

ASSOCIATIONS INCORPORATION ACT 2009

CONSTITUTION

of

**ILLAWARRA BLUE STARS ATHLETIC
CLUB INCORPORATED**

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Part 1 – Preliminary

1. Name

The name of the Club is Illawarra Blue Stars Athletic Club Incorporated.

2. Objects

The objects of Illawarra Blue Stars Athletic Club Incorporated shall be to encourage and promote the sport of athletics within the Illawarra region by:

- (a) encouraging individual effort;
- (b) promoting the pursuit of excellence and perfection in performance;
- (c) encouraging an equality of participation to foster understanding and fellowship;
- (d) recognising sport as a means of education to enrich the cultural life of our community;
- (e) promoting the values of fair play and ethical conduct.

3. Powers

Subject to the Act, the constitution of ANSW takes precedence over the Club constitution where there is any conflict between them.

4. Definitions

(1) In this constitution:

“Director-General” means the Director-General of the Department of Services, Technology and Administration.

“ordinary member” means a member of the Committee who is not an office-bearer of the Club, as referred to in rule 19(2).

“registrar” means the member appointed to be responsible for membership registrations and records.

“secretary” means:

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

“special general meeting” means a general meeting of the Club other than an annual general meeting.

“the Act” means the Associations Incorporation Act 2009.

“the Regulation” means the Associations Incorporation Regulation 2010.

“ANSW” means Athletics New South Wales Limited

“registered athlete” means an athlete who is a registered member of ANSW under its constitution.

“registered official” means a technical official who is a registered member of ANSW under its constitution.

“the Branch” means the South Coast Branch of ANSW, which is an association of affiliated bodies within the area prescribed by ANSW.

“the Club” means the Illawarra Blue Stars Athletic Club Incorporated.

“the Committee” means the Committee of Management of the Club.

“the Executive” means the office bearers on the Committee of the Club.

(2) In this constitution:

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

(3) The provisions of the Interpretation Act 1987 apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

Part 2 – Membership

5. Membership qualifications

A person is eligible to be a member of the Club if:

(a) the person is a natural person, and
 (b) the person has been nominated and approved for membership of the Club in accordance with clause 6.

6. Nomination for membership

(1) A nomination of a person for membership of the Club:

(a) shall be made by a member of the Club in writing in the form that the Committee shall from time to time determine, and
 (b) shall be lodged with the registrar of the Club, and
 (c) shall be accompanied by the appropriate fees.

(2) As soon as practicable after receiving a nomination for membership, the registrar must refer the nomination to the Executive which shall determine whether to approve or to reject the nomination.

(3) The registrar shall, on advice from the Executive, enter the successful nominee’s name in the register of members and, upon the name being so entered, the nominee becomes a member of the Club.

(4) Where the Executive determines to reject a nomination for membership, the registrar shall, as soon as practicable after that determination, notify the nominee of that decision. The registrar shall also cause a refund cheque to be drawn amounting to the payment made with the application for membership.

7. Cessation of membership

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

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the Club.

8. Membership entitlements not transferable

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

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

9. Resignation of membership

(1) A member of the Club who has paid all amounts payable by the member to the Club in respect of the member's membership may resign from membership of the Club by first giving to the secretary written notice of at least one 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 Club ceases to be a member under clause (1), and in every other case where a member ceases to hold membership, the registrar must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

10. Register of members

(1) The registrar of the Club must establish and maintain a register of members of the Club specifying the name and address of each person who is a member of the Club together with the date on which the person became a member.

(2) The register of members must be kept in New South Wales at the principal place of administration of the Club.

(3) The register of members must be open for inspection, free of charge, by any member of the Club at any reasonable hour.

(4) A member of the Club may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.

(5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.

(6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:

- (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Club or other material relating to the Club, or
- (b) any other purpose necessary to comply with a requirement of the Act or the

Regulation.

11. Fees and subscriptions

(1) A member of the Club must, on application for membership, pay to the Club a fee, the amount of which shall be determined by the Committee from time to time.

(2) This fee shall represent an annual fee to be due on 1 April or 1 October each subsequent year as a renewal of membership, as determined by the Committee.

12. Members' liabilities

The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club as required by rule 11.

13. Resolution of disputes

(1) An unresolved dispute between a member and another member (in their capacity as members) of the Club, or an unresolved dispute between a member or members and the Club, are to be referred to a community justice centre for mediation under the Community Justice Centres Act 1983.

(2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.

(3) The Commercial Arbitration Act 1984 applies to any such dispute referred to arbitration.

14. Disciplining of members

(1) A complaint may be made to the Committee by any person that a member of the Club:

(a) has refused or neglected to comply with a provision or provisions of the constitution, or

(b) has wilfully acted in a manner prejudicial to the interests of the Club.

(2) The Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.

(3) If the Committee decides to deal with the complaint, the Committee:

(a) must cause notice of the complaint to be served on the member concerned; and

(b) must give the member at least 14 days from the time the notice is served within which to make submissions to the Committee in connection with the complaint, and

(c) must take into consideration any submissions made by the member in connection with the complaint.

(4) The Committee may, by resolution, expel the member from the Club or suspend the member from membership of the Club if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.

(5) If the Committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the Committee for having taken that action and of the member's right of appeal under rule 15.

(6) The expulsion or suspension does not take effect:

- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
- (b) if within that period the member exercises the right of appeal, unless and until the Club confirms the resolution under rule 15(5), whichever is the later.

(7) All complaints must be made in writing to the Club within fourteen (14) days of the date upon which the conduct complained of occurred.

15. Right of appeal of disciplined member

(1) A member may appeal to the Club in a general meeting against a resolution of the Committee under rule 14, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

(2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

(3) On receipt of a notice from a member under clause (1), the secretary must notify the Committee which shall convene a general meeting of the Club to be held within 28 days after the date on which the secretary received the notice.

(4) At a general meeting of the Club 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 Club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

16. Amateur status

Without limiting the application of the foregoing definition in any way, a registered athlete who has attained the age of twelve (12) years shall be deemed to have ceased to be an amateur under the laws of Athletics Australia by:

- (a) being declared ineligible for amateur competition by any governing body of amateur sport recognised by Athletics Australia. The reinstatement of such person by a governing body, other than Athletics Australia, does not itself qualify him for reinstatement as an amateur under the laws of Athletics Australia, or
- (b) entering for or competing in any athletic event under a name other than his own or one assumed permanently by him for the purpose of competition and registered by him with ANSW.

17. Life membership

Life membership shall be restricted to those persons, who as registered members have rendered at least fifteen (15) years outstanding service to amateur athletics through their membership of the Club.

- (1) Life members may be elected only at the Annual General Meeting on the recommendation of the Committee.
- (2) Nominations for life membership shall be submitted to the Committee before 31st March in any year together with a written report outlining the services rendered by the nominee:
 - (a) A nominee must obtain at least a two-thirds majority of votes cast at a Committee meeting before his nomination is forwarded by the Committee to an Annual General Meeting for determination.
 - (b) Three fourths of the votes of those attending, eligible to vote and voting, shall be required to elect a life member at an Annual General Meeting.
 - (c) All voting for life membership shall be by secret ballot.
- (3) By a resolution of a three fourths majority at an Annual General Meeting or Special General Meeting following on a recommendation by the Committee, a life membership may be cancelled.
- (4) Privileges of a life member shall include free admission to all athletic meetings held by the Club; freedom to attend Annual General Meetings with the right to vote; freedom to attend Special General Meetings with the right to vote; and registration with ANSW.

Part 3 – The Committee

18. Powers of the Committee

Subject to the Act, the Regulation and this constitution and to any resolution passed by the Club in general meeting, the Committee:

- (a) is to control and manage the affairs of the Club, and
- (b) may exercise all such functions as may be exercised by the Club, other than those functions that are required by this constitution to be exercised by a general meeting of members of the Club, 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 Club.

19. Composition and membership of Committee

- (1) The Committee is to consist of:
 - (a) the office-bearers of the Club, and
 - (b) 5 ordinary members, each of whom is to be elected at the annual general meeting of the Club under rule 20.
- (2) The total number of committee members is to be nine.
- (3) The office-bearers of the Club are to be:
 - (a) the president,
 - (b) the vice-president,

- (c) the treasurer, and
- (d) the secretary.

(4) A committee member may hold up to two offices (other than both the president and vice-president offices).

(5) Each member of the Committee is, subject to this constitution, 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.

20. Election of Committee members

(1) Nominations of candidates for election as office-bearers of the Club or as ordinary members of the Committee shall be taken from the floor of the annual general meeting, from members attending and eligible to vote.

(2) Should a member of the Club wish to be nominated in their absence, signed, written advice as to their willingness to accept a nomination should be tendered to the meeting.

(3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.

(4) If insufficient further nominations are received, any vacant positions remaining on the Committee are taken to be casual vacancies.

(5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

(6) The ballot for the election of office-bearers and ordinary members of the Committee is to be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.

21. The Executive

(1) The Executive shall consist of the President, Secretary, Vice President and Treasurer of the Club. Their period of appointment shall be as per clause 19(5).

(2) The quorum at all Executive meetings shall be three (3) members present and eligible to vote.

22. Powers of the Executive

(1) The members of the Executive shall be the authorised signatories for the Club, together with the Public Officer.

(2) The Executive shall exercise only those powers necessary to undertake those tasks assigned by this constitution and those tasks as from time to time may be assigned by resolution of the Committee.

23. Secretary

(1) The Secretary of the Club must, as soon as practicable after being appointed as secretary, lodge notice with the Club 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, Executive meeting or a general meeting, and
- (c) all proceedings at Committee meetings, Executive meetings and general meetings.

(3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

24. Treasurer

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

- (a) that all money due to the Club is collected and received and that all payments authorised by the Club are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the Club, including full details of all receipts and expenditure connected with the activities of the Club.

25. Casual vacancies

(1) In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a member of the Club to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.

(2) A casual vacancy in the office of a member of the Committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of the Club, or
- (c) becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under rule 26, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the Committee from three consecutive meetings of the Committee, or
- (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
- (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act 2001 of the Commonwealth.

26. Removal of Committee members

(1) The Club in general meeting may by resolution remove any member of the Committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.

(2) If a member of the Committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representation be notified to the members of the Club, the secretary or the president may send a copy of the representations to each member of the Club or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

27. 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 Executive.

(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 a meeting given under clause (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 6 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 same 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, such one of the remaining members of the Committee as may be chosen by the members present at the meeting is to preside.

28. Delegation by Committee to sub-committee

(1) The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the Club as the Committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than:

(a) this power of delegation, and

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

(2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Despite any delegation under this rule, the Committee may continue to exercise any function delegated.

(5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Committee.

(6) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

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

(8) The members of the Executive shall be ex-officio members of all sub-committees.

29. Voting and decisions

(1) Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee are to be determined by a majority of the votes of members of the Committee or sub-committee present at the meeting.

(2) 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 27(5), the Committee may act despite any vacancy on the Committee.

(4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a subcommittee 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.

30. Representation

(1) The Club at its Annual General Meeting shall appoint delegates to represent the Club at meetings of the Branch and NSW. The number and title of such delegates will be determined by the Rules of the Branch and NSW.

(2) No other person shall be entitled to represent the Club unless special authority has been granted by the Committee.

(3) The Secretary shall lodge with the Branch and ANSW, the names of delegates so appointed within seven days of the appointment.

Part 4 – General Meetings

31. Annual general meetings – holding of

The Club must hold its annual general meetings:

- (a) within 6 months after the close of the Club's financial year, or
- (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

32. Annual general meetings – calling of and business

(1) The annual general meeting of the Club is, subject to the Act and to rule 31, to be convened on such date and at such place and time as the Committee thinks fit.

(2) In addition to any other business which may be transacted at an annual general meeting, the business of an 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:
 - (i) the activities of the Club during the last preceding financial year,
 - (ii) the financial affairs relating to the last preceding financial year;
 - (iii) one copy of each shall be lodged with ANSW within twenty eight (28) days of the annual general meeting.
- (c) to elect office-bearers of the Club and ordinary members of the Committee,
- (d) to receive and consider any financial statement or report required to be submitted to members under the Act.

(3) An annual general meeting must be specified as such in the notice convening it.

33. Special general meetings – calling of

(1) The Committee may, whenever it thinks fit, convene a special general meeting of the Club.

(2) The Committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the Club.

(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, and
- (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

(4) If the Committee fails to convene a special general meeting to be held within 1 month after that 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 (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 Club for any expense so incurred.

34. Notice

(1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, 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 the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

(2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, 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 32(2).

(4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

35. Quorum for general meetings

(1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.

(2) Fifteen (15) members present in person (being members entitled under this constitution to vote at a general meeting) 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 time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

(4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 5) is to constitute a quorum.

36. 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 Club.

(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.

37. Adjournment

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

(2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

38. Making of decisions

(1) A question arising at a general meeting of the Club is to be determined by either:

(a) a show of hands, or

(b) if on the motion of the chairperson or if 3 or more members present at the meeting decide that the question should be determined by a written ballot - a written ballot.

(2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Club, 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.

39. Special resolutions

Subject to the Act, a resolution of the Club is a special resolution that requires the support of at least three-quarters of such members of the Club as, being entitled under this constitution so to do, vote in person or by proxy at a general meeting to be passed. At least 21 days' written notice specifying the intention to propose the resolution as a special resolution shall be given in accordance with this constitution.

40. Voting

(1) On any question arising at a general meeting of the Club 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 the case of an equality of votes on a question at a general meeting, the chairperson 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 Club unless all money due and payable by the member or proxy to the Club has been paid.

41. 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 in the form set out in Appendix 1 to this constitution or similar written advice, including electronic mail.

42. Postal ballots

The option of postal voting must not be undertaken in respect of any general meeting of the Club.

Part 5 – Miscellaneous

43. Insurance

The Club may effect and maintain insurance.

44. Funds – source

(1) The funds of the Club are to be derived from annual subscriptions of members, donations and, subject to any resolution passed by the Club in general meeting, such other sources as the Committee determines.

(2) All money received by the Club must be deposited as soon as practicable and without deduction to the credit of the Club's bank or other authorised deposit-taking institution account.

(3) The Club must, as soon as practicable after receiving any money, issue an appropriate receipt.

45. Funds – management

(1) Subject to any resolution passed by the Club in general meeting, the funds of the Club are to be used in pursuance of the objects of the Club in such manner as the Committee determines.

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the Committee or employees of the Club, being members or employees authorised to do so by the Committee.

46. Change of name, objects and constitution

- (1) This constitution may be altered, rescinded or added to only by a special resolution of the Club and subject to subclauses (2), (3) and (4) below.
- (2) An application to the Director-General for registration of a change in the Club's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.
- (3) Changes to the name of the Club will not take effect until consent has been granted by ANSW.
- (4) Changes to this constitution and by-laws of the Club shall be lodged with ANSW within fourteen (14) days after the passing thereof and will not be operative until consent has been granted by ANSW.
- (5) Any proposed alteration to this constitution if approved or rejected at the meeting, shall not be submitted again before the expiration of six (6) months from the date of such meeting.

47. Common seal

- (1) The common seal of the Club must be kept in the custody of the public officer.
- (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.

48. Custody of books etc

Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the Club.

49. Inspection of books etc

- (1) The following documents must be open to inspection, free of charge, by a member of the Club at any reasonable hour:
- (a) records, books and other financial documents of the Club,
 - (b) this constitution,
 - (c) minutes of all committee meetings and general meetings of the Club.
- (2) A member of the Club may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.

50. Service of notices

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
- (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or

(c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.

(2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:

- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
- (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

51. Surplus property

Subject to the approval of the Director-General, in the event of the winding up of the Club, the assets of the Club shall be transferred to ANSW to be held in trust for a period of five (5) years. At the end of that period all such assets shall become the property of ANSW.

52. Affiliations

The Club shall effect and maintain affiliations with:

- (a) ANSW; and
- (b) Any other body that the Committee determines as useful in the furtherance of its objects.

53. Registration with Athletics New South Wales Limited

Every member of the Club shall be registered annually with ANSW and shall pay such registration or other fees or levies as may be from time to time determined by ANSW. Life members shall submit registration forms, but shall not be required to make payment of the registration fee.

54. Competition rules

All competitions held by the Club shall be conducted under the competition rules for the time being in force as determined by ANSW. Where no rule exists to cover a case in point, the Executive shall determine a ruling.

55. Financial year

The financial year of the Club is each period of 12 months after the expiration of the previous financial year of the Club, commencing on 1 April and ending on the following 31 March.

Appendix 1

Rule 41 (2)

FORM OF APPOINTMENT OF PROXY

I,
(full name)

of
(address)

being a member of
(name of incorporated body)

hereby appoint
(full name of proxy)

of
(address)

being a member of that incorporated body, as my proxy to vote for me on my behalf at the general meeting of the Club (annual general meeting or special general meeting, as the case may be) to be held on the.....day of (*month and year*) and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against (*delete as appropriate*) the resolution (*insert details*).

.....

Signature of member appointing proxy

Date

NOTE: A proxy vote may not be given to a person who is not a member of the club.