

**ASSOCIATION RULES
OF
PICKLEBALL
SOUTHERN
HIGHLANDS**

ABN 74 438 532 683

AN UNINCORPORATED ASSOCIATION

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Part 1 Preliminary

Name

- 1.1 The name of the Association is Pickleball Southern Highlands. (“the Association”)
- 1.2 The association is unincorporated.

Contracts

- 1.3 As an unincorporated association, the association cannot enter into contracts in its own name but only in the collective names of three or more individuals appointed by the committee.
- 1.4 The individuals who enter into the contract under the previous rule may elect to re-execute a contract if one or more of the individuals is no longer a member of the association, in which case the committee shall appoint one or more individuals in their place.

Objects

The objects of the Association are as follows:

To promote and further the sport of pickleball throughout the Southern Highlands of New South Wales.

Specifically to:

- (1) provide pickleball players in the local area of the venue(s) with playing opportunities;
- (2) bring together pickleball players in the local area of the venue(s) for the purpose of improving their social and cultural experience through offering member events and activities;
- (3) uphold and maintain the code of conduct and other policies of the Association plus rules and regulations of Pickleball in New South Wales;
- (4) assist and encourage communication between club members and to provide members with information about pickleball in the Southern Highlands of New South Wales;
- (5) promote the economic and sporting success, strength and stability of the Association and
- (6) do all things incidental to assisting in achieving the objects of the Association.

Definitions

(1) In this constitution:

Association means the unincorporated association described in the Preliminary.

Committee means the committee formed to manage affairs of the Association in [locality].

General meetings means the Annual General Meeting (AGM) and Special General Meeting of the Association

Member – refer to Part 2

Operational Procedures means the specific rules by which the Association is to function

Ordinary committee member means a member of the committee who is not an office-bearer of the Association.

Public Officer means one of the authorised signatories for the Association acting as the official contact for the Association particularly with Fair Trading NSW, including taking delivery of documents served on the Association and bringing them to the attention of the committee as soon as practicable.

Secretary means:

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

Special general meeting means a non-scheduled general meeting of the Association held at the request of members.

Special resolution means a resolution of members:

- Of which at least 21 days' notice of the meeting at which it will be considered has been given to members, and
- That is passed at a general meeting by 75% or more of the members voting (who are eligible to vote), voting in favour of it.

(2) In these rules:

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

Part 2 Membership

1 Membership generally

- (1) All pickleball players at your venues can apply for membership and upon receipt of fees will become registered and will be voting members of the Association.
- (2) A person is eligible to be a member of the Association if the person has applied and been approved for membership of the Association.

2 Application for membership

Any pickleball player participating in play at the club's venue(s) can apply for membership of the club.

- (1) An application by a person for membership of the club will be accomplished by the completion of the registration portion of the membership portal for the Association including the payment of the club fee.
- (2) The secretary will maintain a register of club members.

3 Cessation of membership

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

- (a) dies, or
- (b) resigns membership by writing to the committee, or
- (c) is expelled from the Association, or

That person's name is removed from the club membership list. The association is not required to refund any membership fees already paid.

4 Membership entitlements not transferable

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

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

5 Resignation of membership

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

6 Register of members

- (1) The association must establish and maintain a register of members of the Association (whether in written and/or electronic form) specifying the name and postal address and email address of each person who is a member of the Association together with the date on which the person became a member
- (2) The date that a person stops being a member of the association must be recorded in the register of members as soon as possible after the person stops being a member
- (3) email/text information about a person obtained from the register is only to be used for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Association or other material relating to the Association,

7 Fees and subscriptions

- (1) A member of the Association must pay to the Association an annual membership fee - amount is determined by the committee.

8 Members' liabilities

The liability of a member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by clause 7.

9 Resolution of disputes

Any dispute between a club/Association member and another club/Association member (in their capacity as members) of the Association, or a dispute between a member or members and the Association, the members in dispute will:

- (1) participate in an in-house meeting with a member having either conflict resolution or mediation training and/or experience to attempt a settlement
- (2) if the proposed negotiations in (1) do not resolve the dispute then they will be referred to a Community Justice Centre for mediation under the *Community Justice Centres Act 1983*.
- (3) If a dispute is not resolved by mediation within 3 months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.
- (4) The *Commercial Arbitration Act 2010* applies to a dispute referred to arbitration.

10 Disciplining of members

- (1) A complaint may be made in writing (by paper or electronic means) to the committee by any person that is a member of the Association that another member:
 - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) has wilfully acted in a manner prejudicial to the interests of the Association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee:
 - (a) must cause notice of the complaint to be served on the member concerned, and

- (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from the Association or suspend the member from membership of the Association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
 - (5) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 9.
 - (6) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member exercises the right of appeal, unless and until the Association confirms the resolution under clause 9,
 whichever is the later.

11 Right of appeal of disciplined member

- (1) A member may appeal to the Association in general meeting against a resolution of the committee under clause 9, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the secretary must notify the committee, which is to convene a general meeting of the Association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the Association convened under subclause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the Association.

Part 3 The committee

12 Powers of the committee

Subject to these rules and any resolution passed by the Association in general meeting, the committee:

- (a) is to control and manage the affairs of the Association, and

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

13 Composition and membership of committee

- (1) The committee is to consist of:
 - (a) the office-bearers of the Association, and
 - (b) at least 0 ordinary committee members,
each of whom is to be elected at the AGM of the Association under clause 14.
- (2) The committee is made up of a minimum of three committee members.
- (3) The office-bearers of the Association are as follows:
 - (a) the president,
 - (b) the treasurer,
 - (c) the secretary.
- (4) A committee member may hold up to 2 offices.
- (5) There is no maximum number of consecutive terms for which a committee member may hold office.
- (6) Each member of the committee is, subject to these rules, to hold office until immediately before the election of committee members at the AGM next following the date of the member's election, and is eligible for re-election.
- (7) The committee members must be 18 years of age or older.

14 Election of committee members

- (1) Nominations of candidates for election as office-bearers of the Association or as ordinary committee members:
 - (a) must be made in writing or by email, by a member of the Association and must be consented to by the the candidate (which may be endorsed on the form of the nomination),
 - (b) must be delivered to the secretary of the Association prior to the vote at the AGM .
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the AGM.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the AGM in any usual and proper manner that the committee directs.

- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the Association must be a member of the Association.

15 Office bearers

15.1 President

The President is the principal leader of the club/Association ensuring the effectiveness of the Association's governance role. The president is ultimately responsible to the members. The role of the president includes:

- (1) being the Chairperson of all General and committee meetings of the Association
- (2) overseeing the effective functioning of the committee and each of its members
- (3) facilitating the development of the strategic and business plans
- (4) performing ceremonial duties such as presenting competition awards, Life Membership awards and speeches
- (5) having a clear understanding of the rules, policies and procedures of the Association
- (6) acting as a mediator and/or arbitrator in disputes and remedial actions
- (7) being the contact person for the media
- (8) preparing and presenting a report each year as part of the AGM.

15.2 Secretary

The secretary is responsible for administrative records of the Association.

- (1) The secretary of the Association must, as soon as practicable after being appointed as secretary, lodge notice with the Association of his or her address.
- (2) It is the duty of the secretary to keep minutes (whether in written or electronic form) of:
 - (a) all appointments of office-bearers and members of the committee, and
 - (b) the names of members of the committee present at a committee meeting or a general meeting, and
 - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (4) responsible for membership records.

15.3 Treasurer

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

- (a) that all money due to the Association is collected and received and that all payments authorised by the Association are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association
- (c) regular reports are presented to the committee and Annual Report to ATO.

16 Casual vacancies

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the Association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
 - (a) dies, or
 - (b) ceases to be a member of the Association, or
 - (c) is or becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
 - (d) resigns office by notice in writing given to the secretary, or
 - (e) is removed from office under clause 21(1), or
 - (f) fails or becomes incapable of performing duties, or
 - (g) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
 - (h) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

17 Resignation of executive members

A member of the executive may resign by giving one month's written notice to the committee. Any files kept by that member must be passed onto the Association.

18 Removal of committee members

- (1) The Association in general meeting may by resolution remove any member of the committee from the office before the expiration of the member's term of office and may determine a casual vacancy.
- (2) If the member referred to in the resolution should be the president then the secretary will preside for that portion of the meeting.
- (3) If a member of the committee to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the Association, the secretary or the president may send a copy of the representations to each member of the Association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

19 Committee meetings and quorum

- (1) The committee can decide how often it meets, and the way in which it meets, including by allowing committee members to attend through technology, so long as it allows everyone to communicate.
- (2) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or any other period that may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (3) At least 50% of the members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.

- (4) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to a mutually satisfactory place, date and time in the following week.
- (5) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (6) At a meeting of the committee the president or, in the president's absence, the secretary is to preside. If the president and the secretary are absent or unwilling to act, one of the remaining members of the committee chosen by the members present at the meeting is to preside.

20 Appointment of Association members as committee members to constitute quorum

- (1) If at any time the number of committee members is less than the number required to constitute a quorum for a committee meeting, the existing committee members may appoint a sufficient number of members of the Association as committee members to enable the quorum to be constituted.
- (2) A member of the committee so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- (3) This clause does not apply to the filling of a casual vacancy to which clause 18 applies.

21 Use of technology at committee meetings

- (1) A committee meeting may be convened at more than one venue using any technology approved by the committee that gives each of the committee's members a reasonable opportunity to participate.
- (2) A committee member who participates in a committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

22 Delegation by committee to sub-committee

- (1) The committee may, by instrument in writing, delegate to sub-committees consisting of members of the Association designated by the committee to exercise any of the functions of the committee that are specified in the instrument, other than:
 - (a) this power of delegation, and
 - (b) a function which is a duty imposed on the committee by any law.
- (2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to any conditions or limitations as to the exercise of any function, or as to time or circumstances, that may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.

- (7) A sub-committee may meet and adjourn as it thinks proper.

23 Voting and decisions

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) A member is entitled to vote at any meeting of the Association if all monies due to the Association have been paid.
- (3) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (4) Voting is conducted by a show of hands unless a majority of the committee members request a secret ballot. In this case, ballots are folded and collected by the Chair who counts them in the presence of the members.
- (5) Subject to clause 22 (5), the committee may act despite any vacancy on the committee.
- (6) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.
- (7) The president can determine when a postal and/or electronic voting is required and the committee will specify the procedures to be followed.

Part 4 General Meetings

24 Annual general meetings - holding of

- (1) The Association must hold its first annual general meeting within 18 months after forming as an association.
- (2) The Association must hold its AGMs:
 - (a) within 6 months after the close of the Association's financial year.

25 AGMs - calling of and business at

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

26 Special general meetings - calling of

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (2) The committee must, on the requisition of at least 25 members, convene a special general meeting of the Association.
- (3) A requisition of members for a special general meeting:
 - (a) must be in writing, and must state the purpose or purposes of the meeting
 - (b) must be signed by the members making the requisition, and
 - (c) must be lodged with the secretary, and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.
- (6) For the purposes of subclause (3) a requisition may be in electronic form, and a signature may be transmitted, and a requisition may be lodged, by electronic means.

27 Notice

- (1) Except if the nature of the business proposed to be dealt with at an AGM requires a special resolution of the Association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at an AGM requires a special resolution of the Association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening an AGM is to be transacted at the meeting except, in the case of an AGM, business which may be transacted under clause 25 (2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

28 Quorum for AGMs

- (1) No item of business is to be transacted at an AGM unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Twenty percent of members present (being members entitled under this constitution to vote at an AGM) constitute a quorum for the transaction of the business of an AGM.

- (3) If within half an hour after the appointed time for the commencement of an AGM a quorum is not present, the meeting:
 - (a) if convened on the requisition of members—is to be dissolved, and
 - (b) in any other case—is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

29 Presiding member

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

30 Adjournment

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

31 Making of decisions

- (1) A question arising at a general meeting of the Association is to be determined by:
 - (a) a show of hands or, if a special resolution, any appropriate corresponding method that the committee may determine, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) Subclause (2) applies to a method determined by the committee under subclause (1) (a) in the same way as it applies to a show of hands.
- (4) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

32 Special resolutions

There are two types of resolutions, ordinary and special. An ordinary resolution is passed if more than half of the formal votes cast support it. Most decisions at a general meeting are made by ordinary resolution.

A special resolution is passed if at least three-quarters of the votes cast support it.

A special resolution is required for:

- changing the Association's name
- changing the Association's objects
- changing the Association's rules
- applying for registration by an unincorporated group
- amalgamating with another registered Association
- voluntarily winding up or cancelling the registered Association and distributing property
- or other situation as determined by the committee.

33 Voting at an AGM

- (1) On any question arising at an AGM of the Association a member has one vote only.
- (2) In the case of an equality of votes on a question at an AGM, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any AGM of the Association unless all money due and payable by the member to the Association has been paid.
- (4) A member is not entitled to vote at any general meeting of the Association if the member is under 18 years of age.

34 Proxy votes at an AGM

Proxy voting may be undertaken at or in respect of an AGM. Each member present can only present one proxy vote for members not present at the face-to-face meeting:

- the authorised form is to be completed prior to the meeting and lodged with the secretary at or before the commencement of the meeting.
- the proxy is given to a current club/Association member
- the delegated proxy will vote in accordance with instructions outlined on the form
- the person seeking a proxy does not attend the meeting.

Each member present can only lodge one proxy vote for members not present.

35 Postal or online ballots

- (1) The Association may hold a postal or electronic ballot (as the committee determines) to determine any issue or proposal .
- (2) A postal or electronic ballot is to be conducted in accordance with the rules of the Association.
- (3) For the election of office bearers and committee members, postal and online ballots are to be provided to members at least two weeks before the election is held. Both online and postal ballots need to be received by the Head scrutineer before the face-to-face meeting. Scrutineers will ensure that only one vote is cast per member.

36 Use of technology at AGMs

- (1) An AGM may be held at more than one venue using any technology approved by the committee that gives each of the Association's members a reasonable opportunity to participate.
- (2) A member of the Association who participates in an AGM using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

Part 5 Miscellaneous

37 Funds - source

- (1) The funds of the Association are to be derived from annual member fees, donations and, subject to any resolution passed by the Association, any other sources that the committee determines.
- (2) All monies received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank or other authorised deposit-taking institution account.

38 Funds - management

- (1) Subject to any resolution passed by the Association in general meeting, the funds of the Association are to be used solely in pursuance of the objects of the Association in the manner that the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes, electronic transaction payments and other negotiable instruments must require an authorised signatory.

39 Association is non-profit

The Association must apply its funds and assets solely in pursuance of the objects of the Association and must not conduct its affairs so as to provide a pecuniary gain for any of its members.

40 Distribution of property on winding up of Association

- (1) The association can be wound up by its members if the members pass a special resolution to wind up the association at a general meeting.
- (2) If the association is wound up, after it has paid all debts and other liabilities (including costs of winding up), any remaining assets:
 - (i) must not be distributed to the members or former members of the association
 - (ii) subject to the requirements of Australian laws and any Australian court order, must be distributed to another organisation or other organisations with similar purposes, and which is/are not carried on for the profit or personal gain of members.

41 Inspection of books

- (1) The following documents must be open to inspection, free of charge, by a member of the Association:
 - (a) rules of the Association,

- (b) Financial Reports
 - (c) a list of members' names
- (2) Despite subclause (1), the committee may refuse to permit a member of the Association to inspect or obtain a copy of records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

42 Service of notices

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

43 Financial year

The financial year of the Association is:

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