



CONSTITUTION

of

North Shore Community Hub Inc

Nov 2024

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1. Name of the Association

- (a) The name of the Association shall be **North Shore Community Hub Inc**

2. Objects

- (a) The principal objects are to provide a community facility (club) for the North Shore area of Kallaroo and surrounding suburbs. The facility provides recreational, social, sporting and community opportunities and activities reflecting the interests of the local community. These objects include the provision of facilities for the pursuit of literary, scientific, athletic, professional and any other lawful purpose that provides benefits and enjoyment for the members of the Association.
- (b) To create opportunities for community connection, promoting the well-being of residents in Kallaroo and the surrounding areas through social interaction, recreation and sporting activities.
- (c) To provide and maintain a clubhouse and sporting amenities for the use of the members.
- (d) To foster community partnerships by providing a hub for well-being, interaction and engagement.
- (e) To advocate for, promote and support the ongoing development of the North Shore area and surrounding areas through community development, sport, recreation and leisure.

3. Not for Profit

- (a) The property and income of North Shore Community Hub Inc shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

4. Definitions

- (a) In reading these rules, unless the context or such otherwise indicates or requires:
- (i) “Act” means the Associations Incorporation Act 2015, its amendments and any other legislation that may come into force to replace or supplement this Act and shall form part of these Rules.
- (ii) “Affiliate club” means an unincorporated sporting or special interest group that intends to be formed within the Association.
- (iii) “The Association” mean North Shore Community Hub Inc.
- (iv) “Annual Meeting” means an Annual General Meeting called in accordance with Section 11 hereunder.
- (v) “Books of the Association” means: the Members Register; the Record of Office Holders; and the Association Constitution.
- (vi) “By-Laws” means the codes of rules made and adopted by the Association in accordance with Section 17(b)(xii).
- (vii) “Club” means North Shore Community Hub Inc.

- (viii) “Club Premises” and “Association Premises” means all land, building and structures thereon of which North Shore Community Hub Inc is the bona fide occupier.
- (ix) “Commissioner” means: the person for the time being designated as the Commissioner under of the Act.
- (x) “Committee” means the Management Committee for the Association, duly elected for the time being in accordance with these Rules.
- (xi) “Financial records” Includes: invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; documents of prime entry; working papers and other documents needed to explain the methods by which financial statements are prepared; and adjustments to be made in preparing financial statements;
- (xii) “Financial report” has the meaning given in Part 5 of the Act;
- (xiii) “Financial statements” means the financial statements in relation to the Association required under Part 5 of the Act;
- (xiv) “General Meeting” means a General meeting of the Association whether Annual or Special.
- (xv) “Liquor Act” means the Liquor Control Act 1988, its amendments and any other legislation that may come into force to replace or supplement this Act, and shall form part of these Rules.
- (xvi) “Month” means a calendar month.
- (xvii) “Playing Rights” mean the rights of any category of the membership or guest or visitor to use the sporting facilities as provided in these rules, in the by-laws or as determined by the Committee, as the case requires.
- (xviii) “Rules” means this constitution of the Association, as in force for the time being.
- (xix) “Special General Meeting” means a General Meeting as defined below, called in accordance with Section 12 hereunder, at which only business that has been described in the notice may be transacted.
- (xx) “Special Resolution” means a resolution passed by the members at a general meeting in accordance with Section 51 of the Act.
- (xxi) “Voting rights” means the ability for a financial member to propose or second an application for membership; move or second a motion or special motion; speak at all general meetings; nominate for a position on the Committee; cast a single vote at all general meetings and elections; and petition for a special general meeting.

5. Membership

- (a) The Association shall keep an up-to-date register of members in respect of Ordinary, Life, Junior, Social, Introductory, Corporate and Honorary members.

- (i) Residential, postal or email address; or information by means of which contact can be made with the member, can be nominated for the members register.
- (ii) For the purposes of the Liquor Act, a register of member names and class of membership must be continually available for inspection at the Association premises by authorised officers as defined under the Liquor Act.

(b) Ordinary Membership:

- (i) Ordinary members of all categories shall be entitled to exercise all the rights and privileges of the Association, subject to limitations on that entitlement determined by the Committee under Section 17(b)(xiii).
- (ii) Ordinary Members of all categories shall have voting rights; Family Memberships are entitled to up to two votes per family.
- (iii) Ordinary Membership includes the following sub-categories:

Category 1: Single Sporting Membership

Persons who have attained eighteen (18) years of age and are interested in promoting the objects of the Association and wish to participate in any affiliated regular sporting activities shall be eligible to apply for Single Sporting membership.

Category 2: Family Sporting Membership

Families who support the objectives of the Association and wish to participate in affiliated regular sporting activities are eligible to apply for Family Sporting membership.

For the purposes of this membership, 'family' includes the primary member, their spouse or domestic partner, and their dependent children under 18 years of age.

Category 3: Single Social Member

Individuals aged 18 or older who support the objectives of the Association but do not wish to participate in regular affiliated sporting activities are eligible to apply for Social membership.

Social members may use the sporting facilities on a casual basis or as part of a dedicated program, with associated fees determined by the committee.

Category 4: Family Social Member

Families who support the objectives of the Association but do not wish to participate in any affiliated regular sporting activities shall be eligible to apply for Family Social membership.

Social members shall be permitted to use the sporting facilities on a casual basis or as part of a dedicated program; associated fees shall be set by the committee.

(c) Junior Membership

- (i) Persons under the age of eighteen (18) years at the commencement of the membership year shall be eligible to apply for Junior Membership.

- (ii) Junior Members shall require a sporting affiliation with the Association.
 - (iii) Junior members shall have the use of the Clubhouse amenities and sporting facilities, subject to limitations on that entitlement determined by the Committee under Section 17(b)(xiii).
 - (iv) Junior members shall not have voting rights.
 - (v) Any Junior Member on attaining the age of eighteen (18) years of age wishing to remain a member of the Association shall apply for transfer of membership.
 - (vi) Junior members shall not have authority to invite guests to the Association unless otherwise approved in writing by the Committee.
- (d) Life Membership**
- (i) The committee may elect Persons who have rendered longstanding meritorious service to the Association as Life Members for such service.
 - (ii) Life members shall be entitled to exercise all the rights and privileges of the Association, subject to limitations on that entitlement determined by the Committee under Section 17(b)(xiii).
 - (iii) Life members shall have voting rights.
 - (iv) Life Members shall be exempt from subscriptions but shall pay any levies and capitation fees.
- (e) Honorary Membership**
- (i) Membership may be granted by the Committee to Association Patrons, Sponsors, Selected Government Officers and any other such persons as the committee may decide from time to time based on their relationship to the Association or community.
 - (ii) Honorary members shall have the use of the Clubhouse amenities and the sporting facilities, subject to limitations on that entitlement determined by the General Committee under Section 17(b)(xiii).
 - (iii) Honorary membership will be restricted at any one time to a level deemed appropriate by the Association.
 - (iv) Honorary Members shall not have voting rights.
- (f) Introductory Membership (Social)**
- (i) Any person who has attained eighteen (18) years of age, who has not previously been a member of the Association and wishes to trial membership at the Association, shall be eligible to apply for Introductory membership.
 - (ii) Introductory membership shall be for a period of no more than twenty-eight (28) days.
 - (iii) Introductory members shall not be authorised to use the sporting facilities unless approved in writing by the Committee.

(iv) Introductory members shall have the use of the Clubhouse amenities, subject to limitations on that entitlement determined by the Committee under Section 17(b)(xiii).

(v) Introductory members shall not have voting rights.

(g) Temporary Membership

(i) a person who is on any day visiting the Association as a member or an official of another club or team, or a person assisting a member or an official of another club or team to:

a. Engage in a pre-arranged event with the Association as per the Association's objects; or

b. Hold a pre-arranged function at the clubhouse involving the use of the Association's sporting facilities.

(ii) Temporary Members shall not be entitled to be present at any meeting of the members of the Association, nor have voting rights or any right, title or interest in or to any of the property of the Association.

(h) Corporate Membership

(i) Organisations, restricted to senior management, conducting community or tourism related business in Kallaroo and its surrounds, that have contributed to the Association through business, sponsorship or donations may be granted Corporate Membership status by the Committee.

(ii) Corporate members shall have the use of the Clubhouse amenities and the sporting facilities, subject to limitations on that entitlement determined by the General Committee under Section 17(b)(xiii).

(iii) Corporate membership will be restricted at any one time to a level deemed appropriate by the Committee.

(iv) Corporate members shall not have voting rights.

(i) Reciprocal Membership

(i) Reciprocal Members are visitors who are a full financial member of any like club in Western Australia, or any licensed club located outside of Western Australia.

(ii) Reciprocal Members shall not be entitled to be present at any meeting of the members of the Association, nor have voting rights or any right, title or interest in or to any of the property of the Association.

(iii) Reciprocal members may use the sporting facilities on a casual basis or as part of a dedicated program, with associated fees determined by the committee.

(j) Gold Membership (Retired)

(i) Gold Membership, formerly a category of Ordinary Membership, has been retired and is no longer available for new applicants.

- (ii) Gold Membership (or Gold Certificate) refers to a certificate previously issued by North Shore Community Hub Inc (formerly North Shore Country Club & Residents Association).
- (iii) In the event of the death of a Gold Certificate holder within a group of nominated Family Members, the Committee may allow the transfer of the certificate to another nominated Family Member.
- (iv) Remaining Family Members will retain their membership rights and privileges without change, provided they comply with these Rules.
- (v) North Shore Community Hub Inc will no longer acknowledge transfers of registered ownership of current Gold Certificates between members or any other party.
- (vi) North Shore Community Hub Inc will not issue new Gold Certificates but will continue to manage existing certificates, subject to an associated fee set by the Committee and confirmed by the membership at the AGM.
- (vii) The Secretary will maintain a record of all previously issued Gold Certificates and their ownership, though no new certificates will be issued.

6. Cessation of Membership

- (a) Temporary, Reciprocal and Honorary membership would be subject to withdrawal by any Association official, including bar persons, acting on the best interests of the Association.
- (b) A person ceases to be a member when any of the following take's place:
 - (i) For a member who is an individual, the individual dies;
 - (ii) For a person whose title represents a corporate member, the body corporate is wound up;
 - (iii) The person resigns from the Association;
 - (iv) The person is expelled from the Association under Section 26;
 - (v) The person ceases to be a member under Section 10(b).
 - (vi) The Secretary will keep a record on file of the date on which the person ceased to be a member and the reason why the person ceased to be a member.
 - (vii) A member may resign from membership of the Association by giving written notice of the resignation to the Secretary.
 1. The resignation takes effect when the Secretary receives the notice; or if a later time is stated in the notice, at that later time.
 2. A person who has resigned from membership of the Association remains liable for any fees that are owed to the Association (the owed amount) at the time of resignation.
 3. The owed amount may be recovered by the Association in a court of competent jurisdiction as a debt due to the Association.

7. Affiliate clubs

- (a) An affiliate club may be formed within the Association for sporting or special interest groups that are not incorporated associations with a majority vote of Ordinary Members at a General Meeting called for this purpose.
 - (i) All affiliate club shall be listed in the by-laws.
- (b) A group wishing to become an affiliate club must make application in writing to the Secretary of The Association with names of members.
 - (i) For at least twenty-one (21) days prior to the next Committee meeting, the Secretary shall display on the notice board of the Association's premises:
 1. The name of the affiliate club
 2. The names of members of that affiliate club
 - (ii) The Committee at its next meeting shall then consider such application and forward its recommendations as a notice of motion to a General Meeting.
 - (iii) The Association shall have the power to revoke the affiliation with a majority vote of Ordinary Members at a General Meeting called for this purpose.
 - (iv) The Association shall have the right to revoke affiliation without assigning a reason for doing so.
- (c) Requirements for affiliate clubs
 - (i) All members of an affiliate club formed under Section 6(a) above must also become a member of the Association including a membership fee being paid and application for membership completed.
 - (ii) Affiliate clubs shall comply, with the management requirements and processes in accordance The Association's Constitution and By-Laws.
 - (iii) The committee of an affiliate club will consist of at least a Captain, Secretary and Treasurer.
 - (iv) The Committee of an affiliate club shall not do, or omit to do, anything that is likely to prejudice or not be in the best interests of The Association.
 - (v) Each affiliate club is required to provide to the Association names and nominated contacts of members within three months of commencement of their season or upon request by the Committee.
 - (vi) Minutes of any General Meetings of an affiliate club shall be forwarded to the Committee within twenty-one (21) days of the meeting.
 - (vii) An affiliate club shall submit an Annual Report and Financial Report at The Association's Annual General Meeting or upon request by the Committee.
 - (viii) All assets of the affiliate club are the assets of The Association.
 - (ix) All accounting, taxation, financial reporting and legal compliance responsibilities of the affiliate club shall rest with The Association.
 - (x) All monies received for an affiliate club shall be paid into The Association's bank account or the affiliate club bank account as below.
 1. An affiliate club may have a separate bank account attached to The Association's base bank account number.

- i. The Secretary of The Association and the secretary of the affiliate club shall be joint signatories of the Affiliate Club's account.
 - ii. All payments on behalf of an affiliate club shall be made from the affiliate club's account.
- (xi) An affiliate club shall not open a bank account, borrow money or secure an overdraft without the express approval of The Association.
- (xii) An affiliate club shall seek Committee approval for purchases of equipment in accordance with the Association's delegated authority and approvals process.
- (xiii) An affiliate club shall have the right to affiliate with any association or controlling body or activity in which the Affiliate Club engages.
- (xiv) Members of an affiliate club involved in any activity of, or related to, the affiliate club shall indemnify The Association and its representatives from any problem, direct or indirect loss or damage, claim or proceedings (including in negligence) caused or contributed to by that activity.

8. Application to Become a Member

- (a) All applications shall be signed by the applicant.
- (b) Subscriptions and any nomination fee shall be made at the time of application.
- (c) Individuals wishing to apply for Ordinary, Junior, or Corporate membership in the Association must submit a written or electronic application using the form provided by the Association, as updated from time to time.
- (d) When the application form and all subscriptions have been received by the Club Manager, the person shall be a provisional member of the Association and exercise all of the privileges of a member excluding voting rights until such time as the next Committee meeting.
 - (i) The applicant's name and nominee/s names will be posted on the Association's noticeboard from the time of application until the next Committee meeting.
 - (ii) At the next Committee meeting, the applicant will then be accepted or denied membership.
 - (iii) If membership is denied, all subscriptions shall be refunded.
- (e) Any person desiring to become an Introductory Member may make application to the Association as an Introductory Member, and if accepted, shall pay the prescribed subscription and shall be entitled to use of the Association's facilities for a period of no longer than 28 days.
 - (i) When the application form and all subscriptions have been received by the Club Manager, the person shall be a provisional member of the Association and exercise all the privileges of a member excluding voting rights until such time as the next Committee meeting.
 - (ii) At the next Committee meeting, the applicant will then be accepted or denied membership.

- (iii) If membership is denied, all subscriptions shall be refunded.
- (iv) At the end of the period of their membership an Introductory member who wishes to continue their membership shall apply for Ordinary or Social membership in writing on the form provided.
 - 1. The applicant's name and nominee/s names will be posted on the Association's noticeboard from the time of application until the next Committee meeting.
 - 2. At the next Committee meeting, the applicant shall then be accepted or denied membership.
 - 3. If membership is denied, all subscriptions shall be refunded.
- (f) Transfer of Membership:
 - (i) Any Ordinary member wishing to transfer to a different Category of membership shall apply in writing on the form provided for the purpose from time to time by the Association.
 - 1. The membership application will then be considered by the Committee as per Section 5.
 - (ii) Any Junior Member on attaining the age of eighteen (18) years of age shall on application to the Committee be transferred to the appropriate Association membership.
- (g) No person shall be entitled to exercise any of the privileges of a member until they have paid all subscriptions due by them.
- (h) The Committee shall have the right to refuse to admit any person to membership without assigning any reason for doing so.
 - (i) Applicants whose membership has been rejected shall not be eligible to reapply for membership for a period of one year (1) from the time of application.
 - (ii) Applicants whose membership has been rejected shall not attend the Association as a guest of any member for a period of one year from application.
- (i) On the acceptance of each applicant, the Club Manager shall notify the same to them, and they shall on payment of their subscription be enrolled as a Member of the Association, and become entitled to the privileges and be bound by its rules and by all consequences resulting from breach or non-performance thereof, and shall thereby absolve every person concerned in carrying out enforcing such rules from all personal responsibility or legal liability on such account.
- (j) Life Member – A financial voting member may propose another member for Life Membership to the Committee in writing giving reasons that Life Membership should be granted.
 - (i) A General Meeting may, upon a 75% majority vote, confer Life Membership on a member who has rendered special and outstanding services to the Association.
 - (ii) Existing Life Memberships, awarded prior to these Rules, will be honoured.

9. Member's Rights

- (a) The rights and privileges of every member shall be personal and shall not be in any manner transferable by their own act or through any other person on their behalf or by operation of law.
- (b) Voting rights for each membership category are as detailed in Section 5.
- (c) Employees – Members who are employees of the Association are entitled to all the rights and privileges of membership excluding those rights concerned with the selection, election and holding of office with the Association.
- (d) All members, upon commencement of membership, will be supplied with an electronic copy of the Association Rules (Constitution) or will be directed to obtain a copy of the Association Rules from the Association's website.
- (e) Upon acceptance to membership, all members agree to be bound by the Association's Code of Conduct.
- (f) Guests – Ordinary, Corporate, Life, Honorary and Introductory Members shall be at liberty to invite guests to the Clubhouse, but the number of guests shall not exceed the maximum number as contained in the Liquor Act.
 - (i) A member shall be at liberty to invite an unlimited number of guests where the sale of liquor is ancillary to a meal supplied at the Clubhouse by or on behalf of the Association to a member and to each of the guests of that member being guests of whose attendance was given prior notice to the Association as per the Liquor Act.
 - (ii) A guest may attend the Clubhouse a maximum of six times per annum before they must apply for membership.
- (g) Functions – Ordinary, Corporate, Life, Honorary, Temporary and Introductory Members are entitled to host functions on the Association's premises after written application for said function has been considered and approved by the Committee.
 - (i) The member may hold the function without limit to the number of guests, providing that the sale of liquor shall be to the member, for consumption by the guests of that member at the function, as per the Liquor Act.
 - (ii) The Manager will furnish the applicant with a written copy of Association rules relating to functions after the application has been approved and any additional conditions and restrictions it shall see fit.
- (h) Upon request, a member can inspect the Books of the Association at such time and place as is mutually convenient to the Association and the Member.
- (i) Member Register:
 - (i) A Member must contact the Secretary to request to inspect the Member Register.
 - (ii) The Member may make a copy of details from the Member Register but has no right to remove the Register for that purpose.
 - (iii) A Member may make a request in writing for a copy of the Member Register.

- (iv) The Association may charge a reasonable fee to the Member for providing a copy of the Member Register, the amount to be determined by the Committee from time to time.
- (v) A Member must not use or disclose the information on the Member Register:
 - 1. To gain access to information that a Member has deliberately denied them (that is, in the case of social, family or legal differences or disputes);
 - 2. To contact, send material to the Association or a Member for the purpose of advertising for political, religious, charitable or commercial purposes, or
 - 3. For any other purpose unless the use of the information is approved by the Committee and for a purpose:
 - a. That is directly connected with the affairs of the Association; or
 - b. Related to the provision of the information to the Commissioner in accordance with a requirement of the Act.
- (vi) The Committee shall require a Member who requests a copy of the Member Register to provide a statutory declaration setting out the purpose of the request and declaring that the purpose relates to the affairs of the Association.

10. Subscriptions

- (a) The annual subscription and any nomination fee of the Association shall be set by majority vote of the Committee prior to the commencement of the financial year.
 - (i) The Committee may determine discounted rates for Social and Introductory membership from time to time.
- (b) Notice of the subscriptions and any nomination fee shall be notified to the members via the Association's notice board.
- (c) All subscriptions are issued on annual basis, commencing on the first day of membership, and are payable in advance on or before *two months after the anniversary date* provided that:
 - (i) The Committee shall not declare a member un-financial if at least half of the subscription is paid by *two months after the anniversary date*; and
 - (ii) The balance of the subscription is paid by *three months after the anniversary date*.
 - (iii) Any member who, through absence; illness; financial difficulties; unemployment; physical disability or other distressful circumstances is unable to pay their full subscription but desires to retain participation with the Association may apply in writing to the Committee to relieve them of part of their liability, but not to make their total liability less than one third of the applicable subscription. The Committee will have discretion as to whether to accept the application and if accepted, any amount payable.

11. Liability for Subscription

- (a) Any member who does not notify the Manager in writing of their intent to withdraw from the Association before their payment anniversary date will be liable for the subscription for the upcoming year.
- (b) Any member whose subscription is in arrears *three (3) months after the anniversary date* in each year shall cease to be a member.

12. General Meetings – Annual General Meeting

- (a) The Annual General Meeting of members shall be held every calendar year within six (6) months after the end of the Association's financial year, with the Committee to determine the date, time and place.
 - (i) Twenty (20) financial voting members shall constitute a quorum.
 - (ii) In the case of insufficient members to form a quorum being present after 30 minutes following the advertised start time for an Annual Meeting, said meeting will be automatically adjourned to re-convene at the same time seven days later and shall proceed with or without a quorum.
- (b) All Notices of Motion for consideration at the Annual Meeting must be handed to the Secretary in writing by 5pm no less than twenty-one (21) days prior to the date set for said meeting.
- (c) Notice of the meeting (including date, time and location) and agenda items, including wording of any Notices of Motion and Notices of Special Resolution, must be posted on the Association's notice board for seven (7) days before the date of the meeting for all members to read.
 - (i) Members who have provided an email address will also be emailed a copy of the notice of the meeting, agenda items and any Notices of Motion and Notices of Special Resolutions.
- (d) The order of business at the Annual Meeting shall be as follows:
 - (i) Reading notice of meeting.
 - (ii) Reading minutes of the last Annual Meeting and any other General Meeting not yet confirmed and confirming or amending same.
 - (iii) Reading President's Report, discussion and adoption or otherwise.
 - (iv) Presenting Financial Statements, discussion and adoption or otherwise.
 - (v) Election of Committee.
 - (vi) Special Business of which Notice of Motion has been given.

13. General Meetings – Special General Meeting

- (a) The Committee may at any time call a Special General Meeting.
 - (i) Twenty (20) financial voting members shall form a quorum.
 - (ii) In the case of insufficient members to form a quorum being present after thirty (30) minutes following the advertised start time, the meeting shall

automatically adjourn to re-convene at the same time seven days later and shall proceed with ten (10) financial voting members forming a quorum.

- (b) A Special General Meeting shall also be called by the Committee on a requisition signed by no less than twenty percent (20%) of members with voting rights, stating in detail the purpose of the meeting.
 - (i) If the Committee does not convene a Special General Meeting within thirty-five (35) days of the date of the requisition being received, any signatory of the requisition shall have the power to convene the meeting as per 12(c).
 - (ii) Twenty percent (20%) of financial voting members shall form a quorum.
 - (iii) In the case of insufficient members to form a quorum being present after thirty (30) minutes following the advertised start time, the meeting shall automatically lapse.
- (c) Notice of the meeting (including date, time and location) and agenda items, including wording of any Notices of Motion and Notices of Special Resolution, must be posted on the Association's notice board for seven (7) days before the date of the meeting for all members to read.
 - (i) Members who have provided an email address will also be emailed a copy of the notice of the meeting, agenda items and any Notices of Motion and Notices of Special Resolutions.
- (d) Only business of which notice shall have been given as above, or in accordance with these rules, shall be transacted at a Special General Meeting.

14. General Provisions for General Meetings

- (a) General Meetings may take place:
 - (i) Where the Members are physically present together; or
 - (ii) Where the Members can communicate by using any technology that reasonably allows the Member to participate fully in discussions as they happen in the General Meeting and in making any decisions, provided that the participation of the Member in the General Meeting must be made known to all other Members.
- (b) A Member who participates in a meeting as set out in Section 14(a)(ii):
 - (i) Is deemed to be present at the General Meeting; and
 - (ii) Continues to be present at the meeting for the purposes of establishing a quorum;

until the Member notifies the other Members that they are no longer taking part in the General Meeting.

- (c) The Chair of the meeting shall be the Association's President or if not available a person nominated and elected by the members present.
- (d) Only financial members with voting rights, as per these rules, will be permitted to vote on matters at a General Meeting.
 - (i) All votes shall be cast by persons present at the General Meeting, including those persons considered present for the purposes of Section 14(a).

1. Each financial member with voting rights present shall have one deliberative vote only.
 2. Proxy votes shall not be permitted.
 3. Absentee votes will not be permitted except as provided for committee elections under Section 17(c)(i).
- (e) At any general meeting unless a poll is requested by at least three (3) members with voting rights, a declaration by the Chair that a resolution has been carried or lost, and an entry to that effect in the minutes of the Association shall be sufficient evidence of the decision.
- (f) The Chairperson shall have the casting vote only and shall decide all questions of order unless otherwise provided by these rules.

15. General Provisions

- (a) These rules shall be the rules of the Association and shall be binding on members.
- (b) The interpretation of these rules and any by-laws of the Association shall, unless set aside by a general meeting called for that purpose, be in the sole determination of the Committee whose decision shall be binding on all members.
- (c) No member shall be entitled to take any legal action against the Association other than a claim for goods sold and delivered and services rendered except where it is available under law.
- (i) Members wishing to appeal any disciplinary proceedings must do so under Section 27 of the constitution.
- (d) Member dispute resolution will only be dealt with as per Section 28 of the constitution

16. Management Committee

- (a) The management of the Association shall be vested in the Management Committee consisting of the following elected and appointed positions:

Elected roles:

- (i) President (elected for a 3-year term)
- (ii) Vice President (elected for a 3-year term)
- (iii) Secretary (elected for a 3-year term)
- (iv) Treasurer (elected for a 3-year term)

Optional elected roles:

- (v) Assistant Secretary (elected for a 3-year term)
- (vi) Assistant Treasurer (elected for a 3-year term)
- (vii) Up to 3 additional elected General Committee members (each elected for a 3-year term)

Appointed roles:

- (viii) Up to 3 General Committee members appointed by the Committee, based on skills required as agreed by the Committee (each appointed for a 3-year term).
 - (ix) Elected Committee member terms commence at the conclusion of the Annual Meeting at which the election was held and ends at the conclusion of the Annual Meeting 3-years after election.
 - (x) Appointed Committee member terms commence when appointed under 16(a)(viii) and concludes [3]-years after appointment.
 - (xi) Committee Transition – upon acceptance of these rules the following shall apply:
 - 1. All newly created positions shall be treated as a casual vacancy; and
 - 2. Terms of office for existing and new committee members expire at the Annual Meeting following approval of these rules.
 - (xii) Committee members shall be a financial member with voting rights who are not under suspension or ineligible as per Sections 20(g) and 20(h).
 - (xiii) Committee members may only hold one position concurrently.
 - (xiv) Elected and appointed members are eligible to stand for a second committee term of three (3) years.
- (b) The quorum at all Committee meetings shall be 5.
- (c) Committee Meetings may take place:
- (i) Where the Committee Members are physically present together; or
 - (ii) Where the Committee Members can communicate by using any technology that reasonably allows the Committee Member to participate fully in discussions as they happen in the Committee Meeting and in making decisions, provided that the participation of the Committee Member in the Committee Meeting must be made known to all other Members.
- (d) A Committee Member who participates in a meeting as set out in Section 16(c)(ii):
- (i) is deemed to be present at the Committee Meeting; and
 - (ii) continues to be present at the meeting for the purposes of establishing a quorum,
- until the Committee Member notifies the other Committee Members that they are no longer taking part in the Committee Meeting.
- (e) Committee meetings shall be held not less than six (6) times per year, with no longer than two (2) months between meetings, on the dates and at the times and places determined by the committee.
- (i) The date, time and place of the first Committee Meeting must be determined by the committee members as soon as practicable after the annual general meeting at which the committee members are elected.
 - (ii) Notice of each Committee Meeting must be given to each committee member at least 48 hours before the time of the meeting stating the date,

- time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- (iii) The only business that may be conducted at the meeting is the business described in the notice except in the case of urgent business where committee members at the meeting unanimously agree to treat that business as urgent.
 - (iv) The President shall preside at all meetings of the Committee of the Association and, in their absence, the Vice President.
 - 1. Should neither be present, the meeting shall elect a Chairperson.
 - (v) The procedure to be followed at a Committee Meeting must be determined from time to time by the committee.
 - (vi) The order of business at a Committee Meeting may be determined by the committee members at the meeting.
 - (vii) Special meetings may be called by the President, Secretary or on the request of three members of the Committee.
- (f) The Committee can determine the distribution of Committee Meetings minutes to members.
- (i) Where minutes are distributed to a member, all private and confidential information pertaining to another member shall be redacted.
 - (ii) Minutes of Disciplinary Hearings as held under Section 28 shall not be distributed to any member.
- (g) A Manager of the Association may attend all Committee meetings to give their report and then leave at the discretion of the Committee.
- (h) All Members, or other guests, may attend Committee Meetings if invited by the Committee but the person shall not have any right to comment without invitation, or vote on any matter, or to be provided with copies of any agenda, minutes of meetings, or documents presented to such meetings.
- (i) Committee Vacancies
- (i) Any vacancy occurring in the Committee as per Section 19 may be filled at a meeting of the Committee when a member may be elected to fill such a vacancy until the next election provided the member elected at such Committee meeting shall hold office in the place of, and upon the same terms and conditions as their predecessor, had the latter continued in the office.
 - (ii) No member of the Committee shall be held to have resigned their seat until their resignation, in writing, has been accepted by the Committee.
 - (iii) In the vacancy of the President then the Vice President shall become President.
 - (iv) A casual vacancy of Vice President shall be filled by the Committee from a Member of the Committee.

- (v) If vacancies in the Committee result in the number of Committee Members being less than the number fixed under Section 16(b), the continuing Committee Members may act to only:
 - 1. increase the number of Members on the Committee to the number required for a quorum; or
 - 2. convene a General Meeting of the Association
- (j) All resolutions of the Committee shall be decided by a majority vote of all those present except as provided for under Section 16(j)(ii).
 - (i) Each Committee member present shall have one deliberative vote only.
 - (ii) The Committee may pass a resolution outside of a Committee meeting if:
 - 1. Identical copies of a document are circulated to each Committee Member detailing:
 - a. Motion
 - b. Mover
 - c. Secunder
 - 2. The document shall be circulated:
 - a. By email to address on Register of Members; or
 - b. In person
 - 3. All Committee Members shall:
 - a. Return circulated document through email or in person, indicating acceptance or rejection of the motion; or
 - b. Reply to email, quoting the motion and indicating acceptance or rejection of the motion.
 - 4. Taken together, all signed copies of the document will constitute the same document.
 - 5. The resolution shall be decided by a majority vote after all Committee Members have voted under Section 16(j)(ii)(3).
 - (iii) In the case of equality of votes, the proposal before the Committee shall be decided in the negative.
- (k) The President or in their absence, the Vice President shall be authorised to speak on behalf of the Association.
- (l) Any act performed by the Committee, a Sub-Committee or a person acting as a Committee Member is deemed to be valid even if the act was performed when:
 - (i) There was a defect in the appointment of a Committee Member, Sub-Committee or person holding a subsidiary office; or
 - (ii) A Committee Member was disqualified from being a Committee Member as per Sections 20(g) or 20(h) because of bankruptcy or conviction of a relevant criminal offence.

17. Election of Management Committee

- (a) The Secretary shall post the Committee member positions becoming vacant on the Association's Noticeboard not less than fourteen (14) days before the Annual Meeting.
- (b) Nominations for individual positions on the Committee must be in writing signed by the proposer and nominee and must be in the hands of the Secretary by 5pm not less than seven (7) days before the Annual General Meeting.
 - (i) Only financial members with voting rights who are not ineligible as per Section 19(g) and 19(h) or under suspension may submit nominations for a position on the Committee.
 - (ii) The nominations shall be exhibited on the notice board or electronically posted at least three (3) days prior to the said meeting.
 - (iii) Retiring Committee Members are eligible to renominate for the position they have vacated.
- (c) The election of retiring Committee Members shall be by ballot at the Annual Meeting in the presence of the Returning Officer and two scrutineers elected by the members present at such meeting.
 - (i) Members unable to attend the meeting may lodge a vote on the Association approved ballot paper with the [Secretary/Manager] at least two (2) days prior to the meeting, having also recorded and signed an apology for the meeting on an outer sealed envelope that contains the sealed ballot paper.
 - 1. This approved ballot paper must be distributed directly to the member.
 - (ii) All other votes shall be cast at the Annual Meeting.
- (d) Elections are held in the following order:
 - Required posts:
 - (i) President
 - (ii) Vice President
 - (iii) Secretary
 - (iv) Treasurer
 - Optional posts:
 - (v) Assistant Treasurer
 - (vi) Assistant Secretary
 - Additional required posts:
 - (vii) General Committee
- (e) Where a member has nominated for more than one position on the committee and they are elected to a position, their additional nominations shall be withdrawn.
- (f) Individual elections shall be held for each of the following positions President, Vice President, Secretary, Treasurer, Assistant Treasurer and Assistant Secretary.
- (g) A single election shall be held for all elected General Committee positions.

- (h) If two or more candidates receive the same number of votes, the Returning Officer shall determine by lot the successful candidate/s.
- (i) Appointed General Committee positions shall be made at the first Committee meeting after the Annual Meeting.
- (j) Nominees are permitted to vote for themselves.
- (k) In the case where no more than the required number of Committee Members shall be nominated, those so nominated shall be declared elected.
- (l) If there shall be insufficient nominations to fill the whole of the vacancies of the list of officers, those declared elected shall have power to fill the vacancies as a casual vacancy.

18. Powers of the Committee

- (a) The business of the Association shall be managed by the Committee who may exercise all powers of the Association, except those required to be exercised by the Association at a General Meeting.
- (b) Without prejudice to the powers conferred by the last preceding rule, the Committee shall have power to do the following things:
 - (i) To purchase or otherwise acquire any books, newsletters or periodicals and dispose of them as it may see fit.
 - (ii) To determine from time to time the conditions on which and time when, members may use the property of the Association or any part or parts thereof, and when and under what conditions the premises of the Association or any part or parts thereof, shall be used by members.
 - (iii) To determine what person, if any, not being members of the Association shall be permitted to use the premises of the Association or any part or parts thereof and during what time and under what conditions and when and at what times and places and under what conditions such persons shall be supplied with refreshments and accommodation.
 - (iv) To appoint any officials or servants of the Association and to remove them as occasions may require at their discretion and to define their respective duties. Persons appointed to paid positions shall be engaged under a contract, award or classification of work in the Registered and Licensed Clubs Award (2020) and its amendments.
 - (v) To delegate, subject to such conditions as it thinks fit any of its powers to sub committees consisting of such members of the Committee and other members of the Association co-opted for the purpose as it may determine and to make such regulations as to the proceedings of such sub committees as may be thought desirable.
 - (vi) To regulate and control their own meeting and the transaction of business.
 - (vii) To reimburse expenses of any servant of the Association for faithful and diligent service as deemed fit.
 - (viii) In accordance with these rules, to discipline any member.

- (ix) To enter into or accept any lease or tenancy of the premises where on the Association shall conduct its affairs or of any furniture, goods and effects, which may be required for the use of the Association on such terms and on such conditions as the Association, may deem expedient.
- (x) To take and defend all legal proceedings by or on behalf of the Association and to appoint all necessary Attorneys for any such purpose.
- (xi) To borrow, raise or secure the payment of money, and to sell and dispose of the assets of the Association, following full member approval at SGM or AGM.
- (xii) To make, alter and repeal by-laws not inconsistent with these rules regulating the use and management of the Association's premises, the admission of members and the conduct of the Association and its affairs generally.
- (xiii) To determine and vary Playing Rights but where particular Playing Rights are specifically stated in these rules, those Playing Rights may only be varied as necessary to accommodate tournaments, competitions and matches, or adverse conditions or works on the playing courts.
- (xiv) To do and perform any other act, matters and things in connection with or relative to the management of the Association as shall not by these rules require to be done by the Association in General Meetings.
- (xv) To appoint such number of delegates to sporting bodies and associations with which the Association may from time to time be affiliated as may be required by the rules thereof and such delegates shall hold office in accordance with the rules of such sporting bodies and associations respectively.
- (xvi) Every member of the Committee shall be indemnified against any loss, expenses or liability incurred by reason of any act or deed performed by them in good faith on behalf of the Committee and the Committee may use the funds of the Association for any such purpose required, together with any reasonable expenses' incidental to Committee activities.

19. Ceasing to be a member of the Management Committee

- (a) A casual vacancy occurs in the office of a Committee Member and that office becomes vacant if the Committee Member:
 - (i) Dies;
 - (ii) Ceases to be a Member;
 - (iii) Becomes disqualified from holding a position under Section 20(g) or 20(h) as a result of bankruptcy or conviction of a relevant criminal offence;
 - (iv) Becomes permanently incapacitated by mental or physical ill-health;
 - (v) Resigns from office under Section 16(i)(ii);
 - (vi) Is absent from more than:
 1. Three consecutive Committee Meetings without a good reason; or

2. Three Committee Meetings in a twelve (12) month period without tendering an apology to the person presiding at each of those Committee Meetings;
- (vii) Is removed from office under by resolution at a General Meeting of the Association if a majority of the Members present and with voting rights at the meeting vote in favour of the removal.
1. The Committee Member who faces removal from the Committee must be given a full and fair opportunity at the General Meeting to decide the proposed resolution, to state their case as to why the Member should not be removed from their position on the Committee.
 2. If all Committee Members are removed by resolution at a General Meeting, the Members must, at the same General Meeting, elect an interim Committee.
 3. The interim Committee must, within two months, convene a General Meeting of the Association for the purpose of electing a new Committee.

20. Role and Responsibilities of Committee Members

(a) Obligations of the Committee

- (i) The Committee must take all reasonable steps to ensure the Association complies with its obligations under the Act and these Rules.

(b) Remuneration of the Committee

- (i) **Voluntary Service:** All committee members are appointed on a voluntary basis and without expectation of monetary compensation for their services.
- (ii) **Reimbursement of Expenses:** Reasonable expenses incurred by committee members, and volunteers, while performing their duties for the organisation may be reimbursed, provided that such expenses are pre-approved by the Committee and are consistent with the organisation's financial policies.
- (iii) **Prohibition of Compensation:** No part of the organisation's funds shall be used to compensate committee members or volunteers for their services, except as provided for in this constitution or as otherwise approved in writing by members at a general meeting

(c) Responsibilities of Committee Members

- (i) A Committee Member must exercise their powers and discharge their duties with a degree of care and diligence that a reasonable person would exercise in the circumstances.
- (ii) A Committee Member must exercise their powers and discharge their duties in good faith in the best interests of the Association and for a proper purpose.
- (iii) A Committee Member or former Committee Member must not improperly use information obtained because they are a Committee Member to:

1. Gain an advantage for themselves or another person; or
 2. Cause detriment to the Association.
- (iv) A Committee Member or former Committee member must not improperly use their position to:
1. Gain an advantage for themselves or another person; or
 2. Cause detriment to the Association.
- (d) A Committee Member having any material personal interest, i.e.: financial or non-financial interests, in a matter being considered at a Committee Meeting must:
- (i) As soon as they become aware of that interest, disclose the nature and extent of their interest to the Committee;
 - (ii) Disclose the nature and extent of the interest at the next General Meeting of the Association; and
 - (iii) Not be present while the matter is being considered at the Committee Meeting or vote on the matter.
- (e) Section 20(c) does not apply in respect of a material personal interest that:
- (i) Exists only because the Committee Member belongs to a class of persons for whose benefit the Association is established; or
 - (ii) The Committee Member has in common with all, or a substantial proportion of, the members of the Association.
- (f) The Secretary must record every disclosure made by a Committee Member under Section 20(c) in the minutes of the Committee Meeting at which the disclosure is made.
- (g) No Committee Member shall make any public statement or comment or cause to be published any words or article concerning the conduct of the Association unless the person is authorised by the Committee to do so and such authority is recorded in the minutes of the Committee Meeting.
- (h) No person shall be eligible to hold a position on the Committee if the person is, according to the Interpretation Act section 13D, a bankrupt or a person whose affairs are under insolvency laws unless the person has obtained the consent of the Commissioner.
- (i) No person shall be eligible to hold a position on the Committee if the person has been convicted of, or imprisoned in the previous five years for:
- (i) an indictable offence in relation to the promotion, formation or management of a body corporate;
 - (ii) an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months; or
 - (iii) an offence under Part 4 Division 3 or section 127 of the Act;
- unless the person has obtained the consent of the Commissioner.
- (j) All Committee Members shall maintain the privacy and confidentiality of meeting proceedings and matters relating to the strategic governance and management of the Association.

- (k) All Committee Members shall abide by the Committee Member Code of Conduct.
- (l) As soon as is practicable after a person has ceased to be a member of the Committee of the Association, all relevant documents, records and security items (including passwords and keys) must be delivered to the Secretary or to a designated Committee Member, should the Secretary cease to be a member.

21. President

- (a) The President or other such person as authorised by the Committee:
 - (i) Must consult with the Secretary regarding the business to be conducted at each Committee Meeting and each General Meeting
 - (ii) May convene special meetings of the Committee under Section 16(e)(vii)
 - (iii) May preside over Committee Meetings under Section 16(e)(iv)
 - (iv) May preside over General Meetings under Sections 12 and 13; and
 - (v) Must ensure that the minutes of a General Meeting or Committee Meeting are reviewed and confirmed as correct.
 - 1. In the case where the President was absent from the meeting then the Vice President shall confirm or another Committee Member in attendance at that meeting.

22. Administration

- (a) The Secretary or other such person as authorised by the Committee must:
 - (i) Co-ordinate the correspondence of the Association;
 - (ii) Consult with the Chairperson about all business to be conducted at meetings and convene General Meetings and Committee Meetings, including preparing the notices of meetings and of the business to be conducted at each meeting;
 - (iii) Keep and maintain in an up-to-date condition the rules of the Association and any by-laws of the Association;
 - (iv) Maintain the register of the Members including the email, street, postal address or information by means of which contact can be made of each member;
 - (v) Update the register within 28 days of new members, members resigning, members suspended/expelled and in the latter case, include date in which member ceases and reasons for cessation of membership.
 - (vi) Maintain the record of office holders of the Association.
 - 1. Committee members may nominate a business address, post office box address or email address to be used in the record in place of their personal address;
 - (vii) Ensure the Annual Information Statement is submitted;
 - (viii) Ensure the safe custody of the Books and any securities, with the exception of the Accounting Records, of the Association;

- (ix) Take and keep full and correct minutes of Committee Meetings for approval at the next Committee meeting, which will then be stored and distributed;
- (x) Take and keep full and correct minutes of General Meetings, which will be supplied upon request to the Secretary, distributed to all members within 30 days of the General Meeting via email and will be tabled for adoption at the next General Meeting; and
- (xi) Perform any other duties as are imposed by these Rules or the Association on the Secretary role.

23. Finances

- (a) The Association's financial year shall be from the first of July each year, until the following 30th of June.
- (b) The Treasurer or other such person as authorised by the Committee must:
 - (i) Ensure all moneys payable to the Association are collected, and that receipts are issued for those moneys in the name of the Association;
 - (ii) Ensure the payment of all moneys referred to in Section 23(b)(i) into the account or accounts of the Association as the Committee may from time to time direct;
 - (iii) Ensure timely payments from the funds of the Association with the authority of a General Meeting or of the Committee, with all cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Association signed by either:
 1. 2 committee members; or
 2. one committee member and a person authorised by the committee
 - (iv) Ensure that the Association complies with the account keeping requirements in Part 5 of the Act;
 - (v) Ensure the safe custody of the Financial Records of the Association and any other relevant records of the Association;
 - (vi) Coordinate the preparation of the financial statements or financial report, as imposed on the Association under Part 5 of the Act, prior to their submission to the annual general meeting of the Association;
 - (vii) Assist the reviewer or auditor (if any) in performing their functions; and
 - (viii) Perform any other duties as are imposed by these Rules or the Association on the Treasurer role.
- (c) If the Association engages a reviewer or auditor, they shall be independent to the Association.
 - (i) Appointments of any reviewer or auditor shall be as per Part 5 of the Act.
- (d) Correct accounts and books shall be kept showing the financial affairs of the Association and the particulars usually shown in books of accounts of a like nature.
- (e) The Clubhouse and Association's facilities are to be provided and maintained from the joint funds of the Club and no person shall be entitled under these rules to

derive any benefit or advantage from the Association which is not shared equally by every member thereof.

- (f) Section 23(e) does not prevent:
- (i) The payment in good faith of remuneration to any officer, employee or Member in return for any services actually rendered to the Association or for goods supplied in the ordinary and usual course of business;
 - (ii) The payment of interest at a rate not exceeding the prevailing market rate published by the Reserve Bank of Australia as the "Cash Rate Target" from time to time on money borrowed from any Member;
 - (iii) The payment of reasonable and proper rent by the Association to a Member for premises leased by the Member to the Association; or
 - (iv) The reimbursement of expenses incurred by any Member or any Committee Member on behalf of the Association.
 - (v) The reimbursement of a Committee Member's travelling and other expenses as properly incurred:
 - 1. In attending Committee Meetings or Sub-Committee meetings;
 - 2. In attending any General Meetings of the Association; and
 - 3. In connection with the Association's business.

24. Sub-Committees

- (a) The Committee may delegate any of its delegable powers to Sub-Committees composed of Members it deems appropriate.
 - (i) All members of a Sub-Committee shall be bound by Section 20.
- (b) Any such Sub-Committee must report to and be responsible to the Committee.
- (c) No act of any Sub-Committee shall be binding on the Committee or Association until ratified by the Committee.
- (d) The Chair must be an existing member of the Committee.
- (e) The President of the Committee must be an ex-officio member.

25. Liquor Act

- (a) The Association will maintain a club license under the Liquor Act.
- (b) The Association shall ensure an Approved Manager is on the licensed premises for the purposes of observing liquor licensing requirements and regulations, as required under the Liquor Act.
- (c) The Association shall be open for sale of liquor during such hours as the Committee shall from time to time determine and as permitted under the Liquor Act and Club licence documentation.
- (d) No liquor shall be sold or supplied to any juvenile.
- (e) The Association may allow visitors onto the premises, as per the requirements of the Liquor Act.

- (i) Visitors shall not be entitled to be present at any meeting of the members of the Association, nor have any right, title or interest in or to any of the property of the Association.
- (ii) Visitors will be subject to withdrawal by any Association official, including bar persons, acting on the best interests of the Association.
- (iii) An up-to-date register of visitors must be continually available for inspection at the Association premises by authorised officers.
- (f) No liquor shall be sold or supplied for consumption other than on the Association's premises, unless the member purchasing it removes such liquor from the premises of the Association.
- (g) The Association may seek an Extended Trading Permit – Associations to add local Associations as users of the Association's facility to hold their functions.

26. Executing Documents

- (a) The Association shall not have a Common Seal,
- (b) The Association may execute a document without using a Common Seal, but must be signed by:
 - (i) The President or Vice President and another nominated Committee Member; or
 - (ii) The President or Vice President and a person authorised by the Committee.

27. Member Discipline

- (a) The Committee shall have the power to reprimand, suspend or expel any member of the Association.
- (b) Any complaints relating to a member must be in writing and must be lodged with the Committee within three (3) months of the date of the incident.
- (c) The President, Committee or Approved Manager in receiving a complaint from the Approved Manager or Approved Bar Staff, of a member's behaviour which is considered a serious breach of the Liquor Act or acceptable member behaviour or where police involvement is required, may suspend a member for a period until disciplinary action under Section 27(f) can be taken.
- (d) The Committee shall apply the power to reprimand, suspend or expel any member of the Association who:
 - (i) Fail in the observance or commit any breach of any rule of the Association, members Code of Conduct, or any by-law of the Association or of any order or direction of the Committee or of any General Meeting; and/or
 - (ii) In the sole judgement of the Committee have been guilty in or out of the Association's premises of any act, conducted matter or thing calculated to bring discredit on the Association or its members, or to impair or affect the enjoyment of the Association by other members.
- (e) The Committee is required to exempt any member of that Committee from hearing a charge in which they have an interest.

- (f) Any member charged with misconduct as above shall be furnished with a written copy of the charge and summoned before the Committee with no less than seven (7) days' notice.
 - (i) The Committee shall, after hearing the accuser and accused and taking such evidence as they may consider proper, if they find the charge proved inflict a penalty of suspension from all or any of the privileges of membership.
 - (ii) If the Committee determine that on a charge of gross misconduct suspension is insufficient and expulsion is warranted:
 - 1. The committee shall first call on the member to resign within ten (10) days.
 - 2. If the member neglects to resign within ten (10) days, the committee shall then declare the member to be expelled.
 - (iii) If a Member is suspended or expelled under Section 26(f)(i) or 26(f)(ii), the person may appeal the Committee's decision through a Special General Meeting by giving written notice to the Secretary within fourteen (14) days of receiving notice of the Committee's decision under Section 27(f)(i) or 27(f)(ii).
- (g) At the hearing, all parties to the disciplinary proceeding must be given a full and fair opportunity to state their respective cases orally, in writing or both.
- (h) Members are not permitted to have legal representation attend any disciplinary matters but may bring another member to act in a support capacity only.
 - (i) Any member under the age of 18 must have a parent or legal guardian present during the entire disciplinary process.
 - 1. If a parent or legal guardian does not attend the hearing, the member under the age of 18 will not be able to attend the hearing and the Committee will continue as per Section 27(i).
- (i) If a responding member or a representative of the responding member does not attend within 30 minutes of the time stated on the hearing notice, the hearing may start without that member or their representative and determination will be made at the hearing.
- (j) If a Member's membership is suspended under Section 27(f)(i), the Secretary must record in the Register:
 - (i) The name of the Member that has been suspended from membership;
 - (ii) The date on which the suspension takes effect; and
 - (iii) The length of the suspension as determined by the Committee under Section 27(f)(i).
- (k) During the period a member's membership is suspended, the member:
 - (i) Loses any rights (including voting rights) arising as a result of membership;
 - (ii) Is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association; and

- (iii) Cannot attend the Association as a Guest of a member, unless prior written authorisation is received from the Committee.
- (l) Upon the expiry of the period of a Member's suspension, the Secretary must record in the Register that the Member is no longer suspended.
- (m) If the Committee's decision to suspend or expel a Member is revoked under these Rules, any act performed by the Committee or Members in a General Meeting during the period that the Member was suspended or expelled from Membership under Section 27(f), is deemed to be valid, notwithstanding the Member's inability to exercise their rights or privileges of Membership, including voting rights, during that period.

28. Resolving Disputes

- (a) Disputes Arising under the Rules
 - (i) Section 28(a) applies to:
 1. Disputes between Members; and
 2. Disputes between the Association and one or more Members that arise under the rules or relate to the rules of the Association. This does not include disciplinary matters undertaken with Association members, which are covered only under Section 27 of these rules.
 - (ii) The parties to a dispute must attempt to resolve the dispute between themselves within fourteen (14) days of the dispute coming to the attention of each party.
 - (iii) If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this rule by giving written notice to the Secretary of the parties to, and details of, the dispute.
 - (iv) The Secretary must convene a Committee Meeting within twenty-eight (28) days after the Secretary receives notice of the dispute under Section 28(a)(iii) for the Committee to determine the dispute.
 - (v) At the Committee Meeting to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, in writing or both.
 - (vi) The Secretary must inform the parties to the dispute of the Committee's decision and the reasons for the decision within seven (7) days after the Committee Meeting referred to in Section 28(a)(v).
 - (vii) If any party to the dispute is dissatisfied with the decision of the Committee, they may elect to initiate further dispute resolution procedures as set out in the Rules.
- (b) **Mediation**
 - (i) Section 28(b) applies:
 1. Where a dispute arises between a Member or more than one Member and the Association and any party to the dispute elects not to have the matter determined by the Committee.

- (ii) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Section 28(a)(ii), or a party to the dispute is dissatisfied with a decision made by the Committee, under Section 28(a)(vii) a party to a dispute may:
 - 1. Provide written notice to the Secretary of the parties to, and the details of, the dispute;
 - 2. Agree to, or request the appointment of, a mediator.
- (iii) Party, or parties requesting the mediation must pay the costs of the mediation.
- (iv) The mediator must be:
 - 1. A person chosen by agreement between the parties; or
 - 2. In the absence of agreement:
 - a. If the dispute is between a Member and another Member – a person appointed by the Committee; or
 - b. If the dispute is between a Member or more than one Member and the Association, the Committee or a Committee Member then an independent person who acts as a mediator for another not-for-profit body.
- (v) A Member can be a mediator, but the mediator cannot be a Member who is a party to the dispute.
- (vi) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (vii) The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least five (5) days before the mediation session.
- (viii) The mediator, in conducting the mediation, must:
 - 1. Give the parties to the mediation process every opportunity to be heard;
 - 2. Allow all parties to consider any written statement submitted by any party; and
 - 3. Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (ix) The mediator must not determine the dispute, and the mediation must be confidential. Information provided by the parties during the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.

(c) Inability to Resolve Disputes

- (i) If a dispute cannot be resolved under the procedures set out in the Rules, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.

29. Alteration and Rescinding of These Rules

- (a) The Association may only alter or rescind any of these rules, or to make additional rules, only by special resolution carried by a three-fourths majority of members present and voting at a General Meeting and by otherwise complying with Part 3 Division 2 of the Act.
- (b) Notice of Special Resolution to alter or rescind any of these rules or to make additional rules shall be given to the Secretary at least twenty-one (21) days preceding the Annual or Special General Meeting at which the motion shall be presented. The Secretary shall exhibit the Special Resolution on the Association's notice board at least fourteen (14) days prior to such meeting.
- (c) Within one month after a special resolution is carried to repeal or alter the rules or adopt new rules of the Association under Section 29(b), the Committee shall lodge the required documents with the Commissioner.

30. Dissolution of the Association

- (a) The Association may wind up and have its incorporation cancelled in accordance with Parts 9 and 10 of the Act, if the Association so resolves by special resolution.
- (b) On the cancellation of the incorporation or the winding up of the Association, the surplus property must be distributed as determined by special resolution to another not-for-profit association and as per Section 25(1) of the Act.