



26 October 2013

Oral History NSW Inc

CONSTITUTION

Adopted at the Extraordinary General Meeting 26 October 2013 and registered with NSW Department of Fair Trading .

The Inaugural Meeting of the Oral History Association of Australia NSW was held on 27 September 1979. The association became incorporated with a constitution being lodged with the NSW Department of Fair Trading 19.10.98 and registered with the Australian Tax Office ABN.73.605.987.834. (Not registered for GST)

Oral History NSW Inc Constitution

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Part I – INTRODUCTION

1 Name

The name of the incorporated association is **ORAL HISTORY NSW INC**

2 Definitions

In this constitution:

the association means Oral History NSW

national body means Oral History Australia Inc

the committee a committee constituted under clause 16

the Act means the Associations Incorporation Act 2009

the Regulation means the Associations Incorporation Regulation 2010

in writing means 'by post' or 'by electronic means'

a person may mean an individual or an institution

3 Aims

The aims of Oral History NSW are to:

- promote discussion and training on all aspects of the methodology and ethical practices of oral history as a discipline and a means of gathering and preserving social and cultural history;
- foster preservation, access and use of oral history collections;
- pursue common objectives and maintain links with other Australian oral history associations through membership of Oral History Australia Inc;
- advocate on behalf of oral history.

Part II – MEMBERSHIP

4 Membership generally

4.1 Members shall be persons who are residents of New South Wales or are otherwise deemed by the committee to be affiliated with the association.

4.2 Members, other than life members, shall pay to the association the annual subscription, the categories and amounts of which shall be determined at an annual general meeting.

5 Nomination for membership

5.1 A nomination for membership of the association:

5.1.1 must be made in writing in the form set out in *Appendix 1* to this constitution, and

5.1.2 must be lodged with the secretary of the association.

- 5.2 As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination to the committee which is to determine whether to approve or to reject the nomination.

6 Life membership

Life membership may be granted to those members who in the opinion of the Committee have rendered exceptional service to Oral History NSW and/or the broader oral history movement in Australia over a period of ten (10) years. There are to be no more than ten (10) life members at any time. A life member of Oral History NSW pays no annual subscriptions and is a member of the association for life.

7 Subscriptions

- 7.1 The annual subscription for each category of membership shall be determined by the association at the annual general meeting.
- 7.2 The subscription shall be payable annually on 1 July.

8 Cessation of membership

A person ceases to be a member of the association if the person:

- 8.1 dies, or
- 8.2 resigns membership, or
- 8.3 is expelled from the association, or
- 8.4 fails to pay the annual membership fee within 3 months after the fee is due.

9 Membership entitlements not transferable

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

- 9.1 is not capable of being transferred or transmitted to another person and
- 9.2 terminates on the cessation of membership.

10 Resignation of membership

A member of the association may resign from membership of the association by giving to the secretary written notice of the member's intention to resign.

11 Register of members

- 11.1 The secretary of the association must establish and maintain a register of members of the association specifying the name and postal or residential address of each person who is a member of the association together with the date on which the person became a member and, where applicable, ceased to be a member.
- 11.2 The register of members must be kept in New South Wales:
- 11.2.1 at the main premises of the association, or
- 11.2.2 if the association has no premises, at the association's official address.

- 11.3 The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- 11.4 If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection that information must not be made available for inspection.
- 11.5 A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - 11.5.1 the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
 - 11.5.2 any other purpose necessary to comply with a requirement of the Act or the Regulation.

12 Members' liabilities

The liability of a member of the association to contribute towards the payment of the 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 as required by clause 7.

13 Resolution of disputes

Where a dispute arises between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, the dispute shall be heard by a subcommittee delegated by the committee. Both parties will be given the opportunity to discuss the cause and resolution of the dispute, and seek a resolution satisfactory to all parties.

14 Disciplining of members

- 14.1 A complaint may be made to the committee by any person that a member of the association
 - 14.1.1 has refused or neglected to comply with a provision or provisions of this constitution, or
 - 14.1.2 has wilfully acted in a manner prejudicial to the interests of the association.
- 14.2 The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- 14.3 If the committee decides to deal with the complaint, the committee:
 - 14.3.1 must cause notice of the complaint to be served on the member concerned, and
 - 14.3.2 must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - 14.3.3 must take into consideration any submissions made by the member in connection with the complaint.

- 14.4 The committee may expel or suspend the member from membership of the association 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.
- 14.5 If the committee 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 committee for having taken that action and of the member's right of appeal under clause 15.
- 14.6 The expulsion or suspension does not take effect:
 - 14.6.1 until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - 14.6.2 if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 13, whichever is the later.

15 Right of appeal of disciplined member

- 15.1 A member may appeal to the association in general meeting against a resolution of the committee under clause 14, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- 15.2 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.
- 15.3 On receipt of a notice from a member under subclause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- 15.4 At a general meeting of the association convened under subclause (15.3):
 - 15.4.1 no business other than the question of the appeal is to be transacted, and
 - 15.4.2 the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - 15.4.3 the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 15.5 The appeal is to be determined by a simple majority of votes cast by members of the association.

Part III – The committee

16 Powers of the committee

Subject to the Act, the Regulation and this constitution and to any resolution passed by the association in general meeting, the committee:

- 16.1 is to control and manage the affairs of the association in accordance with its aims, and
- 16.2 may exercise all such functions as may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association, and

- 16.3 has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

17 Composition and membership of the committee

- 17.1 The committee is to consist of:
- 17.1.1 the office-bearers of the association, and
 - 17.1.2 three ordinary committee members, each of whom is to be elected at the annual general meeting of the association under clause 18.
 - 17.1.3 up to two members may be co-opted by the committee subsequent to the annual general meeting.
 - 17.1.4 the total number of elected committee members is to be no fewer than eight.
- 17.2 The office-bearers of the association are as follows:
- 17.2.1 president,
 - 17.2.2 vice president,
 - 17.2.3 treasurer,
 - 17.2.4 secretary,
 - 17.2.5 public officer.
- 17.3 Each member of the committee is, subject to this constitution, 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.
- 17.4 Tenure of any office bearer is limited to three consecutive years. A member can rotate to another executive position or re-nominate as an ordinary committee member.

18 Election of committee members

- 18.1 Nominations of candidates for election as office-bearers of the association or as ordinary committee members:
- 18.1.1 must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
 - 18.1.2 must be delivered to the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- 18.2 If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- 18.3 If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies (under clause 23).
- 18.4 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- 18.5 If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- 18.6 The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting by secret ballot.
- 18.7 A person nominated as a candidate for election as an office-bearer or as an

ordinary committee member of the association must be a member of the association.

19 President

- 19.1 Shall together with the secretary prepare the agenda for committee and other meetings.
- 19.2 At a meeting of the committee:
 - 19.2.1 the president or, in the president's absence, the vice-president is to preside, or
 - 19.2.2 if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.
- 19.3 If the need arises for a statement to be made to an instrumentality external to the association, the president is empowered to act as spokesperson, unless an alternative spokesperson has been appointed by the committee or a general meeting. The spokesperson shall make statements in accordance with previously agreed policy or, otherwise after consultation with at least two other members of the Committee.

20 Secretary

- 20.1 The secretary shall keep minutes of:
 - 20.1.1 all appointments of office-bearers and members of the committee, and
 - 20.1.2 the names of members of the committee present at a committee meeting or a general meeting, and
 - 20.1.3 all proceedings at committee meetings and general meetings.
- 20.2 Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

21 Treasurer and Audit

The treasurer shall:

- 21.1 collect and receive all moneys due to the association and received and make all payments authorised by the association and
- 21.2 keep correct books and accounts showing the financial affairs of the association with full details of all receipts, expenditure and investments connected with the activities of the association and
- 21.3 arrange for an annual independent financial review of the association's books and accounts.
- 21.4 prepare financial statement and budgets and submit a report on finances at each committee meeting.

22 Public Officer

- 22.1 the association must appoint a public officer who is over 18 years of age and a resident of New South Wales.
- 22.2 the public officer is, by virtue of that office, an authorised signatory for the association,

- 22.3 if there is any vacancy in the position a new public officer must be appointed within 28 days of that vacancy. The new public officer must advise NSW Fair Trading the details of the appointment within 28 days of taking office.
- 22.4 A former public officer must ensure that all documents of the association in their possession are delivered to a committee member within 14 days of vacating office.

23 Casual vacancies

- 23.1 In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- 23.2 A casual vacancy in the office of a member of the committee occurs if the member:
 - 23.2.1 dies, or
 - 23.2.2 ceases to be a member of the association, or
 - 23.2.3 becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or
 - 23.2.4 resigns office by notice in writing given to the secretary, or
 - 23.2.5 is removed from office under clause 24, or
 - 23.2.6 becomes a mentally incapacitated person, or
 - 23.2.7 is absent without the consent of the committee from 3 consecutive meetings of the committee, or
 - 23.2.8 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
 - 23.2.9 is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act 2001 of the Commonwealth.

24 Removal of committee members

- 24.1 The association in general meeting may by resolution remove any member of the committee 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.
- 24.2 If a member of the committee to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the secretary or president and requests that the representations be notified to the members of the association, the secretary or the 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.

25 Committee meetings and quorum

- 25.1 The committee must meet at least four times in each period of twelve months at such place and time as the committee may determine.
- 25.2 Additional meetings of the committee may be convened by the president or by any member of the committee.

- 25.3 Written notice of a meeting of the committee must be given by the secretary to each member of the committee at least a week before the time appointed for the holding of the meeting.
- 25.4 Notice of a meeting given under subclause (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 committee members present at the meeting unanimously agree to treat as urgent business.
- 25.5 Any four (4) members of the committee including 2 office bearers constitute a quorum for the transaction of the business of a meeting of the committee.
- 25.6 No business is to be transacted by the committee 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 a time and place that is convenient to a majority of the committee.
- 25.7 If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, those present shall constitute a quorum.

26 Delegation by committee to sub-committee

- 26.1 The committee may appoint and delegate in writing, to one or more subcommittees consisting of persons who are members of the association, the exercise of functions of the committee
- 26.2 The committee must provide each subcommittee with written guidelines as to the scope, budget and terms of reference .
- 26.3 The committee may revoke in writing the appointment and delegation at its discretion.
- 26.4 Notwithstanding any delegation under this rule, the Committee may continue to exercise any function delegated to a subcommittee.
- 26.5 A subcommittee may meet and adjourn as it thinks proper.
- 26.6 A subcommittee shall not incur expenditure outside a budget approved by the committee.

27 Voting and decisions

- 27.1 Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- 27.2 Each member present at a meeting of the committee or of any sub-committee appointed by the committee (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.
- 27.3 Subject to clause 25 (5), the committee may act despite any vacancy on the committee.
- 27.4 Any act or thing done or suffered, or purporting to have been done or suffered,

by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

28 Conflict of interest

A conflict of interest exists when a committee member stands to gain financially from any business dealings, programs or services of the organisation.

- 28.1 Any such conflict of interest should be declared by the Committee member concerned.
- 28.2 Committee members are not barred from engaging in business dealing with the organisation provided that these are negotiated at arm's length without the participation of the committee member concerned.
- 28.3 A committee member who has a conflict of interest shall not initiate or take part in any committee discussion on that topic (either in the meeting or with other committee members before or after the committee meetings) unless expressly invited to do so by the unanimous agreement by all other members present. Nor shall the member vote on that matter.
- 28.4 A committee member who believes another committee member has an undeclared conflict of interest, should specify in writing the basis of this potential conflict.

Part IV – General Meetings

29 Annual general meetings

- 29.1 The association must hold its annual general meetings within 4 months after the close of the association's financial year.
- 29.2 The annual general meeting of the association is, subject to the Act and subclause 29.1, to be convened on such date and at such place and time as the committee thinks fit.
- 29.3 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:
 - 29.3.1 to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - 29.3.2 to receive from the committee reports on the activities of the association during the last preceding financial year,
 - 29.3.4 to elect office-bearers of the association and ordinary committee members,
 - 29.3.5 to receive and consider any financial statement or report required to be submitted to members under the Act.
- 29.4 An annual general meeting must be specified as such in the notice convening it.

30 Special general meetings

- 30.1 The committee may, whenever it thinks fit, convene a special general meeting of the association.
- 30.2 The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the association.
- 30.3 A requisition of members for a special general meeting:
 - 30.3.1 must state the purpose or purposes of the meeting, and
 - 30.3.2 must be signed by the members making the requisition, and
 - 30.3.3 must be lodged with the secretary, and
 - 30.3.4 may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- 30.4 If the committee 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.
- 30.5 A special general meeting convened by a member or members as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.

31 Notice

- 31.1 Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, 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.
- 31.2 If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, 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 subclause 31.1, the intention to propose the resolution as a special resolution.
- 31.3 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 clause 29.2.
- 31.4 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.

32 Quorum for general meetings

- 32.1 No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- 32.2 Ten members or one sixth of the current membership of the association, whichever is less, (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

- 32.3 If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
- 31.3.1 if convened on the requisition of members, is to be dissolved, and
 - 31.3.2 in any other case, is to stand adjourned to another place 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.
- 32.4 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 are to constitute a quorum.

33 Presiding member

- 33.1 The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- 33.2 If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

34 Adjournment

- 34.1 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.
- 34.2 If a general meeting is adjourned for fourteen days or more, the secretary must give written notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

35 Making of decisions

- 35.1 A question arising at a general meeting of the association is to be determined by either:
- 35.1.1 a show of hands, or
 - 35.1.2 if on the motion of the chairperson or if five or more members present at the meeting decide that the question should be determined by a secret ballot.
- 35.2 If the question is to be determined by a show of hands, 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 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.
- 35.3 If the question is to be determined by a secret ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

36 Voting

- 36.1 On any question arising at a general meeting of the association a member has one vote only.
- 36.2 In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting may exercise a second or casting vote.
- 36.3 A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.
- 36.4 A member is not entitled to vote at any general meeting of the association if the member is under 18 years of age.
- 36.5 Proxy voting is not permitted.

Part IV – Miscellaneous

37 Insurance

The association may effect and maintain insurance deemed appropriate by the committee or a general meeting.

38 Funds - source

- 38.1 The funds of the association are to be derived from annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- 38.2 All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank or other authorised deposit-taking institution account.
- 38.3 The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

39 Funds - management

- 39.1 Subject to any resolution passed by the association in general meeting, the funds of the association are to be used solely in pursuance of the objects of the association in such manner as the committee determines. No portion shall be distributed directly or indirectly to the members of the association except as bona fide compensation for services rendered or expenses incurred on behalf of the association.
- 39.2 All payments and investments shall be made on the signatures of any two of the office bearers who are duly authorised to do so by the Committee.

40 Change of name aims and constitution

The name, aims or constitution of the association may not be altered except by special resolution passed at a general meeting.

41 Records and custody of the books

- 41.1 Except as otherwise provided by this constitution, the secretary must keep in his or her custody or under his or her control all records, books and other documents relating to the association.
- 41.2 The association shall preserve an archival record of its activities and deposit them at a suitable repository.

42 Inspection of books

The following documents must be open for inspection, free of charge, to any member of the association at any reasonable hour:

- 42.1 records, books and other financial documents of the association,
- 42.2 this constitution,
- 42.3 minutes of all committee meetings and general meetings of the association.

43 Service of notices

For the purpose of this constitution, a notice may be served on or given to a person in writing to the address of the person.

44 Financial Year

The financial year of the association commences on 1 July and ends on the following 30 June.

45 Disposal of Property

In the event of the dissolution of the association any surplus property should be transferred to a NSW historians' not-for-profit organisation.

End of document

APPENDIX 1
Constitution for Oral History NSW Inc

ORAL HISTORY NSW Inc

ABN 73 605 987 834 (not registered for GST)

Email: membership@ohaansw.org.au

Website: www.ohaansw.org.au

**APPLICATION FOR
MEMBERSHIP**

I /We

Address.....

.....

Email (essential for all communications. Institutional members may nominate up to 3 addresses)
please print

.....

.....

.....

Preferred Telephone Contact

Occupation

Hereby apply to become a member of Oral History NSW Inc. In the event of my/our admission as a member, I/we agree to be bound by the constitution of the association.

Signature of applicant

.....Date.....

Postal Address:
The Secretary, Oral History NSW,
PO Box 261, Pennant Hills 1715 NSW