

SAWTELL CROQUET CLUB

CONSTITUTION

AUGUST 2024



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Part 1.
DEFINITIONS

1 Definitions

(1) In this constitution:

committee member means an office-bearer or ordinary committee member.

exercise a function includes perform a duty.

function includes a power, authority or duty.

office-bearer means a committee member who is elected to an office referred to in clause 14(1) (a and b).

ordinary committee member means a committee member who is not an office-bearer.

register of members means the register of members maintained under clause 3.

secretary, of the association, means:

(a) the person holding office under this constitution as secretary, or

(b) if no person holds that office -the public officer of the association.

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

subcommittee means a subcommittee established under clause 17.

the Act means the *Associations Incorporation Act 2009*.

the Regulation means the *Associations Incorporation Regulation 2022*.

Note: The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this constitution.

(2) The *Interpretation Act 1987* applies to this constitution as if it were an instrument made under the Act.

Note: The Act, Part 4 deals with various matters relating to the management of associations.

Part 2. NAME

The name of the Incorporated Association shall be SAWTELL CROQUET CLUB INC.
(The Association)

Part 3. OBJECTS

The objects, for which the Association is established, are:

- a. To promote and foster the game of croquet in all its forms.
- b. To provide and improve facilities necessary for that purpose.
- c. To promote the game of Croquet to persons regardless of sex, age, or ethnic background.

- d. To be recognised as an integral part of the community, sporting, social, and recreational environment.

Part 4. MEMBERSHIP

1. Membership generally.

1. An individual is taken to be a member of the association if:
 - a. the person applied to be a member under clause 2(1) and the application has been approved, or
 - b. the person was one of the individuals on whose behalf an application for registration of the association was made under the Act, section 6(1)(a),
2. Life Members are exempt from Club or Affiliation fees which will be paid by the Club but must pay the usual game fees. Life Members may enjoy the privileges of the Club, including voting, and may hold office in any capacity for a period of not more than three (3) consecutive years.
3. Temporary membership may be granted by the Executive for visiting members from other clubs.
4. A person who is not an individual is not eligible to be a member of the association.

2. Membership applications

1. A nomination of a person for membership of the association must be:
 - a. made in writing or electronically
 - b. in the form set out in Appendix 1 to these rules
 - c. lodged with the secretary
2. As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination to the committee which determines whether to approve or to reject the nomination.
3. As soon as practicable after the committee makes that determination, the secretary must.
 - a. Notify the applicant, by written notice, or by email that the committee approved or rejected the nomination (whichever is applicable), and
 - b. If the committee approves the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under these rules by a member, as entrance fee and annual subscription.
4. The secretary must, on payment by the applicant of amounts referred to in clause (3) (b) within the period referred to in that provision, enter the

nominee's name in the register of members, and on the name being so entered, the nominee becomes a member of the association.

3. Register of Members

1. The secretary of the association must establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member.
2. The register of members must be kept in the hands of the secretary and must be open for inspection, free of charge, by any member of the association at any reasonable hour.
3. A member of the association may obtain a copy of any part of the register on payment of a fee. The amount is determined by the committee.
4. If kept in electronic form must be available for inspection free of charge.
5. If kept in electronic form must be able to be converted to hard copy.
6. A member must not use information about a member obtained from the register to contact or send material to the member, unless:
 - a. the information is used to send the member:
 - a newsletter, or
 - a notice for a meeting or other event relating to the association, or
 - other material relating to the association, or
 - b. It is necessary to comply with a requirement of the Act or the Regulation.

4. Fees and Subscriptions

1. A member of the association must pay to the association an annual fee, or a proportionate part thereof for new members who may join mid-term, or, if some other amount is determined by the committee, that other amount.
 - a. Except as provided by paragraph (b), before 30th June in each calendar year, or
 - b. if the member joins during the financial year pro rata payments may apply as determined by the committee.
 - c. The annual Subscription and green fees must be reviewed at the last Committee Meeting prior to the 30th, June each year.
 - d. All members, whether playing or non-playing, must be financial members and must be affiliated with Croquet New South Wales, such affiliation fee included in (1) above.

5. 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 Part 4

- a. the debts and liabilities of the association
- b. the costs, charges and expenses of the winding up of the association

6. Disciplining of Members.

- 1) A complaint may be made to the committee by any person that is a member of the association against another member who;
 - a. has persistently refused or neglected to comply with a provision or provisions of these rules, or Club By-Laws.
 - b. has persistently and willfully acted in a manner prejudicial to the interests of the association.
 - c. is alleged to or have committed an act of harassment of any kind, or willful damage to association property.
- 2) On receiving such a complaint, the committee
 - a. may refuse to deal with the complaint if the committee considers the complaint is trivial or vexatious.
 - b. May decide to deal with the complaint. The committee must cause notice of the complaint to be served on the member concerned, and
 - c. 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
 - d. must take into consideration any submissions made by the member in connection with the complaint.
- 3) The committee may, by resolution, expel or suspend the member from the 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.
- 4) If the committee expels or suspends a member, the secretary must, within 7 days after the action 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 Right of Appeal (7).
- 5) 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 rule 7. (5). Whichever is the latter.

7. Right of Appeal of Disciplined Member.

- 1) A member may appeal to the association in a general meeting against a resolution of the committee under rule 6, within 7 days after notice of the

- resolution being 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 clause 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 clause 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) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

8. Resolution of internal disputes

- 1) The following disputes must be referred to Community Justice Centre within the meaning of the *Community Justice Centres Act 1983* for mediation,
 - a. A dispute between 2 or more members of the association, but only if the dispute is between the members in their capacity as members, or
 - b. A dispute between 1 or more members and the association
- 2) If the dispute is not resolved by mediation within 3 months of being referred to the Community Justice Centre, the dispute must be referred to arbitration.

9. Membership Entitlements not Transferable.

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

- a. Is not capable of being transferred or transmitted to another person, and
- b. Terminates on cessation of the person's membership.

10. Resignation of Membership

A member of the association is not entitled to resign that membership except in accordance with this rule -

- 1) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving to the secretary written notice of at least a month (or such other period as the committee

may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

- 2) If a member of the association ceases to be a member under clause (10), 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.

11 Cessation of Membership.

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

- a. Dies, or
- b. Resigns membership, or
- c. Is expelled from the association, or
- d. Does not pay their annual subscription either.
 - a. By stated choice or
 - b. By default, of its due date.
- e. Is convicted of an indictable offence.

PART 5. THE COMMITTEE

12. Powers of the committee.

- 1) The committee is to be called the Committee of Management of the Association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in general meeting:
 - a. is to control and manage the affairs of the association, and
 - b. may exercise all such functions as may be exercised by the association, other than those functions that are required by these rules to be exercised by a general meeting of members of the association, and
 - c. has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

13. Composition and Membership of Committee

- 1) The committee is to consist of:
 - a. The office- bearers of the association, and
 - b. And at least two ordinary committee members, each of whom is to be elected at the annual general meeting of the association under Part 6 23.2(c)
- 2) The Executive Office Bearers of the association are as follows:
 - a. The President
 - b. The Senior Vice-President,
 - c. The Secretary,
 - d. The Treasurer.
 - e. The Captain,

- 3) Each member of the committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election but is eligible for re-election. (In accord with 14.7)
- 4) 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 these rules, until the conclusion of the next annual general meeting following the date of the appointment.
- 5) A committee member may hold up to two offices (other than both the president and vice-president offices).

14. Election of Committee Members

- 1) Nominations of candidates for election as office-bearers of the association, or as an ordinary member of the committee:
 - a. Must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination Appendix3.), and
 - b. Must be delivered to the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- 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 annual general meeting.
- 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 filled.
- 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 is to be conducted by secret ballot at the A.G.M.
- 7) Elected officers may not hold the same position for more than three (3) consecutive years.

15. Secretary

- 1) The secretary of the association must, as soon as practicable after being appointed as secretary, lodge a notice with the association of his or her address.
- 2) It is the duty of the secretary to keep minutes of:
 - a. All appointments of office-bearers and members of the committee,
 - 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.
 - d. The Minutes must be kept in written or electronic form.

- 3) Minutes of proceedings at a meeting must be signed in writing or by electronic means by the chairperson of the next succeeding meeting.

16. 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 authorized 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. All relevant documents both written and electronic shall be made available for general member scrutiny.

17. Delegation to subcommittees

- 1) The committee may:
 - (i) establish 1 or more subcommittees to assist the committee to exercise the committee's functions, and
 - (ii) appoint 1 or more members of the association to be the members of the subcommittee.
- 2) The committee may delegate to the subcommittee the exercise of the committee's functions specified in the instrument, other than:
 - (i) this power of delegation, or
 - (ii) a duty imposed on the committee by the Act or another law.

Note: The *Interpretation Act 1987*, section 49 deals with various matters relating to delegations.

18. Casual Vacancies.

- 1) For these rules, 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) becomes 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 rule 1. of this clause,
 - f) becomes a mentally incapacitated person, or
 - g) is absent without consent of the committee from 3 consecutive meetings of the committee, or
 - h) is prohibited from being a director of a company under the Corporations Act 2001 of the Commonwealth Part 2D.6 or
 - i) is convicted of an offence involving fraud or dishonesty for which the penalty is imprisonment.
- 2) The association in general meeting may, by resolution:
 - a. i remove a committee member from office at any time, and

- ii appoint another member of the association to hold office for the balance of the committee member's term of office.
- b. A committee member to whom a proposed resolution referred to in subclause 18. (2) relates may
 - i give a written statement, of a reasonable length, to the president or secretary, and
 - ii request that the committee send a copy of the statement to each member of the association at least 7 days before the general meeting at which the proposed resolution will be considered.
- c. If the committee fails to send a copy of a statement received under subclause 18.2 (b(i)) to each member in accordance with a request made under subclause 18.2 (b)(ii), the statement must be read aloud by the member presiding at the general meeting at which the proposed resolution will be considered.
- d. The committee may appoint a member of the association to fill a casual vacancy other than a vacancy arising from the removal from office of a committee member.
- e. Subject to this constitution, a member appointed to fill a casual vacancy holds office until the next annual general meeting.

19. Committee Meetings and Quorum

- 1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- 2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- 3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- 4) Notice of the meeting given under clause 19. (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- 5) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- 6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the place and at the same hour of the same day in the following week.
- 7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- 8) At a meeting of the committee:

- a. The president or, in the president's absence, the vice-president is to preside, or
- b. If the president and the vice-president are absent or unwilling to act, one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

20. Voting and decisions of the Committee

- 1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- 2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 3) Subject to rule 19. (5), the committee may act despite any vacancy on the committee.
- 4) Any act or thing 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.

21. Transaction of business outside meetings or by telephone or other means

- a. The committee may transact its business by the circulation of papers, including by electronic means, among all committee members.
- b. If the committee transacts business by the circulation of papers, a written resolution, approved in writing by a majority of committee members, is taken to be a decision of the committee made at a meeting of the committee.
- c. The committee may transact its business at a meeting at which 1 or more committee members participate by telephone or other electronic means, provided a member who speaks on a matter can be heard by the other members.
- d. The member presiding at the meeting and each other member have the same voting rights as they would have at an ordinary meeting of the committee for the purposes of:
 - (a) the approval of a resolution under subclause 19. (2), or
 - (b) a meeting held in accordance with subclause 19. .3).
- e. A resolution approved under subclause 19. (2) must be recorded in the minutes of the meetings of the committee.

Note: The Act, section 30(2) and (3) contains requirements relating to meetings held at 2 or more venues using technology.

PART 6

GENERAL MEETINGS

22.. Annual General Meeting- Holding of:

- 1) With the exception of the first annual general meeting of the association, the association must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- 2) The association must hold its first annual general meeting:
 - a) within the period of 18 months after its incorporation under the Act and
 - b) within the period of 6 months after the expiration of the first financial year of the association.
- 3) Clauses 1) and 2) have effect subject to any extension or permission granted by the Director-General under section 26 3) of the Act.

23. Annual General Meetings - Calling of Business at:

- 1) The annual general meeting of the association is, subject to the Act and to rule 1, to be convened on such a date and at such place and time as the committee think fit and as soon as practicable after the 30th. June. Also, notice of meeting to be posted, at least 28 days prior.
- 2) In addition to any other business which may be transacted at any annual general meeting, the business of any annual general meeting is to include the following:
 - a. to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting
 - b. to receive from the committee reports on the activities of the association during the last preceding financial year
 - c. to elect the Executive & ordinary committee members of the association by secret ballot
 - d. to receive and consider the financial statement which is required to be submitted to members of the association under the Act.
- 3) An annual general meeting must be specified as such in the notice convening it.
- 4) Notices of Motion for amendment to this Constitution shall be submitted in writing to the secretary not less than 28 days prior to the AGM and posted on the notice board not less than 14 days prior to the AGM. Notices of Motion shall have a mover and seconder and should include an explanation of intent.
- 5) Honorary Life Membership of the association may be conferred on any member on the recommendation of the Executive and confirmed by three-quarters (3/4) majority of those present and eligible to vote at the Annual General Meeting. Voting shall be by secret ballot.
 - i) To be eligible for nomination, a member must have twelve (12) years continuous affiliation, have served on the Executive or

another committee and have given outstanding service to the association.

ii) An Honorary Life Member shall not pay an affiliation fee but shall be entitled to all the privileges of membership of the association.

24. Special General meeting – calling of:

- 1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- 2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special meeting of the association.
- 3) A requisition of members for a special general meeting:
 - a. must state the purpose or purposes of the meeting, and
 - b. must be signed by the members making the requisition, and
 - c. must be lodged with the Secretary, may be in electronic form and signed and lodged by electronic means
 - 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 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 clause 24. 4. must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expenses is entitled to be reimbursed by the association for any expense so incurred.

25. Notice of General Meeting.

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

secretary 7 days prior to the meeting, who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

- 5) General meetings shall be held on the day defined in the By Laws.

26. Quorums for General Meetings

- 1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- 2) Seven (7) financial members shall constitute a quorum for the transaction of the business of a general meeting.
- 3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting.
 - a. If convened on the requisition of members, is to be dissolved, and
 - b. In any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the same time of the adjournment by the person presiding at the meeting or communicated by written or electronic 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) is to constitute a quorum.

27. Emergency Executive Meeting

This may be called by the Executive, without notice, to deal with any matter requiring a decision. All deliberations to remain confidential until presented to the next general meeting.

28. Presiding Member

- 1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- 2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.
- 3) The member presiding at the meeting has a deliberative vote and in the event of an equality of votes a second or casting vote,

29. Adjournment

- 1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

- 2) If a general meeting is adjourned for 14 days or more, the secretary must give written, oral or electronic 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.

30. Making of Decisions

- 1) A question at a general meeting of the association is to be determined by either:
 - a. a show of hands, or
 - b. if on the motion of the chairperson or if 5 or more members, present at the meeting, decide that the question should be determined by a written ballot – a written ballot.
- 2) If the question is to be determined by a show of hand, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

31. Special Resolutions

A resolution of the association is a special resolution:

- i. if it is passed by a majority which comprises at least three-quarters of such members of the association as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which at least 21 days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or
- ii. where it is made to appear to the Director-General that it is not practicable for the resolution to be passed in the manner specified in paragraph (i), if the resolution is passed in a manner specified by the Director-General.

32. Voting

- 1) On any question arising at a general meeting of the association a member has one vote only.
- 2) All votes must be given personally or by proxy, but no member may hold more than 5 proxies.
- 3) In case of an equality of votes on a question at a general meeting, the chairman of the meeting is entitled to exercise a second or casting vote.
- 4) A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid.
- 5) A question raised at the meeting must be decided by:

- a show of hands, or
 - a. an appropriate method as determined by the committee, or
 - b. a written ballot, but only if:
 - (i) the member presiding at the meeting moves that the question be decided by ballot, or
 - (ii) At least 5 members agree the question should be determined by ballot.
- (6) If a question is decided using a method referred to in subclause 32.5.(a) or (b), either of the following is sufficient evidence that a resolution has been carried, whether unanimously or by a majority, or lost, using the method:
- (i) a declaration by the member presiding at the meeting,
 - (ii) an entry in the association's minute book.
- (7) A written ballot must be conducted in accordance with the directions of the member presiding.

33. Appointment of proxies.

- 1) Each member is to be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- 2) The notice appointing the proxy is to be on the form set out in Appendix 2 to these rules.

34. Postal Ballots

- 1) The association may hold a postal or electronic ballot to determine any issue or proposal (other than an appeal under Part 4 (7)).
- 2) A postal or electronic vote is to be conducted in accordance with schedule 2 of the regulation.

35. Transaction of business outside meetings or by telephone or other means

- 1) The association may transact its business by the circulation of papers, including by electronic means, among all members of the association.
- 2) If the association transacts business by the circulation of papers, a written resolution, approved in writing by a majority of members, is taken to be a decision of the association made at a general meeting.
- 3) The member presiding at the meeting and each other member have the same voting rights as they would have at an ordinary meeting of the association for the purposes of:
 - i. the approval of a resolution under subclause 35. 1), or
 - ii. a meeting held in accordance with subclause 35. 2).
- 4) A resolution approved under subclause 35.2) must be recorded in the minutes of the meetings of the association.

Note: The Act, section 37(3) and (4) contains requirements relating to meetings held at 2 or more venues using technology.

PART 7 MISCELLANEOUS

36. Insurance

The association must effect and maintain insurance.

37. Fund - source

- 1) The funds of the association are to be derived from entrance fees and annual subscription of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- 2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank account.
- 3) The association must, as soon as practicable after receiving any cash money, issue an appropriate receipt.

38. Funds - management

- 1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of association in such manner as the committee determines.
- 2) All payments or other negotiable instruments must be signed by 2 members of the committee of the association, being members authorized to do so by the committee or association accordance with By-laws of the association.

39. Nonprofit status

Subject to the Act and the Regulation, the association must not conduct the association's affairs in a way that provides a pecuniary gain for a member of the association.

Note: See the Act, section 40.

40. Alteration of objects and rules.

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the association.

41. Common seal.

- 1) The common seal of the association must be kept in the custody of the public officer or secretary.
- 2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the public officer or secretary.

42. Custody of books.

Except as otherwise provided by these rules, the public officer or secretary must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

43. Inspection of books

The records, books and other documents of the association must be open in hard copy or electronic form for inspection, free of charge, by a member of the association at any reasonable hour.

- (1) The committee may refuse to allow a member to inspect or obtain a copy of a document under this clause:
 - i. that relates to confidential, personal, commercial, employment or legal matters, or
 - ii. if the committee considers it would be prejudicial to the interests of the association for the member to do so.

44. 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 pre-paid post to the address of the person, or
 - c. by sending it by electronic transmission, to the 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 the post, and
 - c. in the case of a notice sent by electronic transmission, on the date it was sent, or if the machine from which transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

45. 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 the following 30th June, and
- (b) each period of twelve months after the expiration of the previous financial year of the association, commencing on 1st July and ending on the following 30th June.

46. Distribution of property on winding up

Subject to the Act and the Regulation, in a winding up of the association, the surplus property of the association must be transferred to another organization:

- a. with similar objects, and
- b. which is not carried on for the profit or gain of the organization's members.
- c. In this clause: **surplus property** has the same meaning as in the Act, section 65.



APPLICATION FOR MEMBERSHIP OF SAWTELL CROQUET CLUB Inc.

I _____
(FULL NAME OF APPLICANT)

Of _____
(Preferred Name _____)

PHONE _____ MOBILE _____

EMAIL ADDRESS

OCCUPATION _____

DATE OF BIRTH _____

EMERGENCY CONTACT NAME

RELATIONSHIP _____ PHONE no. _____

ADDRESS

I hereby apply to become a member of the abovementioned incorporated club. In the event of my admission as a member, I agree to be bound by the rules and Bylaws in force at this time. Please tick.

When this application is approved you agree that your contact details are made available to all members. Please tick

SIGNATURE OF APPLICANT.

NOMINATION

I _____ member of the Sawtell Croquet Club Inc. nominate the applicant, who is personally known to me for membership of the club.

SIGNATURE OF PROPOSER _____ DATE

SIGNATURE OF SECONDER _____ DATE

RETURN TO CLUB SECRETARY

PROXY VOTING FORM

I (full name
printed) _____

Nominate _____
_ to present a proxy vote on my behalf for the Executive elections at the Annual General Meeting
of the Sawtell Croquet Club to be held on ____/____/____

Signed _____ Date _____

1. Position _____ Vote _____

2. Position _____ Vote _____

3. Position _____ Vote _____

4. Position _____ Vote _____

5. Position _____ Vote _____

6. Position _____ Vote _____

7. Position _____ Vote _____

**SAWTELL CROQUET CLUB
NOMINATION FORM FOR EXECUTIVE**

Appendix 3

I _____
(please print name.)

Accept Nomination for the position of _____

Signed _____ Date _____

Nominated by _____
(please print name.)

Signed _____ Date _____

Seconded by _____
(please print name.)

Signed _____ Date _____

Return to Club Secretary 7 days prior to the Annual General Meeting .