

# MONTO GOLF CLUB INC

## CONSTITUTION

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## **PRELIMINARY**

### **1. NAME**

The name of the incorporated association is *Monto Golf Club Inc.* (In these Rules referred to as the *Club*.)

### **2. PATRON**

The Patron of the Club shall be elected at the Annual General Meeting and hold office until the following Annual General Meeting.

### **3. OBJECTS**

The objects of the Club are:

- (a) To promote, encourage and foster in the Monto District the game of golf and to encourage social life between its members.
- (b) To provide and maintain facilities for members, guests and visitors to play golf and partake in associated activities.
- (c) To promote and hold, either alone or jointly with any other Club or person, competitions and matches for the playing of golf.
- (d) To establish, promote or subscribe to any other Association or Club which may be beneficial to the Monto Golf Club.

### **4. POWERS**

- (1) The Club has the powers of an individual.
- (2) The Club may, for example
  - (a) enter into contracts; and
  - (b) acquire, hold, deal with and dispose of property; and
  - (c) make charges for services and facilities it supplies; and
  - (d) do other things necessary or convenient to be done in carrying out its affairs and in pursuance of its objects.

## **MEMBERSHIP**

### **5. CLASSES OF MEMBERSHIP**

Membership of the Club shall be divided into the following classes.

- (1) Ordinary Members – persons 18 years and over registered to play golf.
- (2) Junior Members – persons under 18 years registered to play golf.
- (3) Life Members - playing members of the Club who retain membership throughout their lives without further payment of any prescribed subscription.
- (4) Temporary Members – persons who are members of another Golf Club who apply for and purchase temporary membership for such period of time as shall be approved by the Committee.

(Only ordinary members and life members have voting rights.)

## **6. LIFE MEMBERSHIP**

- (1) When considering a member for Life Membership, consideration should be given to length of service, working bees, support of Club fixtures over time and a continued interest in the advancement of the Club.  
The candidate must be of good character and have made a significant contribution to the Club.
- (2) The points to be taken into account when considering any nomination include:
  - (a) The candidate has been a member for a minimum of 15 years.
  - (b) The general attitude and overall demeanour of the nominee shows a dedication to the values of the Club.
  - (c) Commitment to the principles of good sportsmanship.
  - (d) Valued leadership and good role modelling that reflects credit on the Club.
  - (e) Significant contribution in the areas of:
    - (i) Playing
    - (ii) Managing
    - (iii) Administration
    - (iv) General contribution – working bees etc
    - (v) Other issues that the Committee may see as relevant
- (3) Process for assessing application for Life Membership shall be:
  - (a) A current member may nominate another member for life Membership. The nomination must be seconded by another Club member (not the person being nominated).
  - (b) The Committee will consider the merits of the nomination at the next monthly meeting. If a majority of the Committee agrees, the nomination will be placed on the Club notice board two weeks before the next Annual General Meeting or Special General Meeting.
  - (c) Life Membership will be granted by a two-thirds majority vote at the Annual General Meeting or Special General Meeting.

## **7. APPLICATION FOR MEMBERSHIP**

Membership of the Club shall be open to any person whose membership is likely to be compatible with the existing members of the Club.

- (1) An applicant for membership must be proposed by a member of the Club (proposer) and seconded by another member (seconder).
- (2) An application for membership must
  - (a) be in writing; and
  - (b) be signed by the applicant and the applicant's proposer and seconder; and
  - (c) be in the form decided by the management committee.
  - (d) be accompanied by a Nomination Fee if requested by the Committee.
- (3) Upon receipt of an application for membership, the Secretary shall post relevant details of same on the notice board of the Club where such application details shall remain posted for 7 days prior to being submitted to the next following meeting of the Committee for determination.
- (4) The Committee may in its absolute discretion approve or reject an application for membership.

(5) The Secretary shall, as soon as practicable after the Committee meeting decides to approve or reject an application for membership, give the applicant a written notice of the decision and if the application has been rejected, refund any fees paid by the applicant.

## **8. REGISTER OF MEMBERS**

- (1) The Committee must keep a register of members of the Club.
- (2) The register must include the following particulars:
  - (a) Full name.
  - (b) Postal or residential address.
  - (c) Date of admission as a member.
  - (d) Date of death or resignation.
  - (e) Details regarding the resignation or reinstatement of membership.
  - (f) Any other particulars the management committee or members at a general meeting decide.
- (3) The register must be available for inspection by members at all reasonable times however a member must contact the Secretary to arrange an inspection of the register.
- (4) The Committee may, on the application of a member, withhold information about the member (other than the member's full name) if the Committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

## **9. PROHIBITION ON THE USE OF INFORMATION**

- (1) A member of the Club must not
  - (a) use information obtained from the register of members to contact or send material to another member for the purpose of advertising for political, religious, charitable or commercial purposes; or
  - (b) disclose information obtained from the register to someone else knowing that the information is likely to be used to contact or send material to another member for the purpose of advertising for political, religious, charitable or commercial purposes.
- (2) Subrule (1) does not apply if the use or disclosure of the information is approved by the Club.

## **10. TERMINATION OF MEMBERSHIP**

- (1) A member may resign from the Club by giving written notice of resignation to the secretary.
- (2) The resignation takes effect at
  - (a) the time the notice is received by the Secretary; or
  - (b) if a later time is stated in the notice – the later time.
- (3) The Committee may terminate a member's membership if the member
  - (a) is convicted of a criminal offence; or
  - (b) has membership fees in arrears for at least 2 months; or
  - (c) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the Club.

- (4) Before the management committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.
- (5) If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary must give the member written notice of the decision.

## **11. APPEAL AGAINST TERMINATION OF MEMBERSHIP**

- (1) A person whose membership has been terminated may appeal against that decision.
- (2) Notice of intention to appeal in writing must be given to the Secretary within 1 month after the person receives notice of the decision.
- (3) If the Secretary receives notice of intention to appeal, the Secretary must, within 1 month after receiving notice, call a General Meeting to decide the appeal.
- (4) The appellant must be given a full and fair opportunity to show why the membership should not be terminated.
- (5) The Committee must also be given an opportunity to show why the appeal should be dismissed.
- (6) The appeal must be decided by the majority vote of the members present at the meeting, and in the event of an equality of votes, the appeal must be upheld and the decision of the Committee reversed.

## **ANNUAL FEES**

### **12. ANNUAL SUBSCRIPTIONS**

- (1) Subscriptions will be due on the first day of January in each and every year. Any members who have not paid his/her subscription on the 31<sup>st</sup> January following shall, at the discretion of the management committee, cease to be a member of the Club and shall be notified by the secretary to that effect.
- (2) A re-instatement fee may be imposed by the Committee upon acceptance of an application for re-instatement of membership in respect to an un-financial member.
- (3) Members elected after the 31<sup>st</sup> of January in any year will pay a Membership Fee equal to one-twelfth of the annual membership fee for every period of one month which may intervene between the date of admission and the 31<sup>st</sup> December of that year.
- (4) The Annual Subscription Fee for each ordinary membership shall comprise of
  - Membership fee
  - Affiliation Fee
  - Golf Link Fee
- (5) The Annual Subscription Fee for each junior membership shall comprise of
  - Membership Fee of 50% of the ordinary Membership Fee
  - Affiliation Fee
  - Golf Link Fee
- (6) The Annual Subscription Fee for each life membership shall comprise of
  - Affiliation Fee
  - Golf Link Fee

- (7) The Annual Membership Fee for each ordinary membership and for each other class of membership is the amount decided by the management committee.
- (8) In the event that the Committee proposes that the Membership Fees be increased by an amount greater than the CPI during the 12 month period of the preceding calendar year, then such increase must be approved by the members at the Annual General Meeting.
- (9) In the event that such increase in Membership Fee is not approved, then the Committee may only increase the Membership Fees by an amount equal to or less than the CPI.
- (10) Affiliation and golf link fees will be set by the Golf governing bodies.
- (11) Members shall be advised of annual subscription fees for the ensuing year.

### **13. OTHER FEES**

- (1) The fees payable for playing on the course whether in competition or otherwise and referred to as Green Fees shall be determined on a game per game basis from time to time by the Committee.
- (2) The fees payable for playing in a competition with respect to the various costs and expenses associated with the conduct of competitions and referred to as Playing Fees shall be determined on a game per game basis from time to time by the Committee.
- (3) Playing Fees shall be comprised of a Competition Fee plus any Levies applied in relation to the competition.
- (4) Members may opt to pay Annual Green Fees at the commencement of the year or mid-year which entitles them to play social golf and 9 Hole competition golf without the payment of Green Fees.
- (5) Annual Green Fees shall be decided at the Annual General Meeting on an annual basis.
- (6) Members joining during the year may pay Annual Green Fees on a pro-rata basis.

### **14. REFUND OF FEES**

The Committee shall have the power to refund any fees as it deems necessary on a case by case basis.

## **CLUB ADMINISTRATION**

### **15. MEMBERSHIP OF THE COMMITTEE**

- (1) The general control and management of the administration of the affairs, property and funds of the Club shall be carried out by the Committee.
- (2) The Committee shall consist of 10 members as follows:
 

|           |                  |                         |
|-----------|------------------|-------------------------|
| President | Vice President   | Secretary               |
| Treasurer | Captain          | Vice-Captain            |
| Providor  | Handicap Manager | Three committee members |
- (3) A candidate for election to the Committee must be an Ordinary Member or Life Member of the Club and must not be ineligible to be elected as a member under section 61A of the Incorporation Act.

- (4) The Secretary must be an individual residing in Queensland who is:
  - (a) a member of the Club elected by the Club; or
  - (b) any of the following persons appointed by the Committee
    - (i) a member of the Committee; or
    - (ii) another member of the Club.
- (5) If a casual vacancy occurs in the office of secretary, the members of the Committee must ensure a Secretary is appointed or elected within 1 month after the vacancy occurred.
- (6) The Committee may appoint or remove a Secretary at any time.
- (7) Should a casual vacancy on the committee other than Secretary occur on the Committee at any time, the Committee in its discretion appoint an ordinary member to fill such vacancy.

In these rules, casual vacancy refers to a vacancy that occurs when an elected member resigns, dies or otherwise stops holding office.

## **16. FUNCTIONS OF THE SECRETARY**

The Secretary's functions include but are not limited to

- (a) calling meetings including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the President; and
- (b) keeping minutes of each meeting; and
- (c) keeping copies of all correspondence and other documents relating to the Club; and
- (d) maintaining the register of members of the Club.

## **17. ELECTION OF THE COMMITTEE**

- (1) Members of the Committee shall be elected at each Annual General Meeting of the Club for a term of 1 year.
- (2) A member of the Committee may only be elected as follows:
  - (a) Any two members of the Club (being Ordinary or Life Members) may nominate an Ordinary Member or Life Member (the candidate) to serve as a member of the Committee.
  - (b) Nominations for the various positions requiring to be filled shall be called for by the Secretary no later than one month prior to the date set for the Annual General Meeting.
  - (c) Such nominations shall be in writing and shall be signed by two nominators and the nominee and shall indicate the position for which the nominee is nominated.

- (d) Nominations shall close with the secretary at 8pm on the day prior to the date of the Annual General Meeting and the required office bearers shall be elected from these nominations lawfully held by the Secretary under these rules. No nomination shall be accepted after the prescribed closing time unless:
  - (i) If a nomination has not been received from any position to be filled or if a lesser number of nominations than those required has been received, then the Secretary shall accept further nominations from the floor of the meeting to fill any vacancy not filled in prior nominations.
  - (ii) Nominations shall be accepted from the floor of the meeting of any member who has nominated for and been defeated for any previously determined position.
- (e) Each member of the Club present and eligible to vote at the AGM may vote for 1 candidate for each vacant position on the Committee.
- (f) If required, balloting lists must be prepared containing the names of the candidates in alphabetical order.
- (g) For the purpose of conducting a ballot, 2 Ordinary Members or Life Members not being members of the Committee shall be appointed by the Chairperson to conduct the ballot.
- (h) As soon as practicable after the voting, the members appointed to conduct the ballot shall count the votes and deliver the results to the Secretary. The President or Chairperson shall then announce the results of the ballot.
- (i) The votes cast shall be placed in a sealed envelope which the Secretary shall keep in a place of safe custody for a period of not less than 1 month whereupon the contents will be destroyed.
- (j) The Committee must ensure that, before the candidate is elected as a member of the Committee, the candidate is advised on the amount of Club Public Liability Insurance.

## **18. RESIGNATION, REMOVAL OR VACATION OF OFFICE OF COMMITTEE MEMBER**

- (1) A member of the Committee may resign from the Committee by giving written notice of resignation to the Secretary.
- (2) The resignation takes effect at
  - (a) the time the notice is received; or
  - (b) if a later time is stated, the later time.
- (3) A member may be removed from office at a General Meeting of the Club if a majority of members present and eligible to vote at the meeting vote in favour of removing the member.
- (4) Before a vote of members is taken, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (5) A member has no right of appeal against the member's removal from office under this rule.
- (6) A member immediately vacates the office of member mentioned in section 64(2) of the Incorporation Act.

## **19. VACANCIES ON THE COMMITTEE**

- (1) If a casual vacancy happens on the Committee, the continuing members may appoint another member of the Club to fill that vacancy until the next AGM.
- (2) The continuing members of the Committee may act despite a casual vacancy on the Management Committee.
- (3) However, if the number of Committee members is less than the number required to form a quorum, the continuing members may act only to
  - (a) increase the number of Committee members to the number required to form a quorum; or
  - (b) call a General Meeting of the Club.

## **20. FUNCTIONS OF THE COMMITTEE**

- (1) The Committee has the general control and management of the administration of the affairs, property and funds of the Club.
- (2) The Committee may exercise powers to
  - (a) borrow, raise or secure the payment of amounts in a way the members of the Club decide; and
  - (b) secure the amounts mentioned above 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, including the issue of debentures (perpetual or otherwise) charged upon the whole or part of the Club' property, both present and future; and
  - (c) purchase, redeem or pay off any securities issued; and
  - (d) borrow amounts from members and pay interest on the amounts borrowed; and
  - (e) mortgage or charge the whole or part of its property; and
  - (f) issue debentures and other securities , whether outright or as a security for any debt, liability or obligation of the Club; and
  - (g) provide and pay off any securities issued; and
  - (h) invest in a way the members of the Club may from time to time decide.
- (3) For sub rule (2)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by
  - (a) the financial institution for the Club; or
  - (b) if there is more than 1 financial institution for the Club, the financial institution nominated by the Committee.

- (4) The Committee must
  - (a) Ensure a copy of the Constitution is available to all members.
  - (b) Ensure financial reports are submitted to members at the Annual General Meeting according to requirements.
  - (c) Ensure an appropriate Secretary is appointed.
  - (d) Be aware of the duties of the Secretary and ensure that these are carried out.
  - (e) Ensure an Annual General Meeting is held every year.
  - (f) Ensure that the Club complies with the rules of Incorporation.
  - (g) Ensure that accurate minutes are kept of all meetings.
  - (h) Share in the responsibility for financial monitoring.
  - (i) Perform duties with care and skill.
  - (j) Act in good faith
- (5) Committee members must strive to give loyalty to the Club by declaring any vested interests if and when the interests come into conflict with the interests of the Club. This involves:
  - (a) Not using their position and authority to gain personal benefits.
  - (b) Not divulging confidential information for personal gain.
  - (c) Not being influenced by a third party in the execution of their duties.

## **21. MEETINGS OF THE COMMITTEE**

- (1) The Committee shall meet once in every month or more if it deems necessary.
- (2) Two clear days notice of each meeting shall be given to each member of the Committee.
- (3) A question arising at a Committee Meeting is to be decided by a majority vote of members of the Committee present and, if the votes are equal, the question is decided in the negative.
- (4) A member of the Committee must not vote on a question about a contract or proposed contract with the Club if the member has an interest in the contract or proposed contract and, if the member does vote, the member's vote must not be counted.
- (5) The president is to preside as chairperson at a Committee meeting.
- (6) If there is no President or if the President is not present within 10 minutes after the time fixed for a Committee meeting, the Vice-President shall preside as chairperson at the meeting.
- (7) The position of any member of Committee who fails to attend 3 consecutive Committee meetings without permission of the Committee or who signifies desire to resign may be declared vacant by the Committee and, at its discretion, appoint an ordinary or life member to fill the position until the Annual General Meeting.

## **22. QUORUM FOR COMMITTEE MEETINGS**

- (1) More than 50% of the members elected to the Committee form a quorum.
- (2) If there is no quorum within 30 minutes after the time fixed for a Committee meeting, the meeting lapses.

- (3) If there is no quorum within 30 minutes after the time fixed for a Committee meeting
  - (a) the meeting is adjourned for at least 1 day: and
  - (b) the members who are present are to decide the day, time and place of the adjourned meeting.
- (4) If, at an adjourned meeting, there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

### **23. SPECIAL MEETING OF COMMITTEE**

- (1) If the Secretary receives a written request signed by at least one-third of the members of the Committee, the Secretary must call a special meeting of the Committee by giving each member of the Committee notice of the meeting within 14 days after the Secretary receives the request.
- (2) If the Secretary is unable or unwilling to call the special meeting, the president must call the meeting.
- (3) A request for a special meeting must state
  - (a) why the meeting is called; and
  - (b) the business to be conducted at the meeting.
- (4) A notice of a special meeting must state
  - (a) the day, time and place of the meeting; and
  - (b) the business to be conducted at the meeting.
- (5) A special meeting of the Committee must be held within 14 days after notice of the meeting is given to the members of the Committee.

### **24. MINUTES OF COMMITTEE MEETINGS**

- (1) The Secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each Management Committee meeting are entered in a minute book or folder.
- (2) To ensure the accuracy of the minutes, the minutes of each Committee meeting must have a common seal attached and be signed by the chairperson of the meeting or the chairperson of the next Committee meeting verifying their accuracy.

### **25. APPOINTMENT OF SUB-COMMITTEES**

- (1) The Committee may appoint a sub-committee consisting of members of the Club considered appropriate by the Committee to help with the conduct of the Club's operations.
- (2) A member of a sub-committee who is not a member of the Committee is not entitled to vote at Committee meetings.
- (3) A sub-committee may elect a chairperson of its meetings.
- (4) If a chairperson is not elected or if the chairperson is not present within 10 minutes after the fixed time for a meeting, the members present may choose one of their number to be chairperson for that meeting.
- (5) A sub-committee may meet and adjourn as it considers appropriate.
- (6) A question arising at a sub-committee meeting is to be decided by a majority vote of the members present and, if the votes are equal, the question is decided in the negative.

## **GENERAL MEETINGS**

### **26. GENERAL MEETINGS**

- (1) In these Rules a reference to a General Meeting shall include and also refer to an Annual General Meeting and a Special General Meeting.
- (2) All General Meetings shall be called by the Secretary.

### **27. QUORUM FOR GENERAL MEETING**

- (1) The quorum of a Special General Meeting is at least the number of members elected or appointed to the Committee plus 1.
- (2) No business may be conducted at a Special General Meeting unless there is a quorum of members when the meeting proceeds to business.
- (3) If there is no quorum within 30 minutes after the time fixed for a Special General Meeting called on the request of the members of the Committee or members of the Club, the meeting lapses; and
  - (a) the meeting is to be adjourned for at least 7 days; and
  - (b) the Committee is to decide the day, time and place of the adjourned meeting.
- (4) The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- (5) If the meeting is adjourned under sub rule (4), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- (6) The Secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- (7) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

### **28. PROCEDURE AT GENERAL MEETINGS**

- (1) Subject to these rules, at each General Meeting
  - (a) the President or, if there is no President or if the President is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the Vice-President is to preside as Chairperson; and
  - (b) if the Vice-President is absent or unwilling to act as Chairperson, the members present must elect one of their number to be Chairperson of the meeting; and
  - (c) the Chairperson must conduct the meeting in a proper and orderly way; and
  - (d) each question, matter or resolution must be decided by a majority of votes of the members present and entitled to vote; and
  - (e) each member present and entitled to vote is entitled to one vote only and, if the votes are equal, the Chairperson has a casting vote as well as a primary vote; and
  - (f) a member is not entitled to vote if their membership is in arrears at the time of the meeting; and
  - (g) voting may be by a show of hands or a division of members unless at least 20% of the members present demand a secret ballot; and

- (h) if a secret ballot is held, the Chairperson must appoint two members to conduct the secret ballot in the way the Chairperson decides; and
- (i) the result of a secret ballot as declared by the Chairperson is taken to be a resolution of the meeting at which the ballot was held.

(2) A declaration by the Chairperson that a resolution has been carried or lost and an entry to that effect in the minutes is conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against any such resolution.

(3) Proxy voting is not permitted at all General Meetings.

## **29. MINUTES OF GENERAL MEETINGS**

- (1) The Secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each General Meeting are entered in a Minute Book.
- (2) To ensure the accuracy of the minutes, the minutes of each General Meeting must be signed by the Chairperson of the meeting or the Chairperson of the next meeting of the Club that is a General Meeting or Annual General Meeting verifying their accuracy.
- (3) If asked by a member of the Club, the Secretary must, within 28 days after the request is made
  - (a) make the Minute Book for a particular General Meeting available for inspection by the member at a mutually agreed time and place; and
  - (b) give the member copies of the minutes of the meeting.
- (4) The Club may require the member to pay the reasonable costs of providing copies of the minutes.

## **30. ANNUAL GENERAL MEETINGS**

- (1) The Annual General Meeting must be held once every financial year of the Club not later than the 1<sup>st</sup> December each year.
- (2) Notice of the date of an Annual General Meeting must be posted on the Club notice board at least one month prior to such meeting.

## **31. BUSINESS AT ANNUAL GENERAL MEETING**

- (1) The following business must be conducted at the Annual General Meeting:
  - (a) To confirm the minutes of the previous Annual General Meeting and any intervening General Meetings.
  - (b) To receive any reports deemed relevant and necessary.
  - (c) To receive the Treasurer's financial statement for the Club and the Audit Report for the previous financial year and present for adoption.
  - (d) Elect members of the Committee.
  - (e) Appoint an Auditor.
  - (f) Set membership and annual green fees.
  - (g) General business from the floor.
- (2) The Chairperson shall allow a reasonable opportunity for members present to ask questions or make comments on the Committee.

## **32. SPECIAL GENERAL MEETINGS**

- (1) A Special General Meeting may be called by direction of the Committee at any time.
- (2) The Secretary must give notice of a Special General Meeting within 14 days after receipt of a requisition to that effect signed by at least 10 members of the Club. Such requisition shall clearly state the purpose of the meeting and any resolutions to be put at that meeting.
- (3) The Secretary must give notice of a Special General Meeting within 14 days after receipt of a requisition to that effect by not less than one-third of the Committee. Such requisition shall clearly state the purpose of the meeting and any resolutions to be put at that meeting.
- (4) The Secretary must give notice of a Special General Meeting within 14 days after receipt of a notice of intention to appeal against the decision of the Committee to terminate a membership.
- (5) Notice of a Special General Meeting must:
  - (a) Set the venue, date and time of the meeting and such date must be not less than 14 days from the date of posting the notice on the Club notice board.
  - (b) State the general nature of the business to be discussed and any resolutions that have been proposed for the meeting

## **33. ALTERATION OR AMENDMENT OF CONSTITUTION**

- (1) Subject to the provisions of the Incorporation Act, these rules may be amended, rescinded or added to from time to time by a special resolution carried at a Special General Meeting.
- (2) A motion for the alteration or amendment of the provisions of the constitution shall be posted in the Club House on the two Saturdays previous to the meeting together with a copy of the proposed alterations or amendments.
- (3) No such motion on any modification thereof shall be deemed to be carried unless supported by at least two-thirds of the members voting at such meeting.
- (4) **Amendment to 33(3) – No such motion on any modification therof shall be deemed to be carried unless supported by at least  $\frac{3}{4}$  of the members voting at such meeting.**

## **FUNDS, ACCOUNTS AND AUDITS**

### **34. FUNDS AND ACCOUNTS**

- (1) The funds of the Club must be kept in an account in the name of the Club in a financial institution decided by the Committee.
- (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Club.
- (3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- (4) A payment by the Club of \$100 or more must be made by cheque or electronic fund transfer.

- (5) If a payment of \$100 or more is made by cheque, the cheque must be signed by any 2 of the following
  - (a) the President;
  - (b) the Secretary;
  - (c) the Treasurer;
  - (d) any 1 of 3 other members of the Club who have been authorised by the Committee to sign cheques issued by the Club.
- (6) However, one of the persons who sign the cheque must be the President, Secretary or the Treasurer.
- (7) Cheques other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.
- (8) A petty cash account must be kept on the imprest system and the Management Committee must decide on the amount of petty cash to be kept in the account.
- (9) All expenditure must be approved or ratified at a Management Committee meeting.

### **35. GENERAL FINANCIAL MATTERS**

- (1) On behalf of the Committee, the Treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.
- (2) Such financial statement and a signed report on the Audit shall be presented by the Treasurer at each Annual General Meeting for adoption.
- (3) The income and property of the Club must be used solely in promoting the Club's objects and exercising the Club's powers.

### **36. ADDITIONAL ACCOUNTING REQUIREMENTS**

- (1) The Treasurer or any other authorised officer must
  - (a) receive all amounts paid to the Club and, if requested, give a receipt for the amounts; and
  - (b) as soon as practicable
    - (i) deposit each amount received into the Club's account with a financial institution; and
    - (ii) enter the particulars of each amount received and payments made into the Club cash book or similar document.
- (2) The Committee must
  - (a) approve or ratify the Club's expenditure; and
  - (b) ensure the approval or ratification is recorded in the minutes.
- (3) Club expenditure must be supported by adequate documentation filed in chronological order and kept in a secure place decided by the Committee.
- (4) The Club must keep its financial records
  - (a) at the Club premises or such other place as may be approved by the Committee.
  - (b) for at least 7 years.
- (5) The Treasurer must produce to the Auditor all books, papers, accounts and documents relating to the financial affairs of the Club as shall be appropriate or requested by the Auditor in connection with the Audit.

(6) The Treasurer must meet the requirements of the Australian Tax Office in forwarding Business Activity Statement as required.

### **37. INSPECTION OF FINANCIAL DOCUMENTS**

- (1) If asked by a member of the Club, the Secretary must, within 28 days after the request is made
  - (a) make the Club's financial documents available for inspection by the member at a mutually convenient time and place; and
  - (b) give the member copies of the documents.
- (2) The Club may require the member to pay the reasonable costs of providing the copies of the documents.

### **38. DOCUMENTS**

The Committee must ensure the safe custody of books, documents, instruments of titles and securities of the Club.

### **39. FINANCIAL YEAR**

The end date of the Club's financial year is 30<sup>th</sup> September in each year.

## **MISCELLANEOUS**

### **40. BY-LAWS**

- (1) The Committee shall have power to make, amend or rescind By-Laws which are consistent with these rules and which are considered necessary or desirable by the Committee for the proper control and administration of the Club finances, affairs, interests and property.
- (2) The By-Law shall be posted on the notice board forthwith upon being adopted by the Committee and shall remain as posted for a period of at least 3 months.
- (3) A copy of all current By-Laws as adopted by the Committee shall be made available on request by another member of the Club however the Committee may require the member to pay the reasonable costs for providing copies.
- (4) A By-Law may be set aside by a vote of members at a General Meeting of the Club

### **41. COMMON SEAL**

- (1) The Committee must ensure the Club has a common seal.
- (2) The common seal must be
  - (a) kept securely by the Committee; and
  - (b) used only under the authority of the Committee.
- (3) Each instrument to which the seal is attached must be signed by a member of the Committee and countersigned by
  - (a) the Secretary; or
  - (b) another member of the Committee; or
  - (c) someone authorised by the Committee.

## **42. ALTERATION OF RULES**

Subject to the Incorporation Act 1981, these rules may be amended, repealed or added to by a special resolution carried at a General Meeting.

### **ALTERATION OF RULES**

- (1) Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.**
- (2) However an amendment, repeal or addition is valid only if it is registered by the chief executive.**

## **43. DISTRIBUTION OF SURPLUS ASSETS**

- (1) This rule applies if the Club
  - (a) is wound-up under part 10 of the act; and
  - (b) has surplus assets.
- (2) The surplus assets must not be distributed among the members of the Club.
- (3) The surplus assets must be given to another entity
  - (a) having objects similar to the Club's objects; and
  - (b) the rules of which prohibit the distribution of the entity's income and assets to its members.