



Constitution and rules

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Part 1: Preliminary

1.1 Name

The name of the Association shall be Families ACT Incorporated referred to in these Rules as FACT Inc.

1.2 Purpose

- 1) The purpose of Families ACT Inc (FACT Inc) is to relieve the suffering and distress of vulnerable and disadvantaged children, young people and families in the ACT and surrounding region, so as to improve their physical, social and emotional wellbeing.
- 2) FACT Inc. achieves its purpose by:
 - (a) acting as a peak body for its members by:
 - (i) providing information, support, advocacy and representation for members regarding their benevolent work;
 - (ii) providing a strong proactive voice to government on local and regional issues which impact vulnerable and disadvantaged children, young people and families;
 - (iii) strengthening the continuum of services that support vulnerable and disadvantaged children, young people and families in order to address their distress;
 - (iv) advocating for and creating resources, tools and training which ensure long-term sustainability of family support services to vulnerable and disadvantaged children, young people and families;
 - (v) initiating and undertaking research which contributes to improved knowledge with respect to benevolent work; and
 - (vi) strengthening, developing and facilitating networks within the family support sector to assist vulnerable children, young people and families;
 - (b) engaging in activities designed to contribute to the elimination of poverty and the promotion of well-being of disadvantaged and vulnerable children, young people and families; and
 - (c) doing all such other acts or things as may be conducive to the attainment of the foregoing objectives.

1.3 Definitions

- 1) In these rules the following words and acronyms have the following meanings unless the contrary intention appears:
 - (a) financial year means the year ending on 30 June.
 - (b) member means a member, however described, of FACT Inc.
 - (c) ordinary Board member means a member of the Board who is not an office-bearer of FACT Inc as mentioned in section 3.2.2.

- (d) the Act means the Associations Incorporation Act 1991.
- (e) General Meeting shall be taken to mean “Special General Meeting” and “Annual General Meeting”.
- (f) Special resolution means a resolution which:
 - (i) is passed at a General Meeting of FACT Inc of which at least 21 days notice, accompanied by notice of intention to propose the resolution as a special resolution, has been given to the members; and
 - (ii) is passed by at least three-quarters of those members of FACT Inc who, being entitled to vote, vote at the meeting in person or by proxy;

Part 2: Membership

2.1 Eligibility for Membership

- 3) A not-for-profit community organisation which is pursuing any of the foregoing objects may apply for membership as a Member Organisation of FACT Inc.
- 4) A statutory authority, government agency, company, association or other body which is interested in the objects of FACT Inc may apply for membership as an Affiliate Member of FACT Inc. Subject to these Rules, the Board may determine conditions upon which such Affiliate Membership is held.

2.2 Admission to Membership

- 2) A nomination for membership of FACT Inc :
 - (a) shall be made in writing on a form provided by FACT Inc and shall specify the class of membership sought;
 - (b) shall be accompanied by the written consent of the person or organisation nominated (which may be endorsed on the application form);
 - (c) shall be lodged with the Public Officer;
- 3) As soon as practicable after the receipt of an application, the Public Officer shall refer the application to the Board; and
- 4) Upon an application being approved by a majority vote at a meeting of the Board, the Public Officer shall, with as little delay as possible, notify the applicant in writing that the application has been approved for membership of FACT Inc and, upon receipt of the sum payable by or on behalf of the applicant as the first year’s subscription, shall enter the applicant’s name in the Register of Members, where upon the applicant becomes a member of FACT Inc.

2.3 Register of Members

- 1) The Public Officer shall maintain or cause to be maintained a Register of Members of FACT Inc which records:
 - (a) the name and current address of the member;
 - (b) their class of membership;
 - (c) their date of admission to, and cessation of, membership.
- 2) The Register of Members shall be available for inspection by members at reasonable times at a place in the Territory nominated by the Board.

2.4 Rights of Members

- 1) The membership rights of a Member Organisation are as follows:
 - (a) Each Member Organisation may appoint two delegates to FACT Inc to act on its behalf. The appointment of a delegate shall be notified in writing to the Public Officer by an authorised officer of the Member Organisation. The Member Organisation may at any time terminate the appointment of either or both of its delegates and nominate another person or persons;
 - (b) Each delegate of a Member Organisation shall be entitled to one vote at General Meetings of FACT Inc, and may also exercise proxy votes in accordance with subrule 2.5;
 - (c) No person shall be a delegate to FACT Inc of more than one Member Organisation;
 - (d) A delegate shall be eligible for election to any office or to the Board.
- 2) The membership rights of Affiliate Members are as follows:
 - (a) An Affiliate Member may be represented by an observer at all General Meetings.
 - (b) A representative of an Affiliate Member is not entitled to vote at General Meetings, unless he or she holds a proxy under subrule 2.5;
 - (c) A representative of an Affiliate Member is not eligible for election to any office or to the Board.

2.5 Proxy Voting

- 1) If a delegate is unable to attend a General Meeting, his or her Member Organisation, , may appoint a proxy to act and vote in his or her place at that meeting, provided that the Public Officer has been notified of the appointment of the proxy in writing before the commencement of the General Meeting.
- 2) The notice appointing the proxy must be in the form set out in Appendix 1.
- 3) A right, privilege or obligation of a person or institution by virtue of his, her or its membership of FACT Inc:
 - (a) is not capable of being transferred or transmitted to another person or institution; and,
 - (b) terminates upon the cessation of membership, whether by death, resignation or otherwise.

2.6 Membership Fees

- 1) The Board shall, in each year, determine the amount of the annual subscription payable by Member Organisations, and Affiliate Members.
- 2) The annual subscription shall be due and payable prior to the Annual General Meeting each year.
- 3) The Board may remit such part as it thinks fit of the annual subscription payable by a member if it is of the opinion that circumstances, including but not limited to the financial ability of the member to pay, justify it.

2.7 Members' liabilities

The liability of a member to contribute towards the payment of the debts and liabilities of FACT Inc or the costs, charges and expenses of the winding up of FACT Inc is limited to the extent of any arrears in their membership subscription as required by section 2.2.3.

2.8 Cessation of Membership

- 1) Any member whose subscription is more than six months in arrears shall be deemed to be an unfinancial member. Unfinancial members and their delegates are not entitled to be elected or appointed to an office of FACT Inc or to the General Committee and are not entitled to vote at any General Meeting.
- 2) A member ceases to be a member of FACT Inc if their subscription remains unpaid two years after it is due.
- 3) A member of FACT Inc may, at any time, resign from FACT Inc by delivering or sending by post to the Public Officer a written notice of resignation which shall be brought to the attention of the Board.
- 4) Upon the termination of membership under this rule, or rules 2.8 and 2.9, the Public Officer shall remove the name of the member from the Register of Members, whereupon that member ceases to be a member of FACT Inc.

2.9 Disciplining of members

- 1) If the Board is of the opinion that a member—
 - (a) has persistently refused or neglected to comply with a provision of these rules; or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of FACT Inc;
- 2) The Board may, by resolution—
 - (a) expel the member from FACT Inc; or
 - (b) suspend the member from the rights and privileges of membership of FACT Inc for a specified period that the Board may decide.
- 3) A resolution of the Board under subsection (2) of this rule is of no effect unless the Board, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subsection (4), confirms the resolution in accordance with this section.
- 4) If the Board passes a resolution under subsection (2), the Public Officer must, as soon as practicable, serve a written notice on the member—
 - (a) setting out the resolution of the Board and the grounds on which it is based; and
 - (b) stating that the member may address the Board at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that the member may do either or both of the following:
 - (e) attend and speak at that meeting;
 - (f) submit to the Board at or before the date of that meeting written representations relating to the resolution.
- 5) Subject to the Act, section 50, at a meeting of the Board mentioned in subsection 4(b), the Board must—
 - (a) give to the member mentioned in subsection (1) an opportunity to make oral representations; and
 - (b) give due consideration to any written representations submitted to the Board by that member at or before the meeting; and
 - (c) by resolution decide whether to confirm or to revoke the resolution of the Board made under subsection (2).
- 6) If the Board confirms a resolution under subsection (5), the Public Officer must, within 7 days after that confirmation, by written notice inform the member of that confirmation and of the member's right of appeal under section 2.9.

- 7) A resolution confirmed by the Board under subsection (5) does not take effect—
 - (a) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
 - (b) if within that period the member exercises the right of appeal—unless and until FACT Inc confirms the resolution in accordance with section 2.9 (3).

2.10 Right of appeal of disciplined member

- 1) A member may appeal to FACT Inc in a General Meeting against a resolution of the Board that is confirmed under section 2.8 (4), within 7 days after notice of the resolution is served on the member, by lodging with the Public Officer a notice to that effect.
- 2) On receipt of a notice under subsection (1), the Public Officer must notify the Board which must call a general meeting of FACT Inc to be held within 21 days after the date when the Public Officer received the notice or as soon as possible after that date.
- 3) Subject to the Act, section 50, at a general meeting of FACT Inc called under subsection (2)—
 - (a) no business other than the question of the appeal may be transacted; and
 - (b) the Board and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (c) the members present must vote by secret ballot on the question of whether the resolution made under section 9 (4) should be confirmed or revoked.
- 4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 2.7(5), that resolution is confirmed.

3: Board

3.1 Powers of the Board

- 1) The Board, subject to the Act, these rules, and to any resolution passed by FACT Inc in General Meeting—
 - (a) controls and manages the affairs of FACT Inc; and
 - (b) may exercise all functions that may be exercised by FACT Inc other than those functions that are required by these rules to be exercised by FACT Inc in General Meeting; and
 - (c) has power to perform all acts and do all things that appear to the Board to be necessary or desirable for the proper management of the affairs of FACT Inc.

3.2 Constitution and membership

- 1) The Board consists of up to 9 members.
 - (a) the office-bearers of FACT Inc; and
 - (b) two ordinary members who shall be elected for a two year term of office at the Annual Management meeting occurring in odd calendar years;
 - (c) three other ordinary members who shall be elected for a two year term of office at the Annual Management Meeting occurring in even calendar years;
- 2) The office-bearers of FACT Inc are—
 - (a) the President; and
 - (b) the Vice-President; and
 - (c) the Finance Officer; and
 - (d) the Public Officer.
- 3) The President and the Public Officer shall be elected for a two year term of office at the Annual General Meeting occurring in even calendar years. The Vice President and the Finance Officer shall be elected for a two year term at the Annual General Meeting occurring in odd calendar years.
- 4) Each officer and ordinary Board member shall, subject to these rules, hold office until the Annual General Meeting two years after their date of election but is eligible for re election, subject to subrule 3.2(5).
- 5) Officers and Board members shall be eligible for re-election, subject to the following:
 - (a) A person shall not serve for more than four consecutive years on the Board.
 - (b) A person is not eligible to simultaneously hold more than one position on the Board.

- 6) Casual vacancies:
- (a) In the event of an officer ceasing to hold office for any reason, the Board shall, within 28 days, appoint one of the ordinary members of the Board to fill the office for the remainder of the term for which the previous officer was elected.
 - (b) In the event of a casual vacancy occurring in the office of ordinary Board member, the Board shall appoint an appropriately skilled person to fill the vacancy for the remainder of the term for which the previous member was elected.

3.3 Selection & Election of Board members

- 1) Members of the Board will be selected on the basis of the specific skills and knowledge they can contribute to the governance of Families ACT
- 2) Families ACT will advertise for nominations from suitably qualified applicants to sit on the Board and will actively recruit Board members prior to each Annual General Meeting. Applicants will be interviewed by a selection panel who will nominate suitable candidates for election by members at the AGM.
- 3) Interviews will be based on approved selection criteria and an examination of what the individual believes they can contribute to Families ACT.
- 4) For the selection of the first board, the interview panel will comprise the Executive Officer and 2 nominated members of the Management Committee. For the selection of subsequent Boards, the interview panel will comprise the Executive Officer, President of the Board and a representative from the Advisory Council.

3.4 Vacancies

For these rules, a vacancy in the office of a member of the Board happens if the member—

- (a) dies; or
- (b) ceases to be a member of FACT Inc; or
- (c) resigns the office; or
- (d) is removed from office under section 3.5 (Removal of Board members); or
- (e) is disqualified from office under the Act, section 63 (1); or
- (f) is absent without the consent of the Board from all meetings of the Board held during a period of six months.

3.5 Removal of Board members

The association in general meeting may by resolution, subject to the Act, section 50, remove any member of the Board from the office of member of the Board before the end of the member's term of office.

3.6 Board meetings and quorum

- 1) The Board must meet at least four times in each calendar year at the place and time that the Board may decide.
- 2) Additional meetings of the Board may be called by any member of the Board.
- 3) Oral or written notice of a meeting of the Board must be given to each member of the Board at least 48 hours (or any other period that may be unanimously agreed on by the members of the Board) before the time appointed for the holding of the meeting.
- 4) Notice of a meeting given under subsection (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the Board members present at the meeting unanimously agree to treat as urgent business.
- 5) Four members of the Board, of which two must be office bearers, constitute a quorum for the transaction of the business of a meeting of the Board.
- 6) No business may be transacted by the Board unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- 7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.
- 8) At meetings of the Board—
 - (a) the President or, in the absence of the President, the Vice-President presides; or
 - (b) if the President and the Vice-president are absent—one of the remaining members of the Board may be chosen by the members present to preside.

3.7 Delegation by Board to Sub- Committee

- 1) The Board may at any time appoint such sub- committees as it may think fit and shall prescribe their membership (which may include persons who are not members of the Board), powers and functions.
- 2) A sub-committee shall have at least one person who is a member of the Board
- 3) The Board may require a sub-committee to report to the Board on its activities and results at such times or intervals as the General Committee thinks fit.
- 4) The term of members of a sub-committee is at the discretion of the Board
- 5) Despite any delegation under this section, the Board may continue to exercise any function delegated.
- 6) A sub-committee may meet and adjourn as it considers appropriate.

3.8 Voting and decisions

- 1) Questions arising at meetings of the Board, or of any sub-committee appointed by the Board, shall be determined, if possible, by consensus, otherwise on a show of hands, or, if demanded by a member, by a poll taken in such a manner as the person chairing the meeting may determine.
- 2) Each member present at a meeting of the Board, or of any sub-committee appointed by the Board, (including the person chairing the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the resolution is lost.
- 3) Subject to section 3.6(5), the Board may act despite any vacancy on the Board.
- 4) Any decision made, or thing done by the Board or by a sub-committee appointed by the Board, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Board or sub-committee.

3.9 Staff

- 1) The Board may employ such staff as it sees fit to conduct the affairs of FACT Inc, and may determine their terms and conditions of employment.
- 2) The Board may employ a head of staff, and such a person would be an ex-officio member of the Board.
- 3) Any employee of FACT Inc may attend any General Meeting of FACT Inc or any meeting of the Board and may speak at the meeting but may not vote or propose resolutions.

3.10 Advisory Council

- 1) The Advisory Council provides advice to support the Board's decision making. The Council's role and functioning is described in detail in the Council's Terms of Reference.
- 2) The Board will nominate one of its members to sit on the Council. The Board representative on the Council will act as a conduit between the Advisory Council and the Board, both taking matters to the Board for consideration and ensuring information about Board's decisions are fed back to the Council.
- 3) The Council will comprise up to 9 members, who will be elected for a 12 month term (with the option of extension for a second term) at the AGM.
- 4) Nominations for membership of the Advisory Council:
 - (a) must be made in writing, signed by 2 members of FACT Inc and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
 - (b) must be given to the Public Officer of FACT Inc not less than 7 days before the date fixed for the Annual General Meeting at which the election is to take place.
- 5) If insufficient nominations are received to fill all vacancies on the Advisory Council, further nominations may be received at the Annual General Meeting.

- 6) If insufficient further nominations are received, any vacant positions remaining on the Advisory Council are taken to be vacancies.
- 7) If the number of nominations received is less than or equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- 8) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.
- 9) The ballot for the election of members of the Advisory Council must be conducted at the Annual General Meeting in the way the Board may direct.

4: General meetings

4.1 Annual General Meeting

- 1) FACT Inc shall, in each year, hold an Annual General Meeting.
- 2) The Annual General Meeting shall be held on such day (being not later than five months after the close of the financial year of FACT Inc) as the Board may determine.
- 3) The Annual General Meeting shall be in addition to any other General Meetings that may be held in the same financial year.
- 4) The Annual General Meeting shall be specified as such in the notice issued convening the meeting.
- 5) The ordinary business of the Annual General Meeting shall be:
 - (a) The Annual General Meeting may transact other business of to confirm the minutes of the last preceding Annual General Meeting and of any General Meetings held since that meeting;
 - (b) to receive annual reports from the Board and Auditor;
 - (c) to elect the Officers of FACT Inc and other General Committee members, as specified by rules 3.2 and 3.3;
 - (d) to appoint or reappoint the Auditor; and
 - (e) to confirm the appointment of the Public Officer.
- 6) The Annual General Meeting may transact other business of which notice is given in accordance with these rules.
- 7) All General Meetings other than the Annual General Meeting shall be called Special General Meetings.

4.2 Special General Meetings

- 1) The Board may, whenever it thinks fit, convene a Special General Meeting of FACT Inc.
- 2) A Special General Meeting shall be convened by the Public Officer on written request of not less than one-third of the membership of FACT Inc.
- 3) A requisition for a Special General Meeting shall state the nature of the proposed business of the meeting and shall be signed by the requisitioners.
- 4) If the Public Officer does not cause a Special General Meeting to be held within 28 days from the date on which a requisition is received by the Public Officer, the requisitioners, or any of them, may convene the Meeting.

4.3 Notice of General Meetings

The Public Officer shall, at least 14 days before the date fixed for holding a General Meeting, give written notice of the meeting to all members specifying the place, day and time for the holding of the meeting, and the nature of the business to be transacted.

4.4 Business and Quorum at General Meetings

- 1) No item of business shall be transacted at a General Meeting unless a quorum of members entitled under these rules to vote is present in person or by proxy during the time when the meeting is considering that item.
- 2) The quorum for all General Meetings shall be 15 or one-fifth of the financial membership, whichever is the lower.
- 3) If within one half hour after the appointed time for the commencement of a General Meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall lapse; and in any other case, it shall stand adjourned to the same day in the next week, at the same time, and, unless another place is specified by the person chairing at the time of the adjournment, or by written notice to members given before the day to which the meeting is adjourned, at the same place, and if at the adjourned meeting a quorum is not present within one half hour after the time appointed for the commencement of the meeting, the meeting shall lapse.

4.5 President to Chair General Meetings

- 1) The President, if present, or the Vice President shall chair each General Meeting of FACT Inc.
- 2) If the President and the Vice President are absent from a General Meeting, the members present shall elect one of their number to chair the meeting.

4.6 Adjournment of General Meetings

- 1) The person chairing a General Meeting at which a quorum is present may, with the consent of the meeting, adjourn 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 21 days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.
- 3) Except as provided in this rule, it is not necessary to give any notice of an adjourned General Meeting.

4.7 Determination of Questions Arising at General Meetings

- 1) A question arising at a General Meeting of FACT Inc shall be determined on a show of hands and, unless before or on the declaration of the result of the show of hands a poll is demanded, a declaration by the person chairing that a resolution has, on a show of hands, been carried, or carried unanimously, or carried by a particular majority, or lost, and an entry to that effect of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution shall be prima facie evidence that the question was so decided.
- 2) If at a General Meeting a poll on a question is demanded it shall be taken at that meeting in such manner as the person chairing may direct, and the result of the poll shall be the resolution of the meeting on that question.
- 3) A poll that is demanded on the election of a chair, or on a question of adjournment, shall be taken forthwith; and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the person chairing may direct.
- 4) Where there is an equality of votes on a question at a General Meeting, the resolution is lost.

4.8 Voting

- 1) On any question arising at a general meeting of FACT Inc a member has one vote only.
- 2) All votes must be given personally or by proxy but no member may hold more than five proxies.

5: Finance and Accounting

5.1 Funds—source

- 1) The funds of FACT Inc shall be derived from annual subscriptions of members, grants from government and other bodies, contract fees, donations and such other sources as the Board determines.
- 2) All money received by FACT Inc must be deposited as soon as practicable and without deduction to the credit of FACT Inc's bank account.

- 3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

5.2 Funds—management

- 1) The income and property of FACT Inc, however derived shall be applied solely towards the promotion of the objects and purposes of FACT Inc and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus or otherwise, to any member of FACT Inc.
- 2) This does not prevent the payment in good faith to a worker or member of FACT Inc of remuneration in return for services actually rendered to FACT Inc by the worker or member, or for goods supplied to FACT Inc by the worker or member.
- 3) Section 5.2 (1) does not prevent the reimbursement by FACT Inc of the out of pocket costs incurred by members of the Board in the fulfilment of their duties under these rules.
- 4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two members of the Board or employees authorised to do so by the Board.

5.3 Accounts

- 1) True accounts shall be kept:
 - (a) of all sums of money received and expended by FACT Inc and the manner in respect of which the receipt or expenditure takes place; and,
 - (b) of the property, credits and liabilities of FACT Inc.
- 2) The Financial officer of FACT Inc shall provide oversight of the finances of FACT Inc.
- 3) The accounts, books and records of FACT Inc rule shall be kept at FACT Inc's office or at such other place as the Board may decide.
- 4) Subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Board, these accounts shall be open to inspection by the members of FACT Inc.
- 5) FACT Inc shall retain its accounting records for at least 7 years after the transactions to which they relate were completed.
- 6) The Financial Officer shall present a financial statement to the Annual General Meeting of FACT Inc and to meetings of the Board.

6: Miscellaneous

6.1 Public Officer

- 1) FACT Inc shall have a Public Officer. The Public Officer must be a person who resides in the Australian Capital Territory and is at least 18 years of age.

- 2) If the office of Public Officer becomes vacant, the Board shall, within twenty eight days after it becomes vacant, appoint an eligible person to fill the vacancy.

6.2 Alteration of objects and rules

Neither the objects of FACT Inc mentioned in the Act, section 29 nor these rules may be altered except in accordance with the Act.

6.3 Common seal

- 1) The common seal of FACT Inc must be kept in a secure place as directed by the Board.
- 2) The common seal must not be attached to any instrument except by the authority of the Board and the attaching of the common seal must be attested by the signatures of two members of the Board.

6.4 Service of notice

- 1) For these rules, a notice may be served:
 - (a) by giving it to the individual; or
 - (b) by sending it by prepaid post, addressed to the individual, to a home or business address of the individual; or
 - (c) by faxing it to a fax number of the individual; or
 - (d) by e-mailing it to an e-mail address of the individual; or
 - (e) by leaving it, addressed to the individual, at a home or business address of the individual with someone who appears to be at the least 16 years old and to live or be employed at the address.
- 2) If a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document is taken for these rules, unless the contrary is proved, to have been served on the person at the time when the letter would have been delivered in the ordinary course of post.

6.5 Winding Up – Surpluses arising from deductible donations

- 1) Subject to subsection (2), if any surplus arising from deductible gifts and contributions, and any money received in respect of such gifts and contributions, remains following the dissolution of FACT Inc., that surplus will not be paid to or distributed to the members of FACT Inc., but will be given or transferred to another institution(s) or corporation(s) which has (have):
 - (a) objects which are similar to the objects of FACT Inc. and is charitable;
 - (b) a governing document which requires its income and property to be applied in promoting its objects;
 - (c) a governing document which prohibits it from paying or distributing its income and property among its members to an extent at least as great as imposed on FACT Inc. by section 5.2; and
 - (d) deductible gift recipient endorsement, as defined by law.

- 2) If a member of FACT Inc. meets the requirements set out in subsection (1), it may receive the surplus under that subsection.
- 3) The identity of the corporation(s) or institution(s) referred to in subsection (1) is to be determined by special resolution of FACT Inc. at or before the time of dissolution.
- 4) In the event that FACT Inc. ever has its endorsement as a deductible gift recipient revoked, FACT Inc. must transfer all remaining gifts, contributions and any money received in respect of such gifts and contributions to another deductible gift recipient as defined by law which is charitable (which may include an eligible member of FACT Inc.), such deductible gift recipient to be determined by the Board, or failing the Board, the members of FACT Inc., and failing such determination being made by either the Board or the members of FACT Inc., by application to the Supreme Court of the Australian Capital Territory for determination.

6.6 Winding Up – Other surpluses

- 1) Subject to subsection (2), any surpluses remaining which are not within the ambit of section 6.5 will be paid to or distributed to another institution(s) or corporation(s) which has:
 - (a) objects which are similar to the objects of FACT Inc.
 - (b) a governing document which requires its income and property to be applied solely in promoting its objects; and (c) a governing document which prohibits it from paying or distributing its income and property among its members to an extent at least as great as imposed on FACT Inc. by section 5.2.
- 2) If a member of FACT Inc. meets the requirements set out in subsection (1), it may receive the surplus under that subsection.
- 3) The identity of the corporation(s) or institution(s) referred to in subsection (1) is to be determined by special resolution of FACT Inc. at or before the time of dissolution.

Appendix 1: Appointment of Proxy



I,

(full name)

of

(address)

a member of Families ACT Incorporated

appoint

(full name of proxy)

of

(address)

a member of FACT Inc, as my proxy to vote for me on my behalf at the general meeting of FACT Inc (annual general meeting or other general meeting, as the case may be) to be held on

..... and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details). (Delete if not required)

.....

(Signature of member appointing proxy)

.....

Date

Note A proxy vote may not be given to a person who is not a member of FACT Inc.