

Constitution

For

Eastern Domestic Violence Service Inc.

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1. NAME

The name of the incorporated association is Eastern Domestic Violence Service Incorporated.

2. STATEMENT OF PURPOSE

The purposes of the Association are to provide benevolent relief to people in need including by:

- (a) Achieving our aim of a community free from family violence where everyone is safe by working collaboratively with all stakeholders.
- (b) Providing prevention, response and recovery specialist family violence services for women, children and their families in the Eastern Metropolitan Region who have experienced or are experiencing family violence.
- (c) Providing specialist family violence services which are accessible to victim survivors in the Eastern Metropolitan Region of Melbourne, regardless of ethnicity, race, religion, sexual orientation, gender identity, age and ability.
- (d) Promoting awareness of the power dynamic and gendered nature of family violence and educating the community regarding its responsibility to prevent and respond appropriately and effectively to family violence and to ensure perpetrators are held accountable.
- (e) Empowering individuals with lived experience of family violence to influence policy and service delivery.

3. FINANCIAL YEAR

The financial year of the Association is each period of 12 months ending on 30 June.

4. DEFINITIONS

- (a) In this Constitution, unless the contrary intention appears -
 - (i) “**ACNC**” means the Australian Charities and Not-for-profits Commission;
 - (ii) “**ACNC Legislation**” means the *Australian Charities and Not-for-profits Commission Act 2012* (Cth) and the *Australian Charities and Not-for-profits Commission (Consequential and Transitional) Act 2012* (Cth);
 - (iii) “**Act**” means the *Associations Incorporation Reform Act 2012* (Vic) and includes any regulations made under that Act;
 - (iv) “**Board**” means the Board of Governance of the Association;
 - (v) “**Chair**” means the person appointed to that role under sub rule 25(b);
 - (vi) “**chairperson**” of a general meeting or Board meeting, means the person who chairs the meeting as required under rules 19 & 34;
 - (vii) “**Chief Executive Officer**” means the person appointed to that role under rule 37;

- (viii) **“Board meeting”** means a meeting of the Board held in accordance with this Constitution;
- (ix) **“Deductible Gift Recipient”** means an entity to which tax deductible gifts may be made pursuant to Division 30 of the ITAA 97;
- (x) **“Deputy Chair”** means the person appointed to that role under sub rule 25(b)
- (xi) **“financial year”** means the 12 month period specified in rule 3;
- (xii) **“general meeting”** means a general meeting of members of the Association convened in accordance with this Constitution and includes an annual general meeting (rule 13) and a special general meeting (rule 14);
- (xiii) **“ITAA 97”** means the Income Tax Assessment Act 1997 (Cth);
- (xiv) **“member”** means a person over the age of 18 years who is a member of the Association;
- (xv) **“Officer”** means a person appointed to the role of Chair, Deputy Chair, Treasurer or Secretary;
- (xvi) **“Ordinary Member of the Board”** means a member of the Board who is not an Officer under sub rule 25(b);
- (xvii) **“Regulations”** means regulations under the Act;
- (xviii) **“relevant documents”** has the same meaning as in the Act;
- (xix) **“Secretary”** means the person appointed to that role under sub rule 25(b);
- (xx) **“Treasurer”** means the person appointed to that role under sub rule 25(b);
- (xxi) **“Women”** means people who identify as a woman regardless of gender assigned at birth, including but not limited to cisgender women, transgender women and intersex women.

5. POWERS

- (a) Subject to the Act, the Association may do all things necessary or convenient for carrying out its purposes.
- (b) Without limiting sub rule 5(b) the Association may:
 - (i) acquire, hold and dispose of real or personal property;
 - (ii) open and operate accounts with financial institutions;
 - (iii) invest its money in any security in which trust monies may lawfully be invested;
 - (iv) raise and borrow money on any terms and in any manner as it thinks fit;

- (v) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (vi) appoint agents to transact business on its behalf;
 - (vii) enters into any other contract it considers necessary or desirable;
- (c) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6. INDEMNITY OF OFFICE HOLDERS

The Association indemnifies each of its office holders against any liability incurred in good faith by the office holder in the course of performing their duties as an office holder. This indemnity extends to any person who:

- (a) holds office as a member of the Board;
- (b) any person (including an employee):
 - (i) that makes or participates in the decision making that affects the whole or a substantial part of the Association's operations; or
 - (ii) that has the capacity to affect the financial standing of the Association; or
 - (iii) on whose instructions the Board is accustomed to act.

7. ALTERATION OF THE CONSTITUTION

- (a) This Constitution must not be altered except in accordance with the Act.
- (b) Recommended alterations, additions and amendments to the Constitution may be made providing that:
 - (i) they are passed by the Board and minuted;
 - (ii) that at least 21 days' notice has been given of the proposed addition, alteration or amendment to be presented as a special resolution at a special general meeting; and,
 - (iii) they are passed by special resolution of not less than three-fourths of the total members present.

8. MEMBERSHIP

- (a) A person who applies and is approved for membership as provided in this Constitution is eligible to be a member of the Association.
- (b) An employee of the Association is not eligible to apply for membership.
- (c) An ex-employee may be eligible to nominate or be nominated to the Board after a period of two years from termination of employment.
- (d) There is no subscription fee payable for membership of the Association.

- (e) A person who is not a member of the Association at the time of the incorporation of the Association (or who was a member at that time but has ceased to be a member) must not be admitted to membership unless-
 - (i) the person applies for membership in accordance with sub rule 8(f)1(a); and
 - (ii) the admission as a member is approved by the Board.
- (f) An application of a person for membership of the Association must be in the form approved by the Board from time to time.
- (g) As soon as practicable after the receipt of an application, the Secretary must refer the application to the Board.
- (h) The Board must determine whether to approve or reject the application.
- (i) If the Board approves an application for membership, the Secretary must, as soon as practicable:
 - (i) notify the applicant in writing of the approval for membership; and
 - (ii) enter the applicant's name in the register of members as a member.
- (j) An applicant for membership becomes a member and is entitled to exercise the rights of membership when their name is entered in the register of members.
- (k) If the Board rejects an application, the Board must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- (l) A right, privilege, or obligation of a person by reason of membership of the Association-
 - (i) is not capable of being transferred or transmitted to another person; and,
 - (ii) terminates upon the cessation of membership whether by death or resignation or otherwise.

9. REGISTER OF MEMBERS

- (a) The Secretary must keep and maintain a register of members containing for each current member:
 - (i) the member's name;
 - (ii) the address for notice last given by the member;
 - (iii) the date of becoming a member;
 - (iv) any other information determined by the Board; and
 for each former member;
 - (v) the date on which the person ceased to be a member.

- (b) Any member may, at a reasonable time and free of charge, inspect the register of members.
- (c) A member may make a copy of the names of current members and their email addresses as provided to the Association.
- (d) Access to the register or to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

10. CEASING MEMBERSHIP

- (a) A member may resign from the Association by giving one month's notice in writing to the Secretary of their intention to resign.
- (b) After the expiry of the period referred to in sub rule 10(a)1(a):
 - (i) the member ceases to be a member; and,
 - (ii) the Secretary must record in the register of members the date on which the member ceased to be a member.
- (c) A member who is a Board member will cease to be a member on ceasing to be a Board member.
- (d) A member is taken to have ceased membership if:
 - (i) the Secretary has made a written request to the member to confirm that they wish to remain a member; and,
 - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that they wish to remain a member.

11. DISCIPLINARY ACTION

- (a) Subject to this Constitution, the Association may take disciplinary action against a member if it is determined that the member:
 - (i) has failed to comply with this Constitution; or
 - (ii) refuses to support the purposes of the Association; or
 - (iii) has engaged in conduct prejudicial to the Association.
- (b) The Board has discretion to determine the procedure to be adopted to determine whether there are sufficient grounds for taking disciplinary action, subject to complying with the following principles of natural justice:
 - (i) the member who is the subject of the disciplinary procedure must be informed of the grounds upon which the disciplinary action against the member is proposed to be taken;
 - (ii) the member who is the subject of the disciplinary procedure must be given an opportunity to be heard in relation to the matter – either by appearing in person and/or by providing a written statement according to the member's preference;

- (iii) the outcome of the disciplinary procedure must not be determined by a biased decision-maker(s); and
 - (iv) to the extent that doing so is compatible with paragraphs 11(b)(i)-(ii), the disciplinary procedure must be completed as soon as is reasonably practicable.
- (c) Disciplinary action under this rule includes, but is not limited to, suspension of any or all membership rights, or expulsion.

12. GRIEVANCE PROCEDURE

- (a) The Board will determine the procedure to be followed to determine any dispute arising between:
- (i) a member and another member;
 - (ii) a member and the Board; and
 - (iii) a member and the Association.
- (b) The Board will enable the following:
- (i) a member may appoint any person to act on behalf of the member in the grievance procedure;
 - (ii) each party to the dispute has been given an opportunity to be heard on the matter which is the subject of the dispute; and
 - (iii) the outcome of the dispute must not be determined by a biased decision-maker.

13. ANNUAL GENERAL MEETINGS

- (a) The Board may determine the date, time and place of the Annual General Meeting of the Association.
- (b) The Annual General Meeting must be held within 5 months of the end of the last preceding financial year.
- (c) The notice convening the Annual General Meeting must specify that the meeting is an Annual General Meeting.
- (d) The ordinary business of the Annual General Meeting shall be-
- (i) to confirm the minutes of the previous Annual General Meeting and of any general meeting held since that meeting;
 - (ii) to receive from the Board reports upon the transactions of the Association during the last preceding financial year;
 - (iii) to elect or re-elect up to 10 members of the Board; and,
 - (iv) to receive and consider the statement submitted by the Association in accordance with section 100(2)(b) of the Act.

- (e) The Annual General Meeting may conduct any special business of which notice has been given in accordance with this Constitution.

14. SPECIAL GENERAL MEETINGS

- (a) In addition to the Annual General Meeting, any other general meetings may be held in the same year.
- (b) The Board may, whenever it thinks fit, convene a special general meeting of the Association.
- (c) If, but for this sub rule, more than 15 months would elapse between Annual General Meetings, the Board must convene a special general meeting before the expiration of that period.
- (d) The Board must, on the request in writing of members representing not less than 30 per cent of members, convene a special general meeting of the Association.
- (e) The request for a special general meeting must:
 - (i) state the objects of the meeting;
 - (ii) be signed by the members requesting the meeting; and,
 - (iii) be sent to the address of the Secretary.
- (f) If the Board does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than 3 months after that date.
- (g) If a special general meeting is convened by members in accordance with this rule, it must be convened in the same manner so far as possible as a meeting convened by the Board and all reasonable expenses incurred in convening the special general meeting must be refunded by the Association to the persons incurring the expenses.

15. SPECIAL BUSINESS

All business that is conducted at a special general meeting and all business that is conducted at the Annual General Meeting, except for business conducted under the Constitution as ordinary business of the Annual General Meeting, is deemed to be special business.

16. NOTICE OF GENERAL MEETINGS

- (a) The Secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- (b) Notice may be sent:
 - (i) by prepaid post to the address appearing in the register of members; or

- (ii) if the member requests, by email, facsimile transmission or electronic transmission.
- (c) No business other than that set out in the notice convening the meeting may be conducted at the meeting.
- (d) A member intending to bring any business before a meeting may notify in writing, or by email at least seven days before the meeting, the Secretary of that business, who must include that business in the notice calling the next general meeting.

17. USES OF TECHNOLOGY

- (a) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (b) For the purposes of this Part, a member participating in a general meeting as permitted under sub rule 17(a) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

18. QUORUM AT GENERAL MEETINGS

- (a) No item of business may be conducted at a general meeting unless a quorum of members entitled under this Constitution to vote is present at the time when the meeting is considering that item.
- (b) The quorum for the conduct of the business of a general meeting is the presence (physically or under rule 17) of 60 per cent of the members entitled to vote.
- (c) If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present-
 - (i) in the case of a meeting convened upon the request of members--the meeting must be dissolved; and
 - (ii) in any other case--the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (d) If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than 40 per cent) shall be a quorum.

19. PRESIDING AT GENERAL MEETINGS

- (a) The Chair shall preside as chairperson at each general meeting of the Association.
- (b) If the Chair is absent from a general meeting, or are unable to preside, the members present must select one of their number to preside as chairperson.

20. ADJOURNMENT OF MEETINGS

- (a) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- (b) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- (c) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 16.
- (d) Except as provided in sub rule 20(c), it is not necessary to give notice of the business to be conducted at an adjourned meeting.

21. VOTING AT GENERAL MEETINGS

- (a) Upon any question arising at a general meeting of the Association, a member has one vote only.
- (b) All votes must be given personally.
- (c) In the case of an equality of voting on a question, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (d) A member is entitled to vote if:
 - (i) more than 10 business days have passed since the member became a member of the Association;
 - (ii) the member's membership rights are not suspended for any reason.

22. POLL AT GENERAL MEETINGS

- (a) If at a meeting a poll on any question is demanded by not less than 3 members, it must be taken at that meeting in such manner as the chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (b) A poll that is demanded on the election of a chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the chairperson may direct.

23. MANNER OF DETERMINING WHETHER RESOLUTION CARRIED

If a question arising at a general meeting of the Association is determined on a show of hands-

- (a) a declaration by the chairperson that a resolution has been-
 - (i) carried; or
 - (ii) carried unanimously; or
 - (iii) carried by a particular majority; or
 - (iv) lost; and

- (b) 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.

24. BOARD OF GOVERNANCE

- (a) The affairs of the Association shall be governed by the Board.
- (b) The Board –
 - (i) shall govern the Association;
 - (ii) may, subject to this Constitution, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by this Constitution to be exercised by general meetings of the members of the Association; and,
 - (iii) subject to this Constitution, the Act and the Regulations, has power to perform all such acts and things as appear to the Board to be essential for the proper governance of the Association.
- (c) Subject to section 23 of the Act, the Board shall consist of up to ten members who will each be elected or re-elected by the members for a 3-year term.
- (d) The Board will elect the Officers from among their number.
- (e) The Chief Executive Officer is entitled to receive notice of Board meetings and may attend and speak, but not vote, at Board meetings.
- (f) The Board may invite up to two individuals to attend and speak, but not vote at Board meetings for a period of twelve months (or such other period as is determined by resolution of the Board). These individuals will not be Board members.

25. OFFICE HOLDERS

- (a) The Officers shall be:
 - (i) Chair;
 - (ii) Deputy Chair;
 - (iii) Treasurer; and
 - (iv) Secretary.
- (b) Officers must be elected by the Board from among the Board members for an annual term of office at the first Board meeting following the Annual General Meeting each year.
- (c) Officers are eligible for re-election.
- (d) The position of Chair may be held by any one Board member for a maximum of 6 years which may or may not be served consecutively and subject to sub rule 26 (b) and sub rule 26 (c). This clause may be modified by special resolution of Board members.

- (e) In the event of a casual vacancy in any office referred to in sub rule 25(a), the Board may appoint one of its members to the vacant office and the member appointed may continue in office up to and including conclusion of the first Board meeting after the Annual General Meeting next following the date of the appointment.

26. MEMBERS OF THE BOARD

- (a) Subject to this Constitution, each member of the Board shall be elected for a 3-year term but is eligible for re-election.
- (b) Subject to clause 26(c), no member of the Board shall be eligible for re-election following the expiration of 9 years of membership of the Board served consecutively.
- (c) A member of the Board that has served for more than 9 years may be elected by the members for a further term of up to 2 years, provided the Board unanimously resolves to allow the Board member to stand for election.

27. ELIGIBILITY CRITERIA FOR THE BOARD MEMBERS

To be eligible to be appointed to the Board, an individual must:

- (a) be a Member of the Association;
- (b) support the purpose of the Association;
- (c) not be disqualified:
 - (i) from managing a corporation by the *Corporations Act 2001* (Cth); or
 - (ii) from being a responsible person by the ACNC Commissioner under the provisions of the ACNC Legislation.

28. DUTIES OF BOARD MEMBERS

Board members must comply with any duties imposed on them by the Act and with the duties described in governance standard 5, Duties of Responsible Persons, of the ACNC Legislation.

29. DISCLOSURE OF INTERESTS

- (a) A Board member must disclose the nature and extent of any perceived or actual material conflict of interest and the relation of the interest to the activities of the Association:
 - (i) to the Board - as soon as the Board member becomes aware of the interest; and
 - (ii) to the Members - at the next general meeting.
- (b) A Board member who has a material personal interest in a matter that is being considered by the Board:
 - (i) must not be present while the matter is being considered at a Board meeting; or

- (ii) vote on the matter.
- (c) This rule does not apply to a material personal interest—
 - (i) that exists only because the Board member belongs to a class of persons for whose benefit the Association is established; or
 - (ii) that the Board member has in common with all, or a substantial proportion of, the Members.

30. VACANCIES

- (a) The office of an Officer, or of an ordinary member of the Board, becomes vacant if the officer or member:
 - (i) ceases to be a member of the Association;
 - (ii) becomes an insolvent under administration within the meaning of the Corporations Law;
 - (iii) resigns from office by notice in writing given to the Secretary; is removed from the Board under rule 36;
 - (iv) is disqualified under the ACNC Legislation from being a responsible person or under the *Corporations Act 2001* from acting as Director of a company; or
 - (v) completes their elected term.
- (b) In the event of a casual vacancy occurring in the office of an ordinary member or an Officer of the Board, the Board may appoint a member of the Association to fill the vacancy and the member appointed shall hold office, subject to this Constitution, until conclusion of the next Annual General Meeting.

31. MEETINGS OF THE BOARD

- (a) The Board must meet at least 6 times in each year at such place and such times as the Board may determine.
- (b) Special meetings of the Board may be convened by the Chair or by any 3 Board members (whether Officers or Ordinary Members).
- (c) The Board may meet by teleconference or any other electronic means agreed by the Board. The provisions in this Constitution relating to meetings of the members of the Board apply, so far as they can and with such changes as are necessary, to meetings of the members of the Board by teleconference or other electronic means. A meeting by teleconference or other electronic means is to be taken to be held at the location of the chairperson of the meeting for the duration of the meeting.

32. NOTICE OF BOARD MEETINGS

- (a) Written notice of each board meeting must be given to each member of the Board and the Chief Executive Officer at least 2 business days before the date of the meeting.

- (b) Written notice must be given to members of the Board and the Chief Executive Officer of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

33. QUORUM FOR BOARD MEETINGS

- (a) The quorum for the conduct of the business of a meeting of the Board is the presence (in person or as allowed under rule 17) of a majority of the Board members.
- (b) No business may be conducted unless a quorum is present.
- (c) If within half an hour of the time appointed for the meeting a quorum is not present-
 - (i) in the case of a special meeting--the meeting lapses;
 - (ii) in any other case--the meeting shall stand adjourned to the same place and the same time and day in the following week or a place, day and time determined by the Board members present at that meeting with all Board members receiving at least two business working days' notice of the adjourned meeting.
- (d) The Board may act notwithstanding any vacancy on the Board.

34. PRESIDING AT BOARD MEETINGS

At meetings of the Board –

- (a) the Chair presides; or
- (b) if the Chair is absent or are unable to preside, the members present must choose one of their number to preside.

35. VOTING AT BOARD MEETINGS

- (a) Questions arising at a meeting of the Board, or at a meeting of any committee appointed by the Board, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- (b) Each member present at a meeting of the Board, or at a meeting of any committee appointed by the Board (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.

36. REMOVAL OF BOARD MEMBER

- (a) The Association in general meeting may, by resolution, remove any member of the Board before the expiration of the member's term of office and appoint another member in their place to hold office until the expiration of the term of the first-mentioned member.
- (b) A member who is the subject of a proposed resolution referred to in sub rule 36(a) may make representations in writing to the Secretary or Chair of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.

- (c) The Secretary or the Chair may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting.

37. CHIEF EXECUTIVE OFFICER

- (a) The Board may appoint a Chief Executive Officer designated by whatever title the Board thinks fit.
- (b) The appointment may be for the period, at the remuneration and on the conditions that the Board thinks fit.
- (c) The Board may remove the Chief Executive Officer at any time, subject to any contract between the Association and the Chief Executive Officer.
- (d) The Chief Executive Officer may attend and speak at Board meetings but is not a Board member and cannot vote.

38. MINUTES OF MEETINGS

The Secretary of the Association must keep minutes of the resolutions and proceedings of each general meeting, and each Board meeting, together with a record of the names of members present at each meeting.

39. FUNDS

- (a) The Treasurer of the Association must ensure that:
 - (i) all moneys due to the Association are collected and received, and that all payments authorised by the Association are made; and,
 - (ii) correct accounts and books showing the financial affairs of the Association are kept with full details of all receipts and expenditure connected with the activities of the Association.
- (b) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two signatories approved by the Board.
- (c) The funds of the Association shall be derived from annual government grants, donations and such other sources as the Board determines.

40. SEAL

The Association does not have a common seal.

41. NOTICE TO MEMBERS

Except for the requirement in rule 16 any notice that is required to be given to a member, by on behalf of the Association, under this Constitution may be given by-

- (a) delivering the notice to the member personally;
- (b) sending it by prepaid post addressed to the member at that member's address shown in the register of members;
- (c) facsimile transmission, if the member has requested that the notice be given to them in this manner;

- (d) email, if the member has requested that the notice be given to them in this manner.

42. CUSTODY AND INSPECTION OF BOOKS AND RECORDS

- (a) Except as otherwise provided in this Constitution, the Secretary must keep in their custody or under their control all books, documents and securities of the Association.
- (b) All minutes and any other relevant documents of the Association may be made available for inspection free of charge by any member upon written request, with such availability to be determined at the sole discretion of the Board.
- (c) The Board must on request make copies of this Constitution available to members and applicants for membership free of charges.

43. WINDING UP

- (a) The Association may be wound up in accordance with the Act.
- (b) If the Association is a Deductible Gift Recipient and is wound up, or its endorsement as a Deductible Gift Recipient is revoked by the Commissioner of Taxation, the following assets remaining after satisfying the Association's liabilities and expenses must be transferred to one or more charities with similar purposes to that of the Association, and to which income tax deductible gifts may be made:
 - (i) gifts of money or property for the Principal Purpose received during any time that the Association is endorsed as a Deductible Gift Recipient;
 - (ii) contributions described in item 7 or 8 of the table in section 30-15 of the ITAA 97 in relation to a fundraising event (as defined by section 995-1 of the ITAA 97) held for that purpose during any time that the Association is endorsed as a Deductible Gift Recipient; and
 - (iii) money received by the Association because of such gifts or contributions during any time that the Association is endorsed as a Deductible Gift Recipient.
- (c) Upon the winding up of the Association, any assets remaining after complying with sub rule 42(b)):
 - (i) must not be paid or distributed to the members in their capacity as members, and
 - (ii) will be given or transferred to one or more other charities which has or have a similar purpose to the Principal Purpose and prohibit the distribution of income, profit or assets to its (or their) members in their capacity as members.
- (d) The members must decide which entity or entities receive a distribution under this rule by ordinary resolution on or before the time of winding up or revocation. If the members fail to decide, the entity or entities must be determined by application to the Supreme Court of Victoria.