

Tenants' Union of Tasmania (Inc) CONSTITUTION

1. NAME OF ASSOCIATION

The name of the Union shall be:

TENANTS' UNION OF TASMANIA (INC) ("the Union")

2. INTERPRETATION

In these rules, unless the contrary intention appears –

- "Act" means the Associations Incorporation Act 1964;
- "Committee" means the committee of management of the Union;
- "Committee meeting" means monthly meetings of the management committee;
- "General meeting" means a meeting of all members convened in accordance with Rule 19;
- "Public officer" means the public officer appointed by the committee in accordance with Section 14 of the Act;
- "Ordinary committee person" means a member of the committee who is not the convenor, treasurer or public officer;
- "Tenant" means residential tenant.

3. AIM:

To secure the rights of all tenants, including tenants in private, public, boarding and rooming houses, caravan parks and retirement villages. These categories are not exhaustive and include the exchange of rental consideration for housing, with special emphasis on the needs of low income and disadvantaged groups.

4. OBJECTS and PURPOSES OF THE UNION

- a. To provide free, advice, advocacy and support to tenants in relation to their tenancy rights and how to secure these rights, for the purpose of relieving housing related poverty, destitution, misfortune and distress;
- b. To act as an advocate for tenants in disputes between tenant and landlord, particularly in matters regarding threats of eviction, loss of bonds, dispute resolution mechanisms and other issues as appropriate;
- c. To liaise with other community agencies, government departments and relevant bodies on behalf of tenants in order to assist tenants to secure their rights, and in relation to other housing issues;

- d. To promote community education to individuals and groups in particular those that are disadvantaged in the rental market for example low income, women, unemployed, Non-English Speaking Background, Indigenous, single parents, younger and older tenants, on residential tenancy law and issues, and encourage communities and individuals to gain a practical understanding of the legal system.
- e. To represent residential tenancy issues in Government and non-government forums to improve housing standards for tenants within the community.
- f. To collect data and conduct research into tenancies and related housing issues with a view to understanding the needs of the community. To enable an effective and timely response to these needs.
- g. To provide timely referrals to tenants to assist in locating appropriate rental accommodation whether public, private, boarding and rooming, caravan parks, emergency or shared;
- h. To advocate for legal and social changes to injustices and inequalities in the law.

5. POWERS

The Union shall have power to do all such lawful things as are incidental or conducive to the attainment of the objects of the Union without detracting from the generality of the foregoing, the power of the Union shall include the power -

- a. To purchase, take on lease, or in exchange, hire otherwise acquire any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Union;
- b. To buy and or lease, sell, and supply, and deal in, goods of all kinds;
- c. To borrow, or raise monies in such manner as the Union thinks fit in order to meet the objects and purposes of the Union.
- d. To accept any gift, whether subject to a special trust or not, for any one or more objects or purposes of the Union;
- e. To take such steps from time to time as the committee, executive committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the Union, whether by way of donation, subscription or otherwise;

- f. To print or publish such leaflets or other documents, or to cause to be printed or published in newspapers, periodicals, books, leaflets or other documents, such advertisements or publicity as the committee, executive committee or members in general meeting, may think desirable for the promotion of the objects and purposes of the Union;
- g. To become affiliated with or subscribe to any other Association or body whose objects are similar to the objects of the Union, and if thought fit to withdraw or retire from any such Association or body.
- h. To establish and support, or aid in the establishment and support, of any other association formed for any of the objects of the Union;
- i. Subject to the provisions of the Trustee Act 1898 invest any monies of the Union not immediately required for any of its objects or purposes in such manner as the committee may from time to time determine;
- j. To employ, retain or otherwise hire the services of professional or other skilled or unskilled persons whether for remuneration or in an honorary capacity.
- k. To incur legal and other expenses associated with the incorporation of the Union under the Act.

6. **MEMBERSHIP**

Application for membership to the committee is open to all tenants and to any non-tenant or organisation supporting the Union's aims. Successful applicants are required to pay an annual subscription fee to become a member.

7. **SUBSCRIPTIONS**

- a. Members shall pay an annual subscription on joining the Union. Annual subscription fees will be determined by resolution of the Committee at the Annual General Meeting.
- b. Any member not having paid the annual subscription before the first (1st) day of August in any financial year shall be sent a final notice by the Treasurer. Providing payment is not made within fourteen (14) days after the date of posting such notice the Executive Committee may suspend or terminate the membership of such non-financial member.

8. CONDITIONS OF MEMBERSHIP

- a. Every member on accepting an invitation for membership shall make sign and forward to the Committee such written acceptance of membership form as the Committee may decide and shall also send with the said form such subscription as may be due for the current financial year.
- b. Admission to and continuance of membership shall at all times be subject to the approval of the committee.
- c. Members wishing to withdraw from the Union shall give notice to the committee.

9. SUSPENSION AND EXPULSION OF MEMBERS

- a. The Committee, subject only to this constitution, may suspend or terminate the membership of any member by majority vote of the committee members.
- b. Fourteen (14) days notice in writing of a motion of suspension or termination giving reasons for such action shall be posted by ordinary prepaid post to the last address of the member recorded in the Union's register of members.
- c. A Member, subject to such suspension or termination of membership, shall have the right of being heard in their own defence by the Committee by giving written notice to the convenor within fourteen (14) days of receipt of the notice of suspension or termination of membership.
- d. If after such a hearing the Executive Committee shall suspend or terminate the membership of a member such member shall be entitled within fourteen (14) days of receipt of notice in writing of such suspension of membership to deliver to the convenor or the Union notice in writing of their desire to have the matter referred to the next succeeding general meeting. If the annual general meeting shall accept the ruling by majority vote the member shall have no further appeal.
- e. In the event of such suspension or termination the suspended or expelled Member shall not be entitled to any refund or subscription or other fees paid to the Union.
- f. Any suspended or expelled Member shall return to any officer appointed to receive same, any books, papers or other Association property within three (3) days.

10. AFFAIRS OF ASSOCIATION TO BE MANAGED BY A COMMITTEE

- a. The affairs of the Union shall be managed by a Committee of Management constituted as provided in rule 12.
- b. The Committee -
 - (i) shall control and manage the business affairs of the Union;
 - (ii) may, subject to these rules, exercise all such powers and functions as may be exercised by the Union, other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Union; and
 - (iii) subject to the Act and these rules, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Union.

11. OFFICERS OF THE ASSOCIATION

- a. The officers of the Union shall be a –
 - (i) Convenor;
 - (ii) Treasurer;
 - (iii) Public Officer.
- b. Employees of the Union shall not be eligible as officers of the Union.
- c. Previous employees of the Union will be eligible to be officers of the Union only after the expiry of 12 months from their last day of employment at the Union.
- d. The provisions of rule 13, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-rule (a) of this rule.
- e. Each officer of the Union shall hold office until the annual general meeting next after the date of his or her election but is eligible for re-election.

- f. In the event of a casual vacancy in any office mentioned in sub-rule (a) of this rule, the committee may appoint one of its members to the vacant office, and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his or her appointment.

12. CONSTITUTION OF THE COMMITTEE

- a. The Committee shall consist of –
 - (i) the officers of the Union;
 - (ii) and at least three (3) and not more than seven (7) other members, all of whom shall be elected at the annual general meeting of the Union in each year, subject to sub-rule (b) and (c) of this rule;
 - (iii) employees of the Union shall not be eligible for membership on the Committee;
 - (iv) previous employees of the Union will be eligible for membership on the Committee only after the expiry of 12 months from their last day of employment at the Union.
- b. Each ordinary Committee person shall, subject to these rules, hold office until the annual general meeting next after the date of their election, and will be eligible for re-election.
- c. Subject to rule (a) of this rule, in the event of a casual vacancy occurring in the office of ordinary committee persons, the committee may appoint a member of the Union to fill the vacancy, and the member so appointed shall hold office, subject to these rules until the conclusion of the annual general meeting next following the date of the committee member's appointment.

13. ELECTION OF MEMBERS OF THE COMMITTEE

- a. Nominations of candidates for election as officers of the Union or as Committee persons shall be called for at the annual general meeting.
- b. If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- c. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- d. If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- e. The ballot for the election of officers and ordinary committee persons shall be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.
- f. Employees of the Union may not be nominated for election as officers of the Union or as Committee persons.
- g. Previous employees of the Union may be nominated for membership on the Committee only after the expiry of 12 months from their last day of employment at the Union.

14. VACATION OF OFFICE

For the purposes of these rules, the office of an officer of the Union or of an ordinary Committee person becomes vacant if the officer or Committee person -

- a. Resigns her / his office in writing, addressed to the Committee;
- b. Ceases to be a resident in the State of Tasmania;
- c. Fails without leave granted by the Committee, to attend three consecutive meetings of the Committee without apologies;
- d. Ceases to be a member of the Union.

15. MEETINGS OF THE COMMITTEE

- a. The Committee shall meet at least ten (10) times a year in such place and at such times as the Committee may determine.
- b. Special meetings of the Committee may be convened by the Convenor or any four (4) of its members.
- c. Notice shall be given to all members of the Committee of any special meeting, specifying the general nature of the business to be transacted, and no other business shall be transacted at such a meeting.
- d. Any three (3) members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- e. No business shall be transacted 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 shall lapse.
- f. At the meetings of the Committee the Convenor shall be the chairperson. In the absence of the Convenor, the majority of Committee persons present at the meeting shall elect a chairperson.
- g. Each member present at a meeting of the Committee is entitled to one vote and, in the event of equality of votes on any question, the chairperson may exercise a second or casting vote.
- h. Notice of each Committee meeting shall be given to each Committee person a reasonable time before the meeting.

16. SUB-COMMITTEES

- a. The Committee may at any time appoint such sub-committee from the Committee as it may think fit and shall prescribe the powers and functions thereof.
- b. The Committee may co-opt as members of the sub-committee such persons as it thinks fit, whether or not those persons are member of the Union, but no person so co-opted who is not a member of the Union is entitled to vote.
- c. Half the members of a sub-committee having the right to vote constitute a quorum at any meeting of a sub-committee.
- d. Notice of each sub-committee meeting shall be given to each member of the sub-committee at a reasonable time before the meeting.

17. ANNUAL GENERAL MEETING

- a. The Union shall, in each year, hold an annual general meeting;
- b. The annual general meeting shall be held on such a day, (as soon as practicable after the end of the financial year), as the Committee may determine.
- c. The annual general meeting shall be in addition to any other general meetings that may be held in the same year.
- d. The annual general meeting shall be specified as such in the notice convening it.
- e. The ordinary business of the annual general meeting shall be:
 - (i) To confirm the minutes of the last preceding annual general meeting;
 - (ii) To receive from the Committee, auditor and employees of the Union, reports upon the transactions of the Union during the last preceding financial year;
 - (iii) To elect the officers of the Union and the ordinary Committee persons;
 - (iv) To appoint the auditor and determine his or her remuneration;
 - (v) Any other business.

18. SPECIAL GENERAL MEETING

- a. The Committee may, whenever it see fit, and shall on the requisition in writing of not less than five (5) members, convene a special general meeting of the Union.
- b. A requisition for a special general meeting shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the office of the Union and may consist of several documents in the like form, each signed by one of the requisitionists.
- c. If the Committee does not cause a special general meeting to be held within fourteen (14) days from the date on which the requisition therefore is deposited at the office of the Union, requisitionists, or any of them may convene the meeting; but any meeting so convened shall not be held after three (3) months from the date of the deposit of the requisition.

19. NOTICE OF GENERAL MEETINGS

The Public Officer of the Union shall, at least fourteen (14) days before the date fixed for holding a general meeting of the Union, publish on the Tenants' Union public website and electronically to each member, a notice specifying the place, day and time for the holding of the meeting, and the nature of the business to be transacted thereat.

20. BUSINESS AND QUORUM AT GENERAL MEETINGS

- a. All business that is transacted at special general meetings and all business that is transacted at the annual general meeting, with the exception of that specifically referred to in these rules as being the ordinary business of the annual general meeting, shall be deemed to be special business.
- b. No item of business shall be transacted at a general meeting unless a quorum of members entitled to vote under these rules to vote is present during the time when the meeting is considering that item.
- c. Half of members or five (5), whichever is the fewer, (being members personally present and entitled under these rules to be present thereat) constitute a quorum for the transaction of the business of a general meeting.
- d. If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting shall lapse.

21. CHAIRPERSON

The Convenor shall chair all meeting. In the absence of the Convenor, the majority of members present at the meeting shall elect the chairperson of that meeting.

22. ADJOURNMENT OF GENERAL MEETINGS

The person chairing at the 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.

23. VOTES

- a. Upon any question arising at a Committee meeting or general meeting of the Union, a member has one vote only.
- b. Votes shall be given personally or by notice.
- 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.

24. UNION OFFICE

The office of the Union shall be situated at such place as the committee may from time to time determine.

25. INCOME AND PROPERTY

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

26. ACCOUNTS OF RECEIPTS, EXPENDITURE

- a. True accounts shall be kept -
 - (i) of all sums of money received and expended by the Union and the matter in respect of which the receipt or expenditure takes place; and
 - (ii) of the property, credits and liabilities of the Union.

- b. The Treasurer shall ensure that all general records, accounting books, and records of receipts and expenditure connected with the operations and business of the Union are kept in such form and manner as the Committee may direct.
- c. The accounts, books and records referred to in sub-rule (i) and (ii) of this rule shall be kept at the Union's office or at such other place as the Committee may decide and subject to any reasonable restrictions as to the time and manner of inspecting them that may be imposed by the Union for the time being, shall be open to the inspection of the members of the Union and of the public.

27. BANKING AND FINANCE

- a. The Treasurer of the Union shall, on behalf of the Union, ensure that all moneys paid to the Union and official receipts are issued, and bank reconciliation statements are prepared at least once a month.
- b. The Committee shall cause to be opened with such bank as the Committee selects a banking account in the name of the Union into which all moneys received shall be paid by the Treasurer or employees, as delegated by the Committee.
- c. The Committee may receive from the Union's bank or bankers for the time being cheques drawn by the Union on any of its accounts and may release and indemnify the bank or bankers from and against all claims, actions, suits or demands that may be brought against the bank or bankers arising directly out of those cheques or surrender thereof to the Union.
- d. Except with the authority of the Committee, no payment of a sum exceeding fifty (50) dollars shall be made from the funds of the Union otherwise than by cheque drawn on the Union's bank account, but the Committee may authorise the Treasurer or delegated employee to meet urgent expenditure subject to the observance of such conditions in relation to the use and expenditure thereof as the Committee may impose.
- e. No cheques shall be drawn on the Union's bank account except for the payment of expenditure that has been authorized by the Committee.

- f. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer and one other Committee member nominated by the Committee from time to time or in the Treasurers absence two other Committee members nominated by the Committee for that purpose.
- g. A statement of receipts and expenditure and a balance sheet shall be prepared at least annually. They shall disclose specifically receipt / disbursement and / or balance of any Government and other funds received.

28. AUDIT OF ACCOUNTS

- a. Once at least each financial year of the Union, the accounts of the Union shall be examined by the auditor.
- b. The auditor shall certify as to the correctness of the accounts of the Union and shall provide a report thereon for the annual general meeting.
- c. In his or her report and in certifying the accounts, the auditor shall state:
 - (i) Whether the information obtained was required by him or her;
 - (ii) Whether in his or her opinion the accounts were properly drawn up so as to exhibit a true and correct view of the financial position of the Union according to the information at his or her disposal and the explanations given to him or her and as shown by the books of the Union; and
 - (iii) Whether the rules relation to the administration of the funds of the Union have been observed.
- d. The Public Officer of the Union shall ensure that a list of all accounts, books and records of the Union are delivered to the auditor.

- e. The auditor:
- (i) Has the right of access to the accounts, books, records, vouchers and documents of the Union;
 - (ii) May require from the employees of the Union such information and explanations as may be necessary for the performance of his or her duties as auditor;
 - (iii) May employ persons to assist him in investigating the accounts of the Union; and
 - (iv) May in relation to the accounts of the Union, examine any member of the Committee of any employee of the Union.

29. FINANCIAL YEAR

The financial year of the Union is the period beginning on the first (1st) day of July in each year and ending on the thirtieth (30th) day of June next following.

30. AMENDMENT OF CONSTITUTION

This Constitution may be altered only by special resolution in accordance with the Act. The alterations shall be considered at a special general meeting or at the annual general meeting of the Union, the notice given to members for which shall set out all changes proposed and the reasons therefore.

31. SEAL OF UNION

- a. The seal of the Union shall be in the form of a rubber stamp inscribed with the name of the Union encircling the word "seal".
- b. The seal of the Union shall not be affixed to any instrument except by the authority of the Committee, and the affixing thereof shall be attested by the signatures either of two members of the Committee or of one member of the Committee and of the Public Officer of the Union or such other person as the Committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was fixed by authority of the Committee.
- c. The seal shall remain in the offices of the Union.

32. NOTICES

Subject to rule 19 in these rules, notice may be given to the intended recipient either by letter, facsimile or electronic mail.

33. DISCLOSURE OF INTEREST

- a. A member of the Union who has a direct or indirect interest in any contract or arrangement made or proposed to be made with the Union shall disclose his or her interest at the first meeting of the Union at which the contract or arrangement is first taken into consideration, if his or her interest then exists, or in any other case, at the first meeting of the Union after the acquisition of his or her interest.
- b. If a member of the Union becomes interested, directly or indirectly, in a contract or arrangement after it is made or entered into he or she shall disclose his or her interest at the first meeting he or she attends after s/he becomes so interested.
- c. No member of the Union shall vote as a member in respect of any contract or arrangement in which he or she has a direct or indirect interest.

34. WINDING UP OR DISSOLUTION

If upon the winding up or dissolution of the Union there remains after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Union but shall, subject to Section 33 of the Act, be given or transferred to some other institution or institutions having objects similar to the objects of the Union and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Committee of the Union at or before the time of dissolution and in default thereof by a judge or the Supreme Court of Tasmania and if and so far as effect cannot be given to the aforesaid provision, then to some charitable object.

35. MATTERS NOT PROVIDED FOR

Any matter arising which is not provided for in this Constitution shall be dealt with under the Model Rules as set down under the Act.

AMENDED BY RESOLUTION OF THE UNION MEMBERSHIP AT THE SGM 30 July 2014, EFFECTIVE FROM 30 July 2014.