

FNQ VOLUNTEERS INC.

THE CONSTITUTION

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PART A THE ASSOCIATION

1. NAME

The name of the incorporated association is FNQ Volunteers Inc.

2. DEFINITIONS

“**association**” means “FNQ Volunteers Inc.”;

“**board**” means the management committee of the Association;

“**constitution**” means this constitution, referred to in the Act as “the rules”;

“**member of the board**” means a member of the management committee of the Association;

“**member**” means a member of the association; and

“**act**” means the Associations Incorporation Act 1981.

“**Regulations**” means the Associations Incorporation Regulations 1982

3. OBJECTS

The objects for which the association is established are:

- a. to establish community service programs for the relief of distress, illness, poverty, delinquency, and helplessness by providing volunteers, advice, and financial assistance to assist, irrespective of race, colour, or creed, such as:
 - youth and disadvantaged persons
 - health and welfare agencies
 - hospitals and public institutions
 - educational and recreational agencies engaged in helping persons who are disadvantaged.
- b. to provide a central resource center for recruitment, registration, and placement of volunteers in such programs;
- c. to encourage community services to use volunteers and to raise public awareness generally of volunteers in the community;
- d. to encourage community services to maintain high standards in their use of volunteers and to provide appropriate training programs for volunteers and volunteer managers; and
- e. to help formulate volunteer policies, promote volunteers’ rights and define volunteers’ responsibilities.

4. POWERS

- a. The association has, in the exercise of its affairs, all the powers of an individual.
- b. The association may, for example:
 - i enter into contracts; and
 - ii acquire, hold, deal with and dispose of property; and
 - iii engage personnel; and
 - iv make charges for services and facilities it supplies; and
 - v do other things necessary or convenient to be done in carrying out its affairs.
- c. The association may also issue secured and unsecured notes, debentures and debenture stock for the association.

5. AFFILIATIONS

The association may become a member or affiliate with any organization having objects conducive to those of the association.

PART B THE MEMBERS

6. CLASSES OF MEMBERSHIP

- a. The membership of the association shall consist of the following classes of members:
 - i ordinary members who are individual persons admitted to membership of the association;
 - ii corporate members who are organizations admitted to membership of the association; and
 - iii associate members who are individual persons or organizations admitted to membership of the association but who are not entitled to vote.

- b. The number of members in each class shall be unlimited.

7. APPLICATION FOR MEMBERSHIP

The application for membership shall be made in writing, signed by the applicant, and shall be in such form as the board from time to time prescribes.

8. MEMBERSHIP FEES

- a. The membership fees for each class of membership shall be such sum as the board shall determine from time to time at a general meeting.

- b. The membership fees for each class of membership shall be payable at such time and in such manner as the board shall determine from time to time.

9. ADMISSION AND REJECTION OF MEMBERS

- a. At the next meeting of the board after the receipt of any application and the fee applicable for any class of membership, such application shall be considered by the board, who shall thereupon determine upon the admission or rejection of the applicant.

- b. Any applicant who receives a majority of the votes of the members of the board present at the meeting at which such application is being considered shall be accepted as a member to the class of membership applied for.

- c. Upon the acceptance or rejection of an application for any class of membership the secretary shall forthwith give the applicant notice in writing of such acceptance or rejection.

- d. The board shall only admit a person employed by the association as an associated member.

10. TERMINATION OF MEMBERSHIP

- a. A member may resign from the association at any time by giving notice in writing to the secretary.
- b. Such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice when it shall take effect on that later date.
- c. If a member-
 - i is convicted of an indictable offence; or
 - ii fails to comply with any of the provisions of this constitution; or
 - iii has membership fees in arrears for a period of 3 months or more; or
 - iv conducts himself or herself in a manner considered to be injurious or prejudicial to the character or interests of the association,

the board shall consider whether the member's membership shall be terminated.
- d. The member concerned shall be given a full and fair opportunity of presenting the member's case and if the board resolves to terminate the membership, the secretary shall advise the member in writing.

11. APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP

- a. A person whose application for membership has been rejected or whose membership has been terminated may within 28 days of receiving written notification thereof, lodge with the secretary written notice of the person's intention to appeal against the decision of the board.
- b. Upon receipt of a notification of intention to appeal against rejection or termination of membership the secretary shall convene, within 1 month of the date of receipt by the secretary of such notice, a general meeting to determine the appeal.
- c. At any such meeting the applicant shall be given the opportunity to fully present the applicant's case and the board or those members thereof who rejected the application for membership or terminated the membership subsequently shall likewise have the opportunity of presenting its or their case.
- d. The appeal shall be determined by the vote of the members present at such meeting.
- e. Where a person whose application is rejected, does not appeal against the decision of the board within the time prescribed by this constitution or so appeal is unsuccessful, the secretary shall forthwith refund the amount of any fee paid.

12. REGISTER OF MEMBERS

- a. The board shall cause a register to be kept in which shall be entered the names and addresses of all persons admitted to membership of the association and the dates of their admission.
- b. Particulars shall also be entered into the register of deaths, resignations, terminations and reinstatements of membership and any further particulars as the board may require from time to time.
- c. The register shall be open for inspection at all reasonable times by any member who previously applies to the secretary for such inspection.

PART C THE GOVERNANCE

13. FINANCIAL YEAR

The financial year of the association shall close on 30 June in each year.

14. ANNUAL GENERAL MEETINGS

An annual general meeting shall be held each year within 6 months after the end of the association's previous financial year.

15. BUSINESS TO BE TRANSACTED AT ANNUAL GENERAL MEETING

- A The following business must be transacted at every annual general meeting –
- i. the receiving of the statement of income and expenditure, assets and liabilities and of mortgages, charges and securities affecting the property of the association for the last financial year;
 - ii. the receiving of the auditor's report on the financial affairs of the association
 - iii. the presenting of the audited statement to the meeting for adoption;
 - iv. the election of members of the board; and
 - v. the appointment of an auditor.
- B The business to be transacted at any annual general meeting may also include such other business as the chairperson deems appropriate.

16. SPECIAL GENERAL MEETING

- a. The secretary shall convene a special general meeting by sending out notice of the meeting within 7 days of:-
 - i. being directed to do so by the board; or
 - ii. being given a requisition in writing signed by not less than one-third of the members presently on the board or not less than the number of ordinary members of the association which equals double the number of members presently on the board plus one;
 - iii. being given a notice in writing of an intention to appeal against the decision of the board to reject an application for membership or to terminate the membership of any person.
- b. A requisition mentioned in subsection (a)(ii) shall clearly state the reasons why such special general meeting is being convened and the nature of the business to be transacted thereat.

17. NOTICE OF GENERAL MEETING

- a. The secretary shall convene all general meetings of the association by giving not less than 14 days notice of any such meeting to the members.
- b. The manner by which such notice shall be given shall be determined by the board.
- c. However, notice of any meeting convened for the purpose of hearing and determining the appeal of a member against the rejection or termination of his membership by the board, shall be given in writing.
- d. Notice of a general meeting shall clearly state the nature of the business to be discussed thereat.

18. QUORUM AT GENERAL MEETING

- a. At any general meeting the number of members required to constitute a quorum shall be double the number of members of the board presently on the board plus one.
- b. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business.
- c. In this clause, 'member' includes a person attending as a proxy.
- d. If within half an hour from the time appointed for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of member of the board or the association, shall lapse.
- e. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the board may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.
- f. The president may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- g. When a meeting is adjourned for 28 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.
- h. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

19. PROCEDURE AT GENERAL MEETING

- a. Unless otherwise provided by this constitution, at every general meeting –
 - i. the president shall preside as chairperson, or if there is no president, or if the president is not present within 15 minutes after the time appointed for the holding of the meeting or is unwilling to act, the vice-president shall be the chair person or if the vice-president is not present or is unwilling to act then the members present shall elect one of their number to be chairperson of the meeting; and
 - ii. the chairperson shall maintain order and conduct the meeting in a proper and orderly manner; and

- iii. every question, matter or resolution shall be decided by a majority of votes of the members present; and
- iv. in the case of an equality of votes the chair person shall have a second or casting vote; and
- v. however, no member shall be entitled to vote at any general meeting if the member's annual subscription is in arrears at the date of the meeting; and
- vi. voting shall be by show of hands or a division of members, unless not less than one-quarter of the members present demand a ballot, in which event there shall be a secret ballot; and
- vii. The chairperson shall appoint 2 members to conduct the secret ballot in such manner as the chairperson shall determine and the result of the ballot as declared by the chairperson shall be deemed to be the resolution of the meeting at which the ballot was demanded; and
- viii. a member being entitled to vote, may vote in person or by proxy and on a show of hands every person present who is a member or a representative of a member, being entitled to vote shall have 1 vote and in a secret ballot every member present in person or by proxy being entitled to vote shall have 1 vote; and
- ix. the instrument appointing a proxy shall be in writing, in the common or usual form under the hand of the appointer duly authorized in writing or, if the appointer is an association, under the hand of a duly authorized officer; and
- x. a proxy shall be a member of the association; and
- xi. the instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a secret ballot.
- xii. where it is desired to afford members an opportunity of voting for or against a resolution the instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances permit:-

ASSOCIATION;

I, _____ of _____, being a member of the above named association, hereby appoint _____ of _____, as my proxy to vote for me on my behalf at the annual general meeting of the Association, to be held on the day of _____, _____, and at any adjournment thereof.

Signed this day of _____, _____.

This form is to be used *in favour of/ against the resolution.*

Strike out whichever is not desired.

(Unless other-wise instructed, the proxy may vote as he thinks fit).

- xiii. the instrument appointing a proxy shall be deposited with the secretary prior to the commencement of any meeting or adjourned meeting at which the person named in the instrument proposes to vote; and
- xiv. the secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every board meeting and general meeting to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applies to the secretary for that inspection.

- b. For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every board meeting shall be signed by the chairperson of that meeting or the chairperson of the next succeeding board meeting verifying their accuracy.
- c. The minutes of every general meeting shall be signed by the chairperson of that meeting or the chairperson of the next succeeding general meeting.
- d. However, the minutes of any annual general meeting shall be signed by the chairperson of that meeting or the chairperson of the next succeeding general meeting or annual general meeting.

20. ALTERATION TO THE CONSTITUTION

- a. Subject to the provisions of the Act this constitution may be amended, rescinded or added to from time to time by a special resolution carried at any general meeting.
- b. However an amendment, rescission or addition is valid only if it is registered by the chief executive of the Department administering the Act.

21. INCOME AND PROPERTY CLAUSE

The income and property of the association whence so ever derived shall be applied solely towards the promotion of the objects of the association as set out herein and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to or amongst the members of the association. Provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of monies advanced by him or of remuneration to any officers or servants of the association, or to any member of the association, or other person in return for any services actually rendered to the association. Provided further that nothing herein contained shall be construed so as to prevent the repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the association or reasonable and proper rent for premises demised or let to the association.

22. WINDING-UP / DISSOLUTION CLAUSE

If upon winding-up or dissolution of the association there remains after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid or distributed amongst the members of the association but shall be given or transferred to some other association having objects similar to those of this association and which shall prohibit the distribution of its or their income and property amongst its or their members, and also is a fund, authority or institution for the purposes of Income Tax, Sales Tax and Fringe Benefits Tax.

23. AMALGAMATIONS CLAUSE

In furtherance of the objects of the association to amalgamate with any one or more incorporated organizations having objects similar to those of the association and which shall prohibit the distribution of its or their income and property amongst its or their members to an extent at least as great as that imposed upon this association and is also a fund, authority or institution approved by the Commissioner of Taxation as a public benevolent institution for the purposes of Income Tax, Sales Tax and Fringe Benefits Tax.

PART D THE MANAGEMENT

24. MEMBERSHIP OF THE BOARD

- a. The board of the association shall consist of a President, Vice-President, Treasurer, who are members of the Association but not associate members; and 5 members of the association who are not associate members, who shall be elected at the association's annual general meeting.
- b. At each annual general meeting, all the members of the board shall retire from office but shall be eligible, upon nomination, for re-election (including any co-opted members of the board).
- c. The election of the members of the board shall take place in the following manner –
 - i. any 2 members other than associate members of the association may nominate any other member other than an associate member to serve as a member of the board;
 - ii. the nomination, which shall be in writing and signed by the member and the member's proposer and seconded, shall be lodged with the secretary at least 7 days before the annual general meeting at which the election is to take place;

- iii. a list of the candidates' names in alphabetical order, with the proposers' and seconders' names, shall be posted in a conspicuous place in the office or usual place of meeting of the association for at least 7 days immediately preceding the annual general meeting;
- iv. balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order, and each member present at the annual general meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies;
- v. should, at the commencement of such meeting, there be an insufficient number of candidates nominated, nominations may be taken from the floor of the meeting.

25. POWER TO CO-OPT

- a. The board has the power to co-opt additional members not being associate members to the board, notwithstanding Rule 24A
- b. The board may remove a co-opted member of the board at any time.

26. SECRETARY

- a. The board may appoint and remove a secretary from office at any time.
- b. If a vacancy happens in the office of secretary, the board must appoint or elect a secretary within 14 days after the vacancy happens.
- c. The secretary must be a person residing in the State (who may, or may not be a member of the association) who is appointed by the board as secretary.

27. FUNCTIONS OF THE BOARD

- a. The board shall elect from its numbers a president, a vice-president, a treasurer and a delegate to the board of Volunteering Australia Inc.
- b. Except as otherwise provided by this constitution and subject to resolutions of the members of the association carried at any general meeting the board –
 - i. shall have the general control and management of the administration of the affairs, property and funds of the association; and
 - ii. shall have authority to interpret the meaning of this constitution and any matter relating to the association on which this constitution are silent.
- c. The board may exercise all the powers of the association –
 - i. to borrow or raise or secure the payment of money in such manner as the members of the association may think fit and secure the same or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the association in any way and in particular by the issue of debentures, perpetual or otherwise, charged upon all or any of the association's property, both present and future, and to purchase, redeem or pay off any such securities;
 - ii. to borrow amounts from members and to pay interest on the amounts borrowed and to mortgage or charge its property or any part thereof and to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the association, and to provide and pay off any such securities; and
 - iii. to invest in such manner as the members of the association may from time to time determine.
- d. For sub-section (c)(ii) the rate of interest must not be more than the rate for the time being charged for overdrawn accounts for money lent (whatever the term of the loan) by –
 - i. the financial institution for the association; or
 - ii. if there is more than one financial institution for the association – the financial institution nominated by the association.

28. MEETINGS OF THE BOARD

- a. The board shall meet monthly or as determined by the board from time to time to exercise its functions.
- b. The board must decide how a meeting is to be called.
- c. Notice of a meeting is to be given in the way decided by the board.
- d. A special meeting of the board shall be convened by the secretary on the requisition in writing signed by not less than one-third of the members of the board, which requisition shall clearly state the reasons why such special meeting is being convened and the nature of the business to be transacted thereat.
- e. At every meeting of the board a simple majority of a number equal to the number of members elected and/or appointed to the board as at the close of the last annual general meeting of the members, shall constitute a quorum.
- f. Subject as previously provided in this section, the board may meet together and regulate its proceedings as it thinks fit.
- g. However, questions arising at any meeting of the board shall be decided by a majority of votes and, in the case of equality of votes, the question shall be deemed to be decided in the negative.
- h. A member of the board shall not vote in respect of any contract or proposed contract with the association in which the member is interested, or any matter arising thereout, and if the member does so vote the member's vote shall not be counted.
- i. Not less than 14 days notice shall be given by the secretary to members of the board of any special meeting of the board.
- j. Such notice shall clearly state the nature of the business to be discussed thereat.
- k. The president shall preside as chairperson at every meeting of the board, or if there is no president, or if at any meeting the president is not present within 15 minutes after the time appointed for holding the meeting, the vice-president shall be chairperson or if the vice-president is not present at the meeting then the members may choose one of their number to be chairperson of the meeting.
- l. If within half an hour from the time appointed for the commencement of a board meeting a quorum is not present, the meeting, if convened upon the requisition of members of the board, shall lapse.
- m. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the board may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall lapse.

29. RESOLUTIONS OF THE BOARD WITHOUT MEETING

- a. A resolution in writing signed by all the members of the board for the time being entitled to receive notice of a meeting of the board shall be as valid and effectual as if it had been passed at a meeting of the board duly convened and held.
- b. Any such resolution may consist of several documents in like form, each signed by one or more members of the board.

30. ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS

All acts done by any meeting of the board or of a subcommittee or by any person acting as a member of the board shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the board or person acting as aforesaid, or that the members of the board or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the board.

31. RESIGNATION OR REMOVAL FROM OFFICE OF A DIRECTOR

- a. Any member of the board may resign from the board at any time by giving notice in writing to the secretary but such resignation shall take effect at the time such notice is received by the secretary unless a later date is

specified in the notice when it shall take effect on that later date or such member may be removed from office at a general meeting of the association where that member shall be given the opportunity to personally (without legal or other representation) present the member's case.

- b. The question of removal shall be determined by the vote of the members present at such a general meeting.
- c. There is no right of appeal against a member's removal from office under this section.

32. DELEGATION OF POWERS OF THE BOARD

- a. The board may delegate any of its powers to a subcommittee consisting of such members of the association as the board thinks fit.
- b. Any subcommittee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the board.
- c. A subcommittee may elect a chairperson of its meetings.
- d. If no such chairperson is elected, or if at any meeting the chairperson is not present within fifteen minutes after the time appointed for holding the meeting, the members present may choose one of their number to be chairperson of the meeting.
- e. A subcommittee may meet and adjourn as it thinks proper.
- f. Questions arising at any meeting shall be determined by a majority of votes of the members present and, in the case of an equality of votes, the question shall be deemed to be decided in the negative.

33. VACANCIES ON THE BOARD

- a. The board shall have power at any time to appoint any member of the association to fill any casual vacancy on the board until the next annual general meeting.
- b. The continuing members of the board may act notwithstanding any casual vacancy in the board, but if and so long as their number is reduced below the number fixed by or pursuant to this constitution as the necessary quorum of the board, the continuing member or members may act for the purpose of increasing the number of members of the board to that number or of summoning a general meeting of the association, but for no other purpose.

34. INDEMNITY

- A Every person who is or has been a member of the board will be indemnified out of the assets of the association against:
 - i. a liability to another person (other than the association or a related body corporate) incurred by the person in his or her capacity as a member of the board unless the liability arises out of conduct involving a lack of good faith; and
 - ii. a liability for costs and expenses incurred by the person;
 - 1. in defending any proceedings, whether civil or criminal, in which judgment is given in favour of the person or in which the person is acquitted; or
 - 2. in connection with any application, in relation to those proceedings referred to in the previous Rule 34(ii)(1) in which the Court grants relief to the person.
- B The association may pay any premiums in respect of a contract insuring a person who is or has been a member of the board against liabilities incurred by that person as a member of the board to the extent permitted by law.

35. COMMON SEAL

- a. The board shall provide for a common seal and for its safe custody.

- b. The common seal shall only be used by the authority of the board and every instrument to which the seal is affixed shall be signed by a member of the board and shall be countersigned by the secretary or by a second member of the board or by some other person appointed by the board for the purpose.

36. BY-LAWS

The board may from time to time make, amend or repeal by-laws, not inconsistent with this constitution, for the internal management of the association and by-law may be set aside by a general meeting of members.

37. DOCUMENTS

The board shall provide for the safe custody of books, documents, instruments of title and securities of the association.

38. FUNDS AND ACCOUNTS

- a. The funds of the association must be kept in the name of the association in a financial institution decided by the board.
- b. Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the association and the particulars usually shown in books of a like nature.
- c. All moneys shall be deposited as soon as practicable after receipt thereof.
- d. All amounts equal to or over the amount prescribed to the regulations from time to time shall be paid by cheque signed by any 2 of the president, secretary, treasurer or other member authorised from time to time by the board.
- e. Cheques shall be crossed "not negotiable" except those in payment of wages, allowances or petty cash recoupments which may be open.
- f. The board shall determine the amount of petty cash which shall be kept on the imprest system.
- g. All expenditure shall be approved or ratified at a board meeting.
- h. As soon as practicable after the end of each financial year the treasurer shall cause to be prepared a statement containing the particulars of-
 - i. the income and expenditure for the financial year just ended; and
 - ii. the assets and liabilities and of all mortgages, charges and securities affecting the property of the association at the close of that year.
- i. The auditor must examine the statement prepared under subsection (h) and present a report on it to the secretary before the next annual general meeting following the financial year for which the audit was made.
