

# CONSTITUTION – TASMANIA CHAPTER – HARLEY OWNERS GROUP

## 1. Name of the Association

The name of the association is the Harley Owners Group Tasmania Chapter Incorporated (“the Association”).

## 2. Repeal of Existing Rules

These rules repeal all the Association’s existing rules and regulations but such repeal does not affect any:

- (a) right, privilege, obligation, or liability or disqualification acquired, accrued, or incurred under any repealed rule or regulation;
- (b) offence or penalty in respect of any offence committed against the provisions of any repealed rule or regulation; or
- (c) proceedings or remedy in respect of any such right, privilege, obligation, liability, or penalty.

## 3. Interpretation

In these rules:

“**Act**” means the *Associations Incorporation Act 1964* of Tasmania.

“**Annual General Meeting**” means the Annual General Meeting of the Association as per rule 24.

“**Auditor**” means the person appointed as the auditor of the Association under rule 46.

“**Chapter**” means the Association.

“**Committee**” means the committee of management comprising the Office Bearers and ordinary committee members.

“**Chapter meeting**” means a meeting, which is not a special general meeting or annual general meeting.

“**HOG**” means the Harley Owners Group.

“**Office Bearer**” means a Primary Officer as defined in clause 18 of these rules.

“**Ordinary committee member**” means an Optional Officer as defined in clause 18 of these rules.

“**Secretary**” means the person holding office under these rules as secretary of the Association or, where no such person holds that office, the public officer of the Association.

“**Special general meeting**” means any meeting of the association called for the purpose of considering special resolutions.

“**Sponsor Dealer**” means Richardson’s Harley-Davidson & Buell; a Harley-Davidson dealer approved by Harley-Davidson Motor Company to sponsor a group affiliated with the Harley Owners Group.

## 4. Association’s Office

The office of the Association is at 468 Westbury Rd, Prospect, Tasmania 7250, or any other place the committee determines.

## 5. Basic Objects of the Association

The basic object of the Association is to encourage the sport of motorcycle riding for owners of Harley Davidson Motorcycles by:

- a. Co-ordinating activities to promote responsible motorcycle riding
- b. Promoting safe motorcycling by organising Safe rider courses
- c. Organising and participating in rallies and competitions
- d. Encouraging participation in other HOG events.
- e. Conducting Chapter activities in a manner consistent with a family-oriented, non-political philosophy.

## 6. Objects and Purposes of Association

In addition to the basic objects of the Association, the objects and purposes of the Association include the following:

- a. the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property necessary or convenient for any of the objects or purposes of the Association;
- b. the buying, selling and supplying of, and dealing in, goods of all kinds;
- c. the construction, maintenance and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Association;
- d. the accepting of any gift for any one or more of the objects or purposes of the Association;
- e. the taking of any step the committee or the members of the Association at a general meeting consider expedient for the purpose of procuring contributions to the funds of the Association;
- f. the printing and publishing of any newspapers, periodicals, books, leaflets or other documents the committee or the members in any meeting consider desirable for the promotion of the objects and purposes of the Association;
- g. subject to the provisions of the *Trustee Act 1898*, the investment of any moneys of the Association not immediately required for any of its objects or purposes in any manner the committee determines;
- h. the making of gifts, subscriptions or donations to any of the funds, authorities or institutions to which section 78(1)(a) of the *Income Tax Assessment Act 1936* of the Commonwealth relates;
- i. the establishment and support, or aiding in the establishment or support, of any other association formed for any of the basic objects of the Association;

- j. the doing of any lawful thing incidental or conducive to the attainment of the basic objects of the Association or of any of the objects and purposes specified in this rule.

## 7. Charter for Local Chapters

The Association is bound by the "Charter for Local Chapters" as prescribed by the Harley Owners Group division of the Harley-Davidson Motor Company, and any additional rules imposed by the Sponsor Dealer. In the event of any conflict arising between the Act, these Rules, the Charter for Local Chapters or any additional Rules imposed by the Sponsor Dealer, the following priority will prevail:

- a. the Act;
- b. the Charter for Local Chapters;
- c. any additional Rules imposed by the Sponsor Dealer;
- d. these Rules.

## 8. Membership

### Membership Types

Membership is offered in the following categories:

- a. **Full Member** – a member with full voting rights and the right to hold any office as a Primary officer or as an ordinary committee member and entitled to receive a newsletter. A person will qualify for full membership as long as he or she is a Full Member of the Harley Owners Group (International) and is able to provide evidence of that membership.
- b. **Associate member** - a member with no voting rights. An Associate member may hold office as a Primary Officer (excluding the positions of Director and Assistant Director) or as an ordinary committee member; at the discretion of the Sponsoring Dealer and the Primary Officers of the Association. An associate member must be sponsored by a full member and is not entitled to receive a newsletter.
- c. A person meeting the membership requirements, must complete a Chapter Membership form when applying to join or to renew their membership of the Chapter, and must provide evidence of their International HOG membership. The form is to be accompanied by the appropriate membership fee.

### Special Memberships

- a. **Founding Member** – a full member of the Association is a founding member if that person was a full member of the Harley Owners Group Tasmania Northern Chapter Inc or the Harley Owners Group Tasmania Southern Chapter Inc at the date of formation of this Association.
- b. **Charter Member** - A full member will be a Charter Member of the Association if that person is one of 30 (thirty) most senior members in order of continuous length of time as a full member of the Association. A person will no longer be a Charter Member if that person ceases to be a full member of the Association, but is eligible to again become a Charter Member on rejoining the Association and fulfilling the above qualification.

## 9. Cessation of Membership

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

- a. dies;
- b. resigns their membership;
- c. is expelled from the Association; or
- d. fails to renew his or her membership of the Harley Owners Group (International) or in the case of an associate member where the full member sponsor fails to renew their HOG international membership.

## 10. Suspension or termination of membership

The sponsoring dealer may suspend or terminate a person's membership in the sponsored chapter if the sponsoring dealer, in their sole discretion, determines the member's conduct is undesirable or contrary to the sponsoring dealer's interests.

## 11. Membership Entitlements Not Transferable

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

- a. Is not capable of being transferred or transmitted to another person; and
- b. Terminates on cessation of the person's membership.

## 12. Resignation of Membership

- a. A member, who has paid all amounts due to the Association, may resign from the Association by giving 1 month's notice in writing to the secretary and on expiration of that notice, their membership ceases.
- b. Where a member of the Association ceases to be a member, the secretary will cause an entry to be made in the register of members recording the date on which the membership ceased.
- c. Where a member of the Association resigns their membership, he or she will not hold the Association liable for refund or return of any membership fee.

## 13. Register of Members

- a. The Public Officer of the Association will cause to be kept and maintained a register of members in which the full name, postal address, commencement date of membership and date of entry of the name of each member will be recorded.

- b. Where a member of the Association ceases to hold membership, the Secretary will cause to be recorded in the register of members the date on which the person ceased to be a member.
- c. The register of members will be kept at the office of the Association and will be open for inspection and copying, by any member of the Association at any reasonable hour.
- d. The Association may impose a fee for providing a copy of the register.

#### 14. Membership Fees

- a. A person who qualifies for membership as provided in these rules is eligible to be a member of the Association on payment of the annual membership fee.
- b. A member of the Association will pay to the Association the membership fee applicable to their class of membership each year to maintain their membership.
- c. Annual membership fees become due and payable on 1<sup>st</sup> July in each year.
- d. Annual membership fees will be determined by the committee in conjunction with the sponsoring dealer.

#### 15. Members' Liabilities

The liability of a member of the Association to contribute towards the payment of debts and liabilities of the Association or the cost, charges and expenses of the winding up of the Association is limited to the amount, of any unpaid debts owed by the member in respect of membership of the Association as required by rule 14.

#### 16. Disputes

A dispute between a member of the Association in their capacity as a member and the Association is to be determined by arbitration in accordance with the provisions of the *Commercial Arbitration Act 1986*.

#### 17. Powers of Committee

- a. The affairs of the Association are to be managed by a committee of management constituted as provided in rule 18.
- b. The committee :
  - i. is to control and manage the business and affairs of the Association; and
  - ii. may exercise all the powers and perform all the functions of the Association, other than those powers and functions that are required by these rules to be exercised and performed by members of the Association at a general meeting; and
  - iii. has power to do anything that appears to the committee to be essential for the proper management of the business and affairs of the Association;

Subject to the rights of the Sponsoring dealer as provided for in the "Annual Charter for HOG Chapters".

#### 18. Committee

(a) The Primary Officers of the Association, and their responsibilities are:

**Director:** The Director will uphold the "Annual Charter for HOG Chapters" and this constitution, conduct meetings and coordinate chapter officer responsibilities.

**Assistant Director:** The Assistant Director will assist the Director in carrying out the Director's duties. The Assistant Director will also be responsible for promoting membership, membership orientation, membership retention, and keeping the members informed of H.O.G. programs.

**Treasurer:** The treasurer of the Association is to ensure that:

- correct books and accounts are kept showing the financial affairs of the Association including full details of all receipts and expenditure connected with the activities of the Association;
- all money due to the Association is collected and received;
- all payments authorised by the Association are made.

The Treasurer will provide a monthly report to members on the financial transactions of the association and an annual financial report to HOG.

**Secretary:** The Secretary is responsible for the administrative needs of the chapter:

- keeping minutes of all chapter meetings,
- overseeing the position of membership officer if it exists,
- ensuring that all chapter members are current H.O.G. members,
- having on file a signed copy of the Annual Chapter Membership Enrolment Form and Release for each member as signed on an annual basis;
- Submitting to H.O.G. the H.O.G. Chapter Charter Application and any other reports as required by H.O.G.
- Will ensure that all insurance requirements are met (including participant signatures to required release forms),
- Will ensure preparation of injury report forms and timely submission of injury report forms to the appropriate insurance company
- Be responsible for the maintenance and storage of release forms and injury reports.
  - i. The secretary will as soon as practicable after being appointed as Secretary lodge notice with the Association of his or her address.
  - ii. It is the duty of the secretary to keep minutes of:
    - all appointments of office bearers and members of the committee;
    - the names of members of the committee present at a committee meeting;

- the names of members of the Association present at a general meeting; and
  - all proceedings at committee and general meetings.
- iii. Minutes of proceedings shall be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

**Dealer Representative:** The dealer representative is appointed to represent the interests of the sponsoring dealer at meetings and functions and is appointed by the Sponsoring Dealer.

(b) The Association may appoint the following discretionary (optional) officers, whose responsibilities are:

**Activities Officers:** The Activities Officer is responsible for the administration of chapter events. The Association may appoint an activity officer in the North, North West and South of the State to cater for member needs in those areas.

**Editor:** The Editor is responsible for assembling and organising written, oral (broadcast) and electronic material for chapter publications, e.g., newsletters and press releases. All chapter publications, whether written, oral (broadcast) or electronic, are subject to approval by the sponsoring dealer prior to publication.

**Historian:** The Historian is responsible for the preparation and maintenance of a written account of the history of the chapter, to include officer positions, chapter activities and membership levels.

**HOG Park Caretaker:** The HOG Park Caretaker is responsible for organising working bees and determining the work to be undertaken, at that part of the Sponsoring Dealers property, known as HOG Park. The HOG Park Caretaker will also work with the Quartermaster regarding the storage and maintenance of equipment.

**International Liaison Officer:** The International Liaison Officer is responsible for being a contact point for HOG members worldwide who are travelling to Tasmania or seeking information on Tasmania. The International Liaison Officer will arrange functions and referrals to members around the State as necessary to assist travelling HOG members.

**Ladies of Harley Officer:** The Ladies of Harley Officer is responsible for encouraging women members to take an active part in chapter activities.

**Membership Officer:** The Membership Officer is responsible for ensuring that all:

- chapter members are current H.O.G. members, having on file a signed copy of the Annual Chapter Membership Enrolment Form & Release of each member as signed on an annual basis;
- maintains the chapter membership report
- maintains the report on the Chapter Officer section of members.hog.com.

**Photographer:** The Photographer is responsible for obtaining and organising chapter photographs for use in chapter publications and chapter history albums. Photographers may be appointed to cover member activities in each region of the state (namely North, North West and South).

**Quartermaster:** The Quartermaster is responsible for maintaining and ordering stocks of HOG and Chapter merchandise for sale to members.

Quartermasters may be appointed to cater for members in each region of the state (namely North, North West and South). A Head Quartermaster may also be appointed.

**Road Captain(s):** The Road Captain(s) are responsible for assisting in the planning of routes for chapter rides and keeping the Chapter informed of all H.O.G. programs. Road Captains may be appointed to cater for members in each region of the state (namely North, North West and South). A Head Road Captain may also be appointed.

**Safety Officer:** The Safety Officer is responsible for providing chapter members with information relating to the availability of rider training and safe riding practices.

**Webmaster:** The Webmaster is responsible for assembling and organising material for the Chapter Web site and seeking approval from the sponsoring dealer prior to publication.

## 19. Election of Committee

- a. Nominations of candidates for election as officers of the Association or as ordinary members of the committee:
- i. are to be made in writing, signed by two full members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - ii. will be delivered to the Secretary of the Association not less than seven days before the date fixed for the holding of the annual general meeting.
- b. If, for each position:
- i. There is a single nomination, the nominee will be deemed to be elected to that position;
  - ii. There is more than one nomination, a ballot will be held;
  - iii. There are no nominations, further nominations shall be received at the Annual General Meeting.
- c. The ballot for the election of Officers and ordinary members of the Committee will be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.
- d. No one member may hold more than one position as a primary officer of the Association.
- e. Any one member may hold more than one ordinary committee position. Each ordinary member of the committee will hold office until the Annual General Meeting next after the date of election, but is eligible for re-election.
- f. In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the committee may appoint a member of the Association to fill the vacancy and the member so appointed will hold office, until the conclusion of the annual general meeting next following the date of the appointment.

**20. Removal of Committee Member**

The Sponsor Dealer may remove any member of the committee from office before the expiration of the member's term of office and may appoint another person to hold that office for a period determined by the Sponsor Dealer.

**21. Sub-Committees**

- a. The committee may appoint sub-committees consisting of such member or members of the Association as the committee thinks fit.
- b. A sub-committee may only exercise those functions conferred on it by the Committee.
- c. The Committee may revoke wholly or in part, any function conferred under this rule.
- d. The Committee may terminate the appointment a sub-committee.
- e. Any act or thing done by a sub-committee acting in the exercise of an appointment under this rule has the same force and effect as it would have if it had been done by the committee.
- f. The committee may co-opt any person as a member of a sub-committee without voting rights, whether or not the person is a member of the Association.
- g. A sub-committee may meet and adjourn, as it thinks proper.
- h. A quorum at a meeting of the sub-committee is a majority of appointed members.

**22. Voting and Decisions of committees**

- a. Questions arising at a meeting of the committee, or of any sub-committee appointed by the committee will be determined by a majority of votes of members of the committee or sub-committee present at the meeting.
- b. 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 and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- c. Any act or thing done, or purporting to have been done, by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

**23. Meeting and Quorum – Committee Meetings**

- a. The committee will meet at least three (3) times in each year at such times as the committee may determine.
- b. Special meetings of the committee may be convened by the Director or by any four members of the Committee.
- c. Notice will be given to members of the committee of any special meeting specifying the general nature of the business to be transacted and that no other business will be transacted at such a meeting.
- d. Any four members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- e. No business will 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 will stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
- f. The Director, or in the Director's absence, a member appointed by the Sponsor Dealer will preside as chairperson at each meeting of the Committee.
- g. Questions arising at a meeting of the Committee, or of any sub-committee appointed by the Committee will be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

**24. Annual General Meetings**

- a. The Annual General meeting of the Association will be held within three months of the end of the Association's financial year.
- b. The business of an annual general meeting will be:
  - i. to confirm the minutes of the last annual general meeting and of any special general meeting held since that meeting;
  - ii. to receive from the committee reports on the activities of the Association during the preceding financial year;
  - iii. to elect those primary officers of the Association appointed by election;
  - iv. to elect ordinary members of the committee; and
  - v. to appoint an auditor, if required.

**25. Special General Meetings**

- a. The committee may convene a special general meeting of the Association at any time.
- b. The committee, on the requisition in writing of at least ten members, may convene a special general meeting of the association.
- c. A requisition of members for a special general meeting:
  - i. is to state the objects of the meeting; and
  - ii. is to be signed by the requisitionists; and
  - iii. is to be deposited at the office of the Association; and
  - iv. may consist of several documents, each signed by one or more of the members making the requisition.
- d. If the committee does not cause a special general meeting, to be held within 21 days from the day on which a requisition is deposited at the office of the Association, the requisitionists, or any of them, may convene the special general meeting within 3 months from the day of the deposit of the requisition.

- e. A special general meeting convened by a member or members, referred to in 25(d), will be convened as nearly as is practicable in the same manner as general meetings are convened by the committee, and any member who incurs expenses in the organisation of the meeting is entitled to be reimbursed by the Association for any expense so incurred.

## 26. Notice of Meetings

- a. **General Meeting** — will be advised to members by a notice posted in the Association newsletter (hardcopy and online) published at least 14 days prior to the meeting.
- b. **Special General Meeting** — will be advised to each member, at least 21 days prior to the date of the meeting, by notice posted in the Association newsletter (hardcopy and online) or by letter or electronic means, sent to the address or e-mail address last advised to the Secretary of the Association by that member and specifying that it is a special general meeting.
- c. **Annual General Meeting** — will be advised to each member by a notice posted in the Association newsletter (hardcopy and online) published at least 28 days prior to the meeting.
- d. A member desiring to bring any business before a general meeting will give notice in writing of that business to the Secretary, who will include that business in the next notice calling a general meeting to be held after receipt of the notice from the member.

## 27. Meeting quorums

- a. No item of business will be transacted at a general, special, or annual general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- b. Five members present in person (being members entitled under these rules to vote at a general, special, or annual general meeting) constitute a quorum for the transaction of the business of that meeting.
- c. If at an adjourned meeting, as defined in clause 29 of this constitution, a quorum is not present within half an hour after the time appointed for the commencement of the meeting, three or more members present will constitute a quorum.

## 28. Presiding Member

The Director, or in the Director's absence, a member appointed by the Sponsor Dealer will preside as chairperson at each meeting of the Association.

## 29. Adjournment

- a. If within half an hour after the appointed time for the commencement of any meeting a quorum is not present, the meeting will stand adjourned to the same day in the following week at the 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.
- b. The chairperson of any meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting. When the adjourned meeting is reconvened, no business will be transacted at the reconvened meeting other than the business left unfinished at the meeting at which the adjournment took place.
- c. Where any meeting is adjourned for 14 days or more, the secretary will give written notice (by letter or e-mail) of the adjourned meeting to each member entitled to attend that meeting stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

## 30. Making Decisions

- a. A question arising at any meeting of the Association will be determined on a show of hands, unless before or on the declaration of the show of hands, a poll is demanded.
- b. 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.
- c. At any meeting of the Association, a poll may be demanded by the chairperson or by not less than three members present at the meeting.
- d. Where a poll is demanded at any meeting, the poll will be taken:
  - i. 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
  - ii. 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 will be deemed to be the resolution of the meeting on that matter.

## 31. Special Resolution

- a. A special resolution may only be considered at a special general meeting convened for that purpose.
- b. A special resolution of the Association must be passed by a majority of at least three-quarters of such members of the Association that are present at a special general meeting, and being entitled under these rules to do so, vote at that special general meeting.

## 32. Voting

- a. Only Full Members of the Association are entitled to vote.

- b. On any question arising at any meeting of the Association a member has one vote only.
- c. All votes will be cast personally or by proxy.
- d. No member may hold more than five proxy votes.
- e. In the case of an equality of votes on a question at any meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- f. A member or proxy is not entitled to vote at any meeting of the Association unless all money due and payable by the member or proxy to the Association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

**33. Appointment of Proxies**

Each member is 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.

**34. Public Officer**

The Secretary will be the Public Officer of the Association.

**35. Insurance**

The Association will effect and maintain all necessary policies of insurance as may be required from time to time.

**36. Funds - Source**

The funds of the Association will be derived from annual subscriptions of members, activity fees, donations and, subject to a resolution passed by the Association in general meeting, such other sources as the committee determines.

**37. Funds - Management**

- a. Subject to any resolution passed by the Association in general meeting, the funds of the Association will be used in pursuance of the objects of the Association in such a manner as the committee determines.
- b. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two members authorised to do so by the committee.

**38. Alteration of Objects and Rules**

The objects and rules of the Association may be altered, rescinded or added to only by special resolution of the Association.

**39. Common Seal**

- a. The seal of the Association is to be in the form of a rubber stamp, inscribed with the name of the Association encircling the word "Seal".
- b. The seal of the Association is not to be affixed to any instrument except by the authority of the committee.
- c. The affixing of the seal is to be attested by the signatures of:
  - i. two members of the committee; or
  - ii. one member of the committee and the public officer of the Association or any other person the committee may appoint for that purpose.
  - iii. Attestation under 39(c) is sufficient for all purposes that the seal was affixed by authority of the committee.
- d. The seal is to remain in the custody of the public officer.

**40. Custody of Records**

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

**41. Inspection of Books**

The record, books and other documents of the Association will be open to inspection, free of charge, by a member of the Association at any reasonable hour.

**42. Non-profit**

The assets and income of the Association will be applied solely in furtherance of its abovementioned objects and no portion will 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.

**43. Dissolution of the Association**

In the event of the Association being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities will be transferred to another organisation with similar purposes which has rules prohibiting the distribution of its assets and income to its members.

**44. Financial year**

The financial year of the Association is the period beginning on 1<sup>st</sup> July in one year and ending on 30<sup>th</sup> June the next following year.

**45. Notices**

A notice may be served by or on behalf of the Association on any member:

- a. personally; or
- b. by sending it through the post in a prepaid envelope addressed to the member at his or her usual or last-known address; or
- c. by sending an e-mail to the last know e-mail address.

**46. Auditor**

- a. At each Annual General Meeting of the Association, the members present may appoint a person as the auditor of the Association.
- b. The auditor is to hold office until the next annual general meeting after which he or she is appointed, and is eligible for re-appointment.
- c. If an appointment is not made at an annual general meeting, the committee is to appoint an auditor for the current financial year of the Association.
- d. The auditor may only be removed from office by special resolution.
- e. If a casual vacancy occurs in the office of auditor during the course of a financial year of the Association, the committee may appoint a person as the auditor to hold office until the next succeeding annual general meeting.

**47. Audit of Accounts**

- a. The Association may pass a special resolution at the Annual General Meeting each year requesting that the Commission for Corporate Affairs exempt the Association from the need to conduct an audit of the Association's accounts.
- b. If the Commissioner for Corporate Affairs grants the Association an exemption from the need to conduct an audit, an audit of the accounts is not required.
- c. If however, the Commissioner for Corporate Affairs determines that an audit is required, the auditor is to examine the accounts of the Association and the auditor is to:
  - i. certify as to the correctness of the accounts of the Association; and
  - ii. report to the members.
- iii. In the report and in certifying to the accounts, the auditor is to state if:
  - a) he or she has obtained the required information; and
  - b) in his or her opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association according to the information at his or her disposal and the explanations given; and
  - c) as shown by the books of the Association; and
  - d) the rules relating to the administration of the funds of the Association have been observed.
- d. The public officer of the Association is to cause to be delivered to the auditor a list of all the accounts, books and records of the Association.
- e. The auditor may:
  - i. have access to the accounts, books, records, vouchers and documents of the Association; and
  - ii. require from the servants of the Association any information and explanations he or she considers necessary for the performance of the duties as auditor; and
  - iii. employ persons to assist in investigating the accounts of the Association; and
  - iv. in relation to the accounts of the Association, examine any member of the committee or any servant of the Association.