



# UPPER HUNTER TEAM PENNING ASSOCIATION INCORPORATED

## CONSTITUTION

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# Part 1 - Preliminary

## 1. Name

The name of the organisation shall be Upper Hunter Team Penning (UHTP) also referred to in this constitution as the association.

## 2. Objects

- (a) To promote and encourage team penning as a safe and enjoyable family orientated horse sport.
- (b) To raise money for the purpose of promoting the Association, and meeting our financial obligations in the general running of the Association, this is a non-profit organisation.
- (c) To encourage the use of safe, riding and livestock practices in a safe and friendly family orientated environment.
- (d) To practice the art of horse riding and livestock handling in a safe and friendly family orientated environment.
- (e) To stimulate the interest and understanding of the sport of Team Penning, along with the importance of animal welfare and human safety.

## 3. Definitions

(1) In this constitution:

**Director-General** means the Director-General of the Department of Services, Technology and Administration.

**Secretary** means:

- (a) the person holding office under this constitution as secretary of the association, or
- (b) if no such person holds that office - the public officer of the association.

**Ordinary Committee Member** means a member elected to a position or a person appointed to a sub-committee. Ordinary Committee Members do not form part of the Executive Committee.

**special general meeting** means a general meeting of the association other than an annual general meeting.

**the Act** means the *Associations Incorporation Act 2009*.

**the Regulation** means the *Associations Incorporation Regulation 2010*.

(2) In this constitution:

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

# Part 2 – Membership

## **4. Membership General**

Membership shall be open to any person who wishes to further the interests of the Association.

- (a) Any person seeking membership shall be nominated in accordance with clause 6(1) and the Management Committee shall determine class of such proposed membership. Applications must be signed personally by the applicant. The management committee reserves the right to deny membership to anyone not wishing to further the interest of the club.
- (b) Each person admitted to membership shall be bound by the Constitution and Appendix' of the Association and be entitled to all advantages and privileges of the membership type they pay for.

## **5. Membership Categories**

### **(a) Family Membership**

Consists of two (2) Adults living at the same address and children of the same family under the age of Eighteen (18) years at the first of March in the current membership year) Family membership entitles two (2) voting rights, which allows them to hold any office and have full privileges of the Association.

### **(b) Single Adult Member**

Any person who is a financial member of the Association in this class is entitled to hold any office and enjoy full privileges of the Association.

### **(c) Child Members**

Any person under the age of eighteen 18 at the first of March in the current membership year and will hold no voting power. A child member may not hold membership on their own they must be part of a family membership with at least one adult.

### **(d) Non – Riding Member**

Any person who has interests in the Association but who does not wish to participate in the Sporting activities or have ordinary membership of the Association and will have no voting power.

### **(e) Life Membership**

Life Membership is a position of honour for a person who has given outstanding service to the Association over a period greater than 10 years. Any member may nominate a person to the Management Committee for possible election, by that committee as Life Member. A register of Life Members shall be kept by the Secretary.

### **(f) Patron**

The Association may at their discretion choose a patron/s or vice patron/s of the club for such period as may be deemed suitable. Such person would act as an Ambassador for the Association and be capable of promoting its interests.

## **6. Nomination for Membership**

(1) A nomination of a person for membership of the association:

- (a) must be made in writing in the form set out in Appendix 1 to this constitution, and
- (b) applications must be signed personally by the applicant.

- (c) must be lodged with the Membership Officer of the association with the prescribed fee.
- (2) The Membership Officer must, on payment by the nominee enter or cause to be entered the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the association.

## **7. Cessation of Membership**

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

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the association, or
- (d) fails to pay the annual membership fee under clause 12 (1) within 2 months after the fee is due.

## **8. Membership Entitlements Not Transferable**

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

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

## **9. Resignation of Membership**

- (1) A member of the association may resign from membership of the association by first giving to the secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (2) If a member of the association ceases to be a member under sub clause 9 (1), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

## **10. Termination of Membership**

- (1) Any membership may be terminated because of the following events:
  - (a) False or inaccurate statements made in the member's application for membership of the Association.
  - (b) A serious or persistent breach of any rule, regulation or appendix of the Association or the commission of any act which could be detrimental to the Association.
- (2) The Disciplinary Sub-Committee shall have the power to suspend or expel any member of the Association for any of the events in section 10(1a) or 10(1b). A member whose membership is being examined will be told of the alleged breach and has the right to be present at any hearing and to be heard. Such hearing times and places must be reasonable to all parties.
- (3) Any member who is expelled, suspended or has their membership terminated shall have the right to appeal against their suspension, expulsion or termination as per clause 17.

## **11. Register of Members**

- (1) The Membership Officer of the association must establish and maintain a register of members of the association specifying the name and postal or residential address of each person who is a member of the association together with the date on which the person became a member.
- (2) The register of members must be kept in New South Wales:
  - (a) at the main premises of the association,
  - or
  - (b) if the association has no premises, at the association's official address or at that of the Associations Secretary or Membership Officer.
- (3) The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.

Members may only view name, type of membership and date became a member

- (5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- (6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
  - (a) the purposes of sending the person material relating to the association, or
  - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

## **12. Fees and Subscriptions**

- (1) A member of the association must, on application for membership, pay to the association the amount determined by the committee
- (2) A member of the association must pay any other fees as determined by the association as applicable.

## **13. Members' Liabilities**

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by clause 12.

## **14. Code of Conduct**

Ensure that all individual members of the association, and those who serve as Committee persons, Judges, Competitors and volunteers act with honesty and integrity and respect in all of their dealings with the association, other members, clients and the public at large.

- (1) All members of the Association are bound by the Association Code of Conduct attached as an appendix/bylaw to this constitution.

## **15. Resolution of Disputes**

- (1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to the associations disputes committee or if this does not resolve the dispute it must be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration.

## **16. Discipline Procedure**

- (1) Any matter regarding the disciplining of members must not be raised at any general meeting.
- (2) Any discipline matters must be referred to the Discipline Chairperson.
  - a) A member making a written complaint.
  - b) Contacting the disciplinary Chairperson directly to discuss a matter and then being very clear if they wish to pursue a formal complaint or not.
  - c) The Executive committee agreeing that an incident or issue needs investigation / disciplinary action and notifies the Disciplinary Chairperson that action is required.
- (3) The discipline sub-committee will consist of a minimum of 3 and a maximum of 5 members including the chairperson. The remaining members will be selected by the Disciplinary Chairperson in consultation with the Executive Committee on a case by case basis.
- (4) The Discipline sub-committee may exercise the association's disciplinary powers (sub clause (9)) in respect of any member of the association or their representative.
- (5) A complaint may be made to the Discipline Chairperson by any person, that a member of the association:
  - (a) has refused or neglected to comply with a provision or provisions of this constitution or bylaws, or
  - (b) has wilfully acted in a manner prejudicial to the interests of the association.
- (6) The discipline sub-committee may refuse to deal with a complaint if it considers the complaint to be trivial, personal or vexatious in nature. The committee is not to act on anonymous complaints.
- (7) If the discipline sub-committee decides to deal with the complaint, the discipline sub-committee:
  - (a) must follow the association Discipline Policy.
  - (b) must investigate the incident to the best of their ability
  - (c) must start the discipline process within 7 days of receiving the complaint.
  - (d) must act in a manner sensitive to the individuals involved.
  - (e) must complete the process as quickly as possible for all concerned
  - (f) must notify the member that they may have personal or legal representation accompany them to any discipline meeting they attend.
  - (g) must notify the member in writing within 7 days of any discipline issued.
- (8) The discipline sub-committee must determine the outcome by a resolution of the majority.

- (9) The Associations Disciplinary powers means the powers to do any one or more of the following
- (a) expel the member.
  - (b) suspend the member for any period not exceeding 1 year.
  - (c) fine the member an amount, payable to the Association, in the range determined by the Committee from time to time, which amount is to include all costs and expenses incurred by the Association in connection with the disciplinary proceedings
  - (d) reprimand the member.
- (10) The Discipline Chairperson will maintain a Disciplinary Register ensuring that all matters are recorded along with resulting outcomes.

## **17. Right of Appeal of a Disciplined Member**

- (1) A member may appeal to the Discipline sub-committee against a resolution of the discipline sub-committee within 7 days after notice of the resolution is served on the member, by lodging with the Discipline Committee Chairperson a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under sub clause (1), the Discipline Committee Chairperson must notify the discipline sub-committee which is to convene a meeting to be held where possible within 14 days after the date on which the Chairperson received the notice.
- (4) At the appeal meeting convened under sub clause (3):
  - (a) the sub-committee and the member must be given the opportunity to state their respective cases orally or in writing, or both and may have the support of an appropriate person present.
  - (b) the sub-committee members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

# Part 3A- The Executive Committee

## **18. Powers of the Executive Committee**

Subject to the Act, the Regulation and this constitution and to any resolution passed by the association in general meeting, the committee:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

## **19. Composition and Membership of the Executive Committee**

(1) The Executive committee is to consist of:

- (a) the office-bearers of the association.

(2) The office-bearers of the association are as follows:

- (a) the president,
- (b) the 2 vice-presidents,
- (c) the treasurer,
- (d) the secretary.

(3) A committee member may hold up to 2 offices (other than both the president and vice-president offices).

(4) Each member of the committee is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

(5) No two members of the same household/immediate family may be signatories of the Associations bank accounts.

## **20. Secretary**

(1) The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.

(2) It is the duty of the secretary to keep minutes of:

- (a) all appointments of office-bearers and members of the committee, and
- (b) the names of members of the committee present at a committee meeting or a general meeting, and
- (c) all proceedings at committee meetings and general meetings.

(3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

## **21. Treasurer**

It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

## **22. Executive Committee Meetings and Quorum**

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine. Executive meetings may be open to members of the association at the executive committee's discretion
- (2) Additional meetings of the committee may be convened by the president or by any member of the executive committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under sub clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 3 members of the executive committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the executive committee:
  - (a) the president or, in the president's absence, the vice-president is to preside, or
  - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

## **23. Delegation by Executive Committee to Sub-Committee**

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:
  - (a) this power of delegation, and
  - (b) a function which is a duty imposed on the committee by the Act or by any other law.

- (2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (7) A sub-committee may meet and adjourn as it thinks proper.

## **24. Voting and Decisions**

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) As long as a quorum is present the committee may act despite any vacancy on the committee.
  - (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

# Part 3B- Management of Committee

## **25. Election of Committee Members**

- (1) Written notice must be sent to all members stating the election of Committee members.
- (2) (a) nominations may be in writing on the form set out in Appendix 5 to this constitution, this form must be lodged with the secretary no later than 15 minutes prior to the start of the Annual General Meeting  
or (b) be taken at the annual general meeting,
- (3) Any nominations for persons not in attendance at the Annual General Meeting must be received as per sub clause 2a.
- (4) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be a member of the association.
- (8) The association may choose to elect members to other positions not listed in this constitution. If this is the case these elections will be held as per election of committee members.

## **26. Casual Vacancies**

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
  - (a) dies, or
  - (b) ceases to be a member of the association, or
  - (c) resigns office by notice in writing given to the secretary, or
  - (d) is removed from office under clause 27, or
  - (e) becomes a mentally incapacitated person, or
  - (f) is absent without the consent of the committee from 3 consecutive meetings of the committee, or
  - (g) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or

(h) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

(i) is suspended from the association for a period greater than 4 weeks.

## **27. Removal of Committee Members**

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in sub clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

## **PART 4 General Meetings**

### **28. Annual General Meetings - Holding Of**

- (1) The association must hold its first annual general meeting within 18 months after its registration under the Act.
- (2) The association must hold its annual general meetings:
  - (a) within 6 months after the close of the association's financial year, but preferably as close as possible to the ending of the financial year or
  - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

### **29. Annual General Meetings - Calling of and Business At**

- (1) The annual general meeting of the association is, subject to the Act and to clause 28, to be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
  - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
  - (b) to receive from the committee reports on the activities of the association during the last preceding financial year,
  - (c) to elect office-bearers of the association and ordinary committee members,
  - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

### **30. Special General Meetings - Calling Of**

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
  - (a) must state the purpose or purposes of the meeting, and
  - (b) must be signed by the members making the requisition, and
  - (c) must be lodged with the secretary, and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in sub clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.

### **31. Notice**

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under sub clause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 29 (2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

### **32. Quorum for General Meetings**

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Ten members including a minimum of two from the executive committee must be present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - (a) if convened on the requisition of members, is to be dissolved, and
  - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

### **33. Presiding Member**

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

### **34. Adjournment**

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in sub clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

### **35. Making of Decisions**

- (1) A question arising at a general meeting of the association is to be determined by either:
  - (a) a show of hands, or
  - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.
- (4) Items not on the agenda may be raised at the Executive Committee's discretion but may be deferred to the next meeting so all members may be notified of the intention to discuss the matter.

### **36. Special Resolutions**

A special resolution may only be passed by the association in accordance with section 39 of the Act.

### **37. Voting**

- (1) On any question arising at a general meeting of the association a member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.

- (3) A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.
- (4) A member is not entitled to vote at any general meeting of the association if the member is under 18 years of age.

### **38. Proxy Votes Not Permitted**

Proxy voting must not be undertaken at or in respect of a general meeting or Annual General Meeting

*Note: Schedule 1 of the Act provides that an association's constitution is to address whether members of the association are entitled to vote by proxy at general meetings.*

### **39. Postal Ballots**

- (1) The association may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 17).
- (2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

## **Part 5 - Miscellaneous**

### **40. Insurance**

The association must affect and maintain insurance.

### **41. Funds - Source**

- (1) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- (2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank or other authorised deposit-taking institution account.
- (3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.
- (4) Cash received at an association event must be counted and the tally signed for by two members of the association prior to being taken for banking.

### **42. Funds - Management**

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee authorised to do so by the committee. Signatories are not to sign incomplete cheques.
- (3) An insolvent under administration within the meaning of the Corporations Act 2021 of the Commonwealth cannot be a signature on any financial accounts.

### **43. Change of Name, Objects and Constitution**

An application to the Director-General for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.

### **44. Custody of Books etc**

Except as otherwise provided by this constitution, the Committee must keep in their custody or under their control all records, books and other documents relating to the association. The public officer is to ensure that appropriate records are kept and by which office bearer.

### **45. Inspection of Books etc**

- (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
  - (a) records, books and other financial documents of the association,
  - (b) this constitution,
  - (c) minutes of all committee meetings and general meetings of the association.

(d) Register of Members

#### **46. Service of Notices**

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
  - (a) by delivering it to the person personally, or
  - (b) by sending it by pre-paid post to the address of the person, or
  - (c) by sending it by facsimile transmission, email or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
  - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
  - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
  - (c) in the case of a notice sent by facsimile transmission, email or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

#### **47. Financial Year**

The financial year of the association is:

- (a) the period of time commencing on the date of incorporation of the association and ending on the following 30 June, and
- (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 July and ending on the following 30 June.

*Note: Schedule 1 of the Act provides that an association's constitution is to address the association's financial year.*

#### **48. Appendix**

- (1) The Appendix of this association are to ensure the smooth running and consistency of the organisation for all members ensuring the committee and members address business in a consistent manner.
- (2) The association is required to maintain / update the Appendix listed in the table of contents of this constitution and may add additional items as it deems necessary.
- (3) Appendix may be reviewed at any general meeting of members where it is listed on the agenda for review.