RULES OF
BELVOIR PARK GOLF CLUB INCORPORATED
A0001428D ABN 6915 175 6324
As of 21st October 2015

PART 1—PRELIMINARY

1 Name

The name of the incorporated association is Belvoir Park Golf Club Inc. The Club is located at 77 Belvoir Park Road, Big Hill, Victoria, 3555. Postal address of the Club is; PO Box 59, Golden Square, Victoria, 3555.

2 Purposes

The purposes of the Club are—

(a) If appropriate to provide, maintain and improve a golf course, clubhouse facilities and amenities for members and guests and all things incidental to the playing of golf.

(b) To promote the game of golf and other sports and pastimes.

(c) To purchase, hire, make and maintain all things required or which may be conveniently used in connection with the clubhouse and other premises of the Club by members and guests.

(d) To purchase, take on lease, exchange or otherwise acquire any land, buildings, or property, real or personal, which may be required for the purpose of or conveniently used in connection with any of the objects of the Club, and to sell, demise, mortgage, give in exchange or otherwise dispose of the same or any part or parts thereof from time to time, and to grant rights through, over or upon any land and to acquire rights of any kind or nature over any other real or personal property.

(e) To purchase, hire, make, provide, maintain, sell and deal in all kinds of furniture, plate, linen, golf equipment, liquors, provisions, refreshments and personal property which may be required or used by the Club and the members thereof and all machinery, equipment and apparatus which may be conveniently used in connection with the links and grounds, clubhouse or other premises of the Club.

(f) To supply refreshments and entertainment for members and guests and to apply for, hold and renew from time to time any necessary certificates or registration as a Club and any licences, permits or other provisions for the sale and disposition of liquor within the meaning of the Liquor Control Reform Act 1998 and any subsequent amendments.

(g) To hire and employ staff, managers, servants and workmen and to pay them and other persons in return for services rendered salaries, wages, gratuities and pensions and to establish superannuation funds and schemes.

(h) To promote and hold, either alone or jointly with any other associations, clubs or persons, golf meetings, competitions and matches, and to offer, give or contribute towards prizes, medals, and awards, and to promote, provide or support entertainment.

(i) To establish, promote and assist in establishing or promoting, and to subscribe to and become a member of or associated with any other association or club whose objects are similar or in part similar to the objects of the Club, or the establishment or promotion of which may be beneficial to this Club and to join and become a member of Golf Victoria Limited or such other body which may be controlling golf in Victoria from time to time.

(j) To invest and deal with moneys of the Club not immediately required upon such securities and in such manner as may be deemed fit from time to time.

(k) To join or affiliate with and comply with the rules and other requirements of Golf Victoria Limited and Golf Central Victoria and facilitate the provision of membership benefits and services provided or offered by those organisations to members of the Club.

(l) If deemed appropriate by the Committee, to obtain and maintain any licences, permits or other authorities referred to in the Gaming Regulation Act 2003.

(m) To borrow or raise money with or without giving security and particularly by the issue of or upon bonds, debentures, bills of exchange, promissory notes or other obligations or securities of the Club, or by way of overdraft, mortgage or charge upon all or any part of the property of the Club.

(n) To give any guarantees and indemnities in relation to or to secure the payments of loans, debentures, bonds, contracts, mortgages, liabilities or securities.

(o) To undertake and execute any trusts which may seem to the Club conducive to any of its objects.

(p) To apply the profits of the Club in promotion of the purposes of the Club.

(q) To support and subscribe to any charitable or public body.

(r) To make rules, regulations and by-laws for the proper government of the Club and to carry out the purposes and do all other lawful things as are incidental or conducive to the attainment of the above purposes or any of them.

(s) To do all such other lawful things as are incidental or conducive to the attainment of the above objects.

(t) To ensure that major reconstruction works altering the design and layout of the course can only be carried out on approval of a majority of voting members at an Annual General Meeting or Extraordinary Meeting.

3 Financial year

The financial year of the Belvoir Park Golf Club is each period of 12 months ending on 30 June.

4 Definitions

In these Rules—

association, means the Belvoir Park Golf Club, referred to as the Club.

absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46;

Committee means the Committee having management of the business of the Club;

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

committee member means a member of the Committee elected or appointed under Division 3 of Part 5;

disciplinary appeal meeting means a meeting of the members of the Club convened under rule 23(3);

disciplinary meeting means a meeting of the Committee convened for the purposes of rule 22;

disciplinary subcommittee means the subcommittee appointed under rule 20;

financial year means the 12 month period specified in rule 3;

general meeting means a general meeting of the members of the Club convened in accordance

with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

life member means a member of the club who has been awarded life membership of the club in accordance with the Bylaws of the club.

Majority means 50% + one.

member means a member of the Club;

member entitled to vote means a member who under rule 13(2) is entitled to vote at a general meeting;

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting in person, to vote in favour of the resolution;(the Act 2012 64 4(a)).

the Act means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

the Registrar means the Registrar of Incorporated Associations.

PART 2—POWERS OF THE CLUB

5 Powers of the Club.

(1) Subject to the Act, the Club has power to do all things incidental or conducive to achieve its purposes.

(2) Without limiting subrule (1), the Club may—

(a) acquire, hold and dispose of real or personal property;

(b) open and operate accounts with financial institutions;

(c) invest its money in any security in which trust monies may lawfully be invested;

(d) raise and borrow money on any terms and in any manner as it thinks fit;

(e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;

(f) appoint agents to transact business on its behalf;

(g) enter into any other contract it considers necessary or desirable;

(h) subscribe to, affiliate with or join other associations or companies.

(3) The Club may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for profit organisation

(1) The Club must not distribute any surplus, income or assets directly or indirectly to its members.

(2) Subrule (1) does not prevent the Club from paying a member—

(a) reimbursement for expenses properly incurred by the member; or

(b) for goods or services provided by the member—

if this is done in good faith on terms no more favourable than if the member was not a member.

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

7 Minimum number of members

The Club must have at least 5 members.

8 Who is eligible to be a member

Any person who supports the purposes of the Club is eligible for membership.

9 Application for membership

(1) To apply to become a member of the Club, a person must submit a written application to the Club in the form prescribed by the Committee from time to time stating that the person—

(a) wishes to become a member of the Club; and

(b) supports the purposes of the Club; and

(c) agrees to comply with these Rules.

(2) The application—

(a) must be signed by the applicant, the proposer and seconder;

(b) **must** be accompanied by the joining fee; and

(c) must comply with any requirements prescribed by the Committee from time to time.

10 Consideration of application

(1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.

(2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.

(3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.

(4) No reason need be given for the rejection of an application.

11 New membership

(1) If an application for membership is approved by the Committee—

(a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and

(b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.

(2) A person becomes a member of the Club and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—

(a) the Committee approves the person's membership; or

(b) the person pays the joining fee.

12 Annual subscription and fee on joining

(1) Annual membership fees will be determined by the elected committee as required.

(2) At each annual general meeting, the Club must determine the date for payment of the membership fees.

(3) The Club may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—

(a) the full annual subscription; or

(b) a pro rata annual subscription based on the remaining part of the financial year; or

(c) a fixed amount determined from time to time by the Club.

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

13 General rights of members

(1) A member of the Club who is entitled to vote has the right—

(a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and

(b) to submit items of business for consideration at a general meeting; and

(c) to attend and be heard at general meetings; and

(d) to vote at a general meeting; and

(e) to have access to the minutes of general meetings and other documents of the Club as provided under rule 74; and

(f) to inspect the register of members.

(2) A member is entitled to vote if—

(a) the member is a member of a category of membership having the right to vote as prescribed in the by-laws from time to time; and

(b) more than 10 business days have passed since he or she became a member of the Club; and

(c) the member's membership rights are not suspended for any reason.

14 Classes of Membership

The Committee may from time to time determine that there shall be different classes of membership. Details of each class of membership shall be prescribed in the By-laws from time to time.

Members may be either voting rights members or non-voting rights members.

Any green fee player or visitor from another club, who pays the relevant fee, is deemed to be an honorary member of the Belvoir Park Golf Club for the duration of that event.

Life members, in accordance with the Bylaws of the Club shall have voting rights.

15 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

16 Ceasing membership

(1) The membership of a person ceases on resignation, expulsion or death.

(2) If a person ceases to be a member of the Club, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

17 Resigning as a member

(1) A member may resign by notice in writing given to the Club.

Note; Rule 74 (3) sets out how notice may be given to the club. It includes by post or by handing the notice to a member of the committee.

(2) A member is taken to have resigned if—

(a) the member's annual subscription is not paid by the due date; or

(b) where no annual subscription is payable—

(i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and

(ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

18 Register of members

(1) The Secretary must keep and maintain a register of members that includes—

(a) for each current member—

(i) the member's name;

(ii) the address for notice last given by the member;

(iii) the date of becoming a member;

(iv) the category of membership.

(v) any other information determined by the Committee; and

(b) for each former member, the date of ceasing to be a member.

(2) Any member may, at a reasonable time and free of charge, inspect the register of members.

(3) Any member may, on notifying the club secretary, choose to have their personal details remain confidential to the committee. Refer to Section 59 of the Act.

Division 2—Disciplinary action

19 Grounds for taking disciplinary action

The Club may take disciplinary action against a member in accordance with this Division if it is determined that the member—

(a) has failed to comply with these Rules; or

(b) refuses to support the purposes of the Club; or

(c) has engaged in conduct prejudicial to the Club.

20 Disciplinary subcommittee

(1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.

(2) The members of the disciplinary subcommittee—

(a) may be a Committee member or a member of the Club or anyone else; but

(b) must not be biased against, or in favour of, the member concerned.

21 Notice to member

(1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—

(a) stating that the Club proposes to take disciplinary action against the member; and

(b) stating the grounds for the proposed disciplinary action; and

(c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the disciplinary meeting); and

(d) advising the member that he or she may do one or both of the following—

(i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;

(ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and

(e) setting out the member's appeal rights under rule 23.

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

22 Decision of subcommittee

(1) At the disciplinary meeting, the disciplinary subcommittee must—

(a) give the member an opportunity to be heard; and

(b) consider any written statement submitted by the member.

(2) After complying with subrule (1), the disciplinary subcommittee may—

(a) take no further action against the member; or

(b) subject to subrule (3)—

(i) reprimand the member; or

(ii) suspend the membership rights of the member for a specified period; or

(iii) expel the member from the Club.

(3) The disciplinary subcommittee may not fine the member.

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

23 Appeal rights

(1) A person whose membership rights have been suspended or who has been expelled from the Club under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.

(2) The notice must be in writing and given—

(a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or

(b) to the Secretary not later than 48 hours after the vote.

(3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable but, in any event, not later than 21 days after the notice is received.

(4) A meeting of the FULL Committee shall be convened within 21 days and the decision to uphold or revoke the decision of the disciplinary sub committee to suspend or expel the member made. The decision made shall be final.

24 Conduct of disciplinary appeal meeting

(1) At a disciplinary appeal meeting—

(a) no business other than the question of the appeal may be conducted; and

(b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and

(c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

(2) A committee member may not vote by proxy at the meeting.

(3) The decision is upheld if not less than three quarters of the committee members voting at the meeting vote in favour of the decision.

Division 3—Grievance procedure

25 Application

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

(a) a member and another member;

(b) a member and the Committee;

(c) a member and the Club.

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

26 Parties must attempt to resolve the dispute

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

27 Appointment of mediator

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—

(a) notify the Committee of the dispute; and

(b) agree to or request the appointment of a mediator; and

(c) attempt in good faith to settle the dispute by mediation.

(2) The mediator must be—

(a) a person chosen by agreement between the parties; or

(b) in the absence of agreement—

(i) if the dispute is between a member and another member—a person appointed by the Committee; or

(ii) if the dispute is between a member and the Committee or the Club, a person appointed or employed by the Dispute Settlement Centre of Victoria.

(3) A mediator appointed by the Committee may be a member or former member of the Club but in any case must not be a person who—

(a) has a personal interest in the dispute; or

(b) is biased in favour of or against any party.

28 Mediation process

(1) The mediator to the dispute, in conducting the mediation, must—

(a) give each party every opportunity to be heard; and

(b) allow due consideration by all parties of any written statement submitted by any party; and

(c) ensure that natural justice is accorded to the parties throughout the mediation process.

(2) The mediator must not determine the dispute.

29 Failure to resolve dispute by mediation

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

PART 4—GENERAL MEETINGS OF THE CLUB

30 Annual general meetings

(1) The Committee must convene an annual general meeting of the Club to be held within 5 months after the end of each financial year.

(2) The Committee may determine the date, time and place of the annual general meeting.

(3) The ordinary business of the annual general meeting is as follows—

(a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;

(b) to receive and consider—

(i) the annual report of the Committee on the activities of the Club during the preceding financial year; and

(ii) the financial statements of the Club for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;

(c) to elect the members of the Committee;

(4) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

(5) At an Annual General Meeting, a majority of 50% plus 1, (refer Rule 39 (1c) of the vote is required to pass / carry an item of ordinary business, (items 3a, b & c).

31 Special general meetings

(1) Any general meeting of the Club, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.

(2) The Committee may convene a special general meeting whenever it thinks fit.

(3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.

32 Special general meeting held at request of members

(1) The Committee must convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least 10% of the total number of eligible voting members.

(2) A request for a special general meeting must—

(a) be in writing; and

(b) state the business to be considered at the meeting and any resolutions to be proposed; and

(c) include the names and signatures of the members requesting the meeting; and

(d) be given to the Secretary.

(3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.

(4) A special general meeting convened by members under subrule (3)—

(a) must be held within 3 months after the date on which the original request was made; and

(b) may only consider the business stated in that request.

(5) The Club must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

33 Notice of general meetings

(1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Club-

(a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or

(b) at least 14 days' notice of a general meeting in any other case.

(2) The notice must—

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

(b) indicate the general nature of each item of business to be considered at the meeting; and

(c) if a special resolution is to be proposed—

(i) state in full the proposed resolution; and

(ii) state the intention to propose the resolution as a special resolution; and

(d) comply with rule 32(5).

(3) This rule does not apply to a disciplinary appeal meeting.

34 Use of technology

(1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

35 Quorum at general meetings

(1) No business may be conducted at a general meeting unless a quorum of members is present.

(2) The quorum for a general meeting is the presence (physically, or as allowed under rule 34) of twenty five (25) members entitled to vote.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—

(a) in the case of a meeting convened by, or at the request of, members under rule 32—the meeting must be dissolved;

Note; If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have business reconsidered at another special meeting, the members must make a new request under Rule 32.

(b) in any other case—

(i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and

(ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

(4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

36 Adjournment of general meeting

(1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.

(2) Without limiting subrule (1), a meeting may be adjourned—

(a) if there is insufficient time to deal with the business at hand; or

(b) to give the members more time to consider an item of business.

(3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

(4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 33.

37 Voting at general meeting

(1) On any question arising at a general meeting—

(a) subject to subrule (3), each member who is entitled to vote has one vote; and

(b) except in the case of a special resolution, the question must be decided on a majority of votes.

(2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

(3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.

(4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

38 Special resolutions

A special resolution is passed if not less than three quarters (75%) of the members present voting at a general meeting vote in favour of the resolution.

39 Determining whether resolution carried

(1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—

(a) carried; or

(b) carried unanimously; or

(c) carried by a particular majority; or

(d) lost—

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

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

(a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and

(b) the Chairperson must declare the result of the resolution on the basis of the poll.

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

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

40 Minutes of general meeting

(1) The Committee must ensure that minutes are taken and kept of each general meeting.

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

(3) In addition, the minutes of each annual general meeting must include—

(a) the names of the members attending the meeting; and

(b) the financial statements submitted to the members in accordance with rule 30(**3**)(b)(ii); and

(c) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Club; and

(d) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—COMMITTEE

Division 1—Powers of Committee

41 Role and powers

(1) The business of the Club must be managed by or under the direction of a Committee.

(2) The Committee may exercise all the powers of the Club except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Club.

(3) The Committee may—

(a) appoint and remove staff;

(b) establish subcommittees consisting of members with terms of reference it considers appropriate.

(4) The Committee is responsible for maintaining the club's Bylaws, Policies & Procedures, so that these documents are always up to date, ensuring that the day to day operations of the club are carried out in a timely manner.

42 Delegation

(1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—

(a) this power of delegation; or

(b) a duty imposed on the Committee by the Act or any other law.

(2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.

(3) The Committee may, in writing, revoke a delegation wholly or in part.

Division 2—Composition of Committee and duties of members

43 Composition of Committee

The Committee consists of—

(a) a President;

(b) a Vice President;

(c) a Captain-Male;

(d) a Captain- Female;

(e) a Secretary;

(f) a Treasurer;

(g) 5 ordinary members (if any) elected under rule 53.

44 General Duties

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

(2) The Committee is collectively responsible for ensuring that the Club complies with the Act and that individual members of the Committee comply with these Rules.

(3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.

(4) Committee members must exercise their powers and discharge their duties—

(a) in good faith in the best interests of the Club; and

(b) for a proper purpose.

(5) Committee members and former committee members must not make improper use of—

(a) their position; or

(b) information acquired by virtue of holding their position—

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

Note; See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

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

45 President and Vice-President

(1) Subject to subrule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.

(2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be—

(a) in the case of a general meeting—a member elected by the other members present; or

(b) in the case of a committee meeting—a committee member elected by the other committee members present.

46 Secretary

(1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

(2) The Secretary must—

(a) maintain the register of members in accordance with rule 18; and

(b) keep custody of the common seal (if any) of the Club and, except for the financial records referred to in rule 69 (3), all books, documents and securities of the Club in accordance with rules 71 and 74; and

(c) subject to the Act and these Rules, provide members with access to the register of members and the minutes of general meetings and other books and documents; and

(d) perform any other duty or function imposed on the Secretary by these Rules.

(3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

47 Treasurer

(1) The Treasurer must—

(a) receive all moneys paid to or received by the Club and issue receipts for those moneys in the name of the Club; and

(b) ensure that all moneys received are paid into the account of the Club as soon as practicable after receipt; and

(c) make any payments authorised by the Committee or by a general meeting of the Club from the Club's funds; and

(d) ensure cheques are signed by at least 2 committee members.

(2) The Treasurer must—

(a) ensure that the financial records of the Club are kept in accordance with the Act; and

(b) coordinate the preparation of the financial statements of the Club and their certification by the Committee prior to their submission to the annual general meeting of the Club.

(3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Club.

Division 3—Election of Committee members and tenure of office

48 Who is eligible to be a Committee member

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

(a) is 18 years or over; and

(b) is entitled to vote at a general meeting.

49 Positions to be declared vacant

(1) This rule applies to any subsequent annual general meeting of the Club, after the annual report and financial statements of the Club have been received.

(2) The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 50 to 53.

50 Nominations

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

(2) An eligible member of the Club may, with the member's consent, be nominated by another member and seconded.

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

51 Election of President etc.

(1) At the annual general meeting, separate elections must be held for each of the following positions—

(a) President;

(b) Vice President;

(c) Captain - Male~~;~~

(d) Captain – Female;

(e) Secretary;

(f) Treasurer;

(2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.

(3) If more than one member is nominated, a ballot must be held in accordance with rule 53.

(4) On his or her election, the new President may take over as Chairperson of the meeting.

52 Election of ordinary members

(1) A single election may be held to fill all of those positions.

(2) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.

(3) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 53.

53 Ballot

(1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.

(2) The returning officer must not be a member nominated for the position.

(3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.

(4) The election must be by secret ballot.

(5) The returning officer must give a blank piece of paper to each member present in person.

(6) If the ballot is for a single position, the voters must write on the ballot paper the name of the candidate for whom they wish to vote.

(7) If the ballot is for more than one position—

(a) the voters must write on the ballot paper the name of each candidate for whom they wish to vote;

(b) the voters must not write the names of more candidates than the number to be elected.

(8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.

(9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.

(10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.

(11) If the returning officer is unable to declare the result of an election under subrule (10) because 2 or more candidates received the same number of votes, the returning officer must—

(a) conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or

(b) with the agreement of those candidates, decide by lot which of them is to be elected, eg, toss of coin, draw of names from a hat.

54 Term of office

(1) Subject to subrule (3) and rule 55, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.

(2) A committee member may be re-elected.

(3) A general meeting of the Club may—

(a) by special resolution remove a committee member from office; and

(b) elect an eligible member of the Club to fill the vacant position in accordance with this Division.

(4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Club (not exceeding a reasonable length) and may request that the representations be provided to the members of the Club.

(5) The Secretary or the President may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

55 Vacation of office

(1) A committee member may resign from the Committee by written notice addressed to the Committee.

(2) A person ceases to be a committee member if he or she—

(a) ceases to be a member of the Club; or

(b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 66; or

(c) otherwise ceases to be a committee member by operation of section 78 of the Act.

Note; A committee member may not hold the office of secretary if they do not reside in Australia.

56 Filling casual vacancies

(1) The Committee may appoint an eligible member of the Club to fill a position on the Committee that—

(a) has become vacant under rule 55; or

(b) was not filled by election at the last annual general meeting.

(2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.

(3) Rule 54 applies to any committee member appointed by the Committee under subrule (1) or (2).

(4) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of Committee

57 Meetings of Committee

(1) The Committee must meet at least 4 times in each year at the dates, times and places determined by the Committee.

(2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Club at which the members of the Committee were elected.

(3) Special committee meetings may be convened by the President or by any 4 members of the Committee.

58 Notice of meetings

(1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.

(2) Notice may be given of more than one committee meeting at the same time.

(3) The notice must state the date, time and place of the meeting.

(4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.

(5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

59 Urgent meetings

(1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 58 provided that as much notice as practicable is given to each committee member by the quickest means practicable.

(2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.

(3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

60 Procedure and order of business

(1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.

(2) The order of business may be determined by the members present at the meeting.

61 Use of technology

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

(2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

62 Quorum

(1) No business may be conducted at a Committee meeting unless a quorum is present.

(2) The quorum for a committee meeting is the presence (in person or as allowed under rule 61) of a majority of the committee members holding office.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—

(a) in the case of a special meeting—the meeting lapses;

(b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 58.

63 Voting

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

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

(3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.

(4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

64 Conflict of interest

(1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.

(2) The member—

(a) must not be present while the matter is being considered at the meeting; and

(b) must not vote on the matter.

Note; Under Section 81 (3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on the matter, a general meeting may be called to deal with the matter.

(3) This rule does not apply to a material personal interest—

(a) that exists only because the member belongs to a class of persons for whose benefit the Club is established; or

(b) that the member has in common with all, or a substantial proportion of, the members of the Club.

65 Minutes of meeting

(1) The Committee must ensure that minutes are taken and kept of each committee meeting.

(2) The minutes must record the following—

(a) the names of the members in attendance at the meeting;

(b) the business considered at the meeting;

(c) any resolution on which a vote is taken and the result of the vote;

(d) any material personal interest disclosed under rule 64.

66 Leave of absence

(1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.

(2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS

67 Source of funds

The funds of the Club may be derived from joining fees, annual subscriptions, entry to golf competitions / events, bar sales, sale of club merchandise, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

68 Management of funds

(1) The Club must open an account with a financial institution from which all expenditure of the Club is made and into which all of the Club's revenue is deposited.

(2) Subject to any restrictions imposed by a general meeting of the Club, the Committee may approve expenditure on behalf of the Club.

(3) The Committee may authorise the Treasurer to expend funds on behalf of the Club (including by electronic funds transfer) up to a specified limit, (as per Bylaws, Policy No 1), without requiring approval from the Committee for each item on which the funds are expended.

(4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.

(5) All funds of the Club must be deposited into the financial account of the Club as soon as practicable after receipt.

(6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

69 Financial records

(1) The Club must keep financial records that—

(a) correctly record and explain its transactions, financial position and performance; and

(b) enable financial statements to be prepared as required by the Act.

(2) The Club must retain the financial records for 7 years after the transactions covered by the records are completed.

(3) The Treasurer must keep in his or her custody, or under his or her control—

(a) the financial records for the current financial year; and

(b) any other financial records as authorised by the Committee.

70 Financial statements

(1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Club are met.

(2) Without limiting subrule (1), those requirements include—

(a) the preparation of the financial statements;

(b) if required, the review or auditing of the financial statements;

(c) the certification of the financial statements by the Committee;

(d) the submission of the financial statements to the annual general meeting of the Club;

(e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

PART 7—GENERAL MATTERS

71 Common seal

(1) The Club may have a common seal.

(2) If the Club has a common seal—

(a) the name of the Club must appear in legible characters on the common seal;

(b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;

(c) the common seal must be kept in the custody of the Secretary.

72 Registered address

The registered address of the Club is—

(a) the address determined from time to time by resolution of the Committee; or

(b) if the Committee has not determined an address to be the registered address—the postal address of the Secretary.

73 Notice requirements

(1) Any notice required to be given to a member or a committee member under these Rules may be given—

(a) by handing the notice to the member personally; or

(b) by sending it by post to the member at the address recorded for the member on the register of members; or

(c) by email or facsimile transmission.

(2) Subrule (1) does not apply to notice given under rule 59.

(3) Any notice required to be given to the Club or the Committee may be given—

(a) by handing the notice to a member of the Committee; or

(b) by sending the notice by post to the registered address; or

(c) by leaving the notice at the registered address; or

(d) if the Committee determines that it is appropriate in the circumstances—

(i) by email to the email address of the Club or the Secretary; or

(ii) by facsimile transmission to the facsimile number of the Club.

74 Custody and inspection of books and records

(1) Members may on request inspect free of charge—

(a) the register of members, (subject to Rule 18 (3);

(b) the minutes of general meetings;

(c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Club.

(d) any member may, on approval of the committee, inspect the minutes of committee meetings.

(2) The Committee may refuse to permit a member to inspect records of the Club that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Club.

(3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

(4) Subject to subrule (2), a member may make a copy of any of the other records of the Club referred to in this rule and the Club may charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule—

relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Club and includes the following—

(a) its membership records;

(b) its financial statements;

(c) its financial records;

(d) records and documents relating to transactions, dealings, business or property of the Club.

75 Winding up and cancellation

(1) The Club may be wound up voluntarily by special resolution.

(2) In the event of the winding up or the cancellation of the incorporation of the Club, the surplus assets of the Club must not be distributed to any members or former members of the Club.

(3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Club and which is not carried on for the profit or gain of its individual members.

(4) The body to which the surplus assets are to be given must be decided by special resolution.

76 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Club.

77 Liquor Control Reform Act 1998

Liquor Control Reform Act 1998
No. 94 of 1998
Schedules

Schedules
Schedule 1 – Club licences

Section 10(4)(a)

The rules of a club –

(a) Must preclude the payment of any amount to an officer or servant of the club by way of commission or allowance from the receipts of the club for the supply of liquor;

(b) Must provide that a visitor to the club must not be supplied with liquor in the club premises unless the visitor is -

(i) A guest in the company of a member of the club; or

(ii) If the club admits authorised gaming visitors, an authorised gaming visitor admitted in accordance with the rules of the club;

(c) Must provide that a person cannot –

(i) be admitted as an honorary or temporary member of the club (if the club has these types of membership); or

(ii) be exempted from the obligation to pay the ordinary subscription for membership of the club unless the person is of a class specified in the rules and the admission or exemption is in accordance with the rules;

(d) except in the case of a club primarily for sporting purposes, must provide that a person under the age of 18 years cannot be admitted to membership of the club;

(e) must provide for a management committee of the club with responsibility for the affairs of the club;

(f) must provide that the members of the management committee of the club be elected for a term of not less than 12 months by members of a class of members that constitutes not less than 60% of the total membership of the club, excluding temporary or honorary members and persons who are members by reason only of reciprocal arrangements with another club and persons whose rights as members are limited to rights as social, gaming or neighbourhood members;

(g) unless the club is a body corporate –

(i) must provide that the facilities of the club are provided and maintained from the joint funds of the club;

(ii) except as otherwise permitted under the Liquor Control Reform Act 1998, must not enable any person to receive a greater profit, benefit or advantage from the club than that to which any member is entitled;

(iii) must provide for periodic meetings of the management committee and the recording of minutes of the meetings;

(iv) must provide –

(A) that not less than two weeks may elapse between the date of nomination and the date of election of ordinary members; and

(B) that the names and addresses of persons proposed for election as members of the management committee of the club shall be displayed in a conspicuous place in the club premised for not less than one week before the date of the election; and

(C) for the election of members of the management committee by the general body of members; and

(D) for the keeping of records of members voting at an election of members; and

(h) must provide for the keeping of records of guests; and

(i) in the case of a club in respect of which a venue operator's licence is in force, must provide that an authorised gaming visitor must –

(i) produce evidence of his or her residential address before being admitted to the licensed premises; and

(ii) carry identification at all times whilst on the licensed premises; and

(iii) comply with any relevant rules of the club whilst on the licensed premises.

Authorised by the Chief Parliamentary Counsel