



# **TUGGERANONG SOUTHERN CROSS BASKETBALL CLUB Inc.**

ABN: 60579103563  
P.O. Box 1693, Tuggeranong, ACT 2900

# **CONSTITUTION**

## **Comprising of:**

- Club Details
- Club Objects
- Club Rules

## **CLUB DETAILS**

1. The name of the Club shall be:  
Tuggeranong Southern Cross Basketball Club Inc.
2. The postal address of the club shall be:  
PO Box 1693  
Tuggeranong ACT 2900

## **CLUB OBJECTS**

1. To promote, encourage and foster the sport of basketball
2. To make and maintain provision for the Club's members to indulge in the sport of basketball under suitable regulations
3. To acquire by purchase, lease or otherwise any real or personal property of any description and any estate or interest in any such property and any rights over or connected with such property and to build or otherwise provide connection between any buildings or conveniences which may be necessary or convenient for the purposes of the Club and to furnish, alter, enlarge, repair and maintain and Club Houses, Club Rooms, buildings and conveniences, and to permit the same to be used by Club members and others either gratuitously or for payment.
4. The construction, maintenance and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Club
5. In addition to the object outlined in paragraph 1, to promote and hold meetings, competitions and matches for the players of basketball, either alone or jointly with any other companies, associations, clubs or persons, whether incorporated or not, and to offer, give or contribute towards prizes, medals and awards and to promote or support entertainment to better ensure healthy recreation, social interaction and good fellowship in such manner and to such extent as may be deemed expedient.
6. To enter into any arrangements for union, interest, co-operation, reciprocal concession or other arrangements with any companies, associations, clubs or persons, whether incorporated or not, carrying on or engaged in any business or transaction capable of being conducted so as to directly or indirectly benefit the Club, or objects similar, or in part similar, to the objects of the Club.
7. To apply for and obtain and Act, Ordinance or sanction of Government to enable the Club to carry out or change its objects.
8. To do any other lawful things incidental or conducive to the attainment of the Club objects or necessary for the progress, development or welfare of the Club.

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## PART I – PRELIMINARY

### 1. Interpretation

(1) In these rules, unless a contrary intention appears:

“Club Year” means the year ending 30th June

“Financial Year” means the year ending 30th June

“Member” means a member, however described, of the Club

“Ordinary Committee Member” means a member of the committee who is not an office-bearer of the Club as referred to in paragraph 12(1)(a)

“The Basketball Club” means Tuggeranong Southern Cross Basketball Club Incorporated

“The Club” means Tuggeranong Southern Cross Basketball Club Incorporated

“Year” means the year ending 30th June

(2) In these rules

(a) A reference to a function includes a reference to a power, authority and duty; and

(b) A reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty

(3) The provisions of the Associations Incorporation Act 1991 (herein after referred to as 'the Act') apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

(4) In these rules expressions referring to writing shall, unless the contrary intention appears, be construed as any method of representing and reproducing words in a visible form.

(5) In these rules, unless a contrary intention appears, words importing the singular number include the plural number and vice-versa

## **PART II – MEMBERSHIP**

### **2. Membership Qualifications**

- (1) The Club membership shall consist of
  - (a) Life members, being persons who have rendered meritorious service to the Club or the sport of basketball. Life members are elected on account of such service at an Annual General Meeting of the Club, upon the recommendation of the retiring Committee. Life members have the full privileges of the Club and are exempted from paying the annual membership fee;
  - (b) Registered Senior Playing Members, being persons playing basketball for the Club;
  - (c) Parental members, being persons who are the parents or guardians of persons under 18 years of age who are playing basketball for the Club;
  - (d) Past/Continuing members, being persons who have during the previous 5 years been members of the Club; and
  - (e) Elected members, being not playing basketball for the Club, who have been elected or appointed to a position within the Club.
- (2) A person is qualified to be a member of the Club if
  - (a) The person is 18 years of age or older
  - (b) The person has been nominated for membership in accordance with sub rule 3(1) and
  - (c) The person has been approved for membership of the Club by the Committee of the Club

### **3. Nomination for Membership**

- (1) A nomination of a person for membership of the Club
  - (a) shall be made in writing signed by the applicant;
  - (b) shall be in the form prescribed by the Committee from time to time;
  - (c) shall be lodged with the Secretary; and
  - (d) shall be accompanied by the entrance fee and the first year's annual membership fee.
- (2) Every nomination for membership of the Club shall be placed before the Committee as soon as practicable and, unless a majority of the Committee present at the meeting at which the nomination is considered vote to approve the nomination, the nomination shall be rejected.
- (3) Any amounts accompanying a nomination which is rejected shall be refunded.
- (4) Where the Committee determines to approve a nomination for membership, the Secretary shall as soon as practicable after that determination notify the nominee of that approval and enter the nominee's name and postal address in the Register of Club Members, whereupon the nominee becomes a member of the Club.
- (5) The Club shall keep all nominations for membership, annotated to show their approval or rejection, for a period of not less than 2 years.

#### **4. Membership entitlements not transferable**

- (1) A right, privilege or obligation that a person has by reason of being a member of the Club
  - (a) is not capable of being transferred or transmitted to another person;
  - (b) is terminated upon cessation of the person's membership; and
  - (c) does not exist during a suspension of the person's membership.
- (2) Notwithstanding paragraph 4(1)(c), any financial member of the Club may always vote at a General Meeting of the Club.

#### **5. Cessation of Membership**

- (1) A person ceases to be a member of the Club if the person
  - (a) dies or, in the case of a body corporate, is wound up;
  - (b) resigns from membership of the club;
  - (c) is expelled from the Club; or
  - (d) fails to renew membership of the Club
- (2) The Committee may, at its discretion, restore the membership of a former member who failed to renew membership of the Club, upon payment of the arrears, whereupon the former member shall regain all previous rights of membership of the Club.

#### **6. Resignation of Membership**

- (1) A member of the Club is not allowed to resign their membership except in accordance with this rule.
- (2) A member who has paid all amounts payable by the member to the Club may resign from membership of the Club by notifying the Secretary in writing of their intention to resign.
- (3) The Committee may from time to time specify a minimum period of notice required on resignations of membership.
- (4) Upon the expiration of the notice period on a resignation of membership, the member ceases to be a member.
- (5) As soon as practicable after the expiration of the notice period on a resignation of membership, the Secretary shall make an appropriate entry on the Register of Club Members recording the date on which the member ceased to be a member.
- (6) A member may withdraw their resignation of membership at any time before the expiration of the notice period given on the resignation of membership, by notifying the Secretary in writing.

#### **7. Fees, subscriptions etc**

- (1) The entrance fee to the Club shall be determined by the Club in General Meeting from time to time.
- (2) The annual membership fee of the Club shall be determined by the Club in General Meeting from time to time.
- (3) The annual membership fee is payable

- (a) except as provided by paragraph (b), before 1 July in any calendar year; or
- (b) where a person becomes a member on or after 1 July in any calendar year, before 1 July in each succeeding calendar year.

## **8. Members' liabilities**

The liability of a member to contribute towards the payment of debts and liabilities of the Club or the costs, charges and expenses of winding up the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club as required by Rule 7.

## **9. Disciplining of members**

- (1) Where the Committee is of the opinion that a member
  - (a) has refused or neglected to comply with a provision of these rules or
  - (b) has acted in a manner prejudicial to the interests of the Club

The Committee may, by resolution

- (c) expel the member from the Club; or
  - (d) suspend the member from such rights and privileges of membership of the Club as the Committee may determine for a specified period.
- (2) A resolution of the Committee under sub rule 9(1) is of no effect unless the Committee confirms the resolution at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under sub rule 9(3).
- (3) Where the Committee passes a resolution under sub rule 9(1), the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member.
  - (a) setting out the Committee's resolution and the grounds on which it is based; stating that the member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
  - (b) stating the date, place and time of that meeting; and
  - (c) informing the member that the member may do any or all of the following;
    - (i) attend and speak at that meeting;
    - (ii) arrange for up to three other people to attend and speak at that meeting (these people need not be Club members);
    - (iii) submit to the Committee at or prior to the meeting written representations relating to the resolution.
- (4) Subject to section 50 of the Act, at a meeting of the Committee mentioned in sub rule 9(3), the Committee shall
  - (a) give to the member named in the resolution and any other people attending under subparagraph 9(3)(c)(ii) an opportunity to make oral representations;
  - (b) give due consideration to any written representations submitted at or before the meeting under subparagraph 9(3)(c)(iii); and



- (c) by resolution determine whether to confirm or reject the resolution of the Committee made under sub rule 9(1).
- (5) The Committee may confirm a resolution under sub rule 9(4), but reduce the severity of the punishment.
- (6) Where the Committee confirms a resolution under subrule 9(4), the Secretary shall, within 7 days after that confirmation, cause a notice in writing to be served on the member informing the member of that confirmation and of the members right of appeal under rule 10.
- (7) A resolution confirmed by the Committee under sub rule 9(4) 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 the member exercises the right of appeal, unless and until the Club confirms the resolution in accordance with sub rule 10(3).

#### **10. Right of appeal of a disciplined member**

- (1) A member may call a general meeting under sub rule 23(2) to appeal against a resolution of the Committee which is confirmed under sub rule 9(4), within 7 days after notice of the resolution is served on the member.
- (2) Subject to Section 50 of the Act. at a general meeting of the Club convened under sub rule 10(1)
  - (a) Subject to Section 50 of the Act. at a general meeting of the Club convened under sub rule 10(1)
  - (b) the Committee and the member shall be given the opportunity to make representations in relation to the appeal orally and/or in writing; and
  - (c) the members present shall vote by secret ballot on the question of confirming or rejecting the resolution confirmed by the Committee under sub rule 9(4).
- (3) If the meeting votes to confirm the resolution confirmed by the Committee under sub rule 9(4), that resolution is confirmed.

## **PART III – THE COMMITTEE**

### **11. Powers of the Committee**

The Committee, subject to the Act, the Regulations, these rules and any resolution passed by the Club in General Meeting

- (a) shall control and manage the affairs of the Club;
- (b) may exercise all such functions as may be exercised by the Club other than those functions that are required by these rules to be exercised by the Club in General Meeting; and
- (c) has the power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Club.

### **12. Constitution and Membership**

- (1) The Committee shall consist of
  - (a) the office-bearers of the Club; and
  - (b) at least 3 ordinary members of the Club; each of whom shall be elected pursuant to rule 13 or appointed in accordance with subrule 12(4).
- (2) The office-bearers of the Club shall be
  - (a) the President
  - (b) the Vice-President
  - (c) the Secretary; and
  - (d) the Treasurer
- (3) Each member of the Committee shall, subject to these rules, hold office until the conclusion of the Annual General Meeting following the date of the member's election (or appointment to fill a vacancy), but is eligible for re-election.
- (4) In the event of a vacancy in the membership of the Committee, the Committee may appoint a member of the Club to fill the vacancy.

### **13. Election of Committee Members**

- (1) Nomination of candidates for election as office-bearers of the Club or as ordinary Committee members
  - (a) shall be made in writing, signed by 2 members of the Club and accompanied by the written consent of the nominee (which may be endorsed on the nomination form);
  - (b) shall be delivered to the Secretary of the Club not less than 7 days before the date fixed for the Annual General Meeting at which the election is to take place; and
  - (c) notwithstanding nominations made in accordance with paragraph (a) and (b), the Chairperson shall seek nominations or further nominations from those members present at the Annual General Meeting.
- (2) Committee members of other Basketball Clubs cannot accept nomination.

- (3) A person may be nominated for more than one position on the Committee, but may only accept election to one position, whereupon any remaining nominations for that person shall become void.
- (4) The office-bearers shall be elected before the ordinary Committee members.
- (5) If the number of nominations received for a position does not exceed the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (6) If the number of nominations received for a position exceeds the number of vacancies to be filled, a ballot shall be held.
- (7) The form of the ballot shall be
  - (a) by secret ballot controlled by the Chairperson of the meeting;
  - (b) all financial members of the Club eligible to vote;
  - (c) only financial members of the Club eligible to vote; and
  - (d) the Chairperson of the meeting having a deliberative vote which in the event of a tie must be exercised.
- (8) If the number of nominations received for a position is less than the number of vacancies to be filled, any persons nominated shall be deemed to be elected, and further nominations shall be received at the meeting. These further nominations shall contest the remaining vacancies in accordance with sub rules 13(5) and 13(6).
- (9) If the number of further nominations received for a position is less than the number of remaining vacancies, any persons further nominated shall be deemed elected, and the vacancies still remaining shall be deemed vacancies in the membership of the Committee.

#### **14. Secretary**

- (1) The Secretary of the Club shall, as soon as practicable after becoming Secretary, notify the Club of his or her address.
- (2) The Secretary shall keep minutes of
  - (a) all elections and appointments of office-bearers and ordinary Committee members;
  - (b) the names of members of the Committee present at a Committee meeting or a General meeting; and
  - (c) all proceedings at Committee meetings and General meetings.
- (3) Minutes of proceedings at a meeting shall be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

#### **15. Treasurer**

- (1) The Treasurer of the Club, with or without assistance of sub-committees of the club, shall;
  - (a) administer the collection and receipt of all moneys due to the Club;
  - (b) administer all payments made by the Club; and
  - (c) keep correct accounts and books showing the financial affairs of the

- (d) Club with full details of all receipts and expenditure connected with the activities of the Club.

## **16. Vacancies**

For the purposes of these rules, a vacancy in the office of a member of the Committee occurs if the member

- (a) dies;
- (b) ceases to be a member of the club;
- (c) resigns from office;
- (d) is removed from office pursuant to rule 17;
- (e) becomes an insolvent under administration within the meaning of the Corporations Law;
- (f) suffers from mental or physical incapacity;
- (g) is disqualified from office under subsection 63(1) of the Act; or
- (h) is absent without the consent of the Committee members from all meetings of the Committee held during a period of 3 months.

## **17. Removal of Committee Members**

The Club in General Meeting may by resolution, subject to section 50 of the Act, remove any member of the Committee from the office of member of the Committee before the expiration of the member's term of office.

## **18. Committee meetings and quorum**

- (1) The Committee shall meet at least once in each quarter of the year at such place and time as the Committee may determine.
- (2) Additional meetings of the Committee may be convened by any member of the Committee.
- (3) Oral or written notice of a meeting of the Committee shall be given by the Secretary to each member of the Committee at least 72 hours before the time appointed for the holding of the meeting.
- (4) Notice of a Committee meeting given under subrule 18(3) shall specify the nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business that the Committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 3 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee, provided that an office-bearer is in attendance.
- (6) No business shall be transacted by the Committee unless a quorum is present and if within half an hour after the time appointed for the meeting a quorum is not present the meeting stands adjourned to the same place and at the same hour of the day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.

- (8) At meetings of the Committee, the President shall preside if present, failing that the Vice-President shall preside if present, failing that the Secretary shall preside if present, failing that the Treasurer shall preside.

## **19. Delegation by Committee to sub-committee**

- (1) The Committee may, by instruction in writing, delegate to 1 or more sub-committees (consisting of such member or members of the Club as the Committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than
- (a) this power of delegation; and
  - (b) a function which is a function imposed on the Committee by the Act, by any other law of the Territory, or by resolution of the Club in a General Meeting.
- (2) A function, the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this rule may be made subject to such conditions or limitations as to the exercise of the function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Notwithstanding any delegation under this rule, the Committee may continue to exercise the function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if done or suffered by the Committee.
- (6) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A sub-committee may meet and adjourn as it thinks proper.

## **20. Voting and decisions**

- (1) Questions arising at a meeting of the Committee or any sub-committee appointed by the Committee shall be determined by a majority of the votes of members of the Committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the Committee or any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to 1 vote but, in the event of an equality of votes on any question, the person presiding is entitled to exercise a second or deliberative vote.
- (3) Subject to sub rule 18(5), the Committee may act notwithstanding any vacancy on the Committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or any sub-committee appointed by the Committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or sub-committee.

## **PART IV – GENERAL MEETINGS**

### **21. Annual general meetings - holding of**

The Club shall, at least once in each calendar year and within the period of 2 months after the expiration of each financial year, convene an Annual General Meeting of its members.

### **22. Annual general meetings calling of and business at**

- (1) The Annual General Meeting of the Club shall, subject to the Act and to the provisions of rule 21, be convened on such date and at such place as the Committee thinks fit.
- (2) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be
  - (a) to confirm the minutes of the last preceding Annual General Meeting and of any General Meeting held since that meeting;
  - (b) to receive from the Committee reports on the activities of the Club during the last preceding financial year;
  - (c) to elect members of the Committee, including office-bearers; and
  - (d) to receive and consider the statement of accounts and the reports that are required to be submitted to members pursuant to subsection 73(1) of the Act.
- (3) An Annual General Meeting shall be specified as such in the notice convening it in accordance with rule 24.
- (4) An Annual General Meeting shall be conducted in accordance with the provisions of this part.

### **23. General meetings – calling of**

- (1) The Committee may, whenever it thinks fit, convene a General Meeting of the Club.
- (2) The Committee shall, on requisition in writing of at least 20 members of the Club, convene a General meeting of the Club.
- (3) A requisition of members for a General meeting
  - (a) shall state the purpose or purposes of the meeting;
  - (b) shall be signed by the members making the requisition;
  - (c) shall be lodged with the Secretary; and
  - (d) may consist of several documents in a similar form, each signed by or more of the members making the requisition.
- (4) If the Committee fails to convene a General meeting within 1 month after the date on which a requisition of members for the meeting is lodged with the Secretary, any 1 or more of the members who made the requisition may convene a meeting to be held not later than 3 months after that date.
- (5) A General meeting convened by a member or members referred to in sub rule 23(4) shall be convened as nearly as is practicable in the same manner as General meetings are convened by the Committee and any member who thereby

incurs expense is entitled to be reimbursed by the Club for any reasonable expense so incurred.

## **24. Notice**

- (1) Except where the nature of the business proposed to be dealt with at a General meeting requires a special resolution of the Club, the Secretary shall, at least 14 days before the date fixed for the holding of the General meeting, insert an advertisement in a newspaper or newspapers covering the Australian Capital Territory under the classification "Public Notices" specifying the date, place and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) Where the nature of the business proposed to be dealt with at a General meeting requires a special resolution of the Club, the Secretary shall, at least 21 days before the date fixed for the holding of the General meeting, insert an advertisement in a newspaper or newspapers covering the Australian Capital Territory under the classification "Public Notices" specifying the date, place and time of the meeting and the nature of the business proposed to be transacted at the meeting and the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a General meeting shall be transacted at the meeting except, in the case of an Annual General meeting, business which may be transacted pursuant to sub rule 22(2).
- (4) A member desiring to bring any business before a General meeting may give notice in writing of that business to the Secretary who shall include that notice from the member.

## **25. General meetings – procedure and quorum**

- (1) No item of business may be transacted at a General meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) 12 members present in person (being members entitled under these rules to vote) shall constitute a quorum for the transaction of business of a General meeting.
- (3) If within half an hour after the appointed time for the commencement of a General meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall constitute a quorum.

## **26. Presiding member**

- (1) At General meetings of the Club, the President shall preside if present, failing that the Vice-President shall preside if present, failing that the Secretary shall preside if present, failing that the Treasurer shall preside if present.
- (2) If no office-bearers of the Committee are present at a General meeting, the members of the Club shall elect 1 of their number to preside at the meeting.

## **27. Adjournment**

- (1) The person presiding at a General meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a General meeting is adjourned for a period of 14 days or more, the Secretary shall give notice of the adjourned meeting in accordance with rule 24.
- (3) Except as provided in sub rules 27(1) and 27(2), notice of an adjournment of a General meeting or of the business to be transacted at an adjourned General meeting is not required to be given.

## **28. Making decisions**

- (1) A question arising at a General meeting of the Club shall be determined on a show of hands and, unless a ballot is demanded, a declaration by the person presiding that a resolution has, on show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a General meeting of the Club, a ballot may be demanded by the person presiding or by not less than 3 members present at the meeting.
- (3) Where a ballot is demanded at a General meeting, the ballot shall be taken
  - (a) immediately in the case of a ballot which relates to the election of the person to preside at the meeting or to the question of an adjournment; or
  - (b) in any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the ballot on the matter shall be deemed to be the resolution of the meeting on that matter.

## **29. Voting**

- (1) Subject to sub rule 29(2), upon any question arising at a General meeting of the Club a member has 1 vote only.
- (2) In the case of an equality of votes on a question at a General meeting, the person presiding is entitled to exercise a second or deliberative vote.

## **30. Proxies**

Proxy votes are not allowed at General meetings of the Club.



## **PART V – MISCELLANEOUS**

### **31. Funds – source**

- (1) The funds of the Club shall be derived from entrance fees and annual subscriptions of members, playing fees from players, donations and, subject to any resolution passed by the Club in General Meeting and subject to the Act, such other sources as the Committee determines.
- (2) All money received by the Club shall be deposited as soon as practicable and without deduction into a bank account of the Club.
- (3) The Club shall, as soon as practicable after receiving any money, issue an appropriate receipt.

### **32. Funds Management**

- (1) Subject to any resolution passed by the Club in General Meeting, the funds of the Club shall be used in pursuance of the objects of the Club in such a manner as the Committee determines.
- (2) The Club in General Meeting may pass any manner of resolution regarding the issuing of cheques, drafts, bills of exchange, promissory notes and other negotiable instruments, provided such resolution is legal.
- (3) Unless a contrary intention appears in a resolution confirmed under sub rule 32(2), all cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by at least 2 members or employees of the Club, being members or employees of the Club authorised to do so by the Committee.

### **33. Alteration of Objects and Rules**

- (1) Neither the objects of the Club referred to in section 29 of the Act nor these rules shall be altered except in accordance with the Act.
- (2) The special resolutions referred to in subsections 30(l) and 33(1) of the Act as the means of changing the objects of the Club and these rules respectively, must be confirmed by at least sixty five (65) percent of the votes cast.

### **34. Common Seal**

- (1) The Seal of the Club shall be in the form of a stamp inscribed with the name of the Club encircling the word "SEAL", and shall be kept by the President in a safe place.
- (2) The Seal of the Club shall not be affixed to any instrument except by authority of the Committee and in the presence of the President or Vice-President and at least two other members of the Committee.
- (3) When the Seal of the Club is affixed to any instrument, the affixing shall be attested by the signatures of those Committee members present under sub rule 34(2).

**35. Custody of books**

- (1) Subject to the Act, the Regulations and these rules, the Secretary shall keep under his or her control all records, books and other documents relating to the Club.

**36. Inspection of books**

- (1) The records, books and other documents relating to the Club shall be open to inspection at a place in the Australian Capital Territory, free of charge, by a member of the Club at any reasonable hour.

**37. Service of notices**

- (1) For the purposes of these rules, a notice may be served by or on behalf of the Club upon any member at the members postal address shown in the register of members.
- (2) 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.

**38. Dissolution or change of name**

The Club shall not be dissolved, nor its name changed, unless a Special Resolution to that effect is confirmed by at least sixty five (65) percent of the votes cast at a General Meeting of the Club.

**39. Surplus property**

On the dissolution or the completion of the winding up of the Club, any surplus property of the Club shall be vested in ACT Basketball Incorporated.