

***Associations Incorporation Act 1981 (Qld)***

**Registered on –**

**25 AUG 1998 (Amended 18 Sept. 2003 and [∗] 2009)**

QUEENSLAND BREAKERS WATER POLO INCORPORATED CONSTITUTION

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# RULES

## 1 NAME

- 1.1 The name of the incorporated association shall be **Queensland Breakers Water Polo Incorporated** (in these rules called "the Club").

## 2 DEFINITIONS AND INTERPRETATION

- 2.1 The following definitions apply in these rules unless the context requires otherwise.

"breach of discipline" means a failure to comply with these rules, related by-laws or other regulations governing the sport of water polo.

"chief executive" has the same meaning as in the Act.

"member" means the holder of any class of membership as defined by these rules.

"member present" means, in connection with a general meeting, a voting member present in person at the venue or venues for the meeting or by proxy.

"misconduct" means conduct by a member of any class considered to be injurious or prejudicial to the character or interests of the Club or the sport of water polo.

"NWPL" means the Australian National Water Polo League.

"participant" includes player, official or volunteer in any sanctioned water polo competition.

"QWPI" means Queensland Water Polo Incorporated.

"special resolution" has the meaning given by section 3 of the Act.

"surplus assets" has the meaning given by section 92(3) of the Act.

"the Act" means the *Associations Incorporation Act 1981* (Qld).

- 2.2 Headings are for convenience only and do not affect interpretation. The following rules of interpretation apply to these rules unless any contrary intention appears in these rules or the context requires otherwise.

2.2.1 The singular includes the plural and conversely.

2.2.2 Where a word or phrase is defined, its other grammatical forms have a corresponding meaning.

2.2.3 A reference to any legislation or to any provision of any legislation includes any modification or re-enactment of it, any legislative provision substituted for it, and all regulations and statutory instruments issued under it.

2.2.4 A word or phrase given a meaning in the Act has the same meaning in these rules.

## 3 OBJECTS

- 3.1 The objects of the Club shall be:-
- 3.1.1 to affiliate with QWPI;
  - 3.1.2 to participate in the NWPL;

- 3.1.3 to manage, promote, teach, encourage, develop and participate in the sport of water polo;  
and
- 3.1.4 to develop community awareness of the sport of water polo.

#### **4 POWERS**

- 4.1 Subject to the Constitution, the Club shall have all the powers of an individual including full power, jurisdiction and authority to do all things necessary to carry out the business, the affairs and objects of the Club, which include, but are not limited to the following:
  - 4.1.1 to adjudicate on all matters of dispute referred by members, or upon the Club's initiative, affecting members;
  - 4.1.2 to stimulate public opinion in favour of providing proper accommodation and facilities for participation in water polo;
  - 4.1.3 to buy, sell and deal in all kinds of articles, commodities and provisions in furtherance of the objects of the Club;
  - 4.1.4 to appoint, employ, remove or dismiss such staff upon a contract of employment, or tradesman upon a contract of service, upon such terms as may be necessary or convenient to achieve the purposes and objects of the Club;
  - 4.1.5 to invest and deal with the money of the Club not immediately required in such manner as may be permitted by law for the investment of trust funds;
  - 4.1.6 to print and publish any newspapers, periodicals, books and leaflets that the Club may consider desirable for the promotion of its objects; and
  - 4.1.7 to do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Club.

#### **5 CLASSES OF MEMBERS**

- 5.1 Membership of the Club shall consist of:
  - 5.1.1 inaugural members;
  - 5.1.2 yearly members;
  - 5.1.3 player members consisting of;
    - (i) senior player members; and
    - (ii) junior player members;
  - 5.1.4 honorary members; and
  - 5.1.5 life members.
- 5.2 The number of members in each class of membership shall be unlimited.
- 5.3 An inaugural member is a person who has been invited and given the right of membership with the Club conditional on the payment of the inaugural membership fee.
- 5.4 A yearly member is a person who has been granted the right of membership with the Club conditional upon the payment of the current year's membership fees.

- 5.5 A player member (either a senior player member or a junior player member) is a person who has been granted the right of membership with the Club conditional upon the payment of the current year's membership fees for players and, in the case of a current player, who is registered with QWPI to play in the current year's competitions. This class of member will be current and past players for the Club in the NWPL competition.
- 5.6 Junior player members are required to have junior player membership if they wish to play in any competitions when representing the Club.
- 5.7 An honorary member is a person who has been invited by the management committee and given the right of membership with the Club for a period of 12 months, which membership shall be reviewed annually. An honorary member who is elected or appointed to the management committee in accordance with these rules shall remain an honorary member for the duration of his or her membership of, or appointment to, the management committee. Honorary members are not required to pay membership fees.
- 5.8 Life membership may be conferred on any person who is a member of the Club and who has rendered conspicuous and meritorious service to the Club for a minimum period of ten (10) years subject to the following conditions:
- 5.8.1 life membership may only be conferred at an annual general meeting;
  - 5.8.2 only one life membership may be conferred in any one year;
  - 5.8.3 all nominations for life membership shall be in writing giving the qualifications of the nominee and signed by the proposer and a seconder;
  - 5.8.4 the management committee may submit a nomination for life membership;
  - 5.8.5 all nominations for life membership must:
    - (i) be received by the Club at least 21 days prior to the annual general meeting; and
    - (ii) receive a written approval of the management committee of the Club prior to being considered at an annual general meeting;
  - 5.8.6 where there are two or more eligible nominees, an exhaustive ballot shall be held eliminating at each stage the nominee with the least number of votes until one nominee remains; and
  - 5.8.7 a nominee shall be conferred with life membership if a resolution to confer life membership on him/her is carried by not less than two-thirds of the number of votes able to be cast by the members eligible to vote at such annual general meeting.
- 5.9 The management committee may prescribe eligibility criteria, not inconsistent with these rules, for any class of membership. Any eligibility criteria or changes to eligibility criteria prescribed by the management committee must be approved by a general meeting.

## **6 RIGHTS OF CLASSES OF MEMBERS**

- 6.1 The following members are entitled to receive notice of, attend, speak on any motion and vote at general meetings of members:
- 6.1.1 inaugural members;
  - 6.1.2 honorary members;
  - 6.1.3 yearly members; and

- 6.1.4 senior player members who are not minors.
- 6.2 Player members who are minors and life members are entitled to receive notice of, speak on any motion and attend general meetings of members but do not possess voting rights.
- 6.3 All members have the right to free entry to home games for the season to which their membership relates, receipt of newsletters and invitations to Club functions.

## **7 MEMBERSHIP FEES**

- 7.1 The membership fees for each class of membership shall be such sums as the members holding voting rights in accordance with this Constitution shall determine at the annual general meeting.
- 7.2 The outgoing management committee shall present recommendations and proposals to the annual general meeting to enable a determination of membership fees.
- 7.3 The membership fees shall be payable at such time and in such manner as the management committee shall from time to time determine.

## **8 ADMISSION AND REJECTION OF APPLICATION FOR MEMBERSHIP**

- 8.1 Every applicant for membership shall be proposed by any one member and seconded by another such member.
- 8.2 The application for membership shall be made in writing, signed by the applicant and the applicant's proposer and seconder and shall be in such form as the management committee from time to time prescribes.
- 8.3 At the next meeting of the management committee of the Club any new application for membership, together with any fees applicable, shall be considered by the management committee who shall thereupon determine upon the admission or rejection of the applicant.
- 8.4 Any applicant who receives a majority of the votes of the members present at the management committee meeting shall be accepted as a member.
- 8.5 Upon:
  - 8.5.1 the acceptance or rejection of an application for membership; or
  - 8.5.2 the conferral of life membership or honorary membership,the secretary shall forthwith give the applicant or member notice in writing of such decision.
- 8.6 Honorary membership is by invitation of the management committee.

## **9 TERMINATION OF MEMBERSHIP AND DISCIPLINARY ACTION**

- 9.1 A member of any class may resign such membership of the Club at any time by giving notice in writing to the secretary.
- 9.2 If all membership fees and dues are current such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice. In such circumstances, the later date shall be the operative date for termination of membership.
- 9.3 If a member of any class is determined by the management committee:
  - (a) to have committed a breach of discipline; or
  - (b) to be guilty of misconduct,

the management committee shall consider whether one or more of the following penalties should be imposed:

- (i) termination of membership;
- (ii) suspension of membership;
- (iii) suspension or disqualification from participation in competition in any capacity considered appropriate;
- (iv) loss of any other Club privileges as considered appropriate.

- 9.4 A member of any class shall not be penalised in accordance with rule 9.3 unless and until the member has been given a full and fair opportunity of presenting a case in accordance with the procedures prescribed by any related by-laws and with due consideration of the principles of natural justice.
- 9.5 If a member has membership fees in arrears for more than two months, the management committee shall consider whether such membership shall be terminated.
- 9.6 Should the management committee resolve by a majority vote to terminate the membership of any member or otherwise impose a disciplinary penalty pursuant to rules 9.3, 9.4 or 9.5, it shall instruct the secretary to advise the member in writing.

## **10 APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP**

- 10.1 A person whose application for membership has been rejected or whose membership has been terminated may within 30 days of receiving written notice thereof, lodge with the secretary written notice of intention to appeal against the decision of the management committee.
- 10.2 Upon receipt of a notification of intention to appeal against rejection or termination of membership, the secretary shall convene within three months of the date of receipt by him/her of such notice, a general meeting to determine the appeal. At any such meeting, the applicant shall be given the opportunity to fully present his/her case and the management committee or those members thereof who rejected the application for membership or terminated the membership shall likewise have the opportunity of presenting its or their case. The appeal shall be determined by a majority vote of the members present at such meeting.
- 10.3 Any appellant from a decision to terminate membership of a registered member shall retain the status and benefits of membership until the determination of any appeal proceedings.
- 10.4 Where a person whose application for membership is rejected does not appeal against the decision of the management committee within the time prescribed by these rules, or so appeals but the appeal is unsuccessful, the secretary shall forthwith refund the amount of any fees paid.

## **11 REGISTER OF MEMBERS**

- 11.1 The management committee shall cause a register to be kept in which shall be entered the names and residential addresses of all persons admitted to membership of the Club, the date of their admission and the class of membership.
- 11.2 Particulars shall also be entered into the register of deaths, resignations, terminations and reinstatements of membership and any further particulars as the management committee or the members at any general meeting may require from time to time.

- 11.3 The register shall be open for inspection at all reasonable times by any member who previously applies to the secretary for such inspection.

## **12 MEMBERSHIP OF MANAGEMENT COMMITTEE**

- 12.1 The affairs of the Club shall, subject to rule 12.2 be managed and controlled by a management committee, all of whom shall be registered members of the Club, and consisting of:
- 12.1.1 a president (who shall also be the chairman of committees);
  - 12.1.2 a secretary;
  - 12.1.3 a treasurer; and
  - 12.1.4 four other officers.
- 12.2 If insufficient members are elected to the management committee or if, having been nominated, accept nomination, then the management committee of the Club shall consist of a president, secretary, treasurer and such members (being less than four in number) as have been elected or having been nominated, accept nomination as members of the management committee.
- 12.3 At the annual general meeting of the Club one half of all the members of the management committee for the time being shall retire from office, but shall be eligible upon nomination for re-election. Those members of the management committee not having retired in the previous year must retire in the current year.
- 12.4 The election of officers of the management committee shall take place in the following manner:
- 12.4.1 Any two registered members of the Club shall be at liberty to nominate any other registered member to serve as a member of the management committee.
  - 12.4.2 The nomination, which shall be in writing and signed by the member and his/her proposer and seconder, shall be lodged with the secretary at least fourteen days before the annual general meeting at which the election is to take place.
  - 12.4.3 A list of the candidates' names in alphabetical order, with the proposer's and seconder's names, shall be posted in a conspicuous place in the office or usual place of meeting of the Club for at least seven days preceding the annual general meeting.  
  
Balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order, and each member entitled to vote in accordance with these rules, shall vote for any number of such candidates.
  - 12.4.4 Should, at the commencement of such meeting, there be an insufficient number of candidates nominated, nominations may be taken from the floor of the meeting.
  - 12.4.5 From the list of nominated officers the player members will have the right to elect two (2) officers of the management committee.
  - 12.4.6 The elected officers of the management committee will elect the president, secretary and treasurer at their first management committee meeting after the annual general meeting.
- 12.5 If a vacancy occurs in the office of secretary, the management committee must ensure that a secretary is appointed or elected within one month after the vacancy happens.
- 12.6 The secretary must be an individual residing in Queensland, or in another State but not more than 65 kilometres from the Queensland border.

- 12.7 Any member of the management committee may resign from the membership of the management committee at any time by giving notice in writing to the secretary but such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice when it shall take effect on that later date. Any member of the management committee may be removed from office at a general meeting of the Club where that member shall be given the opportunity to fully present his/her case. The question of removal shall be determined by the vote of the members present at such a general meeting.
- 12.8 There is no right of appeal against a member's removal from office under rule 12.7.

### **13 VACANCIES ON MANAGEMENT COMMITTEE**

- 13.1 The management committee shall have power at any time to appoint any registered member of the Club to fill any casual vacancy on the management committee until the next annual general meeting.
- 13.2 The continuing members of the management committee may act notwithstanding any casual vacancy in the management committee, but if and so long as their number is reduced below the number fixed by or pursuant to these rules as the necessary quorum of the management committee, the continuing members may act for the purpose of increasing the number of members of the management committee to that number or of summoning a general meeting of the Club, but for no other purpose.

### **14 FUNCTIONS OF THE COMMITTEE**

- 14.1 Except as otherwise provided by these rules and subject to resolutions of the members of the Club carried at any general meeting the management committee:
- 14.1.1 shall have the general control and management of the administration of the affairs, property, and funds of the Club; and
  - 14.1.2 shall have authority to interpret the meaning of these rules and any matter relating to the Club on which these rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.
- 14.2 The management committee may exercise all the powers of the Club:
- 14.2.1 to borrow or raise or secure the payment of money in such manner as the members of the Club may think fit and secure the same or the payment or performance of any debt, liability, contract, guarantee, or other engagement incurred or to be entered into by the Club in any way and in particular by the issue of debentures, perpetual or otherwise, charged upon all or any of the Club's property, both present and future, and to purchase, redeem or pay off any such securities; and
  - 14.2.2 to borrow money from members at a rate of interest not exceeding interest at the rate for the time being charged by bankers in Brisbane for overdrawn accounts or money lent, whether the terms of the loan be short or long, and to mortgage or charge its property or any part thereof and to issue debentures and other securities whether outright or as for any debt, liability or obligation of the Club, and to provide and pay off such securities; and
  - 14.2.3 to invest in such manner as the management committee may from time to time determine.

- 14.3 The management committee shall select the coach and/or coaches and the managers for all Club teams and decide the terms and conditions for all such appointments.

## **15 MEETINGS OF MANAGEMENT COMMITTEE**

- 15.1 The management committee shall meet at least once every four calendar months including at least once every calendar month during the season to exercise its functions.
- 15.2 A special meeting of the management committee shall be convened by the secretary on the requisition in writing signed by not less than three (3) of the members of the management committee, which requisition shall clearly state the reasons why such special meeting is being convened and the nature of the business to be transacted thereat.
- 15.3 At every meeting of the management committee a quorum shall be constituted by no less than three (3) elected members.
- 15.4 Subject as previously provided in this rule, the management committee may meet together and regulate its proceedings as it thinks fit; provided that questions arising at any meeting of the management committee shall be decided by a majority of votes and, in the case of equality of votes, the question shall be deemed to be decided in the negative.
- 15.5 A member of the management committee shall not vote in respect of any contract or proposed contract with the Club in which he is interested, or any matter arising thereout, and if he does so vote his/her vote shall not be counted.
- 15.6 Not less than seven days notice shall be given by the secretary to members of the management committee of any special meeting of the management committee. Such notice shall clearly state the nature of the business to be discussed thereat.
- 15.7 The president shall preside as chairman at every meeting of the management committee, or if there is no president, or if at any meeting he is not present within ten minutes after the time appointed for holding the meeting, the treasurer shall be chairman or if the treasurer is not present at the meeting then the members present may choose one of their number to be chairman of the meeting.
- 15.8 If within fifteen minutes from the time appointed for the commencement of a management committee meeting a quorum is not present, the meeting, if convened upon requisition of members of the management committee, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the management committee may determine, and if at the adjourned meeting a quorum is not present within fifteen minutes from the time appointed for the meeting shall lapse.
- 15.9 The chairman at every meeting of the management committee shall with the sanction of the meeting have power to admit visitors to or exclude visitors from the meeting but no visitor shall have the right to vote, however, a visitor may with the consent of the chairman address the meeting.

## **16 DELEGATION OF POWERS OF MANAGEMENT COMMITTEE**

- 16.1 The management committee may delegate any of its powers to a sub-committee consisting of such members of the Club as the management committee thinks fit. Any sub-committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be

imposed on it by the management committee. The president shall be an ex-officio member of all sub-committees of the Club and may, at his election, act as chairman of meetings of sub-committees.

- 16.2 Subject to 16.1 hereof, a sub-committee may elect a chairman of its meetings. If no such chairman or if at any meeting the chairman is not present within fifteen minutes after the time appointed for holding a meeting, the members present may choose one of their number to be chairman of the meeting.
- 16.3 A sub-committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of the votes of the members present and, in the case of an equality of votes, the question shall be deemed to be decided in the negative.

## **17 ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATION**

- 17.1 All acts done by any meeting of the management committee or of a sub-committee or by any person acting as a member of the management committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the management committee or person acting as aforesaid, or that the members of the management committee or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the management committee.

## **18 RESOLUTIONS OF MANAGEMENT COMMITTEE WITHOUT MEETING**

- 18.1 A resolution in writing signed by all the members of the management committee for the time being entitled to receive notice of a meeting of the management committee shall be as valid and effectual as if it had been passed at a meeting of the management committee duly convened and held.
- 18.2 Any such resolution may consist of several documents in like form, each signed by one or more members of the management committee.

## **19 ANNUAL GENERAL MEETING**

- 19.1 The annual general meeting of the Club shall be held within three months of the close of the financial year.
- 19.2 The business to be transacted at every annual general meeting shall be:
- 19.2.1 the receiving of the management committee's report and the statement of income and expenditure, assets and liabilities and mortgages, charges and securities affecting the property of the Club for the preceding financial year;
  - 19.2.2 the receiving of the auditors report upon the books and accounts for the preceding financial year;
  - 19.2.3 the presenting of the audited statement to the meeting for adoption;
  - 19.2.4 the determination of the amount of membership fees for the forthcoming year;
  - 19.2.5 the election of members of the management committee;
  - 19.2.6 the appointment of an auditor; and
  - 19.2.7 notices of motion in accordance with rule 21.5 of this Constitution.

## **20 SPECIAL GENERAL MEETING**

- 20.1 The secretary shall convene a special general meeting by sending out to each member of the Club notice of the meeting within 14 days of:
- 20.1.1 being directed to do so by the management committee; or
  - 20.1.2 being given a requisition in writing signed by not less than half the registered members of the Club at that point in time; or
  - 20.1.3 being given a notice in writing of an intention to appeal the decision of the management committee to reject an application for membership or to terminate the membership of any member.
- 20.2 A requisition mentioned by rule 20.1.2 shall clearly state the reasons why such special general meeting is being convened and the nature of the business to be transacted thereat.

## **21 NOTICE OF GENERAL MEETING**

- 21.1 The secretary shall convene all general meetings of the Club by giving not less than twenty one days notice of any such meeting to the members of the Club.
- 21.2 Subject to rule 21.3, the manner by which such notice shall be given shall be determined by the management committee.
- 21.3 Notice of any meeting convened for the purpose of hearing and determining the appeal of a member against rejection or termination of his/her membership by the management committee or a meeting called to hear and decide a proposed special resolution of the Club shall be given in writing.
- 21.4 Notice of a general meeting shall clearly state the nature of the business to be discussed thereat.
- 21.5 A general meeting shall consider any notice of motion received by the Club not less than 21 days prior to date of the general meeting.

## **22 QUORUM AT GENERAL MEETING**

- 22.1 Subject to rule 22.4, at any general meeting (including any annual general meeting) the number of members required to constitute a quorum shall be at least the number of members elected or appointed to the management committee at the close of the Club's last general meeting plus 1. However, if all members of the Club are members of the management committee, the quorum is the total number of members less 1.
- 22.2 No business shall be transacted at any general meeting unless a quorum is present at the time when the meeting proceeds to business.
- 22.3 If within fifteen minutes from the time appointed for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Club (under rule 20.1.2), shall lapse.
- 22.4 In any other case, it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the management committee may determine, and if at the adjourned meeting a quorum is not present within fifteen minutes from the time appointed for the meeting the members present shall constitute a quorum.

- 22.5 The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- 22.6 When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.
- 22.7 Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

## **23 PROCEDURE AT GENERAL MEETING**

- 23.1 Unless otherwise provided by these rules, at every general meeting:
  - 23.1.1 the president shall preside as chairman, or if there is no president, or if the president is not present within 15 minutes after the time appointed for the holding of the meeting or is unwilling to act, the treasurer shall be the chairman or if the treasurer is not present or is unwilling to act then the members present shall elect one of their number to be chairman of the meeting; and
  - 23.1.2 the chairman shall maintain order and conduct the meeting in a proper and orderly manner; and
  - 23.1.3 every question, matter or resolution, other than a special resolution, shall be decided by a majority of votes of the members present; and
  - 23.1.4 every member entitled to vote may cast a vote; and
  - 23.1.5 in the case of an equality of votes the motion shall not be passed; and
  - 23.1.6 no member shall be entitled to vote at any general meeting if the member's annual fees are more than one month in arrears at the date of the meeting; and
  - 23.1.7 voting shall be by show of hands or a division of members, unless not less than one-fifth of the members present, or the chairman, demands a ballot, in which event there shall be a ballot; and
  - 23.1.8 the chairman shall appoint 2 members to conduct any ballot in such manner as the chairman shall determine and the result of the ballot as declared by the chairman shall be deemed to be the resolution of the meeting at which the ballot was demanded; and
  - 23.1.9 where it is desired to afford members of an opportunity of voting for or against a resolution the instrument appointing a proxy shall be in such form as the management committee so directs and a proxy must be a member of the Club entitled to vote on the resolution; and
  - 23.1.10 the instrument appointing a proxy shall be deposited with the secretary prior to the commencement of any meeting or adjourned meeting at which the member named in the instrument as the appointor of the proxy proposes to vote.
- 23.2 The secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every management committee meeting and general meeting to be entered in a book to be open for inspection at all reasonable times by any registered member who previously applies to the secretary for that inspection.

- 23.3 For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every management committee meeting shall be signed by the chairman of that meeting or the chairman of the next succeeding meeting verifying their accuracy.
- 23.4 Similarly, the minutes of every general meeting shall be signed by the chairman of that meeting or the chairman of the next succeeding general meeting.
- 23.5 However, the minutes of any annual general meeting shall be signed by the chairman of that meeting or the chairman of the next succeeding general meeting or annual general meeting.

## **24 BY-LAWS**

- 24.1 The management committee may from time to time make, amend, repeal by-laws, not inconsistent with these rules for the internal management of the Club and any by-law may be set aside by a general meeting of members.

## **25 ALTERATION OF RULES**

- 25.1 Subject to the provisions of the Act, these rules may be amended, rescinded or added to from time to time by a special resolution carried at any general meeting.
- 25.2 However, an amendment, rescission or addition is valid only if it is registered by the chief executive under the Act.

## **26 COMMON SEAL**

- 26.1 The management committee shall provide for a common seal and for its safe custody.
- 26.2 The common seal shall only be used by the authority of the management committee and every instrument to which the seal is affixed shall be signed by a member of the management committee and shall be countersigned by the secretary or by a second member of the management committee or by some other person appointed by the management committee for the purpose.

## **27 FUNDS AND ACCOUNTS**

- 27.1 The funds of the Club must be kept in the name of the Club in a financial institution decided by the management committee.
- 27.2 Proper books and accounts shall be kept and maintained either in writing or printed form in the English language showing correctly the financial affairs of the Club and the particulars usually shown in books of a like nature.
- 27.3 All moneys shall be deposited as soon as practicable after receipt thereof.
- 27.4 All amounts of \$100 or over shall be paid by cheque or electronic funds transfer. All cheques and all authorisations of electronic funds transfers must be signed by any 2 of the president, secretary, treasurer or other member authorised from time to time by the management committee.
- 27.5 Cheques shall be crossed "not negotiable" except those in payment of wages, allowances or petty cash recoupments which may be open.

- 27.6 The management committee shall determine the amount of petty cash which shall be kept on the imprest system.
- 27.7 All expenditure shall be approved or ratified at a management committee meeting.
- 27.8 As soon as practicable after the end of each financial year the treasurer shall cause to be prepared a statement containing the particulars of:
- 27.8.1 the income and expenditure for the financial year just ended; and
  - 27.8.2 the assets and liabilities and of all mortgages, charges and securities affecting the property of the Club at the close of that year.
- 27.9 The auditor must examine the statement prepared under rule 27.8 and present a report on it to the secretary before the next annual general meeting following the financial year for which the audit was made.
- 27.10 The income and assets of the Club must be applied solely towards the promotion of the Club's objects and no portion of it may be distributed directly or indirectly to any member of the Club except as bona fide compensation for services rendered or expenses incurred on behalf of the Club.

## **28 DOCUMENTS**

- 28.1 The management committee shall provide for the safe custody of books, documents, instruments of title and securities of the Club.

## **29 FINANCIAL YEAR**

- 29.1 The financial year of the Club shall close on the thirtieth day of June in each year.

## **30 DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY**

- 30.1 If the Club is wound-up under Part 10 of the Act and there are surplus assets, the surplus assets shall not be distributed among the members but shall be given to another entity:
- 30.1.1 that has objects similar to the Club's objects; and
  - 30.1.2 the rules of which prohibit the distribution of the entity's income and assets to its members.
- 30.2 If the Club is wound up, the general meeting called for that purpose may decide the other entity to which the surplus assets are to be given.