

Constitution

Tasmanian Residential Rental Property Owners Inc

17 September 2020

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1. Association Name

The name of the association is as follows:

Tasmania Residential Rental Property Owners Inc.

2. Association's office

The office of the Association is to be at the following place or at any other place the Committee determines:

Louise's residential address

3. Objects and purposes of Association

The objects and purposes of the Association are to:

- a) help ensure that residential rental property owners are treated fairly in the development of new legislation, regulations and other mandatory requirements that govern residential tenancies in Tasmania and the ownership of Tasmanian property to be used for investment purposes
- b) champion the importance of upholding a fair balance of power in the relationship between residential rental property owners and tenants and the role that rental property owners play in providing a housing choice to the Tasmanian community
- c) to provide its members with access to opinion, advice and support in relation to the renting of their residential property
- d) to act as a representative and advocate for Tasmanian residential property owners, including liaison with relevant government bodies and stakeholders to ensure the views of property owners are heard and considered
- e) to effectively listen to its members so that it has an accurate and comprehensive understanding of the challenges and issues they face
- f) to support members knowledge of matters related to purchasing and renting properties in Tasmania by sharing relevant information in a timely manner and providing/facilitating information sessions and access to dedicated information resources
- g) to collect relevant data and information related to rental properties in Tasmania and the experience of being a residential rental property owner and use this information to inform strategy development and collective knowledge.

4. Powers of the Association

The Association holds these below powers which are exercised as the Committee sees fit to achieve the purposes of the Association or as determined by members at an Annual General Meeting or Special General Meeting.

The Association has the power to:

- a) purchase, lease, hire or otherwise acquire property and goods
- b) employ, engage or hire services of a body or person in a paid or voluntary capacity
- c) raise money and accept gifts or donations
- d) print, distribute or public promotional or communication material
- e) subject to the provisions of the [Trustee Act 1898](#) , invest, in any manner the Committee determines, any money of the Association not immediately required for any of the objects or purposes of the Association and
- f) do of any lawful thing incidental or conducive to the attainment of the objects or purposes of the Association.

5. Membership of Association

- a) To be eligible for membership a person must be:
 - i) the owner of a residential property located in Tasmania and that property must be listed with the Tasmanian Land Titles Office in their name (or jointly in their name) and
 - ii) that property must be currently rented (occupied), currently available for rent (vacate), or previously rented within the past five years through the Residential Tenancy Act 1997.
- b) The Committee may request evidence that the person meets the eligibility criteria for membership.
- c) The Committee may request photo identification to be provided prior to or upon membership.
- d) A person is deemed a member of the Association when they have made a request in writing to the Association and the request has been approved by at least two members of the Committee and the membership fee has been paid.
- e) A current Membership register is to be maintained and the member is to be added to the Membership register and provided with a receipt for payment of their membership fee.
- f) A member may leave the association at any time by advising a Committee member in writing. Any membership fees paid are non-refundable.
- g) A member will be removed from the Association if membership fees are not paid within 14 days of a final notice of membership fees being issued and the fees remaining unpaid.
- h) The Committee, subject only to this constitution, may suspend or terminate the membership of any member by majority vote of the Committee members. The period of suspension that may apply will be determine by the Committee by majority vote. Any membership fess paid are non-refundable.

6. Membership Fees

- a) The Association requires the payment of membership fees on an annual basis. Invoices for membership fees are due for payment by 1 November annually, with the invoice issued at least 14 calendar days prior to being due.
- b) The Committee may waive the payment of the 1 November membership fees for new members who have joined the Association after 1 July.
- c) As at 2020, the membership fee is \$50 per individual.
- d) The membership fee is subject to change as determined by majority rule vote by the Committee or as determined by members at an Annual General Meeting or Special General Meeting.
- e) The membership fee can be altered no more frequently than annually.

7. Income and property of Association

- a) The income and property of the Association is to be applied solely towards the promotion of the objects and purposes of the Association.
- b) No portion of the income or property of the Association is to be paid or transferred to any member of the Association unless it has been approved by members through an Annual General Meeting or a Special General Meeting. This excludes the payments associated with the procurement of goods or services described in Point 4 (Powers of the Association).

8. Accounts of receipts and expenditure

- a) True accounts are to be kept of the following:
 - i) each receipt or payment of money by the Association and the matter in respect of which the money was received or paid and
 - ii) each asset or liability of the Association.
- b) The accounts are to be open to inspection by the members of the Association at any reasonable time, and in any reasonable manner, determined by the Committee.
- c) The Treasurer of the Association is to keep all accounting books, and general records and records of receipts and payments, connected with the business of the Association in the form and manner the Committee determines.
- d) The accounts, books and records are to be kept at the Association's office or at any other place the Committee determines.

9. Banking and finance

- a) The Committee is to open with an authorised deposit-taking institution an account in the name of the Association.
- b) On behalf of the Association, the Treasurer of the Association is to:
 - i) receive any money paid to the Association; and

- ii) immediately after receiving the money, issue an official receipt in respect of the money; and
- iii) cause the money to be paid into the account as soon as practicable after it is received.
- c) The Committee may approve the payment of expenses incurred by the Association via debit from its bank account. The approval requires at least two Committee members to authorise the payment to be made.
- d) Details for accessing the Association's bank account are to be held by the Public Officer, Treasurer and Chair only.

10. Audit of accounts

- a) The Committee is to ensure the Association fulfils its obligations in relation to submitting its Annual Return in accordance with relevant legislation.
- b) The Committee may engage an Auditor and provide them with access to the information they require to undertake their role.
- c) It is acknowledged that auditing is not required unless the Association's revenue exceeds \$250,000 per annum.
- d) End of financial year is 30 June each year.

11. Annual general meeting

- a) The Association is to hold an annual general meeting each year between the period of 1 July to 1 October as determined by the Committee.
- b) An annual general meeting is to be in addition to any other general meeting that may be held in the same year.
- c) Members are to be provided with at least four weeks notice in advance of when the meeting is to occur. Notice of the meeting and associated meeting papers, including the agenda, are to be provided by email to all members.
- d) Members may attend the meeting in person, via telephone or via video link.
- e) An agenda describing the purpose of the meeting and the specific items to be covered during the meeting is to be circulated to all members at least three days prior to the meeting occurring.

12. 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 8 members of the Association, is to convene a special general meeting of the Association. A requisition for a special general meeting –
 - i) is to state the objects of the meeting; and
 - ii) is to be signed by each of the requisitionists; and

- iii) is to be provided to at least two Committee members; and
- iv) may consist of several documents, each signed by one or more of the requisitionists.
- c) The Committee must convene the meeting within 28 days of receiving the requisition.
- d) Members are to be provided with at least one weeks notice in advance of when the meeting is to occur. Notice of the meeting and associated meeting papers, including the agenda, are to be provided by email to all members.
- e) Members may attend the meeting in person, via telephone or via video link.

13. Votes and quorum at general meetings

- a) Business that requires a vote cannot be undertaken unless a quorum is present.
- b) A quorum for the transaction of the business of a general meeting is 8 members (including the Committee) of the Association entitled to vote.
- c) If a quorum is not present within 60 minutes after the time appointed for the commencement of a general meeting, the meeting:
 - i) if convened on the requisition of members of the Association, is dissolved; or
 - ii) if convened by the Committee, is to be rescheduled to take place as soon as practicable.
- d) On any matters that require a decision-making function, each member present has one vote only, including the Committee.
- e) If votes are tied, the Chairperson has the casting vote (they vote again to decide the vote).
- f) Proxies are not permitted to attend meetings or vote.
- g) Decisions are based on majority rule.

14. Chairperson at general meetings

- a) At each general meeting of the Association, the chairperson is to be:
 - i) the President or
 - ii) in the absence of the President, the Public Officer or
 - iii) in the absence of the President and the Public Officer, the Treasurer
 - iv) in the absence of the Treasurer, the Secretary.

15. Affairs of Association to be managed by a Committee

- a) 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.

16. Committee Composition and Meetings

- a) The officers of the Association form the Committee and are as follows:
 - i) the President
 - ii) the Treasurer
 - iii) the Secretary
 - iv) the Public Officer.
- b) Each officer of the Association is to hold office until the end of the next annual general meeting after that at which they is elected and is eligible for re-election.
- c) If a casual vacancy in an office occurs, the Committee may appoint one of its members to fill the vacancy until the end of the next annual general meeting after the appointment.
- d) The Committee is to meet at least once in each quarter at any place and time the Committee determines.
- e) A meeting of the Committee may be convened by the President or any two of the members of the Committee.
- f) Decisions made by the Committee are made on majority rule, with each member having one vote only (including members who may hold two officer positions).
- g) If votes are tied, the President has the casting vote (they vote again to decide the vote).
- h) Proxies are not permitted to attend meetings or vote.
- i) Decisions are based on majority rule.

17. Election of numbers of Committee

- a) A call for nomination for officer roles is to be called for by the Committee at least three weeks prior to an Annual General Meeting.
- b) At the Annual General Meeting members are appointed to officer roles through a majority rule ballot or show of hands process.
- c) Members are eligible to hold a maximum of two officer roles concurrently but cannot hold the role of President and Treasurer simultaneously.
- d) If a member holds two roles, they are still only entitled to one vote.
- e) If a member holds two roles, this does not meet the requirement of approval by two Committee members; approval is only granted by provide provided by two separate individuals.

18. Vacation of office

- a) For the purpose of these rules, the office of an officer of the Association, or of an ordinary Committee member, becomes casually vacant if the officer or Committee member:
 - i) dies; or
 - ii) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration or estate for their benefit; or
 - iii) becomes a represented person within the meaning of the Guardianship and Administration Act 1995 ; or
 - iv) resigns office in writing addressed to the Committee; or
 - v) ceases to be ordinarily resident in Tasmania; or
 - vi) is absent from 2 consecutive meetings of the Committee without the permission of the other members of the Committee; or
 - vii) ceases to be a member of the Association.

19. Disclosure of interests

- a) If a member of the Committee has an actual, potential or perceived conflict of interest in a matter being considered, or about to be considered, by the Committee or at a meeting, the member is to, as soon as practicable after the conflict has come to the member's knowledge, disclose the nature of the interest to the Committee.

20. Seal of Association

- 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 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 two members of the Committee.
- d) The seal is to remain in the custody of the public officer of the Association.