

CONSUMER AFFAIRS VICTORIA
Associations Incorporation Reform Act 2012

**GREATER SHEPPARTON BASKETBALL ASSOCIATION
INCORPORATED (Reg # A0003803Y)**

Statement of Purposes and Rules

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
PART 1—PRELIMINARY	4
1 Name	4
2 Purposes	4
3 Financial year	5
4 Definitions	5
PART 2—POWERS OF ASSOCIATION	6
5 Powers of Association	6
6 Not for profit organisation	6
PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES	7
Division 1—Membership	7
7 Who is eligible to be a member	7
8 Application for membership	7
9 Consideration of application	7
10 New membership	7
11 Annual subscription and fee on joining	8
12 General rights of members	8
13 Classes of Membership	8
14 Rights not transferable	9
15 Ceasing membership	9
16 Resigning as a member	9
17 Register of members	10
Division 2—Disciplinary action	10
18 Grounds for taking disciplinary action	10
19 Disciplinary subcommittee	10
20 Notice to member	10
21 Decision of disciplinary subcommittee	11
22 Appeal rights	11
23 Conduct of disciplinary appeal meeting	11
Division 3—Grievance procedure	12
24 Application	12
25 Parties must attempt to resolve the dispute	12
26 Appointment of mediator	12
27 Mediation process	12

28 Failure to resolve dispute by mediation	13
--	----

PART 4—GENERAL MEETINGS OF THE ASSOCIATION13

29 Annual general meetings	13
30 Special general meetings	13
31 Special general meeting held at request of members	13
32 Notice of general meetings	14
33 Proxies	14
34 Use of technology	15
35 Quorum at special general meetings	15
36 Adjournment of general meeting	15
37 Voting at general meeting	15
38 Special resolutions	16
39 Determining whether resolution carried	16
40 Minutes of general meeting	16

PART 5—COMMITTEE 17

Division 1—Powers of Committee 17

41 Role and powers	17
42 Delegation	17

Division 2—Composition of Committee and duties of members17

43 Composition of Committee	17
44 General Duties	18
45 President and Vice-President	18
46 Secretary	18
47 Treasurer	19

Division 3—Election of Committee members and tenure of office19

48 Who is eligible to be a Committee member	19
49 Positions to be declared vacant	19
50 Nominations	19
51 Election of President etc.	20
52 Election of ordinary members	20
53 Ballot	20
54 Term of office [Refer to "NOTE"]	21
55 Vacation of office	21
56 Filling casual vacancies	22

Division 4—Meetings of Committee 22

57 Meetings of Committee	22
58 Notice of meetings	22
59 Urgent meetings	22
60 Procedure and order of business	22
61 Use of technology	23
62 Quorum at a Committee meetings	23
63 Voting	23
64 Conflict of interest	23
65 Minutes of meeting	24
66 Leave of absence	24

PART 6—FINANCIAL MATTERS 24

67 Source of funds	24
68 Management of funds	24
69 Financial records	24
70 Financial statements	25

Draft #6 SoFP&Rs Nov 2020

PART 7—GENERAL MATTERS	25
71 Common seal	25
72 Registered address	25
73 Notice requirements	25
74 Custody and inspection of books and records	26
75 Liquor Control Act	26
76 Right of entry	27
77 Winding up and cancellation	27
78 Unforeseen matters	27
79 Alteration of Rules	27
Appendix 1 : "Application for Membership" form	28
Appendix 2 : "Voting Proxy" form	29
Appendix 3 : "Committee of Management" nomination	30

Draft #6 SofP&Rs Nov 2020

Greater Shepparton Basketball Association Incorporated

(Reg Number A0003803Y)

Statement of Purpose and Rules

Note

The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the Associations Incorporation Reform Act 2012, these Rules are taken to constitute the terms of a contract between the Association and its members.

PART 1—PRELIMINARY

1 Name

The name of the incorporated association is "Greater Shepparton Basketball Association Incorporated (Reg Number A0003803Y)" [diminutive "GSBA Inc."].

Note

Under section 23 of the Act, the name of the association and its registration number must appear on all its business documents.

2 Purposes

The purposes of the Association effective from the date upon which it became incorporated pursuant to the Associations Act 1981 are as follows:

- (a) To encourage, promote and control the game of basketball in the Greater Shepparton region.
- (b) To build and maintain basketball stadiums and clubrooms in the Greater Shepparton region.
- (c) To raise funds to promote the game of basketball.
- (d) To promote, assist in promoting and secure the holding of meetings, conventions, conferences, raffles, appeals and competitions to promote the game of basketball.
- (e) To propose, support or oppose any law, by-law or any other measure which may or might effect the promotion or holding of any meetings, conventions, conferences, raffles, appeals and competitions to promote the game of basketball.
- (f) To print and publish or secure the printing and publication of any books, brochures, leaflets, newspapers, periodicals or other matter that the Association may think desirable for the promotion of any of the objects of the Association.
- (g) To choose and manage teams of basketball players to represent the Association.
- (h) To settle all questions or disputes on any matter relating to basketball that may be submitted to the Association for its adjudication and determination.
- (i) To apply for, obtain, renew, or surrender a restricted club permit, a club licence and any permit or authority ancillary thereto in accordance with the provisions of the Liquor Control Act 1968 (Victoria).
- (j) To apply for, obtain, renew, or surrender a venue operators licence and any permit or authority ancillary thereto in accordance with the provisions of the Gaming Machine Control Act 1991 (Victoria).
- (k) To apply for, obtain, renew, surrender registration of any trademark which is registrable under the Trade Marks Act 1955 (Australia) and which relates to the name of the Association or to any name suitable for use as a team name and which is associated with basketball and/or within the Greater Shepparton region.
- (l) To licence any other incorporated or unincorporated Association to use any such trademark on such terms as the Association deems fit.
- (m) Solely for the purpose of carrying out the aforesaid objects to do any of the following:

- (i) to purchase, lease hire or otherwise acquire any real or personal property which may be deemed necessary or convenient for any of the purposes of the Association;
- (ii) to construct, maintain and alter any buildings, houses or other works necessary or convenient for the purposes of the Association;
- (iii) to take any gift or property, whether subject to any special trust or not for any of the objects of the Association;
- (iv) to take such steps by personal or written appeals, public meetings or otherwise as may from time to time be expedient for the purpose of procuring contributions to the funds of the Association by way of donations, annual subscriptions or otherwise;
- (v) to permit any basketball courts and rooms of the Association to be used by any other sporting Associations, youth bodies, schools or the like at the discretion of the Association provided that such use shall be subject to the training rights of the clubs playing basketball competitions controlled by the Association;
- (vi) to sell, lease, mortgage, dispose of, hire out or otherwise deal with all or any of the property of the Association;
- (vii) to borrow and raise money in such a manner as the Association may think fit;
- (viii) to undertake and execute any trust or any agency business which may seem directly or indirectly conducive to any of the objects of the Association;
- (ix) to subscribe to local or other charities and to grant donations for any public purpose;
- (x) to establish and support, and to aid in the establishment and support, of any other Association formed for objects similar to those of the Association and the constitution of which prohibits the distribution of its income and property among its members to an extent at least as great as is imposed on the Association by its Rules and/or by the Associations Incorporations Act 1981 (Victoria);
- (xi) to do anything authorized by the said Incorporated Associations Reform 2012 Act and which is not in conflict with these purposes;
- (xii) to do all such other lawful things as are incidental or conducive to the attainment of the objects of the Association.

3 Financial year

The financial year of the Association is each period of 12 months ending on 30th September.

4 Definitions

In these Rules—

absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46;

Committee means the Committee of Management having management of the business of the Association;

committee meeting means a meeting of the Committee of Management held in accordance with these Rules;

committee member means a member of the Committee of Management elected or appointed under Division 3 of Part 5;

disciplinary appeal meeting means a meeting of the members of the Association convened under rule 23;

disciplinary meeting means a meeting of the Committee convened for the purposes of Division 2 of Part 3;

disciplinary subcommittee means the subcommittee appointed under rule Division 2 of Part 3;

financial year means the 12 month period specified in rule 3;

general meeting means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

junior member means a member referred to in rule 13(2);

member means a member of the Association;

member entitled to vote means a member who under rule 12(2) is entitled to vote at a general meeting;

membership year means that year ending on 30th September in each year under rule 11(1)(b).

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

the Act means the Associations Incorporation Reform Act 2012 and includes any regulations made under that Act;

the Registrar means the Registrar of Incorporated Associations.

PART 2—POWERS OF ASSOCIATION

5 Powers of Association

(1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.

(2) Without limiting sub-rule (1), the Association may—

(a) acquire, hold and dispose of real or personal property;

(b) open and operate accounts with financial institutions;

(c) invest its money in any security in which trust monies may lawfully be invested;

(d) raise and borrow money on any terms and in any manner as it thinks fit;

(e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;

(f) appoint agents to transact business on its behalf;

(g) enter into any other contract it considers necessary or desirable.

(3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for profit organisation

(1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.

(2) sub-rule (1) does not prevent the Association from paying a member—

(a) reimbursement for expenses properly incurred by the member; or

(b) for goods or services provided by the member—

if this is done in good faith on terms no more favourable than if the member was not a member.

Note

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

7 Who is eligible to be a member

Any person who supports the purposes of the Association is eligible for membership.

8 Application for membership

(1) To apply to become a member of the Association, a person must submit the approved “Application for Membership” (Appendix 1) to the Committee stating that the person—

- (a) wishes to become a member of the Association;
- (b) supports the Statement of Purposes and Rules of the Association as posted on the GSBA Inc website; and
- (c) agrees to comply with these Rules at all times;
- (d) will comply at all times with the Social Media Policy published on the GSBA Inc website; and
- (e) understands that failure to comply with any of these Rules and policies will lead to disciplinary action including immediate termination of membership and that serious breaches may result in legal proceedings or referral to appropriate authorities.

(2) The application—

- (a) must be signed by the applicant; and
- (b) must be accompanied by the joining fee.

Note

The joining fee is the fee (if any) determined by the Association under rule 11.

9 Consideration of application

- (1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
- (2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
- (3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.
- (4) No reason need be given for the rejection of an application.

10 New membership

- (1) If an application for membership is approved by the Committee—
 - (a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and
 - (b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (2) A person becomes a member of the Association and, subject to rule 12(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—
 - (a) the Committee approves the person's membership; or
 - (b) the person pays the joining fee.

11 Annual subscription and fee on joining

- (1) At each annual general meeting, the Association must determine—

- (a) the amount of the annual subscription (if any) for the current financial year; and
- (b) the due date for payment of the annual subscription shall be 30th September in each year.
- (2) The Association may determine that a lower annual subscription is payable by junior members.
- (3) The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—
 - (a) the full annual subscription; or
 - (b) a pro rata annual subscription based on the remaining part of the financial year; or
 - (c) a fixed amount determined from time to time by the Association.
- (4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

12 General rights of members

- (1) A member of the Association who is entitled to vote has the right—
 - (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
 - (b) to submit items of business for consideration at a general meeting; and
 - (c) to attend and be heard at general meetings; and
 - (d) to vote at a general meeting; and
 - (e) to inspect the minutes of general meetings and other documents of the Association as provided under rule 74; and
 - (f) to inspect the register of members.
- (2) A member is entitled to vote if—
 - (a) the member is a member other than a junior member or an honorary member; and
 - (b) more than 10 business days have passed since he or she was notified by the Secretary in writing under Rule 9(2) that he or she has been approved as a member of the Association; and
 - (c) the member's membership rights are not suspended for any reason.

13 Classes of Membership

- (1) An **ordinary member** of the Association is –
 - (a) a natural person who is approved for membership as provided for in these Rules; and
 - (b) shall be entitled to vote at or propose motions to a general meeting of the Association, or to be a member of the Committee, or to propose any other person as a member of the Association.
 - (c) An ordinary member may have other rights as determined by the Committee or by resolution at a general meeting
- (2) A **junior member** of the Association is -
 - (a) any member under the age of 18 years; and
 - (b) shall not be entitled to vote at or propose motions to a general meeting of the Association, or to be a member of the Committee, or to propose any other person as a member of the Association
 - (c) A junior member may have other rights as determined by the Committee or by resolution at a general meeting.
- (3) An **honorary life member** is any person elected at an annual general meeting by a 75% majority of eligible votes attending provided that written notice of nomination for such an election is given to the Secretary not less than seven (7) days prior to the meeting who :
 - (a) has given outstanding service to the Association over a lengthy period of service; or

- (b) has given such singular and outstanding service to the Association that election to honorary life membership is considered by the Association to be appropriate notwithstanding that such service has not continued over a lengthy period of service.
- (c) An honorary life member shall not be required to pay any membership fee, annual subscription, admission fee or levy.
- (d) An honorary life member shall be entitled to vote at or propose motions to a general meeting of the Association, or to be a member of the Committee, or to propose any other person as a member of the Association.
- (e) The cancellation of honorary life membership should only be undertaken for the most dire of circumstances, supported by not less than a 75% affirmative vote of all existing honorary life members, and then approved by resolution of 75% majority of eligible voters at an Annual General Meeting of the Association.
- (4) An **honorary member** may be :
- (a) elected by the Committee for a period not exceeding two (2) years who may in the opinion of the Committee give outstanding service to the Association or towards the carrying out of the purposes of the Association during the period of honorary membership; or
- (c) could be a representative team coach, representative team manager, a volunteer of the Committee, or any other person that the Committee nominates.
- (d) An honorary member shall not be required to pay any membership fee, annual subscription, admission fee or levy.
- (e) An honorary member shall not be entitled to vote at or propose motions to a general meeting of the Association, or to be a member of the Committee, or to propose any other person as a member of the Association.

14 Rights not transferable

A right, privilege or obligation of a member is not transferable and ends when membership ceases.

15 Ceasing membership

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

16 Resigning as a member

- (1) A member may resign by notice in writing given to the Association.

Note

Rule 73(3) sets out how notice may be given to the association. It includes by post or by handing the notice to a member of the committee.

- (2) A member is taken to have resigned if—
- (a) the member's annual subscription is more than 12 months in arrears; or
- (b) where no annual subscription is payable—
- (i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
- (ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

17 Register of Members

- (1) The Secretary must keep and maintain a Register of Members that includes—
- (a) for each current member—
- (i) the member's name;

- (ii) the address for notice last given by the member;
 - (iii) the date of becoming a member;
 - (iv) if the member is a junior member, a note to that effect;
 - (v) any other information determined by the Committee; and
- (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

Note

A member inspecting the register of members may not copy in any manner nor use any information gained nor make any direct or indirect contact with any member(s) following an inspection of the register of members that would compromise the privacy of the member(s).

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances.

Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

Division 2—Disciplinary action

18 Grounds for taking disciplinary action

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member—

- (a) has failed to comply with these Rules; or
 - (b) refuses to support the purposes of the Association; or
 - (c) has engaged in conduct prejudicial to the Association.
- (d)

19 Disciplinary subcommittee

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
- (a) may be Committee members, members of the Association or anyone else; but
 - (b) must not be biased against, or in favour of, the member concerned.

20 Notice to member

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
- (a) stating that the Association proposes to take disciplinary action against the member; and
 - (b) stating the grounds for the proposed disciplinary action; and
 - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
 - (d) advising the member that he or she may do one or both of the following—
 - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - (e) setting out the member's appeal rights under rule 22.

(2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

21 Decision of Disciplinary subcommittee

(1) At the disciplinary meeting, the disciplinary subcommittee must—

- (a) give the member an opportunity to be heard; and
- (b) consider any written statement submitted by the member.

(2) After complying with sub-rule (1), the disciplinary subcommittee may—

- (a) take no further action against the member; or
- (b) subject to sub-rule (3)—
 - (i) reprimand the member; or
 - (ii) suspend the membership rights of the member for a specified period; or
 - (iii) expel the member from the Association; however if the member has previously been awarded Honorary Life Membership, then it must be dealt with under subrule13(3)(e).

(3) The disciplinary subcommittee may not fine the member.

(4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

22 Appeal rights

(1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 21 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.

(2) The notice must be in writing and given—

- (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
- (b) to the Secretary not later than 48 hours after the vote.

(3) If a person has given notice under sub-rule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.

(4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must—

- (a) specify the date, time and place of the meeting; and
- (b) state—
 - (i) the name of the person against whom the disciplinary action has been taken; and
 - (ii) the grounds for taking that action; and
 - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

23 Conduct of disciplinary appeal meeting

(1) At a disciplinary appeal meeting—

- (a) no business other than the question of the appeal may be conducted; and
- (b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
- (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

- (2) After complying with sub-rule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is revoked if not less than three quarters of the members voting at the meeting vote to revoke the decision.

Division 3—Grievance procedure

24 Application

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
 - (a) a member and another member;
 - (b) a member and the Committee;
 - (c) a member and the Association.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

25 Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

26 Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 25, the parties must within 10 days—
 - (a) notify the Committee of the dispute; and
 - (b) agree to or request the appointment of a mediator; and
 - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement—
 - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
 - (ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who—
 - (a) has a personal interest in the dispute; or
 - (b) is biased in favour of or against any party.

27 Mediation process

- (1) The mediator to the dispute, in conducting the mediation, must—
 - (a) give each party every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

28 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 4—GENERAL MEETINGS OF THE ASSOCIATION

29 Annual general meetings

- (1) The Committee must convene an annual general meeting of the Association to be held within five (5) months after the end of each financial year [*ie no later than 28th February the following year*]
- (2) The Committee may determine the date, time and place of the annual general meeting.
- (3) The ordinary business of the annual general meeting is as follows—
 - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
 - (b) to receive —
 - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
 - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
 - (c) to elect the members of the Committee;
 - (d) to confirm or vary the amounts (if any) of the annual subscription and joining fee;
 - (e) to appoint an accounting company to audit the Association's finances.
- (4) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules and has been received by the Secretary more than seven (7) days prior to the annual general meeting.

30 Special general meetings

- (1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 32 may be conducted at the meeting.

Note

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 32 and the majority of members at the meeting agree.

31 Special general meeting held at request of members

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with sub-rule (2) by at least 10% of the total number of members eligible to vote at any meeting.
- (2) A request for a special general meeting must—
 - (a) be in writing; and
 - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
 - (c) include the names and signatures of the members requesting the meeting; and
 - (d) be given to the Secretary.

(3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.

(4) A special general meeting convened by members under sub-rule (3)—

(a) must be held within 3 months after the date on which the original request was made; and

(b) may only consider the business stated in that request.

(5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under sub-rule (3).

32 Notice of general meetings

(1) The Secretary (or, in the case of a special general meeting convened under rule 31(3), the members convening the meeting) must give to each member of the Association—

(a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or

(b) at least 14 days' notice of a general meeting in any other case.

(2) The notice must—

(a) specify the date, time and place of the meeting; and

(b) indicate the general nature of each item of business to be considered at the meeting; and

(c) if a special resolution is to be proposed—

(i) state in full the proposed resolution; and

(ii) state the intention to propose the resolution as a special resolution; and

(d) comply with rule 33(5).

(3) This rule does not apply to a disciplinary appeal meeting.

Note

Rule 21(4) sets out the requirements for notice of a disciplinary appeal meeting.

33 Proxies

(1) A member may appoint another member who is entitled to vote as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.

(2) The appointment of a proxy must be in writing and signed by the member making the appointment.

(3) The member appointing the proxy should give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.

(4) If the Committee has not approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.

(5) Notice of a general meeting given to a member under rule 31 must—

(a) state that the member may appoint another member as a proxy for the meeting; and

(b) include a copy of any form that the Committee has approved for the appointment of a proxy.

(6) A form appointing a proxy must be given to the Secretary no later than twenty four (24) before the commencement of the meeting to allow for validation of such a proxy.

(7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association no later than twenty four (24) hours before the commencement of the meeting.

34 Use of technology

(1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a member participating in a general meeting as permitted under sub-rule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

35 Quorum at special general meetings

(1) No business may be conducted at a general meeting unless a quorum of members is present.

(2) The quorum for a special general meeting is the presence (physically, by proxy or as allowed under rule 34) of 10% of the members entitled to vote.

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

(a) in the case of a meeting convened by, or at the request of, members under rule 32—the meeting must be dissolved;

Note

If a meeting convened by, or at the request of, members is dissolved under this sub-rule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 31.

(b) in any other case—

(i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and

(ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

(4) If a quorum is not present within 30 minutes after the time to which a special general meeting has been adjourned under sub-rule (3)(b), the members present at the meeting (if not fewer than 10) may proceed with the business of the meeting as if a quorum were present.

36 Adjournment of general meeting

(1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.

(2) Without limiting sub-rule (1), a meeting may be adjourned—

(a) if there is insufficient time to deal with the business at hand; or

(b) to give the members more time to consider an item of business.

Example

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

(3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

(4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 32.

37 Voting at general meeting

(1) On any question arising at a general meeting—

(a) subject to sub-rule (3), each member who is entitled to vote has only one vote; and

- (b) members may vote personally or by proxy; and
- (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 23.

38 Special resolutions

A special resolution is passed if not less than three quarters (75%) of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

Note

In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a committee member from office ;*
- (b) to alter these Rules, including changing the name or any of the purposes of the Association.*

39 Determining whether resolution carried

(1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—

- (a) carried; or
- (b) carried unanimously; or
- (c) carried by a particular majority; or
- (d) lost—

and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—
 - (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

40 Minutes of general meeting

- (1) The Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include—
 - (a) the names of the members attending the meeting; and
 - (b) proxy forms given to the Chairperson of the meeting under rule 33(6); and
 - (c) the financial statements submitted to the members in accordance with rule 29(3)(b)(ii); and
 - (d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
 - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—COMMITTEE

Division 1—Powers of Committee

41 Role and powers

- (1) The business of the Association must be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.
- (3) The Committee may—
 - (a) appoint and remove staff;
 - (b) establish subcommittees consisting of members with terms of reference it considers appropriate.
- (4) Unless the Committee stipulates otherwise –
 - a) all approved sub-Committees must be chaired by a current elected Committee Member;
 - b) that each approved sub-Committees is required to make recommendations to the CofM for its approval;
 - c) that no operational action can be taken by any approved sub-Committee until it is firstly approved by the Committee at its next scheduled Committee meeting; and
 - d) that each approved sub-Committee is required via its Chairperson to present a written report on its operations to the CofM a minimum of seven (7) days prior to all scheduled CofM meetings.

42 Delegation

- (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—
 - (a) this power of delegation; or
 - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

Division 2—Composition of Committee and duties of members

43 Composition of Committee

The Committee consists of—

- (a) a President; and
- (b) a Vice-President; and
- (c) a Secretary; and
- (d) a Treasurer; and
- (e) four (4) ordinary members (if any) elected under rule 52.

44 General Duties

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.
- (2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
 - (a) in good faith in the best interests of the Association; and
 - (b) for a proper purpose.
- (5) Committee members and former committee members must not make improper use of—
 - (a) their position; or
 - (b) information acquired by virtue of holding their position—
 so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

Note

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

- (6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

45 President and Vice-President

- (1) Subject to subrule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.
- (2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be—
 - (a) in the case of a general meeting—a member elected by the other members present; or
 - (b) in the case of a committee meeting—a committee member elected by the other committee members present.

46 Secretary

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

Example

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

- (2) The Secretary must—
 - (a) maintain the register of members in accordance with rule 17; and
 - (b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 69(3), all books, documents and securities of the Association in accordance with rules 71 and 74; and
 - (c) subject to the Act and these Rules, provide members with access to inspect the register of members, the minutes of general meetings and other books and documents; and
 - (d) perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary must give to the Registrar notice of his or her appointment within fourteen (14) days after the appointment.

47 Treasurer

- (1) The Treasurer must—

- (a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
 - (b) ensure that all moneys received are paid into the account of the Association within five (5) working days after receipt; and
 - (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
 - (d) ensure cheques or EFT payments are signed or provided written approval by at least 2 committee members.
- (2) The Treasurer must—
- (a) ensure that the financial records of the Association are kept in accordance with the Act; and
 - (b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.
- (3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

Division 3—Election of Committee members and tenure of office

48 Who is eligible to be a Committee member

A member is eligible to be elected or appointed as a committee member if the member—

- (a) is 18 years or over; and
- (b) is entitled to vote at a general meeting.

49 Positions to be declared vacant

(1) This rule applies to—

- (a) the first annual general meeting of the Association after its incorporation; or
- (b) any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received.

(2) The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 50 to 53.

50 Nominations

(1) A minimum of seven (7) days prior to the election of each position at the Annual general Meeting, the Chairperson of the meeting must call for nominations to fill vacant position.

(a) Nominations of candidates for election to vacant positions of officers of the Association or of ordinary members of the Committee :

- (i) shall be made in writing, signed by two (2) members of the Association and accompanied by the written consent of the candidate on the Nomination Form (Appendix 3); and
- (ii) shall be delivered to the Secretary at least seven (7) days prior to the scheduled date of the Annual General Meeting who shall then verify by signature that the nominee is eligible for election, nor have the member's membership rights been suspended for any reason..
- (iii) A person who is not an approved GSBA Inc Member at the time of nomination **cannot be elected** to any vacant position on the Committee.

(2) If the number of nominations is equal to the number of vacancies to be filled, the person(s) nominated are deemed to be elected.

(3) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.

(4) A ballot for the election of officers or ordinary members of the Committee shall be conducted at the Annual General Meeting in such proper manner as the Committee may direct.

(5) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

51 Election of President etc.

(1) At the annual general meeting, separate elections must be held for each of the following positions—

- (a) President;
- (b) Vice-President;
- (c) Secretary;
- (d) Treasurer.

(2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.

(3) If more than one member is nominated, a ballot must be held in accordance with rule 53.

(4) On his or her election, the new President may take over as Chairperson of the meeting.

Note :

GSBA Inc uses a rotational system for office bearers for continuity of decision-making. Each elected official holds office for a two-year period. At each AGM either the President & Secretary OR the Vice-President & Treasurer 'stand down'. Any official 'standing down' may re-nominate for his / her position and be re-elected.

52 Election of Ordinary Committee Members

(1) The annual general meeting must by resolution decide the number of Ordinary Committee members (if any) it wishes to hold office for the next year.

(2) A single election may be held to fill all of those positions.

(3) If the number of members nominated for the position of Ordinary Committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.

(4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 53.

Note :

GSBA Inc uses a rotational system for ordinary committee members for continuity of decision-making. Each elected official holds office for a two-year period. At each AGM half of the Ordinary Committee members 'stand down'. Any Ordinary Committee member 'standing down' may re-nominate for his / her position and be re-elected.

53 Ballot

(1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.

(2) The returning officer must not be a member nominated for the position.

(3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.

(4) The election must be by secret ballot.

(5) The returning officer must give a blank piece of paper to—

- (a) each member present in person; and
- (b) each proxy appointed by a member.

Example

If a member has been appointed the proxy of 5 other members, the member must be given 6 ballot papers—one for the member and one each for the other members.

(6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.

(7) If the ballot is for more than one position—

- (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
- (b) the voter must not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under sub-rule (10) because 2 or more candidates received the same number of votes, the returning officer must—
 - (a) conduct a further election for the position in accordance with sub-rules (4) to (10) to decide which of those candidates is to be elected; or
 - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

54 Term of office

- (1) Subject to sub-rule (3) and rule 55, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.
- (2) A committee member may be re-elected.
- (3) A general meeting of the Association may—
 - (a) by special resolution remove a committee member from office; and
 - (b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under sub-rule (3)(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (5) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

Note :

GSBA Inc uses a rotational system for all office bearers and ordinary committee members for continuity of decision-making. Each elected official or ordinary committee member holds office for a two-year period. At each AGM either the President & Secretary OR the Vice-President & Treasurer 'stand down'. Any official 'standing down' may re-nominate for his / her position and be re-elected. At each AGM half of the Ordinary Committee members 'stand down'. Any Ordinary Committee member 'standing down' may re-nominate for his / her position and be re-elected.

55 Vacation of office

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she—
 - (a) ceases to be a member of the Association; or
 - (b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 66; or
 - (c) otherwise ceases to be a committee member by operation of section 78 of the Act.

Note

A Committee member may not hold the office of secretary if they do not reside in Australia.

56 Filling casual vacancies

(1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that—

(a) has become vacant under rule 55; or

(b) was not filled by election at the last annual general meeting.

(2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.

(3) Rule 54 applies to any committee member appointed by the Committee under subrule (1) or (2).

(4) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of Committee

57 Meetings of Committee

(1) The Committee must meet at least 4 times in each year at the dates, times and places determined by the Committee.

(2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.

(3) Special committee meetings may be convened by the President or by any 4 members of the Committee.

58 Notice of meetings

(1) Notice of each committee meeting must be given to each committee member no later than seven (7) days before the date of the meeting.

(2) Notice may be given of more than one committee meeting at the same time.

(3) The notice must state the date, time and place of the meeting.

(4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.

(5) The only business that may be conducted at the meeting is the business placed on the agenda for which the meeting is convened.

59 Urgent meetings

(1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 58 provided that as much notice as practicable is given to each committee member by the quickest means practicable.

(2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.

(3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

60 Procedure and order of business

(1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.

(2) The order of business may be determined by the members present at the meeting.

61 Use of technology at a committee meeting

(1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under sub-rule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

62 Quorum at a committee meeting

(1) No business may be conducted at a Committee meeting unless a quorum is present.

(2) The quorum :

(a) for any **Committee of Management (CofM)** meeting is the presence (in person or as allowed under rule 61) of a majority of the total committee members holding office in that year [*ie "half + 1"*];

(b) for any **Annual General Meeting (AGM)** is the presence (in person or as allowed under Rule 61) of **twelve (12)** Members entitled to vote at a meeting;

(c) for any **Special General Meeting (SGM) held at the request of Members** is the presence (in person or as allowed under Rule 61) of **10% of the Members** entitled to vote at a meeting.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—

(a) in the case of a special general meeting—the meeting lapses;

(b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 58.

63 Voting at a committee meeting

(1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.

(2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.

(3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.

(4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

(5) Voting by proxy at committee meetings is not permitted.

64 Conflict of interest

(1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.

(2) The member—

(a) must not be present while the matter is being considered at the meeting; and

(b) must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

(3) This rule does not apply to a material personal interest—

(a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or

(b) that the member has in common with all, or a substantial proportion of, the members of the Association.

65 Minutes of meeting

(1) The Committee must ensure that minutes are taken and kept of each committee meeting.

- (2) The minutes must record the following—
- (a) the names of the members in attendance at the meeting;
 - (b) the agenda of the business to be considered at the meeting;
 - (c) any resolution on which a vote is taken and the result of the vote;
 - (d) any material personal interest disclosed under rule 64.

66 Leave of absence

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS

67 Source of funds

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

68 Management of funds

- (1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- (2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two (2) committee members.
- (5) All funds of the Association must be deposited into the financial account of the Association no later than five (5) working days after receipt.
- (6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

69 Financial records

- (1) The Association must keep financial records that—
- (a) correctly record and explain its transactions, financial position and performance; and
 - (b) enable financial statements to be prepared as required by the Act.
- (2) The Association must retain the financial records for seven (7) years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control—
- (a) the financial records for the current financial year; and
 - (b) any other financial records as authorised by the Committee.

70 Financial statements

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.

- (2) Without limiting subrule (1), those requirements include—
- (a) the preparation of the financial statements;
 - (b) if required, the review or auditing of the financial statements;
 - (c) the certification of the financial statements by the Committee;
 - (d) the submission of the financial statements to the annual general meeting of the Association;
 - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

PART 7—GENERAL MATTERS

71 Common seal

- (1) The Association may have a common seal.
- (2) If the Association has a common seal—
- (a) the name of the Association must appear in legible characters on the common seal;
 - (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two (2) committee members;
 - (c) the common seal must be kept securely in the custody of the Secretary.

72 Registered address

The registered address of the Association is—

- (a) the address determined from time to time by resolution of the Committee; or
- (b) if the Committee has not determined an address to be the registered address—the postal address of the Secretary.

73 Notice requirements

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—
- (a) by handing the notice to the member personally; or
 - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
 - (c) by email or facsimile transmission.
- (2) Subrule (1) does not apply to notice given under rule 59.
- (3) Any notice required to be given to the Association or the Committee may be given—
- (a) by handing the notice to a member of the Committee; or
 - (b) by sending the notice by post to the registered address; or
 - (c) by leaving the notice at the registered address; or
 - (d) if the Committee determines that it is appropriate in the circumstances—
 - (i) by email to the email address of the Association or the Secretary; or
 - (ii) by facsimile transmission to the facsimile number of the Association.

74 Custody and inspection of books and records

- (1) Members may on request inspect free of charge—
- (a) the register of members;

(b) the minutes of general meetings;

(c) subject to subrule (2), the financial records, books, securities and any other relevant document* of the Association, including minutes of Committee meetings.

Note

See note following rule 17 for details of access to the Register of Members.

(2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

(3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

(4) For purposes of this rule—

* *relevant documents* means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

(a) its membership records;

(b) its financial statements;

(c) its financial records;

(d) records and documents relating to transactions, dealings, business or property of the Association.

75 Liquor Control Act

In the event that the Association obtains any licence under the Liquor Control Reform Act 1998, and so long as the Association holds any such licence, then notwithstanding anything to the contrary elsewhere in these Rules contained or implied the following sub-Rules shall apply and have effect :

a) The Association shall provide and maintain its facilities from its joint funds.

b) No person shall receive a greater profit, benefit or advantage other than remuneration or honorarium approved by the Liquor Control Commission for work done by the secretary, treasurer or other officers of the Association or salary or wages paid to employees.

c) No payment or part-payment shall be made to any secretary, treasurer or other officer, or to any servant or employee of the Association by way of commission or allowances from or upon the receipts of the Association for the liquor supplied.

d) A visitor shall not be supplied with liquor in the licenced premises unless in the company of a member PROVIDED HOWEVER that a visitor may be supplied with liquor on the licenced premises when not in the company of a member at a particular function or a particular occasion in respect of which a permit has been granted under section 52 of the Liquor Control Reform Act 1998.

e) No liquor shall be sold or supplied to any person under 18 years of age except where such person is accompanied by a spouse or parent or guardian and the liquor is sold or supplied for consumption as part of a meal supplied on the licenced premises.

f) No liquor shall be sold or supplied elsewhere other than on the licenced premises unless such liquor is removed from the licenced premises by the member purchasing the same.

g) No person under 18 years of age except persons who are being trained as waiters shall be allowed to serve behind the bar in the licenced premises.

h) No more than 200 persons will be permitted on the licenced premises at any one time.

i) If at any time the number of members of the Association shall fall below 50 it shall be the duty of the secretary to notify the Liquor Control Commission forthwith and to proceed to apply to surrender the Association's licence.

j) The procurement, storage, supply, disposal and all other matters relating to liquor shall at all times remain under the supervision of the Committee.

76 Right of entry

- a) The Association reserves the right to refuse admission to or eject from any venue controlled by the Association any person at any time
- b) It is the duty of each member, visitor, player, official or spectator to obey the directions given by the delegated Association Official to take charge of the venue.
- c) The Committee may discipline any person who is proven guilty of any breach of good conduct in any venue controlled by the Association.

77 Winding up and cancellation

- (1) The Association may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.
- (4) The body to which the surplus assets are to be given must be decided by special resolution.

78 Unforeseen matters

Should any matter arise for which provision has not been made in these Rules the Association or the Committee shall take such action as is necessary to protect the interests of the Association.

79 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Association.

Note

An alteration of these Rules does not take effect unless or until it is approved by the Registrar of Incorporated Associations. As these Model Rules (other than rule 1, 2 or 3) are altered, the Association has adopted its own Rules.

Draft #6 SOfP & RS NOV 2020

Appendix 1 : “Application for Membership” form

Draft #6 SofP&Rs Nov 2020

Draft #6 SofP&Rs Nov 2020

Draft #6 SofP&Rs Nov 2020