

## **BY-LAWS**

### **1. ACTIVE MEMBERSHIP**

- (a). Notice given to members for the A.G.M. must include a reminder that the Active Membership provisions require payment of ASF. This notice must also inform members how much ASF they need to pay to establish Active Membership. (20.8.88)
- (b). Shareholders are not Active Members until they have paid the current year's ASF. (10.4.93)

### **2. ANNUAL SERVICE FEE**

- (c). For new shareholders, ASF shall be determined on a pro-rata basis for the financial year in which the member joined. (6.4.80)
- (d). When a member notifies the Co-operative of his/her intention to sell his/her share, ASF is not due from the date of notification. (6.4.80)
- (e). ASF is due on 1<sup>st</sup> January each year, and is overdue after 31 December of that year. (2.12.87)
- (f). Notice to members for the AGM shall include a reminder that the Active Membership provisions require payment of ASF (20.8.88)
- (g). ASF for the current year will be set at the Annual General Meeting (28.8.89)
- (h). When a member notifies the Co-operative of her/his intention to sell her/his share, ASF is due and payable up to the date of sale, in order to satisfy Active Membership provisions and avoid share forfeiture. (10.4.93)

### **3. AUDITOR**

- (a). The auditor of Nmbngee Community Co-operative need not be a person who holds the qualifications specified in Clause 16 of the Co-operation (Accounts & Audit) Regulation of 1988. (21.12.90)
- (b). The Co-operative may change auditors if necessary. Such change must be approved by the majority of members at a General Meeting. (20.7.88)

### **4. BOARD OF DIRECTORS**

- (a). All decisions made by the Board must be formally put and voted on to avoid future misunderstandings. Such decisions must be recorded in the appropriate minutes. (20.6.88)
- (b). The Board must follow the Act and the Rules with the best intention as they have always done in the past. (20.8.88)

### **5. BUILDINGS**

- (a). Members must apply to the Board for approval to construct a dwelling or other building on the Co-operative's property. (20.8.88)

- (b). The proposed building site and access to it must be pegged out by the member for inspection by other members at least one month before approval. (20.8.88)
- (c). The site must be approved by a majority of members at a General Meeting. (20.8.88)
- (d). The member must obtain all necessary permits required by local government regulations and follow procedures laid down by the local government authority.(20.8.88)
- (e). The member must obtain all necessary permits and permissions needed for buildings erected on the Co-operative's property (12.4.88)

## **6. BY-LAWS**

- (a). By-laws can only be made at General Meetings (5.4.80)
- (b). By-laws are to be adopted by the society for the governing of its day to day operations and in particular the regulation of the erection of buildings, the occupancy of buildings and land by members, the disposal of such buildings, and the rights of occupancy. (2.4.88)
- (c). By-laws must be ratified at General Meetings (20.8.88)
- (d). All meetings and residents must be given updated copies of the by-laws whenever new bylaws are ratified at a General Meeting. The secretary is responsible for keeping the by-laws and guidelines up to date and issuing new copies. (20.8.88)

## **7. CATS AND DOGS**

- (a). No more cats/dogs brought onto the farm, other than the ones already here. (7/10/82)
- (b). All cats now on farm be desexed. (7/10/82)
- (c). That we enforce the policy of no dogs and cats
- (d). Amended that Directors inform non-resident shareholders that they can bring no more cats or dogs onto the farm. (17/11/84)

## **8. CORRESPONDENCE**

- (a). All outgoing correspondence from the secretary and/or the Board of Directors must be viewed and signed by at least four directors. (20.8.88)
- (b). Copies of all incoming and outgoing correspondence dealt with by the Board and/or secretary or Nmbngee Community Co-operative are available to any member upon request at the cost of the member requesting the information. (3.10.92)
- (c). All correspondence received by the Board or the Secretary is to be acknowledged within a fortnight by a brief 'form' letter from the Secretary. (19.7.89)

## **9. DISPUTES**

- (a). In the event that a dispute between residents affects the community, members should bring the issue to a 'farm meeting' to encourage constructive conflict resolution. (20.8.91)

- (b). The community is to seek help from professional mediators in times of unresolved conflict. (3.10.92)

## **10. EXPENDITURE**

- (a). All expenditure on behalf of the Co-operative must be approved by the majority of members at a General Meeting (17.1.92)
- (b). Quotes for roadworks must be presented to, and approved by, the Board before work is commenced. (17.1.92)

## **11. FIREARMS**

- (a). All guns and ammo must be kept under lock and key. (7/10/82)
- (b). No firearms shall be brought onto the property of Nmbngee Community Co-operative by shareholders without notification to, and express approval of, the Board of Directors. (3.10.92)
- (c). Discharge of firearms is only to be permitted following approval by the Board of Directors for purposes such as control of feral animals and other humane purposes. (3.10.92)
- (d). The community of Nmbngee must be notified of the Directors' approval at least one week before the use of any use of a firearm. Such notice must be posted on the blackboard at the Main house. (3.10.92)

## **12. GOVERNMENT GRANTS**

- (a). Members who wish to apply for government grants using the Co-operative's name must first obtain permission to do so from the majority of members at a General Meeting. (29.3.86)

## **13. LEASES**

- (b). The Board is empowered to issue leases to shareholders on the area of land immediately beneath the said shareholder's house for the sole purpose of obtaining the First Home Owners Scheme Benefits. (14.4.90)
- (c). Any lease registered is to be valid only if all other requirements for active membership in the Co-operative are met. (14.4.90)

## **14. MEETINGS**

- (a). All motions placed before a General Meeting will be voted on once and the outcome will be final. (28.7.90)
- (b). Items of general business that need a decision must specifically be put on the agenda for the meeting at which such business will be raised. (15.12.88)
- (c). A copy of the minutes of each General Meeting and each Directors' Meeting will be placed on the notice board at the Main House within two weeks of said meeting. (25.4.90)
- (d). An informal meeting of residents and members will be termed a 'farm meeting'. Such a meeting will have no power to effect Co-operative business, but may decide matters relevant to residents. (10.4.93)

- (e). The books of minutes of meetings are to be kept in the registered office of the Co-operative. The secretary may retain such books for periods no longer than a fortnight after General Meetings and Directors' Meetings in order to write up the minutes. (10.4.93)

## **15. OCCUPANCY RIGHTS**

- (a). Members are entitled to the occupancy rights to any building constructed by them or purchased by them from a member of the Co-operative in accordance with the Rules and By-laws until such time as he/she ceases to be a member. (20.8.88)
- (b). Occupancy rights entitle a member to physical possession and control of the building, subject to the Rules, By-laws and Guidelines. (20.8.88)

## **16. POISONS**

- (a). No synthetic (chemical) herbicides are to be used on Nmbngee.

## **17. PUBLIC LIABILITY INSURANCE**

- (a). The Co-operative will take out Public Liability Insurance. (29.6.88)

## **18. RENTING**

- (a). A member intending to lease the occupancy rights to his/her dwelling must give notice to the board. (Introduced 26.8.89, Amended on 21/11/2015)
- (b). Deleted. (26.8.89) (28.7.90) (28/5/16)
- (c). Deleted (28.7.90) (28/5/16)
- (d). Deleted (26.8.89) (28/5/16)
- (e). The rules for resident non-shareholders will apply to non-members renting houses. (17.11.84)
- (f). Motion that the following by-law be added: '18(e) Any member wishing to lease their house must give at least 14 days notice in writing or in person to:-
  - A each neighbour
  - B each member who resides in the same hamlet
  - C each person who shares facilities such as an access track, electricity or water supply in common with the relevant site,and that such notice shall call for a local meeting at an appropriate time and place.' (28/5/16)

## **19. RESIDENT NON-SHAREHOLDERS**

- (a). Visitors must be a guest of a shareholder. (5.4.80)
- (b). A farm meeting must be informed of a guest staying after 1 week. (5.4.80)
- (c). A weekly levy must be paid after 2 weeks. (5.4.80)
- (d). After 3 months the resident non-shareholder may continue residence after approval by a Directors' meeting. (Introduced on 28.7.90, reaffirmed on 21/11/2015)
- (e). Resident non-shareholders will be reviewed at each General Meeting. (5.4.90)

- (f). All resident non-shareholders must be sponsored by a member who will be responsible for ensuring that the resident non-shareholder complies with all Rules, By-laws and Guidelines. (30.3.91)
- (g). Resident non-shareholders must pay all monies owed to the community before being approved for continued residence by a General Meeting. (30.3.91)
- (h). That resident non-shareholders who leave the farm owing money to the resident group be excluded from returning until such time as the debts are repaid in full. Their readmittance is to be subject to approval by a 'farm meeting' which includes a minimum of 8 shareholders. (10.4.93)

## **20. RURAL ROAD LEVY**

- (a). The Co-operative is not going to fight the rural road levy for multiple occupancies. (2.4.88)

## **21. SECRETARIAL**

- (a). That the incoming secretary assumes duties after the Annual General Meeting. The outgoing secretary is responsible for writing up the minutes of the AGM. (10.4.93)
- (b). That the directors prepare a proposed budget for inclusion of the agenda of the AGM (10.4.93)

## **22. SALE OF HOUSES**

- (a). DELETED (22.11.86) (28.5.16)
- (b). DELETED (20.7.88) (28.5.16)
- (c). A member wishing to transfer her/his dwelling must inform the Board in writing and the dwelling must be advertised on the Co-operative's notice boards for at least 4 weeks before advertising elsewhere and at no time to be advertised in any real estate agency. No amount of acreage is to be included in advertisement. (28.5.16)
- (d). When a shareholder ceases to be a member, he/she must dispose of the occupancy rights to any building held by him/her on the Co-operative's property within a time to be allocated by a General Meeting. (20.7.88) (28.5.16)
- (e). DELETED (20.7.88) (28.5.16)
- (f). The secretary must notify all members of the proposed sale of occupancy rights for a building and members must be given first option of purchase for 30 days before non-members are informed. (26.8.89) (28.5.16)
- (g). No real estate agents are to be used when advertising the sale of occupancy rights. (22.11.86) (this was reaffirmed on 21.11.2015)
- (h). DELETED. (22.11.96) (28.5.16)
- (i). When inspecting a house, buyers must be accompanied by a member. (22.11.96) (28.5.16)
- (j). All buildings on Co-operative land will be deemed to be chattels on the land (28.5.16)

## **23. SITES**

- (a). That a member cannot sell a site, only the improvements thereon. (28.5.16)
- (b). That a member cannot sell occupancy rights to a site. (28.5.16)
- (c). That a member shall be deemed to occupy a site where such member makes reasonable efforts to maintain, develop and improve site. (28.5.16)
- (d). No grant of a site shall give the member any legal or equitable right or title in or to any part of the Co-operative's land. (28.5.16)

## **24. SERVICES**

- (a). Members are responsible for providing water reticulation and other services to their buildings. (20.8.88)
- (b). Members must obtain permission from a majority of members at a General Meeting before applying for connection to external services (e.g. telephone, electricity), or for running any lines, cables or pipes for such services. (20.8.88)
- (c). No earth works or road works are to be undertaken by a member without prior approval from the majority of members at a General Meeting. (20.8.88)
- (d). It is proposed that all future power connections be underground (2.4.94)

## **25. SHARES – BUYING**

- (a). Prospective shareholders names are to be included on the agendas of meetings where their application will be heard. (6.3.80)
- (b). The order of precedence for buying shares is as follows:
  - (i). Co-operative
  - (ii). existing shareholders
  - (iii). spouses of existing shareholders
  - (iv). children of shareholders
  - (v). others (in order of receipt).(21.4.84)

## **26. NEW MEMBERS**

- (a). Proposed new shareholders must be introduced to a community meeting before or at the beginning of the 6 month probationary period. The Board to organise a community meeting for this purpose upon receiving application from the proposed new shareholder. (28/5/16)
- (b). Proposed new shareholder to be involved in a community project during the six months period in order to become familiar with how the community works and also so the community can get to know the proposed shareholder. Suggested projects:
  - (i) clearing for fire safety and road health
  - (ii) office help
  - (iii) regeneration propagation and/or planting and
  - (iv) cleaning/maintaining Co-operative buildings. (28/5/16)

## **27. SHARES – FORFEITURE**

- (a). Under the Active membership Provisions, members who have not paid ASF for two years are liable to have their shares forfeited. (10.4.93)
- (b). The Board shall ensure that no less than one month's notice of its intention to declare the shares of a member to be forfeited is given to the member. (10.4.93)

## **28. TREES**

- (a). The 'forest' is to remain as a protected green belt and is not to be built in at all. (3.10.92)
- (b). It is necessary to obtain permission before cutting down any trees. (6.4.80)
- (c). Persons cutting down trees must plant replacement trees. (6.4.80)

## **29. WATER**

- (a). That all Co-operative water storage areas are for the use of all residents of the property. (10.4.93)

## **30. WORKSHOPS/STUDIOS**

- (b). Applications for workshops/studios not to change to residential. (21.4.84)
- (c). The designated workshops/craft/industrial area is communal and for the use of all. No person has the right to restrict another person's use of that area. (20.6.91)