



## **RULES OF ASSOCIATION**

### **1. Name**

The name of the incorporated association is **Northern Territory Calisthenic Association INCORPORATED** (in these rules called "the Association").

### **2. Purpose-**

2.1 The aims of the Association shall be:

- (a) To promote, develop and co-ordinate calisthenics activity in the Northern Territory and to ensure the protection of the separate and collective interests of all affiliated bodies.
- (b) To promote and conduct competitions, coach development, programs, functions events and projects that relate to calisthenics and other activities of NTCA.
- (c) To develop and promote greater community awareness of calisthenics and participation pathways available at all levels.
- (d) To represent and promote calisthenics in the Northern Territory in relation to any other representative body or persons.
- (e) To implement policies in relation to the conduct, administration, promotion and regulation of Calisthenics in the Northern Territory.
- (f) To uphold, regulate and enforce the rules and policies of calisthenics in the Northern Territory and if appropriate, discipline any member in accordance with these rules.
- (g) To determine all appeals, disputes and questions of interpretation in connection to the rules of calisthenics and in accordance with the ACF Rules.
- (h) To affiliate and maintain a relationship with the A.C.F and other appropriate bodies.
- (i) To collect and apply the funds of NTCA in such a manner believed to be in the best interest of calisthenics.
- (j) To maintain the relevant records of NTCA including competition and championship results.
- (k) To protect the interests of NTCA members in all matters directly or indirectly to calisthenics.



(1) Subject to these rules, to adopt the Australian Calisthenic Federation Incorporated policies as listed in the By-laws and where necessary and expedient to adapt, amend or revise such rules to suit conditions in the Northern Territory.

### **3. Financial year**

The financial year of the Association is each period of 12 months ending on the Thirty First day of December.

### **4. Definitions-**

In these Rules—

*The act* means these rules, as amended from time to time;

*Affiliated organisation* shall include any proprietary college, school, institute or any other proprietary organisation having as one of its objects the promotion of or participation in, the sport of calisthenics in the Northern Territory or elsewhere which has applied for and been granted affiliation to the Northern Territory Calisthenic Association Incorporated;

*Affiliated association* means any member run, non-profit, incorporated or unincorporated association having as one of its objects the promotion of, or participation in, the sport of calisthenics in the Northern Territory or elsewhere which has applied for and been granted affiliation with the Northern Territory Calisthenic Association Incorporated;

*Affiliated club* shall refer to any Affiliated Organisation or Affiliated Association;

*Chairperson*, of a general meeting or committee meeting, means the person Chairing the meeting;

*Coach* means a person accredited with the Australian Calisthenics Federation at Level 1 or higher grade of coaching qualification and registered with the Association as a Coach;

*Coaching assistant* means a Participating Member who has not yet achieved Level 1 coaching qualifications but acts under the direct supervision of a Coach to assist with the activities of coaching sessions and is registered with the Association as a “Cadet Coach”, “Class Assistant” or such other category of as may be determined by the Committee from time to time;

*Committee* means the Committee having management of the business of the Association;

*Committee meeting* means a meeting of the Committee held in accordance with these Rules;

*Committee member* means a member of the Committee elected or appointed under this document;

*Competitions* mean National competitions, Eisteddfods, State championships and interstate competitions of all types;

*Delegate* means the registered Delegate of an Affiliated Club and may also be a Social Member, Participating Member, Coach or Life Member in their own right;



**Disciplinary appeal meeting** means a meeting of the members of the Association convened under these rules;

**Disciplinary meeting** means a meeting of the Committee convened for the purposes outlined in these rules;

**Disciplinary subcommittee** means the subcommittee appointed under these rules;

**Executive** means the Executive of the Association which consists of the President, Vice-President, Secretary and Treasurer established pursuant to these rules;

**Financial year** means the 12 month period specified in clause 3;

**General meeting** means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

**Member** means a member of the Association;

**Member entitled to vote** means a member who under these rules is entitled to vote at a general meeting;

**Ordinary member of the committee** means a member of the committee who is not an officer of the Association;

**Participating member** means any person registered with the Association as a member of an Affiliated Club participating or competing in the sport of calisthenics;

**Regulations** mean regulations under the Act;

**Relevant documents** have the same meaning as in the Act;

**Representative team** means a group of participating members and Officials of the Association established for the purpose of representing the Northern Territory through the auspices of the Association in the sport of calisthenics;

**Social member** means any person registered as a member of the Association other than as a Participating Member, Coach or Delegate of an Affiliated Club;

**Special General Meeting** means a special general meeting of members convened in accordance with these rules;

**Special resolution** means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

**The Regulations** means regulations under the Act;

**Words or expressions** contained in this Constitution shall be interpreted in accordance with the provisions of the *Interpretation Act* and the Act as in force from time to time;



## **PART 2—POWERS OF ASSOCIATION**

### **5. Powers of Association**

- 5.1 Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- 5.2 Without limiting clause 5.1, the Association may—
- a) Acquire, hold and dispose of real or personal property;
  - b) Build, renovate and alter any property for the purpose of Association;
  - c) Open and operate accounts with financial institutions;
  - d) Invest its money in any security in which trust monies may lawfully be invested;
  - e) Raise, collect and borrow money on any terms and in any manner as it thinks fit;
  - f) Secure the repayment of money raised or borrowed, or the payment of a debt or liability;
  - g) Appoint agents to transact business on its behalf;
  - h) Enter into any other contract it considers necessary or desirable. This includes the appointment, remuneration and dismissal for any persons from time to time.
  - i) Apply for and obtain any licences or permits conducive to the purposes of the association.
  - j) Arrange, conduct and supervise any activity in the northern territory deemed to be in line with the purposes of the association.
  - k) Hear, determine and resolve any dispute between its members in line with these rules.
  - l) Assist (in any way deemed appropriate) any Affiliated Clubs or any other body with a similar purpose to the Association.
  - m) Enter into any arrangement with any Government agency or authority that is conducive to the Association's purpose.
  - n) Develop, print or publish any written media the association deems desirable for the promotion of its purposes.
  - o) Keep any records and main administrative offices as it may be necessary for the proper function of the Association
  - p) Delegate any or all powers to any committee, subcommittee or officer from



the Association or affiliated bodies.

- 5.3 The Association shall only exercise its powers and use its income and assets (including any surplus) for its purposes.

## **6. Not for profit organisation**

- 6.1 The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- 6.2 Clause 6.1 does not prevent the Association from paying a member—
- (a) Reimbursement for expenses properly incurred by the member; on behalf of the Association or
  - (b) For goods or services provided by the member— If this is done in good faith on terms no more favourable than if the member was not a member.

## **PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES**

### **Division 1- Membership**

## **7. Membership, Entry Fees and Subscription**

- a) The association must have at least 5 members.
- 7.1 Members shall be persons who have paid the prescribed membership fee and who are:-
- a) Affiliated Clubs that have been accepted by the association and have paid the subscribed affiliation fee.
  - b) Life Members of the Association
  - c) A participant who is over the age of 18 years and has been accepted into an Affiliated Club
  - d) Social member of the Association, being any person aged 16 years and above who has been accepted as a member of the association
  - e) A (one) parent/guardian of a participant, where the participant is less than 16 years of age
  - f) Employees of the Association
  - g) Any registered coach that has been accepted into the association; or
  - h) Persons who have applied in writing for membership and who are accepted as members by a majority vote of the Committee.
- 7.2 An application of a person for membership of the Association must -



- (a) be made in writing in the form set out by the association-
- (b) be lodged with the Registrar of the Association.
- (c) Be accompanied by the relevant membership fee.

- 7.3 As soon as practicable after the receipt of an application, the secretary must refer the application to the committee.
- 7.4 No restrictions shall be imposed on any person by virtue of religious or political beliefs, sex, race or age, but the Committee have the right to refuse membership to any person without assigning any reason thereto. An application may be rejected if the committee deems the membership would be detrimental to the purposes of the association. If the committee rejects an application, the committee must, as soon as practicable, notify the applicant in writing that the application has been rejected. No reason need be given for the rejection of an application.
- 7.5 Any fees paid for an application that is not accepted shall be returned to the applicant within 14 days of the date of the membership rejection.
- 7.6 If the committee approves an application for membership, the Secretary must, as soon as practicable -
- (a) notify the applicant in writing of the approval for membership; and
  - (b) enter the applicant's name in the register of members.
- 7.7 All memberships shall be on a year to year basis.
- 7.8 Membership and affiliation subscriptions shall be determined by the association at a meeting prior to the commencement of the following year.
- 7.9 The acceptance of membership of the Association shall bind the member, or affiliated club to abide by these rules.
- 7.10 The admission to and the continuation of membership is conditional upon the payment of prescribed subscriptions, fees, levies or other monies.

## **8. Affiliated Club Membership**

- 8.1 Applications for affiliation of a Club, organisation or Association shall be made on the approved application form.
- 8.2 Applications shall be made no later than the Thirty First day of March in each year for affiliation of that year. Affiliation will commence from the date application is received by the Registrar.
- 8.3 Late applications by newly formed clubs, organisations or associations will be



considered by the committee provided all requirements are met.

- 8.4 The committee shall reject or accept any application for affiliation by a club, organisation or association at their discretion.
- 8.5 It is the responsibility of the affiliated club to provide the association with any changes of membership by either enrolment or resignation throughout the year.
- 8.6 It is the responsibility of the affiliated club to provide the association with written details of all persons occupying executive positions on committee and/or principle coach/s of that affiliated club. This notification shall be done no later than the Thirty First day of March each year or prior to the Annual General Meeting whichever is the earlier.

## **9. Participating Membership**

- 9.1 Applications for participating membership shall be made to an affiliated club and on the approved application form.
- 9.2 A participating member can be registered as a member of only one affiliated club at a time and may not also be a social member.
- 9.2 It shall be a requirement that the ACF Skill Level attained by the applicant be noted on the application form.
- 9.3 Where a participating member also falls under the category of coach, the fact shall be noted on the application form. An additional fee may be applicable and is at the discretion of the committee.
- 9.4 If a participating member falls into multiple membership categories, he/she shall only have one vote at meetings.
- 9.5 The committee shall reject or accept any application for membership at their discretion.

## **10. Coach Membership**

- 10.1 Applications for registration as a Coach shall be accompanied by evidence of Accreditation with the ACF, evidence of current first aid certification, evidence of current Ochre Card and be on the approved application form.
- 10.2 Where a coach also falls under the category of participating member, the fact shall be noted on the application form. They may participate in competitions and program. An additional fee may be applicable and is at the discretion of the committee.
- 10.3 If a coach falls into multiple membership categories, he/she shall only have one vote at meetings.



10.4 The committee shall reject or accept any application for membership at their discretion.

## **11. Social Membership**

11.1 Applications for social membership shall be made on the approved application form.

11.2 The committee shall reject or accept any application for membership at their discretion.

## **12. Membership rights and responsibilities**

12.1 A right, privilege, or obligation of a person by reason of membership of the Association

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates upon the cessation of membership whether by death or resignation or otherwise.

12.2 The rights of a member (including the right to vote) who has not paid the annual subscription by the due date is suspended until the subscription is paid.

12.3 A member of the Association who is entitled to vote has the right

- (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
- (b) to submit items of business for consideration at a general meeting; and
- (c) to attend and be heard at general meetings; and
- (d) to vote at a general meeting; and
- (e) to have access to the minutes of general meetings and other documents of the Association as provide in these rules; and
- (f) to inspect the register of members

12.4 A member is entitled to vote if-

- (a) more than 10 business days have passed since he or she became a member of the Association; and
- (b) the member's membership rights are not suspended for any reason.

## **13. Transfer of members within association**

13.1 All participating members have the right to transfer from one affiliated club to Another subject to clause 13.3 and 13.4 of these rules.

13.2 All applications of transfer will need to be approved by the association and will be subject to clause 13.3 and 13.4 of these rules. The application shall include provision for a signed statement from the original club that the conditions of clause 13.3 and 13.4 have been met.

13.3 Any member of the NT Representative Team or a team entered in NTCA sponsored





competition will be excluded from transferring membership from their original affiliated Club from April to October in the current year.

- 13.4 An application for transfer will be permitted unless subscriptions, fees, levies, costume accounts or any other payment is outstanding to either the Association or affiliated club.
- 13.5 In the event of a dispute to the above clauses, a member has the right of appeal to the Association under clause 14 of these rules.

#### **14. Members rights of appeal to association**

- 14.1 There shall be a right of appeal to the Association by any person or body (including Affiliated Club, or Member) aggrieved by any decision or action of the Committee of Management or of any Member;
- (a) in relation to the grant or proposed grant to any person, body or club of membership of such Member or of the revocation of any such grant;
  - (b) in relation to the conduct of any aspect of the sport of calisthenics; or
  - (c) in relation to any dispute concerning the interpretation of this Constitution or any rules or by-laws herein; or
  - (d) in relation to any disciplinary action imposed on a member of the Association.
- 14.2 Such appeal shall be commenced by lodging a notice thereof addressed to the Secretary no more than fifteen (15) calendar days after the decision which is the subject of the appeal.
- 14.3 The Committee shall appoint a suitably qualified person or persons to act as an Arbitrator(s) to hear any appeal and shall pay any fees and costs due to the Arbitrator(s).
- 14.4 The Arbitrator(s) shall hear and determine the appeal and in so doing
- (a) shall not be bound by the rules of evidence;
  - (b) may inform themselves in such manner as they think fit;
  - (c) shall act according to equity, good conscience and substantial merits of the case;
  - (d) may affirm, quash, or vary the decision appealed against in such manner as it shall think fit;
  - (e) provide proof of any matter that shall be determined on the balance of probability; and
  - (f) shall publish reasons for its decision.
- 14.5 All parties participating in the appeal process and associated Arbitrator's hearings



must agree to bear their own costs and expenses incurred in this process.

- 14.6 The Committee of Management may make rules in relation to the conduct of any appeals herein and in doing so shall have regard to the principles of natural justice.

## **15. Register of Members**

- 15.1 The Registrar must keep and maintain a register of members containing:

- (a) The affiliated club's details together with their participating members, executives and delegates
- (b) Coaches, Life Members and Social Members
- (c) The name and address of each member as indicated in (a) and (b)
- (d) The ACF Registration number and ACF Skill level of participating members and coaches
- (e) Date of Birth for participating members only
- (f) The date on which each member's name was entered in the register.
- (g) The date on which the membership ceased (if applicable)

- 15.2 The register is available for inspection free of charge by any member upon request.

## **16. Ceasing Membership (participating, coach and social memberships):**

- 16.1 Any membership to the association shall cease on:-

- (a) Death
- (b) Resignation in writing delivered to the secretary of the Association;
- (c) Termination of employment by the Association;
- (d) Non-renewal of membership within three (3) months of expiry.

- 16.2 Members shall continue to be liable for all monies due by it to the association.

- 16.3 The secretary must record in the register of members the date on which the member ceased to be a member.

## **17. Ceasing Membership (Affiliated Clubs):**

- 17.1 The membership of an affiliated Club can be ceased under the reason specified in clause 16.1

- 17.2 An affiliated club upon ceasing membership shall not be entitled to the return of membership, subscription or affiliation fees or any part thereof.



- 17.3 Upon any affiliated club ceasing to be a member of the association, the delegate from that affiliated club will relinquish any position held within the association committee. That position would then become vacant and come under clause 52 and 64 of these rules for re-appointment.
- 17.4 An affiliated club falling into arrears with any payment to the association may have their affiliation cancelled or suspended by the association committee. Re-affiliation shall not be granted until such time as all monies owed is paid.

## **Division 2- Disciplinary Action**

### **18. Grounds for taking disciplinary action**

- 18.1 The Association may take disciplinary action against any member in accordance with this Division if it is determined that the member—
- (a) has failed to comply with these Rules; or
  - (b) refuses to support the purposes of the Association; or
  - (c) has engaged in conduct prejudicial to the Association.

### **19. Disciplinary subcommittee**

- 19.1 If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- 19.2 The members of the disciplinary subcommittee—
- a) may be Committee members, members of the Association or anyone else;
  - b) must not be biased against, or in favour of, the member concerned.

### **20. Notice to member**

- 20.1 Before disciplinary action is taken against a member, the secretary must give written notice to the member—
- (a) stating that the Association proposes to take disciplinary action against the member; and
  - (b) stating the grounds for the proposed disciplinary action; and
  - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action; and
  - (d) advising the member that he or she may do one or both of the following—
    - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
    - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and



(e) setting out the member's appeal rights under clause 22 .

20.2 The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

## **21. Decision of subcommittee**

21.1 At the disciplinary meeting, the disciplinary subcommittee must—

- (a) give the member an opportunity to be heard; and
- (b) consider any written statement submitted by the member.

21.2 After complying with sub rule (20.1), the disciplinary subcommittee may—

- (a) take no further action against the member; or
- (b) subject to sub rule (20.3)—
  - (i) reprimand the member; or
  - (ii) suspend the membership rights of the member for a specified period;
  - (iii) expel the member from the Association.

21.3 The disciplinary subcommittee may not fine the member.

21.4 The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

## **22. Appeal rights**

22.1 A person whose membership rights have been suspended or who has been expelled from the Association under clause 20 may give notice to the effect that he or she wishes to appeal against the decision.

22.2 The notice must be in writing and given—

- (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken.
- (b) to the Secretary not later than 48 hours after the vote.

22.3 If a person has given notice under sub rule (22.2), an appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.

22.4 Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must—

- (a) specify the date, time and place of the meeting; and



(b) state

(i) the name of the person against whom the disciplinary action has been taken; or

(iii) the grounds for taking that action; and

(iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked; or

### **23. Conduct of appeal meeting**

23.1 At an appeal meeting—

- (a) no business other than the question of the appeal may be conducted; and
- (b) the Committee must state the grounds for suspending or expelling the member.
- (c) the person whose membership has been suspended or expelled must be given an opportunity to be heard.

23.2 After complying with sub rule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision should be upheld or revoked.

23.3 A member may not vote by proxy at an appeal meeting.

### **Division 3—Grievance procedure**

#### **24. Application**

24.1 The grievance procedure set out in this Division applies to disputes under these Rules between—

- (a) a member and another member;
- (b) a member and the Committee;
- (c) a member and the Association.

24.2 A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

#### **25. Parties must attempt to resolve the dispute**

25.1 The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.



## **26. Appointment of mediator**

- 26.1 If the parties to a dispute are unable to resolve the dispute between themselves within the time required by clause 25, the parties must within 10 days—
- (a) notify the Committee of the dispute; and
  - (b) agree to or request the appointment of a mediator; and
  - (c) attempt in good faith to settle the dispute by mediation.
- 26.2 The mediator must be—
- (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement—
    - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
    - (ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by Northern Territory Calisthenics Association.
- 26.3 A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who—
- (a) has a personal interest in the dispute; or
  - (b) is biased in favour of or against any party.

## **27. Mediation process**

- 27.1 The mediator to the dispute, in conducting the mediation, must—
- (a) give each party every opportunity to be heard; and
  - (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 throughout the mediation process.
- 27.2 The mediator must not determine the dispute.

## **28. Failure to resolve dispute by mediation**

- 28.1 If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **PART 4—GENERAL MEETINGS OF THE ASSOCIATION**



## **29. Annual General Meetings**

- 29.1 The Committee must convene an annual general meeting of the Association to be held within 3 months after the end of each financial year.
- 29.2 The Committee may determine the date, time and place of the annual general meeting.
- 29.3 The ordinary business of the annual general meeting is as follows—
- (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
  - (b) to receive and consider—
    - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
    - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee
    - (iii) an annual budget as approved by the committee for the forthcoming year.
  - (c) to elect the members of the Committee;
  - (d) to confirm or vary the amounts (if any) of the annual subscription and joining fee; or
  - (e) to elect a Patron(s) if it is thought desirable to do so.
- 29.5 The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.
- 29.6 An attendance book shall be maintained and opened at each Annual General Meeting. The book shall be signed by each person attending the meeting and entitled to vote at the entry of the meeting;
- (a) If exit occurs prior to the conclusion of the meeting, a signature on exit is required.
  - (b) This record will be kept and maintained in accordance with clause 81 of these rules

## **30. Special general meetings**

- 30.1 Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.



- 30.2 The Committee may convene a special general meeting whenever it thinks fit.
- 30.3 No business other than that set out in the notice under clause 31 may be conducted at the meeting.

### **31. Special general meeting held at request of members**

- 31.1 The Committee must convene a special general meeting if a request to do so is made in accordance with sub rule (31.2) by at least 10% of the total number of members.
- 31.2 A request for a special general meeting must—
- (a) be in writing; and
  - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
  - (c) include the names and signatures of the members requesting the meeting; and
  - (d) be given to the secretary.
- 31.3 If the Committee does not convene a special general meeting within two months after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- 31.4 A special general meeting convened by members under sub rule (31.3)—
- (a) must be held within 3 months after the date on which the original request was made; and
  - (b) may only consider the business stated in that request.
- 31.5 The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under sub rule (31.3).

### **32. Notice of general meetings**

- 32.1 The secretary (or, in the case of a special general meeting convened under clause 31.3, the members convening the meeting) must give to each member of the Association—
- (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
  - (b) at least 14 days' notice of a general meeting in any other case.
- 32.2 The notice must—
- (a) specify the date, time and place of the meeting; and





- (b) indicate the general nature of each item of business to be considered at the meeting; and
- (c) if a special resolution is to be proposed—
  - (i) state in full the proposed resolution; and
  - (ii) state the intention to propose the resolution as a special resolution; and

32.3 This rule does not apply to a disciplinary appeal meeting.

### **33. Proxies**

- 33.1 A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.
- 33.2 The appointment of a proxy must be in writing and signed by the member making the appointment.
- 33.3 The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.
- 33.4 A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.
- 33.5 A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association no later than 24 hours before the commencement of the meeting.

### **34. Use of technology**

- 34.1 A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- 34.2 For the purposes of this Part, a member participating in a general meeting as permitted under clause 34.1 is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

### **35. Quorum at general meetings**

- 35.1 No business may be conducted at a general meeting unless a quorum of members is present.



- 35.2 The quorum for a general meeting is the presence (physically, by proxy or as allowed under clause 34) of 25% of the members entitled to vote.
- 35.3 If a quorum is not present within thirty minutes after the notified commencement time of a general meeting—
- (a) in the case of a meeting convened by, or at the request of, members under clause 31—the meeting must be dissolved;
  - (b) in any other case—
    - (i) the meeting must be adjourned to the same day in the following week, held at the same time and venue if available.
    - (ii) written notice must be given to all members as soon as practicable after the meeting confirming the new date.
- 35.4 If at the adjourned meeting, a quorum is not present within thirty minutes, the members present shall form a quorum.

### **36. Adjournment of general meeting**

- 36.1 The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- 36.2 Without limiting subrule (1), a meeting may be adjourned—
- (a) if there is insufficient time to deal with the business at hand; or
  - (b) to give the members more time to consider an item of business.
- 36.3 No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- 36.4 Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 32.

### **37. Voting at general meeting**

- 37.1 Members, Life members and Delegates of affiliated clubs shall be entitled to attend a general meeting and cast a vote in the following manner.
- (a) Any financial social or participating member aged 16 years and over is entitled to attend the meeting and a vote.
  - (b) All Life members are entitled to attend and cast a vote



- (c) All registered coaches are entitled to attend and cast a vote
  - (d) The registered Delegate of each Affiliated Club shall have one vote on behalf of the said Affiliated Club in addition to any vote he/she may have in respect to their personal membership status.
- 37.2 On any question arising at a general meeting—
- (a) subject to clause 37.1 and 37.4, each member who is entitled to vote has one vote; and
  - (b) members may vote personally or by proxy; and
  - (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- 37.3 If votes are divided equally on a question, the Chairperson of the meeting has a Deliberative as well as a casting vote.
- 37.4 If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- 37.5 The Secretary shall keep and maintain a roll book of Delegates of Affiliated Clubs, Life members, social and participating members for the purpose of verifying the voting power of those present.
- 37.6 This rule does not apply to a vote at a disciplinary appeal meeting conducted under Clause 23.

### **38. Delegates**

- 38.1 Each Affiliated Club must nominate one (1) delegate who meets the requirements of clause 55.1 for election and is accepted under these rules shall have the rights of a member of the committee of management to attend meetings, speak and vote on matters put to the meetings as the representative of that Affiliated Club.
- 38.2 The delegate shall be the point of contact for all notices issued to the Affiliated Club.
- 38.3 The delegate may stand for election to the Executive Committee and if elected such position shall take precedence over the position as ordinary committee member.

### **39. Special resolutions**

- 39.1 In addition to certain matters specified in the Act and in these rules, a special



resolution is required—

- (a) to remove a committee member from office;
- (b) to alter these Rules, including changing the name or any of the purposes of the Association.

#### **40. Determining whether a resolution has been carried**

40.1 Subject to subsection (40.2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been-

- (a) carried; or
- (b) carried unanimously; or
- (c) carried by a particular majority; or
- (d) lost

and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

40.2 If a poll (where votes are cast in writing) is demanded by three or more members on any question-

- (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
- (b) the Chairperson must declare the result of the resolution on the basis of the poll.

40.3 A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.

40.4 A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

#### **41. Minutes of general meeting**

41.1 The Committee must ensure that minutes are taken and kept of each general meeting.

41.2 The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

41.3 In addition, the minutes of each annual general meeting must include—

- (a) the names of the members attending the meeting in line with clause 29.6; and



- (b) proxy forms given to the Chairperson of the meeting under clause 33; and
- (c) the financial statements submitted to the members in accordance with clause 29.3(b)(ii); and
- (d) the certificate signed by two committee members certifying that the financial statement give a true and fair view of the financial position and performance of the Association; and
- (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act

## **PART 5—COMMITTEE OF THE ASSOCIATION**

### **Division 1- Executive Committee**

#### **42. Executive Committee composition**

- 42.1 The Executive committee shall comprise of;
- (a) President
  - (b) Vice-President
  - (c) Secretary; and
  - (d) Treasurer
- 42.2 All executive committee members must be a financial member of the Association and reside in the Northern Territory

#### **43. Executive committee powers and duties**

- 43.1 The Executive shall conduct the daily affairs of the Association.
- 43.2 A report shall be provided to the committee of management at each meeting.
- 43.3 The Executive committee shall seek the advice of the Committee of management of any matter in relation to any policy or these rules.
- 43.4 The Executive shall be responsible for the development of the Association's business plan. The plan should include goals to be achieved and the proposed



means to achieve those set goals.

- 43.5 The Executive shall act in accordance with any resolutions of the Committee of Management.

#### **44. President and Vice-President**

- 44.1 Subject to clause (44.2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.
- 44.2 If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be—
- (a) in the case of a general meeting—a member elected by the other members present; or
  - (b) in the case of a committee meeting—a committee member elected by the other committee members present.

#### **45. Secretary**

- 45.1 The Secretary must perform any duty or function required under these rules to be performed by the secretary of an incorporated association and may be appointed from members on the Committee.
- 45.2 The Secretary shall-
- (a) keep custody of the common seal (if any) of the Association and, except for the financial records, all books, documents, records and securities of the Association in accordance with clause 81 of these rules.
  - (b) conduct the correspondence of the Association
  - (c) carry out all lawful instructions or directions of the Association and the committee of management
  - (d) sign all official documents as authorised or required on behalf of the association
- (3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

#### **46. Treasurer**

- 46.1 The Treasurer must-



- (a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
- (b) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and
- (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
- (d) ensure payments are approved by at least 2 executive committee members.

46.2 The Treasurer must—

- (a) ensure that the financial records of the Association are kept in accordance with the Act and these rules; and
- (b) prepare a financial summary in a form acceptable to the committee of management to be presented at each committee of management meeting.
- (c) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.
- (d) Prepare a detailed budget for the coming year to the committee of Management for approval. This should be done no later than one month prior to the end of the previous financial year.
- (e) submit the approved budget to the association membership for comment. This should be done at least three weeks prior to the annual general meeting. Any increase in fees is to be approved by a majority.

46.3 The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

#### **47. Meetings of the Executive committee**

47.1 The Executive committee shall meet monthly or the president may call a special meeting of the executive on any such occasion as it is deemed necessary.

47.2 Proper minutes of all proceedings of meeting of the Executive committee shall be maintained. Those minutes shall be made available in line with clause 81 of these rules.

47.3 Minutes will be tabled and confirmed at the next meeting of the executive committee.

47.4 Minutes shall be made available to all members of the executive committee and the committee of management.



47.5 The Executive committee shall have the power to invite any other person/s to an executive committee meeting. These persons would not have voting rights.

#### **48. Conflict of interest**

48.1 An Executive committee member who has a material personal interest in a matter being considered at an executive committee meeting must disclose the nature and extent of that interest to the Committee.

48.2 The member—

- (a) must not be present while the matter is being considered at the meeting; and
- (b) must not vote on the matter.

#### **49. Voting of the Executive committee**

49.1 Voting at an Executive meeting shall be determined by a show of hands, or if deemed necessary a poll be taken in such a manner as agreed upon by the Executive.

49.2 The President shall have the right to a deliberative vote at all Executive committee Members as well as a casting vote. All other members of the Executive committee shall have a deliberative vote only.

49.3 A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.

#### **50. Quorum of an Executive committee**

50.1 A quorum of the Executive committee shall comprise of three members of the Executive.

50.2 No business may be conducted at an Executive meeting unless a quorum of members is present.

50.3 If a quorum is not present within thirty minutes after the notified commencement time, the meeting will be adjourned to another agreed upon time.

50.4 If due to Clause 48 of these rules, a quorum is not present to vote, then the matter shall go before the committee of management for voting.

#### **51. Removal of a member of the Executive committee**





- 51.1 An executive members can be removed before the expiration of their tenure by means of a resolution at the annual general meeting or a special general meeting.
- 51.2 A majority vote of members present (or by proxy) is needed to remove a member from the Executive committee.
- 51.3 Another member of the committee of management shall be appointed into the position for the remainder of the term left by the outgoing executive member.

## **52. Vacancy on the Executive committee**

- 52.1 The position of a member of the Executive committee shall become vacant if a member;
- (a) is absent from two consecutive executive committee meetings with approved leave
  - (b) is excluded for any reason under the current act and/or these rules
  - (c) moves their place of residence outside of the Northern Territory
  - (d) dies or is permanently incapacitated by ill health
  - (e) is removed under clause 51 of these rules
  - (f) ceases to be a member of the Association
  - (g) tenders their resignation as a member of the Executive committee that is accepted by the committee of management
- 52.2 The position of Secretary shall become vacant if the current person holding office is disqualified from the position by the Act.
- 52.3 A vacant position on the Executive committee shall be done in line with clause 51.3 of these rules.

## **Division 2-Committee of Management**

### **53. Composition of Committee of management**

- 53.1 The Committee consists of;
- (a) The executive committee
  - (b) a minimum of four (4) ordinary members with a maximum of eight (8) known as committee members



- (c) one (1) nominated delegate from each Affiliated Club who shall be committee members and counted in the number thereof, or if elected an executive committee member.

53.2 A member is eligible for election onto the committee of Management if he/she is;

- (a) a financial member of the Association aged eighteen (18) years or over;
- (b) not precluded by these rules; or
- (c) not precluded for any other reason

#### **54. Committee of management powers and duties**

54.1 As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.

54.2 The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.

54.3 The Committee of Management, subject to these rules and clauses regarding Control and decisions made at annual general meetings and special general meetings, shall;

- (a) exercise their powers and discharge their duties outlined within these rules for their held office with reasonable care and diligence.
- (b) conduct and manage the business and affairs of the Association
- (c) enter into any agreement with any persons for any purpose that is in line with the Association
- (d) may appoint members from the Association to sit on Sub-committees created for;
  - (i) Coaching Development
  - (ii) Skills
  - (iii) Competitions
  - (iv) Promotion
  - (v) Fundraising
  - (vi) any other business the committee of management deems necessary
- (e) establish terms of reference of any sub-committee



- (f) dissolve any sub-committee created without assigning any reason thereof;
  - (i) Written notice will be given to all members of that committee
  - (ii) No funds may be expended after such notice is given
- (g) make, amend or alter these rules and Association by-laws in line with agreement at an annual general meeting or resolution at a special meeting by the Association membership.
- (i) shall manage the financial affairs of the associations in accordance with the approved budget of that financial year and in line with these rules.
- (j) shall hold an Annual General Meeting each year in line with these rules.
- (k) Apply for and obtain any licences or permits conducive to the purposes of the association.
- (l) Do any such actions that are conducive to the purposes of the Association
- (m) appoint all such state team officials including;
  - (i) Representative Team Coaches
  - (ii) Development Team Coach
  - (iii) Coaching Assistants
  - (iv) Demonstrators
  - (v) Officials
  - (vi) Chaperones
  - (viii) Managers
- (n) appoint delegates to represent the Association on the Australian Calisthenic Federation Incorporated Council. (Refer to By Laws)
- (o) The Committee of Management shall be the sole arbiter in interpreting the rules and by-laws of the Association and the decisions of the Committee of Management and any question of interpretation of fact or upon any matter affecting the Association and not provided for by the Constitution or rules or by-laws made thereunder shall be final and binding.

54.4 Committee members must exercise their powers and discharge their duties—

- (a) in good faith in the best interests of the Association; and
- (b) for a proper purpose.

54.5 Committee members and former committee members must not make improper use



of—

- (a) their position; or
- (b) information acquired by virtue of holding their position—

so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

54.6 In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

### **Division 3—Election of Committee members and tenure of office**

#### **55. Who is eligible to be a Committee member**

55.1 A member is eligible to be elected or appointed as a committee member if the member;

- (a) is a financial member of the Association aged eighteen (18) years or over;
- (b) not precluded by these rules; or
- (c) not precluded for any other reason

#### **56. Positions to be declared vacant**

56.1 This applies to;

- (a) any annual general meeting of the Association, after the annual report and financial statements of the Association have been received.

56.2 The Chairperson of the meeting must declare the positions on the Committee that are vacant and hold elections for those positions in accordance with clause 58 and 59 of these rules.

#### **57. Nominations**

57.1 Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position.

57.2 An eligible member of the Association may-

- (a) nominate himself or herself; or
- (b) with the member's consent, be nominated by another member.



- 57.3 A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

### **58. Election of Executive Committee**

- 58.1 At the annual general meeting, separate elections must be held for each of the following vacant positions-
- (a) President;
  - (b) Vice-President;
  - (c) Secretary;
  - (d) Treasurer.
- 58.2 If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- 58.3 If more than one member is nominated, a ballot must be held in accordance with clause 60 of these rules.
- 58.4 On his or her election, the new President may take over as Chairperson of the meeting.

### **59. Election of ordinary committee members**

- 59.1 A single election may be held to fill all of those positions.
- 59.2 If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- 59.3 If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with clause 60 of these rules.

### **60. Ballot**

- 60.1 If a ballot is required for the election for any position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- 60.2 The returning officer must not be a member nominated for the position.
- 60.3 Before the ballot is taken, each candidate may make a short speech in support of his



or her election.

- 60.4 The election must be by secret ballot.
- 60.5 The returning officer must give a blank piece of paper to—
- (a) each member present in person; and
  - (b) each proxy appointed by a member.
- 60.6 If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
- 60.7 If the ballot is for more than one position—
- (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
  - (b) the voter must not write the names of more candidates than the number to be elected.
- 60.8 Ballot papers that do not comply with clause 60.7 (b) are not to be counted.
- 60.9 Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- 60.10 The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- 60.11 If the returning officer is unable to declare the result of an election under clause (60.10) because 2 or more candidates received the same number of votes, the returning officer must-
- (a) conduct a further election for the position in accordance with clause (60.4) to (60.10) to decide which of those candidates is to be elected

## **61. Term of office**

- 61.1 Subject to clause 61.3 and 60, a committee member holds office until that position on the Committee is declared vacant at the annual general meeting.
- 61.2 Each position of the committee shall be for an initial term of two (2) years.
- 61.3 A committee member may be re-elected. Re-election would be for a term of two (2) further years.
- 61.4 The same position can be held by the same member for a maximum of 6 years concurrently.



- 61.5 A general meeting of the Association may—
- (a) by special resolution remove a committee member from office; and
  - (b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.
- 61.6 A member who is the subject of a proposed special resolution under clause 61.5(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- 61.7 The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

## **62. Vacation of office**

- 62.1 A committee member may resign from the Committee by written notice addressed to the Committee.
- 62.2 A person ceases to be a committee member if he or she—
- (a) ceases to be a member of the Association; or
  - (b) fails to attend 2 consecutive committee meetings (other than special or urgent committee meetings) without approved leave; or
  - (c) are under the outlines of clause 52.1

## **63. Removal of an ordinary member of the committee**

- 63.1 An ordinary member of the committee can be removed before the expiration of their tenure by means of a resolution at the annual general meeting or a special general meeting.
- 63.2 A majority vote of members present (or by proxy) is needed to remove a member from the committee of management.

## **64. Filling vacancies of ordinary committee members**

- 64.1 The Committee may appoint an eligible member of the Association to fill a position on the Committee that-
- (a) has become vacant under rule 62; or
  - (b) was not filled by election at the last annual general meeting.



- 64.2 If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- 64.3 Clause 59 applies to any committee member appointed by the Committee under clause 63.(1) or (62.2).
- 64.4 The Committee may continue to act despite any vacancy in its membership.
- 64.5 If a vacancy occurs for a Club delegate, it is the responsibility of the affiliated Club to nominate and name a replacement within fourteen (14) days of being notified.

#### **Division 4—Meetings of Committee**

##### **65. Meetings of Committee**

- 65.1 The Committee must meet at least one (1) time per a calendar month on a date, time and place determined by the Committee.
- 65.2 The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.
- 65.3 Special committee meetings may be convened by the President or by any 4 members of the Committee.

##### **66. Notice of meetings**

- 66.1 Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- 66.2 Notice may be given of more than one committee meeting at the same time. The notice must state the date, time and place of the meeting.
- 66.3 If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- 66.4 The only business that may be conducted at the meeting is the business for which the meeting is convened.

##### **67. Procedure and order of business**

- 67.1 The procedure to be followed at a meeting of a Committee must be determined





from time to time by the Committee.

67.2 The order of business may be determined by the members present at the meeting.

### **68. Use of technology**

68.1 A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.

68.2 A committee member participating in a committee meeting as permitted under clause 68.1 is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

### **69. Quorum at a committee of management meeting**

69.1 The quorum for a committee meeting is the presence (in person or as allowed under clause 68) of a majority of the committee members holding office.

69.2 No business may be conducted at a Committee meeting unless a quorum is present.

69.3 If a quorum is not present within thirty minutes after the notified commencement time, the meeting will be adjourned to another agreed upon time.

69.4 If due to these rules a quorum is not present to vote, then the matter must go before the membership at a general meeting.

### **70. Voting at a Committee meeting**

70.1 On any question arising at a committee meeting, each committee member present at the meeting has one vote.

70.2 A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.

70.3 If votes are divided equally on a question, the Chairperson of the meeting has a casting vote as well as their deliberative.

70.4 Voting by proxy is not permitted.

### **71. Conflict of interest**



- 71.1 A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- 71.2 The member-
- (a) must not be present while the matter is being considered at the meeting; and
  - (b) must not vote on the matter.

## **72. Minutes of meeting**

- 72.1 The Committee must ensure that minutes are taken and kept of each committee meeting.
- 72.2 The minutes must record the following—
- (a) the names of the members in attendance at the meeting;
  - (b) the business considered at the meeting;
  - (c) any resolution on which a vote is taken and the result of the vote;
  - (d) any material personal interest disclosed under clause 71.
- 72.3 These minutes must be made available to the Association membership in line with clause 81 of these rules.
- 72.3 The minutes must be tabled and confirmed at the following meeting by the committee.

## **73. Leave of absence**

- 73.1 The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- 73.2 The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

## **PART 6—FINANCIAL MATTERS**

### **74. Source of funds**

- 74.1 The funds of the Association may be derived from joining fees, annual



subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

## **75. Management of funds**

- 75.1 The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- 75.2 Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.
- 75.3 The Committee may authorise the Treasurer to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- 75.4 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.
- 75.5 All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt.
- 75.6 With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

## **76. Financial records**

- 76.1 The Association must keep financial records that-
- (a) correctly record and explain its transactions, financial position and performance; and
  - (b) enable financial statements to be prepared as required
- 76.2 The Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- 76.3 The Treasurer must keep in his or her custody, or under his or her control—
- (a) the financial records for the current financial year; and
  - (b) any other financial records as authorised by the Committee.

## **77. Financial statements**



- 77.1 For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- 77.2 Without limiting clause 77.1 those requirements include-
- (a) the preparation of the financial statements;
  - (b) if required, the review or auditing of the financial statements;
  - (c) the certification of the financial statements by the Committee;
  - (d) the submission of the financial statements to the annual general meeting of the Association;
  - (e) the lodgement of the financial report to the auditor

## **78. Auditor**

- 78.1 An auditor shall be appointed on a yearly basis at the Annual General Meeting.
- 78.2 An auditor shall be
- (a) a registered company auditor
  - (b) a member of the Australian Society of Certified Practising Accountants
  - (c) a member of the Institute of Chartered Accountants in Australia
  - (d) any other such person that meets the requirements of the Act.
- 78.3 The auditor shall not be a member of the committee
- 78.4 The auditor shall not hold any other office within the Association during the term of appointment.
- 78.5 The auditor shall examine the financial report submitted by the treasurer together with the appropriate records.
- 78.5 The auditor shall make a report to be submitted to the membership at the Annual General Meeting. This report shall;
- (a) give their opinion on whether the information provided exhibits a true and correct view of the Associations financial affairs.
  - (b) provide the report no later than one month prior to the Annual General Meeting.
  - (c) advise the membership at the annual general meeting the reason why if they are unable to complete clause 78.5 (a).



- 78.6 The auditor in the process of completing their duties shall;
- (a) have access at all reasonable times to the accounting and other records of the Association
  - (b) be entitled to enquire from any officer of the Association such information and explanation for the purposes of the audit
  - (c) furnish such records as are required by the provisions of the current Act.
  - (d) be entitled to such reasonable fees and expenses as approved by the committee of management.

## **PART 7—GENERAL MATTERS**

### **79. Common Seal**

79.1 The Association may have a common seal.

79.2 If the Association has a common seal—

- (a) the name of the Association must appear in legible characters on the common seal;
- (b) a document may only be sealed with the common seal if signed by the secretary and one other executive committee member
- (c) the common seal must be kept in the custody of the Secretary or another approved executive committee member.

### **80. Patrons**

80.1 Appointment of patrons of the Association will be on the recommendation of the committee of management and shall be confirmed by majority vote by the membership at an Annual General Meeting.



80.2 A patron is entitled to attend any Association function free of charge.

80.3 A patron does not have voting rights.

## **81. Custody and inspection of books and records**

81.1 Members of the Association may on request inspect free of charge-

- (a) the register of members;
- (b) the minutes of general meetings;
- (c) subject to clause 80.2, the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

81.2 The Committee have the right to refuse a member to inspect records of the Association that relate to any information that is deemed confidential or including personal information. This refusal shall also include employment, commercial or legal matters, where to do so may be prejudicial to the interests of the Association.

81.3 The Committee must on request make available these rules to members and applicants for membership free of charge.

81.4 Subject to clause 81.2, a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.

81.5 For purposes of this rule, relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

- (a) its membership records;
- (b) its financial statements;
- (c) its financial records;
- (d) records and documents relating to transactions, dealings, business or property of the Association.

## **82. Winding up and cancellation**

82.1 The Association may be wound up voluntarily by special resolution.

82.2 In the event of the winding up or the cancellation of the incorporation of the Association, the amount that remains after such dissolution and the satisfaction debts and liabilities shall be transferred to another organisation with similar purposes



which is not carried on for the profit or gain of its individual members.

- 82.3 In the event that there are outstanding liabilities not otherwise covered by the sale of assets, these liabilities shall become the responsibility of the association membership up to a maximum of \$10 for each member and shall be met by equal contribution from all affiliated Clubs.

### **83. Alteration of Rules**

- 83.1 These Rules may only be altered by special resolution of a general meeting of the Association.

### **84. Indemnity**

- 84.1 Every member of the committee of management and any other officer for the time being of the Association shall be indemnified out of the assets of the Association against any liability arising out of the execution of duties incurred in conducting any proceeding authorised by the Association whether civil or criminal.