

Hobart Town (1804) First Settlers Association Inc.

March 2013

Patron:

The Rt Hon. The Earl of Buckinghamshire, (Lord Miles Hobart)

CONSTITUTION

CLAUSE 1 The name of this Association shall be *HOBART TOWN (1804) FIRST SETTLERS ASSOCIATION INC.* as above hereafter referred to as the Association.

Hobart Town in this constitution is defined as Hobart and surrounding areas.

CLAUSE 2 The aims of the Association shall be:

- (a) (i) to commemorate and to promote interest in the first and early settlers of Hobart, both free and bond,
 - (ii) to conduct a ceremony to honour the formal arrival of the Collins party in Hobart on 20 February each year,
- (b) to facilitate contact between descendants of the first and early settlers of Hobart,
- (c) to collect, catalogue and preserve all types of material relating to the first and early settlers,
- (d) to foster and promote awareness of Hobart's historical heritage and
- (e) to encourage members in their research, collection and the writing of their family's historical background.

CLAUSE 3 MEMBERSHIP

- (a) There shall be four classes of membership.
 - (i) First Settler
 - (ii) Early Settler
 - (iii) Associate First Settler and Associate Early Settler
 - (iv) Interested Persons
- (b) On accepting membership of the Association each member must agree to act respectfully towards all Association members and in all matters relating to the Association. Members have the right to appeal to the Committee, in writing, if Clause 3 (b) is violated. The committee will then take whatever action it deems appropriate. The person who is the subject of the complaint cannot act in an executive position until the matter is resolved.
- (c) **FIRST SETTLER MEMBERSHIP.** This class of membership shall be open to any person who can demonstrate, to the satisfaction of the Association, his or her descent from a person who either:
 - (i) sailed from Spithead on 24 April 1803 in either HMS *Calcutta* or *Ocean* as part of Lt Governor Collins' expedition or
 - (ii) was a member, free or convict, of Lt Bowen's party at Risdon Cove and/or
 - (iii) was present at the formal foundation on 20 February 1804 of the settlement of Sullivan's Cove, which became the present City of Hobart.

- (d) EARLY SETTLER MEMBERSHIP. This class of membership shall be open to any person (not eligible to be a First Settler member) who can demonstrate to the satisfaction of the Association, his or her descent from a person who arrived in Hobart on or before 26 May 1853.
- (e) ASSOCIATE FIRST SETTLER MEMBERSHIP and ASSOCIATE EARLY SETTLER MEMBERSHIP. This class of membership shall be open to the wife/husband/partner of a First Settler or Early Settler member.
- (f) INTERESTED PERSONS MEMBERSHIP. Any person, or organisation, not otherwise eligible for membership, who demonstrates an interest in the aims and objectives of this Association, shall be eligible for acceptance as an Interested Persons member.
- (g) Classes (i) and (ii) of membership set out in Clause 3 shall have equal voting rights and eligibility for election to office.
- (h)
 - (i) Classes (iii) and (iv), shall not have voting rights or the right of election to office, nor shall they be required to pay an annual subscription. However, they will be called upon to pay a contribution, set by the Executive under the by-laws, and sufficient to defray the cost of production and postage of their copy of the quarterly newsletter, but only if this publication is desired.
 - (ii) Any member at the date of implementation of this revised constitution, regardless of the fact that he/she may not be able to qualify under the above provisions, shall nevertheless retain his/her membership as previously established.
- (i) Class (iii) shall continue in their membership upon ceasing to be a qualifying wife/husband/partner (for any reason), only if they so wish and indicate this to the Secretary.
- (j)
 - (i) Any member of the classes (i) and (ii) may be elected to the status of Life Member.
 - (ii) A nomination for Life Membership may be submitted to the Secretary at any time by any member of the classes (i) and (ii).
 - (iii) A nomination under sub-clause (i) and (ii) shall be in writing and shall be accompanied by a statement supporting the nomination.
 - (iv) The nomination shall be examined by the Executive Committee which shall present to the next Annual General Meeting its recommendation with regard to the nomination and the recommendation shall be decided by the Annual General Meeting.
- (k) A Life Member shall not be required to pay an annual subscription and shall be deemed to be financial for all other purposes of this Constitution.
- (l) Any right, privilege or obligation of a person as a member of the Association:
 - (i) is not capable of being transferred or transmitted to another person and
 - (ii) terminates on the cessation of the membership.
- (m) If the Association is wound up every member of the Association and every person who, within the period of 12 (twelve) months immediately preceding the commencement of the winding up, was a member of the Association, is liable to contribute to the assets of the Association for payment of debts or liabilities of the Association and for the adjustment of rights of contributories.
- (n) Any liability under Sub-clause (m) is not to exceed \$20.00.
- (o) A former member is not liable to contribute under Sub-clause (m) in respect of any debt or liability of the Association contracted after he or she ceased to be a member.

CLAUSE 4 SUBSCRIPTION AND VOTING RIGHTS

- (a) An annual subscription shall be paid. The amount shall be determined by the Association at an Annual General Meeting, subject to notice in writing seven days prior to the Annual General Meeting to all members required to pay the subscription.
- (b) The Executive Committee may make a recommendation as to the amount of the subscription.
- (c) The subscription shall be payable for each family address at which the member, the wife/husband/partner and their children reside.

CLAUSE 5 OFFICE BEARERS

- (a)
 - (i) President
 - (ii) Vice-President
 - (iii) Secretary
 - (iv) Treasurer
 - (v) Historian

DUTIES OF THE SECRETARY

- (b) The duties of the Secretary shall include:
 - (i) conducting correspondence in the name of the Association and as directed by the Executive Committee, and
 - (ii) taking and keeping minutes of the general, special and executive meetings.

DUTIES OF THE TREASURER

- (c) The duties of the Treasurer shall include:
 - (i) maintaining the accounting records of the Association and presenting a financial statement at each General Meeting,
 - (ii) preparing an annual financial statement for presentation at the Annual General Meeting which statement to be submitted, with the necessary documentation, for audit by the auditor appointed in accordance with CLAUSE 9 (h) and
 - (iii) operating a bank account in the name of the Association at a bank approved by the Executive and ensuring that all withdrawals have the signatures of 2 out of 3 signatories who shall be the President, Secretary and Treasurer.

CLAUSE 6 EXECUTIVE COMMITTEE - STRUCTURE AND POWER

- (a) There shall be an Executive Committee of the Association consisting of the officers listed in Clause 5 (a), together with from one to seven other financial (or deemed financial) members, such number to be determined by the availability and willingness of members to serve.
- (b) The members of the Executive Committee shall be elected annually at the Annual General Meeting.
- (c) Nominations for the positions of the Executive Committee must be received by the Secretary at least seven days before the Annual General Meeting. All nominations must be in writing and be signed by the mover and seconder as well as the nominee, indicating his/her acceptance of the nomination. In the absence of sufficient nominations, the President may call for nominations from the floor at the Annual General Meeting.

- (d) A quorum for any meeting of the Executive shall consist of such number of elected Executive members as constitutes a simple majority, but must include at least one office bearer. All matters considered by the Executive Committee shall be decided by a simple majority of those present.
- (e) The Executive Committee shall have the responsibility for the daily management of the affairs of the Association. For this purpose, it shall be authorised to make such decisions as are necessary to carry out this responsibility.
- (f) The Executive Committee shall be empowered to make by-laws relating to the Association, provided that any such by-law does not conflict with any of the provisions of this Constitution. All such by-laws shall be subject to ratification at the next general meeting of the Association.
- (g) In matters arising from emergencies, a decision and consequent action may be made and taken by the President (or Vice-President in the case of the President's unavailability) and at least one other Executive Committee member. All such decisions and actions shall be explained, justified and ratified at the next Executive Meeting.
- (h) It shall be the responsibility of the Executive Committee to publish and issue to each financial (and deemed financial) member, and also to those Associate members who have defrayed the cost, a quarterly newsletter.
- (i) The Secretary shall convene at least one meeting of the Executive Committee in each quarter of the calendar year.

CLAUSE 7 CASUAL VACANCIES - OFFICE BEARERS

- (a) Should any one or more of the officers listed in Clause 5 (other than the President) vacate his/her office at a time other than at an Annual General Meeting, the remaining Executive Committee may appoint one of its members, or such general member who is considered to be suitable, to fill the office on a temporary basis pending the approval of the next general meeting.
- (b) In the circumstances of Sub-clause (a) the President shall be replaced automatically by the Vice-President.
- (c) Should both the President and Vice-President vacate their offices at about the same time, the Secretary shall immediately call a Special General Meeting of all members for the purpose of correcting the situation.
- (d) For the purpose of Sub-clause (c) only, a quorum for this meeting shall be a majority of two-thirds of the financial (or deemed financial) members actually present at the meeting.
- (e) In the event of one or more of the members of the Executive Committee (other than the office bearers referred to in Clause 5) vacating their position(s), the resulting vacancy shall be filled by a vote of a simple majority of the financial (or deemed financial) members present at the next general meeting following the time when the Secretary becomes aware of the vacancy.

CLAUSE 8 AMENDMENTS TO THE CONSTITUTION

- (a) A decision to amend this constitution can only be given effect by a vote at an Annual General Meeting or at a Special General Meeting specifically called for that purpose in conjunction with votes from a properly conducted postal vote of all financial (or deemed financial) members, and shall be the decision of a simple majority of members.

- (b) Notice of a proposed amendment to the Constitution may be given at any time by any financial (or deemed financial) member, but it shall be made in writing and have attached to it an explanation of the purpose and intended effect of the amendment.
- (c) A notice of amendment as in (b) above shall be delivered to the Secretary not less than three calendar months before the date of the next Annual General Meeting or the date of a Special General Meeting called for the purpose of the proposed amendment. Such a Special General Meeting may be requested before or at the time of giving notice of the proposed amendment.
- (d) The date of effect of an amendment shall be the date of the meeting at which the decision of the ballot is announced.
- (e) Upon receipt of a proposed amendment, the Secretary shall send a copy of it to all financial (or deemed financial) members together with a postal voting paper relevant to the matter. The Secretary shall set a date for the closure of the postal ballot, and advise each member of this date.

CLAUSE 9 GENERAL

- (a) The Secretary shall convene at least one General Meeting in each calendar quarter. One of these may be the Annual General Meeting, which shall be held before 31 March in each year, at a time and place to be notified.
- (b) Other than for the purposes of Clause 8, no less than seven days notice shall be given by the Secretary before the date set for all general meetings. Such notice must include in general terms any special business for discussion at the meeting.
- (c) Notices of general meetings may be incorporated in the quarterly newsletter.
- (d) At all general meetings, other than the Annual General Meeting, when deciding on amendments to this Constitution, all matters shall be decided by a simple majority of those financial (or deemed financial) members present. At such a meeting a formal quorum is not required.
- (e) The financial year of the Association shall be from 1 January to 31 December.
- (f) The President shall prepare and present to the Annual General Meeting an annual report.
- (g) In the event of the Association being wound up:
 - (i) all assets other than those in Sub-clause (ii) shall be given to the Tasmanian Museum and Art Gallery and
 - (ii) minute books, accounting records and all correspondence shall be given to the Tasmanian Archives and Heritage Office.
- (h) The financial records of the Association shall be audited each year before the Annual General Meeting by an auditor appointed at the previous Annual General Meeting.
- (i) The auditor appointed under Sub-clause (h) may be a member of the Association other than the Treasurer or any person nominated by the Treasurer.