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Signed by me and dated ...../...../.....

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Signature(s)

## **RULES OF ASSOCIATION**

### **1. Name of Association**

The name of the Association is North Coast Ball Club Inc.

### **2. Definitions**

In these rules, unless the contrary intention appears- "annual general meeting" is the meeting convened under paragraph (b) of rule 17(1).

"Committee" means a person referred to in rule 10.

"Committee of Management" also known as "Executive Committee" means persons referred to in rule 10.1.

"Committee Meeting" means a meeting referred to in rule 16.

"Committee Member" means person referred to in paragraph (a), (b), (c), (d) or (e) of rule 10 (1) and (7).

"Convene" means to call together for a formal meeting.

"Department" means the government department with responsibility for administering the *Associations Incorporation Act (2015)*.

"Financial Year" means a period not exceeding 15 months fixed by the Committee, being a period commencing on the date of incorporation of the Association and ending on 30 April; and thereafter each period commencing 1 May and ending on 30 April in the following year.

"Member" means member of the Association.

"Ordinary Resolution" means resolution other than a special resolution.

"Poll" means voting conducted in written form (as opposed to a show of hands).

"Special general meeting" means a general meeting other than the annual general meeting or committee meeting.

"Special resolution" has the meaning given as referred to within the Act, that is-

A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the association who are entitled under the rules of the association to vote and vote in person or, where proxies or postal votes are allowed by the rules of the association by proxy or postal vote, at a special general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules.

At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the rules of the Association or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least 3 members of the association present in person or, where proxies are allowed, by proxy.

If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared.

"The Act" means the *Associations Incorporation Act 2015*.

"The Association" means the Association referred to in rule 1.

"The President" means-

- (a) In relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Committee meeting or special general meeting in accordance with rule 11; or
- (b) Otherwise, then in relation to the proceedings referred to in paragraph (a), the person referred to in paragraph (a) of rule 10 (1) or, if that person is unable to perform his or her functions, the Vice President.

"The Commissioner" means the Commissioner for Consumer Protection exercising powers under the Act.

"The Executive Committee" means the Committee of Management of the Association referred to in rule 10 (1) paragraph (a), (b), (c) (d) and (e) of rule 10 (1).

"The Secretary" means the Secretary referred to in paragraph (c) of rule 10 (1).

"The Treasurer" means the Treasurer referred to in paragraph (d) of rule 10 (1).

"The Vice-President" means the Vice-President referred to in paragraph (b) of rule 10 (1).

"The Registrar" means the Registrar referred to in paragraph (e) of rule 10 (1).

"The Club" means the Association referred to in rule 1.

"The Season Dates" are from 1<sup>st</sup> July to 30<sup>th</sup> June

### **3. Objects of Association**

(1) The objects of the Association are-

(a) To promote the games of Tee-Ball, Softball and Baseball in the Quinns Rocks area and surrounding North Coast districts of the City of Wanneroo or replacement council district/s accordingly.

(b) To obtain sponsorship for these sports.

(2) The property and income of the Association 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.

(3) The property, plant and equipment (including uniforms) of the Association remains the property, plant and equipment of the Association, and any member that receives Association property, plant and equipment, acknowledges that:

(a) They have been provided this property, plant and equipment on an interim basis in relation to the objects of the Association.

(b) Is to act as a custodian of the Association property, plant and equipment and to maintain and care for the Association property, plant and equipment.

- (c) Is responsible for the return of the property, plant and equipment to the Association, at the end of the season or financial year, or at any time as requested by the Committee of Management of the Association.
- (d) Where Association property, plant and equipment is either lost or damaged by any member acting as a custodian of the Association property, plant and equipment, at the sole discretion of the Committee of Management of the Association, can request and the member will pay for the reimbursement cost of the property, plant and equipment to the Association.

#### **4. Powers of Association**

The powers conferred on the Association are the same as those as referred to within the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Association- may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may -

- (a) Acquire, hold, deal with, and dispose of any real or personal property.
- (b) Open and operate bank accounts.
- (c) Invest its money -
  - (i) In any security in which trust monies may lawfully be invested; or
  - (ii) In any other manner authorised by the rules of the Association.
- (d) Borrow money upon such terms and conditions as the Association thinks fit.
- (e) Give such security for the discharge of liabilities incurred by the Association as the Association thinks fit.
- (f) Appoint agents to transact any business of the Association on its behalf.
- (g) Enter into any other contract it considers necessary or desirable; and
- (h) May act as trustee and accept and hold real and personal property upon trust but does not have power to do any act or thing as a trustee that, if done

otherwise than as a trustee, would contravene this Act or the rules of the Association.

(i) Raise money by registration fees, subscriptions, and levies and by such other methods as from time to time the Committee shall see fit.

(j) Purchase, take on lease, exchange, hire or otherwise acquire any real or personal property which may be necessary or convenient for any of the objects of the Club and

(k) Do all such things as are incidental, necessary, or conducive to the attainment of the objects of the Club.

## **5. Qualifications for Membership of Association**

(1) Membership of the Association is open to any person who wishes to further the interests of the Club.

(2) A person who wishes to become a member must-

(a) Apply for membership to the Committee in writing-

(i) signed by that person and

(ii) In such form as the Committee from time to time directs.

(3) The Committee members may consider any application made under sub-rule (2) at a Committee meeting and may at the Committee meeting accept or reject that application.

(4) An applicant whose application for membership of the Association is rejected under sub-rule (3) must, if he or she wishes to appeal against that decision, give notice to the Secretary of his or her intention to do so within a period of 14 days from the date he or she is advised of the rejection.

(5) When notice is given under sub-rule (4), the Committee must either confirm or set aside the decision to reject the application, after having afforded the applicant who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Committee.

(6) The membership categories are:

(a) Junior Member

- i. Any person under the age of 18 years who is registered to play Tee-Ball, Softball or Baseball with the Club is a Junior Member and shall have no voting rights and shall not hold any office.

(b) Ordinary Member

- i. Any parent / guardian of a Junior Member of the Club, nominated at registration, is entitled to hold any office and enjoy privileges of the club.
- ii. Any person over the age of 18 years who is registered to play Softball or Baseball with the Club is entitled to hold any office and enjoy privileges of the club.

(c) Life Member

- i. Any member who has given outstanding service to the Club may be elected by the Committee as a Life Member. Any member may nominate a person for Life Membership to the Committee for election.
- ii. Such life members shall not be eligible to vote or receive committee meeting minutes, unless they are current members of the Club under another membership category.

(d) Patron

- i. The Club may, at their discretion, elect a patron/s or vice patron/s of the Club for such period as may be deemed necessary. Such patron/s or vice patron/s shall not be eligible to vote unless they are current members of the Club under another membership category.

(e) Not a member under 6 sub section (a) to (e).

- i. A person that does not have membership under section 6 sub section (a) to (e) may apply for membership at an annual general meeting, a special general meeting or a committee meeting and may hold office and be eligible to vote.

## **6. Register of members of Association**

- (1) The Registrar, on behalf of the Association, must comply as referred to within the Act keeping and maintaining- in an up-to-date condition a register of the members of the Association and their postal or electronic addresses and, upon the request of a member of the Association, the request must be made by a Statutory Declaration and presented at a special general meeting. The registrar shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.
- (2) The register must be so kept and maintained at the Registrar's place of residence, or at such other place as the Committee decide.
- (3) The Registrar must cause the name of a person who dies or who ceases to be a member under rule 8 to be deleted from the register of members referred to in sub-rule (1).
- (4) For registration purposes the season shall commence on 1<sup>st</sup> July and cease on 30<sup>th</sup> June.

## **7. Subscriptions of Members of Association**

- (1) The members at an annual general meeting determine the amount of the subscription to be paid by each member.
- (2) Each member must pay to the Treasurer, at time of registering or such other date as the Committee from time to time determines, the amount of the subscription determined under sub-rule (1).
- (3) Subject to sub-rule (4), a member whose subscription is not paid at registration or such other date as the Committee from time to time determines under sub-rule (2) ceases on the expiry of that period to be a member, unless the Committee decides otherwise.

- (4) A person exercises all the rights and obligations of a member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under sub-rule (2) or such other time as the Committee allows.

## **8. Termination of Membership of the Association**

Membership of the Association may be terminated upon-

- (a) Receipt by the Secretary or another Committee member of a notice in writing from a member of his or her resignation from the Association. Such person remains liable to pay to the Association the amount of any subscription due and payable by that person to the Association but unpaid at the date of termination; or
- (b) Non-payment by a member of his or her subscription date fixed by the Committee for subscriptions to be paid, unless the Committee decides otherwise in accordance with rule 7 (3);
- (c) expulsion of a member in accordance with rule 9.

## **9. Suspension or Expulsion of Members of Association**

- (1) If the Committee considers that a member should be suspended or expelled from membership of the Association because his or her conduct is detrimental to the interests of the Association and / or bringing the game of Tee-Ball, Softball or Baseball into disrepute, the Committee must communicate, either orally or in writing, to the member-
- (a) Notice of the proposed suspension or expulsion and of the time, date and place of the Committee meeting at which the question of that suspension or expulsion will be decided; and
  - (b) Particulars of that conduct, not less than 30 days before the date of the Committee meeting referred to in paragraph (a).



- (2) At the Committee meeting referred to in a notice communicated under subrule (1), The Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, suspend or expel or decline to suspend or expel that member from membership of the Association and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.
- (3) Subject to sub-rule (5), a member has his or her membership suspended or ceases to be a member 14 days after the day on which the decision to suspend or expel a member is communicated to him or her under sub-rule (2).
- (4) A member who is suspended or expelled under sub-rule (2) must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in sub-rule (3).
- (5) When notice is given under sub-rule (4)-
- (a) The Association in a committee meeting, must either confirm or set aside the decision of the Committee to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the committee meeting; and
  - (b) The member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Committee to suspend or expel him or her is confirmed under this sub-rule.

## **10. Committee of Management**

- (1) Subject to sub-rule (6), the affairs of the Association will be managed exclusively by a Committee of Management consisting of a minimum of -
- (a) A President.

- (b) A Vice-President.
  - (c) A Secretary.
  - (d) A Treasurer.
  - (e) A Registrar; and
  - (f) Any other general committee member role as approved by the Committee of Management to the Committee of Management.
- (2) Committee members must be elected to membership of the Committee at an annual general meeting or appointed under sub-rule (5).
- (3) Subject to sub-rule (5), a Committee member's term will be from his or her election at an annual general meeting until the election referred to in sub-rule (2) At the next annual general meeting after his or her election, but he or she is eligible for re-election to membership of the Committee.
- (4) Nominations of Committee members may be accepted from the floor of the annual general meeting. If such nominations from the floor do not exceed the number of vacancies the President must declare those persons to be duly elected as members of Committee. Where the number of nominations from the floor exceeds the remaining number of vacancies on the Committee, elections for those positions must be conducted.
- (5) If a vacancy remains on the Committee after the application of sub-rule (4), or when a casual vacancy within the meaning of rule 14 occurs in the membership of the Committee-
- (a) The Committee may appoint a member to fill that vacancy; and
  - (b) A member appointed under this sub-rule will hold office until the election referred to in sub-rule (2).
- (6) The Committee may delegate to one or more sub-committees (consisting of such member or members of the association as the Committee deems fit) the exercise of such functions of the Committee as required other than-
- (a) The power of delegation; and

- (b) A function which is a duty imposed on the Committee by the Act or any other law.
- (7) General committee members will be elected by the members and consist of:
- (a) Sponsorship Officer
  - (b) Property Officer
  - (c) Chief Umpire
  - (d) T.B.A.W.A Delegate
  - (e) Canteen Officer
  - (f) Uniform Co-ordinator
  - (g) Baseball Director
  - (h) Softball Director
  - (i) Tee-Ball Director
  - (j) Corporate Governance / Strategic Director
  - (k) General Committee (no less than 5 members and no more than a quantity of 5% of the members from the prior year season as defined from the quantity of members from the prior year's season dates) or other positions and/or assistants as the committee may require.
- (8) Honorary member roles include coaches, managers and umpires and are required to comply with the same rules and regulations as outlined within this constitution.
- (9) The Committee may revoke wholly or in part any delegation under sub-rule (6).
- (10) The Committee of Management may appoint roles of the general committee to be part of the Committee of Management for the period of the financial year or season dates as directed by the Committee of Management.
- (11) The general committee member roles may be delegated to subcommittee roles under Tee-Ball, Softball or Baseball as directed by the Committee of Management.

## **11. President and Vice President**

- (1) Subject to this rule, the President must preside at all special general meetings and Committee meetings.
- (2) In the event of the absence from a general meeting of-
  - (a) The President, the Vice-President; or
  - (b) Both the President and the Vice-President, a member elected by the other members present at the general meeting, must preside at the general meeting.
- (3) In the event of the absence from a Committee meeting of-
  - (a) The President, the Vice-President; or
  - (b) Both the President and the Vice-President, a Committee member elected by the other Committee members present at the Committee meeting, must preside at the Committee meeting.

## **12. Secretary**

The Secretary must-

- (a) Co-ordinate the correspondence of the Association.
  - i. Ensure all Committee members are provided notification of meetings, whether Committee, Special or other; no later than seven (7) days before the meeting is to be held.
  - ii. Ensure all Committee members are provided a copy of the minutes of all meetings, whether Committee, Special or other; no later than seven (7) days after the meeting has been held.
- (b) Keep correct minutes of the proceedings of the Committee and of the Association.
- (c) Comply on behalf of the Association with-
  - (i) As referred to within the Act by keeping and maintaining in an up-to-date condition the rules of the Association and, upon the request of a member of the Association, must make available those rules for the inspection of

the member and the member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and

(ii) As referred to within the Act by maintaining a record of -

a. The names and postal or electronic addresses of the persons who hold the offices of the Association provided for by these rules, including all offices held by the persons who constitute the Committee and persons who are authorised to use the common seal of the Association under rule 22; and

b. The names and postal, or electronic addresses of any persons who are appointed or act as trustees on behalf of the Association, and the Secretary must, upon the request of a member of the Association, the request must be made by a Statutory Declaration detailing the reason/s for the request and presented at a committee and/or special general meeting. The secretary shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose

d) Unless the members resolve otherwise at a committee meeting, have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (c) but other than those required by rule 13 to be kept and maintained by, or in the custody of, the Treasurer or those required by rule 14 to be kept and maintained by, or in the custody of, the Registrar; and

(e) Perform such other duties as are imposed by these rules on the Secretary.

### **13. Treasurer.**

The Treasurer must-

- (a) Be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, the Association and must issue receipts for those moneys in the name of the Association.
- (b) Pay all moneys referred to in paragraph (a) into such account or accounts of the Association as the Committee may from time to time direct.
- (c) Make payments from the funds of the Association with the authority of 2 executive members as referred to in 26 (7) and in so doing ensure that all cheques and electronic transfer are signed or authorised by himself or herself and at least one other authorised executive committee member, or by any two others that are authorised.
- (d) Comply on behalf of the Association as referred to within the Act with respect to the accounting records of the Association by-
  - (i) Keeping such accounting records as correctly record and explain the financial transactions and financial position of the Association.
  - (ii) Keeping its accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time.
  - (iii) Keeping its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and
  - (iv) Submitting to members at each annual general meeting of the Association accounts of the Association showing the financial position of the Association at the end of the immediately preceding financial year.
  - (v) Give a true and up to date financial statement at each committee meeting.
- (e) Whenever directed to do so by the President, submit to the Committee a report, balance sheet or financial statement in accordance with that direction.

- (f) Unless the members resolve otherwise at a special general meeting, have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs (d) and (e); and
- (g) Perform such other duties as are imposed by these rules on the Treasurer.

#### **14. Registrar**

The Registrar must comply on the behalf of the Association as referred to within the Act with respect to the register of members of the Association, as referred to in rule 6.

#### **15. Casual vacancies in membership of Committee.**

A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member-

- (a) Dies.
- (b) Resigns by notice in writing delivered to the President or, if the Committee member is the President, to the Vice-President and that resignation is accepted by resolution of the Committee.
- (c) Is convicted of an offence under the Act.
- (d) Is permanently incapacitated by mental or physical ill-health.
- (e) Is absent from more than-
  - i. Three (3) consecutive Committee meetings; or
  - ii. Three (3) Committee meetings in the same season without tendering an apology.
  - iii. Of which meetings the member received notice, and the Committee has resolved to declare the office vacant.
- (f) Ceases to be a member of the Association; or
- (g) Is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

## **16. Proceedings of Committee.**

- (1) Each Committee member has a deliberative vote.
- (2) A question arising at a Committee meeting must be decided by a majority of votes, but, if there no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.
- (3) At a Committee meeting five Committee members constitute a quorum.
- (4) Subject to these rules, the procedure and order of business to be followed at a Committee meeting must be determined by the Committee members present at the Committee meeting.
- (5) As referred to within the Act, a Committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Association is established), must-
  - (a) As soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee; and
  - (b) Not take part in any deliberations or decision of the Committee with respect to that contract.
- (6) Sub-rule (5) (a) does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Committee is an employee of the Association.
- (7) The Secretary must cause every disclosure made under sub-rule (5) (a) by a member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made.
- (8) Anyone not being an active or contributing Committee member as advised by the Committee of Management may be removed from the committee at a committee member vote by the committee.
- (9) Committee meetings are to be held each calendar month. Date and meeting time to be determined by the Committee.



## **17. Special General Meetings**

- (1) The Committee-
  - (a) May at any time convene a special general meeting.
  - (b) Must convene annual general meeting in accordance with the Act; (c) must, within 30 days of-
    - (i) Receiving a request in writing to do so from not less than 2 percent of members, convene a special general meeting for the purpose specified in that request; or
    - (ii) The Secretary receiving a notice under rule 9 (4), convene a general meeting to deal with the appeal to which that notice relates.
  - (d) Must, after receiving a notice under rule 5 (4), convene a general meeting, no later than the next annual general meeting, at which the appeal referred to in the notice will be dealt with. Failing that, the applicant is entitled to address the Association at that next annual general meeting in relation to the Committee's rejection of his or her application and the Association at that meeting must confirm or set aside the decision of the Committee.
- (2) The members making a request referred to in sub-rule (1) (c) (i) must-
  - (a) State in that request the purpose for which the special general meeting concerned is required; and (b) sign that request.
- (3) The Secretary must give to all members not less than 7 days' notice of a special general meeting and that notice must specify-
  - (a) When and where the general meeting concerned is to be held; and
  - (b) Particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.
- (4) The Secretary must give to all members not less than 14 days' notice of an annual general meeting and that notice must specify- (a) when and where the annual general meeting is to be held.

(b) The particulars and order in which business is to be transacted, as follows-

- Opening of Meeting
- Apologies
- Correspondence
- Confirmation of Minutes of previous Annual General Meeting
- President's Report
- Adoption of Presidents Report
- Presentation of Treasurer's Statement
- Vote of Thanks to outgoing Committee
- Determination of Annual Membership Fee
- Notice of Motion
- CLOSURE

#### **18. Quorum and Proceedings at General Meetings**

- (1) At a general meeting five members present in person constitute a quorum except at the Annual General Meeting where ten members present in person constitute a quorum.
- (2) If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 17 (3) or (4)-
  - (a) As a result of a request or notice referred to in rule 17 (1) (c) a quorum is not present, the general meeting lapses; or
  - (b) Otherwise, then as a result of a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- (3) If within 30 minutes of the time appointed by sub-rule (2) (b) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.

- (4) The President may, with the consent of a general meeting at which a quorum is present, and must, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
- (5) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- (6) When a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice under rule 17 of the adjourned general meeting as if that general meeting were a fresh general meeting.
- (7) At a general meeting-
  - (a) An ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, and.
  - (b) A special resolution put to the vote will be decided in accordance with section 24 of the Act as defined in rule 2.
- (8) A declaration by the President of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact.

## **19. Minutes of Meetings of Association.**

- (1) The Secretary must cause proper minutes of all proceedings of all annual general meetings, special general meetings and committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or committee meeting, as the case requires, in a minute book kept for that purpose.
- (2) Minutes must be taken of the meetings under sub-rule (1) of 19: minutes are accepted by motioning and seconding.
- (3) When minutes have been entered and motioned and seconded as correct under this rule, they are, until the contrary is proved, evidence that-
  - (a) The special general meeting or committee meeting to which they relate (in this sub-rule called "the meeting") was duly convened and held.

- (b) All proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
- (c) All appointments or elections purporting to have been made at the meeting have been validly made.

## **20. Voting Rights of Members of Association**

Subject to these rules, each member present in person at a general meeting is entitled to a deliberative vote. In the event of a tied vote, the President shall exercise a casting vote.

## **21. Rules of Association**

- (1) The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, which is as follows-
  - (a) Subject to sub-rule (1) (d) and (1) (e), the Association may alter its rules by special resolution but not otherwise.
  - (b) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Committee certifying that the resolution was duly passed as a special resolution and that the rules of the Association as so altered conform to the requirements of this Act;
  - (c) An alteration of the rules of the Association does not take effect until sub-rule (1) (b) is complied with.
  - (d) An alteration of the rules of the Association having effect to change the name of the association does not take effect until sub-rules (1) (a) to (1) (c) are

complied with and the approval of the Commissioner is given to the change of name.

- (e) An alteration of the rules of the Association having effect to alter the objects or purposes of the association does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.
- (2) These rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.

## **22. Common seal of Association**

- (1) The Association must have a common seal on which its corporate name appears in legible characters.
- (2) The common seal of the Association must not be used without the express authority of the Committee and every use of that common seal must be recorded in the minute book referred to in rule 19.
- (3) The affixing of the common seal of the Association must be witnessed by the President and two other members of the Committee.
- (4) The common seal of the Association must be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

## **23. Inspection of records, etc of Association**

In accordance with the Act, the following records will be made available for inspection at the request of a member, provided such request is made by a Statutory Declaration detailing the records and reason/s for the request and presented at a committee and/or special general meeting:

- (a) A register of the members of the association and their postal or electronic addresses.
- (b) An up-to-date copy of the rules.

- (c) A list of the names and postal or electronic addresses of the persons who hold the offices of the association provided for by the rules of the association; and the names and postal or electronic addresses of any persons who are appointed or act as trustees on behalf of the association.

## **24. Disputes and Mediation.**

- (1) The grievance procedure set out in this rule applies to disputes under these rules between-
  - (a) A member and another member; or
  - (b) A member and the Association; or
  - (c) If the Association provides services to non-members, those non-members who receive services from the Association, and the Association.
- (2) One or more of the parties to the dispute must provide a formal request to the committee in order to initiate the Dispute and Mediation process..
- (3) Notification of a formal dispute is to be provided to the committee executive within 48 hours of it being lodged.
- (4) A committee meeting to discuss the matter in dispute must be called within 7 days or take place at the next committee meeting, whichever of the two is sooner; and to elect a sub-committee of three committee members of which at least one must hold an executive position. Any committee member named as party or witness to the dispute are unable to be appointed
- (5) The sub-committee must contact the parties to the dispute within 72 hours of appointment to organise a meeting with each party separately and/ or jointly. These meetings must take place no more than 7 days from the appointment of the sub-committee.
- (6) If the parties and sub-committee are unable to resolve the dispute during the meeting(s), or if a party fails to attend that meeting(s), then the parties must, within 7 days, hold a meeting in the presence of a mediator.

- (7) Parties must be provided at least two opportunities to meet with the mediator within the 7-day time period.
- (8) The mediator must be a person chosen by agreement between the parties; or in the absence of agreement, a person appointed by the Committee of the Association.
- (9) A member of the Association can be a mediator.
- (10) The mediator cannot be a member who is a party to the dispute.
- (11) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (12) The mediator, in conducting the mediation, must-
  - (a) Give the parties to the mediation process every opportunity to be heard.
  - (b) Allow due consideration by all parties of any written statement submitted by any party; and
  - (c) Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (13) The mediator must not determine the dispute. The mediation must be confidential and without prejudice.
- (14) If the mediation process does not result in the dispute being resolved, the Committee may make a decision at their discretion.

## **25. Distribution of Surplus Property on Winding Up of Association**

If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another association incorporated under the Act which has similar objects, and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members.

## 26. Finance

- (1) All funds of the Club shall be deposited in the accounts of the Club at such bank or recognised financial institution as the Committee may determine.
- (2) All accounts due by the Club shall be paid by cheque or electronic transfer after having been passed for payment at the Committee Meeting and when immediate payment is necessary, account shall be paid, and the action endorsed at the next Committee Meeting.
- (3) The Treasurer shall not spend more than a set amount of Petty Cash without the consent of the Committee and shall keep a record of expenditure in a Petty Cash book.
- (4) A statement showing the financial position of the Club shall be tabled at each Committee Meeting by the Treasurer.
- (5) A statement of Income, Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting.
- (6) The financial year of the Club shall commence on 1st May each year to 30<sup>th</sup> April. The accounts, books and all financial records of the club shall be audited each year.
- (7) The signatures for the account will be any two (2) of the following Executive Committee.
  - President
  - Vice President
  - Secretary
  - Treasurer
- (8) The income property of the Club shall be applied solely towards the promotion of the objects of the Club. No portion of the income or property shall be paid, transferred or distributed directly or indirectly to the members of the Club provided that nothing shall prevent the payment in good faith of the remuneration to any officer or employee of the Club or to any person other than a member, in return for services rendered to the Club.



## **27. Auditor**

- (1) The Committee shall elect or appoint an independent Auditor or Auditors.
- (2) The Auditor/s shall examine and audit all the books and accounts of the Club annually and have the power to call for all books, papers, accounts, receipts etc. of the Club and report thereon to the Annual General Meeting or at any other time as requested by the Committee.
- (3) The audit must be completed within 4 months of the annual general meeting and the audit report must be presented and the first committee meeting after completed.