

Laughing Horse Productions Constitution - Bylaws

PART 2 — ASSOCIATION TO BE A NOT FOR PROFIT BODY

1. Not-for-profit body

- (3) A payment to a member out of the funds of the Association is authorised if it is —
- (a) the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or
 - (b) the payment of interest on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - (c) the payment of reasonable rent to the member for premises leased by the member to the Association; or
 - (d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.
 - Bylaw – members of LHP must complete a reimbursement form and provide any and all receipts to the treasurer or designated committee member before funds will be reimbursed
 - Bylaw - all reimbursements must be accompanied by a tax invoice or tax receipt for the associations treasurer to pay with full details (what for IE nails - set production)

PART 3 — MEMBERS

Division 1 — Membership

3. Applying for membership

- (1) A person who wants to become a member must apply in writing to the Association.
- Bylaw - an individual or group must fully complete the Laughing Horse Productions Inc membership form to apply for membership

6. Classes of membership

- (2)The Association may have any class of membership approved by resolution at a general meeting, including junior membership, senior membership, honorary membership and single show membership.
- Bylaw - a life member is not an associate membership
 - Bylaw – Family membership can consist of one of the following
 - 2 adults and up to 3 dependent students up to the age of 25
 - 1 adult and up to 4 dependent students up to the age of 25
- (5) An ordinary member has full voting rights and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the committee.

- Bylaw - an ordinary member is any member that is 18 or above excluding single production members
- (6) An associate member has the rights referred to in subrule (5) other than full voting rights.
- Bylaw - A life member is not an associate and has full voting rights
 - Bylaw – This rule excludes adults in a Family membership giving them full voting rights.
 - Bylaw – Family membership can consist of one of the following
 - 2 adults and up to 3 dependent students up to the age of 25
 - 1 adult and up to 4 dependent students up to the age of 25
- (8) Social members
- Bylaw - Social members do not have voting rights
- (9) Life members
- Bylaw - Life members;
 - Must had had at least 10 years of active participation with the Association
 - Must be nominated by a financial member by written correspondence
 - Nomination to be carried or declined by committee at first committee meeting after nomination

Division 2 — Membership fees

10. Membership fees

- (1) The committee must determine the entrance fee (if any) and the annual membership fee (if any) to be paid for membership of the Association.
- Bylaw – Membership Fee is to be ratified by the committee prior to the AGM
- (3) A member must pay the annual membership fee to the treasurer, or another person authorised by the committee to accept payments, by the date (the **due date**) determined by the committee.
- Bylaw – Membership Fee is to be paid by anyone involved on stage, backstage or as part of an orchestra for any and all theatre productions.
 - Bylaw – Membership fee is to be paid by anyone actively involved in any fundraising venture, or any other venture not in a theatre as directed by LHP

PART 4 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION

Division 2 — Disciplinary action

14. Suspension or expulsion

- (3) The notice given to the member must state —
- (a) when and where the committee meeting is to be held; and
 - (b) the grounds on which the proposed suspension or expulsion is based; and
 - (c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion.
 - Bylaw - the member in question is allowed a support person if no representative
 - Support person is for moral support only and holds no rights to speak or contribute to the meeting

19. How grievance procedure is started

- (4) The notice given to each party to the dispute must state —
- (a) when and where the committee meeting is to be held; and
 - (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.
 - Bylaw - the member in question is allowed a support person if no representative
 - Support person is for moral support only and holds no rights to speak or contribute to the meeting

PART 5 — COMMITTEE

Division 2 — Composition of Committee and duties of members

26. Committee members

- (2) The committee must determine the maximum number of members who may be ordinary committee members.
- Bylaw
 - a) have a minimum of 3 general committee members (not including office holders)
 - b) any additional members to be decided by full committee as needed/required
 - c) allow non committee members to be responsible for portfolios reporting to designated committee member(s)
 - d) Have 3-5 Junior committee members with no voting rights but with the rights to attend and speak at committee meetings
- (3) The following are the office holders of the Association —
- a. the chairperson;
 - b. the Administration Officer;
 - Bylaw – The positions of Chairperson shall be known as President
 - Bylaw – Election to an office holder position can only be made after at least 2 years - within the previous 5 years - membership on the general committee
 - Junior committee members must spend at least 1 year as a general committee member after their time on junior committee has finished before they can nominate for election to an office holder position
- (4) A person may be a committee member if the person is —
- (a) an individual who has reached 18 years of age; and
 - (b) an ordinary member.
 - Bylaw - with the exception of a junior committee member becoming a junior committee member
 - Bylaw - If nominating to an office bearer position - you are automatically nominated to general committee if unsuccessful

Division 3 — Election of committee members and tenure of office

32. Election of office holders

- (2) If there is no nomination for a position, the chairperson of the meeting may call for nominations from the ordinary members at the meeting.
- Bylaw - if voting is thrown to the floor all eligible members under rule 26(4) are eligible to be nominated or nominate inclusive of unsuccessful nominees
 - Bylaw - if unsuccessful with a pre nominated position, members may elect to nominate for any other role on the day

33. Election of ordinary committee members

- (2) If the number of members nominating for the position of ordinary committee member is not greater than the number to be elected, the chairperson of the meeting —
- (a) must declare each of those members to be elected to the position; and
 - (b) may call for further nominations from the ordinary members at the meeting to fill any positions remaining unfilled after the elections under paragraph (a).
 - Bylaw - if voting is thrown to the floor all eligible members under rule 26(4) are eligible to be nominated or nominate inclusive of unsuccessful nominees
 - Bylaw - if unsuccessful with a pre nominated position, members may elect to nominate for any other role on the day

(3) If —

- (c) the number of members nominating for the position of ordinary committee member is greater than the number to be elected; or
- (d) the number of members nominating under subrule (2)(b) is greater than the number of positions remaining unfilled,

the ordinary members at the meeting must vote in accordance with procedures that have been determined by the committee to decide the members who are to be elected to the position of ordinary committee member.

- Bylaw – The vote is to be a single non transferable vote

35. Resignation and removal from office

- (4) A committee member who is the subject of a proposed resolution under subrule (3)(a) may make written representations (of a reasonable length) to the Administration Officer or chairperson and may ask that the representations be provided to the members.
- Bylaw - written representation will only be accepted to be provided to members if there is no defamation of character or will not cause any harm to the associations image or name
- (5) The Administration Officer or chairperson may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.
- Bylaw - written representation will only be accepted to be provided to members if there is no defamation of character or will not cause any harm to the associations image or name

39. Payments to committee members

- (1) In this rule —
committee member includes a member of a subcommittee;
committee meeting includes a meeting of a subcommittee.

- (2) A committee member is entitled to be paid out of the funds of the Association for any out-of-pocket expenses for travel and accommodation properly incurred —
- (a) in attending a committee meeting or
 - (b) in attending a general meeting; or
 - (c) otherwise in connection with the Association's business.
 - Bylaw – to be paid in an emergency only – definition of emergency is to be decided by the current committee

Division 4 — Committee meetings

42. Procedure and order of business

- (5) A member or other person who is not a committee member may attend a committee meeting if invited to do so by the committee.
- Bylaw – a member in good standing who wishes to attend may request to attend a committee meeting pending the approval of all committee members in attendance but hold no rights to speak or contribute to the meeting unless called upon

43. Use of technology to be present at committee meetings

- (1) The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- Bylaw - email is not instant communication. All other forms of communication may be used to contact other committee members if needed. Those committee members have 5 minutes to respond to communication attempts and proof of answers may be called for

PART 6 — GENERAL MEETINGS OF ASSOCIATION

50. Special general meetings

- (7) The Association must reimburse any reasonable expenses incurred by the members convening a special general meeting under subrule (5).
- Bylaw - definition of reasonable is to be decided by the current committee and will only take effect if the committee have not acted on the request within 28 days

52. Proxies

- (1) Subject to subrule (2), an ordinary member may appoint an individual who is an ordinary member as his or her proxy to vote and speak on his or her behalf at a general meeting.
- Bylaw – Cannot just say as per proxy. If no instruction then proxy is invalid
 - The absent member may phone in at the relevant time.

53. Use of technology to be present at general meetings

- (1) The presence of a member at a general meeting need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.

- Bylaw - email is not instant communication. All other forms of communication may be used to contact other committee members if needed. Those committee members have 5 minutes to respond to communication attempts and proof of answers may be called for

61. Control of funds

- (1) The Association must open an account in the name of the Association with a financial institution from which all expenditure of the Association is made and into which all funds received by the Association are deposited.
 - Bylaw - this ordinary transaction account must have no more than \$500 in it at anyone time, unless funds are required to pay a bill or invoice