



Padbury NC Inc Constitution

1. NAME

- 1.1 The name of the Association shall be known as Padbury NC Inc hereinafter referred to as the Club.

2. DEFINITIONS

- 2.1. In these rules, unless the contrary intention appears;
- 2.2. "annual general meeting" is the meeting convened under paragraph (b) of rule 18.1;
- 2.3. "Committee meeting" means a meeting referred to in rule 11.1;
- 2.4. "Committee member" means person holding the positions referred to in rule 10.1;
- 2.5. "convene means to call together for a formal meeting;
- 2.6. "department" means the government department with responsibility for administering the Associations Incorporation Act 2015;
- 2.7. "financial year" means a period commencing 1 January and ending on 31 December each year;
- 2.8. "general meeting" means a meeting to which all members are invited; "member" means member of the Association;
- 2.9. "ordinary resolution" means resolution other than a special resolution;
- 2.10. "poll" means voting conducted in written form (as opposed to a show of hands);
- 2.11. "special general meeting" means a general meeting other than the annual general meeting;
- 2.12. "special resolution" has the meaning given by section 51 of the Act
- 2.13. "the Act" means the Associations Incorporation Act 2015;
- 2.14. "the Association" means the Association referred to in rule 1;
- 2.15. "the Commissioner" means the Commissioner for Consumer Protection exercising powers under the Act;
- 2.16. "the Committee" means the Committee of Management of the Association referred to in rule 1;
- 2.17. "the President" means;

- a. in relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Committee meeting or general meeting in accordance with rule 13; or
- b. otherwise than 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;

2.17 "the Secretary" means the Secretary referred to in rule 14

2.18 "the Treasurer" means the Treasurer referred to in rule 15

2.19 "the Vice-President" means the Vice- President referred to in rule 13

3. OBJECTS

The objects of the club shall be:

- 3.1. Encourage, Promote, Control and Manage the game of Netball in the Club and surrounding areas.
- 3.2. To act for its members in all matter pertaining to Netball
- 3.3. To conduct such other things as are conducive or incidental to the attainment of the above objects or any of them
- 3.4. To provide facilities for the members to play Netball or any other lawful game or pastime approved by the Committee;
- 3.5. Abide by the official rules, policies and codes of conduct of WDNA and Netball WA;

4. NOT FOR PROFIT

The property and income of the Club shall be applied solely towards the promotion of the objects of the Club 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.

- 4.1 A payment may be made to a member out of the funds of the Club only if it is authorised under subrule 2.
- 4.2 A payment to a member out of the funds of the Club is authorised if:
 - a. the payment is in good faith to the member as reasonable remuneration for any services provided to the Club, or for goods supplied to the Club, in the ordinary course of business; or
 - b. the payment is of interest, on money borrowed by the Club from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or

- c. the payment is of reasonable rent to the member for premises leased by the member to the Club; or
- d. the reimbursement is of reasonable expenses properly incurred by the member on behalf of the Club.

5. COLOURS

The colours of the Club shall be purple, black and white.

6. POWERS

The powers conferred on the Club are the same as those conferred by section 13 of the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Club may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may;

- 6.1. acquire, hold, deal with, and dispose of any real or personal property;
- 6.2. open and operate bank accounts;
- 6.3. invest its money;
 - a. in any security in which trust monies may lawfully be Invested; or
 - b. in any other manner authorised by the rules of the Association;
- 6.4. borrow money upon such terms and conditions as the Association thinks fit;
- 6.5. give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- 6.6. appoint agents to transact any business of the Association on its behalf;
- 6.7. enter into any other contract it considers necessary or desirable; and
- 6.8. 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.

7. MEMBERSHIP

- 7.1. Membership shall be open to any person who wishes to further the interests of the Club
- 7.2. A person who wishes to become a member must apply for membership to the committee in writing. Membership must be:
 - a. signed by that person and
 - b. in such form as the Committee from time to time directs

- 7.3. The Committee members may consider any application under subrule (2) and may accept or reject that application.
- a. An applicant whose application for membership of the Association is rejected under this rule 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.
 - b. When notice is given under sub-rule (a), the Association in a general meeting no later than the next annual general meeting, must either confirm or set aside the decision of the Committee 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 Association in the general meeting.
- 7.4. Membership categories
- a. Ordinary Member - Any adult person who is a paying playing member of the Club.
 - b. Social Member - Any adult person other than an Ordinary, Life or Parent Member who is interested in promoting the Club, but who does not wish to participate in the playing activities of the Club.
 - c. Junior Member - Any playing member under the age of 18 years but at least the minimum age for playing under the rules of WDNA. Junior Members shall have no voting rights nor be entitled to hold any office in the Club.
 - d. Parent Member - Any parent or guardian of a Junior Member as so nominated on the Junior Member's application for membership to the Club (and if two or more parents or guardians are so nominated, then the parent or guardian who is first nominated on the application form).
 - e. Life Member - Any person elected as a life member of the Club.
 - i. 5.6.5.1 The Management Committee may elect any member as a Life Member who has given outstanding service to the Club
 - a. Honorary members - any person who is:
 - i. Elected to the management committee shall be deemed an honorary member of the club,
 - ii. A team coach shall become honorary members of the club
 - iii. A club umpire shall become honorary members of the club
 Honorary members applies for the duration of their position.
- 7.5. Each person admitted to Membership shall be deemed a member of the club.
- a. Bound by the constitution and Code of Conduct of the Club
 - b. Come liable for such fees, annual subscriptions and fees as may be fixed by the club
 - c. Entitled to all advantages and privileges of membership
- 7.6. The committee members may from time to time at a committee meeting determine the amount of the annual subscription to be paid by each member.
- a. Each member must pay to the Treasurer, annually, on the anniversary of first becoming a member, the amount of the subscription determined under this rule.

- b. Subject to sub-rule (a), a member whose subscription is not paid within 3 months attar the relevant date fixed by or under sub-rule (2) ceases on the expiry of that period to be a member, unless the Committee decides otherwise.
- c. 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 (b) or within 3 months thereafter, or such other time as the Committee allows.

8. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

Membership of the Association may be terminated upon;

- 8.1 receipt by a Committee member 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
- 8.2 non-payment by a member of his or her subscription within three months of the date fixed by the Committee for subscriptions to be paid, unless the Committee decides otherwise in accordance with rule 7 (3); or
- 8.3 expulsion of a member in accordance with rule 9.

9. SUSPENSION OR EXPULSION OF MEMBERS OF ASSOCIATION

- 9.1 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, 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).
- 9.2 At the Committee meeting referred to in a notice communicated under sub-rule (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.
- 9.3 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).

- 9.4 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).
- 9.5 When notice is given under sub-rule (4);
- a. the Association in a general 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 general 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. MANAGEMENT COMMITTEE

- 10.1 Management of the Club shall be vested in the Management Committee elected by the members and consisting of:
- a. President
 - b. Vice President
 - c. Treasurer
 - d. Secretary
 - e. not less than one and not more than seven other General Committee Member role
- 10.2 Committee members must be elected to membership of the Committee at an annual general meeting or appointed under sub-rule (8).
- a. One (1) member may hold a maximum of two (2) of the Committee roles as detailed in sub-rule (1).
- 10.3 Subject to sub-rule (8), 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.
- 10.4 Except for nominees under sub-rule (7), a person is not eligible for election to membership of the Committee unless a member has nominated him or her for election by delivering notice in writing of that nomination, signed by;
- a. the nominator; and
 - b. the nominee to signify his or her willingness to stand for election, to the Secretary not less than 7 days before the day on which the annual general meeting concerned is to be held.
- 10.5 A person who is eligible for election or re-election under this rule may;
- a. propose or second himself or herself for election or re-election; and
 - b. vote for himself or herself.

- 10.6 If the number of persons nominated in accordance with sub-rule (4) for election to membership of the Committee does not exceed the number of vacancies in that membership to be filled;
- a. the Secretary must report accordingly to; and
 - b. the President must declare those persons to be duly elected as members of the Committee at, the annual general meeting concerned.
- 10.7 If vacancies remain on the Committee after the declaration under sub-rule (6), additional 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.
- 10.8 If a vacancy remains on the Committee after the application of sub-rule (7), or when a casual vacancy within the meaning of rule 16 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;
 - i. hold office until the election referred to in sub-rule (2); and
 - ii. be eligible for election to membership of the Committee, at the next following annual general meeting.
- 10.9 The Committee may delegate, in writing, to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such functions of the Committee as are specified in the delegation 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.
- 10.10 Any delegation under sub-rule (9) may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Committee may continue to exercise any function delegated.
- 10.11 The Committee may, in writing, revoke wholly or in part any delegation under sub-rule (9).

11. PROCEEDINGS OF COMMITTEE

- 11.1 The Management Committee must meet together for the dispatch of business not less than 4 times in each year and the President, or at least half the members of the Committee, may at any time convene a meeting of the Committee.
- 11.2 Each Committee member has a deliberative vote.

- 11.3 A question arising at a Committee meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.
- 11.4 At a Committee meeting half the Committee members plus one other constitutes a quorum.
- 11.5 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.
- 11.6 As required under sections 42 and 43 of 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.
- 11.7 Sub-rule (6) (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.
- 11.8 The Secretary must cause every disclosure made under sub-rule (6) (a) by a member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made.

12. POWERS OF THE MANAGEMENT COMMITTEE

- 12.1 The Management Committee shall carry out the day to day running of the Club and shall have the power to:
- a. administer the finances, appoint bankers, and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account.
 - b. Fix the manner in which such banking accounts shall be operative upon, and nominate the members whose signatures shall be the authority for withdrawal of funds.
 - c. Fix fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof,
 - d. Adjudicate on all matters brought before it which in any affect the club:
 - e. Cause minutes to be made of all proceedings at meeting of the Committee and General Meetings of members;
 - f. Make, amend and rescind rulings and By-laws;
 - g. Have the power to form and appoint any committee or committees required for a specific purpose;

- h. May at their discretion employ a person or persons to carry out certain duties required by the Club at salaries or remunerations for such period of time, as may be deemed necessary;
- i. Should a vacancy occur on the Management Committee during the season, the Management Committee shall appoint a successor until the next Annual General Meeting whichever comes first;
- j. Appoint an officer/s or agent of the club Management Committee to have custody of the Club's records, documents and securities.
- k. Make, amend and rescind rulings, By-Laws and Policies, consistent with the Constitution.

13. PRESIDENT AND VICE-PRESIDENT

The President must;

- 13.1 Subject to this rule, the President must preside at all general meetings and Committee meetings.
- 13.2 In the event of the absence from a general meeting or committee 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 meeting, must preside at the meeting.

14. SECRETARY

The Secretary must;

- 14.1 keep full and correct minutes of the proceedings of the Committee and of the Association;
- 14.2 comply on behalf of the Association with section 53 of the Act with respect to the register of members of the Association;
 - a. section 35 of 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
 - b. section 58 of the Act by maintaining a record of -
 - i. the names and email, residential or postal 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
 - ii. the names and email, residential or postal 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, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose; and

- 14.3 unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Association, but other than those required by rule 15 to be kept and maintained by, or in the custody of, the Treasurer.

15. TREASURER

The Treasurer must;

- 15.1 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;
- 15.2 comply on behalf of the Association with sections 66 and sections 68 & 70, 71& 73 or 74 & 76, depending on tier level, of the Act with respect to the accounting records of the Association by;
- a. keeping such accounting records as correctly record and explain the financial transactions and financial position of the Association;
 - b. keeping its accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time;
 - c. keeping its accounting records in such manner as will enable true and fair accounts of the Association; and
 - d. 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; and
- 15.3 unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and accounting records of the Association.

16. CASUAL VACANCIES IN MEMBERSHIP OF COMMITTEE

- 16.1 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. 3 consecutive Committee meetings; or
 - ii. 3 Committee meetings in the same financial year without tendering an apology to the person presiding at each of those Committee meetings;
- f. of which meetings the member received notice, and the Committee has resolved to declare the office vacant;
- g. ceases to be a member of the Association; or
- h. is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

17. GENERAL MEETINGS

17.1 The Committee;

- a. may at any time convene a special general meeting;
- b. must convene annual general meetings within the time limits provided for the holding of such meetings by section 50 of the Act that is, in every calendar year within 6 months after the end of the Association's financial year or such longer period as may in a particular case be allowed by the Commissioner; and
- c. must, within 30 days of;
 - i. receiving a request in writing to do so from not less than 5% of the members, convene a special general meeting for the purpose specified in that request; or
 - ii. the Secretary receiving a notice under rule 9.5, convene a general meeting to deal with the appeal to which that notice relates.
- d. must, after receiving a notice under rule 7.3.b, 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.

17.2 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.

17.3 If a special general meeting is not convened within the relevant period of 30 days referred to;

- a. in sub-rule (1) (c) (i), the members who made the request concerned may themselves convene a special general meeting as if they were the Committee; or
- b. in sub-rule (1) (c) (ii), the member who gave the notice concerned may him or herself convene a special general meeting as if he or she were the Committee.

17.4 When a special general meeting is convened under sub-rule (3) (a) or (b) the Association must pay the reasonable expenses of convening and holding the special general meeting.

- 17.5 Subject to sub-rule (7), the Secretary must give to all members not less than 14 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.
- 17.6 Subject to sub-rule (7), the Secretary must give to all members not less than 21 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-
 - i. President's Address
 - ii. Apologies Confirmation of Minutes of previous Annual General Meeting
 - iii. Adoption of Balance Sheet and Statement of Income and Expenditure
 - iv. Notice/s of Motion for alteration, repeal or addition to the Constitution and By-Laws
 - v. Recommendations from Executive Committee
 - vi. Notice of Fees
 - vii. Confirmation of Appointments
 - viii. Election of New Executive Committee
 - ix. Vote of Thanks to outgoing Executive Committee
 - x. Election of Committees
 - xi. Appointment of Life Members
 - xii. General Business (Discussion only)
 - xiii. Closure
- 17.7 A special resolution may be moved either at a special general meeting or at an annual general meeting, however the Secretary must give to all members not less than 21 days notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in sub-rule (5) or (6), as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.
- 17.8 The Secretary must give a notice under sub-rule (5), (6) or (7) by;
- a. serving it on a member personally; or
 - b. sending it by email to a member at the email address of the member appearing in the register of members kept and maintained under rule 6; or
 - c. sending it by post to a member at the address of the member appearing in the register of members kept and maintained under rule 6.
- 17.9 When a notice is sent by post under sub-rule (8) (c), sending of the notice will be deemed to be properly affected if the notice is sufficiently addressed and sent to the member concerned.

18. QUORUM AND PROCEEDINGS AT GENERAL MEETINGS

- 18.1 At a general meeting 10 (ten) members present in person constitute a quorum.

- 18.2 If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 16 (5) or (6);
- a. as a result of a request or notice referred to in rule 16 (1) (c) or as a result of action taken under rule 16 (3) a quorum is not present, the general meeting lapses; or
 - b. otherwise than 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.
- 18.3 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.
- 18.4 The Chairperson of the meeting 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.
- 18.5 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.
- 18.6 When a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice under rule 16 of the adjourned general meeting as if that general meeting were a fresh general meeting.
- 18.7 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, subject to sub-rule (9); and
 - b. a special resolution put to the vote will be decided in accordance with section 51 of the Act as defined in rule 2, and, if a poll is demanded, in accordance with sub-rules (9) and (11).
- 18.8 A declaration by the Chairperson of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule (9).
- 18.9 At a general meeting, a poll may be demanded by the Chairperson of the meeting or by three or more members present in person or by proxy and, if so demanded, must be taken in such manner as the Chairperson directs.
- 18.10 If a poll is demanded and taken under sub-rule (9) in respect of an ordinary resolution, a declaration by the Chairperson of the meeting of the result of the poll is evidence of the matter so declared.
- 18.11 A poll demanded under sub-rule (9) must be taken immediately on that demand being made.

19. VOTING

- 19.1 Voting powers at the Annual General Meeting and General Meetings:
- a. The President shall have a deliberative vote and in the event of a tied vote, the President shall exercise a casting vote to preserve the status quo.
 - b. Ordinary Members shall have one (1) vote.
 - c. Parent Members shall have one (1) vote.
 - d. Life members shall have one (1) vote.
 - e. Honorary members shall have one (1) vote.
 - f. Social Members, Junior members, shall have no voting rights.
- 19.2 No person shall have more than one (1) vote.
- 19.3 Methods of Voting at all Meetings
- a. Voting shall be by voice or show of hands unless a ballot be requested by a person present.
 - b. When more nominations are received than required, a ballot shall be taken

20. FINANCE

- 20.1 All funds of the Club shall be deposited in the accounts of the Club at such bank or recognised financial institution as the Management Committee may determine.
- 20.2 All accounts due by the Club shall be paid by Electronic Transfer and authorised by at least two committee members.
- 20.3 A statement showing the financial position of the club shall be tabled at each Management Committee Meeting by the Treasurer.
- 20.4 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting.
- 20.5 The financial year of the Club is detailed under rule 2.7.

21. COMMON SEAL

The common seal of the Club engraved with the name of the Club shall be kept in the care of the Secretary. The seal shall not be used or affixed to any deed or other document except pursuant to the resolution of the Committee and in the presence of the President and one other member of the committee both of whom shall subscribe their names as witnesses.

22. RULES OF ASSOCIATION

22.1 The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 30, 31 and 33 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 (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 (c) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

22.2 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.

23. INSPECTION OF RECORDS, ETC. OF ASSOCIATION

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

24. DISPUTES AND MEDIATION

24.1 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.

- 24.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- 24.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 24.4 The mediator must be;
- a. a person chosen by agreement between the parties; or
 - b. in the absence of agreement;
 - i. in the case of a dispute between a member and another member, a person appointed by the Committee of the Association;
 - ii. in the case of a dispute between a member or relevant non-- member (as defined by sub-rule (1) (c)) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 24.5 A member of the Association can be a mediator.
- 24.6 The mediator cannot be a member who is a party to the dispute.
- 24.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 24.8 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.
- 24.9 The mediator must not determine the dispute.
- 24.10 The mediation must be confidential and without prejudice.
- 24.11 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

25. DISSOLUTION

Whilst following the Act section 24, the Club shall not be wound up or dissolved except by 75% of Members voting at a General Meeting such meeting having been called for that purpose. 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.