

CONSTITUTION

The Family Day Care Carers' Association of NSW Inc

1. **NAME:**

The name of the Association shall be *THE FAMILY DAY CARE CARERS' ASSOCIATION OF NSW Incorporated*

2. **OBJECTIVES:**

- (i) To promote Family Day Care as a quality childcare service
- (ii) To inform and support carers in their endeavour to provide quality childcare
- (iii) To develop a network of communication between Family Day Care carers in NSW
- (iv) To promote co-operation and communication between carers, staff of co-ordination units, sponsors and parents.
- (v) To liaise with government and non-government agencies
- (vi) To provide a forum for the views of carers

3. **MEMBERSHIP:**

Full Membership:

- (i) Is open to carers currently registered in Family Day Carer schemes in NSW
- (ii) Applications for Ordinary Membership shall be in writing and will become valid on receipt of payment of annual subscription
- (iii) Ordinary members have voting rights

Affiliate Membership:

- (i) Is open to In Home carers currently registered with Family Day Care Schemes in NSW
- (ii) Is open to FDC carers currently registered in Family Day Care Schemes in other Australian State/Territories
- (iii) Applications for Affiliate Membership shall be in writing and will become valid upon receipt of payment of annual subscription
- (iv) Affiliate members do not have voting rights

Associate Membership:

- (i) Is open to:
 - (a) Any Individual who is not a Registered carer, interested in the objectives of The Association
 - (b) Any Registered Family Day Care Scheme
- (ii) Applications for Associate Membership shall be in writing and must be approved by the Executive of the Association
- (iii) Associate Members do not have voting rights

Honorary Membership:

- (i) Is granted to persons who contribute expertise or extra-ordinary service to the Association
- (ii) Nominations proposed and seconded by financial members of the Association shall be in writing and approved at an Annual General Meeting
- (iii) Honorary Membership is for a period of three (3) years
- (iv) Honorary Members do not have voting rights

Life Membership:

- (i) Is granted to persons who have contributed expertise and extra-ordinary service to the Association for a period of ten (10) years or more, and who, in the opinion of the Executive Committee, is deserving of greater recognition than Honorary Membership
- (ii) Nominations proposed and seconded by financial members of the Association shall be in writing, and sent to the Secretary at least twenty-one (21) days prior to the Annual General Meeting. The nomination shall be confirmed by a three-fourths majority of members voting at the Annual General Meeting.
- (iii) Life Members will retain full membership benefits of the Association for that period of time in which they meet all other Constitutional requirements for full members of the Association, except the requirement to be financial. Full membership benefits will cease when the Life Member ceases to meet full membership requirements under the Constitution.

MEMBERSHIP FEES:

- (i) All members, other than Honorary Members, shall be financial prior to each Annual General Meeting
- (ii) Membership fees shall be determined at the Annual General Meeting
- (iii) Renewal of membership shall fall due annually, payable on the anniversary of the date of joining.

4. **TERMINATION OF MEMBERSHIP:**

Full, Affiliate or Associate Membership is terminated if:

- (i) A member resigns
- (ii) A member is expelled from the Association by majority vote at a General Meeting
- (iii) Current subscription has not been paid

Honorary Membership is terminated if:

- (i) Honorary Member has completed three (3) years
- (ii) Honorary Member dies
- (iii) Honorary Member is expelled
- (iv) Honorary Member resigns membership

Resignation of Membership:

Resignation of membership shall be in writing to the Treasurer.

5. **REGISTER OF MEMBERS:**

A register of Full, Affiliate, Associate, Honorary and Life members will be maintained showing name, address, date of membership and membership number.

6. **MEMBERS' LIABILITIES:**

The liability of a Member of the Association to contribute towards the payment of debts and liabilities of the Association, or the costs, 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 under Rule four (4).

7. **DISCIPLINING OF MEMBERS:**

- (i) Where the Executive Committee is of the opinion that a member of the Association has:
 - (a) persistently refused or neglected to comply with these Rules
 - (b) persistently and wilfully acted in a manner prejudicial to the interest of the Association
- (ii) The Executive Committee may, by resolution:
 - (a) expel the member from the Association OR
 - (b) suspend the Member from membership of the Association for a specified period
- (iii) Allowing the member sufficient time to appeal the decision, the Executive Committee may confirm or revoke the decision at the next Executive meeting
- (iv) As soon as is practicable, the Secretary shall inform the Member, in writing, of the Committee's decision, informing of the right of appeal against the decision and the time limit for appeal set by the Executive Committee
- (v) The matter shall be heard at the next Executive Committee Meeting at which the member has the right of appeal either in person or in writing. At this meeting, the Executive Committee shall:
 - (a) Give the Member the opportunity to address the meeting
 - (b) Give due consideration to any written representation submitted by the Member at or prior to the meeting
 - (c) Determine by resolution whether to confirm or revoke the resolution.
- (vi) If the Executive Committee confirms the resolution the Secretary shall, within seven (7) days inform the Member of the fact and advise of the Member's right of appeal at a General Meeting. The resolution does not take effect until the expiration of the time under Rule 9 for the Member to exercise this right of appeal.

8. **RIGHT OF APPEAL OF DISCIPLINED MEMBER:**

- (i) A member may appeal to the Association in General Meeting against a resolution of the Executive Committee by lodging with the Secretary a notice to this effect within seven (7) days in receipt of notice of expulsion or suspension from the Association.
- (ii) Upon receipt of such notice the Secretary shall inform the Executive Committee, which shall convene a General Meeting of the Association within twenty-one (21) days of receipt of the notice by the Secretary
- (iii) At the General Meeting convened under this clause
 - (a) No business other than the question of the appeal shall be transacted
 - (b) The Executive Committee and the Member shall be given the opportunity to state their respective cases orally or on writing or both, and
 - (c) The Members present shall vote by secret ballot on the question of whether the resolution shall be confirmed or revoked.
 - (d) If a General Meeting of the Association agrees to confirm the resolution of the Executive Committee to expel or suspend a Member, the resolution shall be confirmed or revoked
 - (e) If a General Meeting of the Association agrees to confirm the resolution of the Executive Committee to expel or suspend a Member, the resolution shall be acted upon.

9. **THE COMMITTEE – EXECUTIVE:**

The Association shall elect the following positions to act as the Executive

- (i) President
- (ii) Secretary
- (iii) Treasurer
- (iv) Assistant Treasurer
- (v) Publicity Officer
- (vi) Conference Convenor/Fundraising Officer
- (vii) Up to six (6) Ordinary Members
- (viii) Regional Representatives

The Executive shall

- Manage and act on the affairs of the Association other than those required by these rules to be exercised by a General or Annual General Meeting of members of the Association
- Act so long as a quorum under these rules is maintained.

At Executive Meetings a quorum shall be five (5) members of whom at least two (2) shall be office bearers.

10. **THE PRESIDENT:**

The President shall:

- (i) convene and chair meetings
- (ii) act as Association spokesperson
- (iii) ensure that correspondence is dealt with
- (iv) prepare a president's report for each meeting
- (v) nominate another member of the Executive Committee to act on his/her behalf when required

11. **THE SECRETARY:**

The Secretary shall:

- (i) maintain minutes as a true and correct record of meetings in a minute book
- (ii) receive, report and respond to correspondence according to the Executive's instructions
- (iii) prepare and distribute meeting agendas

12. **THE TREASURER:**

The Treasurer shall:

- (i) receive and bank all of the Association's moneys
- (ii) prepare a financial statement for each of the Association's meetings
- (iii) issue renewal notices
- (iv) provide sticky labels to the Publicity Officer
- (v) present account books for inspection when requested
- (vi) be a signatory to Association accounts
- (vii) prepare a draft annual budget in consultation with the Executive for presentation at the Annual General Meeting

13. **THE ASSISTANT TREASURER:**

The Assistant Treasurer shall:

- (i) assist the Treasurer as required
- (ii) act for the Treasurer as required

14. **THE PUBLICITY OFFICER:**

The Publicity Officer shall:

- (i) prepare and distribute quarterly newsletter
- (ii) seek advertising and publicity for the Association

15. **THE CONFERENCE CONVENOR/FUNDRAISING OFFICER:**

The Conference Convenor/Fundraising Officer shall:

- (i) plan and organise all Association Conferences, Training Days and Seminars
- (ii) co-opt a sub-committee to assist whenever necessary, such sub-committee to consist of persons interested in the affairs of the Association and approved by the Executive Committee
- (iii) organise fundraising activities at the direction of the Executive, including acquiring prizes, collecting and banking moneys from fundraising activities if required and notifying winners
- (iv) prepare a financial statement for each of the Association's meetings
- (v) may be a signatory to Association Fundraising Accounts

16. **THE SIX COMMITTEE MEMBERS:**
Up to six (6) Committee Members shall:
- (i) represent financial members, with three (3) elected from country schemes and three (3) elected from city schemes
 - (ii) assist the office bearers to conduct the business of the Association
17. **REGIONAL REPRESENTATIVES:**
Regional Representatives shall:
- (i) report on business of a regional nature
 - (ii) assist the office bearers to conduct the business of the Association
18. **ELECTIONS OF EXECUTIVE COMMITTEE:**
- (i) all members of the Executive Committee shall be elected at the Annual General Meeting by a majority of financial members present or represented by written or proxy votes
 - (ii) each member of the Executive shall hold office until the conclusion of the Annual General Meeting following the date of the member's election
 - (iii) Executive members are eligible for re-election, but may only hold the same position for a maximum of three (3) consecutive terms
 - (iv) Each member can only hold one office bearing position at any one time
 - (v) In the event of a tied vote, the position shall be determined by a draw from written votes by the returning officer.
19. **REMOVAL OF A MEMBER OF THE EXECUTIVE COMMITTEE:**
- (i) the Association in General Meeting may by resolution remove any member of the Committee from the office of Member of the Executive Committee 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
 - (ii) if a member of the Committee to whom a proposed resolution referred to in clause (i) 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 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.
20. **CASUAL VACANCIES:**
- (i) Any casual vacancy occurring amongst the office bearers may be filled by the Executive Committee and the appointed person shall hold office for the unexpired term of office
 - (ii) Any casual vacancy occurring amongst the membership of the Committee may be filled by a financial member of the Association appointed by the Executive Committee. The appointed person shall hold office for the unexpired term of office.
 - (iii) All financial members of the Association shall be notified by mail of the casual vacancy and written expressions of interest to fill the vacancy sought. The Executive Committee shall appoint a member from the written expressions of interest to fill the vacancy. The successful member shall be notified in writing and notice of appointment inserted in the Newsletter following the appointment
 - (iv) A casual vacancy shall occur if a Committee member resigns or is not in attendance for three consecutive Executive Meetings without just cause or permission from the Executive
21. **NOMINATIONS:**
- (i) Nominations for positions on the Executive will be in writing, signed by two financial members, and accompanied by the written consent of the nominee
 - (ii) Nominations shall be received by the Secretary not less than fourteen (14) days prior to the Annual General Meeting at which the election is to take place.
 - (iii) If insufficient nominations are received to fill vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the Annual General Meeting.
 - (iv) If insufficient nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies
 - (v) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
 - (vi) A ballot will be held where nominations exceed the number of vacancies to be filled, and each nominee will be asked to present a personal profile.

22. **GENERAL MEETINGS:**
- (i) General Meetings, which shall include any special meetings, shall be held not less than once every calendar year
 - (ii) Written notice of not less than fourteen (14) days and not more than one (1) calendar month shall be given by the Secretary to all financial members
 - (iii) The notice of meeting will specify the general nature of the business to be conducted at the meeting
 - (iv) At General Meetings a quorum shall be fifteen (15) members of whom at least two (2) must be office bearers. No business shall be conducted unless a quorum is present
 - (v) If a quorum is not present without notice within half an hour of the time set down for the commencement of the meeting, then the meeting shall be adjourned to a time and place determined by the office bearers
 - (vi) The chairperson at meetings of the Association shall be the President, and in his/her absence the Vice President
23. **ANNUAL GENERAL MEETINGS:**
- (i) The Annual General Meeting should be held within six (6) months of the conclusion of the financial year, when the annual reports and audited financial statement shall be presented
 - (ii) The financial year shall conclude on 30 June each year.
 - (iii) The Annual General Meeting shall be convened by the President on such date, place and time as determined by the Executive Committee
 - (iv) The business of the Annual General Meeting shall be:
 - # To confirm minutes of the preceding Annual General Meeting and any Special Meeting held since that Meeting
 - # To receive annual reports from the Executive on the activities of the Association during the preceding financial year
 - # To elect Office Bearers of the Association
 - # To receive and consider financial statements
 - # To appoint the Auditor for the ensuing year
 - # To appoint the Public Officer for the ensuing year
 - # To conduct other business of an annual nature
 - (v) At Annual General Meetings a quorum shall be fifteen (15) members of whom at least two (2) must be office bearers. No business shall be conducted unless a quorum is present.
24. **SPECIAL GENERAL MEETINGS:**
- (i) The President of the Association may at any time convene a Special Meeting
 - (ii) A Special Meeting shall be called by the Secretary within twenty-eight (28) days of receipt of a directive from the Executive or a written request by three (3) financial members of the Association specifying the business to be conducted at the meeting
25. **REGIONAL MEETINGS:**
- (i) A region shall mean a group of financial members who meet together according to geographic location as determined by the Association
 - (ii) A region may elect a Regional Representative to attend Association meetings on behalf of the group
 - (iii) A Regional Representative shall hold no more than ten (10) proxy votes
26. **VOTING:**
- (i) Each ordinary Member shall have one (1) vote at any meeting of the Association
 - (ii) Votes can be given in person, by proxy or by post
 - (iii) No member shall hold more than ten (10) proxy votes
 - (iv) Any Ordinary Member of the Association who is prevented by illness or other incapacity from attending a Meeting shall have the right of voting by Postal Vote. Postal Votes shall be received by the Executive Committee two (2) days prior to the advertised day of the meeting. A record of postal votes will be compared to the attendance list for the meeting.
 - (v) Voting shall be by a show of hands unless deemed otherwise by financial members
 - (vi) Any contested election at an Annual General Meeting shall be by secret ballot
27. **FUNDS:**
- (i) The funds of the Association shall be derived from annual subscription of members, donations and subject to any resolution passed by the Association in meeting or other sources as the Executive Committee determines
 - (ii) All monies received by the Association shall be deposited as soon as practicable and without deduction to the credit of the Association's bank account
 - (iii) Any cheques or withdrawal forms shall be signed by any two (2) members of the Executive

- (iv) A maximum of five hundred dollars (\$500.00) at any one time can be approved for expenditure by the Executive Committee without a vote of the general members.

28. INCOME AND PROPERTY:

- (i) The income and property of the Association, however derived, shall only be used towards the business or promotion of the Association
- (ii) All Executive positions are honorary and only approved expenses incurred on behalf of the Association will be reimbursed.

29. AUDITOR:

- (i) The Auditor shall be elected at the Annual General Meeting
- (ii) The Auditor shall examine all accounts, vouchers, receipts, books etc. and provide a report to members at the Annual General Meeting
- (iii) Audits shall be conducted at least once every twelve (12) months.

30. ALTERATIONS OF OBJECTS AND RULES:

- (i) The objects and rules of the Association may be amended by a Special resolution passed by a three-fourths majority of Ordinary Members in attendance or represented by written vote at any Annual General Meeting at which notice of the proposed amendment has been given, or at a Special General Meeting convened for such purpose.

31. COMMON SEAL:

- (i) The Common Seal of the Association shall be kept in the custody of the Public Officer
- (ii) The Common Seal shall not be used without the authority of the Executive Committee, and the use of the Common Seal shall be attested by the signatures of two (2) members of the Executive Committee or by one (1) member and the Public Officer

32. CUSTODY OF BOOKS:

- (i) Except as otherwise provided by the Rules, the Public Officer shall have custody or control of all archives, books and other documents relating to the Association.

33. INSPECTION OF BOOKS:

- (i) The records, books and other documents of the Association shall be open to inspection, free of charge, by any member of the Association at any reasonable hour.

34. DISSOLUTION:

- (i) The Association shall be dissolved by a three-fourths majority of members in attendance or represented by written vote at a Special Meeting convened for that purpose
- (ii) Upon dissolution, and after satisfaction of all debts and liabilities, any funds or property of the Association shall be paid with the authority of the Executive Committee, to any fund, institution or authority which is a non-profit organisation.