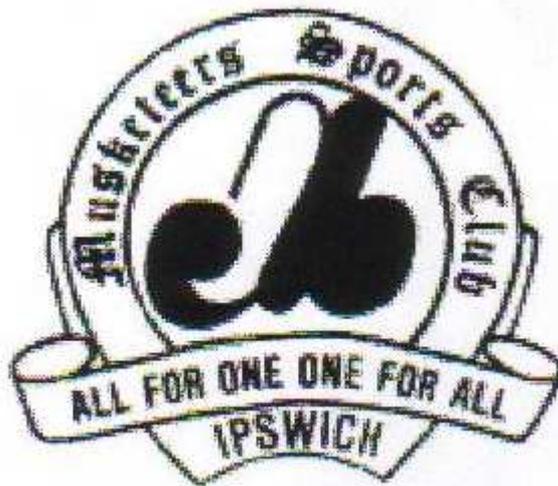


THE RULES  
OF

# Musketeers Sports Club Inc



Providing a Quality Sporting Facility to the Youth  
and Residents of the Ipswich Area

**THE RULES OF MUSKETEERS SPORTS CLUB INC.**

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**MUSKETEERS SPORTS CLUB INC.**

*Providing A Quality Sporting Facility To The Youth And Residents Of The Ipswich Area*

## **PART I - PRELIMINARY**

### Name

1. The name of the association shall be:

Musketeers Sports Club Inc.

### Interpretation

2. In these Rules, except, insofar as the context or subject matter otherwise indicates or requires:  
“Application for Membership” includes application for re-admission to Membership.

“Body” means where the context reasonably admits, a Club, Society or Association, Company or Group of persons irrespective of whether such body is incorporated or unincorporated.

“By-Laws” means the By-Laws made by the Management Committee pursuant to the Rules and from time to time in force.

“Club” refers to the "Musketeers Sports Club Inc.".

“Commission” means the Office of Consumer Affairs Qld.

“Dual Member” means one of any two Members of the one household who has been admitted with the other such persons as a Dual Member of the Club.

“Family Member” means any one of several members of the one family resident at the same address.

“Financial Member” means a Member of the Club who is not in default in the payment of his annual subscription or any fees or other moneys payable by him in accordance with the Rules.

“Financial Year” means the financial year of the Club as defined by Rule 103.

“Full Membership” means a person who has been admitted as a Full Member of the Club and meets the criteria as determined from time to time by the Members.

“General Meeting” includes an Annual or Special General Meeting.

“Honorary Member” means a person who is not a Full, Dual, Junior, Family, Social, Provisional or Life Member, whose membership fees may be waived for economic reasons upon a decision of the Management Committee or any other person elected to membership of the Association by a majority vote of members present and entitled to vote at any General Meeting whether that person has performed special service for the Association or whose special circumstances warrant that person being granted membership of the Association for the current period of membership.

“Junior Member” means a person over the age of twelve years (12) and under the age of eighteen years (18) who has been admitted as a Member of the Club.

“Life Member” means a Member who has rendered long years of reliable and valuable service who is nominated by recommendation of the Management Committee and elected by a majority of the members present and entitled to vote at any general meeting. A life member shall be exempt from the payment of membership dues.

“Member” means a person who has been admitted as a Junior, Full, Social, Dual, Life or Honorary Member of the Club and where the context otherwise so admits, shall include a person admitted to any other category of Membership and the word "Member" where the context so admits shall mean and include persons who have been admitted to any category of Membership.

“Member of the Management Committee” in Rule 52 where the context so admits shall be deemed to include the Office Bearers.

“Objects” means the objects of the Club as required by the Act.

“Office” means the office of the Club, and shall be a place as determined from time to time at which the records of the Club are to be kept.

“Office Bearers” means the President, the Vice-president, Treasurer and the Secretary for the time being of the Club.

“Period of Membership” in relation to a Member, denotes the twelve (12) months terminating at midnight on a date each year, determined by the Management Committee, for which such Member is for the time being elected to a class of membership of the Club or such proportion of that term during which his membership continues.

“Person” where the context reasonably permits, includes an individual, a firm or partnership, a company, a corporation, or any other legal entity.

“Provisional Member” means a new applicant to Membership of the Club who has paid a subscription fee but who has not been fully accepted as a Member at a Management Committee meeting.

“Rules” mean the Rules of the Club, and where the context so admits, includes a paragraph or sub-paragraphs thereof

“Secretary” means the Honorary Secretary or Secretary of the Club, and where the context 'reasonably permits, includes the Assistant Secretary and any other person for the time being appointed by the Management Committee to exercise the functions of the Secretary.

“Social Membership” means a person who has been admitted as a Social Member of the Club and meets the criteria as determined from time to time by the Management Committee.

“the Act” means the Associations Incorporation Act, 1981.

3. In these Rules:

- (a) a reference to a function includes a reference to power, authority and duty;
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of a duty; and
- (c) a reference to the masculine gender shall include the feminine gender and vice versa.

4. Words used in the Rules where the context reasonably permits shall have the same meaning as the definition thereof, as set forth in the Rules, By-Laws and Regulations of the Association from time to time.

Objects

5. The Objects of the Club are:

- (a) To provide a quality sporting facility to the youth and residents of the Ipswich area;
- (b) The furtherance of activities in sport for the promotion of youth and children;
- (c) To promote the sport of Baseball;
- (d) To promote good fellowship and sportsmanship amongst Members and those participating in Club activities;
- (e) To foster relations with other Clubs and bodies having similar aims;
- (f) To invest the funds of the Club not immediately required in such manner as the Members shall determine; and
- (g) To carry on such other activities or promote or encourage interest in the upkeep and training of and the general well being and improvement of Baseball, and any other sport or activity the club deems fit to support and to do all such other things, including hire of the facilities as may be necessary or conducive to carrying out the objects of the Club.

## **PART II - MEMBERSHIP**

### **Membership Qualification and Application**

6. Membership of the Club shall be unlimited in number and be divided into the following categories:

- (a) Full Member;
- (b) Social Member;
- (c) Dual Member;
- (d) Life Member;
- (e) Honorary Member;
- (f) Junior Member;
- (g) Family Member; and
- (h) Provisional Member;

and every person elected to Membership shall be deemed for all purposes to have agreed to be bound by the Objects, Rules and By-Laws of the Club for the time being in force.

7. An Application for Membership shall be in such form as the Management Committee may from time to time prescribe and shall be signed by the Applicant and lodged with the Secretary. After payment of the prescribed fee the applicant will be a Provisional Member upon receipt of the appropriate fee, only until full acceptance at a Management Committee Meeting.
8. The Secretary shall submit such Application to the first Management Committee Meeting next succeeding its receipt, and if such Applicant is approved by a resolution passed by a three-fourths (3/4ths) majority of Management Committee Members voting in person thereat, the Applicant shall thereupon become a Member of the Club. Upon the satisfactory completion of the foregoing, the Secretary will ensure that a Member, upon request, receives a copy of the current Rules of the Club.
9. Upon the acceptance or rejection of an application for any class of membership the Secretary shall give the applicant notice in writing if an application for Membership is rejected, of such acceptance or rejection.
10. A Member may prior to the expiry of the period of membership in each year, make application to the Management Committee for readmission as a Member to his category of membership and upon payment of his annual subscription with such application shall be deemed for all purposes to have been re-elected as such a Member.
11. A person whose application for membership has been rejected may within one (1) month of receiving notification thereof, lodge with the Secretary written notice of the person's intention to appeal against the decision of the Management Committee.

12. Upon receipt of a notification of intention to appeal against rejection of membership the Secretary shall convene, within three (3) months of the date of receipt by the Secretary of such notice, a General Meeting to determine the appeal.
  - (a) At any such meeting the applicant shall be given the opportunity to fully present the applicant's case and the Management Committee or those Members thereof who rejected the application for membership subsequently shall likewise have the opportunity of presenting its or their case.
  - (b) The appeal shall be determined by the vote of the Members present at such meeting.
13. Where a person whose application is rejected, does not appeal against the decision of the Management Committee within the time prescribed by these Rules or so appeals but the appeal is unsuccessful, the Secretary shall forthwith refund the amount of any fee paid.
14. A person elected to Membership within three months of the expiry of the period of membership in any year shall be deemed to be a financial Member until the expiry of the period of membership of the following year.

#### Termination of Membership

15. A Member shall cease ipso facto to be a Member of the Club:
  - (a) upon the termination of his period of Membership (whether by effluxion of time or otherwise) unless he shall be readmitted pursuant to Rule 10 as a Member of the Club for a further period of Membership;
  - (b) if he resigns by notice in writing addressed to the Secretary;
  - (c) if he shall die or become bankrupt or suspend payment or compound with his creditors or be convicted of a felony or misdemeanour;
  - (d) if he becomes of unsound mind or a person whose personal estate is liable to be dealt with in any way under the law relating to mental health;
  - (e) if he has membership fees in arrears for a period of two (2) months or more;
  - (f) if pursuant to the Rules, he shall be expelled from the Club;

## Register of Members

### 16. Register of Members

- (a) A Register of Members shall be kept by the Secretary and shall contain the name and address and the date of admission to and the category of Membership of each Member;
- (b) The Register of Members shall be made available for inspection by a Member after written application to and approval of the Management Committee stating bona fide reasons for such inspection.

## Fees

17. The Members in General Meeting at any time and from time to time may fix the amount of the Annual Subscription payable by each category of Membership and may in like manner determine that an entrance fee shall be paid and the amount thereof. Provided always that any such alteration to the Annual Subscription or Entrance Fee must be by Notice of Motion and included on the notice paper for decision by the Members at the next General Meeting.

## Privileges of Membership

18. Subject to the restrictions and limitations prescribed by or pursuant to the Rules, the privileges of a Financial Member shall be:

- (a) the right to attend all General Meetings of the Club;
- (b) the right to vote at all General Meetings and to submit themselves as a candidate for any office of the Club only after continuous membership during the immediately preceding six (6) months; and
- (c) to receive any publication issued by the Club.

19. A Junior Member, Provisional Member or Social Member shall not be entitled to vote or take part in the proceedings of a General Meeting and shall not be eligible to hold office, but shall be entitled to exercise all other privileges of Membership.

## Member's Liabilities

20. The liability of a Member of the Club to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the Member in respect of Membership of the Club as required by Rule 17.

## Disciplining and Conduct of Members

21. Where the Management Committee is of the opinion that a Member of the Club
- (a) has refused or neglected to comply with a provision or provisions of these Rules; or
  - (b) has wilfully acted in a manner prejudicial to the interests of the Club,
- the Management Committee may, by resolution:-
- (c) expel the Member from the Club; or
  - (d) suspend the Member from membership of the Club for a specified period.
22. A resolution of the Management Committee under Rule 21 is of no effect unless the Management Committee, at a meeting held no earlier than fourteen (14) days and no later than twenty eight (28) days after service on the Member of a notice under Rule 23, confirms the resolution in accordance with this Rule.
23. Where the Management Committee passes a resolution under Rule 21 the Secretary shall, as soon as practicable, cause a notice in writing to be served on the Member:
- (a) setting out the resolution of the Management Committee and the grounds on which it is based,
  - (b) stating that the Member may address the Management Committee at a meeting to be held not earlier than fourteen (14) days and not later than twenty eight (28) days after service of the notice;
  - (c) stating the date, place and time of that meeting; and
  - (d) informing the Member that the Member may do either or both of the following:-
    - (i) attend and speak at the meeting;
    - (ii) submit to the Management Committee at or prior to the date of that meeting written representations relating to the resolution.
24. At a meeting of the Management Committee held as referred to in Rule 23 the Management Committee shall:
- (a) give the Member an opportunity to make oral representations;
  - (b) give due consideration to any written representations submitted to the Management Committee by the Member at or prior to the meeting; and
  - (c) by resolution determine whether to confirm or to revoke the resolution.

25. Where the Management Committee confirms a resolution under Rule 24, the Secretary shall, within seven (7) days after that confirmation, by notice in writing inform the Member of the fact and of the Member's right of appeal under Rule 27.
26. A resolution confirmed by the Management Committee under Rule 24 does not take effect :
- (a) until the expiration of the period within which the Member is entitled to appeal against the resolution where the Member does not exercise the right of appeal within that period; or
  - (b) where within that period the Member exercises the right of appeal, unless and until the Club confirms the resolution pursuant to Rule 29 Right of Appeal of Disciplined Member.
27. A Member may appeal to the Club in General Meeting against a resolution of the Management Committee which is confirmed under Rule 24 within seven (7) days after notice of the resolution is served on the Member by lodging with the Secretary a notice to that effect.
28. Upon receipt of a notice from a Member under Rule 27 the Secretary shall notify the Management Committee which shall convene a General Meeting of the Club to be held within twenty one (21) days after the date on which the Secretary received the notice.
29. At a General Meeting of the Club convened under Rule 28:
- (a) no business other than the question of the appeal shall be transacted;
  - (b) the Management Committee and the Member shall be given the opportunity to state their respective cases orally or in writing, or both; and
  - (c) the Members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
30. If at the General Meeting the Club passes a special resolution in favour of the confirmation of the resolution by a majority of the Members voting in person thereat, the resolution is confirmed.

## PART III - THE COMMITTEE

### Powers, Constitution, Membership

31. The powers of the Club are:

- (a) to subscribe to become a Member of and cooperate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Club, but the Club shall not subscribe to or support with its funds any club, association or organisation which does not prohibit the distribution of its income and property among its Members to an extent at least as great as that imposed on the Club under or by virtue of Rule 101(j);
- (b) in furtherance of the objects of the Club to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the Members of the Club of persons frequenting the Club's premises;
- (c) to purchase, take on lease or in exchange, hire and otherwise acquire any lands, building, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of, or capable or being conveniently used in connection with, any of the objects of the Club, but in case the Club shall take or hold any property which may be subject to any trusts the Club shall only deal with the same in such manner as is allowed by law having regard to such trusts,
- (d) to enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Club;
- (e) to obtain from any such Government or Authority any rights, privileges and concessions which the Club may think it desirable to obtain; and to carry out, exercise and comply with any such arrangement, rights, privileges and concessions;
- (f) to appoint, employ, remove or suspend such managers, clerks, secretaries, employees and other persons as may be necessary or convenient for the purposes of the Club;
- (g) to remunerate any person or body corporate for services rendered, or to be rendered, and whether by way of brokerage or otherwise in placing or assisting to place or guaranteeing the placing of any unsecured notes, debentures or other securities of the incorporated Club, or in or about the incorporated Club or promotion of the incorporated Club or in the furtherance of its objects;
- (h) to construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Club's interests, and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof;
- (i) to invest and deal with the money of the association not immediately required in such manner as may from time to time be thought fit;

- (j) to take, or otherwise acquire, and hold shares, debentures or other securities of any company of body corporate;
- (k) in furtherance of the objects of the Club to lend and advance money or give credit to any person or body corporate;
- (l) to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate;
- (m) to borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any moneys and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or other-wise, or by mortgage, charge, lien or other security upon the whole or any part of the incorporated Club's property or assets present or future and to purchase, redeem or pay-off any such securities;
- (n) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (o) in furtherance of the objects of the Club to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Club;
- (p) to take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Club's property of whatsoever kind sold by the association, or any money due to the Club from purchasers and others,
- (q) to take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Club but subject always to the exception in paragraph (d);
- (r) to take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Club, in the shape of donations, annual subscriptions or otherwise;
- (s) to print and publish any newspapers, periodicals, books or leaflets that the Club may think desirable for the promotion of its objects;
- (t) in furtherance of the objects of the Club to amalgamate with any one (1) or more incorporated associations having objects altogether or in part similar to those of the association and which shall prohibit the distribution of its or their income and property among its or their Members to an extent at least as great as that imposed upon the Club under or by virtue of Rule 101(j) and which is approved by the Commissioner of Taxation as a fund, authority or institution referred to in section 23 of the Income Tax Assessment Act, 1936 (as amended),
- (u) in furtherance of the objects of the Club to purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated associations with which the Club is authorised to amalgamate;
- (v) in furtherance of the objects of the Club to transfer all or any part of the property, assets, liabilities and engagements of the Club to any one or more of the incorporated associations with which the Club is authorised to amalgamate;

- (w) to make donations for patriotic, charitable or community purposes.,
- (x) to transact any lawful business in aid of the Commonwealth of Australia in the prosecution of any war in which the Commonwealth of Australia is engaged;
- (y) to do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the association.

32. There shall be a Management Committee consisting of four (4) Office Bearers plus no less than three (3) members and no more than seven (7) members to make a total of no less than seven (7) and no more than eleven (11) on Management Committee as Management Committee from time to time determines.

Four (4) Office Bearers:

President,

Vice President,

Secretary,

Treasurer, and

Three (3) to seven (7) "other" Management Committee Members.

33. The Management Committee shall manage and have the entire control of the affairs of the Club subject to and in accordance with the provisions of the Rules.

34. Notwithstanding the foregoing, the Members in General Meeting by resolution passed by a majority of not less than three-fourths (3/4ths) of the Members voting in person thereat, may overrule a decision of the Management Committee, except a decision of the Management Committee to pay any account payable by the Club, or by resolution passed by a simple majority of the Members voting in person thereat may instruct the Management Committee in the light of objections expressed by any Member to any such decision to review the decision at its next meeting and make its further recommendation to the Members at the next General Meeting thereof.

35. The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Management Committee meeting and General Meeting to be entered in a book to be open for inspection at all reasonable times by any financial Member who previously applies to the Secretary for that inspection.

36. For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every Management Committee meeting shall be signed by the Chairman of that meeting or the Chairman of the next succeeding Management Committee meeting verifying their accuracy.

37. Similarly, the minutes of every General Meeting shall be signed by the Chairman of the meeting or the Chairman of the next succeeding General Meeting.

38. However the minutes of any Annual General Meeting shall be signed by the Chairman of the meeting or the Chairman of the next succeeding General Meeting or Annual General Meeting.

#### Meetings of Management Committee

39. Meetings of the Management Committee shall be held at least bimonthly at such place and such time as the Management Committee from time to time determines.

40. The quorum for a Management Committee Meeting shall be not less than four (4) Members thereof present in person if the Management Committee consists of seven (7), shall be not less than five (5) Members thereof present in person if the Management Committee consists of eight (8) or nine (9) members and shall be not less than six (6) Members thereof present in person if the Management Committee consists of ten (10) or eleven (11) members.
41. The Secretary shall call a meeting of the Management Committee whenever requested to do so by the President or by three (3) Members of the Management Committee.
42. The President, or in his absence, or if he shall be unwilling to act, a Vice President present or if present he shall be unwilling to act, then a Member of the Management Committee elected by the Members thereof present in person shall be the chairman of a Meeting of the Management Committee.
43. A Member of the Management Committee shall not vote in respect of any contract or proposed contract with the Club in which he is interested or in respect of any matter arising thereat and if he does so vote, his vote shall not be counted.
44. All acts done by any meeting of the Management Committee or by a Sub-Committee thereof or by a Sub-Committee appointed by the Members or by any person acting as a Member of the Management Committee or a Sub-Committee notwithstanding that it is afterwards discovered that there was some defect in the appointment of the Management Committee or of a Sub-Committee or any person acting as aforesaid, or that the Members of the Management Committee or any of them or of a Sub Committee were disqualified shall be as valid as if any such person had been appointed and was qualified to be a Member of the Management Committee or of such Sub Committee.
45. A resolution in writing signed by all Members of the Management Committee for the time being entitled to receive notice of a meeting of the Management Committee shall be as valid and effectual as if it had been passed at a meeting of the Management Committee duly held and convened. Any such resolution may consist of several documents in like form each signed by one or more Members of the Management Committee.
46. A Member of the Management Committee absenting himself from three (3) consecutive meetings without leave of the Management Committee shall ipso facto cease to be a Member of the Management Committee, and if an Office Bearer he shall ipso facto also cease to hold his office.

- (a) Any member of the Management Committee may resign from membership of the Management Committee at any time by giving notice in writing to the Secretary but such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.
  - (b) Any Member of the Management Committee may be removed from office by a Special Resolution of the Members at a General Meeting of the Club where that Member shall be given the opportunity to fully present the Member's case.
48. The question of removal under Rule 47(b) shall be determined by the Members in General Meeting by resolution passed by a majority of not less than three-fourths (3/4ths) of the Members voting in person thereat. There shall be no right of appeal against such removal.
- 49.
- (a) A casual vacancy occurring amongst the Members of the Management Committee caused by death or resignation of a Member thereof or by a Member ceasing for any reason to be a Member of the Management Committee, may be filled by the Management Committee at its next meeting, or any subsequent meeting, and the Member so appointed shall hold that office until his appointment is confirmed by the Members at the next General Meeting or the vacancy is otherwise filled by Members.
  - (b) If a vacancy exists amongst the Members of the Management Committee at the conclusion of the Annual General Meeting then that vacancy shall be deemed to be a casual vacancy and may be filled in accordance with Rule 49(a).

#### Office Bearers

50. The Office Bearers of the Club shall be..

- (a) The President
- (b) One Vice President
- (c) The Treasurer, and
- (d) The Secretary

A Member shall not hold more than one (1) such office at any one time.

#### Duties of the Secretary

51. The Secretary of the Club shall exercise and perform all the usual secretarial functions and generally attend to the secretarial work of the Club and in particular shall keep and maintain:

- (a) Minutes of all proceedings of meetings of the Management Committee and of the Club;
- (b) all necessary records of the affairs of the Club; and
- (c) keep and maintain the Register of Members.

## Duties of Treasurer

52. The Treasurer shall:

- (a) receive all moneys paid to the Club and issue receipts and accord the same to be paid into the banking account of the Club kept for such purpose within fourteen (14) days of the receipt thereof;
- (b) keep all necessary books of accounts and financial statements as shall be required by the Auditors;
- (c) prepare the annual balance sheet and accounts and accompanying reports;
- (d) submit financial statements to Members of the Management Committee and of the Club;
- (e) produce to Members in General Meeting the cash books and bank records when requested to do so;
- (f) keep vouchers for payments authorised by the Club and the Management Committee; and
- (g) keep a true and correct inventory of all property of the Club.

## Election of Office Bearers and Management Committee

53. The Office Bearers and the Members of the Management Committee shall be elected annually at the Annual General Meeting and shall take office at the close of the Annual General Meeting at which they are elected. The office bearers will hold office for 12 months.

54.

- (a) Nomination of Members proposed as Office Bearers or as Members of the Management Committee shall be made in writing to the Secretary at least twenty-one (21) days before the date of the Annual General Meeting and shall be signed by at least one Member and the nominee;
- (b) Any Member desirous of voting by mail shall register such desire with the Secretary at least twenty-one (21) days before the date of the Annual General Meeting. Such registration shall be accepted by the Secretary if in writing, signed by the Member registering and if a stamped and addressed envelope to that Member is enclosed with such notification. A Member who has so registered shall be called a "Postal Voting Member".

55. A list of all such nominations shall be sent to each of the Postal Voting Members at least fourteen (14) days prior to the holding of the Annual General Meeting. Such list shall contain in respect of a retiring Member of the Management Committee whose name appears thereon the number of such meetings held during the preceding years, and the number thereof which he attended, whilst he was a Member of the Management Committee.

56. If there be not a nomination for the office of President, Vice President, Secretary or Treasurer or if a Member nominated for such office declares at the Annual General Meeting verbally or in writing that he is unwilling to stand for that office, or if the number of Members required for election as Members of the Management Committee are not nominated, the Members may propose and second orally at the Annual General Meeting, sufficient Members to fill any such office.

57. If there be more than the required number of Members nominated for the election to any office, an election by ballot shall take place, but if there be only the requisite number, the Chairman shall declare those nominated to be duly elected.
58. If the election of the Office Bearers and Members of the Management Committee shall be by ballot the List of Nominations sent to Postal Voting Members as aforesaid shall constitute a voting paper for such Postal Voting Members and shall indicate by an asterisk and footnote those Members eligible for re-election. The Secretary shall initial and number consecutively the top right hand corner of the ballot paper and keep a true record of the number of ballot papers issued.
59. For the purpose of the ballot, a Returning Officer and not less than two (2) scrutineers shall be appointed by the Members at, and as the first business of the Annual General Meeting. Upon the appointment of the Returning Officer and scrutineers, the Treasurer shall hand to the Returning Officer a List of the Members of the Club entitled to vote. If any ballot paper shall indicate that a Member has purported to vote for a greater or lesser number of candidates than the number of vacancies that have to be filled, or if the ballot paper shall not have been endorsed and numbered by the Secretary as aforesaid, or the envelope containing the ballot paper has not been signed by the Member purported to vote, such ballot paper shall be declared informal and the votes of that Member shall not be counted.
60. A voting paper shall be prepared by the Secretary with the names of the candidates listed thereon in alphabetical order which shall be posted to each Postal Voting Member with a ballot envelope in the stamped and addressed envelope referred to in Rule 54(b) not later than fourteen (14) days prior to the date of the Annual General Meeting. At the Annual General Meeting, the Secretary shall hand a voting paper to each other Member present that is entitled to vote thereat.
- 61.
- (a) Each Postal Voting Member wishing to participate in the ballot shall complete the voting paper in accordance with the instructions thereon and shall insert the voting paper only and without any other matter in and endorse his name on the outside flap of the envelope forwarded by the Secretary for that purpose and return such envelopes properly sealed so as to arrive at the Club's Office not later than 4.00 pm (which shall be the time of the closing of the postal ballot) on the date appointed for the holding of the Annual General Meeting at which the result of the ballot is to be declared as hereinafter provided.
  - (b) Each other Member wishing to participate in the ballot shall vote in the same manner and thereupon hand his voting paper to the Returning Officer.
62. Forthwith after the appointment of the Returning Officer and the scrutineers, the Returning Officer shall count or cause to be counted by the said scrutineers the vote as recorded on voting papers so received at the Club's Office. Such votes shall be counted in the presence of the President or of the Vice President and of any person or persons standing for election who may attend.

63. The Returning Officer shall declare the result of the ballot immediately after the votes have been counted, and announce the number of votes polled by each candidate, and in the event of an equality of votes in favour of any candidate which could effect the election of the candidate, the Members at the Annual General Meeting shall elect one of such candidates to fill the vacancy for which he was nominated by a resolution passed by a simple majority of Members present and voting thereon. The Returning Officer shall deliver all ballot papers so counted to the Secretary in a sealed envelope or wrapper who shall keep the same for a period of ninety (90) days from the date of the meeting.
64. If any question shall arise as to the validity or invalidity of a voting paper, or whether any particular Member has or has not been elected to any particular Office, a statement by the Returning Officer that the relevant voting paper is or is not valid or that a particular Member has or has not been elected to a particular Office shall be conclusive.

#### Sub-Committee

- 65.
- (a) The Management Committee may at any time and from time to time appoint a Sub-Committee from amongst the Members of the Management Committee or the Members for such purpose and with authority to exercise such powers and duties as the Management Committee in its discretion may recommend and the Members thereof shall hold office during the pleasure of the Management Committee.
  - (b) The Management Committee may by resolution, remove from office a Member of a Sub-Committee and may in like manner appoint another eligible person in his stead.
  - (c) The quorum for a Sub-Committee shall be such number thereof as shall be determined by the Management Committee at the time of its election who may in like manner appoint a Chairman thereof provided that if a Chairman is not so appointed or is absent or unwilling to act, the Members of the Sub-Committee shall appoint one of their number to be Chairman.
  - (d) Any such Sub-Committee may be empowered to exercise the powers and duties committed to it for a term extending beyond the term of office of the Management Committee appointing it.
  - (e) Subject to the consent of the Management Committee any such Sub Committee may co-opt additional Members to assist in its duties.

## PART IV - GENERAL MEETINGS

### Annual General Meeting - Holding of

66. The Club shall, at least once in each calendar year and within the period of three (3) months after the expiration of each Financial Year of the Club, convene an Annual General Meeting of its Members.

### Annual General Meeting - Calling of and Business At

67. The Annual General Meeting of the Club shall, subject to the Act and to Rule 66, be convened on such date and at such place and time as the Management Committee thinks fit.

68. In addition to any other business which may be transacted at an Annual General Meeting, the business at an Annual General Meeting shall be:

- (a) to appoint a Returning Officer and not less than (2) scrutineers as required by Rule 59;
- (b) to confirm the Minutes of the preceding Annual General Meeting;
- (c) to receive and adopt the balance sheet and accounts of the Club and the accompanying reports thereon;
- (d) to receive the auditor's report upon the books and accounts for the preceding financial year;
- (e) to receive from the Returning Officer pursuant to Rule 63 or the Chairman pursuant to Rule 57 the result of the ballot for the election of Office Bearers and the Members of the Management Committee or pursuant to Rule 53, to elect Office Bearers or Members of the Management Committee;
- (f) to appoint an Auditor;
- (g) to transact any other business written notice of which shall have been given to the Members at least ten (10) days prior to the date of such meeting.

69. A Special General Meeting shall be convened by the Secretary at the direction of the President or any three Members (3) of the Management Committee or on the written request of ten (10) Members.

70. The business to be transacted at a Special General Meeting shall be set out in the notice governing the same, and no other business shall be transacted thereat or at any adjournment thereof.

71. The quorum at a General Meeting (whether an Annual or Special General Meeting), shall be such number being not less than **twelve (12)** Members present in person as the Members from time to time shall determine.

72. The President or in his absence or if he shall be unwilling to act, a Vice President, or if there shall not be a Vice-Chairman present, or if present each shall be unwilling to act, then a Member elected by the Members present in person shall be the Chairman of such a Meeting.

### Notice of General Meeting

73. Every General Meeting shall be convened by notice given by the Secretary to each Member of the Club specifying the date, time and venue of such meeting. The signature to any such notice may be written, stamped, impressed, typed or printed. Every such meeting shall commence not later than 8.00 pm.
74. At least ten (10) days prior notice shall be given in respect of each such meeting. Provided that with the sanction of a General Meeting one notice containing the particulars required by Rule 73 in respect of each General Meeting to be held during the Financial Year may be sent within the time aforesaid to the Members in the month of July each year or at such other time of the Financial Year in respect of the future General Meetings in that year as a General Meeting may direct. Provided further that a copy of a Notice of Motion received in writing from a Member shall be sent by the Secretary to each Member within the time aforesaid of the General Meeting at which the same is to be dealt with.
75. Notice of a General Meeting shall be deemed to have been given to each Member if it is published in the Club's newsletter or journal provided that such publication is made and despatched to the Members not less than ten (10) days prior to the date of the meeting or if it is served upon him personally or if it is sent through the post in a prepaid letter, envelope or wrapper addressed to such Member at the address as recorded in the Register of Members. A notice sent to one of a Dual Membership or to one of a Family Membership shall be deemed for all purposes to have been notice given to each of such Members.
76. The accidental omission to give notice to a Member or if a Member shall fail to receive a notice sent as aforesaid, shall not invalidate a General Meeting.
77. A notice sent by post shall be deemed to have been served from the day following that on which the letter, envelope or wrapper containing the same is posted. In proving such service, a certificate signed by a Management Committee Member that the letter, envelope or wrapper was properly addressed, postage prepaid and put into the Post Office or a receptacle provided by Australia Post for the purpose of posting letters, shall be conclusive evidence thereof.

#### Adjournment of Meetings

78. If at a General Meeting or at a Management Committee or Sub-Committee Meeting a quorum shall not be present after the lapse of forty five (45) minutes from the appointed time thereof, the meeting shall thereupon lapse.
79. A General Meeting of Members or a meeting of Members of a Management Committee or of a Sub-Committee shall have the power to adjourn its proceedings from time to time for any period not exceeding at any one time, one (1) month.

#### Procedure at Meetings

80. All questions arising at a General Meeting or at a meeting of the Management Committee or of a Sub-Committee, other than questions of order or practice which shall be decided by the Chairman, shall be decided by the majority of votes cast at such meeting and in the case of equality of votes, the chairman shall have a second or casting vote. There shall be no proxy voting at General Meetings.
81. At meetings of Members or of the Management Committee or of a Sub-Committee the mode of voting shall in the first instance be by a show of hands, or if required by any Member by an actual division or by ballot and the Chairman shall have an ordinary and in the case of equality also a casting vote and all questions shall be decided by the majority of votes of the Members voting in

person at such Meeting provided that on a resolution relating to the election of the Office Bearers or of the Members of the Management Committee or relating to the expulsion of Members, the foregoing shall not apply and in lieu thereof votes shall be taken in accordance with the relevant Rules.

82. The Chairman of a General Meeting or of the Management Committee or of a Sub Committee:

- (a) shall conduct the meeting in accordance with the Rules governing any such meeting and with the law and accepted practice relating thereto;
- (b) shall make himself familiar with such Rules and the law and accepted practice relating thereto;
- (c) shall be bound by the Rules and By-Laws made pursuant thereto and shall ensure that the meeting at all times conforms thereto and shall administer the same fairly and impartially;
- (d) shall at all times endeavour to be concise in his statements to the meeting and be fair when summing up points at issue or as have been or are the subject of debate and to speak clearly so as to be heard by the Members;
- (e) provided that a quorum is then present or if not, then as soon as a quorum is present within the allowed time, shall declare the meeting open at the hour appointed;
- (f) if a quorum is not present as aforesaid, or if during the meeting there shall cease to be a quorum, shall adjourn the meeting or declare that it has lapsed as may be required by the Rules or By-Laws;
- (g) shall introduce the items of business in the order set out in the notice convening the meeting or as prescribed by the Rules and shall not change such order without the approval of a resolution of the Members present pursuant to a Motion specifying the change required in such order;
- (h) shall close the meeting promptly at the completion of the business to be transacted thereat, or unless the Members shall otherwise determine, the time appointed;
- (i) shall not be entitled to take the Chair upon his late arrival at a meeting if some other person has been elected Chairman, due to his absence unless such Chairman as an act of courtesy, resigns from such position;
- (j) shall be required to accept a Motion of no-confidence in the Chair or that the Chairman leave the Chair. A Member may move that a Member who shall be named and who shall consent thereto take the Chair for the meeting, and if carried by three-fourths (3/4ths) of the Members present, the Chairman shall forthwith vacate the Chair and such Member shall become the Chairman for the remainder of the meeting, a Member may propose or second himself as Chairman and may vote for himself,

- (k) shall call upon a Member by his name to speak and shall alone determine the order of the speakers;
- (l) shall not permit discussion of any subject matter unless there is a Motion thereon before the meeting and shall forthwith terminate all irrelevant discussion;
- (m) shall ensure the decision of the Meeting is properly ascertained in respect of any question before it and subject to the Rules shall give to the Members sufficient opportunity to express their opposing views;
- (n) shall determine whether a Motion or an amendment thereof falls within the terms of the notice of the meeting or within a written Notice of Motion, and shall not Rule out of order a Motion which is within the competence of the meeting when all the conditions incidental to the submission of the matter to the meeting have been observed;
- (o) if a poll is demanded shall determine the time and manner of taking it and if it is not possible to take such a poll during the course of the meeting, may adjourn the meeting for such purpose and may order a poll to be taken although the meeting desires voting by a show of hands;
- (p) shall enter or cause to be entered in the Minute Book the result of a poll and such entry shall be prima facie evidence of the result thereof; and
- (q) where the voting is by show of hands, may require another vote although he has previously declared the result.

83. A Member present at a meeting:-

- (a) shall not address a meeting without first being called upon so to do by the Chairman;
- (b) desirous of moving a Motion or an amendment to a Motion or of taking part in discussion shall rise and when called upon to speak shall address the meeting through the Chairman;
- (c) proposing a Motion or an amendment to a Motion, shall state its nature before so addressing the meeting;
- (d) shall resume his seat immediately upon the conclusion of his remarks or if the Chairman rises or proceeds to speak or when called upon by the Chairman so to do;
- (e) shall not discuss or challenge a decision of the Chairman on a point of order and shall not move a Motion of disagreement with, or which would have the effect of altering any such decision;
- (f) shall not interrupt a speaker unless moving a Motion on a point of order whereupon the speaker shall resume his seat whilst the Member so moving is heard and the point of order determined whereupon if the decision is in his favour, the speaker may proceed with his subject;
- (g) may at any time rise and address the Chairman on a point of order, but shall at once state so and confine his remarks to the point of order raised; a point of order shall be taken immediately if it is raised; and
- (h) shall not speak more than once on a Motion, except as the mover thereof

84. Motions shall be moved in the order in which the notices thereof have been received and shall not be proceeded with in the absence of the Member giving such notice unless he has authorised some other Member to move it on his behalf.
85. A motion may be moved or seconded by the Chairman or by a Member.
86. Upon a motion being moved and seconded, the Chairman shall allow debate thereon as prescribed by the Rules and at the close of such debate shall put the Motion to the meeting.
87. Upon a Motion being put to the meeting and carried by the requisite majority of the Members, it shall become a resolution of the meeting and recorded accordingly.
88. The mover or seconder of a Motion shall not move or second an amendment to it, but shall be entitled to speak upon any amendment and to vote on it.
89. Where Notice of a Motion has been given in writing, an amendment thereto shall not be moved unless notice of such amendment has been given in writing. Provided that the meeting by a resolution passed by a simple majority of the Members voting in person thereat may consent to a Motion of amendment moved verbally at the meeting.
90. A Motion for amendment shall not be accepted by the Chairman which is or tends to be or would have the effect of being a negative of the Motion intended to be amended.
91. A second or subsequent Motion of amendment to an original Motion shall not be moved until the previous Motion of amendment has been dealt with by the meeting.
92. If a Motion or subsequent Motions for amendment shall be carried, the original Motion as amended shall then be debated and thereafter put to the vote of the Members.
93. The mover of a Motion of amendment shall not have the right to reply after the debate thereon.
94. A motion for amendment shall be put to the meeting before the original Motion is put.
95. Motions for amendment shall be taken in the order in which they affect the terms of the original Motion, and an amendment shall not be allowed in respect of those parts of the original Motion which have already been carried.
96. Except when another Member is speaking, a Member who has not moved or seconded or spoken on a Motion then before the meeting or on a proposed amendment thereto, may move at any time that the meeting proceed to the next business and such Motion shall not be amended but shall be immediately put to the vote without speech or discussion. If carried the matter then before the meeting shall be disposed of for that meeting, and the meeting shall proceed to the next business. If not carried, the meeting shall deal with the original Motion provided that a Member as aforesaid may again move a similar Motion. The business so shelved may be brought up again at another meeting on due notice being given in accordance with the Rules.

97. If a Member who is entitled to attend and vote at a General Meeting of Members or at a meeting of a Management Committee or Sub-Committee is denied admittance to such meeting, or if during such meeting he is removed or compelled to leave the meeting other than for good and sufficient reason as provided by the Rules, all business conducted thereat shall be void and of no force or effect as though such meeting had not been held.

#### Alteration of Objects and Rules

98. A resolution of the Club is a Special Resolution if it is passed by a majority which comprises not less than three-fourths (3/4ths) of such Members present in person as, being entitled under these Rules so to do, vote at a General Meeting of which not less than ten (10) days written notice specifying the intention to propose the resolution as a Special Resolution is given in accordance with these Rules.

99.

- (a) Subject to the provisions of the Associations Incorporation Act 1981, these Rules may be amended, rescinded or added to from time to time by a special resolution carried at any General Meeting.
- (b) However, no such amendment, rescission or addition shall be valid unless the same shall have been previously submitted to and approved by the Chief Executive of the Department administering the Act.

## PART V - MISCELLANEOUS

### Insurance

100. The Club shall effect and maintain insurance as the Management Committee from time to time shall determine.

### Funds and Accounts

101.

- (a) The funds of the Club must be kept in the name of the Club in a financial institution decided by the Management Committee.
- (b) Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the Club and the particulars usually shown in books of a like nature.
- (c) All moneys shall be deposited as soon as practicable after receipt thereof.
- (d) All amounts of \$300 or over shall be paid by signed cheque or electronic banking by any two (2) of the President, Secretary, Treasurer or other Member authorised from time to time by the Management Committee.
- (e) Cheques shall be crossed "not negotiable" except those in payment of wages, allowances or petty cash recoupments which may be open.
- (f) The Management Committee shall determine the amount of petty cash which shall be kept on the imprest system.
- (g) All expenditure shall be approved or ratified at a Management Committee meeting.
- (h) As soon as practicable after the end of each financial year the Treasurer shall cause to be prepared a statement containing the particulars of –
  - (i) The income and expenditure for the financial year just ended; and
  - (ii) The assets and liabilities and of all mortgages, charges and securities affecting the property of the association at the close of that year.
- (i) All such statements shall be examined by the auditor who shall present a report upon such audit to the Secretary prior to the holding of the Annual General Meeting next following the financial year in respect of which such audit was made.

- (j) The income and property of the Club whencesoever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the Members of the Club provided that nothing herein contained shall prevent the payment in good faith of interest to any such Member in respect of moneys advanced by the Member of the Club or otherwise owing by the Club to the Member or remuneration to any officers or servants of the Club or to any Member of the Club or other person in return for any services actually rendered to the Club provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any Member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Club or reasonable and proper rent for premises demised or let to the Club.

#### Common Seal

102.

- (a) The Common Seal of the Club shall be kept in the custody of the Secretary.
- (b) The Common Seal shall not be affixed to any instrument except by the authority of the Management Committee and the affixing of the Common Seal shall be attested by the signatures of any two Members of the Management Committee.

#### Financial Year

103. The Financial Year of the Club shall commence on the **1st day of April** in each year, and terminate on the **31st day of March** in the following year.

#### Publicity Officer

104. The Members may appoint a Publicity Officer who shall adopt the editorial policy of the Club and his duties shall be determined by the Members in General Meeting.

#### Audit and Auditor

105.

- (a) The Members at the Annual General Meeting shall appoint each year a duly qualified Auditor to be the Auditor of the Club and a person so appointed shall hold that Office until the next Annual General Meeting. A casual vacancy occurring in the position of Auditor shall be filled by the Management Committee.
- (b) Notice of the nomination of any person other than a retiring Auditor for appointment as Auditor shall be given to the Members not less than ten (10) days before the Annual General Meeting at which the appointment of Auditor is to be made.
- (c) A person shall not be appointed to act as Auditor of the Club:
- (i) if he is not an eligible Auditor as defined by the Incorporation Act 1991; or
  - (ii) if he is an Office Bearer or a Member of the Management Committee or an employee of the Club.

#### Patron

106. The Members at the Annual General Meeting may elect until otherwise determined by them not more than four (4) persons to be patrons of the Club who shall hold that office until the close of the next succeeding Annual General Meeting. A Patron shall be entitled to attend a General Meeting of the Club and by invitation of the President to address the Members thereat, but unless he is a Member he shall not be entitled to enter into debate on any matter before the meeting or to vote thereat.

#### Club Journal

107. The Members in General Meeting by a resolution passed by a simple majority of those voting in person thereat may authorise the publication of a Club Journal under such name and subject to such terms and conditions and containing such subject matter as the Members may determine as aforesaid from time to time to promote the aims and objects of the Club.

#### Shows/Competitions and Games

108. The Club may conduct shows/competitions and games from time to time (either alone or in conjunction with any other Club or body).

#### Documents

109. The Management Committee shall provide for the safe custody of books, documents, instruments of title and securities of the Club.

#### Inspection of Books

110. The records, books and other documents of the Club shall be open to inspection, free of charge, by a Member of the Club at any reasonable hour. Applications must be made in writing stating valid reason for such request which will be subject to the approval of the Management Committee.

#### Service of Notices

111.

- (a) Except as otherwise provided by these Rules, a notice may be served by or on behalf of the Club upon any Member either personally or by sending it by post to the Member at the Member's address shown in the Register of Members.
- (b) Except as otherwise provided by these Rules where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these Rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

#### By-Laws

112. The Management Committee may from time to time make, amend or repeal By-laws, not inconsistent with these Rules, for the internal management of the Club and any Bylaw may be set aside by a General Meeting of Members.

#### Surplus Property

113. If the Club shall be wound up in accordance with the provisions of the Associations Incorporation Act 1981, and there remains, after satisfaction of all its debts and liabilities, any

property whatsoever, the same shall not be paid to or distributed among the Members of the Club, but shall be given or transferred to some other institution or institutions having objects similar to the objects of the Club, and which shall prohibit the distribution of its or their income and property among its or their Members to an extent at least as great as is imposed on the Club under or by virtue of Rule 101(j), such institution or institutions to be determined by the Life Members of the Club and which is approved by the Commissioner of Taxation as a fund, authority or institution referred to in section 23 of the Income Tax Assessment Act, 1936 (as amended).

### Amendments

24/11/2002 – Motion passed at AGM to amend rule 113 to allow institutions to be determined by the Life Members of the Club...

12/02/2019 – Motion passed at Special Meeting to:

- Amend rule 71 to change quorum number from 20 to 12 members.
- Amend rule 101(d) to allow electronic banking as a form of payment.
- Amend rule 103 to change the financial year from April through to March in the following year.