

DRAFT REVISION OF BY-LAWS November 2014

Obsolete – delete

New

Note / Question

Goolawah Co-operative Ltd.

PO Box 40, Crescent Head, NSW 2440

By-Laws According To Rule 10A Of Goolawah Co-op Ltd

Jan 2015 Edition (Previous Editions 2011, 2007, 2002)

[Note: This edition includes bylaws introduced since last 2011 revision and also a review of all bylaws with proposed amendments as highlighted. Will be presented to November and December meetings for comment; will also be available for review and comment on website, kitchen notice board and December newsletter. To be voted on in January 2015 meeting]

- 10A (a) **The board** The members (*amended 5/01/02*) at a general meeting, shall have the power to make by-laws not inconsistent with the Act, the Regulations and the rules, relating to any of the following:
- (i) the conduct of members **and their visitors (amended ??/01/15)** residing on or visiting property owned, leased or managed by the co-operative;
 - (ii) the internal operations and administration of the co-operative;
 - (iii) the payment and collection of **residential** levies and fees;
 - (iv) the procedures for the determination of residential disputes between members and between members and the co-operative;
 - (v) the procedures for the determination of disputes concerning rights relating to licenses granted by the co-operative for occupancy by a member on the cooperative's land or land managed or leased by the co-operative;
 - (vi) such other matters as the board may deem necessary for the management and day-to-day running of the co-operative.
- (b) A member shall conform to and observe all by-laws made from time to time by **the Board general meetings (amended ??/01/15)** under this rule.
- (c) A breach of a by-law shall be deemed to be an infringement of the rules.
- (d) Nothing in this rule shall authorise the co-operative to make a by-law which is contrary to any statute or other legislation in force which regulates residential tenancies, or the activities of the co-operative.
- (e) For the purposes of the rule:
- (i) the power to make a by-law includes the power to alter, substitute and rescind a by-law; and
 - (ii) the substitution, alteration or rescission of a by-law does not affect:
 - (A) the previous operation of the by-law or anything suffered or done or commenced under the by-law;
 - (B) any right, privilege, obligation or liability acquired, accrued or incurred under a bylaw;
 - (C) any penalty or fine incurred in respect to a breach of a by-law;
 - (D) any proceeding or remedy in respect of any such right, privilege, obligation, liability or penalty, and any such penalty or fine may be imposed and enforced and any such proceeding or remedy may be instituted, continued or enforced, as if the by-law had not been substituted, altered or rescinded.

10A (a) The members at a general meeting, shall have power to make by-laws not inconsistent with the Act, the Regulations and the Rules, relating to:

(i) The conduct of members and their visitors residing on or visiting property owned, leased or managed by the co-operative;

1. No cats, dogs or firearms be allowed on the land. (16/9/00)

2. All cloven-footed animals are banned from Goolawah. Other introduced species are banned from communal land, and anyone wishing to run these on their own block must submit a plan of management, with regard to soil/air/water quality, noise abatement and permanent containment, to the Board a meeting for approval (28/06/03, amended ??/01/15)

3. There will be no 240v grid connection in the area known as Red Hill (25/08/01)

[Clarify: Why only Red Hill? Encompass all Hamlets or all of Goolawah]

4. No noise emitting machinery (petrol or diesel) or battery chargers are to be used on Goolawah except between 7.30am & 6pm during daylight savings, and between 8:30am & 4pm at other times. All motors must be adequately muffled to a normal quiet standard and other machinery must operate in an acceptable quiet manner at all times. (9/07/06)

10A.i.5. The decision to remove any native trees on Goolawah, apart from those on a member's own home improvement area, is to be made by ordinary resolution at a General Meeting. (26/08/01)

[Clarify: What about undergrowth / trees up to 50cm diameter and 5m high in areas adjacent to sites – make that allowable?]

6. No herbicides or pesticides are to be used on Goolawah without a permit from the board a meeting. (26/08/01, amended ??/01/15)

7. No pit toilets are to be dug on Goolawah. (8/06/02)

8. Before any development takes place on individual sites, there needs to be access to a dry composting style toilet, either individually or on a hamlet basis. Functioning “home built/designs” are acceptable. (8/06/02)

9. Before any development takes place on individual sites, a “best-practice” Council approved grey water system should be developed for the site. This includes the use of biodegradable, phosphatefree detergents and soaps etc. (8/06/02, amended ??/01/15)

[Rationale for Amendment: As per DA requirements.]

10. The speed limit on Goolawah Community residential areas is 45 20 km/h. Connecting roads is 40km/h. (05/01/03, amended ??/01/2015)

[Rationale for Amendment: 20km standard signs available, 15km/hr difficult to get.

Clarify: What about access road leading to Goolawah – also 40km ?]

11. Members and potential members wishing to use community land for private enterprise must submit a proposal to the board a meeting stating their intentions. Subsequent guidelines and details will then be submitted to a General Meeting for approval for a license to be granted by the Board. (26/04/03, amended ??/01/15)

12. A member intending to use any of Goolawah's natural resources, must present a written management plan to a community meeting for approval, to ensure that all resources are managed in a sustainable and equitable fashion. In addition, the member may be asked for a detailed Environmental Assessment to be submitted to a meeting for approval. (26/04/03)

13. Members may take up to four box trailer loads of sand, per member per month, from the designated sand mining area, without need of approval. Larger amounts are subject to approval at a director/community or general meeting. Sand is not to be taken off Goolawah. (2/07/05, amended ??/01/15)

[Rational for Amendment: Over the years sand collection by members has proven to be at a sustainable levels. Some restriction on amounts prudent. Physically having to digging it and trailer sizes restricts amounts taken]

14. Members or visitors are not to go onto anyone's home improvement site without that member's permission". (2/10/05)

15. ~~Only active members can use co-op machinery for private works. Contraventions of this rule attract a fine equal to the private usage fee.~~ Deleted 2015 Revision - Only active members can use co-op machinery for private works (8/10/06)

[Rationale for Deletion: Delete as now the only machinery available for private works is the tractor, and this is mostly used for slashing which does not attract a charge]

16. That all members who build dams must consult with and obtain agreement from neighbours and the community prior to construction. A detailed plan must be submitted at a meeting including location, size and vegetation removal. If the dam is not constructed within 12 months the plans must be re-submitted. (19/10/13 amended ??/01/15)

[Rationale for Amendment: Consult with neighbours ambiguous and unclear what outcome of consultation was to be. Community provides check that agreement that has been obtained. Given impact of dam locations on grey water system locations, the, location of dams need to be establish even when wholly on residential sites. Not explicit that dams on community land required community agreement]

17. That all members who build a structure or a plant tree/s creating shade on their neighbours' blocks consult with and obtain agreement from neighbours prior to doing so (19/10/13 amended ??/01/15)

[The following are conduct related bylaws from Bundagen, do we want to add them to our bylaws?]

- Physical violence, or threatened physical violence against any person or property shall be deemed conduct detrimental to the Co-op and be grounds for expulsion from the Co-op.
- Members, members' family or visitors shall not act in such a way as to bring the Co-Op into disrepute, or carry out conduct deemed detrimental to the Co-Op's aims or the aims of meeting decisions.
- Members are entirely responsible for any penalties levied on them as a result of members family or visitors breaking any bylaw.
- No swearing, foul or abusive language to be used at Co-Op meetings or social gatherings.
- No unregistered privately owned vehicles to be driven or ridden on Goolawah community property. Privately owned tractors / contractors?
- No 'Off roading' or mud bashing in 4x4, quad bikes or trail bikes allowed on Goolawah community property.
- Unused unregistered vehicles will be discouraged and after one month on community land useful components will be stripped and stored in the workshop. The carcass of vehicles will be removed at owner's cost. Any costs incurred by the Co-Op will be payable by the member within 30 days.

10A (a) The members at a general meeting, shall have power to make by-laws not inconsistent with the Act, the Regulations and the Rules, relating to:

(ii) the internal operations and administration of the co-operative;

1. Expenses incurred by committees, appointed by the general meeting or the Board to carry out Co-Op projects, within an approved budget, be reimbursed when receipts are provided at a Directors Meeting 14/04/01

2. The Board carries out projects as approved by the GM and decisions for extra costs be made with reasonable consultation with all Board Members. (30/03/02)

3. All ~~AGMs and Special General~~ Meetings should have a facilitator. (25/10/03)

[Clarify: What aboutt Community/Directors Meeting? A Chair is required under our rules - is a chair and facilitator two different roles?]

4. Most Community decision making is carried out at Community and General meetings. The purpose of the board is to handle only those decisions that absolutely must be made in the interval between meetings and those that the community has specifically empowered them to make. (25/10/03).

[Clarify: what are the decisions directors are specifically empowered to make?].

5. The advertised monthly director's meetings are to be called "director/community" meetings and active members who attend are delegated the power to vote by the directors. (24/04/05)

6. Members may submit work claims up to the equivalent of 100% of their annual levies, but not above this amount. ~~Claims for community work will be approved at General Meetings only.~~ Work claims to be submitted to the treasurer on Goolawah's Work Claim form and will forwarded by Treasurer for approval by a meeting (10/4/10, amended ??/01/15)

[Rationale for amendment: changed to reflect current practice].

7. An ~~Approved~~ Community ~~Job~~ List will be set and reviewed at each ~~Community/GM~~ meeting as a permanent agenda item and published in the newsletter. Tasks to be completed will be described as specifically as possible (e.g. exact location of work to be done) and time limits given. If a member wishes to submit a claim for community work ~~outside of the 'Approved Community Job'~~ list, then he/she must have notified and received permission from a meeting/relevant co-ordinator in advance of doing the work. (10/4/10, amended ??/01/15)

8. ~~Community hours reimbursement~~ ~~Work~~ claims to be made within 3 months of the work being being eligible to be claimed ~~completed~~. Claims after this period of time ~~should be~~ ~~will~~ be rejected. (9/07/06)

9. All work done for the co-op by the Secretary, Treasurer, and Co-ordinators be reimbursed community hours upon the satisfactory completion and handover of their role, subject to the approval of a community meeting, up to a maximum of one years annual levy per role per member per year. (8/01/06)

10. ~~When the balance in the co-op Business account exceeds \$66,000, the co-op transfers monies in excess of \$50,000 into short term deposit accounts at the National Bank~~ Surplus funds to be transferred to an interest bearing account requiring two signatories for fund withdrawals. Account to be chosen to provide the best balance between interest earned and availability of funds. (07/01/07, amended ??/01/15)

11. Costs incurred in respect to the use of privately owned tools and machinery on Coop projects should be reimbursed at cost upon the submittal of an invoice detailing costs. (9/07/06)

12. Costs incurred in respect to the use of privately owned tools and machinery on Coop projects should be reimbursed at cost upon the ~~submittal~~ approval by the treasurer and a meeting of an invoice detailing costs. (9/07/06, amended ??/01/15)

13. The \$8.50 per hour charge for the use of the tractor and slasher on a member's site be abolished. Use of tractor and implements, except for slashing, incurs an \$8.50 per hour charge. Enter use in log book and inform Treasurer. (14/04/07, amended ??/01/15)

15. To elect a membership committee annually and all applicants for single and joint membership complete the following membership procedure in full:

1. Complete an application form and read a Diana Leafe Christian book on communities
2. Stay for two weeks
3. Read Goolawah's code of conduct, rules, by-laws and decisions
4. Meet 10 community members
5. Provide 3 referees
6. Complete an ID and legal record check
7. Contact neighbours from surrounding sites
8. Membership Committee Representatives and members meet with applicant(s)

(05/05/11, 21/4/12)

16. If a member dies, inheritors have one year from final settlement of the estate to complete the membership process and become a ratified member or else sell the share. Extensions to this period of time can be requested and will be determined on a case-by-case basis. (21/4/12)

18. Guests of members over the age of 18 years, who wish to stay at Goolawah for more than 3 months shall do a lite version of the membership procedure:

1. Read cooperative's code of conduct, rules, by-laws and decisions
2. Meet 10 community members
3. Provide referees
4. ID and legal record check
5. Meeting with applicant(s) lite version
6. Sign an agreement that is also signed by the member who they are a guest of. The agreement would be that: a) the member is responsible for the guest at all times; b) the person is here as a guest of the co-operative; c) the guest agrees to abide by our code of conduct/rules/by-laws/decisions.

If no significant objections are raised then the person will be granted permission by the co-operative to continue to stay at Goolawah. If significant objections are raised, it will be referred to a General Meeting and a 2/3 majority vote is required for approval to remain at Goolawah.

The \$20 weekly guest levy changes to \$10 per day if the person has not completed or failed to be approved to remain at Goolawah.

(21/4/12)

17. That children of members who wish to continue to live at Goolawah when they turn 18, after living here for a number of years and Goolawah is their home, complete the following two steps:

1. Read cooperative's code of conduct, rules, by-laws and decisions
2. Sign an agreement that is also signed by the parent member who they are a guest of. The agreement would be that: a) the member is responsible for the guest at all times; b) the person is here as a guest of the co-operative; c) the guest agrees to abide by our code of conduct/rules/by-laws/decisions.

(21/4/12)

10A (a) The members at a general meeting, shall have power to make by-laws not inconsistent with the Act, the Regulations and the Rules, relating to:

(iii) the payment and collection of residential levies and fees;

1. ~~That the Annual membership levy be raised to \$500 per annum (July 2009) per site (06/07/2014) and the total for joint membership be \$500 for single and joint memberships.~~ Annual subscriptions levies may be paid quarterly (18/05/03).

2. Deleted - 2010 revision **An obsolete bylaw referring to joint shareholders annual levy requirements.**

3. Any non-members over the age of 18 years, who are personal guests of a member, will be charged a **non-members resident guest** levy of \$20 per week when they stay longer than 28 days within a one year period. **This levy will be payable by the member who they are a guest of (6/10/02). Members can apply for an exemption from the non-members resident guest levy for a maximum of one person whom they reside with (21/04/12)**

4. Every member of Goolawah Co-op shall complete 12 hours per share of approved community work over the financial year or pay the co-op a work levy in lieu. The work levy **is \$180 @ \$15 per hour That the levy is not to be paid as a partial levy.** (16/10/07, **amended ??/01/15**)

5. **The levy redemption may be claimed for sixty hours at a remuneration of \$5 per hour. The number of units available, on application to the board, is sixteen as of 2nd June 2005. (9/07/05) Deleted - Nov 2014 revision, obsolete bylaw referred to work claims remuneration of \$5 per hr (9/07/05).**

6. Reimbursements for community work **expense claims for inactive members** will be deducted from any **outstanding** levies, fees, fines or charges due. 8/01/06

[Clarify - what was the purpose of this bylaw? Does "reimbursement" mean expenses claims, as all work claims for hours go against relevant levies in any case].

7. **(As per new section 17D, Rule 100). Roads:**

i) members are required to pay a road building fee of \$250 per share per quarter for 10 quarters (2 and half years). (3/10/04)

ii) The fee is paid quarterly due 3rd October 2004 and payable by the end of this quarter. (3/10/04)

iii) All incoming new members must pay upfront the full road levy adjusted of course for any proportion that has already been paid. (2/10/05) [all outstanding levies must be paid when shares are transferred].

iv) Approval to spend the road building fee must be approved by a general meeting on presentation of 3 written estimates (3/10/04)

Road **levy amounts and due dates are set by general meetings.** **Road Levies are payable per site be paid by members over the financial year 2010/2011. by the due date and. This levy is not to be worked off and must be paid in full by the due date (10/4/10, amended ??/01/15)**

The Road levy contributions must be recorded as a separate financial project item. (3/10/04)

vi) That a Road Levy of \$500 (per site) be paid by members over the financial year 2010/2011. This levy is not to be worked off and must be paid in full by June 2011 (10/4/10)

vii) That the Co-operative charge members a \$500 road levy per share in the 2012-2013 financial year." (Apr 2012)

viii) That a road levy of \$800 be charged to each site, due at the end of 2013-2014 financial year. (Oct 2013)

Record of Road Levies passed by General Meetings:

- \$250 per quarter for 10 quarters (2.5 years), starting October 2004. (3/10/04)
- \$500 2010/2011, to be paid in full by June 2011 (10/4/10)
- \$500 road levy in the 2012/2013 financial year (21/04/12)
- \$800 due at the end of 2013/2014 financial year (19/10/14)
- \$500 due at end of 2014/2015 financial year (05/07/14)

8. A joining fee is not required by the co-op, when, on the death of a member, the share (or joint share) passes to a beneficiary. (9/04/06)

Moved from section(ii) operations/administration, to this section (iii) payment and collection of fees

(iv) the procedures for the determination of residential disputes between members and between members and the co-operative;

1. The community should elect a member/members to serve as "Dispute Resolution Officer/Team", whose role is to facilitate the resolution of personal disputes by acting as a first port of call for those in dispute, and to guide those in dispute through **Rule 96 DISPUTES**. (14/04/07)

(v) the procedure for the determination of disputes concerning rights relating to licenses granted by the co-operative for occupancy by a member on the co-operative's land or land managed or leased by the co-operative;

[There are no entries left in this section once 10A is deleted, so delete section?]

1. Only Active Members can be granted a license to select, develop and finally occupy a site. (this does not preclude any member from making their Zone preference. Deleted Nov 2014 revision. Obsolete Bylaw referring to only active members being allowed select and occupy a site and zone preferences made in 2002 (05/01/02,)

(vi) such other matters as the board may deem necessary for the management and day-to-day running of the co-operative;

1. The maximum number of share holders on one joint share is two persons. (05/01/02)

2. The Tractor and Backhoe Community machinery must be used in accordance with the current Tractor Policy 7.05.11 and Backhoe Policy Machinery Policy. (4/06/06, amended ??/01/15)

3. The Board may organise the slashing of unimproved residential sites for annual bushfire fuel load reduction and weed/vermin control, with costs to be managed by the Board. (25/10/03)

4. The number of newsletters be at least four per year. (2/07/05)

Suggested Penalties for Bylaw Violations.

1st Tier - community work hours to be completed within a certain time frame.

2nd Tier - Penalty points system with the cost of each penalty point set by the meeting, say 10 points at say \$10 per point. Currently rules allow for a maximum fine of \$110 per infringement (Rule 99).

3rd Tier Expulsion from Goolawah Co- Op and Not welcome back as visitor or for any other reason.

Natural justice principles to be followed, member given notice of reason for penalty and right of reply to a meeting in person or writing.