

# Victorian Mental Health Carers Network Incorporated

## RULES OF ASSOCIATION

### 1. *Name & application of funds*

(1) The name of the incorporated association is Victorian Mental Health Carers Network Incorporated (in these Rules called "the Association").

(2) The assets and income of the Association shall be applied solely in furtherance of its purposes (as specified in the Statement of Purposes) and shall not be distributed directly or indirectly to the members of the Association save that nothing in this sub-rule (2) will prevent payment in good faith to any member, officer or ordinary member of the committee of the Association for:

- (a) any services actually rendered to the Association whether as an employee or otherwise;
- (b) goods supplied to the Association in the ordinary and usual course of operation;
- (c) reasonable and proper interest on money borrowed from the person;
- (d) rent for premises demised or let by the person to the Association; or
- (e) any legitimate out-of-pocket expenses incurred by the person on behalf of the Association;

provided that any such payment shall not exceed the amount ordinarily payable between ordinary commercial parties dealing at arm's length in a similar transaction.

(3) Nothing in sub-rule (2) will prevent the distribution of government grant monies to members, officers or ordinary members of the committee where the grant is expressly on the basis that the monies be used for the benefit of persons including members, officers or ordinary members of the committee (as the case may be).

(4) Nothing in sub-rule (2) will prevent the Association from providing services or information to the members on terms which are different from the terms on which services or information are provided to persons who are not members.

### 2. *Definitions*

(1) In these Rules, unless the contrary intention appears-

**"Act"** means the **Associations Incorporation Act 1981**;

**"committee"** means the committee of management of the Association;

**"DGR"** means Deductible Gift Recipient within the meaning of section 30-227 of ITAA 97

**"financial year"** means the year ending on 30 June;

**"general meeting"** means a general meeting of members convened in accordance with rule 12.

**"Gift Fund"** means a fund that is maintained for the Principal Purpose.

**"ITAA 97"** means *Income Tax Assessment Act 1997* (Cth)

**"member"** means a member of the Association;

**"ordinary member of the committee"** means a member of the committee who is not an officer of the Association under Rule 21;

**"Principal Purpose"** means the purposes of the Association as reflected in its Statement of Purpose.

**"Regulations"** means regulations under the Act;

**"relevant documents"** has the same meaning as in the Act.

(2) In these Rules, a reference to the Secretary of an Association is a reference--

- (a) if a person holds office under these Rules as Secretary of the Association--to that person; and
- (b) in any other case, to the public officer of the Association.

### **3. Alteration of the Rules**

These Rules and the statement of purposes of the Association must not be altered except in accordance with the Act.

### **4. Membership, entry fees and subscription**

(1) A person who applies and is approved for membership as provided in these Rules is eligible to be a member of the Association on payment of the entrance fee and annual subscription payable under these Rules. The membership of the Association will consist of the classes of membership set out in Annexure 5.(2) A person who is not a member of the Association at the time of the incorporation of the Association (or who was a member at that time but has ceased to be a member) must not be admitted to membership unless-

- (a) he or she applies for membership in accordance with sub-rule (3); and
- (b) the admission as a member is approved by the committee.

(3) An application of a person for membership of the Association must-

- (a) be made in writing in the form set out in Appendix 1;
- (b) in the case of an application for Organisation membership or Representative membership, be proposed and seconded by any Organisation member or Representative member and signed by the applicant, proposer and seconder; and
- (c) be lodged with the Secretary of the Association.

- (4) As soon as practicable after the receipt of an application, the Secretary must refer the application to the committee.
- (5) The committee must determine whether to approve or reject the application. If the committee approves the application for membership the committee must also determine the class of membership to which the applicant is to be admitted.
- (6) If the committee approves an application for membership, the Secretary must, as soon as practicable-
- (a) notify the applicant in writing of the approval for membership and the class of membership to which the applicant has been admitted; and
  - (b) request payment within 28 days after receipt of the notification of the sum payable under these Rules as the entrance fee and the first year's annual subscription.
- (7) The Secretary must, within 28 days after receipt of the amounts referred to in sub-rule (6), enter the applicant's name in the register of members.
- (8) An applicant for membership becomes a member and is entitled to exercise the rights of membership of the relevant class when his, her or its name is entered in the register of members.
- (9) If the committee rejects an application, the committee must, as soon as practicable, notify the applicant in writing that the application has been rejected. The committee is not required to provide reasons for the rejection of the application.
- (10) A right, privilege, or obligation of a person by reason of membership of the Association-
- (a) is not capable of being transferred or transmitted to another person; and
  - (b) terminates upon the cessation of membership whether by death, winding up, resignation or otherwise.
- (11) As at the date these Rules are adopted, the entrance fee is the relevant amount set out in Appendix 4.
- (12) As at the date these Rules are adopted, the annual subscription is the relevant amount set out in Appendix 4 and is payable in advance on or before 1 July in each year.
- (13) The committee may from time to time amend the entrance fee and/or annual subscription provided that the committee must notify the members in writing of any such change no less than 28 days before the change is intended to take effect. For the avoidance of doubt, the committee may amend the entrance fee and/or annual subscription with respect to all members, or one or more classes of members, in its sole discretion.

## **5. Register of members**

- (1) The Secretary must keep and maintain a register of members containing-
- (a) the name and address of each member;
  - (b) the class of membership to which the member has been admitted;

- (c) the date on which each member's name was entered in the register; and
  - (d) in the case of a member other than an individual the full name, address and facsimile number, if any, of the member's representative.
- (2) The register is available for inspection free of charge by any member upon request.
- (3) A member may make a copy of entries in the register.

## **6. *Ceasing membership***

- (1) A member of the Association who has paid all moneys due and payable by a member to the Association may resign from the Association by giving one month's notice in writing to the Secretary of his or her intention to resign.
- (2) After the expiry of the period referred to in sub-rule (1)--
- (a) the member ceases to be a member; and
  - (b) the Secretary must record in the register of members the date on which the member ceased to be a member.

## **7. *Discipline, suspension and expulsion of members***

- (1) Subject to these Rules, if the committee is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the committee may by resolution--
- (a) fine that member an amount not exceeding \$500; or
  - (b) suspend that member from membership of the Association for a specified period; or
  - (c) expel that member from the Association.
- (2) A resolution of the committee under sub-rule (1) does not take effect unless--
- (a) at a meeting held in accordance with sub-rule (3), the committee confirms the resolution; and
  - (b) if the member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.
- (3) A meeting of the committee to confirm or revoke a resolution passed under sub-rule (1) must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub-rule (4).
- (4) For the purposes of giving notice in accordance with sub-rule (3), the Secretary must, as soon as practicable, cause to be given to the member a written notice--
- (a) setting out the resolution of the committee and the grounds on which it is based; and

(b) stating that the member, or his or her representative, may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and

(c) stating the date, place and time of that meeting; and

(d) informing the member that he or she may do one or both of the following-

(i) attend that meeting;

(ii) give to the committee before the date of that meeting a written statement seeking the revocation of the resolution;

(e) informing the member that, if at that meeting, the committee confirms the resolution, he or she may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.

(5) At a meeting of the committee to confirm or revoke a resolution passed under sub-rule (1), the committee must-

(a) give the member, or his or her representative, an opportunity to be heard; and

(b) give due consideration to any written statement submitted by the member; and

(c) determine by resolution whether to confirm or to revoke the resolution.

(6) If at the meeting of the committee, the committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.

(7) If the Secretary receives a notice under sub-rule (6), he or she must notify the committee and the committee must convene a general meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.

(8) At a general meeting of the Association convened under sub-rule (7)--

(a) no business other than the question of the appeal may be conducted; and

(b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and

(c) the member, or his or her representative, must be given an opportunity to be heard; and

(d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.

(9) A resolution is confirmed if, at the general meeting, not less than two-thirds of the members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

## **8. Disputes and mediation**

(1) The grievance procedure set out in this rule applies to disputes under these Rules between-

- (a) a member and another member; or
  - (b) a member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be-
- (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement-
    - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
    - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of the Association can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must--
- (a) give the parties to the mediation process every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

### **9. Annual general meetings**

- (1) The committee may determine the date, time and place of the annual general meeting of the Association.
- (2) The notice convening the annual general meeting must specify that the meeting is an annual general meeting.
- (3) The ordinary business of the annual general meeting shall be-

- (a) to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting; and
- (b) to receive from the committee reports upon the transactions of the Association during the last preceding financial year; and
- (c) to elect officers of the Association and the ordinary members of the committee; and
- (d) to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act.

(4) The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.

### **10. Special general meetings**

(1) In addition to the annual general meeting, any other general meetings may be held in the same year.

(2) All general meetings other than the annual general meeting are special general meetings.

(3) The committee may, whenever it thinks fit, convene a special general meeting of the Association.

(4) If, but for this sub-rule, more than 15 months would elapse between annual general meetings, the committee must convene a special general meeting before the expiration of that period.

(5) The committee must, on the request in writing of members representing not less than 5 per cent of the total number of members, convene a special general meeting of the Association.

(6) The request for a special general meeting must--

- (a) state the objects of the meeting; and
- (b) be signed by the members requesting the meeting; and
- (c) be sent to the address of the Secretary.

(7) If the committee does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than 3 months after that date.

(8) If a special general meeting is convened by members in accordance with this rule, it must be convened in the same manner so far as possible as a meeting convened by the committee and all reasonable expenses incurred in convening the special general meeting must be refunded by the Association to the persons incurring the expenses.

### **11. Special business**

All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting, except for business conducted under the Rules as ordinary business of the annual general meeting, is deemed to be special business.

### **12. Notice of general meetings**

(1) The Secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Association, must cause to be sent to each Organisation member and each Representative member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.

(2) Notice may be sent--

(a) by prepaid post to the address appearing in the register of members; or

(b) if the member requests, by facsimile transmission or electronic transmission.

(3) No business other than that set out in the notice convening the meeting may be conducted at the meeting.

(4) A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

### **13. Quorum at general meetings**

(1) No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to attend and vote is present at the time when the meeting is considering that item.

(2) Five members present in person or by representative (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct 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--

(i) in the case of a meeting convened upon the request of members--the meeting must be dissolved; and

(ii) in any other case--the meeting 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.

(4) If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present in person or by representative (being not less than 3) shall be a quorum.

**14. *Presiding at general meetings***

(1) The Chair, or in the Chair's absence, the Deputy Chair, shall preside as Chairperson at each general meeting of the Association.

(2) If the Chair and the Deputy Chair are absent from a general meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson.

**15. *Adjournment of meetings***

(1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.

(2) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.

(3) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 12.

(4) Except as provided in sub-rule (3), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

**16. *Voting at general meetings***

(1) Upon any question arising at a general meeting of the Association, a member entitled under these Rules to attend and vote (including for the avoidance of doubt the nominated representative of such a member) has one vote only.

(2) All votes must be given personally (by the member or its representative) 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) Despite Appendix 5, an Organisation member or Representative member is not entitled to vote at a general meeting unless all moneys due and payable by the member to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

**17. *Poll at general meetings***

(1) If at a meeting a poll on any question is demanded by not less than 3 members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.

(2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.

**18. Manner of determining whether resolution carried**

If a question arising at a general meeting of the Association is determined on a show of hands-

(a) a declaration by the Chairperson that a resolution has been-

- (i) carried; or
- (ii) carried unanimously; or
- (iii) carried by a particular majority; or
- (iv) lost; and

(b) 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.

**19. Proxies**

(1) Each member entitled under these Rules to attend and vote at a general meeting of the Association (including for the avoidance of doubt the nominated representative of such a member) is entitled to appoint a representative of an Organisation member or Representative member as a 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 must be--

- (a) for a meeting of the Association convened under rule 7(7), in the form set out in Appendix 2; or
- (b) in any other case, in the form set out in Appendix 3.

**20. Committee of Management**

(1) The affairs of the Association shall be managed by the committee of management.

(2) The committee--

- (a) shall control and manage the business and affairs of the Association; and
- (b) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Association; and
- (c) subject to these Rules, the Act and the Regulations, 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 Association.

(3) Subject to section 23 of the Act, the committee shall consist of--

(a) the officers of the Association; and

(b) two ordinary members (each being the nominated representative for the time being of an Organisation member or a Representative member or where that Representative Member is an individual, that individual)--

each of whom shall be elected at the annual general meeting of the Association in each year.

### **21. Office holders**

(1) The officers of the Association shall be--

(a) a Chair;

(b) a Deputy Chair;

(c) a Treasurer; and

(d) a Secretary.

(2) The provisions of rule 23, 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 offices referred to in sub-rule (1).

(3) Each officer of the Association shall hold office until the annual general meeting next after the date of his or her election but is eligible for re-election.

(4) In the event of a casual vacancy in any office referred to in sub-rule (1), the committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.

### **22. Ordinary members of the committee**

(1) Subject to these Rules, each ordinary member of the committee shall hold office until the annual general meeting next after the date of election but is eligible for re-election.

(2) In the event of a casual vacancy occurring in the office of an ordinary member of the committee, the committee may appoint a member of the Association to fill the vacancy and the member appointed shall hold office, subject to these Rules, until the conclusion of the annual general meeting next following the date of the appointment.

### **23. Election of officers and ordinary committee members**

(1) Nominations of candidates for election as officers of the Association or as ordinary members of the committee must be--

(a) made in writing, signed by two members of the Association entitled under these Rules to attend and vote at a general meeting of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and

(b) delivered to the Secretary of the Association not less than 7 days 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) 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.

(4) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.

(5) The ballot for the election of officers and ordinary members of the committee must be conducted at the annual general meeting in such manner as the committee may direct.

#### **24. Vacancies**

The office of an officer of the Association, or of an ordinary member of the committee, becomes vacant if the officer or member--

(a) ceases to be a member of the Association; or

(b) becomes an insolvent under administration within the meaning of the Corporations Law;  
or

(c) resigns from office by notice in writing given to the Secretary.

#### **25. Meetings of the committee**

(1) The committee must meet at least 3 times in each year at such place and such times as the committee may determine.

(2) Special meetings of the committee may be convened by the Chair or by any 4 members of the committee.

(3) The committee may hold a meeting in person, or by phone, video conference or any other means of communication, provided everyone at the meeting can hear and be heard by one another throughout the meeting. The meeting is invalid if this sub-rule is not complied with. If a meeting is not held in person, each of the following conditions must be met:

(a) Each member of the committee must have received notice of the fact that the meeting was to be held.

(b) Each member of the committee who is present must announce, at the beginning of the meeting, that he or she is present.

(c) A member of the committee who ceases to be present at the meeting without obtaining the permission of the Chair (or other person presiding) before the meeting began will be regarded as being present for the whole of the meeting.

(d) The committee must agree on a place where the meeting will be said to have been held, and at least one of the members of the committee must be at that place throughout the meeting.

**26. Notice of committee meetings**

(1) Written notice of each committee meeting must be given to each member of the committee at least 2 business days before the date of the meeting.

(2) Written notice must be given to members of the committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

**27. Quorum for committee meetings**

(1) Any 4 members of the committee constitute a quorum for the conduct of the business of a meeting of the committee.

(2) No business may be conducted unless a quorum is present.

(3) If within half an hour of the time appointed for the meeting a quorum is not present--

(i) in the case of a special meeting--the meeting lapses;

(ii) in any other case--the meeting shall stand adjourned to the same place and the same time and day in the following week.

(4) The committee may act notwithstanding any vacancy on the committee.

**28. Presiding at committee meetings**

At meetings of the committee-

(a) the Chair or, in the Chair's absence, the Deputy Chair presides; or

(b) if the Chair and the Deputy Chair are absent, or are unable to preside, the members present must choose one of their number to preside.

### **29. Voting at committee meetings**

(1) Questions arising at a meeting of the committee, or at a meeting of any sub-committee appointed by the committee, shall be determined on a show of hands (or equivalent oral method for the purposes of sub-rule 25(3)) or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.

(2) Each member present at a meeting of the committee, or at a meeting 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.

### **30. Removal of committee member**

(1) The Association in general meeting may, by resolution, remove any member of the committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.

(2) A member who is the subject of a proposed resolution referred to in sub-rule (1) may make representations in writing to the Secretary or Chair of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.

(3) The Secretary or the Chair may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting.

(4) Copies of the representations need not be sent out and the representations need not be read out at the meeting if the other members of the committee are satisfied on reasonable grounds that the rights conferred by this rule are being abused to secure needless publicity for defamatory matter.

### **31. Minutes of meetings**

The Secretary of the Association must keep minutes of the resolutions and proceedings of each general meeting, and each committee meeting, together with a record of the names of persons present at committee meetings.

### **32. Funds**

(1) The Treasurer of the Association or their delegate as approved by the committee must-

(a) collect and receive all moneys due to the Association and make all payments authorised by the Association; and

(b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two members of the committee or by such person or persons to whom the committee delegates this responsibility.

(3) The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the committee determines.

### **33. Association to maintain a Gift Fund**

(1) The Association must maintain a Gift Fund in accordance with this rule 33 for so long as it seeks or has obtained endorsement as a DGR from the Australian Taxation Office, or the Association is named as a DGR in ITAA 97.

(2) The following rules apply to any Gift Fund established and maintained by the Association:

- (a) the Gift Fund must have a name.
- (b) the Association must maintain sufficient documents to provide evidence of the Gift Fund's purpose and operations.
- (c) the Association must maintain a separate bank account for the Gift Fund.
- (d) the following must be credited to the Gift Fund:
  - (i) all gifts of money or property to the Association for the Principal Purpose.
  - (ii) all money or property received by the Association because of those gifts.
- (e) no other money or property may be credited to the Gift Fund.
- (f) the Association must use any gifts, money or property of the kind referred to in rule 33(d) only for the Principal Purpose.

(3) Despite rule 35, if the Gift Fund is wound up or the Association ceases to be a DGR for any reason, any surplus assets of the Gift Fund remaining after the payment of liabilities attributable to it must be transferred to a fund, authority or institution to which income tax deductible gifts can be made. For the avoidance of doubt, if a Gift Fund operated by the Association is wound up but the Association remains a DGR and operates any other gift fund in accordance with this rule 33, any surplus assets of the Gift Fund that is being wound up may be transferred to any other gift fund operated by the Association.

### **34. Notice to members**

Except for the requirement in rule 12, any notice that is required to be given to a member, by or on behalf of the Association, under these Rules may be given by-

- (a) delivering the notice to the member personally; or
- (b) sending it by prepaid post addressed to the member at that member's address shown in the register of members; or
- (c) facsimile transmission, if the member has requested that the notice be given to him or her in this manner; or

(d) electronic transmission, if the member has requested that the notice be given to him or her in this manner.

### **35. *Winding up***

If in the event of the winding up or the cancellation of the incorporation of the Association there remains, after such cancellation or winding up and the satisfaction of all debts and liabilities, assets or 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 an organisation which has similar objects and which is approved by the Commissioner of Taxation as a public benevolent institution for the purposes of any Commonwealth Taxation Act.

### **36. *Custody and inspection of books and records***

(1) Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.

(2) All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.

(3) A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.

APPENDIX 1

APPLICATION FOR MEMBERSHIP OF  
Victorian Mental Health Carers Network Incorporated

I, .....,  
(name)

of .....  
(address)

desire to become a ..... member of Victorian Mental Health Carers Network Inc.  
(class of membership)

In the event of my admission as a member, I agree to be bound by the Rules of the Association for the time being in force.

[To be completed by applicants who are not individuals.]

I appoint as my representative:

Name: .....

Address: .....

until such time as I advise the Secretary otherwise in writing.

.....  
Signature of Applicant/signature of authorised person for and on behalf of Applicant

Date: .....

-----  
I, ....., a member or a representative of a member of the Association,  
(name)

nominate the applicant, who is known to me, for membership of the Association.

.....  
Signature of Proposer / signature of authorised person for and on behalf of Proposer

Date: .....

I, ..... , a member or a representative of a member of the Association,  
(name)

second the nomination of the applicant, who is known to me, for membership of the Association.

.....  
Signature of Seconder / signature of authorised person for and on behalf of Seconder

Date: .....

**APPENDIX 2**

**FORM OF APPOINTMENT OF PROXY FOR MEETING OF  
ASSOCIATION CONVENED UNDER RULE 7(7)**

I,.....  
(name of member or member's representative, as applicable)

of .....  
(address)

being a member or representative of a member of Victorian Mental Health Carers Network Inc

appoint .....  
(name of proxy holder)

of .....  
(address of proxy holder)

being a representative of an Organisation member or Representative member (or where that Representative Member is an individual, that individual) of that Incorporated Association, as my proxy to vote for me on my behalf at the appeal to the general meeting of the Association convened under rule 7(7), to be held on-

.....  
(date of meeting)

and at any adjournment of that meeting.

I authorise my proxy to vote on my behalf at their discretion in respect of the following resolution:  
[insert details of resolution passed under rule 7(1)].

.....  
Signed / Signed for and on behalf of .....  
[insert name of member]

Date:

**APPENDIX 3**

**FORM OF APPOINTMENT OF PROXY**

I, .....  
(name of member or member's representative, as applicable)

of .....  
(address)

being a member or representative of a member of Victorian Mental Health Carers Network Inc

appoint .....  
(name of proxy holder)

of .....  
(address of proxy holder)

being a representative of an Organisation member or Representative member (or where that Representative Member is an individual, that individual) of that Incorporated Association, as my proxy to vote for me on my behalf at the annual/special\* general meeting of the Association to be held on

.....  
(date of meeting)

and at any adjournment of that meeting.

My proxy is authorised to vote in favour of / against\* the following resolution  
[insert details of resolution(s)].

.....  
Signed / Signed for and on behalf of .....  
[insert name of member]

Date: .....

\* Delete if not applicable

**APPENDIX 4**

**SCHEDULE OF FEES**

<i><b>Fee</b></i>	<i><b>Amount</b></i>	
<b>Entrance fee</b>	Organisation member	\$0
	Representative member	\$0
	Associate member	\$0
<b>Annual subscription fee</b>	Organisation member	\$0
	Representative member	\$0
	Associate member	\$0

**Note:** The Committee may vary any or all of these fees from time to time in accordance with Rule 4 of these Rules.

## **APPENDIX 5**

### **CLASSES OF MEMBERSHIP**

The membership of the Association will be divided into the following three classes:

- (i) Organisation members
- (ii) Representative members
- (iii) Associate members

#### **Organisation members**

Organisation membership may be granted to an association, company or other organisation (not being an individual) which, as determined by the committee in its absolute discretion, is a carer organisation or has a significant carer focus. An Organisation member will be required to appoint an individual as its representative in accordance with these Rules and may change its representative from time to time by written notice to the Secretary.

An Organisation member has the right to:

- (i) receive notices of any general meeting of the Association; and
- (ii) attend, be heard at and vote at any general meeting of the Association.

The committee may in its absolute discretion set a limit to the number of Organisation members at any time.

#### **Representative members**

Representative membership may be granted to:

- (a) an unincorporated association or other collective of individuals which, as determined by the committee in its absolute discretion, consists principally of mental health carers. This collective may be defined (by way of example only) by its geographical region and/or its objectives. Such a Representative member will be required to appoint an individual as its representative in accordance with these Rules and may change its representative from time to time by written notice to the Secretary; or
- (b) an individual who, as determined by the committee in its absolute discretion, can make a contribution to the purposes of the Network as a result of being representative of a category or type of carers or having experience with particular carer issues. A category or type of carers may be defined (by way of example only) by its geographical region and/or its focus on particular service types.

A Representative member has the right to:

- (i) receive notices of any general meeting of the Association; and
- (ii) attend, be heard at and vote at any general meeting of the Association.

The committee may in its absolute discretion set a limit to the number of Representative members at any time.

### **Associate members**

Associate membership may be granted to an individual who is a carer or an organisation having involvement in carer issues (as determined by the committee in its absolute discretion).

An Associate member has no right to:

- (i) receive notices of any general meeting of the Association; or
- (ii) attend, be heard at and vote at any general meeting of the Association.

but may:

- (i) receive other information provided by or on behalf of the Association;
- (ii) contribute written feedback to the Association;
- (iii) attend other forums or events sponsored or hosted by the Association; and
- (iv) participate in other Association initiatives and events (as may be permitted by the committee from time to time in its absolute discretion).

There shall be no limit to the number of Associate members.

For the purposes of this Appendix 5, the committee accepts the following working definition of "carer":

A carer:

- may be a family member, partner, friend or other person;
- may be of any age;
- will commonly be actively involved in caring for and supporting a person with mental health issues, with this role not necessarily a static role but rather a role that is capable of fluctuation over time according to the needs of the person with mental health issues and the carer,
- will commonly have their life impacted by the wellbeing of the person with mental health issues, and
- commonly undertakes for the care of and support of a person with mental health issues in a voluntary capacity and not as part of their career or employment.