

RULES FOR WESTON CREEK ATHLETICS CLUB INCORPORATED

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PART 1 - PRELIMINARY

1. Interpretation

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

"Financial year" means the year ending on 31 March

"member" means a member, however described, of the association

"Ordinary committee member" means a member of the committee who is not an office-bearer of the association as referred to in sub-rule 17(2)

"secretary" means the person holding office under these rules as secretary of the association or, where no such person holds that office, the public officer of the association

"The Act" means the Associations Incorporation Act 1991

"The association" means the Weston Creek Athletics Club Incorporated "the Regulations" means the Associations Incorporation Regulations.

(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 Interpretation Act 1967 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.

2. Objectives

The objectives of the association shall be to encourage and promote athletics within the Weston Creek district and throughout Australia generally. The association is a not-for-profit entity. The assets and income of the organisation shall be applied solely in furtherance of its above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

3. Powers

The association has power to do all things that are necessary or convenient to be done for or in connection with the performance of its objects and without limiting the generality of the foregoing-

(a) to acquire, whether by purchase, lease, hire or otherwise, premises, plant and equipment.

(b) to employ such persons as the association deems necessary or desirable to carry out its objects; and

(c) to do any other act or thing the committee deems necessary to carry out its objects.

PART II - MEMBERSHIP

4. Membership qualifications

(1) A person is qualified to be a member of the association if the person:

(a) has applied for membership of the association in accordance with rule 5 and has paid the subscription fee referred to in rule 10; or

(b) has been granted life membership of the association in accordance with rule 11.

- (2) Membership is limited to a natural person.
- (3) The patron is a member of the association while holding the office of patron in accordance with rule 12.

5. Application for membership

- (1) An application by a person for membership of the association:
 - (a) shall be made in writing in the form determined by the committee.
 - (b) shall be lodged with the secretary, or the secretary's agent; and
 - (c) shall be accompanied by the subscription fee for the financial year.
- (2) The secretary shall, on the requirements set out in sub-rule (1) being satisfied, enter the person's name on the register of members.

6. Renewal of membership

A member may renew his or her membership of the association each year by:

- (a) completing the membership form referred to in rule 5; and
- (b) lodging the membership form with the secretary, or the secretary's agent, together with the subscription fee for the financial year.

7. Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of the association

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates upon cessation of the person's membership.

8. Cessation of membership

A person ceases to be a member of the association if the person

- (a) dies, or the association is dissolved or is wound up.
- (b) resigns from membership of the association.
- (c) is expelled from the association; or
- (d) fails to renew membership of the association.

9. Resignation of membership

- (1) A member is not entitled to resign from membership of the association except in accordance with this Rule.
- (2) A member who has paid all amounts payable by the member to the association may resign from membership of the association by first giving notice (being not less than 1 month or, if the committee has determined a shorter period, that shorter period) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.
- (3) Where a person ceases to be a member, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

10. Subscriptions

- (1) The annual subscription fee of the association is the amount determined by resolution of the committee.
- (2) The annual subscription fee is payable by 1 April in each year.
- (3) Any member not paying his or her subscription fee within one (1) month after it becomes payable shall, if the committee so decides, cease to be a member unless he or she shall justify the delay to the satisfaction of the committee and forthwith pay the said subscription fee.

11. Life Membership and Service Merit Awards

(1) Service merit award

- (a) A service merit award may be granted by the Club members at an Annual General Meeting (AGM) or a Special Meeting (SM) convened for the purpose of considering rewarding a registered member of the club who has rendered significant service to the Club for a period of not less than five years.
- (b) A nomination in any year for a service merit award should be submitted to the Life Membership sub-Committee for consideration before 28 February, together with a written report outlining the meritorious services rendered by the nominee. If the Life Membership sub-Committee agrees with such a nomination, or submits its own nominee, a recommendation should be forwarded to the Club Committee for its consideration by 31 March. If the majority of the Club Committee support a nomination, the nominee's name and their record meritorious service should be included in the AGM or SM 'papers' for circulation to Club Members before the meeting.
- (c) A service merit award will be granted to the nominee if the nomination receives a two-thirds majority of votes cast at an AGM or SM in favour of the nomination.
- (d) A service merit award may be cancelled by a resolution of two-thirds majority of votes cast at an AGM or SM, following a recommendation for cancellation by a Club Committee meeting.
- (e) All voting in connection with a service merit award shall be a show of hands.

(2) Life membership award

- (a) Life membership may be granted by the Club members at an AGM, or a SM convened for the purpose of considering rewarding a registered member of the club who has rendered exceptional service to the Club for a period of not less than ten years.
- (b) A nomination in any year for a life membership award should be submitted to the Life Membership sub-Committee for consideration before 28 February, together with a written report outlining the meritorious services rendered by the nominee. If the Life Membership sub-Committee agrees with such a nomination, or submits its own nominee, a recommendation should be forwarded to the Club Committee for its consideration by 31 March. If the majority of the Club Committee support a nomination, the nominee's name and their record of meritorious service should be included in the AGM or SM 'papers' for circulation to Club Members before the meeting.
- (c) A life membership award will be granted to the nominee if the nomination receives a two-thirds majority of votes cast at an AGM or SM in favour of the nomination.
- (d) A life membership award may be cancelled by a resolution of two-thirds majority of votes cast at an AGM or SM, following a recommendation for cancellation by a Club Committee meeting.
- (e) All voting in connection with a life membership award shall be a show of hands.
- (f) A life member shall not be required to pay the annual subscription fee and shall have all the voting rights of any other financial member of the association.

12. Patron

- (1) The association may appoint a Patron who shall have all the rights of a member.
- (2) A Patron shall not be required to pay the annual subscription fee.

13. Members' liabilities

The liability of a member to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by rule 10.

14. Disciplining of members

- (1) Where the committee is of the opinion that a member
 - (a) has persistently refused or neglected to comply with a provision of these rules; or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association, the committee may, by resolution -
 - (i) expel the member from the association; or
 - (ii) suspend the member from such rights and privileges of membership of the association as the committee may determine for a specified period.
- (2) A resolution of the committee under sub-Rule (1) is of no effect unless the committee, 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 (3) confirms the resolution in accordance with this rule.
- (3) Where the committee passes a resolution under sub-Rule (1), the secretary shall, as soon as practicable, cause a notice in writing to be served on the member -
 - (a) setting out the resolution of the committee and the grounds on which it is based.
 - (b) 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.
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that the member may do either or both of the following:
 - (i) attend and speak at that meeting.
 - (ii) submit to the committee at or prior to the date of that 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 (2), the committee shall -
 - (a) give to the member mentioned in sub-Rule (1) an opportunity to make oral representations.
 - (b) give due consideration to any written representations submitted to the committee by that member at or prior to the meeting; and
 - (c) by resolution determine whether to confirm or to revoke the resolution of the committee made under sub-Rule (1).
- (5) Where the committee confirms a resolution under sub-Rule (4), the secretary shall, within 7 days after that confirmation, by notice in writing inform the member of that confirmation and of the member's right of appeal under rule 15.
- (6) A resolution confirmed by the committee under sub-Rule (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 within that period the member exercises the right of appeal, unless and until the association confirms the resolution in accordance with sub-Rule 15(4).

15. Right of appeal of disciplined member

- (1) A member may appeal to the association in general meeting against a resolution of the committee, which is confirmed under sub-Rule 14(4), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) Upon receipt of a notice under sub-Rule (1), the secretary shall notify the committee which shall convene a general meeting of the association to be held within 21 days after the date on which the secretary received the notice or as soon as possible after that date.
- (3) Subject to section 50 of the Act, at a general meeting of the association convened under sub-Rule (2)
 - (a) no business other than the question of the appeal shall be transacted.
 - (b) the committee and the member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (c) the members present shall vote by secret ballot on the question of whether the resolution made under sub rule 14(4) should be confirmed or revoked.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under sub rule 14(4), that resolution is confirmed and final.

PART III - THE COMMITTEE

16. Powers of the committee

The committee, subject to the Act, the Regulations, these rules, and to any resolution passed by the association in general meeting

- (a) shall control and manage the affairs of the Association.
- (b) may exercise all such functions as may be exercised by the association other than those functions that are required by these rules to be exercised by the association in general meeting; and
- (c) has 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 association.

17. Constitution and membership

- (1) The committee shall consist of
 - (a) the office-bearers of the association; and
 - (b) at least 2 and not more than 6 ordinary committee members; each of whom shall be elected pursuant to rule 18 or appointed in accordance with sub rule (4).
- (2) The office-bearers of the association shall be -
 - (a) the president.
 - (b) the vice-president.
 - (c) the treasurer; and
 - (d) the secretary.
- (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, 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 association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

18. Election of committee members

- (1) Nomination of candidates for election as office-bearers of the association or as ordinary committee members shall be called and received at the annual general meeting
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and any vacant positions remaining on the committee shall be deemed to be vacancies.

- (3) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (4) The ballot for the election of office-bearers and ordinary committee members shall be conducted at the annual general meeting in such manner as the committee may direct.
- (5) All voting shall be determined by a simple majority.
- (6) A person is not eligible to simultaneously hold more than one (1) position on the committee.

19. Secretary

- (1) The secretary of the association shall, as soon as practicable after being appointed as secretary, notify the association 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.

20. Treasurer

- (1) The treasurer of the association shall
 - (a) collect and receive all moneys due to the association and make all payments authorised by the association; and
 - (b) keep correct accounts and books showing the financial affairs of the association with full details of all receipts and expenditure connected with the activities of the association.

21. Vacancies

- (1) 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 association.
 - (c) resigns the office.
 - (d) is removed from office pursuant to rule 22.
 - (e) is disqualified from office under subsection 63(1) of the Act; or
 - (f) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

22. Removal of committee members

The association 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.

23. Committee meetings and quorum

- (1) The committee shall meet at least 5 times in each calendar year at such place and time as the committee may determine. These meetings may be held face to face or by electronic means, or a combination of both means.
- (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 48 hours (or such other period as may be unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.

- (4) Notice of a meeting given under sub rule (3) shall specify the general 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 which 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.
- (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 same 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 -
- (a) the president or in the absence of the president, the vice-president shall preside; or
 - (b) if the president and the vice-president are absent, one of the remaining members of the committee may be chosen by the members present to preside.

24. Delegation by committee to sub-committee

- (1) The committee may, by instrument in writing, delegate to one or more Sub-committees (consisting of such member or members of the association 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 association in general meeting.
- (2) A function, the exercise of which has been delegated to a subcommittee 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 any 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 any 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 it had been 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

25. Voting and decisions

- (1) Questions arising at a meeting of the committee or of 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 of any subcommittee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to sub rule 23(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 by a 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

26. Annual General Meetings - holding of

- (1) The association shall, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (2) Sub rule (1) has effect subject to the powers of the Registrar of Incorporated Associations under section 120 of the Act in relation to extensions of time.

27. Annual General Meetings – calling of and business at

- (1) The annual general meeting of the association shall, subject to the Act, be convened on such date and at such place and time as the committee thinks. The AGM may be held face to face or by electronic means, or a combination of both means.
- (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 association 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 29.
- (4) An annual general meeting shall be conducted in accordance with the provisions of this Part.

28. General meetings - calling of

- (1) The committee may, whenever it thinks fit, convene a general meeting of the association.
- (2) The committee shall, on the requisition in writing of not less than 6 members convene a general meeting of the association.
- (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 one or more of the members making the requisition.
- (4) If the committee fails to convene a general meeting within one (1) month after the date on which a requisition of members for the meeting is lodged with the secretary, any one (1) or more of the members who made the requisition may convene a general 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 (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 association for any reasonable expense so incurred.

29. Notice

- (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by pre-paid post to each member at the

member's address appearing in the register of members, a notice specifying the place, date 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 association, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in sub rule (1) specifying, in addition to the matter required under that sub rule, 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 27(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 business in the next notice calling a general meeting given after receipt of the notice from the member.

30. General meetings - procedure and quorum

(1) No item of business shall 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) Five (5) members face to face or by electronic means, or a combination of both means” (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the 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 (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) 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.

31. Presiding member

(1) The president, or in the absence of the president, the vice-president, shall preside at each general meeting of the association.

(2) If the president and the vice-president are absent from a general meeting, the members present shall elect one of their number to preside at the meeting.

32. 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 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 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(3) Except as provided in sub rules (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

33. Making of decisions

(1) A question arising at a general meeting of the association shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried

unanimously or carried by a particular majority, or lost, an entry to that effect in the minute book of the association is evidence of the fact, without recording proof of the number or proportion of the votes recorded in favour of or against that resolution.

- (2) At a general meeting of the association, a poll may be demanded by the person presiding or by not less than three (3) members present in person.
- (3) Where the poll is demanded at a general meeting, the poll shall be taken
 - (a) immediately in the case of a poll 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 poll on the matter shall be deemed to be the resolution of the meeting on that matter.

34. Voting

- (1) Subject to sub rule (3), upon any question arising at a general meeting of the association a member has one (1) vote only.
- (2) All votes shall be given personally.
- (3) 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 casting vote.
- (4) A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.

PART V - MISCELLANEOUS

35. Funds - source

- (1) The funds of the association shall be derived from annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting and subject to section 114 of the Act, such other sources as the committee determines.
- (2) All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association's bank account.
- (3) The association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

36. Funds - management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association shall be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All expenditure in excess of \$500 in a single transaction must be approved by a majority of the Committee and authorised by any two Executive members (President, Treasurer, or Secretary).

shall be signed by any 2 members of the committee or employees of the association, being members of the committee or employees authorised to do so by the committee.

37. Alteration of objects and rules

Neither the objects of the association referred to in section 29 of the Act nor these rules shall be altered except in accordance with the Act.

38. Common seal

- (1) The common seal of the association shall be kept in the custody of the secretary,
- (2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the secretary.

39. Custody of books

Subject to the Act, the Regulations and these rules, the secretary shall keep in his or her custody or under his or her control all records, books, and other documents relating to the association.

40. Inspection of books

The records, books and other documents of the association shall be open to inspection at a place in the Territory, free of charge, by a member of the association at any reasonable hour and upon the giving of reasonable notice.

41. Service of notices

- (1) For the purpose of these rules, a notice may be served by or on behalf of the association upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- (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.

42. Surplus property

In the event of the organisation being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to Capital Athletics or another organisation in the ACT region with similar purposes which is not carried on for the profit or gain of its individual members.