



# **CONSTITUTION OF THE CANBERRA BILBYS TRIATHLON CLUB INCORPORATED**

**Adopted on 28 October 2018**

# General

## 1. Objects

The objects of the Club are to:

- (a) affiliate as a Club in accordance with the constitutions of Triathlon Australia Limited, Triathlon ACT Inc or their successors or assigns;
- (b) provide training, instructive, competitive and other activities that are aimed at meeting the goals of individual members in relation to triathlon;
- (c) provide opportunities for members to train with others who have similar abilities and goals in the sport of triathlon;
- (d) provide members with relaxed social occasions to complement training sessions;
- (e) promote triathlon as a sport in the Australian Capital Territory and the surrounding district;
- (f) promote multisport training and racing activities amongst members;
- (g) buy, sell and supply goods and services for the purposes of the Club;
- (h) apply the property and capacity of the Club towards the fulfilment and achievement of these Objects;
- (i) comply with the objects of Triathlon Australia and Triathlon ACT in relation to triathlon; and
- (j) do all other lawful things as are incidental or conducive to the attainment of these objects or any of them which may be calculated to advance directly or indirectly the interests of the Club.

## 2. Definitions

- (a) **Association** means the Canberra Bilbys Triathlon Club Incorporated.
- (b) **Club** means the Canberra Bilbys Triathlon Club Incorporated.
- (c) **Committee** means the Committee of the Canberra Bilbys Triathlon Club Incorporated.
- (d) **financial year** means the year ending on 30 June.
- (e) **Individual member** means a registered financial member of the Club.
- (f) **Life Member** means an Individual Member upon whom life membership of the Club has been conferred in accordance with this Constitution.
- (g) **member** means a member, however described, of the Association.
- (h) **ordinary Committee member** means a member of the Committee who is not an executive office-bearer of the Association.
- (i) **policy** means any policy made by the Committee under subsection 13(3).
- (j) **president** means the president for the time being of the Club.
- (k) **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.
- (l) **Special Resolution** means a resolution passed:

- a. by a General Meeting of the Club of which twenty one (21) days' notice of intention to move the motion has been given in accordance with this Constitution;
  - b. by at least 75% of the persons present and voting at that meeting.
- (m) **the Act** means the *Associations Incorporation Act 1991* (ACT) as amended from time to time.
- (n) **the Regulation** means the *Associations Incorporation Regulation 1991* (ACT) as amended from time to time.
- (o) **Triathlon ACT** means Triathlon ACT Inc or its successors or assigns being the governing body for triathlon in the ACT.

## Members

### 3. Membership qualifications

A person is qualified to be a member if the person has not previously been expelled as a member pursuant to this Constitution.

### 4. Nomination for membership

- (1) A nomination of a person for membership of the Association—
  - (a) must be made annually in the electronic form or method approved by the Committee from time to time; or
  - (b) in writing annually with a form approved by the Committee from time to time and lodged with the secretary of the Association.
- (2) The application for membership must be accompanied by the appropriate membership fee.
- (3) The secretary must cause the nominee's name to be entered in the register of members and, on the name being so entered, the nominee becomes a member of the Association.
- (4) When making an application for membership, the members agree:
  - (a) that they are bound by this Constitution and that this Constitution operates to create uniformity in the way in which the Objects and the sport of triathlon is to be conducted, encouraged, promoted and administered in the Club;
  - (b) comply with the policies of Triathlon Australia and any other associations the Bilbys choose to affiliate with;
  - (c) to act in good faith to each other to ensure the maintenance and enhancement of triathlon, its standards, quality and reputation for the collective and mutual benefit of the members;
  - (d) to make full and proper disclosure to each other of all matters of importance to the Club;
  - (e) to ensure that no member acquires a material or financial advantage at the expense of the Club; and
  - (f) to operate with mutual trust and confidence in pursuit of the Objects.
- (5) Membership of the Club is renewable annually.
- (6) The Committee may reject an application within thirty (30) days of becoming aware that a person has submitted an application for membership and may provide a reason for such rejection.
- (7) Where the Committee rejects an application, the Club shall refund any fees minus any processing fee, forwarded with the application and the application shall be deemed rejected by the Club.

### 5. Life Members

- (1) The Club may, from among persons who have provided long and meritorious service with the Club, appoint Life Members in

- recognition of their efforts in furthering the interests of the Club.
- (2) A Life Member may only be elected by Special Resolution at an Annual General Meeting.
  - (3) A nomination for Life Member may only be made by the Committee or an Individual Member.
  - (4) Nominations for life membership must be received by the Secretary thirty (30) days prior to the relevant Annual General Meeting.
  - (5) Nominations for Life Membership shall be examined by the Committee.
  - (6) After reviewing the nomination and completing any relevant enquires, the Committee shall make a recommendation to the Annual General Meeting in relation to the nomination.
  - (7) Upon life membership being conferred, the person's details shall be entered upon the register.
  - (8) A person shall become a Life Member from the time their life membership is formally announced.

## **6. Membership entitlements not transferable**

A right, privilege or obligation that a person has because of being a member of the Association—

- (1) cannot be transferred or transmitted to another person; and
- (2) terminates on cessation of the person's membership.

## **7. Cessation of membership**

A person ceases to be a member of the Association if the person—

- (1) dies;
- (2) resigns from membership of the Association; or
- (3) is expelled from the Association; or
- (4) fails to renew membership of the Association unless they are nominated as a Life Member.

## **8. Resignation of membership**

- (1) A member may resign from membership of the Association at any time by giving written notice to the secretary of the member's intention to resign stating the reason for resigning and the date the resignation takes effect.
- (2) At the end of the period of notice, the member ceases to be a member.
- (3) If a person ceases to be a member, the secretary must cause an appropriate entry to be made in the register of members recording the date the member ceased to be a member.

## **9. Fee, subscriptions etc**

- (1) The annual membership fee of the Association will be determined annually by the Committee no later than the end of May and notified

to members through the public website or the newsletter and any other way deemed appropriate. The annual membership fee is payable—

- (a) except as provided by paragraph (b)—on 1 July in each calendar year; or
- (b) if a person becomes a member after 1 July in any calendar year—the date on which the person wishes to become a member.

#### **10. Members' liabilities**

The liability of a member to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount (if any) unpaid by the member in relation to membership of the Association as required by clause 9.

# Discipline

## 11. Disciplining of members

- (1) If the Committee is of the opinion that a member—
  - (a) has persistently refused or neglected to comply with a provision of this Constitution;
  - (b) has persistently and willfully acted in a manner prejudicial to the Objects or the interests of the Association;
  - (c) has persistently refused or neglected to comply with any policy of the Association;
  - (d) has brought the Club or triathlon into disrepute;
  - (e) has refused or neglected to comply with a provision of the Triathlon Australia Member Protection Policy as amended from time to time;

the Committee may, by resolution—

- (f) request a member undertake a reasonable action for amends, for example, making a formal apology;
  - (g) expel the member from the association;
  - (h) suspend the member from the rights and privileges of membership of the Association that the Committee may decide for a specified period or until certain conditions are met; or
  - (i) raise a complaint in accordance with the Triathlon Australia Member Protection Policy.
- (2) A resolution of the Committee under subsection (1)(g) or (h) is of no effect unless the Committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subsection (3), confirms the resolution in accordance with this section.
- (3) If the Committee passes a resolution under subsection (1)(g) or (h), the secretary must, as soon as practicable, serve a written notice on the member—
  - (a) setting out the resolution of the Committee and the grounds on which it is based; and
  - (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
  - (c) stating the date, place and time of that meeting; and
  - (d) informing the member that the member may do either or both of the following:
    - (i) attend and speak at that meeting;
    - (ii) submit to the Committee at or before the date of that meeting written representations relating to the resolution.

- (4) Subject to the Act, section 50, at a meeting of the Committee mentioned in subsection (2), the Committee must—
  - (a) give to the member mentioned in subsection (1) an opportunity to make oral representations; and
  - (b) give due consideration to any written representations submitted to the Committee by that member at or before the meeting; and
  - (c) by resolution decide whether to confirm or to revoke the resolution of the Committee made under subsection (1).
- (5) If the Committee confirms a resolution under subsection (4), the secretary must, within 7 days after that confirmation, by written notice inform the member of that confirmation and of the member's right of appeal under section 12.
- (6) A resolution confirmed by the Committee under subsection (4) does not take effect—
  - (a) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
  - (b) if within that period the member exercises the right of appeal—unless and until the Association confirms the resolution in accordance with section 12(4).
- (7) A resolution may contain multiple actions under subsections (1)(f) to (i), and multiple resolutions may be made on an issue.

## **12. Right of appeal of disciplined member**

- (1) The committee may agree to mediation or an appeal process, such as one undertaken through a process or policy under Triathlon ACT or Triathlon Australia.
- (2) A member may appeal to the Association in general meeting against a resolution of the Committee that is confirmed under section 9(4), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (3) On receipt of a notice under subsection (2), the secretary must notify the Committee which must call a general meeting of the Association to be held within 21 days after the date when the secretary received the notice or as soon as possible after that date.
- (4) Subject to the Act, section 50, at a general meeting of the Association called under subsection (3)—
  - (a) no business other than the question of the appeal may be transacted; and
  - (b) the Committee and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
  - (c) the members present must vote by secret ballot on the question of whether the resolution made under section 11(4) should be confirmed or revoked.



- (5) If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 11(4), that resolution is confirmed.
- (6) Membership which has been withdrawn or terminated under this Constitution may be reinstated on application and an approved resolution to the Committee.

## The Committee

### 13. Powers of Committee

The Committee, subject to the Act, the regulation, these rules, and to any resolution passed by the Association in general meeting—

- (1) controls and manages the affairs of the Association;
- (2) may exercise all functions that may be exercised by the Association other than those functions that are required by these rules to be exercised by the Association in general meeting;
- (3) 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 affairs of the association;
- (4) pass policies from time to time regarding the Association, coaching, membership of the association, social media and member behaviour.

### 14. Constitution and membership

- (1) The Committee consists of—
  - (a) the office-bearers of the Association;
  - (b) at least four (4) ordinary Committee members; and
  - (c) at least one (1) novice representatives if the club is operating a novice program (subsection 16).

each of whom must be elected under section 15 or appointed in accordance with subsection (5).

- (2) The office-bearers of the Association are—
  - (a) the president;
  - (b) vice-president;
  - (c) the treasurer; and
  - (d) the secretary.
- (3) Where a member of the Committee holds office, they will 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 Association 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.
- (5) The roles of the representatives are set out in Appendix 1.
- (6) Additional roles or numbers of representatives may be determined by policy.

### 15. Election of Committee members

- (1) Nominations of candidates for election as office-bearers of the

Association or as ordinary Committee members—

- (a) may be made in writing accompanied by the written consent of the candidate given to the secretary of the Association not less than 1 day before the date fixed for the annual general meeting at which the election is to take place; or
  - (b) may be made orally at the annual general meeting.
- (2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated are taken to be elected and further nominations may be received at the annual general meeting.
  - (3) If insufficient further nominations are received, any vacant positions remaining on the Committee are taken to be vacancies.
  - (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 annual general meeting in the way the Committee may direct.
  - (7) A person is not eligible to simultaneously hold more than 1 position on the Committee.

## **16. Election of novice representatives**

So long as the Club continues to operate a novice program, the Committee will also include up to two Novice Representatives who will be appointed to the Committee by the novice program coordinator following the conclusion of the novice program each year.

## **17. Secretary**

- (1) The secretary of the Association must advise members of changes to policies by means of notices approved by the Committee.
- (2) The secretary must keep minutes of—
  - (a) all elections and appointments of office-bearers and ordinary Committee members; and
  - (b) the names of members of the Committee present at a Committee meeting or a general meeting; and
  - (c) all proceedings at Committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

## **18. Treasurer**

- (1) The treasurer of the Association must—

- (a) collect and receive all amounts owing to the Association and make all payments authorised by the association; and
- (b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the association.

## **19. Vacancies**

For these rules, a vacancy in the office of a member of the Committee happens if the member—

- (1) dies; or
- (2) ceases to be a member of the association; or
- (3) resigns the office; or
- (4) is removed from office under section 20 (Removal of Committee members); or
- (5) suffers from mental or physical incapacity; or
- (6) is disqualified from office under the Act, section 63 or section 63B; or
- (7) is subject to a disqualification order under the Act, section 63A; or
- (8) is absent without the consent of the Committee from all meetings of the Committee held during a period of 6 months.

## **20. Removal of Committee members**

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

## **21. Committee meetings and quorum**

- (1) The Committee must meet at least 6 times in each calendar year at the place and time that the Committee may decide.
- (2) Additional meetings of the Committee may be called by any member of the Committee.
- (3) Oral or written notice of a meeting of the Committee must be given by the secretary to each member of the Committee at least 48 hours (or any other period that 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 subsection (3) must specify the general nature of 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.

- (5) Any five (5) of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- (6) Committee members may attend at meetings via phone or other technological means such as Skype.
- (7) No business may be transacted by the Committee unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (8) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.
- (9) At meetings of the Committee—
  - (a) a member of the Committee voted by the Committee presides; or
  - (b) the president or, in the absence of the president, the vice-president presides; or
  - (b) if the president and the vice-president are absent—1 of the remaining members of the Committee may be chosen by the members present to preside.

## **22. Delegation by Committee to subcommittee**

- (1) The Committee may, in writing, delegate to 1 or more subcommittees (consisting of the member or members of the Association 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 Association 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) 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, that may be specified in the instrument of delegation.
- (4) Despite any delegation under this section, the Committee may

- continue to exercise any function delegated.
- (5) 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.
  - (6) The Committee may, in writing, revoke wholly or in part any delegation under this section.
  - (7) A subcommittee may meet and adjourn as it considers appropriate.

### **23. Voting and decisions**

- (1) Questions arising at a meeting of the Committee or of any subcommittee appointed by the Committee are decided by a majority of the votes of members of the Committee 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) A procedural defect in decisions taken by the Committee shall not result in such decision being invalidated.

### **24. Public Officer**

- (1) The Committee shall ensure that a person is appointed as public officer in accordance with the Act.
- (2) The public officer will be familiar with the provisions of the Act and will use their best endeavours to ensure all documents, financial statements, reports and statutory declarations are lodged by the prescribed date and advise the President if any item to be lodged is not available.
- (3) The Committee may at any time remove the Public Officer and appoint a new Public Officer provided the person appointed is eighteen (18) years of age or older and a resident of the geographical boundaries as required by the Act.
- (4) The Public officer shall be deemed to have vacated his position in the following circumstances;
  - (a) death;
  - (b) resignation;
  - (c) removal by the Committee or at a General Meeting;
  - (d) bankruptcy or financial insolvency;
  - (e) mental illness; or
  - (f) residency outside the geographical boundaries as required by the Act.

## **25. Conflicts**

A Committee member shall declare to the Committee his interest in any:

- (1) contractual matter;
- (2) disciplinary matter;
- (3) financial matter; or
- (4) other matter;

in which a conflict of interest arises or may arise and shall, unless otherwise determined by the Committee, absent himself from discussion of such matter and shall not be entitled to vote in respect of such matter. In the event of any uncertainty as to whether it is necessary for a Committee member to absent himself from discussions and refrain from voting, the issue should be immediately determined by vote of the Committee, or if this is not possible, the matter shall be adjourned or deferred. The Secretary shall maintain a register of declared interests.

## **26. Committee Members to be Indemnified**

Every Committee member, auditor, employee or agent of the Club shall be indemnified out of the property, insurance policies or assets of the Club against any liability incurred by him in his capacity as a Committee member, auditor, employee or agent in defending any proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted or in connection with any application in relation to any such proceedings in which relief is, under the Act, granted to him by the Court.

## **General meetings**

### **27. Annual general meetings—holding of**

The Association must, at least once in each calendar year and within 5 months after the end of each financial year of the association, call an annual general meeting of its members.

### **28. Annual general meetings—calling of and business at**

- (1) The annual general meeting of the Association must, subject to the Act, be called on the date and at the place and time that the Committee considers appropriate.
- (2) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is—
  - (a) to confirm the minutes of the last annual general meeting and of any general meeting held since that meeting; and
  - (b) to receive from the Committee reports on the activities of the Association during the last financial year;
  - (c) to receive from the Committee reports on the activities of the Committee, including number of meetings and number of Committee members in attendance;
  - (d) to elect members of the Committee, including office-bearers; and
  - (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).
- (3) An annual general meeting must be specified as such in the notice calling it in accordance with section 30 (Notice).
- (4) An annual general meeting must be conducted in accordance with the provisions of this part.

### **29. General meetings—calling of**

- (1) The Committee may, whenever it considers appropriate, call a general meeting of the association.
- (2) The Committee must, on the requisition in writing of not less than 5% of the total number of members, call a general meeting of the association.
- (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 of the 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.
- (5) A general meeting called by a member or members mentioned in subsection (4) must be called as nearly as is practicable in the same way as general meetings are called by the Committee and any member who thereby incurs expense is entitled to be reimbursed by the Association for any reasonable expense so incurred.

### **30. Notice**

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, a member of the Committee must, at least 14 days before the date fixed for the holding of the general meeting, cause a notice to be published on the Club's website and/or Facebook page and/or cause a notice to be emailed to the members who receive the Club's newsletter and/or or email every member of the Club a notice 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 association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, send notice in the way provided in subsection (1) specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a special resolution.
- (3) 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 that may be transacted under section 22 (2).
- (4) A member desiring to bring any business before a general

meeting may give written notice 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.

### **31. General meetings—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 present in person (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 (unless another place is specified at the time of 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 30 minutes after the time appointed for the start of the meeting, the members present (being not less than 3) constitute a quorum.

### **32. Presiding member**

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

### **33. Adjournment**

- (1) The person presiding at 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 may 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 Association 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 subsections (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.

#### **34. Making of decisions**

- (1) A question arising at a general meeting of the Association is to be decided on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the association, a poll may be demanded by the person presiding or by not less than 3 members present in person or by proxy at the meeting.
- (3) If the poll is demanded at a general meeting, the poll must be taken—
  - (a) immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
  - (b) in any other case—in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

#### **35. Voting**

- (1) Subject to subsection (3), on any question arising at a general meeting of the Association a member has 1 vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than 5 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 or proxy is not entitled to vote at any general

meeting of the Association unless all money due and payable by the member or proxy to the Association has been paid, other than the amount of the annual subscription payable for the then current year.

**36. 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 2.

## Miscellaneous

### 37. Source of funds

- (1) The funds of the Association must be derived from annual subscriptions of members, merchandise, donations, fees for services provided by the association, coaching and program fees and, subject to any resolution passed by the Association in general meeting and subject to the Act, section 114, any other sources that the Committee decides.
- (2) All money received by the Association must be deposited as soon as practicable to the credit of the association's bank account.
- (3) The Association may, as soon as practicable after receiving any money, issue an appropriate receipt.

### 38. Management of funds

- (1) Subject to any resolution passed by the Association in general meeting, the funds of the Association must be used for the objects of the Association in the way that the Committee decides.
- (2) All electronic funds transfers, cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the Committee authorised to do so by the Committee.

### 39. Custody of books

Subject to the Act, the regulation and these rules, the secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the Association.

### 40. Inspection of books

The records, books and other documents of the Association may be provided on request, free of charge, by a member of the Association.

### 41. Service of notice

For these rules, the Association 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 or sending it by email to the member's email address shown in the register of members.

**42. Addition Alteration or Amendment**

- (1) Subject to the Act, this Constitution may be amended, repealed or added to by a special resolution carried at a General Meeting.
- (2) An amendment, repeal or addition is valid only if it is registered as required by the Act.

**43. Distributions of Property on Winding Up**

- (1) If upon winding up or dissolution of the Club there remains after satisfaction of all its debts and liabilities any assets or property, the same shall not be paid to or distributed amongst the Members but shall be paid to or distributed to an organisation or organisations having objects similar to the Objects and which prohibits the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Club by rule 28. Such organisation to be determined by the Members at or before the time of dissolution, and in default thereof by such judge of the Supreme Court of the Australian Capital Territory as may have or acquire jurisdiction in the matter.

## **Appendix 1: Committee Roles**

### **EXECUTIVE OFFICE BEARERS**

**(a) the president**

- i. lead annual planning
- ii. oversee operation of the Club, in accordance with the Constitution
- iii. represent the club at local and state level
- iv. liaison with TACT and other Clubs

**(b) the vice-president**

- i. assist the President in their duties.
- ii. substitute for the President if they are absent incapacitated.

**(c) the treasurer**

- i. oversee the association's financial affairs in accordance with the Constitution

**(d) the secretary**

- i. oversee the association's affairs in accordance with the Constitution, including organising meetings, dealing with documents and maintaining records of the association.

### **THE GENERAL REPRESENTATIVES SHALL SHARE THE FOLLOWING ROLES:**

**(e) social**

- i. organise social events such as:
  1. end of season party
  2. after running dinners
  3. Christmas party
  4. post race events

**(f) events and races**

- i. organise club races and events such as:
  1. training camps
  2. club races
- ii. make arrangements for:
  1. getting equipment to events
  2. compiling event results
  3. making Facebook groups for races
  4. having volunteers for races

**(g) coaching**

- i. make arrangements for weekly coached sessions
- ii. ensure coach development
- iii. appoint novice program coordinator
- iv. assist with coached training camps

**(h) novice representatives**

- i. assist portfolio representatives
- ii. represent the views of the Novice cohort on the Committee

**(i) clothing**

- i. ordering and distributing club kit
- (j) media**
  - i. publishing newsletter
  - ii. publishing website content
  - iii. publishing social media content
  - iv. liaising with sponsors



## Appendix 2

### Form of appointment of proxy

I, .....

(full name)

of .....

(address)

a member of .....

(name of incorporated association)

appoint .....

(full name of proxy)

of .....

(address)

a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the Association (annual general meeting or other general meeting, as the case may be) to be held on .....  
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 association.