

PALM LAKE RESORT BARGARA RESIDENTS ASSOCIATION Inc.

Discussion Paper

Review of all By-laws and Policies

Forward

As part of responsible governance of the Association the Management Committee has undertaken a comprehensive review of all the existing by-laws and policies of the Association.

This discussion paper outlines: -

- The existing by-law or policy
- The proposed replacement by-law

No changes to the Constitution are proposed. The Constitution may be viewed on our Residents website.

Whilst the constitution in Rule 39 permits the Management Committee to amend by-laws these comprehensive amendments will be the subject of a consultation review open to all residents to contribute.

Consultation is open until the 31st day of October 2022. Written submissions should be made to the Secretary on residentassociation.plrb@gmail.com.

The Management Committee proposes to hold a General Meeting for residents at 10am on the 21st November 2022 in Sea Breeze to provide a general update as well as conducting a question and answer segment on the by-laws as amended.

Anyone wishing to have a discussion about the proposed changes to the by-laws should contact one of the Management Committee representatives

Existing By-Law 1 – Conduct of Meetings

Standing Orders for Meetings

1. These standing orders shall be applicable to all general meetings and committee meetings and, as far as appropriate, to meetings of sub-committees, and shall be construed subject to the constitution.
2. Meetings shall, subject to the presence of a quorum, start at the time set out on the notice, and shall, subject to the discretion of the meeting, continue until all business on the agenda is disposed of.
3. If no quorum is present within 30 minutes of the starting time set out on the notice, the meeting shall lapse, and, subject to any resolution previously passed, the President shall fix the time of the next meeting. All business on the agenda of the lapsed meeting shall be included on the agenda of the next meeting and shall take precedence over new business.
4. Any member desiring to speak at general meetings or in the Committee of the Whole shall rise in his or her place and when called upon by the Chair shall address the Chair. If two or more members rise simultaneously, the Chair shall call upon the member who first caught the eye of the Chair.
5. When the Chair rises to speak any member standing shall sit down.
6. Except in committee, no member other than the proposer of a motion or an amendment shall speak to it until it has been seconded. A motion or amendment lapsing for want of a seconder shall not be recorded in the minutes.
7. A motion or amendment before the chair shall not be withdrawn except by its mover and by leave of the meeting. No motion shall be withdrawn while any amendment is under discussion or after any amendment has been adopted.
8. If required to do so by the Chair, the proposer of any motion or amendment shall submit it in writing.
9. A motion or amendment before the chair may be reworded by the mover subject to leave of the meeting.
10. Except in committee, no member shall speak more than once to any question, except that the mover of a motion (but not of an amendment) shall have a right of reply, which reply shall close the debate. An amendment shall constitute a separate question from the original motion and from any other amendment.
11. A member moving a motion or amendment shall be deemed to have spoken to it. A member seconding a motion or amendment without speaking to it may reserve the right to speak to it subsequently.
12. When an amendment is before the chair, discussion shall be confined to that

amendment. No further amendment shall be proposed until the amendment before the chair has been disposed of.

13. The Chair shall, as far as practicable, call on speakers for and against a motion or amendment alternately, subject to the right of the seconder to speak immediately after the mover. If two consecutive speakers have both argued for or against a motion or an amendment, and there is no member wishing to argue the opposite view, or, in the case of a motion, to move an amendment, the motion or the amendment shall, subject, in the case of a motion, to the mover's right of reply, be put without further debate.

14. Any member may raise a point of order, which shall take precedence over all other business, and which shall be open to discussion. The point must be raised at the time the alleged irregularity occurred. An explanation or contradiction shall not constitute a point of order.

15. Any member disagreeing with the Chair's ruling on a point of order may move dissent. The Chair shall then vacate the chair and such motion shall be put forthwith without debate.

16. On an equality of voting, the Chair shall declare the question resolved so as to maintain the status quo.

17. A member who has not already participated in the debate may at any time, whether another speaker has the floor or not, move, "That the question be now put", which motion, if accepted by the Chair, shall be put without amendment or debate. The Chair shall have absolute discretion to accept or refuse the motion. The Chair may also without returning a motion put the question if the Chair feels that adequate discussion has taken place. In either case the mover of a motion shall retain the right of reply. If an amendment is before the chair, the closure motion shall be deemed to close the debate on the amendment only.

18. A member may at any time move, "That the speaker be no longer heard" or, "That the speaker be heard for a further limited period only". Such motions shall be put without amendment or debate. No other motion, except the closure motion or a motion dealing with the speaker's time, shall be moved while a speaker has the floor.

19. During the discussion of a motion (but not of an amendment), a member who has not already participated in the debate on the motion may move: "That the question be not now put." This motion shall be open to debate, and shall be debated together with the original motion. If carried, the original motion shall not be dealt with further. If lost, the original motion shall be put forthwith, subject to the mover's right of reply. The motion may be foreshadowed while an amendment is before the chair, but in no case shall it be put till all amendments have been disposed of.

20. A member may move: "That the debate or meeting be now adjourned." Discussion shall be in order, but only amendments as to time and/or place shall be permitted. The motion shall take precedence over other business before the chair except points of order and personal explanations.

21. A general meeting may at any time during the discussion of a motion or an

amendment resolve itself into a Committee of the Whole.

22. Meeting Standing Orders Clauses 1 to 21 or any of them may be suspended by a majority vote of those present. A motion to this effect shall be open to debate.

23. No member shall reflect on the vote of a meeting, except on a motion for the rescission of any resolution previously adopted.

24. Notwithstanding anything herein before contained, any decision made by a validly constituted meeting shall not be void by reason only of a departure from these standing orders which was not detected till after the decision had been made.

25. Alterations to this standing order is subject to Rule 39 of the Constitution

This by-law was adopted by the Association on the day 6th day of January 2020

Review of By-Law 1 – Conduct of Meetings

Management Committee Comment

The existing by-law is very complex and detailed for what is an association of volunteers who have come together to pursue the objectives as contained in the Constitution.

In addition, the current by-law repeats items contained in the constitution which leaves for potential conflicts between the two important documents.

The Management Committee suggests that a preamble be added to all the suggested by-laws and that in this case the by-law be simplified to reflect the expectations of residents in terms of meeting procedure.

Proposed By-Law 1 – Conduct of Meetings

Preamble

The object of any meeting of the Residents Association or the Management Committee or a Sub-committee is that every participant feels that their views are considered in a respectful way. Accordingly, this by-law has been drafted to reflect this.

Standing Orders for all Meetings

1. These standing orders shall be applicable to all general/special meetings and committee meetings and to meetings of sub-committees.

2. Meetings shall, subject to the presence of a quorum as defined in the constitution, start at the time set out on the notice, and shall, subject to the discretion of the meeting, continue until all business on the agenda is disposed of.
3. The meeting shall follow the agenda unless a procedural resolution is passed to alter the order of business.
4. Any member desiring to speak at a meeting shall indicate to the Chair that they wish to be heard. The Chair is responsible for the good conduct of the meeting.
5. Any matter can only formally proceed if a motion is proposed and has been seconded. A motion which lapses for want of a seconder shall not be recorded in the minutes.
6. A motion or amendment before the chair may be reworded by the mover subject to leave of the meeting.
7. A motion can be withdrawn by the proposer with the leave of the meeting especially in circumstances where an alternative resolution is foreshadowed. No amendments to a resolution will be considered otherwise.
8. The Chair must allow as many people as possible to speak either for or against a motion until such time as nobody else wants to be heard or a procedural motion is proposed.
9. A procedural resolution must be moved and seconded then put to a vote immediately without any debate.

Types of procedural resolution include: -

- That the order of consideration of the agenda be altered to ...
 - That the resolution be put to the vote.
 - That the meeting move on to the next item on the agenda.
 - That the speaker no longer be heard.
 - That the speaker be heard for a maximum period of X minutes.
 - That the debate or meeting be adjourned.
 - That the tone of the debate is disrespectful and therefore should be discontinued and the meeting move to the next item on the agenda.
10. Notwithstanding anything herein before contained, any decision made by a validly constituted meeting shall not be void by reason only of a departure from these standing orders which was not detected till after the decision had been made.

***This by-law was adopted by the Association on the day XX day of XXXXX
2022***

Existing By-Law 2 Financial Management

Good financial management is essential and an important part of good governance. It involves being able to review financial information, effectively manage funds, implement sound financial practices and understand the financial position and obligations of the Association.

1. The Management Committee shall adopt best practices in financial management.
2. The Treasurer has a key role to play in the effective management of financial resources, but it is the Management Committee which is ultimately accountable for how funds are used.
3. Funds of the association including those of any Sub-Committees are accountable to the Association and subject to audit.
4. The Association Treasurer, subject to approval and directions of the Management Committee, may disburse funds as approved to members and Sub-Committees of the Association.
5. The Associations funds will not be disbursed for activities or functions that are public and off-site, limited or restricted to a class of member only.
6. All Sub-Committees shall account for association funds in a manner approved by the Treasurer and Management Committee.
7. The Association may not disburse funds for a purpose other than those that meet the objects of the Association pursuant to Rule 3 of the Constitution of the Association.
8. Every committee member should have an understanding of the Association accounts and financial reports. This knowledge will help with planning, accountability, governance and effective risk management.
9. **Common Law Duties** – Committee members have common law duties. These require that they act competently, honestly, in good faith and in what they consider to be the best interests of the organization.
10. The broader principles of common law that members should follow include:
 - a. Monitor the management of the organization
 - b. Understand the fundamentals of the Associations business

- c. Stay informed of the Association activities and assess the appropriateness of its practices
- d. Monitor the association policies
- e. Be familiar with the associations financial status by regularly reviewing financial statements.
- f. Enquire into matter, where necessary.

This policy was approved by the Association on the 20th day April 2021

Proposed By-Law 2 Financial Management

Preamble

Good financial management is essential and an important part of good governance and risk management. It involves being able to review financial information, effectively manage funds and implement sound financial practices.

Financial Management

1. All custodians of the finances of the Association must act competently, honestly, in good faith and in the best interests of the organization.
2. The Treasurer has a key role to play in the effective management of financial resources, but it is the Management Committee which is ultimately accountable for how funds are used.
3. Funds of the association including those of any Sub-Committees are accountable to the Association and are subject to independent annual audit.
4. Funds allocated to a Special Interest Group shall be properly acquitted.
5. The Association may not disburse funds for a purpose other than those that meet the objects of the Association pursuant to Rule 3 of the Constitution of the Association.

This by-law was adopted by the Association on the XXh day XXXX 2022

Current By-Law 3 Association Assets

The Association shall maintain a register of assets acquired or purchased by the Association

The assets register shall be maintained by the Secretary in such form and manner as approved by the Association Management Committee.

The register should record the following information: -

- Type and Description (Make, Model, Serial Number, Expiry date etc.)
- Quantity acquired
- Value of the Asset

- Where the Asset is located
- Date Acquired
- Disposal Date and reason for disposal

Code Legend for disposal of Assets shall be:

1. BER – Beyond Economical Repair
2. LOD – Lost or Destroyed
3. MOS – Missing or Stolen

This policy was approved by the Association on the 20th day April 2021

Proposed By-Law No 3- Association Assets

Preamble

A part of good governance the Association shall maintain a register of assets acquired or purchased by the Association

Asset Recording and Management

The assets register shall be maintained by the Secretary in such form and manner as approved by the Association Management Committee.

The register should record the following information: -

- Type and Description (Make, Model, Serial Number, Expiry date etc.)
- Quantity acquired
- Value of the Asset
- Where the Asset is located
- Date Acquired
- Disposal Date and reason for disposal

Code Legend for disposal of Assets shall be:

BER – Beyond Economical Repair

LOD – Lost or Destroyed

MOS – Missing or Stolen

This by law was approved by the Association on the XX day 2022

Current By-Law 4 Approved Committees, Sub-Committees & Groups

The Association Management Committee may approve the formation of such committees, subcommittees or special interest groups as may be required to assist in meeting the objects of the Association.

The Management Committee shall maintain a register of Special Interest Groups, Sub Committees, and approved Committees. The register shall be updated annually after the AGM.

Sub-Committees or Special Interest Groups not registered by the Association are unable to source funds from the Association.

Special Interest Groups

1. A Special Interest Group shall nominate two members to represent the group.
2. A group of people is two or more people which are together in one place at one time and who have the same interests and who organise themselves to work or act together.

Sub-Committee Management

1. Sub-Committees shall nominate a Chairperson to represent the Sub-Committee and its Members.
2. Sub-Committees shall maintain a register of current members.
3. Sub-Committees in receipt of Association Funds or raising funds shall maintain a register, cashbook or ledger in an approved manner and form.
4. Sub-Committees must provide a report to the Association Treasurer in respect of any funds held, received, or expended when required but at least quarterly.
5. Funds raised by Sub-Committees should only be used for the objects of the group, they are legally the property of the Association and as such require to be acquitted and accounted for by the Association Treasurer.

Other Approved Committees

1. Committees shall nominate a Chairperson to represent the Committee and its Members.
2. Committees shall maintain a register of current members.
3. Committees in receipt of Association Funds shall maintain a register, cashbook or ledger in an approved manner and form and are required to be acquitted and accounted for by the Association Treasurer.

This policy was approved by the Association on the 20th day April 2021

By-Law 4 Approved Committees, Sub-Committees & Groups

Proposal.

Clause 24 of the constitution provides for the establishment of sub-committees which makes this By-law redundant. The by law talks about special interest groups which will be dealt with under proposed By-law 7.

Delete By-law 4

Existing By-law – 5 – Obligations & Duties of Management Committee

Persons elected or appointed to the management committee of an Incorporated Association have a "Fiduciary Duty".

"A fiduciary duty is the highest standard of care imposed at either equity or law. A fiduciary is expected to be extremely loyal to the person they owe the duty (the "principal"): they must not put their personal interests before the duty, and must not profit from their position as a fiduciary, unless the principal consents. The fiduciary relationship is highlighted by good faith, loyalty and trust, and the word itself originally comes from the Latin fides, meaning faith, and fiducia."

A committee member is a person who is placed in a position of trust. It is expected of a committee member that they will not betray this trust by failing to properly oversee the affairs of the association.

A committee member should adhere to the following guidelines:

- (a) Keep well informed of the association affairs. Ignorance or absence of dishonesty is not a defence.
- (b) Do not take action out of self-interest or make use of your position on the committee for personal gain or of a third party.
- (c) Avoid conflicts of interest.
- (d) Do not make improper use of information
- (e) Exercise a degree of care and diligence over the administration of the organisation's affairs (especially financial affairs)
- (f) Committee members are required to attend all scheduled Committee Meetings.
Committee members who are absent for three consecutive committee

meetings may, unless their absence is justified or excused, be removed from office pursuant to rule 17(3) of the Constitution

Roles of Committee Members

Role of the President

The President is charged with providing leadership and direction to the committee and for ensuring that the committee fulfils its responsibilities for the governance and success of the association. The President is the spokesperson for the Committee and Association. The president should work to maintain key relationships within and outside the committee. The President is also ex-officio" member of all association subcommittees.

Role of the Vice President

The main duty of the vice president is to assist the president and other club officers in completing their duties. It is also the vice president's job to effectively contribute to the club's operations. To do this effectively, they must be involved with the activities and understand the policies of the association.

Role of the Secretary

The secretary's functions include, but are not limited to: -

- a) calling meetings of the association, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the association; and
- b) keeping minutes of each meeting; and
- c) keeping copies of all correspondence and other documents relating to the association; and
- d) maintaining the register of members of the association.

Role of the Treasurer

The role of Association treasurer is important because the treasurer is in control of the association money, its collection, and disbursement. The treasurer must keep accurate books that will enable them to give a full financial report on the association's fiscal position when required.

Treasurer's duties include, but are not limited to, the following:

- a) Presenting regular updates to the management committee of the association financial standing and affairs.
- b) Provide financial management and oversight of the financial affairs of the association and its funds, including, reconciling bank statements, and managing cash flow.
- c) Liaising with the nominated association auditor.

Role of Committee Members

Committee members provide oversight and support to the Committee executive officers and may be delegated areas of responsibility regarding specific duties relating to organising or chairing sub-committees.

Sins for Committee Members

Naivety

Believing you have everything under control. Just when everything seems to be going well, suddenly the committee has a major problem. It could be that someone is suing the club, or there's been a break-in and the club's computer has been stolen. There is always another problem around the corner, so be proactive and look for them.

Ignorance

Pretending it is okay if you don't really understand the financial reports the treasurer brings to the committee meetings. Perhaps you feel you can rely on the good judgement of others in financial matters. Well, maybe you can and maybe you can't but it would be a good idea if all members of the committee were well informed on financial matters, and understood the organisations financial position.

Laxity

Failing to develop policy is a sin that is common to many non-profit organisations. Few volunteers have the time, the skills and the inclination to develop policy. As a result, organisations often blunder in matters such as disciplinary hearings, emergency management, financial control, and many more areas. An organisation that has a laxity in policies, is an organisation lacking in control.

Stupidity

The nature of your responsibility as a committee member is that you must ensure that the organisation is compliant with law. Don't, whatever you do, run personal risks of knowingly breaking the law. Don't transgress any laws if you can help it. Although, an incorporated association has limited liability, if a director (committee member) transgresses the law, they may be personally liable. Many a committee member has been fined.

Untruthfulness

People who serve as committee members should always be honest with the membership of the organisation. It is one thing to make a mistake but it is much worse to try to cover it up. A committee position is a position of trust ([the Fiduciary Duty](#)) and woe betide committee members if they betray this trust. They will receive nothing but vehement criticism.

Autocracy

Committee members, including those who have high office such as **President** should not behave as though their position gives them the right to make decisions on their own i.e. without the involvement of the committee. Even a President should take no action, or make any decisions without proper process, and this means obtaining consensus or approval from the majority of committee members. Approval may be obtained in a committee meeting or by communicating with committee members individually (i.e. telephone or email).

Perpetuity

It is a natural order of things that committee personnel change on a regular basis. New people on committees bring fresh ideas and new vitality. On the other hand, if a person stays on a committee too long, they may grow tired and go stale. Probably about three years is enough for most people. If you stick around longer than that there are a number of risks. Firstly, you might start to believe that you are indispensable! Secondly, if you stay there too long others may begin to see you as part of the problem instead of part of the solution. So, a duty of the committee is to constantly look out for new people to come on to the committee and keep the wheels turning.

Continuity

Committee needs the authority to co-opt others for special projects from time to time. It is also beneficial if retiring office-holders stay on for a further term ex-officio, to ensure mentoring and support for incoming committee members.

This by-law was adopted by the Association on the 6th day of January 2020

Proposed By-law – 5 – Roles and Obligations of Management Committee and Sub-Committees.

Preamble

The duty to declare conflicts of interest are detailed in Clause 20 of the constitution. This local law further explains the expectations of members of the Management Committee or an authorized sub-committee.

In this by-law a reference to a committee also means a sub-committee as well.

By-Law

The obligations to declare conflicts of interest is extended to any member of an authorized sub-committee.

All persons elected or appointed to a committee have a "Fiduciary Duty" to act in good faith.

"A fiduciary duty is the highest standard of care imposed at either equity or law. A fiduciary is expected to be extremely loyal to the person they owe the duty (the "principal"): they must not put their personal interests before the duty and must not profit from their position as a fiduciary, unless the principal consents. The fiduciary relationship is highlighted by good faith, loyalty and trust, and the word itself originally comes from the Latin fides, meaning faith, and fiducia."

A committee member should adhere to the following guidelines:

- Keep well informed of the committees' affairs. Ignorance is not a defense.
- Do not take action out of self-interest or make use of your position on the committee for personal gain or of a third party.
- Do not make improper use of information and respect confidentiality.
- Exercise a degree of care and diligence over the administration of the committees' affairs (especially financial affairs)

Roles of Committee Members

1. Role of the President

The President is charged with providing leadership and direction to the committee and for ensuring that the committee fulfils its responsibilities for the governance and success of the association. The President is the spokesperson for the Committee. The President should work to maintain key relationships within and outside the committee.

Also, the President or their delegate is the nominated person to liaise with Palm Lakes Management through the Caretakers on all matters of mutual concern. As much as is practicable the President should ensure that at least two Committee members attend liaison sessions with the Caretakers.

2. Role of the Vice President

The main duty of the Vice President is to assist the President and other club officers in completing their duties. It is also the Vice President's job to effectively contribute to the committees' operations. To do this effectively, they must be involved with the activities and understand the by-laws and policies of the association.

3. Role of the Secretary

The role of the Secretary of the Management Committee is defined in Section

14 of the Constitution.

The Secretary of a sub-committee includes, but is not limited to: -

- calling meetings of the sub-committee, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the sub-committee; and
- keeping minutes of each meeting; and
- keeping copies of all correspondence and other documents relating to the sub-committee: and
- maintaining the register of members of the sub-committee.

4. Role of the Treasurer

The role of committee Treasurer is important because the Treasurer is in control of the committees' finances, its collection, and disbursement. The Treasurer must keep accurate books that will enable them to give a full financial report on the committees' fiscal position when required.

Treasurer's duties include, but are not limited to, the following:

- Presenting regular updates to the committee on its financial standing and affairs.
- Provide financial management and oversight of the financial affairs of the committee and its funds, including, reconciling bank statements, and managing cash flow.
- Liaising with the nominated auditor.

5. Role of Committee Members

Committee members provide oversight and support to the Committee executive officers and may be delegated specific areas of responsibility.

This by-law was adopted by the Association on the XX day of XXXXX 2022

Existing By-Law 6 – Changes to Association Constitution

- 1) Pursuant to the Queensland Associations Incorporation Act 1981, an incorporated association may amend its rules by special resolution.
- 2) Rules of the Association's Constitution may only be added, amended, changed or deleted by special resolution at a General Meeting of the Association and pursuant to Rule 40 of the Constitution

40. Alteration of rules

- (1) Subject to the Act, the rules of this constitution may be amended, repealed or added to only by special resolution carried at a general meeting.
 - (2) Any amendments to this constitution will require 75% or more of the members present at a general or special general meeting to vote in favour of the amendment
 - (3) However, an amendment, repeal or addition is valid only if it is registered by the chief executive.
- 3) Rules, if amended, must be submitted to the Office of Fair Trading within 3 months of the amendment being passed at a meeting of the Association.
 - 4) Subject to section 48 & 49 of the Queensland Associations Incorporation Act 1981 the rules of the association are amended only on registration of the amendment by the Office of Fair Trading.
 - 5) Rules of an incorporated association operate as a statutory contract between members and as such it is crucial that any amendments to the constitution are in compliance of the Act and appropriately registered.

This by-law was adopted by the Association on the 6th day of January 2020

Management Committee Comment.

Amendments to the constitution are contained in the constitution therefore this by-law is not required and should be repealed.

Existing Association Funding Policy 2021

The **Palm Lake Resort Bargara Residents Association Management Committee** may make funds available to approved registered special interest groups and sub-committee without discrimination or prejudice, subject to authorization, availability, and justification.

Funds are only available to meet the Objects of the Association and its

members.

Funds will not be approved for purposes other than for the benefit of members of the Association.

Funds disbursed or reimbursed are subject to the following conditions:

- 1) Product may be
 - a. Non-consumables these remain the property of the Association and must be entered on to the Asset register immediately upon purchase (details to the Secretary).
 - b. Consumables, which remain the property of the Association for the duration of their usefulness.
- 2) Funds may only be disbursed to:
 - a. An approved special interest group for the purpose of this policy is any group of the Association Members who have applied in writing to the Association to be recognized as a special interest group for the purpose of accessing Association funds and been approved and registered by the Association Management Committee.
 - b. The approved group must nominate two contacts and provide details to the Association Secretary.
 - c. Association sub-committees who must elect a chairperson/secretary and treasurer and provide the Secretary with a current list of members.
 - d. Sub-Committee secretary shall keep a record of all meetings and business transacted.
 - e. Sub-Committees shall furnish the Treasurer with such records of accounts as may be necessary to meet the requirements of the Association auditor.
 - f. All funds provided and expended by an approved group or sub-committee must be acquitted by presentation of appropriate receipts to the association Treasurer.
- 3) Application of funds must be on the approved form (available from the Secretary)
- 4) The following information must be provided by the applicant: -
 - a. Name of group requesting the funds (Applicant)
 - b. Name and Villa of the person representing the group
 - c. Name and Villa of a second person supporting the request or certified copy of the group meeting minutes where the resolution to request funding was assented to.
 - d. Proposed use and description of goods or products purchased or to be purchased
 - e. Written quote/s or receipt for goods or products purchased or to be purchased
 - f. Total amount of funds requested
 - g. Amount of co-contribution (if any), being provided by the applicant

- h. Storage location or villa number where the goods will be kept.
- 5) Funding is limited to a maximum of \$500 per Group annually as ratified at a General Meeting on 18 November 2019
- 6) Any Association Member (or Group), where it is proven that funds were obtained fraudulently, will be dealt with by the Management Committee as decided at the next available meeting and advised in writing.
- 7) The Management Committee shall: -
 - a. Examine all requests for funding
 - b. Approve or reject an application, in writing with an explanation.
 - c. Offer less funding than requested
 - d. Provide funding as reimbursement
 - e. Refer a request to a general meeting for approval
- 8) Funding requests exceeding \$500.00 may be: -
 - a. Tabled for approval at first available general meeting or AGM: and
 - b. Are subject to approval or rejection by a majority of the members present at the meeting.
- 9) The decision of the general meeting in respect of the applicants request for funding is final and not subject to appeal.
- 10) The Management Committee will seek approval at a special or general meeting to expend funds exceeding \$10,000
- 11) Debts incurred by a member, sub-committee or group prior to being approved and authorized or not in accordance with this policy may not be funded or reimbursed.
- 12) This policy remains in force until amended or rescinded by a majority vote of members of the Management Committee or a majority vote by members at a General Meeting of the Association.

This policy was approved by the Association on the 20th day April 2021

Management Committee Comment

The term policy does not have meaning in terms of the constitution therefore we suggest that the policy be renamed as a by-law.

Suggested By-law No 7 Limits on Funding by Management Committee

Preamble

The Palm Lake Resort Bargara Residents Association Management Committee may make funds available to approved registered special interest groups and sub-committees without discrimination or prejudice, subject to authorization, availability, and justification.

Funds can only be spent to meet the Objects of the Association and its members.

Definition

Special Interest Group means any group of the Association Members who have applied in writing to the Association to be recognized as a special interest group for the purpose of accessing Association funds and been approved and registered by the Association Management Committee.

Limit on Funding

1. Association funds may be authorized and disbursed directly by the Association by resolution of the Management Committee.
2. Association funds may be disbursed to an approved special interest group or an authorized sub-committee by resolution of the Management Committee.
3. Special Interest Groups and sub-committees shall furnish the Treasurer with such records of accounts as may be necessary to meet the requirements of the Association auditor.
4. Application of funds by a Special Interest group must be on the approved form (available from the Secretary) and should include
 - a. Name of group requesting the funds (Applicant)
 - b. Name and Villa of the person representing the group
 - c. Name and Villa of a second person supporting the request or certified copy of the group meeting minutes where the resolution to request funding was assented to.
 - d. Proposed use and description of goods or products purchased or to be purchased
 - e. Written quote/s or receipt for goods or products purchased or to be purchased
 - f. Total amount of funds requested
 - g. Amount of co-contribution (if any), being provided by the applicant
 - h. Storage location or villa number where the goods will be kept.
5. Funding is limited to a maximum of \$500 per Special Interest Group annually. Funding requests exceeding \$500.00 may be:
 - a. Tabled for approval at first available general/special meeting and
 - b. Are subject to approval or rejection by a majority of the members present at the meeting.
 - c. The decision of the general meeting in respect of the applicants request for funding is final and not subject to appeal.
6. The Management Committee must seek approval at a special or general meeting to expend funds exceeding \$10,000.

7. This policy remains in force until amended or rescinded by a majority vote of members of the Management Committee or a majority vote by members at a General Meeting of the Association.
8. All expenditure on non-consumables under this policy remain the property of the Association and must be entered on to the Asset register immediately upon purchase by the Secretary.
9. All expenditure on consumables, remain the property of the Association for the duration of their usefulness.

This by-law was approved by the Association on the XX day xxxx 2022

EXISTING COMMITTEE CONFIDENTIALITY POLICY

INTRODUCTION

Committee confidentiality is important. It encourages open and frank discussion at meetings, helps facilitate the development of vision and the implementation of an effective strategy to achieve that vision, and protects information that is confidential, personal, commercial or relates to legal matters.

PURPOSE

The purpose of this policy is to facilitate effective governance of PLRBRA Inc by ensuring Committee confidentiality.

POLICY Committee members must keep confidential information pertaining to matters dealt with by the Committee unless otherwise agreed upon by the Committee.

This includes Committee meeting minutes, agendas, reports to the Committee both verbal and written, and associated documents, and information contained in those documents.

To ensure transparency information and documents should be available to members upon reasonable request.

The obligation to maintain confidentiality continues to apply even after a person has left the Committee.

Maintaining confidentiality as a general rule will also help ensure observance by Committee members of the following legal duty:

A person who obtains information because they are, or have been, a member

of the Committee must not improperly use the information to gain an advantage for themselves or someone else, or cause detriment to the organization.

If a request is made for access to one or more Committee Papers, the Committee may on a case by case basis resolve to provide access to the document/s.

In considering this request, the Committee will have regard to:

- The importance of maintaining confidentiality to facilitate effective Committee meetings;
- The importance of complying with the law – including privacy law - and recognizing that the law sometimes creates duties to disclose or protect information;
- Whether the person requesting the document is a member, and the important role of members in holding the Committee accountable; and
- The need to be consistent in the way that information and or documents are treated, and the consequence of establishing any precedents or expectations.

Nothing in this policy is intended to prevent the Committee from seeking confidential legal, accounting, financial or other expert advice from independent professionals to assist the Committee in carrying out its functions.

Any person who is not a member of the Committee but is present at a Committee meeting (or part of a meeting) must abide by the rules of the committee and association and keep in confidence that which they are advised to do so.

Committee Information

includes all communications to Committee member/s including without limitation Committee discussions, monthly/quarterly Committee papers, submissions, minutes, letters, memoranda, Committee and sub-committee papers and copies of other documents referred to in any of the abovementioned documents made available to the Committee member as a Committee member during their time in office.

RESPONSIBILITIES

The President is responsible for bringing this policy to the attention of prospective Committee members. The Secretary must ensure that all policies are included in the induction for new Committee members. Requests for access to Committee Papers should be made to the Secretary who should include consideration of the request as an item on the Committee agenda.

PROCEDURES

The Secretary shall ensure that Committee Papers are created, maintained and distributed in a manner which is consistent with their

confidential status. They shall be kept separately from other (non-confidential) documents and stored in a manner which limits access to them by unauthorised persons (including members, sponsors and donors).

In circumstances where a request for access to Committee Papers has been made, and there is reason to believe that there are laws governing the disclosure or non-disclosure of the document, the President may obtain legal advice on the matter to assist the Committee in its consideration of the request.

Adopted by Committee on the 9th day of March 2020

Management Committee Comment

The term policy does not have meaning in terms of the constitution therefore we suggest that the policy be renamed as a by-law.

We also suggest that the by-law also address the issue of complaints management.

Suggested By-Law No 8 Complaints Management and Confidentiality.

Preamble

This by-law establishes a complaint management process.

Confidentiality is important. It encourages open and frank discussion at meetings, helps facilitate the development of vision and the implementation of an effective strategy to achieve that vision, and protects information that is confidential, personal, commercial or relates to legal matters.

Verbal complaints will be regarded as a simple expression of opinion and will not be considered in any official way. Equally unsigned or anonymous complaints or issue raising may be ignored.

The Association and its sub-committees are a group of resident volunteers who have come together to pursue the objectives of the Association as outlined in the constitution. As such, the group insist that all complaints and issues be lodged in a respectful manner and seek to achieve a positive outcome. The Association or a sub-committee may reject a submission on the grounds that it not presented in a respectful manner nor offers a positive outcome.

1. Prerequisite to raising issues or complaints with the Residents Association.

If an issue or the subject of a complaint pertains to a matter which is the initial providence of Palm Lake Resort Management, the Secretary should refer the matter back to the person who raised it with advice that they should initially consult with the Caretakers of Palm Lake Resort. If after receiving no response or an unsatisfactory response they should then refer the matter to the Residents Association in writing providing detail of any response received from PLR.

2. Dealing with Complaints against Committee Members.

All complaints against any committee member (except the Secretary) should be addressed to the Secretary. Any other Committee member who receives a complaint shall refer the matter to the Secretary unless the complaint is against the Secretary.

The Secretary on receipt of such a complaint shall refer the context of the complaint to all committee members except the member who is the subject of the complaint. Confidentiality is of paramount importance in such circumstances. The identity of the complainant must be kept from the person who is the subject of the complaint.

The Committee as part of its investigation may give the member who is the subject of the complaint a general purport of the issue and in the interests of natural justice give them an opportunity to respond.

The dealing with the complaint remains with the balance of the Committee.

If a complaint refers to the position of Secretary the complaint shall immediately be referred to the President of the Committee who shall deal with it in accordance with these guidelines.

3. Confidentiality

Members of the Management Committee or one of its sub-committees must keep confidential information pertaining to matters dealt with by the Committee unless otherwise agreed upon by respective group.

This includes Committee meeting minutes, agendas, reports to the Committee both verbal and written, and associated documents, and information contained in those documents.

To ensure transparency information and documents should be available to members upon reasonable request unless the matter pertains to a complaint lodged in respect of Clause 1 above.

The obligation to maintain confidentiality continues to apply even after a person has left the Committee.

Maintaining confidentiality as a general rule will also help ensure observance by Committee members of the following legal duty:

A person who obtains information because they are, or have been, a member of the Committee must not improperly use the information to gain an

advantage for themselves or someone else, or cause detriment to the organization.

If a request is made for access to one or more Committee or Sub-committee papers, the Committee may on a case by case basis resolve to provide or deny access to the document/s.

In considering this request, the Committee will have regard to:

- The importance of maintaining confidentiality to facilitate effective Committee meetings;
- The importance of complying with the law – including privacy law - and recognizing that the law sometimes creates duties to disclose or protect information;
- Whether the person requesting the document is a member, and the important role of members in holding the Committee accountable; and
- The need to be consistent in the way that information and or documents are treated, and the consequence of establishing any precedents or expectations.

Nothing in this policy is intended to prevent the Committee from seeking confidential legal, accounting, financial or other expert advice from independent professionals to assist the Committee in carrying out its functions.

Any person who is not a member of the Committee but is present at a Committee meeting (or part of a meeting) must abide by the rules of the committee and association and keep in confidence that which they are advised to do so.

By-law Adopted on the XX day of XXXXX 2022