

## **PART 3 – MEMBERSHIP GENERALLY**

### **4. MEMBERSHIP**

- (1) A Member of DCC is a natural person or Group who, pursuant clause 5:
  - (a) has applied for membership of DCC, and
  - (b) been approved for membership of DCC by the Committee, and has not ceased to be a Member of DCC pursuant to clause 6.
  
- (2) A person is taken to be a Member of the DCC if:
  - (a) the person is a natural person, and
  - (b) the person was:
    - (i) in the case of an unincorporated body that is registered as DCC – a member of that unincorporated body immediately before the registration of DCC, or
    - (ii) in the case of an association that is amalgamated to form DCC – a member of that other association immediately before the amalgamation, or
    - (iii) in the case of a registrable corporation that is registered as DCC – a member of the registrable corporation immediately before that entity was registered as DCC,and has not ceased to be a Member of DCC pursuant to clause 6.

### **5. APPLICATION FOR DCC MEMBERSHIP**

- (1) An application of a person or Group for membership:
  - (a) must be made in writing (including by email or other electronic means, if the Committee so determines) in the form determined by the Committee; and
  - (b) lodged with the Secretary of DCC (including by email or electronic means) together with payment of the membership fee and annual subscription set out in clause 10.
  
- (2) As soon as practicable after receiving an application for membership, the Secretary must refer the application to the Committee which is to determine whether to approve or to reject the application.
  
- (3) If the Committee approves the application the Secretary shall then notify the applicant and enter the applicant's name in the register of Members.
  
- (4) If the Committee rejects the application it will refund to the applicant any membership fee and annual subscription paid by the applicant.

### **5A. LIFE MEMBERS**

- (1) A person is eligible for Life Membership if the:
  - (a) person is a Member of DCC;
  - (b) Member has been nominated in writing through completion of the form set out in Appendix 2 for life membership;

- (c) nomination has a Proposer and Seconder who are Members of DCC; and
  - (d) nomination is lodged with the Secretary of DCC (including by email or electronic means) no later than 6 weeks before the annual general meeting.
- (2) The Committee will meet to decide to accept or reject the Life Membership nomination taking into consideration any submissions received in support of the nomination at the time it is lodged with the Secretary, and any other relevant matters including the likely effect of subclause (5) on the nomination.
  - (3) The Committee's decision to accept a nomination must be unanimous by secret ballot of the Members present and entitled to vote at the meeting convened under subclause (2).
  - (4) Subject to subclause (5), if the Committee accepts a nomination, the nomination will then be put to the Members for ratification at the next annual general meeting held pursuant to clause 26.
  - (5) If at the time of the annual general meeting the number of Life Members exceeds 2% of the total DCC membership or ratification of the nomination by the Members would have that direct result, the nomination must lapse.
  - (6) If the Committee rejects a nomination, or the Members in general meeting do not ratify the nomination, or the nomination lapses pursuant to subclause (5), a Member may be re-nominated at another time.
  - (7) A Life Member shall not be required to pay annual subscriptions or any other DCC fees.

## **6. CESSATION OF MEMBERSHIP OR LIFE MEMBERSHIP**

- (1) A person ceases to be a Member or Life Member of DCC if the person:
  - (a) dies; or
  - (b) resigns Membership or Life Membership; or
  - (c) is expelled from DCC; or
  - (d) has not paid the annual subscription by the time of the annual general meeting next following the due date of the fee.
- (2) The Secretary shall record the date on which the Member or Life Member ceased to be a Member or Life Member.

## **7. MEMBERSHIP OR LIFE MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE**

- (1) A right, privilege or obligation which a person has by reason of being a Member or Life Member of DCC:
  - (a) is not capable of being transferred or transmitted to another person; and
  - (b) terminates on cessation of the person's membership or life membership.

## **8. RESIGNATION OF MEMBERSHIP**

- (1) A Member is not entitled to resign that membership except in accordance with this clause.
- (2) A Member who has paid all fees and subscriptions payable, may resign:
  - (a) by first giving one month's written notice of resignation to the Secretary (including by email or electronic means); or
  - (b) in a manner determined by the Committee.

## **9. REGISTER OF MEMBERS AND LIFE MEMBERS**

- (1) The Public Officer shall establish and maintain a register of Members and Life Members of DCC (whether in written or electronic form) specifying the name, postal address and email address (if applicable) of each person or Group, together with the date on which the person or Group became a Member or Life Member.
- (2) The register must be kept at the principal place of administration of DCC and made available, free of charge, for any Member or Life Member to view at a reasonable hour.
- (3) If a Member requests that any information contained on the register about the Member (other than the Member's name) not be available for inspection, that information must not be made available for inspection.
- (4) A Member must not use information about a person obtained from the register to contact or send material to the person, other than for:
  - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to DCC or other material relating to DCC, or
  - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.
- (5) If the register of Members and Life Members is kept in electronic form:
  - (a) it must be convertible into hard copy; and
  - (b) the requirements in subclause (2) apply as if a reference to the register of Members and Life Members is a reference to a current hard copy of the register of members.

## **10. FEES AND SUBSCRIPTIONS**

- (1) A person or Group must, on application to membership, pay to DCC an application fee of an amount as determined by the Committee from time to time.
- (2) In addition an annual subscription for the period 1 July to 30 June of each year of an amount determined by the Committee from time to time is payable by Members. The subscription amount may be reduced when a membership

application has been made after December and before the end of the relevant subscription period.

#### **11. MEMBER'S OR LIFE MEMBER'S LIABILITIES**

- (1) The liability of a Member to contribute towards the payment of DCC's debts and liabilities, if any, or to the costs, charges or expenses of the winding up of DCC is limited to the amount if any, of unpaid fees and subscriptions in respect of the membership.

#### **12. RESOLUTION OF INTERNAL DISPUTES**

- (1) Disputes between a Member and another Member (in their capacity as Members), and disputes between a Member or Members and DCC, are to be referred to a community justice centre for mediation in accordance with the Community Justice Centres Act 1983 (NSW).

#### **13. DISCIPLINING OF MEMBERS**

- (1) A complaint may be made to the Committee by any Member of DCC that some other Member of DCC:
  - (a) has persistently refused or neglected to comply with a provision or provisions of this Constitution, or
  - (b) has persistently and willfully acted in a manner prejudicial to the interests of DCC.
- (2) The Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the Committee decides to deal with the complaint, the Committee:
  - (a) must cause notice in writing of the complaint to be served on the Member concerned (including by email or electronic means); and
  - (b) must give the Member at least 14 days from the time the notice is served within which to make submissions to the Committee in connection with the complaint; and
  - (c) must take into consideration any submissions made by the Member in connection with the complaint.
- (4) The Committee may, by resolution, expel the Member from DCC, or suspend the Member from membership of DCC if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and that the expulsion or suspension is warranted in the circumstances.
- (5) If the Committee expels or suspends a Member, the Secretary must, within 7 days after the action is taken, cause written notice to be given to the Member (including by email or electronic means) of the action taken, of the reasons given by the Committee for having taken that action and of the Member's right of appeal under clause 14.

- (6) The expulsion or suspension does not take effect:
  - (a) until the expiration of the period within which the Member is entitled to appeal against the resolution concerned; or
  - (b) if within that period the Member exercises the right of appeal, unless and until DCC confirms the resolution under clause 14(4), whichever is the later.

#### **14. RIGHT OF APPEAL OF DISCIPLINED MEMBER/S**

- (1) A Member may appeal to DCC in general meeting against a resolution of the Committee under clause 13, within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a written notice (including by email or electronic means) to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the Member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a Member under subclause (1), the Secretary must notify the Committee which is to convene a general meeting of DCC to be held within 28 days after the date on which the Secretary received the notice.
- (4) At a general meeting of DCC convened under subclause (3):
  - (a) no business other than the question of the appeal is to be transacted; and
  - (b) the Committee and the Member must be given the opportunity to state their respective cases orally or in writing, or both; and
  - (c) the Members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by the

members of DCC at the general meeting.