



ABN 27 567 884 887
Corporation No: Y2193426

**Information
Communication
Technology
Educators
of
New South Wales
(ICTENSW)
CONSTITUTION**

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**CONSTITUTION OF
INFORMATION AND COMMUNICATION TECHNOLOGY FOR EDUCATORS
IN NEW SOUTH WALES (ICTENSW)**

PART 1 PRELIMINARY

NAME

1. The name of the Association is "Information Communication Technology Educators of New South Wales (ICTENSW) ", herein after called the Association.

OBJECTS

2. The Association aims to provide leadership in Computing Education, Information and Communication Technology (ICT) and Computing Technology through the:
 - (1) building of a network of educators with interests and expertise
 - (2) development, review and dissemination of resources
 - (3) advocacy on issues of importance to members of the association at national, state and local levels
 - (4) participation in curriculum development
 - (5) development and promotion of quality teaching and learning strategies.

DEFINITIONS

3. (1) In this constitution, except in so far as the context or subject-matter otherwise indicates or requires:

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

Director means a member of the Board who is not an office-bearer of the association, as referred to in rule 15(2)

Secretary means:

- (a) the person holding office under this constitution as secretary of the association;
or
- (b) that if no such person holds that office - the public officer of the association;

A person as a member also means tertiary student or individual member or life member.

Special general meeting means a general meeting of the association other than annual general meeting.

The Act means the Associations Incorporation Act, 2009.

The Regulation means the Associations Incorporation Regulation, 2010.

- (2) In this constitution -
 - (a) a reference to a function includes a reference to a power, authority and duty; and
 - (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.
- (3) The provisions of the *Interpretation Act, 1987*, apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

PART II MEMBERSHIP

MEMBERSHIP GENERALLY

4. (1) A person is eligible to be a member of the association if:
 - (a) the person is a natural person, and
 - (b) the person has been nominated and approved for membership of the association in accordance with clause 5.
- (2) A person is taken to be a member of the association if:
 - (a) the person is a natural person, and
 - (b) the person was:
 - (i) in the case of an unincorporated body that is registered as the association - a member of that unincorporated body immediately before the registration of the association, or
 - (ii) in the case of an association that is amalgamated to form the relevant association - a member of that other association immediately before the amalgamation, or
 - (iii) in the case of a registrable corporation that is registered as an association - a member of the registrable corporation immediately before that entity was registered as an association.
- (3) A person is taken to be a member of the association if the person was one of the individuals on whose behalf an application for registration of the association under section 6 (1) (a) of the Act was made.
- (4) (a) Individual and life membership carry full voting rights;
(b) Tertiary Student membership voting rights shall not apply for the election of office bearers and directors of the Board.

NOMINATION FOR MEMBERSHIP

5. (1) A nomination/application of a person for membership of the association -
 - (a) shall be made by a member of the association in writing in the form, approved by the Board, set out in Appendix 1 to this constitution and accompanied by the annual membership fee shown on the application; and
 - (b) shall be lodged with the secretary of the association.
- (2) As soon as practicable after receiving a nomination/application for membership, the secretary shall refer the nomination/application to the Board which shall determine whether to approve or to reject the nomination/application.

- (3) Where the Board determines to reject a nomination/application for membership, the secretary shall, as soon as practicable after that determination notify the nominee of that rejection and return the annual membership fee payment.
- (4) The secretary shall, on approval of nomination/application and payment by the nominee of the amounts referred to in subclause (1(a)), enter the nominee's name in the register of members and, upon the name being so entered, the nominee becomes a member of the association.

CESSATION OF MEMBERSHIP

6. A person ceases to be a member of the association if the person -
 - (a) dies;
 - (b) resigns that membership;
 - (c) is expelled from the association; or
 - (d) is not financial in excess of 12 months.

MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

7. A right, privilege or obligation which person has by reason of being a member of the association -
 - (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon cessation of the person's membership.

RESIGNATION OF MEMBERSHIP

8.
 - (1) A member of the association is not entitled to resign that membership except in accordance with this rule.
 - (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving notice (being not less than 1 month or not less than such other period as the Board may determine) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.
 - (3) Where a member of the association ceases to be a member pursuant to subclause (2) and in every other case where a member ceases to hold membership, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

REGISTER OF MEMBERS

9. (1) The secretary of the association shall establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member.
- (2) The register of members must be kept in New South Wales:
- (a) at the main premises of the association, or
 - (b) if the association has no premises, at the association's official address.
- (3) The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour as determined by the Board.
- (4) A member of the association may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection that information must not be made available for inspection.
- (6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
- (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

FEES AND SUBSCRIPTIONS

10. (1) A member of the association shall, upon admission to membership, pay to the association a fee of \$1 or, where some other amount is determined by the Board, of that other amount.
- (2) In addition to any amount payable by the member under subclause (1), a member of the association shall pay to the association an annual membership fee of \$2 or, where some other amount is determined by the Board, of that other amount -
- (a) except as provided by paragraph (b) before 1st March in each calendar year; or
 - (b) if the member becomes a member on or after 1st March in any calendar year ----- upon becoming a member and before 1st March in each succeeding calendar year.

MEMBER'S LIABILITIES

11. The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the cost, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by rule 10.

RESOLUTION OF DISPUTES

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

DISCIPLINING OF MEMBERS

13. (1) A complaint may be made to the Board by any person that a member of the association:
- (a) has refused or neglected to comply with a provision or provisions of this constitution, or
- (b) has wilfully acted in a manner prejudicial to the interests of the association.
- (2) The Board may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the Board decides to deal with the complaint, the committee:
- (a) must cause notice of the complaint to be served on the member concerned, and
- (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the Board in connection with the complaint, and
- (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The Board may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the Board expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the Board for having taken that action and of the member's right of appeal under clause 14.
- (6) The expulsion or suspension does not take effect:
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
- (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 14, whichever is the later.

RIGHT OF APPEAL OF DISCIPLINED MEMBER

- 14.** (1) A member may appeal to the association in general meeting against a resolution of the Board which is confirmed under clause 13, within 7 days after notice of the resolution is served on the member by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) Upon receipt of a notice from a member under clause [1], the secretary shall notify the Board which shall convene a general meeting of the association to be held within 21 days after the date on which the secretary received the notice.
- (4) At a general meeting of the association convened under subclause (3)
- (a) no business other than the question of the appeal shall be transacted;
 - (b) the Board and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - (c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

PART III THE BOARD

POWERS OF THE BOARD

- 15.** The Board shall be called the Board of management of the association and, subject to the Act, the Regulation and this constitution and to any resolution passed by the association in general meeting -
- (a) shall control and manage the affairs of the association;
 - (b) may exercise all such functions as may be exercised by the association and other than those functions that are required by this constitution to be exercised by a general meeting of members of the association;
 - (c) has power to perform all such acts and do all such things as appear to the Board to be necessary or desirable for the proper management of the affairs of the association; and
 - (d) shall appoint the public officer.

COMPOSITION AND MEMBERSHIP OF BOARD

- 16.** (1) The Board shall consist of -
- (a) the office-bearers of the association; and
 - (b) 8 directors, to enable broad representation from all sectors encompassed by the Association,
- each of whom shall be elected at the annual general meeting of the association pursuant to rule 17.
- (2) The office-bearers of the association shall be -
- (a) the president;
 - (b) the vice-president;
 - (c) the treasurer; and
 - (d) the secretary.
- (3) (a) Each member of the Board shall, subject to this constitution, hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election provided that:
- (b) notwithstanding anything contained in these articles the office bearers of the Association may not hold the same office for a period of more than 4 years consecutively.
- (4) In the event of a casual vacancy occurring in the membership of the Board, the Board may appoint a member of the association to fill the vacancy and the member so appointed shall hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.

ELECTION OF BOARD MEMBERS

- 17.** (1) Nominations of candidates for election as office-bearers of the association or as directors of the Board-
- (a) shall be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) shall be delivered to the secretary of the association not less than 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the Board, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the Board shall be deemed to be casual vacancies.
- (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 received exceeds the number of vacancies to be filled, a ballot shall be held.
- (6) The ballot for the election of office-bearers and directors of the Board shall be conducted at the annual general meeting in such usual and proper manner as the Board may direct.
- (7) A person nominated as a candidate for election as an office-bearer or a director of the association must be a member of the association.

SECRETARY

- 18.** (1) The Secretary of the association shall, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary to keep minutes of -
- (a) all appointments of office-bearers and directors of the Board;
 - (b) the names of members of the Board present at a Board meeting or a general meeting; and
 - (c) all proceedings at Board meetings and general meetings.
- (3) Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (4) The secretary will maintain the register of members of the association.

TREASURER

- 19.** It is the duty of the Treasurer of the association to ensure that -
- (a) all money due to the association is collected and received and that all payments authorised by the association are made; and
 - (b) correct books and accounts are kept showing the financial affairs of the association including full details of all receipts and expenditure connected with the activities of the association.
 - (c) a financial statement is to be presented at each scheduled board meeting.

CASUAL VACANCIES

- 20.** (1) In the event of a casual vacancy occurring in the membership of the Board, the Board may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the Board occurs if the member:
- (a) dies, or
 - (b) ceases to be a member of the association, or
 - (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
 - (d) resigns office by notice in writing given to the secretary, or
 - (e) is removed from office under clause 21, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is absent without the consent of the Board from all meetings of the Board held during a period of 6 months, or
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
 - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

REMOVAL OF BOARD MEMBERS

- 21.** (1) The association in a general meeting may by resolution remove any member of the Board from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) Where a member of the Board to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

BOARD MEETINGS AND QUORUM

- 22.** (1) The Board shall meet at least 3 times in each period of 12 months at such place and time as the Board may determine.
- (2) Additional meetings of the Board may be convened by the president or by a majority of the elected Board. Additional meetings can be on-line or face-to-face.
- (3) Oral or written notice of a meeting of the Board shall be given by an office bearer to each member of the Board at least 48 hours (or at a time agreed upon by the majority members of the board) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subclause (3) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the Board members present at the meeting and a majority agree to treat as urgent business.
- (5) Seven members of the Board constitute a quorum for the transaction of the business of a meeting of the Board.
- (6) No business shall be transacted by the Board unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting stands adjourned to the same place at an agreed hour and day.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the members present (being not less than three) shall be a quorum.
- (8) At a meeting of the Board -
- (a) the president or, in the president's absence, the vice-president shall preside; or
- (b) if the president and the vice-president are absent or unwilling to act such one of the remaining members of the Board as may be chosen by the members present at the meeting shall preside.

DELEGATION BY BOARD TO SUB COMMITTEE

- 23.** (1) The Board may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the Board thinks fit) the exercise of such of the functions of the Board as are specified in the instrument, other than-
- (a) this power of delegation; and
- (b) a function which is a duty imposed on the Board by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Notwithstanding any delegation under this rule, the Board may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Board.

- (6) The Board may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A sub-committee may meet and adjourn as it thinks proper or as directed by the Board.

VOTING AND DECISIONS

- 24.**
- (1) Questions arising at a meeting of the Board or of any sub-committee appointed by the Board shall be determined by a majority of the votes of members of the Board or sub-committee present at the meeting.
 - (2) Each member present at a meeting of the Board or of any sub-committee appointed by the Board (not 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 casting vote.
 - (3) Subject to rule 22(5), the Board may act notwithstanding any vacancy on the Board.
 - (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Board or by a sub-committee, appointed by the Board, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Board or sub-committee.

PART IV GENERAL MEETINGS

ANNUAL GENERAL MEETINGS - HOLDING OF

- 25.** (1) The association must hold its first annual general meeting within 18 months after its registration under the Act.
- (2) The association must hold its annual general meetings:
- (a) within 6 months after the close of the association's financial year, or
 - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

ANNUAL GENERAL MEETINGS - CALLING OF AND BUSINESS AT

- 26.** (1) The annual general meeting of the association shall, subject to the Act and to clause 25, be convened on such date and at such place and time as the Board thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual 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 Board reports upon the activities of the association during the last preceding financial year;
 - (c) to elect office-bearers of the association and directors of the Board; and
 - (d) to receive and consider the statement which is required to be submitted to members under the Act.
- (3) An annual general meeting shall be specified as such in the notice convening it.

SPECIAL GENERAL MEETINGS - CALLING OF

- 27.** (1) The Board may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The Board shall, on the requisition in writing of not less than 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting -
- (a) shall state the purpose or purposes of the meeting;
 - (b) shall be signed by the members making the requisitions;
 - (c) shall be lodged with secretary; and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the Board fails to convene a special general meeting to be held within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in subclause (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the Board.

NOTICE

- 28.** (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent to each member at the member's address and/or email address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the matter provided in subclause (1) specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to rule 26(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

QUORUM FOR GENERAL MEETINGS

- 29.** (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Seven members present in person or by proxy (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
- (a) if convened on the requisition of members, is to be dissolved, and
- (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall constitute a quorum.

PRESIDING MEMBER

- 30.** (1) The president or, in the president's absence, the vice-president, shall preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent from a general meeting or unwilling to act, the members present shall elect a board member first otherwise one of their number to preside as chairperson at the meeting.

ADJOURNMENT

- 31.** (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

MAKING OF DECISIONS

- 32.** (1) A question arising at a general meeting of the association is to be determined by either:
- (a) a show of hands, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.
- (4) At a general meeting of the association, a poll may be demanded by the chairperson or by not less than 3 members present in person or by proxy at the meeting.
- (5) Where a poll is demanded at a general meeting, the poll shall be taken -
- (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
 - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and
 - (c) the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

SPECIAL RESOLUTION

- 33.** A resolution of the association is a special resolution if -
- (a) it is passed by a majority which comprises not less than three-quarters of such members of the association as, being entitled under this constitution so to do, vote in person or by proxy at a general meeting of which not less than 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with this constitution; or
 - (b) where it is made to appear to the Commissioner that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a) - the resolution is passed in a manner specified by the Commissioner.

VOTING

- 34.** (1) On any question arising at a general meeting of the association a member (excluding the presiding officer) has one vote only.
- (2) All votes shall be given personally or by proxy but no member may hold more than 5 proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a casting vote.
- (4) A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.
- (5) No member shall be entitled to vote at any general meeting if their annual subscription shall be more than one month in arrears at the date of the meeting.

APPOINTMENT OF PROXIES

- 35.** (1) Each member shall be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy shall be in the form, as set out by the Board, in Appendix 2 to this constitution.

POSTAL BALLOTS

- 36.** (1) The association may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 14).
- (2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

PART V MISCELLANEOUS

INSURANCE

- 37.** (1) The association shall effect and maintain insurance under the Act.
- (2) In addition to the insurance required under clause (1), the association may effect and maintain other insurance.

FUNDS - SOURCE

- 38.** (1) The funds of the association shall be derived from entrance fees and annual subscriptions of members, donations and other sources as the Board determines.
- (2) All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association's bank account.
- (3) The association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

FUNDS - MANAGEMENT

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

ALTERATION OF NAME, OBJECTS AND CONSTITUTION

- 40.** An application to the Director-General for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a Board member.

CUSTODY OF BOOKS ETC.

- 41.** Except as otherwise provided by this constitution, the public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the association.

INSPECTION OF BOOKS ETC

- 42.** (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour as determined by the board:
- (a) records, books and other financial documents of the association,
 - (b) this constitution,
 - (c) minutes of all committee meetings and general meetings of the association.
- (2) A member of the association may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.

SERVICE OF NOTICES

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

FINANCIAL YEAR

- 44.** The financial year of the association is:
- (a) the period of time commencing on the date of incorporation of the association and ending on the following 31 December, and
 - (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 January and ending on the following 31 December.

SURPLUS PROPERTY

- 45.** If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Association but shall be given or transferred to some other institution having objects similar to the objects of the Association, and whose Memorandum of Association or Constitution shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the company under the Act.

APPENDIX I

(Clause 5(1))

Membership Form/Tax Invoice

To renew lapsed membership or join ICTENSW please post the completed form below, with payment (cheque made out to ICTENSW) to:

Note: There is NO GST on this Membership

Fold line for window envelopes

Membership type Individual Tertiary Student

This is a: Renewal OR New Membership Please tick one of each

Please enter

MEMBER NAME:

(Preferred Address for mail (if different from School))

Surname	Given Name
Address	
Suburb/Town	Postcode
Home Phone:	Home Fax:
Contact email	

Member Position

School/ Institution

Name of School	
Address	
Suburb/Town	Postcode
School Phone	School Fax:
School Email	

This area is not compulsory but will help us when contacting you.

Privacy Statement: The ICTENSW collects the above information purely for the purpose of contacting its members and **does not** make it available to third parties.

APPENDIX 2

(Clause 35(2))

FORM OF APPOINTMENT OF PROXY

I,

(full name)

of

(address)

being a member of

Information and Communication Technology for Educators in New South Wales (ICTENSW)

hereby appoint

(full name of proxy)

of

(address)

being a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or special general meeting, as the case may be) to be

held on theday of 20.... and at any adjournment of that meeting.

* My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

* *To be inserted if desired.*

.....

Signature of member appointing proxy

Date

NOTE: A proxy vote may not be given to a person who is not a member of the association.