

MISSION STATEMENT, RULES AND STATEMENT OF PURPOSE FOR THE OCEAN GROVE TOY LIBRARY

1. MISSION STATEMENT:

The aim of the Toy Library is to give families, care-givers and other groups in Ocean Grove and surrounding regions affordable access to a varied selection of safe, clean, age-appropriate toys that can help children learn and develop through play.

2. DEFINITIONS:

A 'toy library' refers to a non profit service provided to further the growth and development of persons and assist and support their families through the medium of toys, and or play, toy loan and associated services according to need.

Ocean Grove Toy Library is a non profit incorporated organisation located at the Boorai Centre 4-50 Shell Road, Ocean Grove 3226.

3. STATEMENT OF PURPOSES:

- a) To maintain a Toy Library in Ocean Grove.
- b) To make available for loan, toys and other like materials and equipment, which are used to help develop children in their physical, mental and creative sense.
- c) To promote the Toy Library within local community groups, including playgroups, so they can have access to the provision of toys, relevant information resources and skills.
- d) To foster a sense of community through volunteering, attending community events, working with other community groups and aiming to include people who may not have otherwise been able to access the service.
- e) The organisation will not be run for the profit of any individual and is a non-commercial venture.

4. INTERPRETATION:

In these rules, unless the contrary intention appears:

"Committee" means the Committee of Management of the Association.

"Financial year" means the year ending on June 30th.

"General Meeting" means general meeting of members convened in accordance with Rule 7.

"Member" means a member of the Association.

"The Act" means the Association Incorporation Act 1981.

"The Regulations" means regulations under the Act.

"Toy Library" means the Ocean Grove Toy Library Inc.

"Member" relates to an individual person or group.

In these rules, a reference to the Secretary of an Association is a reference:

- a) where a person hold office under these Rules as secretary of the Association - to that person;
- b) and in any other case, to the public officer of the Association.

Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

5. MEMBERSHIP

a) Eligibility for Membership

Groups such as playgroups, foster care, family day care and individual families caring for children under the age of 6 are eligible to become a member.

b) Classes

Borrowing members: who comprise all persons who apply for and are granted by the Committee membership and the right to borrow toys from a toy library and whose annual subscriptions are not in arrears and who have obliged and have agreed to do duty during the year to assist in the running of the library.

- i. Committee
- ii. Concession
- iii. Full
- iv. Extra child

c) Subscribers

Who comprise all persons and organisations who apply for and are granted by the Committee the right to receive publications of the Ocean Grove Toy Library and whose annual subscriptions (if any) are not in arrears.

Subscribers do not, as such, have voting rights.

d) Subscriptions

Each member shall pay an annual subscription, the rate or rates of which shall be determined by the Committee from time to time and the Committee may determine different rates for borrowing members and non borrowing members

Annual subscription is based on the initial date of joining, and is due 12months after this date for renewal

All other subscriptions will become due and payable at times determined by the Committee.

e) How to become a Member

An eligible person shall become a member upon completion of the appropriate membership joining form and payment to the Treasurer of the Annual subscription.

f) Register of Members

The Committee shall keep a register of members in which is recorded the name, address,

telephone number, email address, date on which the person became a member and whether the current subscription has been paid. This register will consist of signed paper original documents, that includes the waiver, and electronic details in appropriate secured software ie Mibase.

g) Resignation of Member

A member of the Association who has paid all moneys due and payable by him to the Association may resign from the Association by first giving one month's notice in writing to the secretary of his intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.

Upon expiration of a notice given under sub-clause (1), the secretary shall make in the register of members an entry recording the date on which the member, by whom the notice was given, ceased to be a member.

h) Termination of Membership and or Discipline of Member

Member shall cease to be a member ninety days after the Annual subscription is due, if payment is not received by that date.

Subject to these rules, the Committee may by resolution:

- i. Expel a member from the Association
- ii. Suspend a member from membership of the Association for a specified period, or
- iii. Fine a member in accordance with the Regulations, if the Committee is of the opinion that the member:
 - a. has refused or neglected to comply with these rules; or
 - b. has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.

A resolution of the Committee under sub-clause (2):

- i. does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under sub-clause (4) confirms the resolution in accordance with this clause.

Where a committee passes a resolution under sub-clause (2), the secretary shall as soon as practicable, cause to be served on the member a notice in writing:

- i. setting out the resolution of the Committee and the grounds on which it is based;
- ii. stating that the member may address the Committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice;
- iii. stating the date, place and time of that meeting;
- iv. informing the member that he may do one or more of the following –
 - a. Attend that meeting;
 - b. Give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - c. Not later than 24 hours before the date of the meeting, lodge with the secretary a notice to the effect that he wishes to appeal to the Association in general meeting against the resolution.

At a meeting of the Committee held in accordance with Sub-clause (3) the committee

- i. shall give to the member an opportunity to be heard;
- ii. shall give due consideration to any written statement submitted by the member; and
- iii. shall by resolution determine whether to confirm or to revoke the resolution.

Where the Secretary receives a notice under sub-clause (4 iii) he shall notify the committee and the committee shall convene an extra ordinary general meeting of the Association to be within 21

days after the date on which the secretary received the notice.

At the extra ordinary general meeting of the Association convened under sub-clause (6):

- i. no business other than the question of the appeal shall be transacted;
- ii. the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
- iii. the member shall be given an opportunity to be heard; and
- iv. the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.

If at the Extra Ordinary General Meeting

- i. Two-thirds of the members vote in person in favour of the confirmation of the resolution, the resolution is confirmed; and
- ii. in any other case, the resolution is revoked.

i) Fees and Subscriptions

- i. There shall be no joining fee.
- ii. All members shall pay an Annual fee.
- iii. The amount of such subscription fees shall be determined by the Committee from time to time and may include different fees for various categories of membership.
- iv. Finance shall be obtained from members subscriptions, endowments, grants, public subscriptions, voluntary contribution, fund raising efforts and other approved means, provided that no fund raising venture constituting a public appeal, as defined by the Fundraising Act 1981, is undertaken without the previous consent of the Department.
- v. The Committee shall cause to be kept proper books of account in which shall be kept full, true and complete records of the affairs and transactions of Ocean Grove Toy Library.
- vi. The Treasurer shall receive all monies and issue receipts for same and shall submit a financial statement at each committee meeting.
- vii. The funds of the Ocean Grove Toy Library shall be lodged in a bank approved by the committee and all monies received shall be paid into this account forthwith.
- viii. The committee may open a petty cash account to a maximum of \$300.
- ix. The accounts shall be closed on the last day of June in each year and a statement shall be made out of the receipts and expenditure for the year and a balance sheet shall be prepared.
- x. A balance of \$2000 is to be in the bank at each yearly changeover of Committee members.
- xi. All books and documents of the Association shall be available for inspection by the members of the Association.

j) Financial Year

The financial year of the Toy Library shall end on June 30th.

6. COMMITTEE

Management of the Toy Library shall be vested in a Committee consisting of:

- a) The Coordinator
- b) The Secretary
- c) The Treasurer

A minimum of (4) and a maximum of (10) members. Such a Committee shall contain both interested individuals and representatives from relevant community and children's services.

The Committee shall have the entire control and management of the Toy Library and shall have power to do anything necessary or convenient to achieve the purpose of the Toy Library.

a) Committee of Management

- i. No member of the committee shall be appointed to or retain any paid office of the Toy Library whilst he/she is a member of the committee.
- ii. Any member of the Committee who has a financial interest in any contract or arrangement is first taken into consideration. If his/her interest then exists, or in any other case at the 1st meeting of the Committee often the acquisition of his/her interest. If he/she becomes interested in the contract or arrangement after it is made or entered into, he/she shall disclose his/her interest at the 1st meeting after he/she becomes so interested.
- iii. In the case of an equality of voting on a question, the Coordinator of the meeting is entitled to exercise a second or casting vote.
- iv. All office bearers and members of the Committee shall be elected at the Annual General Meeting. They shall be elected for a period of one year and shall retire at the Annual General Meeting next following but shall be eligible for re-election.
- v. The same person shall not hold the position of coordinator for more than three (3) consecutive years.
- vi. If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held. Such ballot will be conducted in a proper manner as the Committee may direct.
- vii. No member of the Committee shall vote as a member of the Committee in respect of any contract or arrangement in which he/she is so interested as aforesaid, and if he/she does so vote his/her vote shall not be counted.
- viii. No member of the Committee shall directly or indirectly supply goods or services to the Toy Library where such goods or services can be satisfactorily obtained elsewhere locally.

b) Vacancies on Committee

In the event of casual vacancies occurring during the year, the Committee shall have power to appoint a new member.

A person shall cease to be a member of the Committee if the Committee member

- i. is absent without leave from all meetings of the Committee held in a period of three months;
- ii. resigns by notice in writing to the Secretary;
- iii. is dismissed in accordance with Clause 3 of these rules.
- iv.

c) Quorum at Committee Meetings

The quorum for a Committee Meeting shall be one half of the members of the Committee but if that number is not a whole number the quorum shall be the first whole number above that number.

d) Time of Meetings

Meetings of the Committee shall be held at least four (4) times during the year and shall be called at the request of the coordinator or two other members of the Committee. Meetings will be held from February to December.

e) Notice of Meetings

At least one week's notice shall be given of a meeting of the Committee unless a majority of the members agree that a meeting should be held with a shorter period of notice.

f) Committee Meetings to be Open

Any members of the Association shall be entitled to attend, to speak but not to vote at any meeting of the Committee.

g) No Proxies

A member shall not be entitled to appoint a proxy.

h) Decisions at Committee Meetings

All decisions at Committee Meetings shall be made by simple majority of those Committee members present and voting. The Coordinator shall have a casting vote.

All decisions at Committee Meetings other than:

- i. a resolution to alter the name, the statement of purposes and the rules;
- ii. any other resolution required by the Associations Incorporation Act to be a special resolution;
- iii. shall be decided by simple majority of those Committee members present and voting.

i) Special Resolutions

As prescribed by the Associations Incorporation Act 1981, a special resolution is a resolution of which at least three quarters of the members present and voting vote in favour at an extraordinary general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in the manner required by these rules.

j) Sub Committee

The Committee may appoint such management sub-committees consisting of members of the Committee as they think fit. Members of the Toy Library or other interested persons may be co-opted in an advisory capacity, but shall have no voting rights.

The Committee may also appoint other sub-committees not concerned with the direct management of the Toy Library Committee.

With membership drawn from members of the organisation or other interested persons, for fundraising, social and other similar purposes. Members of such sub-committees shall have voting rights only within the sub-committee to which they have been appointed.

7. ANNUAL GENERAL MEETINGS

The Annual General Meeting shall take place within three months of the beginning of a financial year for the following purpose:

- a) To confirm the minutes of the previous Annual General Meeting and Extra Ordinary General Meetings, if any, no discussion being permitted thereon except as to their accuracy and matters arising.
- b) To receive and adopt the Annual Report of the Committee and audited statement of accounts for the preceding financial year as required by section 30/3 of the association's Incorporation Act.
- c) The election of Office Bearers and ordinary members of the Committee for the ensuing year.
- d) The election of auditor{s) for the ensuing year.
- e) The transaction of any business of which at least seven days prior notice has been given.
- f) Any general business.

At least fourteen days notice of the Annual General Meeting shall be given to all members.

8. EXTRA-ORDINARY GENERAL MEETINGS

All General Meetings other than Annual General Meetings shall be called Extra-Ordinary General Meetings.

The Committee may whenever it thinks fit, convene an extra-ordinary general meeting and, where, but for this Sub-clause, more than 15 months would lapse between annual general meetings, shall convene an Extra-Ordinary General Meeting before the expiration of that period.

The requisition for an Extra-Ordinary General Meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.

If the Committee does not -cause an Extra-Ordinary General Meeting to be held within one month after the date which the requisition is sent to the address of the Secretary, the members making the requisition, or any or them, may convene an extra-ordinary general meeting to be held not later than 3 months after that date.

An Extra-Ordinary General Meeting convened by members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

9. CONVENING OF EXTRA-ORDINARY ANNUAL GENERAL MEETINGS

The Secretary of the Association shall, at least 14 days before the date fixed for holding an Extra-Ordinary General Meeting of the Association, cause to be sent to each member of the Association a notice in writing stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

No business other than that set out in the notice convening the meeting shall be transacted at the meeting.

A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next Extra-Ordinary General Meeting after receipt of the notice.

An Extra-ordinary General Meeting may be called by the Chairperson or at the request in writing of at least three members.

10. PROCEDURE OF EXTRA-ORDINARY ANNUAL GENERAL MEETINGS

All business that is transacted at an Extra-Ordinary General Meeting and all business that is transacted at the Annual General Meeting with the exception of that specially referred to in these rules as being the ordinary business of the Annual General Meeting shall be deemed to be special business.

No item of business shall be transacted at an Extra-Ordinary General Meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.

Ten members personally present (being members entitled under these rules to vote at an Extra Ordinary General Meeting) constitute a quorum for the transaction of the business of an Extra Ordinary General Meeting.

If within half an hour after the appointed time for the commencement of an Extra-Ordinary General Meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time

and (unless another place is specified by the Coordinator 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 the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 7) shall be a quorum.

The Coordinator shall preside as chairman at each Extra-Ordinary General Meeting of the Association.

If the Coordinator is absent from an Extra-ordinary General Meeting the members present shall elect one of their number to preside as Chairman at the meeting.

The Chairperson of the Extra-ordinary General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the Extra-Ordinary General Meeting.

Except as provided in sub-clause (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

A question arising at an Extra-ordinary General Meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the show of hands, being carried or carried unanimously or carried by a particular majority or lost, and 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.

- a) Upon any question arising at an Extra-ordinary General Meeting of the Association, a member has one vote only.
- b) All votes shall be given personally.
- c) 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.

A member is not entitled to vote at any Extra-ordinary General Meeting unless all monies due and payable by them to the Association have been paid, other than the amount of the Annual Subscription payable in respect of the current financial year.

11. OFFICE BEARERS

COORDINATOR

Coordinator shall preside over meetings and shall have a second or casting vote, and shall be responsible for the preparation of Agendas.

SECRETARY

The Secretary shall keep accurate minutes of all meetings, deal with correspondence and motions as directed and notify all members of meetings.

- a) Books and Records
The Secretary shall be responsible for the custody of the books, records and securities of the Association.
- b) Inspection of Documents by Members
The members of the Association shall be entitled upon reasonable notice to the Secretary to inspect the books and documents of the Association.

TREASURER

The treasurer shall be responsible for all monies and issue receipts for same, pay all accounts which have been passed for payment by the Committee, shall keep a proper record of all such receipts and payments, and shall submit a financial report at each committee meeting. All monies received should be banked within seven days.

All accounts must be paid by cheque and all cheques must be signed by two office bearers or one office bearer and the coordinator.

a) Financial Administration

The funds of the Toy Library shall be lodged in such investments as are authorised by the law for the time being in force for the investment of Trust funds, or on deposit with a bank.

AUDITOR

The Auditor shall be a member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or any other body prescribed pursuant to the Companies (Victoria) code.

12. COMMITTEE POSITIONS

Coordinator

Treasurer

Secretary

Membership / Rostering

Mibase

Community Liaison / Newsletters

Grants / Fundraising

Toy Purchaser / Party Pack

Stocktake

General

13. EMPLOYEES

The Committee may from time to time appoint employees for the better achievement of its Statement of Purposes and for the establishment and/or operation of programs sponsored by the Association and shall have the power to negotiate and conclude salaries, duties and conditions of employment.

Any such appointment shall be evidenced by a letter confirming the terms of appointment to be signed by the Coordinator and Secretary pursuant to a resolution of the Committee.

The Committee shall be responsible for preparing job specifications and for directing any such employee as may from time to time be required in the carrying out of his/her duties. The Committee is also empowered to terminate such employment.

If there is no policy or worker's compensation insurance already covering any such employee while he/she works as an employee of the Association, the Secretary of the Association will ensure that all necessary insurance be acquired by the Association.

An employee may be a member of the Association, but shall not be a member of the Committee.

The employed Coordinator shall attend all Committee Meetings (save where the President or Secretary shall excuse such attendance) and shall make reports and recommendations to the Committee as required provided however that nothing in this sub-clause shall require the Coordinator to remain

present at a meeting at which questions of his/her employment or employment of other employees are being debated.

When in the ordinary course of acting pursuant to the Association's Statement of Purposes it becomes necessary or desirable for a press statement to be made, such statement shall be released by the Coordinator. Any such statement shall be settled by the Committee prior to its release where circumstances permit, but in the event of any matter arising which as a matter of urgency requires an immediate statement in order to protect the best interests of the Association, the Coordinator may make the statement after obtaining the approval of the President/Liaison Officer to do so.

14. NOTICE OF MOTION TO RESCIND

No resolution shall be rescinded unless fourteen (14) days notice in writing is given to members.

15. ALTERATIONS TO STATEMENT OF PURPOSES AND RULES

Any proposed alteration to these Rules and the Statement of Purpose of the Toy Library shall be submitted to the Department for approval and, if approved, such alteration shall be made in accordance with the Act.

16. NOTICES

A notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at his address shown in the Register of Members.

Where a document is emailed or properly addressed pre-paid and posted to a person as a letter the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

17. DISTRIBUTION OF ASSETS

The Toy Library shall not be dissolved or wound up except by consent of three fourths of those present at an Extra-Ordinary General Meeting of members called specially for that purpose.

The Committee shall then inform the Department and after receiving the Department's approval shall there upon proceed to realise the assets of the organisation.

If upon winding up or dissolution of the Toy Library there remains, after satisfaction of all debts and liabilities any assets or property whatsoever the same shall not be paid or distributed to any member of the Toy Library but shall be given or transferred to some organisation having objects similar to the objects of the Toy Library and which shall prohibit the distribution of its income and property amongst its members.

On completion of these actions, application shall be made to the Department for cancellation of registration pursuant to the Act.

This Organisation is to be determined by the members of the Toy Library (subject to the approval of the Department) at or before the time of dissolution.

The assets and income of the Toy Library shall be applied solely in furtherance of its objects and no portion shall be distributed directly or indirectly to its members except as bona fide compensation for services rendered or expenses incurred on behalf of the Toy Library.

18. ANNUAL RETURNS

Within one month following the Annual General Meeting each year, the Association shall give:

- a) two (2) copies of the Annual Report and audited statement of the financial affairs received under Rule 6 (b) hereof and list of the names and addresses of the members of the Committee elected under Rule 6 (b) hereof to the Department.
- b) a copy of the statement received under Rule 6 hereof to the Registrar of Incorporated Associations in accordance with the Act.

19. CUSTODY OF RECORDS

Except as otherwise provided in these Rules, the Committee shall keep in their custody or under their control all books, documents (digital and hard-copy), data, records and securities of the Association.