

# RULES OF THE HASTINGS CRICKET & FOOTBALL SOCIAL CLUB INCORPORATED

## TABLE OF RULES

<i>Rule</i>	<i>Page</i>
<b>PART 1—PRELIMINARY</b>	<b>3</b>
1 Name	3
2 Purposes	3
3 Financial year	3
4 Definitions	3
<b>PART 2—POWERS OF ASSOCIATION</b>	<b>4</b>
5 Powers of Association	4
6 Not for profit organisation	4
<b>PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES</b>	<b>5</b>
<b>Division 1—Membership</b>	<b>5</b>
7 Minimum number of members	5
8 Who is eligible to be a member	5
9 Application for membership	5
10 Consideration of application	5
11 New membership	5
12 Annual Subscription and Fees	5
14 Classes of members	7
15 Rights not transferable	8
16 Ceasing membership	8
17 Resigning as a member	8
18 Register of members	9
<b>Division 2—Disciplinary action</b>	<b>9</b>
19 Grounds for taking disciplinary action	9
20 Disciplinary subcommittee	9
21 Notice to member	10
22 Decision of subcommittee	10
23 Appeal rights	10
24 Conduct of disciplinary appeal meeting	11
<b>Division 3—Grievance procedure</b>	<b>11</b>
25 Application	11
26 Parties must attempt to resolve the dispute	12
27 Appointment of mediator	12
28 Mediation process	12
29 Failure to resolve dispute by mediation	12
<b>PART 4—GENERAL MEETINGS OF THE CLUB</b>	<b>12</b>
30 Annual general meetings	12
31 Special general meetings	13
32 Special general meeting held at request of members	13
33 Notice of general meetings	14
34 Proxies	14
35 Use of technology	15
36 Quorum at general meetings	15
37 Adjournment of general meeting	15
38 Voting at general meeting	16
39 Special resolutions	16
40 Determining whether resolution carried	16
41 Minutes of general meeting	17

<b>PART 5—COMMITTEE</b>	<b>17</b>
<b>Division 1—Powers of Committee</b>	<b>17</b>
42 Role and powers	17
43 Delegation	17
<b>Division 2—Composition of Committee and duties of members</b>	<b>18</b>
44 Composition of Committee	18
45 General Duties	18
46 President and Vice-President	18
47 Secretary	19
48 Treasurer	19
<b>Division 3—Election of Committee members and tenure of office</b>	<b>19</b>
49 Who is eligible to be a Committee member	19
50 Positions to be declared vacant	20
51 Nominations	20
52 Election of Office Bearers	20
53 Election Process	20
54 Not Used	21
55 Term of office	21
56 Vacation of office	21
57 Filling casual vacancies	21
<b>Division 4—Meetings of Committee</b>	<b>22</b>
58 Meetings of Committee	22
59 Notice of meetings	22
60 Urgent meetings	22
61 Procedure and order of business	22
62 Use of technology	22
63 Quorum	23
64 Voting	23
65 Conflict of interest	23
66 Minutes of meeting	24
67 Leave of absence	24
<b>PART 6—FINANCIAL MATTERS</b>	<b>24</b>
68 Source of funds	24
69 Management of funds	24
70 Financial records	24
71 Financial statements	25
<b>PART 7—GENERAL MATTERS</b>	<b>25</b>
72 Common seal	25
73 Registered address	25
74 Notice requirements	25
75 Custody and inspection of books and records	26
76 Winding up and cancellation	26
77 Alteration of Rules	26
An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Club is taken to have adopted its own rules, not the model rules. <sup>27</sup>	
78 Liquor Control Reform Act	27
79 Gambling Regulation Act	28
81 Visitors	28
82 Authorised Gaming Visitors	28
83 Interpretation	29

## Note

The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its members.

## PART 1—PRELIMINARY

### 1 Name

The name of the incorporated association is "The Hastings Cricket & Football Social Club Incorporated".

#### Note

Under section 23 of the Act, the name of the Club and its registration number must appear on all its business documents.

### 2 Purposes

The purposes of the Club are—

- a) to promote and conduct sporting activities;
- b) to provide amenities, refreshments and financial support as are customarily provided by Community Sports Clubs; and
- c) to obtain and renew such Licenses as are required by the *Liquor Control Reform Act (1998)* (Vic) and the *Gambling Regulation Act 2003* (Vic).

### 3 Financial year

The financial year of the Club is each period of 12 months ending on 30 September.

### 4 Definitions

In these Rules—

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

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

***Club*** means the Hastings Cricket and Football Social Club Incorporated.

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

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

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

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

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

***disciplinary subcommittee*** means the subcommittee appointed under rule 20;

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

**general meeting** means a general meeting of the members of the Club convened in accordance with Part 4 and includes an Annual General Meeting, a special general meeting and a disciplinary appeal meeting;

**member** means a member of the Club;

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

**ordinary member** means a member who is entitled to vote apart from a life member

**secretary** means the person appointed to this position by the Committee

**special resolution** means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

**Sporting Club Sub-Committee** means a sub-committee established by the Committee to be responsible for the day to day activities of a Sporting Club or Sporting section of the Club;

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

**the Registrar** means the Registrar of Incorporated Associations.

## **PART 2—POWERS OF ASSOCIATION**

### **5 Powers of Association**

- (1) Subject to the Act, the Club has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting subrule (1), the Club may—
  - (a) acquire, hold and dispose of real or personal property;
  - (b) open and operate accounts with financial institutions;
  - (c) invest its money in any security in which trust monies may lawfully be invested;
  - (d) raise and borrow money on any terms and in any manner as it thinks fit;
  - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
  - (f) appoint agents to transact business on its behalf;
  - (g) enter into any other contract, agreement or lease it considers necessary or desirable.
- (3) The Club may only exercise its powers and use its income and assets (including any surplus) for its purposes.

### **6 Not for profit organisation**

- (1) The Club must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Subrule (1) does not prevent the Club from paying a member—
  - (a) reimbursement for expenses properly incurred by the member; or
  - (b) for goods or services provided by the member; or
  - (c) interest in respect of money advanced by the member to the Club or otherwise owing to the member; or

- (d) remuneration to any Officer or employee of the Club; or
- if this is done in good faith on terms no more favourable than if the member was not a member.

## **PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES**

### **Division 1—Membership**

#### **7 Minimum number of members**

The Club must have at least 5 voting members.

#### **8 Who is eligible to be a member**

Any person who supports the purposes of the Club and is over 18 years of age is eligible for membership.

#### **9 Application for membership**

- (1) Every candidate for membership of the Club, except for Honorary Life Members, shall be proposed by one Member and seconded by another Member of the Club.
- (2) Every nomination for membership of the Club must be submitted in writing in the form approved by the Committee from time to time, with all details completed, signed by the candidate, proposer and seconder.

#### **10 Consideration of application**

- (1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
- (2) In deciding whether to accept or reject the application, every person nominated for membership must be interviewed by the Committee of the Club or a nominated member of the Committee, if requested by the Secretary, in order to determine suitability for membership.
- (3) The Committee is not bound to accept the application for membership of any person.
- (4) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
- (5) No reason need be given for the rejection of an application.

#### **11 New membership**

- (1) If an application for membership is approved by the Committee—
  - (a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and
  - (b) the Secretary must, as soon as practicable, cause to be entered the name, address, membership category and contact details of the new member, and the date of becoming a member, in the register of members.
- (2) A person becomes a member of the Club and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—
  - (a) the Committee approves the person's membership; or
  - (b) the person pays the joining fee.

#### **12 Annual Subscription and Fees**

- (1) The Committee must determine:
-

- (a) the amount of the annual subscription for the following financial year for each category of membership;
  - (b) the amount of the joining fee for each category of membership for the following financial year.
- (2) The annual subscription must not be less than \$10.00 except as approved by the *Liquor Control Reform Act (1998)* (Vic).
- (3) All annual subscriptions shall become due and payable in advance on the first day of July each year.
- (4) A person who has previously resigned as a member and again becomes a member of the Club shall not be required to pay the joining fee unless in the meantime such fee has been increased, in which case the person shall pay the difference only.
- (5) If a person becomes a member on or after the first day of January in any year they shall pay only half the annual subscription for that year and if a person becomes a member on or after the first day of March in any year they shall pay only one quarter of the annual subscription for that year.
- (6) The Committee may consider applications for payment of instalments of annual subscriptions on the grounds of proven hardship for any member.
- (7) A member must pay his or her annual subscription and/or joining fee within one month after it is due unless agreed otherwise by the Committee.
- (8) The procedure for addressing non-payment of the annual subscription and/or joining fee is as follows:
  - (a) should the subscription and/or joining fee remain unpaid for a further period of one month from when it fell due to be paid, a Notice of Default may be sent to the member.
  - (b) should the subscription and/or joining fee remain unpaid for a further period of two weeks from the date of sending a Notice of Default, the rights of that member (including the right to vote) are suspended until payment of all arrears is made, at which point the Committee may re-instate the person as a member.
  - (c) should the subscription and/or any joining fee remain unpaid for a period of two (2) months from the date of sending a Notice of Default, that person's membership is terminated and he or she will have their name removed from the Register of Members.
- (9) Any member who is elected to another category of membership for which a greater joining fee is applicable must pay the difference between the joining fee paid and that prescribed for the other category at the time of election to such other category.
- (10) Any member who intends to reside at any place or places outside the State of Victoria for a period of at least 6 months and who notifies the Secretary in writing may be classed as an Absent Member and shall be liable for only that portion of the annual subscription as the Committee determines.

### **13. General rights of members**

- (1) A member of the Club who is entitled to vote has the right—
  - (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
  - (b) to submit items of business for consideration at a general meeting; and

- (c) to attend and be heard at general meetings; and
  - (d) to vote at a general meeting; and
  - (e) to have access to the minutes of general meetings and other documents of the Club as provided under rule 75; and
  - (f) to inspect the register of members.
- (2) A member is entitled to vote if—
- (a) the member is a member other than a Community Member, Temporary Member, Absent Member or Honorary Member; and
  - (b) more than 10 business days have passed since he or she became a member of the Club; and
  - (c) the member's membership rights are not suspended for any reason.
- (3) A member is entitled to consume or partake in meals, refreshments and services, at his or her own cost, as are provided by the Club for the use, consumption and benefit of its members and other persons.

#### **14 Classes of members**

- (1) The classes of membership are—
- (a) Ordinary Members;
    - (i) Members are persons accepted by the Committee as Ordinary Members and must comprise at least sixty per centum (60%) of the total membership of the Club.
    - (ii) Include members of the Hastings Football Netball Club, Hastings Football Netball Club Seniors and Social Members and Senior Members.
  - (b) Community Members;
    - (i) Community Members are persons who are over the age of 18 years who have access only to those services or facilities that are determined by the Committee as available to Community Members.
    - (ii) The annual subscription for a Community Member must be less than the annual subscription for an Ordinary Member.
  - (c) Honorary Members:-
    - (i) Persons who have rendered distinguished service to the community or special services to the Club may approved by the Committee as an Honorary Member of the Club for a period not exceeding 12 months.
    - (ii) Persons who compete in any competition or sporting event at Hastings Park, family and friends that are accompanying competing members, persons officiating or assisting at any competition or sporting event at Hastings Park are deemed to be an Honorary Member of the Club for the time they are in attendance at Hastings Park.
    - (iii) Persons who are attending a function, event or meeting at the Club premises
    - (iv) The Committee has the power to cancel the honorary membership of an Honorary Member without notice and without assigning any reason thereto.
  - (d) Life Members;

- (i) Persons elected by the members of the Club in recognition of outstanding service to the Club.
  - (ii) Any member may nominate any Member for Life Membership to the Life Members Sub-Committee. The Sub-Committee shall consist of three current Life Members appointed at an Annual General Meeting. The Sub-Committee evaluates the nomination and, after deliberation, may put forward the name of the nominee for election at the next Annual General Meeting.
  - (iii) Any member who is elected to the status of Life Membership of any Sporting Club Sub-Committee of the Club shall enjoy the same rights and privileges as Life Members, and are not subject to the requirements in rule (14)(1)(d)(ii).
  - (iv) By virtue of their status, the Club confers the same rights and privileges on the spouse/partner of a deceased Life Member as that enjoyed while their spouse/partner lived.
- (e) Senior Members
- (i) A Senior Member is an Ordinary Member who holds and provides to the Secretary a copy of his or her Seniors Card.
- (f) Social Member
- (i) A member of any Sporting Club that is part of the Hastings Cricket and Football Social Club Incorporated.
- (g) Temporary Members;
- (i) Persons who ordinarily reside outside a 50km radius of the Club's premises may be approved by the Secretary as Temporary Members of the Club for a period not exceeding three months.
  - (ii) Temporary Members are entitled to the rights and privileges of membership, excluding the right to vote.
  - (iii) At the expiration of any period of temporary membership, a temporary member, on application, and at the discretion of the Committee, may be approved as a Temporary Member for a further period not exceeding three months at any one time.
  - (iv) A Temporary Member will not pay a joining fee but must pay a temporary membership fee as set by the Club at its Annual General Meeting.

## **15 Rights not transferable**

The rights of a member are not transferable and end when membership ceases, except as set out in these Rules.

## **16 Ceasing membership**

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Club, the Secretary must, as soon as practicable, enter or cause to be entered the date the person ceased to be a member in the register of members.

## **17 Resigning as a member**

- (1) A member may resign by providing notice in writing to the Secretary and upon giving of that notice ceases to be a member.



**Note**

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

- (2) A member, who does not pay an annual subscription, is taken to have resigned if—
- (i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
  - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

**18 Register of members**

- (1) The Secretary must keep and maintain a register of members that includes—
- (a) for each current member—
    - (i) the member's name;
    - (ii) the residential address last given by the member;
    - (iii) the email address of the member;
    - (iv) the date of becoming a member;
    - (v) the class of membership of the member.
    - (vi) any other information determined by the Committee
  - (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

**Note**

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

**Division 2—Disciplinary action****19 Grounds for taking disciplinary action**

- (1) The Club may take disciplinary action against a member in accordance with this Division if it is determined that the member—
- (a) has failed to comply with these Rules; or
  - (b) refuses to support the purposes of the Club; or
  - (c) has engaged in conduct prejudicial to the Club.
- (2) For the purposes of sub-rule (1), behaviour by a member that falls within 19(1)(a), (b), or (c) may include, but is not limited to, circumstances where a member appears adversely affected by alcohol or other substances, is violent or aggressive or quarrelsome, and refuses or fails to leave the Club premises when requested to do so.

**20 Disciplinary subcommittee**

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
  - (a) may be Committee members, members of the Club or anyone else; but
  - (b) must not be biased against, or in favour of, the member concerned.

## 21 Notice to member

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
  - (a) stating that the Club proposes to take disciplinary action against the member; and
  - (b) stating the grounds for the proposed disciplinary action; and
  - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
  - (d) advising the member that he or she may do one or both of the following—
    - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
    - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting;
  - (e) advising the member, if the secretary considers it appropriate in the circumstances, that the member's membership is suspended until the disciplinary action process, including any appeal, has been completed; and
  - (f) setting out the member's appeal rights under rule 23.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

Inserted 28/2/2021

## 22 Decision of subcommittee

- (1) At the disciplinary meeting, the disciplinary subcommittee must—
  - (a) give the member an opportunity to be heard; and
  - (b) consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary subcommittee may—
  - (a) take no further action against the member; or
  - (b) subject to subrule (3)—
    - (i) reprimand the member; or
    - (ii) suspend the membership rights of the member for a specified period; or
    - (iii) expel the member from the Club.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

## 23 Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Club under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given—
  - (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
  - (b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each member of the Club who is entitled to vote as soon as practicable and must—
  - (a) specify the date, time and place of the meeting; and
  - (b) state—
    - (i) the name of the person against whom the disciplinary action has been taken; and
    - (ii) the grounds for taking that action; and
    - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

## **24 Conduct of disciplinary appeal meeting**

- (1) At a disciplinary appeal meeting—
  - (a) no business other than the question of the appeal may be conducted; and
  - (b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
  - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

## **Division 3—Grievance procedure**

### **25 Application**

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
  - (a) a member and another member;
  - (b) a member and the Committee;
  - (c) a member and the Club.

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

## **26 Parties must attempt to resolve the dispute**

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

## **27 Appointment of mediator**

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—
  - (a) notify the Committee of the dispute; and
  - (b) agree to or request the appointment of a mediator; and
  - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement—
    - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
    - (ii) if the dispute is between a member and the Committee or the Club—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Club but in any case must not be a person who—
  - (a) has a personal interest in the dispute; or
  - (b) is biased in favour of or against any party.

## **28 Mediation process**

- (1) The mediator to the dispute, in conducting the mediation, must—
  - (a) give each party every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

## **29 Failure to resolve dispute by mediation**

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

## **PART 4—GENERAL MEETINGS OF THE CLUB**

### **30 Annual general meetings**

- (1) The Committee must convene an Annual General Meeting of the Club to be held within 5 months following the end of each financial year.

- (2) The Committee must determine the date, time and place of the Annual General Meeting.
- (3) The ordinary business of the Annual General Meeting is as follows—
  - (a) to confirm the minutes of the previous Annual General Meeting and of any special general meeting held since then;
  - (b) to receive and consider—
    - (i) the annual report of the Committee on the activities of the Club during the preceding financial year; and
    - (ii) the financial statements of the Club for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
  - (c) to elect Officers of the Club;
  - (d) to consider any nomination for election of a member as a Life Member of the Club.
- (4) The Annual General Meeting may also conduct any other business of which notice has been given in accordance with these Rules.
- (5) A Member desiring to bring any business before the Annual General Meeting may give notice of the business in writing to the Secretary for inclusion in the Notice of Meeting.

### **31 Special general meetings**

- (1) Any general meeting of the Club, other than an Annual General Meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.

#### **Note**

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 33 and the majority of members at the meeting agree.

### **32 Special general meeting held at request of members**

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with sub-rule (2) by at least 30 ordinary members.
- (2) A request for a special general meeting must—
  - (a) be in writing; and
  - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
  - (c) include the names and signatures of the members requesting the meeting; and
  - (d) be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within 1 month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under subrule (3)—
  - (a) must be held within 3 months after the date on which the original request was made; and
  - (b) may only consider the business stated in that request.

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

### **33 Notice of general meetings**

- (1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the must give to each member of the Club—
  - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
  - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice must—
  - (a) specify the date, time and place of the meeting; and
  - (b) indicate the general nature of each item of business to be considered at the meeting; and
  - (c) if a special resolution is to be proposed—
    - (i) state in full the proposed resolution; and
    - (ii) state the intention to propose the resolution as a special resolution; and
  - (d) comply with rule 34(5).
- (3) This rule does not apply to a disciplinary appeal meeting.

#### **Note**

Rule 23(4) sets out the requirements for notice of a disciplinary appeal meeting.

### **34 Proxies**

- (1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.
- (2) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.
- (4) If the Committee has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and must be signed by the member.
- (5) Notice of a general meeting given to a member under rule 33 must—
  - (a) state that the member may appoint another member as a proxy for the meeting; and
  - (b) include a copy of any form that the Committee has approved for the appointment of a proxy.
- (6) A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.
- (7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Club no later than 24 hours before the commencement of the meeting.

### **35 Use of technology**

- (1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

### **36 Quorum at general meetings**

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of 30 members entitled to vote (Ordinary Members).
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—
  - (a) in the case of a meeting convened by, or at the request of, members under rule 32—the meeting must be dissolved;

#### **Note**

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

- (b) in any other case—
    - (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
    - (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 20 may proceed with the business of the meeting as if a quorum were present.

### **37 Adjournment of general meeting**

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned—
  - (a) if there is insufficient time to deal with the business at hand; or
  - (b) to give the members more time to consider an item of business.

#### **Example**

The members may wish to have more time to examine the financial statements submitted by the Committee at an Annual General Meeting.

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

- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 15 days or more, in which case notice of the meeting must be given in accordance with rule 33.

### **38 Voting at general meeting**

- (1) On any question arising at a general meeting—
- (a) subject to subrules (3) and (4), each member who is entitled to vote has one vote; and
  - (b) members may vote personally or by proxy; and
  - (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) If a member has not paid all monies due and payable to the Club in accordance with these Rules, that member cannot participate in any vote.
- (5) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

### **39 Special resolutions**

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

#### **Note**

In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a committee member from office ;
- (b) to alter these Rules, including changing the name or any of the purposes of the Club.

### **40 Determining whether resolution carried**

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
- (a) carried; or
  - (b) carried unanimously; or
  - (c) carried by a particular majority; or
  - (d) lost—
- and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
- (2) If a poll (where votes are cast in writing) is demanded by ten (10) or more members on any question—
- (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
  - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.



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

#### **41 Minutes of general meeting**

- (1) The Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each Annual General Meeting must include—
  - (a) the names of the members attending the meeting; and
  - (b) the names of members who submitted a proxy form to the Chairperson of the meeting under rule 34(6); and
  - (c) the financial statements submitted to the members in accordance with rule 30(3)(b)(ii); and
  - (d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Club; and
  - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.
  - (f) the total number of members who cast votes for the election of the Committee.

### **PART 5—COMMITTEE**

#### **Division 1—Powers of Committee**

##### **42 Role and powers**

- (1) The business of the Club must be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Club except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Club.
- (3) The Committee may—
  - (a) for all classes of members, set the joining fee, annual membership fee and any other fee considered appropriate;
  - (b) establish Sporting Club sub-committees consisting of members of the Club with Terms of Reference it considers appropriate;
  - (c) make a levy on all members for such amount or amounts and payable at such time or times as shall be determined by the Committee;
  - (d) make, alter and repeal by-laws for the conduct and management of the Club, provided however that no by-law shall be inconsistent with, affect, or repeal these Rules.

##### **43 Delegation**

- (1) The Committee may delegate to a member of the Committee, a subcommittee, or staff, any of its powers and functions other than—
  - (a) this power of delegation;
  - (b) a duty imposed on the Committee by the Act or any other law; or
  - (c) the setting of fees pursuant to Rule 42(3)(a).

- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

## **Division 2—Composition of Committee and duties of members**

### **44 Composition of Committee**

The Committee consists of—

- (a) a President; and
- (b) a Vice-President; and
- (c) a Treasurer; and
- (d) four (4) Ordinary Members (if any) elected under rule 53.

### **45 General Duties**

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules, the Act, the Liquor Control Reform Act and the Gambling Regulation Act.
- (2) The Committee is collectively responsible for ensuring that the Club complies with the Act, the Liquor Control Reform Act and the Gambling Regulation Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
  - (a) in good faith in the best interests of the Club; and
  - (b) for a proper purpose.
- (5) Committee members and former committee members must not make improper use of—
  - (a) their position; or
  - (b) information acquired by virtue of holding their position—so as to gain an advantage for themselves or any other person or to cause detriment to the Club.

#### **Note**

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

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

### **46 President and Vice-President**

- (1) Subject to subrule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.
- (2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be—
  - (a) in the case of a general meeting—a member elected by the other members present;or

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

#### **47 Secretary**

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

##### **Example**

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the Club with the Registrar.

- (2) The Secretary must—
  - (a) maintain the register of members in accordance with rule 18; and
  - (b) keep custody of the common seal (if any) of the Club and, except for the financial records referred to in rule 70(3), all books, documents and securities of the Club in accordance with rules 72 and 75; and
  - (c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
  - (d) perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

#### **48 Treasurer**

- (1) The Treasurer must ensure that —
  - (a) all moneys received are paid into the account of the Club within 5 working days after receipt; and
  - (b) any payments authorised by the Committee or by a general meeting of the Club from the Club's funds are paid; and
  - (c) all payments from the Club's bank account(s) are made by person(s) authorised by resolution of the Committee from time to time.
- (2) The Treasurer must—
  - (a) ensure that the financial records of the Club are kept in accordance with the Act; and
  - (b) coordinate the preparation of the financial statements of the Club and their certification by the Committee prior to their submission to the Annual General Meeting of the Club.
- (3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Club.

### **Division 3—Election of Committee members and tenure of office**

#### **49 Who is eligible to be a Committee member**

- (1) A member is eligible to be elected or appointed as a committee member if the member—
  - (a) is 18 years or over;
  - (b) is entitled to vote at a general meeting;

- (c) satisfies any requirement contained in the *Gambling Regulation Act 2003* (Vic), *Liquor Control Reform Act (1998)* Vic and any Act that repeals or replaces either of these Acts; and
  - (d) does not earn a wage or salary from employment with the Club.
- (2) All retiring Committee Members are eligible for election.

#### **50 Positions to be declared vacant**

Amended 28/2/2021 Two (2) Members of the Committee will retire at each Annual General Meeting and if more than two (2) Members of the Committee became Committee Members on the same day, those to retire shall be determined by those Committee Members and if they are unable to agree shall be determined by lot.

#### **51 Nominations**

- (1) Prior to the Annual General Meeting the Committee must call for nominations for the Committee.
- (2) Nomination forms, signed by two (2) financial Ordinary Members and endorsed with an acceptance by the nominee, shall be lodged with the Secretary at least twenty eight (28) days prior to the Annual General Meeting.
- (3) A list of candidates in surname alphabetical order together with their proposers shall be posted in a conspicuous place in the Club premises for at least fourteen (14) days immediately preceding the Annual General Meeting.
- (4) An eligible member of the Club may—
  - (a) nominate himself or herself; or
  - (b) with the member's consent, be nominated by another member.

#### **52 Election of Office Bearers**

- (1) At the Annual General Meeting, separate elections must be held for each of the following positions from those elected to the Committee:-
  - (a) President;
  - (b) Vice-President;
  - (c) Treasurer.
- (2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a ballot must be held in accordance with rule 53.
- (4) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.
- (5) On his or her election, the new President may take over as Chairperson of the meeting.

#### **53 Election Process**

- (1) Voting will be by written ballot should the number of candidates for election exceed the number of vacancies and will be conducted as follows:-
  - i. The ballot paper will be in surname alphabetical order with candidates seeking re-election being shown by way of an asterisk.
  - ii. A ballot paper will be provided to all voting members in accordance with Rule 74(1).

- iii. Ballot papers are to be placed in the ballot box in the Club premises no later than 5.00pm on the last working day prior to the Annual General Meeting.
- (2) The Committee will, subsequent to the closing of nominations, appoint three (3) Members not being candidates to act as scrutineers.
- (3) Two (2) hours prior to the time appointed for the commencement of the Annual General Meeting, the Secretary will deliver to the scrutineers the ballot box following which the scrutineers will count the votes and hand to the Chairperson at the beginning of the Annual General Meeting, their report as to the number of votes given to each candidate. The report of the scrutineers shall be final and conclusive.
- (4) When reached in the Agenda, the Chairperson shall read the report of the scrutineers and shall declare elected the candidates who have received the most votes. In the event two (2) or more candidates receive an equal number of votes, the Chairperson shall draw lots to determine who is to be declared elected.

#### **54 Not Used**

#### **55 Term of office**

- (1) Subject to subrule (3) and rule 56, a committee member holds office until the next Annual General Meeting.
- (2) A committee member may be re-elected.
- (3) A general meeting of the Association may—
  - (a) by special resolution remove a committee member from office; and
  - (b) elect an eligible member of the Club to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Club (being of a reasonable length) and may request that the representations be provided to the members of the Club.
- (5) The Secretary or the President may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

#### **56 Vacation of office**

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she—
  - (a) ceases to be a member of the Club; or
  - (b) earns wages or salary from employment with the Club; or
  - (c) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 67; or
  - (d) otherwise ceases to be a committee member by operation of section 78 of the Act.

#### **Note**

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

#### **57 Filling casual vacancies**

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

- (a) has become vacant under rule 56; or
  - (b) was not filled by election at the last Annual General Meeting.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a person to the position within 14 days after the vacancy arises.
  - (3) Rule 55 applies to any committee member appointed by the Committee under subrule (1) or (2).
  - (4) For any reason the number of committee members is reduced to less than 4, the remaining committee members must call a special general meeting of the members for the purpose of filling the vacancies notwithstanding any other provision in these Rules to the contrary.
  - (5) The Committee may continue to act despite any vacancy in its membership.

#### **Division 4—Meetings of Committee**

##### **58 Meetings of Committee**

- (1) The Committee must meet at least 6 times in each year at the dates, times and places determined by the Committee.
- (2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the Annual General Meeting of the Club at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the President or upon the request of any 4 members of the Committee.

##### **59 Notice of meetings**

- (1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

##### **60 Urgent meetings**

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 59 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

##### **61 Procedure and order of business**

- (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.

##### **62 Use of technology**

---

- (1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

### **63 Quorum**

- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) The quorum for a committee meeting is the presence (in person or as allowed under rule 62) of a majority of the committee members holding office.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—
  - (a) in the case of a special meeting—the meeting lapses;
  - (b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 59.

### **64 Voting**

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

### **65 Conflict of interest**

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member—
  - (a) must not be present while the matter is being considered at the meeting; and
  - (b) must not vote on the matter.

#### **Note**

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

- (3) This rule does not apply to a material personal interest—
  - (a) that exists only because the member belongs to a class of persons for whose benefit the Club is established; or
  - (b) that the member has in common with all, or a substantial proportion of, the members of the Club.

## **66 Minutes of meeting**

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following—
  - (a) the names of the members in attendance at the meeting;
  - (b) the business considered at the meeting;
  - (c) any resolution on which a vote is taken and the result of the vote;
  - (d) any material personal interest disclosed under rule 65.

## **67 Leave of absence**

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

## **PART 6—FINANCIAL MATTERS**

### **68 Source of funds**

The funds of the Club may be derived from joining fees, annual subscriptions, donations, proceeds from the amenities provided and events organised by the Club and any other sources approved by the Committee.

### **69 Management of funds**

- (1) The Club must open an account (or accounts) with a financial institution from which all expenditure of the Club is made and into which all of the Club's revenue is deposited.
- (2) Subject to any restrictions imposed by a general meeting of the Club, the Committee may approve expenditure on behalf of the Club.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Club (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.
- (5) All funds of the Club must be deposited into the financial account(s) of the Club no later than 5 working days after receipt.
- (6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

### **70 Financial records**

- (1) The Club must keep financial records that—
  - (a) correctly record and explain its transactions, financial position and performance; and
  - (b) enable financial statements to be prepared as required by the Act.
- (2) The Club must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control—
  - (a) the financial records for the current financial year; and



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

## **71 Financial statements**

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Club are met.
- (2) Without limiting subrule (1), those requirements include—
  - (a) the preparation of the financial statements;
  - (b) if required, the review or auditing of the financial statements;
  - (c) the certification of the financial statements by the Committee;
  - (d) the submission of the financial statements to the Annual General Meeting of the Club;
  - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.
- (3) In each financial year, the accounts of the Club shall be examined by a registered auditor, such auditor having been appointed at the preceding Annual General Meeting.

## **PART 7—GENERAL MATTERS**

### **72 Common seal**

- (1) The Club may have a common seal.
- (2) If the Club has a common seal—
  - (a) the name of the Club must appear in legible characters on the common seal;
  - (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members; and
  - (c) the common seal must be kept in the custody of the Secretary.

### **73 Registered address**

The registered address of the Club is—

- (a) the address determined from time to time by resolution of the Committee; or
- (b) if the Committee has not determined an address to be the registered address—  
the postal address of the Secretary.

### **74 Notice requirements**

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—
  - (a) by handing the notice to the member personally; or
  - (b) by sending it by prepaid ordinary post to the member at the address recorded for the member on the Register of Members; or
  - (c) by email, facsimile transmission, or by electronic communication as defined in the *Electronic Transactions (Victoria) Act 2000* to the member at this address recorded for the member on the Register of Members.
- (2) Subrule (1) does not apply to notice given under rule 60.
- (3) Any notice required to be given to the Club or the Committee may be given—

- (a) by handing the notice to a member of the Committee; or
- (b) by sending the notice by post to the registered address; or
- (c) by leaving the notice at the registered address; or
- (d) if the Committee determines that it is appropriate in the circumstances.
  - (i) by email to the email address of the Club or the Secretary; or
  - (ii) by facsimile transmission to the facsimile number of the Club.

## **75 Custody and inspection of books and records**

- (1) Members may on request inspect free of charge—
  - (a) the register of members;
  - (b) the minutes of general meetings;
  - (c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Club, including minutes of Committee meetings.

### **Note**

See note following rule 18 for details of access to the register of members.

- (2) The Committee may refuse to permit a member to inspect records of the Club that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Club.
- (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- (4) Subject to subrule (2), a member may make a copy of any of the other records of the Club referred to in this rule and the Club may charge a reasonable fee for provision of a copy of such a record.
- (5) For purposes of this rule—

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

- (a) its membership records;
- (b) its financial statements;
- (c) its financial records;
- (d) records and documents relating to transactions, dealings, business or property of the Club.

## **76 Winding up and cancellation**

- (1) The Club may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Club, the surplus assets of the Club must not be distributed to any members or former members of the Club.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Club and which is not carried on for the profit or gain of its individual members.
- (4) The body to which the surplus assets are to be given must be decided by special resolution.

## **77 Alteration of Rules**

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

**Note**

**An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Club is taken to have adopted its own rules, not the model rules.**

**78 Liquor Control Reform Act**

- (1) No liquor shall be sold or supplied to any person except on the days during the hours stated on the Liquor License and in the manner prescribed or permitted by such Liquor License and the provisions of the *Liquor Control Reform Act (1998)* (Vic).
- (2) In accordance with the requirements of the *Liquor Control Reform Act (1998)* (Vic) —
  - (a) payment of any amount to an officer or servant of the Club by way of commission or allowance from the receipts of the Club for the supply of liquor is precluded;
  - (b) a visitor to the Club must not be supplied with liquor in the Club's premises unless the visitor is one of the following —
    - (i) a guest in the company of a member of the Club; or
    - (ii) an authorised gaming visitor admitted in accordance with these Rules; or
    - (iii) an honorary member pursuant to Rule 14(c)(ii) and (iii).
  - (c) a person cannot be admitted as an Honorary Member or Temporary Member of the Club, or be exempted from the obligation to pay the annual subscription for membership, unless the person is of a class specified in these Rules and the admission or exemption is in accordance with these Rules;
  - (d) a person under the age of 18 years cannot be admitted to membership of the Club;
  - (e) the Committee, as set out in these Rules, is responsible for the affairs of the Club;
  - (f) the Committee members are elected for a term of not less than 12 months by members of a class of members that constitutes not less than 60% of the total membership of the Club, excluding Community Members, Temporary Members and Honorary Members and persons who are members by reason only of reciprocal arrangements with another club and persons whose rights as members are limited to rights as social, gaming or neighbourhood members;
  - (g) records must be kept of guests in accordance with rules 81 and 82;
  - (h) The Register of Members kept by the Secretary must show the particulars of payment of the last subscription for membership paid by the Member;
  - (i) An authorised gaming visitor must —
    - (i) produce evidence of his or her residential address before being admitted to the licensed premises; and
    - (ii) carry identification at all times whilst on the licensed premises; and
    - (iii) comply with any relevant rules of the Club whilst on the licensed premises.
- (2) The register of members, guests and of authorised gaming visitors are to be kept open for inspection at any time by a licensing inspector, a police officer, a gambling and liquor inspector, the Victorian Commission for Gambling and Liquor Regulation or a person employed under Part 3 of the *Public Administration Act 2004* (Vic) in the administration of the *Liquor Control Reform Act 1998* (Vic) who is authorised in writing by the Victorian Commission for Gambling and Liquor Regulation.

## **79 Gambling Regulation Act**

- (1) The Club must comply with all relevant requirements of the *Gambling Regulation Act 2003* (Vic) as are in force from time to time.
- (2) An Office Bearer or Committee Member must not participate in the management or operation of gaming at the Club premises until the Secretary has been advised by the Victorian Commission for Gambling and Liquor Regulation (or its successor) that that person has been approved as an Associate of the venue operator.

## **80 Sporting Club Sub-Committees**

- (1) The Committee may establish a Sub-Committee to manage the day to day running of any individual sporting activity or competition.
- (2) The Committee will establish Terms of Reference for each such sub-committee commensurate and consistent with the governing rules and policies of the sporting code that governs that sport.
- (3) Each Sporting Club Sub-Committee:-
  - (a) may establish and operate its own bank account only with the Club's bank and must advise the Secretary of the opening and closing of each such account and the name, style and account numbers of each such account;
  - (b) must provide to the Committee, when requested to do so and if not requested on the 30<sup>th</sup> day of September, December, May and June in each year an accounting of the operation of each such account in a format provided to the Sporting Club Sub-Committee by the Committee.
  - (c) Within 3 calendar months from the end of competition in each year, provide to the Committee for its information a budget for its planned income and expenditure for the next years' competition.
- (4) The financial activities and balances of each Sporting Club Sub-Committee is to be incorporated into the financial statements of the Club and subject to audit by the Club's auditor.

## **81 Visitors**

- (1) Every visitor or group of visitors shall be accompanied by a member who shall enter the name and other particulars of their guest(s) in the Visitor's Book when entering the Club's premises.
- (2) The visitor(s) may remain on the Club's premises only while accompanied by the member who introduced such visitor(s).
- (3) The Manager may waive this rule in the case of a function held at the Club's premises or by previous arrangement with the manager or Committee.
- (4) The Committee reserves the right to refuse entry of a visitor with justification.
- (5) The provisions in this rule do not apply to authorised gaming visitors.

## **82 Authorised Gaming Visitors**

- (1) An authorised gaming visitor is a person who—
  - (a) is 18 years of age or over;
  - (b) has produced evidence that their place of residence is more than five kilometres from the Club's premises; and

(c) has completed relevant details, including name, residential address and date of admission, in the register of authorised gaming visitors in accordance with the *Gambling Regulation Act*.

(2) An authorised gaming visitor is not subject to the restrictions in rule 81.

### **83 Interpretation**

In the event of any dispute in the interpretation of the Club's by-laws and/or these Rules, the decision of a majority of the Committee made either on the occasion when the question arises or at a Special Committee Meeting called for that purpose shall be final and conclusive and binding on all members.

*Authorised and adopted version as at 28/02/2021*

### **Table of Amendments:**

**28/2/2021:**

- (1) Rule 21 (e) inserted.**
- (2) Rule 50 amended.**