



**CURRAMBINE
NETBALL
CLUB (INC)
CONSTITUTION**

February 2017

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CONSTITUTION OF THE CURRAMBINE NETBALL CLUB (INC)

PART 1 NAME

The name of the club shall be known as Currambine Netball Club (Inc) hereinafter referred to as the Club.

PART 2 OBJECTS, PURPOSES AND POWERS

2.1 OBJECTS

The objects of the club shall be:

- 2.1.1 To encourage, promote, control and manage the game of Netball in the Currambine, District and surrounding areas.
- 2.1.2 To act for its members in all matters pertaining to Netball
- 2.1.3 To conduct such other things as are conducive or incidental to the attainment of the above objects or any of them

2.2 PURPOSES

2.2.1 The property and income of the Club must be applied solely towards the promotion of the objects or purposes of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any members of the club, except in good faith in the promotion of those objects or purposes.

2.2.2 Currambine Netball Club (INC) is a community netball sporting Club, committed to the development of players, coaches and officials according to Netball WA's pathways.

2.3 POWERS

- 2.3.1 To raise monies by registration fees, subscriptions and levies and by such other methods as from time to time the management Committee shall see fit
- 2.3.2 To purchase, take on lease, exchange or hire or otherwise acquire any

real or personal property which may be necessary for any of the objectives of the club

- 2.3.3 To do all such things as are incidental, necessary or conducive to the attainment of the objectives of the club

PART 3 MEMBERSHIP

The club consists of all members who have duly applied for and been accepted as holding any of a range of membership classes, as defined in section 3.5 below. The number of members is not limited unless otherwise approved by resolution at a general meeting.

New membership classes can be approved by resolution at a general meeting as required. The number of members of any class is not limited unless otherwise approved by resolution at a general meeting.

3.1 ELIGIBILITY FOR MEMBERSHIP

- 3.1.1 Any person who supports the objects or purposes of the Club is eligible to apply to become a member.
- 3.1.2 An individual who has not reached the age of 15 years is not eligible to apply for a class of membership that confers full voting rights.

3.2 APPLYING FOR MEMBERSHIP

- 3.2.1 A person who wants to become a member must apply in writing to the Club using the official application form at Appendix A.
- 3.2.2 The application must include a current member's nomination of the applicant for membership.
- 3.2.3 The application form must be signed by the applicant.
- 3.2.4 The applicant must specify in the application the class of membership, if there is more than one, to which the application relates. Membership classes are defined in Section 3.5 below.
- 3.2.5 All applications must be received within the application period specified by

the Secretary.

- 3.2.6 All memberships shall be for the period of 12 months, commencing from a date 14 days after the close of applications.

3.3 DEALING WITH MEMBERSHIP APPLICATIONS

- 3.3.1 The Committee must consider each application for membership of the Club and decide whether to accept or reject the application.
- 3.3.2 Subject to sub-rule 3.3.3 below, the Committee must consider applications in the order in which they are received by the Club.
- 3.3.3 The Committee may delay its consideration of an application if the Committee considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
- 3.3.4 The Committee must not accept an application unless the applicant —
(a) is eligible under rule 3.1.1 and / or
(b) has applied under rule 3.1.2.
- 3.3.5 The Committee may reject an application even if the applicant —
(a) is eligible under rule 3.1.1 and / or
(b) has applied under rule 3.1.2.
- 3.3.6 The Committee must notify the applicant of the Committee's decision to accept or reject the application as soon as practicable after making the decision.
- 3.3.7 If the Committee rejects the application, the Committee is not required to give the applicant its reasons for doing so.

3.4 BECOMING A MEMBER

- 3.4.1 An applicant for membership of the Club becomes a member when —
(a) the Committee accepts the application; and
(b) the applicant pays any membership fees payable to the Club under rule 3.9.
- 3.4.2 Membership shall be open to any individual person who wishes to further

the interests of the club.

- 3.4.3 Any person who is elected to the management Committee shall be deemed a member of the club
- 3.4.4 All Team Coaches and Team Managers shall be deemed members of the club
- 3.4.5 Each person admitted to membership shall be:
 - (a) Bound by the Constitution and Code of Conduct of the Club
 - (b) Become liable for such fees, subscriptions and fees as may be fixed by the club
 - (c) Entitled to all advantages and privileges of membership

3.5 CLASSES OF MEMBERSHIP

A person can only be an ordinary member or belong to one class of membership, with the exception of Patron Members, who are permitted to hold both Ordinary and Patron memberships simultaneously.

3.5.1 Ordinary member

Any person over the age of 15 who is a member of the Club is entitled to hold any office and enjoy privileges of the Club. An ordinary member has full voting rights and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the Committee.

3.5.2 Net Set Go or Junior Member

Any person under the age of 15 may become a Net Set Go (from 6 – 9 years of age) or Junior Member (from 10 - 15 years of age) and shall have no voting rights and shall not hold any office.

3.5.3 Life Membership

Any member who has contributed not less than ten (10) years outstanding service to the Club may be elected by the Management Committee as a Life Member. Any member may nominate a person for life membership to the Management Committee for election. Approval must be unanimous from the Executive Committee and must be presented to a Committee meeting with 5 Committee Members present at the meeting.

3.5.4 Patron

The Club may, at their discretion elect a patron/s or vice patron/s of the Club for

such period as may be deemed necessary. Such patron/s shall not be eligible to vote unless they are current members of the club under another category of membership

3.5.5 Affiliated Clubs or Teams

A club or team desirous of becoming an affiliated club or team must make an application in accordance with the By-laws of the club. Such application must be lodged with the Club Secretary on or before a date as determined by the Club Management Committee, and applicants must agree to abide by the Constitution and Code of Conduct of the Currumbine Netball Club.

3.6 CESSATION OF MEMBERSHIP

3.6.1 A person ceases to be a member when any of the following takes place —

- (a) for a member who is an individual, the individual dies;
- (b) for a member who is a body corporate, the body corporate is wound up;
- (c) the person resigns from the Club under rule 3.7.1 below (written resignation);
- (d) the person is expelled from the Club under rule 4.1.2 below (disciplinary expulsion);
- (e) the person ceases to be a member under rule 3.9.5 below (non-payment of membership fees)

3.6.2 The secretary must keep a record, for at least one year after a person ceases to be a member, of —

- (a) the date on which the person ceased to be a member; and
- (b) the reason why the person ceased to be a member.

3.7 RESIGNATION OF MEMBERSHIP

3.7.1 A member may resign from membership of the Club by giving written notice of the resignation to the secretary.

3.7.2 The resignation takes effect —

- (a) when the secretary receives the notice; or
- (b) if a later time is stated in the notice, at that later time.

3.7.3 A person who has resigned from membership of the Club remains liable for any fees that are owed to the Club (the **owed amount**) at the time of

resignation.

- 3.7.4 The owed amount may be recovered by the Club in a court of competent jurisdiction as a debt due to the Club.

3.8 RIGHTS NOT TRANSFERRABLE

The rights of a member are not transferable and end when membership ceases.

3.9 MEMBERSHIP FEES

- 3.9.1 The Committee must determine the entrance fee (if any) and the annual membership fee (if any) to be paid for membership of the Club.
- 3.9.2 Each individual membership attracts a separate membership fee
- 3.9.3 The fees determined under sub-rule 3.9.1 above may be different for different classes of membership.
- 3.9.4 A member must pay the annual membership fee to the Treasurer, or another person authorised by the Committee to accept payments, by the date (the **due date**) determined by the Committee.
- 3.9.5 If a member has not paid the annual membership fee within the period of 3 months after the due date, the member ceases to be a member on the expiry of that period.
- 3.9.6 If a person who has ceased to be a member under sub-rule 3.6.1 (e) above offers to pay the annual membership fee after the period referred to in that sub-rule has expired —
- (a) the Committee may, at its discretion, accept that payment; and
 - (b) if the payment is accepted, the person's membership is reinstated from the date the payment is accepted.

3.10 REGISTER OF MEMBERS

- 3.10.1 The Secretary, or another person authorised by the Committee, is responsible for the requirements imposed on the Club under section 53

of the Act to maintain the Register of Members and record in that register any change in the membership of the Club.

3.10.2 In addition to the matters referred to in section 53(2) of the Act, the Register of Members must include the class of membership (if applicable) to which each member belongs and the date on which each member becomes a member.

3.10.3 The Register of Members must be kept at the Secretary's place of residence, or at another place determined by the Committee.

3.10.4 Any member who wishes to inspect the register of members must contact the Secretary to make the necessary arrangements.

3.10.5 If —

- (a) a member inspecting the Register of Members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or
- (b) a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,

the Committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Club.

PART 4 DISCIPLINARY ACTION, DISPUTES AND MEDIATION

Natural Justice

Underpinning all of the Club's disciplinary and mediation guidelines is the concept of Natural Justice. The following definitions have been taken from Law And Legal Principles: Disciplinary Hearings In Sport, and are the basis of a commonly-adopted Sports Management syllabus (www.leoisaac.com).

It is a general proposition of law that decisions affecting the rights of citizens must be reached only after a fair hearing. The laws relating to a fair hearing are known as the laws of natural Justice. These laws apply to all courts and tribunals, and will also apply to 'domestic tribunals'. The laws of natural justice basically give the 'accused' protection in the following ways:

1. *The person accused of misconduct should know the nature of the accusation made;*
2. *The person should be given an opportunity to state his or her case;*
3. *The tribunal should act in good faith.*

The accused must have a proper hearing.

- 1. The hearing must be conducted according to the rules of the association concerned.*
- 2. Representations must be heard from both sides*
- 3. All the evidence against the accused should be 'on the table'.*
- 4. The accused must know the actual charge and which rule has been breached*
- 5. If proceedings bring out evidence suggesting further charges it is wise to adjourn until the accused could consider the ramifications of such additional charges.*
- 6. The accused should be present at a hearing of charges against them. This will not of course apply where the accused has received proper notification of the proceedings and has no reason for not attending.*

4.1 DISCIPLINARY ACTION - Suspension or Expulsion

In this section the term “Disciplinary Committee” refers to a committee formed as per 4.1.1 below to deliberate on a specific issue.

4.1.1 The Member Protection Officer shall appoint a Disciplinary Committee containing no less than 5 members for the purposes of dealing with a specific proposed disciplinary action. This Disciplinary Committee shall not include any Executive or Ordinary Committee Members who might be considered to have a conflict of interest with regards to the specific incidents being investigated.

4.1.2 The Disciplinary Committee may decide to suspend a member’s membership or to expel a member from the Club if;

- (a) the member contravenes any of the rules or by-laws of the Club; or
- (b) the member acts detrimentally to the interests of the Club. This may include, but is not limited to, negative comments or actions, either in person or via social media, physical or verbal bullying or criticism regarding individuals or groups within the Club.

4.1.3 The secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the Committee meeting at which the proposal is to be considered by the Committee.

4.1.4 The notice given to the member must state —

- (a) when and where the Committee meeting is to be held; and
- (b) the grounds on which the proposed suspension or expulsion is based; and
- (c) that the member may attend the meeting, with a non-participatory support person, and will be given a reasonable opportunity to make

- written or oral (or both written and oral) submissions to the Committee about the proposed suspension or expulsion; and
- (d) That all written submissions are required to be submitted at least 14 days prior to the date of the meeting

- 4.1.5 At the Committee meeting, the Committee must —
- (a) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the Committee about the proposed suspension or expulsion; and
 - (b) give due consideration to any submissions so made; and
 - (c) decide —
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Club and
 - (d) advise the Executive Committee of their decision
- 4.1.6 A decision of the Disciplinary Committee to suspend the member's membership or to expel the member from the Club takes immediate effect. The Member Protection Officer must contact the suspended member by phone / text AND email within 12 hours of the Committee's decision. Proof of the text / email to be retained for 28 days.
- 4.1.7 The Executive Committee must give the member written notice of the Disciplinary Committee's decision, and the reasons for the decision, within 7 days after the Committee meeting at which the decision is made.
- 4.1.8 A member whose membership is suspended or who is expelled from the Club may, within 14 days after receiving notice of the Executive Committee's decision under sub-rule 4.1.7 above, give written notice to the Secretary requesting the appointment of a mediator under rule 4.3.
- 4.1.9 If notice is given under sub-rule 4.1.8 above, the suspended member who gives the notice and the Committee are the parties to the mediation, with the suspended member being considered the instigator and being liable for any mediation costs incurred by either party.

4.1.10 Consequences of Suspension

- 4.1.10.1 During the period a member's membership is suspended, the member;—
- (a) loses any rights (including voting rights) arising as a result of membership; and
 - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Club.
- 4.1.10.2 When a member's membership is suspended, the secretary must record in the register of members —
- (a) that the member's membership is suspended; and
 - (b) the date on which the suspension takes effect; and
 - (c) the period of the suspension.
- 4.1.10.3 When the period of the suspension ends, the Secretary must record in the Register of Members that the member's membership is no longer suspended. A letter to this effect must be sent to the member advising them that they are no longer under suspension.

4.2 RESOLVING DISPUTES

Application of Division

The procedure set out in this Division (the grievance procedure) applies to disputes;

- (a) between members; or
- (b) between one or more members and the Club.

4.2.1 Parties to attempt to resolve dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party. If the dispute is between two individual members, the Club will not become involved unless either or both of the parties request their intervention. Any matters which do not directly pertain to the running or good name of the Club will not be entered in to.

4.2.2 How grievance procedure is started

- 4.2.2.1 If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 4.2.1 above, any party to the dispute may start the grievance procedure by giving written notice to the secretary of —
- (a) the parties to the dispute; and
 - (b) the matters that are the subject of the dispute.
- 4.2.2.2 Within 28 days after the secretary is given the notice, a Committee meeting must be convened to consider and determine the dispute.
- 4.2.2.3 The secretary must give each party to the dispute written notice of the Committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- 4.2.2.4 The notice given to each party to the dispute must state —
- (a) when and where the Committee meeting is to be held; and
 - (b) that the party, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the Committee about the dispute.
 - (c) That any written submissions must be submitted to the Committee Secretary a minimum of 48 hours prior to the meeting.
 - (d) A support representative may attend the meeting, in a support capacity only – that is, the support person is not able to speak directly to the matter at hand.
 - (e) If the meeting is deemed unruly by the Chairperson, the meeting will be closed immediately. The Club is under no obligation to continue pursuit of an internal resolution under these circumstances.
 - (f) In order to continue the resolution process, the unruly party is required to retain and bear the cost of external mediation.
- 4.2.2.5 If —
- a. the dispute is between one or more members and the Club; and
 - b. any party to the dispute gives written notice to the secretary stating that the party —
 - i. does not agree to the dispute being determined by the Committee; and
 - ii. requests the appointment of a mediator under rule 4.3, at there expense (rule 4.2.3.3)
 - iii. the Committee must not determine the dispute.

4.2.3 Determination of dispute by Committee

- 4.2.3.1 At the Committee meeting at which a dispute is to be considered and determined, the Committee must —
- (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the Committee about the dispute; and
 - (b) give due consideration to any submissions so made; and
 - (c) determine the dispute.
- 4.2.3.2 The Committee must give each party to the dispute written notice of the Committee's determination, and the reasons for the determination, within 7 days after the Committee meeting at which the determination is made.
- 4.2.3.3 A party to the dispute may, within 14 days after receiving notice of the Committee's determination under sub-rule 4.2.3.1 (c) above, give written notice to the secretary requesting the appointment of a mediator under rule 4.3 below. Rule 4.3.2.6 outlines payment of mediator
- 4.2.3.4 If notice is given under sub-rule 4.2.3.3 above, each party to the dispute is a party to the mediation.

4.3 MEDIATION

This Division applies if written notice has been given to the secretary requesting the appointment of a mediator —

- (a) by a member under rule 4.1.8 above (ie when appealing a suspension / expulsion decision); or
 - (b) by a party to a dispute under rule 4.2.3.3 above (ie when appealing a dispute resolution decision) or 4.3
- (2) If this Division applies, a mediator must be chosen or appointed under rule 4.3

4.3.1 Appointment Of A Mediator

- 4.3.1.1 The mediator must be a person chosen —
- (a) if the appointment of a mediator was requested by a member under rule 4.1.8 above (when appealing a suspension / expulsion) — by agreement between the Member and the Committee; or
 - (b) if the appointment of a mediator was requested by a party to a dispute under rule (when appealing a dispute resolution) or 4.3 — by agreement between the parties to the dispute.

- 4.3.1.2 If there is no agreement for the purposes of sub-rule 4.3.1.1 (a) or (b) above, then, subject to sub-rules 4.3.1.3 and 4.3.1.4 below, the Committee must appoint the mediator.
- 4.3.1.3 The person appointed as mediator by the Committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by —
- (a) a member under rule 4.1.8 above; or
 - (b) a party to a dispute under rule 4.2.3.3 above; or
 - (c) a party to a dispute under rule 4.3 above and the dispute is between one or more members and the Club.
- 4.3.1.4 The person appointed as mediator by the Committee may be a member or former member of the Club but must not —
- (a) have a personal interest in the matter that is the subject of the mediation; or
 - (b) be biased in favour of or against any party to the mediation.

4.3.2 The Mediation Process

- 4.3.2.1 The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- 4.3.2.2 Each party to the mediation must give the mediator a written statement of
of
the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- 4.3.2.3 In conducting the mediation, the mediator must —
- (a) give each party to the mediation every opportunity to be heard; and
 - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
 - (c) ensure that natural justice as per the definition above) is given to the parties to the mediation throughout the mediation process.
- 4.3.2.4 The mediator cannot determine the matter that is the subject of the mediation.
- 4.3.2.5 The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.

4.3.2.6 The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator (the initiator).

4.3.3 If mediation results in decision to suspend or expel being revoked

4.3.3.1 If —

(a) mediation takes place because a member whose membership is suspended or who is expelled from the Club gives notice under rule 4.2.3.3 above; and

(b) as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,

that revocation does not affect the validity of any decision made at a Committee meeting or general meeting during the period of suspension or expulsion.

4.3.3.2 The Club may, at its discretion, offer a verbal or written apology to the member upon resumption of membership, however to maintain the confidentiality of the dealings and deliberations of the mediation process (as per 4.3.2.5 above), no public apologies are able to be offered.

PART 5 THE COMMITTEE

5.1 DEFINITIONS

5.1.1 The Committee members are the persons who, as the Management Committee of the Club, have the power to manage the affairs of the Club. Management of the Club shall be vested in the Management Committee elected by the members and consisting of :

- (a) President
- (b) Vice President
- (c) Secretary
- (d) Treasurer, and
- (e) Registrar /s
- (f) Member Protection Officer
- (g) Umpire Coordinator

5.1.2 Subject to the Act, these rules, the by-laws (if any) and any resolution passed at a general meeting, the Committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Club.

5.1.3 The Committee must take all reasonable steps to ensure that the Club complies with the Act, these rules and the by-laws (if any).

5.2 COMPOSITION OF COMMITTEE

5.2.1 The Committee members consist of —
(a) the office holders of the Club; and
(b) at least one ordinary Committee member.
(c) Up to a maximum of 8 ordinary Committee Members in any calendar year.

5.2.2 The Committee must determine the maximum number of members who may be ordinary Committee members.

5.2.3 A person may be a Committee member if the person is —
(a) an individual who has reached 18 years of age; and
(b) an ordinary member.

5.2.4 A person must not hold 2 or more of the offices mentioned in sub-rule 5.1.1 at the same time.

5.3 ELECTION OF COMMITTEE MEMBERS AND TENURE OF OFFICE

5.3.1 How members become Committee members

A member becomes a Committee member if the member —
(a) is elected to the Committee at a general meeting; or
(b) is appointed to the Committee by the Committee to fill a casual vacancy under rule 5.3.8 below.

5.3.2 Nomination of Committee members

5.3.2.1 At least 42 days before an annual general meeting, the secretary must send written notice to all the members —
(a) calling for nominations for election to the Committee; and
(b) stating the date by which nominations must be received by the secretary to comply with sub-rule 5.3.3.2 below

5.3.2.2 A member who wishes to be considered for election to the Committee at the annual general meeting must nominate for election by sending

written notice of the nomination to the secretary at least 28 days before the annual general meeting.

- 5.3.2.3 The written notice must include a statement by another member in support of the nomination.
- 5.3.2.4 A member may nominate for one specified position of office holder of the Club or to be an ordinary Committee member.
- 5.3.2.5 A member whose nomination does not comply with this rule is not eligible for election to the Committee unless the member is nominated under rule 5.3.7.2(a) or 5.3.8.2..

5.3.3 Election of office holders

- 5.3.3.1 At the annual general meeting, a separate election must be held for each position or office holder of the Club.
- 5.3.3.2 If there is no nomination for a position, the chairperson of the meeting may call for nominations from the ordinary members at the meeting.
- 5.3.3.3 If only one member has nominated for a position, the chairperson of the meeting must declare the Member elected to the position.
- 5.3.3.4 If more than one member has nominated for a position, the ordinary members at the meeting must vote in accordance with procedures that have been determined by the Committee to decide who is to be elected to the position.
- 5.3.3.5 Each ordinary member present at the meeting may vote for one member who has nominated for the position.
- 5.3.3.6 A member who has nominated for the position may vote for himself or herself.
- 5.3.3.7 On the member's election, the new chairperson of the Club may take over as the chairperson of the meeting.

5.3.4 Election of ordinary Committee members

- 5.3.4.1 At the annual general meeting, the Club must decide by resolution the number of ordinary Committee members (if any) to hold office for the

next year.

- 5.3.4.2 If the number of members nominating for the position of ordinary Committee member is not greater than the number to be elected, the chairperson of the meeting —
- (a) must declare each of those members to be elected to the position; and
 - (b) may call for further nominations from the ordinary members at the meeting to fill any positions remaining unfilled after the elections under paragraph (a) above.

5.3.4.3 If —

- (a) the number of members nominating for the position of ordinary Committee member is greater than the number to be elected; or
- (b) the number of members nominating under sub-rule 5.3.4.2 (b) above is greater than the number of positions remaining unfilled, the ordinary members at the meeting must vote in accordance with procedures that have been determined by the Committee to decide the members who are to be elected to the position of ordinary Committee member.

5.3.4.4 A member who has nominated for the position of ordinary Committee member may vote in accordance with that nomination.

5.3.5 Term / Tenure of office

- 5.3.5.1 The term of office of a Committee member begins when the member —
- (a) is elected at an annual general meeting or under sub-rule 5.3.3 above or
 - (b) is appointed to fill a casual vacancy under rule 5.3.8 below.

5.3.5.2 Subject to rule 5.3.6, a Committee member holds office until the positions on the Committee are declared vacant at the next annual general meeting.

5.3.5.3 A Committee member may be re-elected.

5.3.6 Resignation and removal from office

- 5.3.6.1 A Committee member may resign from the Committee by written notice given to the secretary or, if the resigning member is the secretary, given to the chairperson.

- 5.3.6.2 The resignation takes effect —
- (a) when the notice is received by the secretary or chairperson; or
 - (b) if a later time is stated in the notice, at the later time.
- 5.3.6.3 At a general meeting, the Club may by resolution —
- (c) remove a Committee member from office; and
 - (d) elect a member who is eligible under rule 5.3.3 above to fill the vacant position.
- 5.3.6.4 A Committee member who is the subject of a proposed resolution under sub-rule 5.3.6.3(a) above may make written representations (of a reasonable length) to the secretary or chairperson and may ask that the representations be provided to the members.

5.3.7 When membership of Committee ceases

- A person ceases to be a Committee member if the person —
- (a) dies or otherwise ceases to be a member; or
 - (b) resigns from the Committee or is removed from office under rule 5.3.6.3(a) above; or
 - (c) becomes ineligible to accept an appointment or act as a Committee member under section 39 of the Act;
 - (d) becomes permanently unable to act as a Committee member because of a mental or physical disability; or
 - (e) fails to attend 3 consecutive Committee meetings, of which the person has been given notice, without having notified the Committee that the person will be unable to attend.

5.3.8 Filling casual vacancies

- (1) The Committee may appoint a member who is eligible under rule 5.3.3 above to fill a position on the Committee that —
 - (a) has become vacant under rule 5.3.7 above; or
 - (b) was not filled by election at the most recent annual general meeting or under rule 5.3.3.1 above.
- (2) If the position of secretary becomes vacant, the Committee must appoint a member who is eligible under rule 5.3.3 to fill the position within 14 days after the vacancy arises.
- (3) Subject to the requirement for a quorum under rule 6.5.1 below, the Committee may continue to act despite any vacancy in its membership.

- (4) If there are fewer Committee members than required for a quorum under rule 6.5.1 below, the Committee may act only for the purpose of —
- (a) appointing Committee members under this rule; or
 - (b) convening a general meeting.

5.3.9 Validity of acts

The acts of a Committee or subCommittee, or of a Committee member or member of a subCommittee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a Committee member or member of a subCommittee.

5.3.10 Payments to Committee members

- (1) In this rule —
- Committee member** includes a member of a subCommittee;
 - Committee meeting** includes a meeting of a subCommittee.
- (2) A Committee member is entitled to be paid out of the funds of the Club for any out-of-pocket expenses for travel and accommodation properly incurred —
- (a) in attending a Committee meeting or
 - (b) in attending a general meeting; or
 - (c) otherwise in connection with the Club's business.

PART 6 GOVERNANCE OF MEETINGS – COMMITTEE MEETINGS

6.1 COMMITTEE MEETINGS

6.1.1 The Committee must meet at least once every calendar month during the competition season. The first meeting being within one (1) month after the AGM.

6.1.2 The date, time and place of the first Committee meeting must be determined by the Committee members as soon as practicable after the annual general meeting at which the Committee members are elected.

6.1.3 Special Committee meetings may be convened by the chairperson or any 2 Committee members

6.2 NOTICE OF COMMITTEE MEETINGS

- 6.2.1 Notice of each Committee meeting must be given to each Committee member at least 48 hours before the time of the meeting.
- 6.2.2 The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- 6.2.3 Unless sub-rule 6.2.4 below applies, the only business that may be conducted at the meeting is the business described in the notice.
- 6.2.4 Urgent business that has not been described in the notice may be conducted at the meeting if the Committee members at the meeting unanimously agree to treat that business as urgent.

6.3 PROCEDURE AND ORDER OF BUSINESS

- 6.3.1 The Chairperson or, in the Chairperson's absence, the Deputy-Chairperson must preside as Chairperson of each Committee meeting.
- 6.3.2 If the chairperson and deputy chairperson are absent or are unwilling to act as chairperson of a meeting, the Committee members at the meeting must choose one of them to act as chairperson of the meeting.
- 6.3.3 The procedure to be followed at a Committee meeting must be determined from time to time by the Committee.
- 6.3.4 The order of business at a Committee meeting may be determined by the Committee members at the meeting.
- 6.3.5 A member or other person who is not a Committee member may attend a Committee meeting if invited to do so by the Committee.
- 6.3.6 A person invited under sub-rule 6.3.5 above to attend a Committee meeting:
 - (a) has no right to any agenda, minutes or other document circulated at the meeting; and
 - (b) must not comment about any matter discussed at the meeting unless invited by the Committee to do so; and

(c) cannot vote on any matter that is to be decided at the meeting.

6.4 USE OF TECHNOLOGY TO BE PRESENT AT COMMITTEE MEETINGS

(TELE-MEETING)

- 6.4.1 The presence of a Committee member at a Committee meeting need not be by attendance in person but may be by that Committee member and each other Committee member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- 6.4.2 A member who participates in a Committee meeting as allowed under sub-rule 6.4.1 above is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

6.5 QUORUM FOR COMMITTEE MEETINGS

- 6.5.1 Subject to rule 6.2.4 above, no business is to be conducted at a Committee meeting unless a quorum is present. A quorum is defined as a minimum of 5 sitting Committee Members.
- 6.5.2 If a quorum is not present within 30 minutes after the notified commencement time of a Committee meeting —
- (a) in the case of a special meeting — the meeting lapses; or
 - (b) otherwise, the meeting is adjourned to the same time, day and place in the following week.
- 6.5.3 If —
- (a) a quorum is not present within 30 minutes after the commencement time of a Committee meeting held under sub-rule 6.5.2(b) above; and
 - (b) at least 2 Committee members are present at the meeting, those members present are taken to constitute a quorum

6.6 VOTING AT COMMITTEE MEETINGS

- 6.6.1 Each Committee member present at a Committee meeting has one vote on any question arising at the meeting.
- 6.6.2 A motion is carried if a majority of the Committee members present at the Committee meeting vote in favour of the motion.

- 6.6.3 If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- 6.6.4 A vote may take place by the Committee members present indicating their agreement or disagreement or by a show of hands, unless the Committee decides that a secret ballot is needed to determine a particular question.
- 6.6.5 If a secret ballot is needed, the chairperson of the meeting must decide how the ballot is to be conducted.

6.7 MINUTES OF COMMITTEE MEETINGS

- 6.7.1 The Committee must ensure that minutes are taken and kept of each Committee meeting.
- 6.7.2 The minutes must record the following —
- (a) the names of the Committee members present at the meeting;
 - (b) the name of any person attending the meeting under rule 6.7.5 below;
 - (c) the business considered at the meeting;
 - (d) any motion on which a vote is taken at the meeting and the result of the vote.
- 6.7.3 The minutes of a Committee meeting must be entered in the Club's minute book within 30 days after the meeting is held. Note that this may take the form of an electronic record, with minutes held in the form of un-editable PDF documents
- 6.7.4 The chairperson must ensure that the minutes of a Committee meeting are reviewed and signed as correct by —
- (a) the chairperson of the meeting; or
 - (b) the chairperson of the next Committee meeting.
- 6.7.5 When the minutes of a Committee meeting have been signed as correct they are, until the contrary is proved, evidence that -
- (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any appointment purportedly made at the meeting was validly made.

Part 7 SUBCOMMITTEES AND SUBSIDIARY OFFICES

7.1 CREATION AND MEMBERSHIP OF SUB-COMMITTEES AND SUBSIDIARY OFFICES

- 7.1.1 To help the Committee in the conduct of the Club's business, the Committee may, in writing, do either or both of the following —
- (a) appoint one or more subCommittees;
 - (b) create one or more subsidiary offices and appoint people to those offices.
- 7.1.2 A subCommittee may consist of the number of people, whether or not members, that the Committee considers appropriate.
- 7.1.3 A person may be appointed to a subsidiary office whether or not the person is a member.
- 7.1.4 Subject to any directions given by the Committee —
- (c) a subCommittee may meet and conduct business as it considers appropriate; and
 - (d) the holder of a subsidiary office may carry out the functions given to the holder as the holder considers appropriate.

7.2 DELEGATION TO SUB-COMMITTEES AND HOLDERS OF SUBSIDIARY OFFICES

- 7.2.1 In this rule — ***non-delegable duty*** means a duty imposed on the Committee by the Act or another written law.
- 7.2.2 The Committee may, in writing, delegate to a subCommittee or the holder of a subsidiary office the exercise of any power or the performance of any duty of the Committee other than —
- (a) the power to delegate; and
 - (b) a non-delegable duty.
- 7.2.3 A power or duty, the exercise or performance of which has been delegated to a subCommittee or the holder of a subsidiary office under this rule, may be exercised or performed by the subCommittee or holder in accordance with the terms of the delegation.
- 7.2.4 The delegation may be made subject to any conditions, qualifications, limitations or exceptions that the Committee specifies in the document by which the delegation is made.
- 7.2.5 The delegation does not prevent the Committee from exercising or performing at any time the power or duty delegated.

7.2.6 Any act or thing done by a subCommittee or by the holder of a subsidiary office, under the delegation has the same force and effect as if it had been done by the Committee.

7.2.7 The Committee may, in writing, amend or revoke the delegation.

PART 8 ANNUAL GENERAL MEETING

8.1 ANNUAL GENERAL MEETINGS

8.1.1 The Committee must determine the date, time and place of the annual general meeting.

8.1.2 An ordinary member that is a body corporate may, in writing, appoint an individual, whether or not the individual is a member, to vote on behalf of the body corporate on any question at a particular general meeting or at any general meeting, as specified in the document by which the appointment is made.

8.1.3 Twelve (12) members entitled to vote in accordance with clause 8.1.2 shall constitute a quorum at the AGM. Members entitled to vote must attend the AGM in order to be considered part of the quorum. Proxy votes are not considered part of quorum numbers.

8.1.3 If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —
(c) in the case of a special meeting — the meeting lapses; or
(d) otherwise, the meeting is adjourned to the same time, day and place in the following week.

8.1.5 If —
(c) a quorum is not present within 30 minutes after the commencement time of a general meeting held under sub-rule 8.1.3(b) above; and
(d) at least 2 Committee members are present at the meeting, those members present are taken to constitute a quorum

8.1.6 If it is proposed to hold the annual general meeting more than 6 months after the end of the Club's financial year, the secretary must apply to the Commissioner for permission under section 50(3)(b) of the Act within 4 months after the end of the financial year.

8.1.7 The ordinary business of the annual general meeting is as follows —
(a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then if the minutes of that meeting have not yet been confirmed;

- (b) to receive and consider —
 - (i) the Committee’s annual report on the club’s activities during the preceding financial year; and
 - (ii) if the Club is a tier 1 club, the financial statements of the club for the preceding financial year presented under Part 5 of the Act; and
- (c) to elect the office holders of the Club and other Committee members;
- (d) if applicable, to appoint or remove a reviewer or auditor of the Club in accordance with the Act;
- (e) to confirm or vary the entrance fees, subscriptions and other amounts (if any) to be paid by members.

8.1.8 Any other business of which notice has been given in accordance with these rules may be conducted at the annual general meeting.

8.2 SPECIAL GENERAL MEETINGS

8.2.1 The Committee may convene a special general meeting.

8.2.2 An ordinary member that is a body corporate may, in writing, appoint an individual, whether or not the individual is a member, to vote on behalf of the body corporate on any question at a particular general meeting or at any general meeting, as specified in the document by which the appointment is made.

8.2.3 Twelve (12) members entitled to vote in accordance with clause 8.2.2 shall constitute a quorum at a Special General Meeting. Members entitled to vote must attend the Special Meeting in order to be considered part of the quorum. Proxy votes are not considered part of quorum numbers.

8.2.4 If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —

- (e) in the case of a special meeting — the meeting lapses; or
- (f) otherwise, the meeting is adjourned to the same time, day and place in the following week.

8.2.5 If —

- (e) a quorum is not present within 30 minutes after the commencement time of a general meeting held under sub-rule 8.1.3(b) above; and
- (f) at least 2 Committee members are present at the meeting, those members present are taken to constitute a quorum

- 8.2.6 The Committee must convene a special general meeting if at least 20% of the members require a special general meeting to be convened.
- 8.2.7 The members requiring a special general meeting to be convened must —
- (a) make the requirement by written notice given to the secretary; and
 - (b) state in the notice the business to be considered at the meeting; and
 - (c) each sign the notice.
- 8.2.7 The special general meeting must be convened within 28 days after notice is given under sub-rule 8.2.3 above.
- 8.2.9 If the Committee does not convene a special general meeting within that 28 day period, the members making the requirement may convene the special general meeting.
- 8.2.10 A special general meeting convened by members under sub-rule 8.2.5 above;
- (d) must be held within 3 months after the date the original requirement was made; and
 - (e) may only consider the business stated in the notice by which the requirement was made.
- 8.2.11 The Club must reimburse any reasonable expenses incurred by the members convening a special general meeting under sub-rule 8.2.9 above.

8.3 NOTICE OF GENERAL MEETINGS

- 8.3.1 The secretary or, in the case of a special general meeting convened under rule 8.2.5 above, the members convening the meeting, must give to each member;
- (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) at least 14 days' notice of a general meeting in any other case.
- 8.3.2 The notice must —
- (a) specify the date, time and place of the meeting; and
 - (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) if the meeting is the annual general meeting, include the names of the members who have nominated for election to the Committee under rule 5.3.3 above and
 - (d) if a special resolution is proposed —

- (i) set out the wording of the proposed resolution as required by section 51(4) of the Act; and
- (ii) state that the resolution is intended to be proposed as a special resolution; and
- (iii) comply with rule 8.9.1 below.

8.4 PROXIES

- 8.4.1 Subject to sub-rule 8.4.2 below, an ordinary member may appoint an individual who is an ordinary member as his or her proxy to vote and speak on his or her behalf at a general meeting.
- 8.4.2 An ordinary member may be appointed the proxy for not more than 5 other members.
- 8.4.3 The appointment of a proxy must be in writing and signed by the member making the appointment.
- 8.4.4 The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf.
- 8.4.5 If no instructions are given to the proxy, the proxy may vote on behalf of the member in any matter as the proxy sees fit.
- 8.4.6 If the Committee has approved a form for the appointment of a proxy, the member may use that form or any other form —
 - (a) that clearly identifies the person appointed as the member's proxy; and
 - (b) that has been signed by the member.
- 8.4.7 Notice of a general meeting given to an ordinary member under rule 8.3.2 above must —
 - (a) state that the member may appoint an individual who is an ordinary member as a proxy for the meeting; and
 - (b) include a copy of any form that the Committee has approved for the appointment of a proxy.
- 8.4.8 A form appointing a proxy must be given to the secretary before the commencement of the general meeting for which the proxy is appointed.
- 8.4.9 A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Club not later than 24 hours before the commencement of the meeting.

8.5 USE OF TECHNOLOGY TO BE PRESENT AT GENERAL

MEETINGS (TELE-MEETINGS)

- 8.5.1 The presence of a member at a general meeting need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- 8.5.2 A member who participates in a general meeting as allowed under subrule 8.5.1 above is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

8.6 PRESIDING MEMBER AND QUORUM FOR GENERAL

MEETINGS

- 8.6.1 The chairperson or, in the chairperson's absence, the deputy chairperson must preside as chairperson of each general meeting.
- 8.6.2 If the chairperson and deputy chairperson are absent or are unwilling to act as chairperson of a general meeting, the Committee members at the meeting must choose one of them to act as chairperson of the meeting.
- 8.6.3 No business is to be conducted at a general meeting unless a quorum is present.
- 8.6.4 Twelve (12) members entitled to vote in accordance with clause 8.1.2 shall constitute a quorum at the AGM. Members entitled to vote must attend the AGM in order to be considered part of the quorum. Proxy votes are not considered part of quorum numbers.
- 8.6.5 If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —
- (a) in the case of a special general meeting — the meeting lapses; or
 - (b) in the case of the annual general meeting — the meeting is adjourned to —
 - (i) the same time and day in the following week; and
 - (ii) the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.

8.7 ADJOURNMENT OF GENERAL MEETINGS

- 8.7.1 The chairperson of a general meeting at which a quorum is present may, with the consent of a majority of the ordinary members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- 8.7.2 Without limiting subrule 8.7.1 above, a meeting may be adjourned —
(a) if there is insufficient time to deal with the business at hand; or
(b) to give the members more time to consider an item of business.
- 8.7.3 No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- 8.7.4 Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 8.3.1 above.

8.8 VOTING AT GENERAL MEETINGS

- 8.8.1 On any question arising at a general meeting —
(a) subject to subrule 8.8.6 below, each ordinary member has one vote unless the member may also vote on behalf of a body corporate under subrule 8.8.2 below; and
(b) ordinary members may vote personally or by proxy.
- 8.8.2 An ordinary member that is a body corporate may, in writing, appoint an individual, whether or not the individual is a member, to vote on behalf of the body corporate on any question at a particular general meeting or at any general meeting, as specified in the document by which the appointment is made.
- 8.8.3 A copy of the document by which the appointment is made must be given to the secretary before any general meeting to which the appointment applies.
- 8.8.4 The appointment has effect until —
(c) the end of any general meeting to which the appointment applies;
or
(d) the appointment is revoked by the body corporate and written notice of the revocation is given to the secretary.

- 8.8.5 Except in the case of a special resolution, a motion is carried if a majority of the ordinary members present at a general meeting vote in favour of the motion.
- 8.8.6 If votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- 8.8.7 If the question is whether or not to confirm the minutes of a previous general meeting, only members who were present at that meeting may vote.
- 8.8.8 For a person to be eligible to vote at a general meeting as an ordinary member, or on behalf of an ordinary member that is a body corporate under subrule 8.8.2 above, the ordinary member —
- (e) must have been an ordinary member at the time notice of the meeting was given under rule 8.3.1 above; and
 - (f) must have paid any fee or other money payable to the Association by the member.

8.9 WHEN SPECIAL RESOLUTIONS ARE REQUIRED

- 8.9.1 A special resolution is required if it is proposed at a general meeting —
- (a) to affiliate the Association with another body; or
 - (b) to request the Commissioner to apply to the State Administrative Tribunal under section 109 of the Act for the appointment of a statutory manager.
- 8.9.2 Subrule 8.9.1 above does not limit the matters in relation to which a special resolution may be proposed.

8.10 DETERMINING WHETHER A RESOLUTION IS CARRIED

- 8.10.1 In this rule — ***poll*** means the process of voting in relation to a matter that is conducted in writing.
- 8.10.2 Subject to subrule 8.10.4 below, the chairperson of a general meeting may, on the basis of general agreement or disagreement or by a show of hands, declare that a resolution has been —
- (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or

(d) lost.

8.10.3 If the resolution is a special resolution, the declaration under subrule 8.10.2 above must identify the resolution as a special resolution.

8.10.4 If a poll is demanded on any question by the chairperson of the meeting or by at least 3 other ordinary members present in person or by proxy —

- (a) the poll must be taken at the meeting in the manner determined by the chairperson;
- (b) the chairperson must declare the determination of the resolution on the basis of the poll.

8.10.5 If a poll is demanded on the election of the chairperson or on a question of an adjournment, the poll must be taken immediately.

8.10.6 If a poll is demanded on any other question, the poll must be taken before the close of the meeting at a time determined by the chairperson.

8.10.7 A declaration under subrule 8.10.2 or 8.10.4 above must be entered in the minutes of the meeting, and the entry is, without proof of the voting in relation to the resolution, evidence of how the resolution was determined.

8.11 MINUTES OF GENERAL MEETINGS

8.11.1 The secretary, or a person authorised by the Committee from time to time, must take and keep minutes of each general meeting.

8.11.2 The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

8.11.3 In addition, the minutes of each annual general meeting must record —

- (a) the names of the ordinary members attending the meeting; and
- (b) any proxy forms given to the chairperson of the meeting under rule 8.4.8 above; and
- (c) the financial statements or financial report presented at the meeting, as referred to in rule 9.3.2 (d) below
- (d) any report of the review or auditor's report on the financial statements or financial report presented at the meeting, as referred to in rule 9.3.2 (d and e) below

8.11.4 The minutes of a general meeting must be entered in the Association's minute book within 30 days after the meeting is held.

- 8.11.5 The chairperson must ensure that the minutes of a general meeting are reviewed and signed as correct by —
- (e) the chairperson of the meeting; or
 - (f) the chairperson of the next general meeting.
- 8.11.6 When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that —
- (g) the meeting to which the minutes relate was duly convened and held; and
 - (h) the matters recorded as having taken place at the meeting took place as recorded; and
 - (i) any election or appointment purportedly made at the meeting was validly made.

PART 9 FINANCIAL MATTERS

9.1 SOURCE OF FUNDS

The funds of the Club may be derived from membership fees, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

9.2 CONTROL OF FUNDS

- 9.2.1 The Club must open an account in the name of the Club with a financial institution from which all expenditure of the Club is made and into which all funds received by the Club are deposited.
- 9.2.2 Subject to any restrictions imposed at a general meeting, the Committee may approve expenditure on behalf of the Club.
- 9.2.3 The Committee may authorise the treasurer to expend funds on behalf of the Club up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- 9.2.4 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Club must be signed by —
- (a) 2 Committee members; or
 - (b) one Committee member and a person authorised by the Committee.

9.2.5 All funds of the Club must be deposited into the Club's account within 5 working days after their receipt.

9.3 FINANCIAL STATEMENTS AND FINANCIAL REPORTS

9.3.1 The financial year of the Club will be 1 January to 31 December each year

9.3.2 For each financial year, the Committee must ensure that the requirements imposed on the Club under Part 5 of the Act relating to the financial statements or financial report of the Club are met.

9.3.3 Without limiting sub-rule 9.3.1 above, those requirements include —

- (a) if the Club is a tier 1 club, the preparation of the financial statements; and
- (b) if the Club is a tier 2 Club or tier 3 Club, the preparation of the financial report; and
- (c) if required, the review or auditing of the financial statements or financial report, as applicable; and
- (d) the presentation to the annual general meeting of the financial statements or financial report, as applicable; and
- (e) if required, the presentation to the annual general meeting of the copy of the report of the review or auditor's report, as applicable, on the financial statements or financial report.

PART 10 GENERAL MATTERS

10.1 BY - LAWS

10.1.1 The Club may, by resolution at a general meeting, make, amend or revoke by-laws.

10.1.2 By-laws may —

- (a) provide for the rights and obligations that apply to any classes of associate membership approved under rule 3.3.4, 3.3.5 and 3.5 above; and
- (b) impose restrictions on the Committee's powers, including the power to dispose of the Club's assets; and

- (c) impose requirements relating to the financial reporting and financial accountability of the club and the auditing of the club's accounts; and
- (d) provide for any other matter the club considers necessary or convenient to be dealt with in the by-laws.

10.1.3 A by-law is of no effect to the extent that it is inconsistent with the Act, the regulations or these rules.

10.1.4 Without limiting sub-rule 10.1.3 above, a by-law made for the purposes of sub-rule 10.1.2 (c) above may only impose requirements on the Club that are additional to, and do not restrict, a requirement imposed on the Club under Part 5 of the Act.

10.1.5 At the request of a member, the Club must make a copy of the by-laws available for inspection by the member.

10.2 EXECUTING DOCUMENTS AND COMMON SEAL

10.2.1 The Club may execute a document without using a common seal if the document is signed by —

- (a) 2 Committee members; or
- (b) one Committee member and a person authorised by the Committee.

10.2.2 If the Club has a common seal —

- (c) the name of the Club must appear in legible characters on the common seal; and
- (d) a document may only be sealed with the common seal by the authority of the Committee and in the presence of —
 - (i) 2 Committee members; or
 - (ii) one Committee member and a person authorised by the Committee,

and each of them is to sign the document to attest that the document was sealed in their presence.

10.2.3 The secretary must make a written record of each use of the common seal.

10.2.4 The common seal must be kept in the custody of the secretary or another Committee member authorised by the Committee.

10.3 Giving notices to members

10.3.1 In this rule —

recorded means recorded in the register of members.

10.3.2 A notice or other document that is to be given to a member under these rules is taken not to have been given to the member unless it is in writing and —

- (a) delivered by hand to the recorded address of the member; or
- (b) sent by prepaid post to the recorded postal address of the member; or
- (c) sent by facsimile or electronic transmission to an appropriate recorded number or recorded electronic address of the member.

10.4 CUSTODY OF BOOKS AND SECURITIES

10.4.1 Subject to sub-rule 10.3.2 below, the books and any securities of the Club must be kept in the secretary's custody or under the secretary's control.

10.4.2 The financial records and, as applicable, the financial statements or financial reports of the Club must be kept in the treasurer's custody or under the treasurer's control.

10.4.3 Sub-rules 10.3.1 and 10.3.2 above have effect except as otherwise decided by the Committee.

10.4.4 The books of the Club must be retained for at least 7 years.

10.5 RECORD OF OFFICE HOLDERS

The record of Committee members and other persons authorised to act on behalf of the Club that is required to be maintained under section 58(2) of the Act must be kept in the secretary's custody or under the secretary's control.

10.6 INSPECTION OF RECORDS AND DOCUMENTS

10.6.1 Sub-rule 10.5.2 below applies to a member who wants to inspect —

- (a) the register of members under section 54(1) of the Act; or
 - (b) the record of the names and addresses of Committee members, and other persons authorised to act on behalf of the Club, under section 58(3) of the Act; or
 - (c) any other record or document of the Club.
- 10.6.2 The member must contact the secretary to make the necessary arrangements for the inspection.
- 10.6.3 The inspection must be free of charge.
- 10.6.4 If the member wants to inspect a document that records the minutes of a Committee meeting, the right to inspect that document is subject to any decision the Committee has made about minutes of Committee meetings generally, or the minutes of a specific Committee meeting, being available for inspection by members.
- 10.6.5 The member may make a copy of or take an extract from a record or document referred to in sub-rule 10.5.1(c) above but does not have a right to remove the record or document for that purpose.
- 10.6.6 The member must not use or disclose information in a record or document referred to in sub-rule 10.5.1(c) except for a purpose —
- (d) that is directly connected with the affairs of the Club; or
 - (e) that is related to complying with a requirement of the Act.

10.7 PUBLICATION BY COMMITTEE MEMBERS OF STATEMENTS ABOUT CLUB BUSINESS PROHIBITED

A Committee member must not publish, or cause to be published, any statement about the business conducted by the Club at a general meeting or Committee meeting unless —

- (a) the Committee member has been authorised to do so at a Committee meeting; and
- (b) the authority given to the Committee member has been recorded in the minutes of the Committee meeting at which it was given.

10.8 ALTERATIONS TO THE CONSTITUTION AND BY-LAWS

- 10.8.1 No alteration, repeal or addition shall be made to the Constitution except at the General Meeting called for that purpose and notice of

all motions to alter, repeal or add to the Constitution shall be given to the members seven (7) days prior to a General Meeting.

- 10.8.2 The management committee shall have the power to make, alter and rescind any by-laws that it considers necessary for the effective administration of the association, provided that no by-law may be inconsistent with the rules of association.
- 10.8.3 The Secretary shall forward such notices of motion to each Management Committee member at least seven (7) days prior, to the Annual General Meeting and seven (7) days prior to a General Meeting.
- 10.8.4 Such motions or any part thereof shall be of no effect unless passed by 75% of Members of those present and entitled to vote at the Annual General Meeting or General Meeting.
- 10.8.5 Changes to the Constitution require the approval of the Commissioner. Procedures are available on the Department of Commerce website.

10.9 ENFORCEMENT OF THE CONSTITUTION AND BY-LAWS

- 10.9.1 The Executive shall have the power to enquire into, deal with, and adjudicate upon all questions and disputes as to the interpretation of this Constitution and any ruling or By-laws made hereunder.
- 10.9.2 The Executive shall have the power to enquire into, deal with and adjudicate upon any breach or alleged breach of the Constitution, its ruling and by-laws, upon receiving a complaint of misconduct detrimental to the policy, interests and welfare of the Club by any person, or member.
- 10.9.3 The Executive may caution, suspend, fine or otherwise deal with the person or member concerned. Its decision shall be binding on all parties concerned.
- 10.9.4 All enquiries into any Club matter shall be conducted in a fair and impartial manner having regard to the principals of natural justice. All concerned parties shall be entitled to be heard. The definition of Natural Justice can be found in Section 4.

10.10 ALTERATION OF RULES

If the Club wants to alter or rescind any of these rules, or to make additional rules, the Club may do so only by special resolution and by otherwise complying with Part 3 Division 2 of the Act.

10.11 DISSOLUTION

The Club shall not be wound up or dissolved except by 75% of Members voting at a General Meeting such meeting having been called for that purpose. If upon dissolution or winding up of the Club there remains after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to, transferred or distributed amongst the members of the Club. It shall be given to Currambine Primary School having objects similar wholly or in part to the objects of the club, provided that the club, institution or body shall prohibit the distribution of its income and property among its members, as determined by the General Meeting. In default of any such resolution, such payment, transferred or distributed shall be determined by a Judge of the District Court.

I hereby certify the forgoing to be a true and correct copy of the Constitution of the Currambine Netball Club.

Signed:

A handwritten signature in black ink on a light-colored background. The signature appears to be 'Sharon Knott' written in a cursive style.

Name: Sharon Knott

Date: 28th February 2017