

CONSTITUTION OF THE SOUTHERN CANBERRA GYMNASTIC CLUB INCORPORATED

*An Association incorporated pursuant to the
Associations Incorporation Act 1991 (ACT)*

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SCGC Management System

Prepared for SCGC Members and ACT Government Authorities



Southern Canberra Gymnastic Club Incorporated
ABN 79 338 328 928

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1 Preliminaries

1.1 Name

The name of the club shall be “The Southern Canberra Gymnastic Club Incorporated”.

1.2 Definitions

In these rules, unless a contrary intention appears, the following terms shall have the meanings specified:

the Act	means the <i>Associations Incorporation Act 1991</i> (ACT) together with all acts of the ACT Legislative Assembly amending the same
the association	means the ACT Gymnastics Association (trading as Gymnastics ACT)
ACT	means the Australian Capital Territory
the club	means the Southern Canberra Gymnastic Club Incorporated
committee	means the committee of the association duly elected under rule 3
GACT	means Gymnastics ACT
registrar	means the Registrar as defined in the Associations Incorporation Act, 1991 as amended from time to time.
secretary	means the person holding office under these rules as secretary of the association or, if no such person holds that office, the public officer of the association
the regulation	means the <i>Associations Incorporation Regulation 1991</i>

1.3 Objects

2.1 The Objects for which the club is established are:

- a. To promote, foster and encourage the development of all forms of gymnastics.
- b. To train and develop gymnastic skills in both males and females regardless of background or skill level in a welcoming and child safe environment.
- c. To conduct championships and other gymnastic competitions.
- d. To promote and conduct social activities for the benefit of the club.

1.4 Powers

1.4.1 General powers

Solely for furthering the objects, the division, in addition to any other powers it has under the Act, has the legal capacity and powers of an incorporated association as set out in the Act

1.4.2 Specific powers

The club, through the committee has (but not so as to limit or diminish any power granted to the club by the Act or any other law) the power, which subject to any relevant law may be exercised within the ACT:

- a. To act alone or with any other body or representative bodies in the interests of sports and in particular gymnastics.
- b. To promote and manage championships and other events.
- c. To select, appoint and finance individuals and teams to represent the club, and to assist individual team members to compete at national and international levels.
- d. To fix membership fees, training fees and fees for the club events conducted and to review such fees from time to time as considered necessary.
- e. To assist in making known and exchanging knowledge designed to assist the Objects of the club.
- f. To establish relationships with clubs and organisations of a similar character and to promote exchanges of views and information with clubs of a like nature elsewhere whether within the Commonwealth of Australia or in other countries.
- g. To enter into any amalgamation, affiliation, fusion or alliance with or to communicate with or subscribe to or to promote or assist in the promotion of any other club or association whether incorporated or unincorporated having objects similar to or calculated to benefit generally the club or its Objects and purposes.
- h. To encourage and provide facilities for research and study in the sport of gymnastics.
- i. To promote co-operation with and between affiliated clubs and organisations in all matters affecting their common interests.
- j. In furtherance of any of the aforesaid objects of the club, to print, publish, issue and circulate leaflets and other literary undertakings.
- k. To purchase, take on lease or in exchange, hire or otherwise acquire real or personal property or any right or privileges which the club may think necessary or convenient for any of its purposes.
- l. To construct, improve, maintain and alter any buildings or premises necessary or convenient for the club.

- m. To sell, improve, manage, develop, exchange, lease, mortgage, place under option, dispose of, turn to account or otherwise deal with either absolutely conditionally or for any limited interest all or any part of the property and assets of the club for such consideration as the club may think fit with the power on any sale to allow at any time or times for the payment of any whole or part of the purchase money arising from such sale either with or without interest in the meantime and if with interest, then at such a rate or rates as the club may think fit and either with or without security as the club may think fit.
- n. To grant, create and transfer or reserve such easements of way, drainage, light or any support or any other easements of any kind whatsoever either upon or affecting the property of the club or in part or parts thereof as to the club may appear necessary or expedient and to surrender or to accept the surrender of any easements.
- o. To invest any money of the club not immediately required for any of its objectives in such a manner as may from time to time be determined.
- p. So far it may be necessary so to do for or incidental to the purposes of the club to make or accept, endorse or negotiate cheques, promissory notes of bills of exchange or other negotiable instruments.
- q. To borrow or raise money in such a manner as the club may think fit for any of its objects and in particular, by mortgage or other securities of the club with power if thought fit to charge such mortgages or other securities upon all or any of the property of the club present or future.
- r. To provide offices, conferences rooms, libraries, reading rooms, workshops, gymnasiums or other buildings and conveniences in connection therewith for the purposes of the club and to furnish, equip, maintain and conduct same and to permit the same and other property of the club to be used by members thereof and other persons either corporate or incorporate either gratuitously or for payment.
- s. For the purposes of the operation of the club to hire and employ registrars, secretaries, clerks, instructors, managers, servants, workmen and other persons and to pay them in return for services rendered to the club, salaries, wages, bonus gratuities and pensions.
- t. In furtherance of the objects of the club and for the purposes of its operations, to enter into any arrangements with any Government local authority or any association, company or persons which may seem to the club to be conducive to the objects thereof and to acquire or obtain from any such Government or authority, association, company or persons any charters, decrees, right or privileges and concessions and accept, make payments under, carry out, exercise and comply with any such arrangements, charters, decrees, rights, privileges and concessions.
- u. To undertake and execute any trusts the undertaking of which may be necessary or desirable for carrying out any of the objects of the club and to accept any gift, endowment or bequest made to the club generally or for the purposes of any specific object and to carry out any trust attached to the gift, endowment or bequest provided that the club shall only deal with any property which is subject to any trust in such a manner as is allowed by law having regard for such trust.

- v. For the purposes of furthering the objects of the club to raise money by all lawful means and to solicit and enlist financial or other aid from individuals, trusts, companies, corporations, associations, societies, institutions and other organisations or authorities and from Governments Departments of States and public bodies.
- w. To conduct all forms of social activities for the benefit of the club.
- x. To empower the club's Committee to make supplementary rules for; the management of the club's affairs, training sessions and competitions conducted by the club provided such rules are not inconsistent with this constitution.
- y. In furtherance of the objects of the club to arrange, engage in and carry on general or particular research work upon such lines as the club may from time to time determine.
- z. To do all such other lawful things as are incidental or conducive to attainment of any of the above objects.

1.5 Headings

Headings are inserted for convenience and do not affect the interpretation of these Rules.

1.6 Application of Legislation Act 2001

The *Legislation Act 2001* applies to these rules in the same way as it would if they were an instrument made under the Act.

2 Membership

2.1 Membership categories

- (1) The number of members shall be unlimited.
- (2) The members of the club comprise the following voting members:
 - a. active members,
 - b. life members,
 - c. ordinary members.
- (3) The membership of the club shall also comprise the following non-voting members if appointed in accordance with this constitution:
 - a. patrons,
 - b. honorary members, and
 - c. junior members.

2.2 Member conditions

- (1) Membership of the club shall be open to any person acceptable to the club.
- (2) Non-voting members will be entitled to attend general meetings of the club but will not be entitled to vote.

- (3) No person shall become a member of the club without having made the prescribed application under rule 2.3 or without having been duly elected a member by the committee, except that junior members shall automatically become members of the club upon payment in full of the applicable registration fee, or by separate arrangement with the treasurer or the committee.

2.3 Application for membership

- (1) Any person who desires to be admitted as a member of the club shall apply in writing to the secretary in the form prescribed by the committee.
- (2) The committee shall consider all applications for membership and if the applicant is qualified for membership under this clause and the application has been made in accordance therewith it shall admit the applicant to the club as a member. Such admission shall be conditional upon the proposed member agreeing to be bound by the constitution for the time being of the club and agreeing to conform to such other conditions not inconsistent with the constitution as may be prescribed by the club for admission of members.
- (3) Notice in writing of admission shall be sent to each new member by the secretary. A copy of the constitution of the club for the time being shall be available and forwarded to each new member on request.

2.4 Register of members

A register of members shall be kept at the club's premises and shall always be open to the inspection of the committee. Subject to any restrictions that may be imposed by the committee from time to time as to the time and manner of inspecting same, the register of members shall be open to the inspection of any member on any week day.

2.5 Membership rights not transerable

A right, privilege or obligation that person has because of being a member of the club:

- a. cannot be transferred or transmitted to another person, and
- b. terminates on cessation of the person's membership

2.6 Cessation of membership

- (1) A member ceases to be a member of the club if the person:
 - a. dies; or
 - b. resigns from membership of the club; or
 - c. is expelled from the club; or
 - d. fails to renew membership of the club.
- (2) No person shall by reason of he having ceased to be a member be released from any liability for any subscription or other sum due to the club at the date he ceased to be a member.

2.7 Resignation of membership

- (1) A member is not entitled to resign from membership of the club except in accordance with this section.
- (2) A member who has paid all amounts payable by the member to the club may resign from membership of the club by first giving notice of not less than 1 month in writing to the secretary of the member's intention to resign and, at the end of the period of notice; the member ceases to be a member.

- (3) If a member ceases to be a member of the club, the secretary must ensure that an appropriate entry is made in the register of members recording the date the member ceased to be a member

2.8 Fees

2.8.1 Membership fees

Unless otherwise determined by the club in General meeting, membership fees shall be set at \$2.00 per annum save and except in the case of junior members and shall be payable on or before the 31st day of August in each year.

2.8.2 Gymnast registration fees

- (1) The registration fees payable by junior members shall be such amount as may be determined by the committee from time to time.
- (2) Such fees shall be payable on a term by term basis.

2.8.3 Additional contributions

The Committee shall have the power in any financial year to impose any levy, further subscription or contribution from each member as it may from time to time determine.

2.9 Defaulters

- (1) Any person being declared a defaulter by the club by reason of the member not having paid the registration fee in rule 2.8, or any fees or debts for which the member is liable, shall not be allowed to take part in training classes or competitions/club events or enjoy any privileges of membership.
- (2) Any person being declared a defaulter by the club at the end of the year and who has not discharged their obligation to the club by fourteen (14) days prior to the commencement of the next year shall not be eligible to be a member of the club until such obligation has been discharged. The names of all such persons shall be reported to the GACT so that their names can be circulated by the GACT to all other clubs within the GACT's jurisdiction, thereby making them ineligible to become members of another club until such debts have been discharged in accordance with the rules of the GACT.

2.10 Members Liability

- (1) The liability of the members is limited.
- (2) Every member of the club undertakes to contribute to the assets of the club in the event of the same being wound up during the time that he is a member or within one year afterwards for payment of the debts and liabilities of the club contracted before the time at which he ceased to be a member and of the costs, charges and expenses of winding up the same and for the adjustment of the rights of the contributories amongst themselves such amount as may be required not exceeding the sum of One Dollar (\$1.00).

2.11 Members indemnity

Every member of the committee and officer or servant of the club will be indemnified by the club against, and it will be the duty of the committee out of the funds of the club to pay, all costs, losses and expenses (including, according to the absolute discretion of the committee, all reasonable travelling expenses), which any of such persons may incur or become liable for by reason of any act or thing done by them as a member, officer or servant of the club in discharge of their duties.

Members of the committee and employees of the club shall be indemnified to the extent of the insurance policy of the club against any liability incurred in their capacity as a member of the committee or employee.

The club shall indemnify the members of the board and employees to the extent provided under the Directors and Officers insurance policy of the club against all damages and costs (including legal costs) for which any such member of the board or employee may be or become liable to any third party in consequence of any act or omission except wilful misconduct:

- a. in the case of a member of the committee performed or made whilst acting on behalf of and with the authority, express or implied of the club; and
- b. in the case of an employee, performed or made in the course of, and within the scope of her or his employment by the club.

2.12 Disciplining of members

The committee must determine policies to manage disciplinary matters.

2.12.1 Committee actions

The committee may discipline a member if it is of the opinion that a member:

- a. has persistently refused or neglected to comply with a provision of these rules;
- b. has wilfully acted in a manner prejudicial to the interests of the club; or
- c. brought the club, a general member or a gym sport into disrepute.

2.12.2 Right of appeal of disciplined member

Upon receipt of the request for a review the board must form and administer a tribunal that must be independent of any party before it on the matter that is the subject of the appeal in question.

The tribunal must:

- a. uphold the decision;
- b. refer the matter to the board for reconsideration; or
- c. make its own decision that replaces the original decision.

The tribunal decision is binding on all parties.

The board must determine the procedures that will apply to the appeal process.

3 Committee

3.1 Role and powers of the committee

- (1) The committee, subject to the Act, the regulation, these rules and to any resolution passed by the club in general meeting:
 - a. controls and manages the affairs of the club, and
 - b. provides the necessary strategic guidance to ensure the sound development of the club; and
 - c. ensures and provides for the proper governance of the club;
 - d. may exercise all functions that may be exercised by the club other than those functions that are required by these rules to be exercised by the club in general meeting; and

- e. has power to perform all acts and do all things that appear to the committee to be necessary or desirable for the proper management of the club, including delegation of specific responsibilities to subcommittees and also to make and promulgate by-laws and policies not inconsistent with these rules and which shall have the same force and effect as these rules.
- (2) No act or resolution of the committee will be invalidated by reason only of the existence of any vacancy or vacancies among members of the committee.

3.2 Constitution and membership of the committee

- (1) The committee consists of:
- a. the office-bearers of the club; and
 - b. a maximum of 5 but no less than 3 ordinary committee members, each of whom must be elected under section 3.3.1 or appointed in accordance with subsection 3.3.1 (3) and who shall be assigned specific responsibilities from time to time; and
 - c. seconded members as determined by the committee from time to time.
- (2) The office-bearers of the club are the patron, president, vice-president, secretary, and treasurer. Except for the patron, all such office bearers must be a member of the club.
- (3) Each member of the committee holds office, subject to these rules, until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) If there is a vacancy in the membership of the committee, the committee may appoint a member of the club to fill the vacancy and the member so appointed holds office, subject to these rules, until the conclusion of the next annual general meeting after the date of the appointment.

3.3 Elections

3.3.1 Committee members

- (1) Nominations of candidates for election as office bearers of the club, or as members of the committee:
- a. must be made in writing, signed by 2 members of the club and accompanied by the written consent of the candidate (which may be endorsed on the nomination form) or by emails which detail the names of the candidate, the proposer and seconder, who must be members of the club) and also includes the acceptance by the candidate for the nomination; and
 - b. must be given to the secretary of the club not less than 3 days before the date fixed for the AGM at which the election is to take place; and
 - c. the candidates must have no financial liability to the club or the GACT
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken as elected and further nominations may be received at the AGM.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be vacancies which subsequently may be filled by members appointed by the committee.
- (4) if the number of nominations received is equal to the number of vacancies to be filled, the people nominated are taken to be elected.

- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.
- (6) The ballot for the election of office-bearers and ordinary committee members must be conducted at the AGM in the way the committee may direct.
- (7) A person is not eligible to simultaneously hold more than one position on the committee.

3.3.2 Life members

Any person may be elected as a life member of the club at the AGM provided that the member's election is recommended by the committee and provided that the resolution is approved by not less than two thirds of the members present and voting at such general meeting. Fourteen days' notice of nominations for life membership shall be given to the secretary.

3.4 Vacancies

For these rules, a vacancy in the office of a member of the committee happens if the member:

- a. dies; or
- b. ceases to be a member of the club; or
- c. resigns the office; or
- d. is removed from office under section 3.9 (Removal of committee members); or
- e. becomes bankrupt or personally insolvent; or
- f. suffers from mental or physical incapacity; or
- g. is disqualified from the office under the act, section 63 (1); or
- h. is absent without consent of the committee from all meetings of the committee held during a period of 6 months.

3.5 Removal of committee members

The club in general meeting may by resolution, subject to the Act, section 50, remove any member of the committee from the office of a member of the Committee before the end of the member's term of office.

3.6 Committee meetings and quorum

- (1) The committee shall meet at least 6 times each year with meeting scheduled approximately every two months.
- (2) Additional meetings of the committee may be called by any member of the committee.
- (3) Verbal or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or any other time that may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Meeting may be conducted electronically (by email, by phone hook-up or by an agreed on-line meeting tool) provided such is unanimously agreed to by all members of the committee.

- (5) Notice of a meeting given under subsection (3) must specify the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the committee members present at the meeting unanimously agree to treat as urgent business.
- (6) Any 5 members of the committee constitute a quorum for the transaction of business of a meeting of those committees.
- (7) No business may be transacted by the committee unless a quorum is present and, if within 30 minutes after the appointed time for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same time in the following week, unless otherwise agreed by the committee.
- (8) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting is dissolved.
- (9) At meetings of the committee:
 - a. the president or, in the absence of the president, the vice president presides; or
 - b. if the president or the vice president are absent – 1 of the remaining members of the committee may be chosen by the members present to preside.

3.7 Delegation by committee to subcommittees

- (1) The committee may in writing, delegate to 1 or more subcommittees (consisting of the member or members of the club that the committee considers appropriate) the exercise of the functions of the committee that are specified in the instrument other than:
 - a. this power of delegation; and
 - b. a function that is a function imposed on the committee by the Act, by any other Territory law, or by resolution of the club in general meeting.
- (2) A function, the exercise of which has been delegated to a subcommittee under this section may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
- (3) The committee has specifically delegated the day to day management of the club's operations to the operations subcommittee as detailed in the associated by-laws.
- (4) A delegation under this section may be made subject to any conditions or limitations about the exercise of any function, or about time or circumstances, which may be specified in the instrument of delegation.
- (5) Despite any delegation under this section, the committee may continue to exercise any function delegated.
- (6) Any act or thing done or suffered by a subcommittee acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the committee.
- (7) The committee may, in writing, revoke wholly or in part any delegation under this section, except that the delegation to the management subcommittees may only be revoked by general meeting.
- (8) A subcommittee may meet and adjourn as it considers appropriate.

3.8 Voting and decisions

- (1) Questions arising at a meeting of the committee or of a subcommittee appointed by the committee are decided by a majority of the votes of members of the committees or subcommittee present at the meeting.

- (2) Each member present at a meeting of the committee or of any subcommittee appointed by the committee (including the person presiding at the meeting) is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.
- (3) Questions will be decided on the voices or by show of hands.

4 General meetings

4.1 Annual general meeting – holding of

The annual general meeting shall be held in November each year.

4.2 Annual general meeting – calling and business at

- (1) The annual general meeting must, subject to the Act, be called on the date and at the place and time that the committee considers appropriate.
- (2) All members shall be given at least fourteen (14) days notice in writing of annual and special general meetings.
- (3) The order of business at an AGM is:
 - a. To confirm the minutes of the previous AGM and any general meeting held since the AGM.
 - b. To deal with urgent correspondence.
 - c. To receive the club's annual report.
 - d. To receive reports from the sub-committees on their activities during the last financial year which may be consolidated into a club annual report.
 - e. to receive and consider the statement of accounts and the reports that are required to be submitted to members under the *Act*, section 73 (1) which may be included in the club annual report.
 - f. Motions of which due notice has been given to the secretary in accordance with the rules of the club.
 - g. To elect four (4) officer-bearers and other committee members of the committee.
 - h. Appointment of the club auditor
 - i. To elect delegates and alternative delegates to any organisation the club may affiliate with.
 - j. Appoint life members.
- (4) An annual general meeting must be specified as such in the notice calling it in accordance with section 4.4 (Notices).
- (5) An annual general meeting must be conducted in accordance with the provisions of this part.

4.3 General meetings – calling of

- (1) The committee may, whenever it considers appropriate, call a general meeting of the club.
- (2) The committee must, on the requisition in writing of not less than 10 members of the club, call a general meeting of the club.

- (3) A requisition of members for a 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 1 or more members making the requisition.
- (4) If the committee fails to call a general meeting within 1 month after the date when a requisition of members for the meeting is lodged with the secretary, any 1 or more of the members who made the requisition may call a general meeting to be held not later than 3 months after that date.

4.4 Notices

- (1) The secretary must, at least 14 days before the date fixed for the holding of the general meeting, send by emails or arrange to be sent by emails to each member of the club, a notice specifying the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (2) No business other than that specified in the notice calling a general meeting may be transacted at the meeting except, for an annual general meeting, business may be transacted under section 4.1 (3).

4.5 Procedure and quorum

- (1) No item of business may be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Five members (who are entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within 30 minutes after the appointed time for the start of a general meeting a quorum is not present, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned to the same day in the following week at the same time and at the same place (unless otherwise agreed and communicated to all members).
- (4) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the start of the meeting, the members present (being not less than 5) constitute a quorum.

4.6 Presiding member

- (1) The president, or in the absence of the president, the vice president, presides at each general meeting of the club.
- (2) If the president and vice president are absent from a general meeting, the members present must elect 1 of their number to preside at the meeting.

4.7 Making of decisions

- (1) A question arising at a general meeting of the club is to be decided on a show of hands, unless a ballot is demanded by not less than five members, in which event a ballot shall be taken and scrutineers shall be appointed by the presiding member to report to the presiding member the result of the ballot.
- (2) In the case of elections for any office, all such elections, where there are two or more candidates for such office, shall be by secret ballot.

4.8 Voting

- (1) Subject to subsection (3), on any question arising at a general meeting of the club a member has 1 vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than 3 proxies.
- (3) If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote at any general meeting of the club unless all money due and payable by the member to the club has been paid, regardless of any agreement that may have been made in regard to any payment of the annual player registration fees.

4.9 Appointment of proxies

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

5 Miscellaneous

5.1 Financial year

The financial year of the club shall begin on the 1st day of July and end on the 31st day of June each year.

5.2 Public officer

The committee shall appoint a public officer in accordance with the Act, section 57, to carry out the duties and responsibilities as detailed in that Act. The committee shall have the power to revoke the appointment and appoint another member to the position of public officer at any time.

5.3 Funds – source of

- (1) The funds of the club must be derived from the membership fees, annual registration fees, donations, grants, fundraising and subject to any resolution passed by the club in general meeting and subject to the Act, section 114, any other sources that the committee decides.

- (2) All monies received by all sections of the club must at the first convenient opportunity and no later than one week after receipt, be lodged in the club's approved account or accounts.
- (3) The club must, as soon as practicable after receiving any money, issue an appropriate receipt.
- (4) The source of the individual funds comprising the consolidated funds mentioned in 5.4 shall be recorded by the treasurer.

5.4 Funds - management

- (1) Subject to any resolution passed by the club in general meeting, the funds of the club must be used for the objects of the club in the way that the committee decides.
- (2) The club's preferred method for financial transactions is by direct deposit/bank transfer. Such arrangements must only be used for standard regular transactions (e.g. staff wages) or against a formal tax invoice and all back acknowledgements of the transactions retained for auditing purposes. Appropriate cheques and financial transfer transactions shall be signed jointly by the treasurer and one other member of the committee approved by the committee. In the absence or incapacity of any of these officers, the committee shall have the power to make temporary arrangements for the signing of club financial transactions.
- (3) The income and property of the club whensoever delivered shall be applied solely towards the promotion of the objects of the club as set forth in this constitution and no part thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to the members of the club PROVIDED THAT (subject to the provisions hereinafter contained) nothing herein shall prevent the payment in good faith of reasonable and proper remuneration to any officer or servant of the club or to any member of the club or other person in return for any service actually rendered to the club nor for goods supplied in the ordinary and usual way of business nor prevent the payment of interest at a rate not exceeding ten percent per annum on money borrowed from any member of the club or reasonable and proper rent for premises demised or let by any member of the club.

5.5 Alteration of objects and rules

- (1) This constitution may be altered at any time by a special resolution of the members of the club.
- (2) No existing rule shall be repealed or altered, nor shall any new rule be adopted without the consent of a two thirds majority of the members present and voting at a general meeting of the club.
- (3) No alteration or repeal of rules shall be effective until the provisions of section 33 of the Act have been complied with

5.6 Common seal

The committee shall provide for the safe custody of the common seal of the club within the club premises to be used only by the authority of the committee in that behalf and every instrument to which the seal is affixed shall be signed by:

- a. the president, or in his absence the deputy president or in the absence of both such members, a member authorised by the committee to act on the president's behalf; and
- b. one of either the members elected as secretary or treasurer under the provisions of rule 3.5.

5.7 Custody of books

Subject to the Act, the Regulation and these rules, the secretary must ensure the safe custody all records, books and other documents, either hard copy or soft copy, relating to the club.

5.8 Inspection of books

The records, books and other documents of the club are open for inspection at the club's premises in Erindale ACT by members of the club free of charge. Members are to make appropriate arrangements with the secretary for an appropriate time for such inspection.

5.9 Service of notice

For these rules, the club may serve a notice on a member by sending it by post to the member at the member's address shown in the register of members.

5.10 Surplus property

- (1) At the first general meeting of the club following the adoption of the constitution, the club must pass a resolution nominating:
 - a. Another club or association for the Act, section 92 (1) (a); or
 - b. A fund, authority or institution for the act, section 92 (1) (b);In which it is to vest its surplus property in the event of the dissolution or winding up of the club.
- (2) An association nominated under subsection (1) (a) must fulfil the requirements specified in the Act, section 92 (2).

5.11 Affiliation and delegates

- (1) The club is affiliated with the GACT and the Vikings Group of clubs.
- (2) The club will not affiliate with or have any commercial arrangement with any licenced club in the ACT other than the Vikings Group.
- (3) The club shall be represented by delegates to the GACT, the GACT Sports Management Committees, the Vikings Group Sport's Council and other organisations as approved by the committee.
- (4) The delegates shall attend meetings of the respective bodies and report to the committee/management subcommittees at their next meeting following their attendance.

5.12 Dissolution or change of name

- (1) The club shall not be dissolved, nor its name changed, without the consent of at least two thirds of the voting members present, being at least 75% of the financial members of the club, at a general meeting convened for the purpose of considering such dissolution or change of name.
- (2) The club shall not be wound up until the provisions of section 92 of the Act have been complied with.
- (3) The name of the club shall not be changed until approved by the Registrar under the provisions of section 38 of the Act.

5.13 Saving clause

Any act or thing done or suffered, or purporting to have been done or suffered, by the club or the committee or management subcommittees or any person appointed or co-opted to any position or role by the club or the committee will be valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or co-opting of any person who participated in the relevant decision as a voting member of the club or as a member of the committee, as the case may be.

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6 Appendix 1 – form of appointment of proxy

I,

(Member's full name)

of

.....

(Address)

being a member of the Southern Canberra Gymnastics Club Inc. hereby appoint

.....

(Full name of proxy)

of

.....

(Address of proxy)

a member of the Southern Canberra Gymnastics Club Inc as my proxy to vote for me and

on my behalf at the general meeting of the Southern Canberra Gymnastics Club Inc.

(annual general meeting or other general meeting, as the case may be) to be held on

.....(insert date of meeting) and at any adjournment thereof.

.....

(Signature of member appointing proxy)

Date/...../.....

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

.....

(Insert details of the resolution)

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