  
32 (usually by email or other electronic form).

33 **27 Appointment of subcommittees**

- 34 (1) The management committee may appoint a subcommittee consisting of members  
35 of the association considered appropriate by the committee to help with the  
36 conduct of the association's operations.

- 1 (2) The management committee may appoint to a subcommittee non-members with  
2 special expertise to assist its function; such appointments must not exceed 50 %  
3 of the subcommittee membership.
- 4 (3) A subcommittee may elect a Chairperson of its meetings.
- 5 (4) If a Chairperson is not elected, or if the Chairperson is not present within 10  
6 minutes after the time fixed for a meeting, the members present may choose 1 of  
7 their number to be Chairperson of the meeting.
- 8 (5) A subcommittee may meet and adjourn as it considers appropriate.
- 9 (6) A question arising at a subcommittee meeting is to be decided by a majority vote  
10 of the members present at the meeting and, if the votes are equal, the question is  
11 decided in the negative.
- 12 (7) The subcommittee must ensure accurate minutes of resolutions and relevant other  
13 proceedings and report back to the next meeting of the management committee.

14 **28 Acts not affected by defects or disqualifications**

- 15 (2) An act performed by the management committee, a subcommittee or a person  
16 acting as a member of the management committee is taken to have been validly  
17 performed.
- 18 (3) Subrule (2) applies even if the act was performed when—
- 19 (a) there was a defect in the appointment of a member of the management  
20 committee, subcommittee or person acting as a member of the management  
21 committee; or
- 22 (b) a management committee member, subcommittee member or person acting  
23 as a member of the management committee was disqualified from being a  
24 member.

25 **29 Resolutions of management committee without meeting**

- 26 (1) A written resolution signed by each member of the management committee is as  
27 valid and effectual as if it had been passed at a committee meeting that was  
28 properly called and held.
- 29 (2) A resolution mentioned in subrule (1) may consist of several documents in like  
30 form, each signed by 1 or more members of the committee.

31 **30 Omitted**

32  
33 **31 Subsequent annual general meetings**

34 Each subsequent annual general meeting must be held—

- 35 (a) at least once each year; and
- 36 (b) within 6 months after the end date of the association's reportable financial  
37 year.

38 **31A Management committee members to be elected at annual**

1           **general meeting**

2           The association must elect the members of the management committee at each  
3           annual general meeting of the association.

4   **32    Omitted**

5   **33    Omitted**

6

7   **34    Other business for annual general meeting of other small**  
8   **incorporated associations**

9           (1) This rule applies if the association is a small, incorporated association to which  
10          sections 59A and 59AB of the Act apply.

11          (2) The following business must be conducted at each annual general meeting of the  
12          association—

13                 (a) receiving the association’s financial statement, and verification statement,  
14                         for the last reportable financial year;

15                 (b) presenting the financial statement and verification statement to the meeting  
16                         for adoption.

17   **35    Notice of general meeting**

18          (1) The Secretary may call a general meeting of the association.

19          (2) The Secretary must give at least 14 days’ notice of the meeting to each member  
20          of the association.

21          (3) If the Secretary is unable or unwilling to call the meeting, the Chairperson (i.e.  
22          President or Chair) must call the meeting.

23          (4) The management committee may decide the way in which the notice must be  
24          given.

25          (5) However, notice of the following meetings must be given in writing—

26                 (a) a meeting called to hear and decide the appeal of a person against the  
27                         management committee’s decision—

28                         (i) to reject the person’s application for membership of the association; or

29                         (ii) to terminate the person’s membership of the association.

30                 (b) a meeting called to hear and decide a proposed special resolution of the  
31                         association.

32          (6) A notice of a general meeting must state the business to be conducted at the  
33          meeting.

34   **36    Quorum for, and adjournment of, general meeting**

35          (1) The quorum for a general meeting is at least the number of members elected or  
36          appointed to the management committee at the close of the association’s last

1 general meeting plus 1. In the case of the association, this currently refers to  
2 annual general meetings (the only general meeting usually called).

- 3 (2) However, if all members of the association are members of the management  
4 committee, the quorum is the total number of members less 1.
- 5 (3) No business may be conducted at a general meeting unless there is a quorum of  
6 members when the meeting proceeds to business.
- 7 (4) If there is no quorum within 30 minutes after the time fixed for a general meeting  
8 called on the request of members of the management committee or the association,  
9 the meeting lapses.
- 10 (5) If there is no quorum within 30 minutes after the time fixed for a general meeting  
11 called other than on the request of members of the management committee or the  
12 association— (a) the meeting is to be adjourned for at least 7 days; and  
13 (b) the management committee is to decide the day, time and place of the  
14 adjourned meeting.
- 15 (6) The Chairperson may, with the consent of any meeting at which there is a quorum,  
16 and must if directed by the meeting, adjourn the meeting from time to time and  
17 from place to place.
- 18 (7) If a meeting is adjourned under subrule (6), only the business left unfinished at  
19 the meeting from which the adjournment took place may be conducted at the  
20 adjourned meeting.
- 21 (8) The Secretary is not required to give the members notice of an adjournment or of  
22 the business to be conducted at an adjourned meeting unless a meeting is  
23 adjourned for at least 30 days.
- 24 (9) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting  
25 must be given in the same way notice is given for an original meeting.

### 26 **37 Procedure at general meeting**

- 27 (1) A member may take part and vote in a general meeting in person, by proxy, by  
28 attorney or by using any technology that reasonably allows the member to hear  
29 and take part in discussions as they happen.
- 30 (2) A member who participates in a meeting as mentioned in subrule 37(1) is taken  
31 to be present at the meeting.
- 32 (3) At each general meeting—  
33 (a) the President is to preside as Chairperson; and  
34 (b) if there is no Chairperson or if the Chairperson is not present within 15  
35 minutes after the time fixed for the meeting or is unwilling to act, the  
36 members present must elect 1 of their number to be Chairperson of the  
37 meeting; and  
38 (c) the Chairperson must conduct the meeting in a proper and orderly way.

1 **38 Voting at general meeting**

- 2 (1) At a general meeting, each question, matter or resolution, other than a special  
3 resolution, must be decided by a majority of votes of the members present.
- 4 (2) Each member present and eligible to vote is entitled to 1 vote only and, if the votes  
5 are equal, the Chairperson has a casting vote as well as a primary vote.
- 6 (3) A member is not entitled to vote at a general meeting if the member’s annual  
7 subscription is in arrears at the date of the meeting.
- 8 (4) The method of voting is to be decided by the management committee.
- 9 (5) However, if at least 20% of the members present demand a secret ballot, voting  
10 must be by secret ballot.
- 11 (6) If a secret ballot is held, the Chairperson must appoint 2 members to conduct the  
12 secret ballot in the way the Chairperson decides.
- 13 (7) The result of a secret ballot as declared by the Chairperson is taken to be a  
14 resolution of the meeting at which the ballot was held.

15 **39 Special general meeting**

- 16 (1) The Secretary must call a special general meeting by giving each member of the  
17 association notice of the meeting within 14 days after—
- 18 (a) being directed to call the meeting by the management committee; or
- 19 (b) being given a written request signed by—
- 20 (i) at least 33% of the number of members of the management committee  
21 when the request is signed; or
- 22 (ii) at least the number of ordinary members of the association equal to  
23 double the number of members of the association on the management  
24 committee when the request is signed plus 1; or
- 25 (c) being given a written notice of an intention to appeal against the decision of  
26 the management committee—
- 27 (i) to reject an application for membership; or
- 28 (ii) to terminate a person’s membership.
- 29 (2) A request mentioned in subrule (1)(b) must state—
- 30 (a) why the special general meeting is being called; and (b) the business to be  
31 conducted at the meeting.
- 32 (3) A special general meeting must be held within 3 months after the Secretary—
- 33 (a) is directed to call the meeting by the management committee; or
- 34 (b) is given the written request mentioned in subrule (1)(b); or
- 35 (c) is given the written notice of an intention to appeal mentioned in subrule  
36 (1)(c).

- 1 (4) If the Secretary is unable or unwilling to call the special meeting, the Chairperson  
2 must call the meeting.

3 **40 Proxies**

- 4 (1) An instrument appointing a proxy must be in writing and be in the following or  
5 similar form—

6 **Moggill Creek Catchment Group Inc:**

7 I, \_\_\_\_\_ of \_\_\_\_\_ being a member  
8 of the association, appoint  
9 \_\_\_\_\_ of  
10 \_\_\_\_\_ as my proxy to vote for me on my behalf at the  
11 (annual) general meeting of the association, to be held on the \_\_\_\_\_ day  
12 of \_\_\_\_\_ 20\_\_\_\_ and at any adjournment of the  
13 meeting.

14 Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
15 \_\_\_\_\_ Signature

- 16 (2) The instrument appointing a proxy must—  
17 (a) authorised in writing; or  
18 (b) if the appointor is a corporation—  
19 (i) be under seal; or  
20 (ii) be signed by a properly authorised officer or attorney of the  
21 corporation.
- 22 (3) A proxy may be a member of the association or another person.
- 23 (4) The instrument appointing a proxy is taken to confer authority to demand or join  
24 in demanding a secret ballot.
- 25 (5) Each instrument appointing a proxy must be given to the Secretary before the start  
26 of the meeting or adjourned meeting at which the person named in the instrument  
27 proposes to vote.
- 28 (6) Unless otherwise instructed by the appointor, the proxy may vote as the proxy  
29 considers appropriate.
- 30 (7) If a member wants a proxy to vote for or against a resolution, the instrument  
31 appointing the proxy must be in the following or similar form—

32  
33  
34 **Moggill Creek Catchment Group Inc:**

35 I, \_\_\_\_\_ of \_\_\_\_\_ being a member of the  
36 association, appoint \_\_\_\_\_ of  
37 \_\_\_\_\_ as my proxy to vote for me on my behalf at the  
38 (annual) general meeting of the association, to be held on the \_\_\_\_\_ day  
39 of \_\_\_\_\_ 20\_\_\_\_ and at any adjournment of the  
40 meeting.

1 Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
2 \_\_\_\_\_ Signature

3 This form is to be used \*in favour of/\*against [*strike out whichever is not*  
4 *wanted*] the following resolutions—

5 [List relevant resolutions]

6 **41 Minutes of general meetings**

7 (1) The Secretary must ensure full and accurate minutes of all questions, matters,  
8 resolutions and other proceedings of each general meeting are entered in a minute  
9 book and/or electronic form.

10 (2) To ensure the accuracy of the minutes—

11 (a) the minutes of each general meeting must be signed by the Chairperson of  
12 the meeting, or the Chairperson of the next general meeting, verifying their  
13 accuracy; and

14 (b) the minutes of each annual general meeting must be signed by the  
15 Chairperson of the meeting, or the Chairperson of the next meeting of the  
16 association that is a general meeting or annual general meeting, verifying  
17 their accuracy.

18 (3) If asked by a member of the association, the Secretary must, within 28 days after  
19 the request is made—

20 (a) make the minute book for a particular general meeting available for  
21 inspection by the member at a mutually agreed time and place; and

22 (b) give the member copies of the minutes of the meeting.

23 (4) The association may require the member to pay the reasonable costs of providing  
24 copies of the minutes.

25 **42 Omitted**

26

27 **43 Alteration of rules**

28 (1) Subject to the Act, these rules may be amended, repealed or added to by a special  
29 resolution carried at a general meeting.

30 (2) However, an amendment, repeal or addition is valid only if it is registered by the  
31 management committee.

32 **44 Omitted**

33

34 **45 Funds and accounts**

35 (1) The funds of the association must be kept in an account in the name of the  
36 association in a financial institution decided by the management committee.



- 1 (2) Records and accounts must be kept in the English language showing full and  
2 accurate particulars of the financial affairs of the association, in electronic or  
3 written form (or both).
- 4 (3) All amounts must be deposited in the financial institution account as soon as  
5 practicable after receipt.
- 6 (4) A payment by the association of \$100 or more must be made by either cheque or  
7 electronic funds transfer.
- 8 (5) If a payment of \$100 or more is made by cheque, the cheque must be signed by  
9 any 2 of the following—
- 10 (a) the President/Chairperson;
- 11 (b) the Secretary;
- 12 (c) the Treasurer/financial officer;
- 13 (d) any 1 of 3 other members of the association who have been authorised by  
14 the management committee to sign cheques issued by the association.
- 15 (6) However, 1 of the persons who signs the cheque must be the  
16 President,/Chairperson the Secretary or the Treasurer.
- 17 (7) All expenditure must be approved or ratified at a management committee  
18 meeting.
- 19 (8) The association is to establish and maintain the Moggill Creek Catchment Fund.
- 20 (9) The objective of the Moggill Creek Catchment Fund is to support the associations  
21 environmental purposes.
- 22 (10) Members of the public are to be invited to make gifts of money or property to the  
23 Moggill Creek Catchment Fund for the purposes of the Moggill Creek Catchment  
24 Group Inc. A separate bank account is to be opened to deposit money donated to  
25 the Moggill Creek Catchment Fund, including interest accruing, and gifts to it are  
26 to be kept separate from other funds of the association.
- 27 (11) Money from interest on donations, income derived from donated property and  
28 money from realisation of such property is to be deposited into the Moggill Creek  
29 Catchment Fund. Receipts are to be issued in the name of Moggill Creek  
30 Catchment Fund, and proper accounting records and procedures are to be kept and  
31 used for the Moggill Creek Catchment Fund. The Fund will be operated on a not-  
32 for-profit basis.
- 33 (12) A committee of management of no fewer than three persons will administer the  
34 Moggill Creek Catchment Fund. The committee is to be appointed by the  
35 association. The Fund is subject to the provisions of the Act, and the resolutions  
36 of the management committee of the association. Any allocation of funds or  
37 property to another person or organisation will be made in accordance with

1 established purpose of the association, and not be influenced by the preference of  
2 the donor to the Fund. In the case of winding up Moggill Creek Catchment Group  
3 Inc, any surplus assets within the Fund are to be transferred to another fund with  
4 similar objectives, that has been listed on the register of Environmental  
5 Organisations.

#### 6 **46 General financial matters**

- 7 (1) On behalf of the management committee, the Treasurer must, as soon as  
8 practicable after the end date of each financial year, ensure a financial statement  
9 for its last reportable financial year is prepared. This is to be audited by an external  
10 independent auditor.
- 11 (2) The income and property of the association must be used solely in promoting the  
12 association's objects and exercising the association's powers.

#### 13 **47 Documents**

14 The management committee must ensure the safe custody of books, documents,  
15 instruments of title and securities of the association.

#### 16 **48 Financial year**

17 The end date of the association's financial year is 30 June in each year.

#### 18 **49 Distribution of surplus assets to another entity**

- 19
- 20 (1) This rule applies if the association—
- 21 (a) is wound-up under part 10 of the Act; and
- 22 (b) has surplus assets.
- 23 (2) The surplus assets must not be distributed among the members of the  
24 association.
- 25 (3) The surplus assets must be given to another entity—
- 26 (a) having objects similar to the association's objects; and
- 27 (b) the rules of which prohibit the distribution of the entity's income and assets  
28 to its members.
- 29 (4) In this rule— *surplus assets* see section 92(3) of the Act.
- 30

31