



*Constitution*  
*of the*  
*Hobart Town (1804) First*  
*Settlers Association Inc.*

**Approved and Effective from 5 March 2024**

**ABN: 57 665 251 256**

## Constitution

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<b>RECORD OF AMENDMENTS. NUMBER</b>	<b>DETAIL</b>	<b>APPROVED</b>	<b>AGM DATE</b>

# Constitution

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## Constitution

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### 1. NAME OF ASSOCIATION

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

### 2. AIMS

The aims of the Association shall consist of the basic objects of the Association and the following objects and purposes;

- (a) to commemorate and to promote interest in the 1804 and early settlers of Hobart, both free and bond;
- (b) to conduct a ceremony to honour the formal arrival of the Collins party in Hobart on 20 February each year;
- (c) to facilitate contact between descendants of the 1804 and early settlers of Hobart;
- (d) to collect, catalogue and preserve all types of material relating to the 1804 and early settlers and for periodic public display;
- (e) to foster and promote awareness of Hobart's historical heritage, and to promote the history of Lt David Collins and the settlement of Hobart Town;
- (f) to encourage members in their research, collection and the writing of their family's historical background;
- (g) to facilitate the commission of the design, construction and installation of items of public art or moveable cultural heritage; and
- (h) the acceptance of a gift for any of the aims of the Association.

### 3. DEFINITIONS

In this constitution and associated by-laws:

- (a) *Act* means the [Associations Incorporation Act 1964](#).
- (b) *Association* means the association referred to in rule 1.
- (c) *Association* has the same meaning as in the Act.
- (d) *Member* means an approved person who has paid the current year's subscription and includes Life members and Associated members but not including Honorary members.
- (e) *Hobart Town* in this constitution is defined as Hobart and surrounding areas of Tasmania.
- (f) *Member present* means, in connection with a general meeting, a member present in person or by proxy at the venue or venues for the meeting.
- (g) *Proxy* means a financial member who has been authorised in writing to vote on behalf of another financial member at a general meeting.
- (h) *Public officer* means the person who is, under [section 14](#) of the Act, the public officer of the Association.

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### 4. PATRON

The Executive Committee shall appoint a suitable eminent person to the office of patron until:

- (a) the conclusion of the term of office of the current patron,
- (b) they die,
- (c) they resign the office in writing to the Association, or
- (d) they are removed from office of patron by decision of the Executive Committee.

### 5. VICE PATRON

- (a) The Association may choose to appoint one or more Vice Patrons who shall hold office for a specific period determined by the Executive Committee.
- (b) Any person appointed as a Vice President is to be advised in writing with the terms of the appointment.

### 6. MEMBERSHIP

- (a) There shall be two classes of membership.
  - (i) Settler (1804-1853 definition)
  - (ii) Associated Persons
- (b) A person who is nominated and approved for membership in accordance with this rule is eligible to be a member of the Association on payment of the annual subscription.
- (c) 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 this Rule 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.
- (d) 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 or
  - (iv) his or her descent from a person who arrived in Hobart on or before 26 May 1853.
- (e) ASSOCIATED PERSONS MEMBERSHIP. Any person, not otherwise eligible for membership, who demonstrates an interest in the aims and objectives of this Association, shall be eligible for acceptance as an Associated Person.
- (f) Classes (i) and (ii) of membership set out in Rule 6 (a) shall have equal voting rights and eligibility for election to office.

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- (g) Any member at the date of implementation of this revised Constitution, regardless of the fact that they may not be able to qualify under the above provisions, shall nevertheless retain their membership as previously established.
- (h) Any member of the classes (i) and (ii) may be elected to the status of Life Member.
- (i) A nomination for Life Membership may be submitted to the Secretary at any time by any member.
- (j) A nomination under sub-rule (i) and (ii) shall be in writing and shall be accompanied by a statement supporting the nomination.
- (k) The nomination shall be examined by the Executive Committee which shall present to the next General Meeting its recommendation with regard to the nomination and the recommendation shall be decided by the General Meeting.
- (l) 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.
- (m) 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.
- (n) 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.
- (o) Any liability under Sub-rule (n) is not to exceed \$20.00.
- (p) A former member is not liable to contribute under Sub-rule (n) in respect of any debt or liability of the Association contracted after the person ceased to be a member.

### **7. 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;
  - (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.

### **8. 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.

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- (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.

### **9. OFFICE BEARERS**

#### EXECUTIVE COMMITTEE

- (a) maintaining the accounting records of the Association;
- (b) recording each receipt or payment of money by the Association and the matter in respect of which the money was received or paid;
- (c) after receiving the money cause the money to be paid into the account opened under sub-rule (f) as soon as practicable after it is received;
- (d) maintaining separate records for funds raised as tax deductible gifts or specifically set aside for items of public art or moveable cultural heritage;
- (e) preparing an annual financial statement for presentation at the Annual General Meeting, with the necessary documentation, for audit by the auditor appointed in accordance with Rule 14 (e);
- (f) operating bank accounts in the name of the Association at banks approved by the Executive Committee and ensuring that all withdrawals have the signatures of two of the signatories who shall include the President, Secretary and Treasurer; and
- (g) having
  - a. President
  - b. Vice-President
  - c. Secretary
  - d. Treasurer
  - e. Historian

#### DUTIES OF THE TREASURER

- (i) The duties of the Treasurer shall include maintaining appropriate records and bank account(s) for funds received as subscriptions, donations or otherwise for the purpose of Rule 2.

### **10. EXECUTIVE COMMITTEE - STRUCTURE AND POWER**

- (a) There shall be an Executive Committee of the Association consisting of the officers listed in Rule 9 0, 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,

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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 Committee shall consist of such number of elected Executive Committee members as constitutes a simple majority. 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.
- (g) In matters arising from emergencies, a decision and consequent action may be made and taken by the President, or Vice-President in the event 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 Committee Meeting.
- (h) The Executive Committee is to ensure that a quarterly newsletter is issued to each financial, and deemed financial member.
- (i) The Secretary shall convene at least one meeting of the Executive Committee in each quarter of the calendar year.

### **11. CASUAL VACANCIES - OFFICE BEARERS**

- (a) Should any one or more of the officers listed in Rule 9 (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-rule (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-rule (c) only, a quorum for this meeting shall be 5% or 15 of the financial (or deemed financial) members.
- (e) In the event of one or more of the members of the Executive Committee (other than the office bearers referred to in Rule 9) 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.



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### 12. 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.

### 13. 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 Rule 12, 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) In the event of the Association being wound up:
  - (i) all remaining assets including funds held in relation to Rule 2 (g) but other than those in Sub-rule (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.
- (f) All money collected under Rule 2 (g) will be returned to the donor or be given to a charity with Deductible Gift Recipient Status and approved by more than fifty percent of the donors.

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### 14. ANNUAL AND SPECIAL GENERAL MEETINGS

- (a) Business is not to be transacted at an Annual General Meeting or a Special General Meeting unless a quorum of members of the Association entitled to vote is present at the time the meeting considers that business.
- (b) A quorum for the transaction of the business of an Annual General Meeting or a Special General Meeting is 20 members of the Association entitled to vote.
- (c) The quorum includes valid proxy votes lodged in accordance with these rules.
- (d) A statement that members have the right to appoint proxies and that, if a member appoints a proxy:
  - (i) the proxy must be a financial member of the Association,
  - (ii) the proxy form must be delivered to the Association at the address (including an electronic address) and by the time specified in the Notice of Meeting;
  - (iii) the Notice of Meeting and Proxy forms for the Annual or Special General Meeting must allow sufficient time for members to provide any response and to lodge any proxy form at least one week prior to the meeting.
- (e) If the financial records of the Association are required to be audited each year before the Annual General Meeting, the audit shall be conducted by an auditor appointed at the previous Annual General Meeting.
- (f) The financial year of the Association shall be from 1 January to 31 December.
- (g) The President shall prepare and present to the Annual General Meeting an annual report.

### 15. AUDITOR

- (a) If an auditor of the Association is to be appointed, the auditor shall be appointed at an Annual General Meeting of the Association.
- (b) The auditor appointed may be a member of the Association other than the Treasurer or any person nominated by the Treasurer.
- (c) The auditor shall remain in office until:
  - (i) the conclusion of the next Annual General Meeting, or
  - (ii) the auditor is removed by a members' resolution at an Annual General Meeting, or
  - (iii) the auditor resigns or dies.
- (d) The auditor is entitled to attend any General Meeting and to be heard by the members on any part of the business of the meeting that concerns the auditor in the capacity of auditor.
- (e) The Association must give the auditor any communications relating to the Annual General Meeting that a member of the Association is entitled to receive.

### 16. USING TECHNOLOGY TO HOLD MEETINGS

- (a) The Association may hold General or Special General Meetings using any technology that gives the members a reasonable opportunity to participate, including to hear and be heard.
- (b) Any member using this technology is taken to be present in person at the meeting.

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