



PHOENIX HOUSE YOUTH SERVICES INC.

CONSTITUTION

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1 Definitions

(1) In these rules:

Director-General means the Director-General of the Department of Fair Trading.

ordinary member means a member of the board who is not an office-bearer of Phoenix House.

Phoenix House means Phoenix House Youth Services Inc.

secretary means:

- (a) the person holding office under these rules as secretary of Phoenix House, or
- (b) if no such person holds that office – the public officer of Phoenix House.

Special general meeting means a general meeting of Phoenix House other than an annual general meeting.

the Act means the *Associations Incorporation Act 2009*.

the board means the governing committee which manages the affairs of Phoenix House.

the regulation means the *Associations Incorporation Regulation 2016*.

(2) In these rules:

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

Part 2 Membership

2 Membership qualifications

(1) A person is eligible to be a member of Phoenix House if:

- (a) the person is a natural person, and
- (b) the person has applied and been approved for membership of Phoenix House in accordance with rule 3.

3 Application for membership

- (1) An application of a person for membership of Phoenix House:
 - (a) must be made by the applicant in writing in the form set out in Appendix 1 to these rules, and
 - (b) must be lodged with the secretary of Phoenix House.
- (2) As soon as practicable after receiving an application for membership, the secretary must refer the application to the board which is to determine whether to approve or to reject the application.
- (3) As soon as practicable after the board makes that determination, the secretary must:
 - (a) notify the applicant, in writing, that the board approved or rejected the application (whichever is applicable), and
 - (b) if the board approved the application, request the applicant to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under these rules by a member as entrance fee and annual subscription.
- (4) the secretary must, on payment by the applicant of the amounts referred to in sub-rule 3(3) (b) within the period referred to in that provision, enter the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of Phoenix House.

4 Cessation of membership

A person ceases to be a member of Phoenix House if the person:

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from Phoenix House, or
- (d) fails to pay the annual membership fee under sub-rule 8(2) within 3 months after the fee is due.

5 Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of Phoenix House:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

6 Resignation of membership

- (1) A member of Phoenix House is not entitled to resign that membership except in accordance with this rule.

- (2) A member of Phoenix House who has paid all amounts payable by the member to Phoenix House in respect of the member's membership may resign from membership of Phoenix House by first giving to the secretary written notice of at least one month (or such other period as the board may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (3) If a member of Phoenix House ceases to be a member under sub-rule 6(2) and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

7 Register of members

- (1) The public officer of Phoenix House must establish and maintain a register of members of Phoenix House specifying the name and address of each person who is a member of Phoenix House together with the date on which the person became a member.
- (2) The register of members must be kept at the principal place of administration of Phoenix House and must be open for inspection, free of charge, by any member of Phoenix House at any reasonable hour.
- (3) A member of Phoenix House may obtain a copy of any part of the register on payment of a fee of \$1 for each page copied or, if some other amount is determined by the board, that other amount.

8 Fees and subscriptions

- (1) A member of Phoenix House must, on admission to membership, pay to Phoenix House a fee of \$1 or, if some other amount is determined by the board, that other amount.
- (2) In addition to any amount payable by the member under sub-rule 8(1), a member of Phoenix House must pay to Phoenix House an annual membership fee of \$2 or, if some other amount is determined by the board, that other amount:
 - (a) except as provided by paragraph (b), before 1 July in each calendar year, or
 - (b) if the member becomes a member on or after 1 July in any calendar year – on becoming a member and before 1 July in each succeeding calendar year.

9 Members' liabilities

The liability of a member of Phoenix House to contribute towards the payment of the debts and liabilities of Phoenix House or the costs, charges and expenses of the winding up of Phoenix House is limited to the amount, if any, unpaid by the member in respect of membership of Phoenix House as required by rule 8.

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Resolution of internal disputes

- (1) Disputes between members (in their capacity as members) of Phoenix House, and disputes between members and Phoenix House, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.
- (3) The Commercial Arbitration Act 2010 applies to a dispute referred to arbitration.

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Disciplining of members

- (1) A complaint may be made to the board by any person that a member of Phoenix House:
 - (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of Phoenix House.
- (2) The board may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) On receiving such a complaint, the board:
 - (a) must cause notice of the complaint to be served on the member concerned; and
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the board in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The board may, by resolution, expel the member from Phoenix House or suspend the member from membership of Phoenix House if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the board expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the board for having taken that action and of the member's right of appeal under rule 12.
- (6) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or

- (b) if within that period the member exercises the right of appeal, unless and until Phoenix House confirms the resolution under sub-rule 12(5),

whichever is the latter.

12 Right of appeal of disciplined member

- (1) A member may appeal to Phoenix House in general meeting against a resolution of the board under rule 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under sub-rule 12(1), the secretary must notify the board which is to convene a general meeting of Phoenix House to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of Phoenix House convened under sub-rule 12(3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the board and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of Phoenix House.

Part 3 The board

13 Powers of the board

Subject to the Act, the Regulation and these rules and to any resolution passed by Phoenix House in general meeting, the board:

- (a) is to govern the affairs of Phoenix House by providing strategic direction, financial and operational risk management and decision making , and
- (b) may exercise all such functions as may be exercised by Phoenix House, other than those functions that are required by these rules to be exercised by a general meeting of members of Phoenix House, and
- (c) as power to perform all such acts and do all such things as appear to the board to be necessary or desirable for the proper management of the affairs of Phoenix House.

Constitution and membership

- (1) The board is to consist of:
 - (a) the office-bearers of Phoenix House, and
 - (b) at least 3, but not more than 6 ordinary members;each of whom is to be elected at the annual general meeting of Phoenix House under rule 15.

Note. Section 28 of the Act contains further requirements concerning eligibility for membership and composition of the board.
- (2) The office-bearers of Phoenix House are to be:
 - (a) the chairperson;
 - (b) the treasurer; and
 - (c) the secretary
- (3) A board member may hold up to 2 offices (other than both the offices of president and vice-president).
- (4) There is no maximum number of consecutive terms for which a board member may hold office.
- (5) Each member of the board is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (6) In the event of a casual vacancy occurring in the membership of the board, the board may appoint a member of Phoenix House to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

Election of members

- (1) Nominations of candidates for election as office-bearers of Phoenix House or as ordinary members of the board:
 - (a) must be made in writing, signed by 2 members of Phoenix House and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
 - (b) must be delivered to the secretary of Phoenix House at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the board, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the board are taken to be casual vacancies.

- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary members of the board is to be conducted at the annual general meeting in such usual and proper manner as the board may direct.
- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary board member of Phoenix House must be a member of Phoenix House.

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Secretary

- (1) the secretary of Phoenix House must, as soon as practicable after being appointed as secretary, lodge notice with Phoenix House of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
 - (a) all appointments of office-bearers and members of the board,
 - (b) the names of members of the board present at a board meeting or a general meeting, and
 - (c) all proceedings at board meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (4) The signature of the chairperson may be transmitted by electronic means for the purposes of sub-clause 16(3).

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Treasurer

It is the duty of the treasurer of Phoenix House to ensure:

- (a) that all money due to Phoenix House is collected and received and that all payments authorised by Phoenix House are made, and
- (b) that correct books and accounts are kept showing the financial affairs of Phoenix House, including full details of all receipts and expenditure connected with the activities of Phoenix House.

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Casual vacancies

For the purposes of these rules, a casual vacancy in the office of a board member occurs if the member:

- (a) dies, or
- (b) ceases to be a member of Phoenix House, or

- (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under rule 19, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the board from all meetings of the board held during a period of 6 months, or
- (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
- (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* (Cth).

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Removal of member

- (1) Phoenix House in general meeting may by resolution remove any member of the board from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the board to whom a proposed resolution referred to in sub-rule 19(1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representation be notified to the members of Phoenix House, the secretary or chairperson may send a copy of the representations to each member of Phoenix House 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.

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Meetings and quorum

- (1) The board must meet at least 3 times in each period of 12 months at such place and time as the board may determine.
- (2) Additional meetings of the board may be convened by the chairperson or by any member of the board.
- (3) Oral or written notice of a meeting of the board must be given by the secretary to each member of the board at least 48 hours (or such other period as 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 sub-rule 20(3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the board

members present at the meeting unanimously agree to treat as urgent business.

- (5) Any 3 members of the board constitute a quorum for the transaction of the business of a meeting of the board.
- (6) No business is to be transacted by the board unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand 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 of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the board:
 - (a) the chairperson is to preside, or
 - (b) if the chairperson is absent or unwilling to act, such one of the remaining members of the board as may be chosen by the members present at the meeting is to preside.

21 Appointment of Phoenix House members as board members to constitute quorum

- (1) If at any time the number of board members is less than the number required to constitute a quorum for a board meeting, the existing board members may appoint a sufficient number of members of Phoenix House as board members to enable the quorum to be constituted.
- (2) A member of the board so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- (3) This rule does not apply to the filling of a casual vacancy to which rule 18 applies.

22 Use of technology at board meetings

- (1) A board meeting may be held at 2 or more venues using any technology approved by the board that gives each of the board's members a reasonable opportunity to participate.
- (2) A board member who participates in a board meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

23 Delegation by board to sub-committee

- (1) The board may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of Phoenix House as the board thinks fit) the exercise of such of the functions of the board as are specified in the instrument, other than:
 - (a) this power of delegation, and

- (b) a function which is a duty imposed on the board by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this rule, the board may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the board.
- (6) The board may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A sub-committee may meet and adjourn, as it thinks proper.

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Voting and decisions

- (1) Questions arising at a meeting of the board or of any sub-committee appointed by the board are to be determined by a majority of the votes of members of the board or sub-committee present at the meeting.
- (2) Each member present at a meeting of the board or of any sub-committee appointed by the board (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to sub-rule 20(5), the board may act despite any vacancy on the board.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the board or by a sub-committee appointed by the board, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the board or sub-committee.

Part 4 General meeting

25

Annual general meetings – holding of

- (1) With the exception of the first annual general meeting of Phoenix House, Phoenix House must, at least once in each calendar year and within the period of 6 months after the

expiration of each financial year of Phoenix House, convene an annual general meeting of its members.

- (2) Phoenix House must hold its first annual general meeting:
 - (a) within the period of 18 months after its incorporation under the Act, and
 - (b) within the period of 6 months after the expiration of the first financial year of Phoenix House.
- (3) sub-rules 25(1) and 25(2) have effect subject to any extension or permission granted by the Director-General under section 37(2)(b) of the Act.

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Annual general meetings – calling of and business at

- (1) The annual general meeting of Phoenix House is, subject to the Act and to rule 25, to be convened on such date and at such place and time as the board thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the board reports on the activities of Phoenix House during the last preceding financial year,
 - (c) to elect office-bearers of Phoenix House and ordinary members of the board,
 - (d) to receive and consider any financial statement or report which is required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

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Special general meetings – calling of

- (1) The board may, whenever it thinks fit, convene a special general meeting of Phoenix House.
- (2) The board must, on the requisition in writing of at least 3 of the total number of members, convene a special general meeting of Phoenix House.
- (3) A requisition of members for a special general meeting:
 - (a) must state the purpose or purposes of the meeting, and
 - (b) must be signed by the members making the requisition, and
 - (c) must be lodged with the secretary, and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

- (4) If the board fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in sub-rule 27(4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the board and any member who consequently incurs expenses is entitled to be reimbursed by Phoenix House for any expense so incurred.

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Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of Phoenix House, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of Phoenix House, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under sub-rule 28(1), the intention to propose the resolution as a special resolution.

Note. A special resolution must be passed in accordance with section 39 of the Act.

- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under sub-rule 26(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

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Procedure

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Five members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members, is to be dissolved, and
 - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) is to constitute a quorum.

30 Presiding member

- (1) The chairperson or, in the chairperson's absence, the secretary, is to preside as chairperson at each general meeting of Phoenix House.
- (2) If the chairperson and the secretary are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

31 Adjournment

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

32 Making of decisions

- (1) A question arising at a general meeting of Phoenix House is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of Phoenix House, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

- (2) At a general meeting of Phoenix House, a poll may be demanded by the chairperson or by at least 3 members present in person or by proxy at the meeting.
- (3) If a poll is demanded at a general meeting, the poll must be taken;
 - (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment, or
 - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs,and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

33 Special resolution

A special resolution may only be passed by Phoenix House in accordance with section 39 of the Act .

34 Voting

- (1) On any question arising at a general meeting of Phoenix House a member has one vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than 2 proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any general meeting of Phoenix House unless all money due and payable by the member or proxy to Phoenix House has been paid, other than the amount of the annual subscription payable in respect of the then current year.

35 Appointment of proxies

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

36 Postal or electronic ballots

- (1) Phoenix House may hold a postal or electronic ballot (as the board determines) to determine any issue or proposal (other than an appeal under rule 12).
- (2) A postal or electronic ballot is to be conducted in accordance with Schedule 3 to the Regulation.

37 Use of technology at general meetings

- (1) A general meeting may be held at 2 or more venues using any technology approved by the board that gives each of Phoenix House's members a reasonable opportunity to participate.
- (2) A member of an association who participates in a general meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

Part 5 Miscellaneous

38 Insurance

Phoenix House may effect and maintain insurance.

39 Funds – source

- (1) The funds of Phoenix House are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by Phoenix House in general meeting, such other sources as the board determines.
- (2) All money received by Phoenix House must be deposited as soon as practicable and without deduction to the credit of Phoenix House's bank account.
- (3) Phoenix House must, as soon as practicable after receiving any money, issue an appropriate receipt.

40 Funds – management

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

41 Alteration of objects and rules

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of Phoenix House.

42 Common seal

- (1) The common seal of Phoenix House must be kept in the custody of the public officer.
- (2) The common seal must not be affixed to any instrument except by the authority of the board and the affixing of the common seal must be attested by the signatures either of 2

board members or of 1 member of the board and of the public officer or secretary.

43 Custody of books

Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to Phoenix House.

44 Inspection of books

- (1) The records, books and other documents of Phoenix House must be open to inspection, free of charge, by a member of Phoenix House at any reasonable hour.
- (2) Despite sub-rule 44(1) the board may refuse to permit a member of the association to inspect or obtain a copy of records of Phoenix House that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of Phoenix House.

45 Service of notices

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

46 Financial year

The financial year for Phoenix House ends on 30 June in each year.

Appendix 1

(Sub-Rule 3 (1))

APPLICATION FOR MEMBERSHIP OF ASSOCIATION

Phoenix House Youth Services Incorporated (incorporated under *the Associations Incorporation Act 2009*.)

I,.....
(full name of applicant)

of.....
(address)

.....
(occupation)

hereby apply to become a member of Phoenix House Youth Services Incorporated. In the event of my admission as a member, I agree to be bound by the rules of Phoenix House Youth Services Incorporated for the time being in force.

.....
Signature of applicant

Date.....

I,.....
(full name)

a member of Phoenix House Youth Services Incorporated, nominate the applicant, who is personally known to me, for membership of Phoenix House Youth Services Incorporated.

.....
Signature of proposer

Date.....

I,.....
(full name)

a member of Phoenix House Youth Services Incorporated, second the nomination of the applicant, who is personally known to me, for membership of Phoenix House Youth Services Incorporated.

.....
Signature of seconder

Date.....

Appendix 2

(Sub-Rule 35 (2))

FORM OF APPOINTMENT OF PROXY

I,.....of

(full name)

(address)

being a member Phoenix House Youth Services Incorporated

hereby appoint

.....
(full name of proxy)

of

.....
(address)

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

.....day of.....
(month and year)

and at any adjournment of that meeting.

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

* to be inserted if desired.

.....
Signature of member appointing proxy

Date.....

NOTE: A proxy vote may not be given to a person who is not a member of Phoenix House Youth Services Incorporated