



# **CONSTITUTION**

OF

**BOBBIN HEAD CRUISING CLUB  
INCORPORATED**

ABN 84289153419

EMPIRE MARINA  
Bobbin Head NSW

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## PART 1 - PRELIMINARY

### 1.1 NAME

The name of this association shall be called "Bobbin Head Cruising Club Incorporated" hereinafter referred to as the "Club"

### 1.2 OBJECTIVES OF THE CLUB

- 1 To encourage member's use and enjoyment of Suitable Boats.
- 2 To encourage safe and responsible seamanship through the promotion of on-water and shore-side events as determined by the club's Committee.
- 3 To provide education for members in boating activities such as seamanship, navigation, and maintenance of marine equipment.
- 4 To provide well maintained moorings for the use of members.
- 5 To organise the annual fund-raising charity event.
- 6 To foster and maintain a cordial working relationship with the owners and management of the marina at Bobbin Head.

### 1.3 DEFINITIONS

In this Constitution:

**"Committee"** means the **Office Bearers** of the Club.

**"Financial Year"** means the year ending 30th June.

**"Special General Meeting"** means a general meeting of members other than an Annual General Meeting.

**"Member"** means a member of the Club.

**"The Act"** means the Associations Incorporation Act 2009.

**"The Regulation"** means the Associations Incorporation Regulation, 2010.

**"Public Officer"** means the Public Officer of the Club, appointed under the provisions of the Associations Incorporation Act, 2009.

**"Register"** means the Register of Members of the club and the Association's books and documents.

**"Suitable Boat"** as determined by the Committee.

**"Administration Officer"** is a reference to the duties normally assigned to the Secretary of a Club and in any other case, to the Public Officer of the Club.

**"Member Details"** means the name and postal and/or residential address and electronic address and phone number of each person who is a member of the club together with the date on which the person became a member.

**"Quorum"** at any **Monthly** Meeting of the **Club** is a minimum of four members of the **Club** that must include one office bearer.

Words or expressions contained in this Constitution shall be interpreted in accordance with the provisions of the Associations Incorporations Act 2009 and the Act as in force from time to time.

## **PART 2 - MEMBERSHIP**

### **2.1 ELIGIBLE MEMBER**

- 1 A person is eligible to be a member of the club if:
  - a. the person is a natural person (nominee), and
  - b. the person has been nominated and approved for membership of the club in accordance with the constitution of the club
  - c. the person or their corporate nominee is the owner of a Suitable Boat.
- 2 A nominee for Ordinary Membership of this Club shall be submitted to the Committee members on the form prescribed. The application together with the current joining and annual fee will be lodged with the Administration Officer.
- 3 At the first opportunity, the Administration Officer will refer the nomination to the Committee and shall by majority vote, determine the acceptance or rejection of any application for membership.
- 4 Following the successful application for membership, the Public Officer shall enter the Member Details in the Register kept by them. Upon the name being entered, the nominee becomes an Ordinary Member of the Club and a Committee member is to advise the new member as soon as practical.
- 5 Where an application is unsuccessful, all monies paid are to be returned in full to the applicant as soon as practical.
- 6 Any member who resigns from the Club, in good standing, may apply to be reinstated within two years of the date of such resignation without the need to pay the joining fee. The application for reinstatement may be accepted by a majority vote of the Committee.
- 7 An Ordinary and Social Member is obligated to complete payment of the annual fee within **2 calendar months** of the start of the next financial year or to pay any outstanding invoices within the indicated period.

### **2.2 MEMBERSHIP ENTITLEMENTS**

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

- a. is not capable of being transferred to another nominee unless approved by the Committee;  
and
- b. terminates upon cessation of the nominee's membership
- c. where a vessel is owned by multiple eligible members, each of the eligible members must pay the annual membership fee but only one joining fee must be paid.

### **2.3 CESSATION OF MEMBERSHIP**

An eligible member ceases to be a member of the club if they -

- a. die
- b. resign membership, or
- c. are expelled from the club, or
- d. fail to meet their financial obligations to the club.

### **2.4 RESIGNATION**

Any member may resign from the club and said resignation shall become effective upon acceptance by the Committee. The Committee may withhold acceptance, however, until all indebtedness has been paid and all the club funds and property have been returned. The member will lose all privileges as a member during such period of "withheld acceptance of their resignation".

### **2.5 OUTSTANDING DUES**

- 1 The Treasurer shall submit to the Committee the name of any member who fails to pay any **annual fee or** indebtedness due to the club within 2 calendar months of the **end of the financial year** after receipt from the Treasurer of an official invoice. The Committee shall thereafter decide whether the member shall be retained or removed from the Register.
- 2 If a member fails to pay any outstanding debt within 2 calendar months, that member will lose their entitlements as a member in good standing.

### **2.6 RESOLUTION OF DISPUTES AND DISCIPLINING OF MEMBERS**

Any member whose conduct is such that may cause an offence to any member or members of the club or is such as may prejudice the good name and order of the Club or the comfort or welfare of any member or members to such an extent that, in the opinion of the Committee, to render their continued membership would be undesirable or against the best interests of the Club, may, upon a vote of 75% of the **members** at a **Monthly** Meeting, be expelled, provided that they shall be given prior opportunity at such **Monthly** Meeting to explain their conduct.

### **2.7 MEMBERSHIP CLASSIFICATION**

- 1 **ORDINARY MEMBER:** A member, who has been accepted by the committee as an eligible member. An Ordinary Member shall have the right to vote and be entitled to all other privileges of membership including nomination for membership of the Committee including an official position of the club.
- 2 **CREW MEMBER:** A person nominated for membership by an Ordinary Member as their Crew. Each Ordinary Member shall be entitled to nominate one Crew Member who:
  - a. shall be 18 years or older.
  - b. shall be well known to the Ordinary Member.

- 3 A Crew Member shall be exempt from joining fees and/or annual dues. A Crew Member shall have the right to vote and be entitled to all other privileges of membership including nomination for membership of the Committee including an official position of the club.
- 4 **SOCIAL MEMBER:** A natural person, not being an owner or part owner of a boat. A Social Member shall not be an Ordinary or Crew Member of the club or entitled to the privileges of either, with the exception of one social member, nominated by the Committee, who will have the right to vote and be entitled to all other privileges of membership including nomination for membership of the Committee, but not including **Commodore, Vice Commodore, Rear Commodore, Treasurer or Administration Officer** of the club.  
A Social Member shall be entitled to participate **in all** the events of the club.
- 4 **HONORARY MEMBER:** A natural person, not being a Member of the club, but whose membership, in the opinion of the Committee, would be in the interests of the club. Honorary members shall be elected by the Committee on a year-to-year basis only. An Honorary Member shall not be entitled to the privileges of an Ordinary or Crew Member or have voting privileges.
- 5 **HONORARY LIFE MEMBER:** Any Member of this Club who has rendered outstanding service to the club or in promoting the objects of the club. A General Meeting of the club upon the recommendation of the Committee shall elect an Honorary Life Member. An Honorary Life Member shall have the same **voting** privileges as an Ordinary Member.

## **2.8 REGISTER OF MEMBERS**

- 1 The Public Officer of the club must establish and maintain a Register of the club specifying the Member Details.
- 2 The Register must be kept in New South Wales at the Association's Public Officer's address.
- 3 The Register must be open for inspection, free of charge, by any member of the Club at any reasonable hour.
- 4 If a member requests that any information contained on the Register about the member (other than the member's name) not be available for inspection that information must not be made available for inspection.
- 5 A member must not use information about a person obtained from the Register to contact or send material to the person, other than for:
  - a. the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Club or other material relating to the Club, or
  - b. any other purpose necessary to comply with a requirement of the Act or the Regulation.

## **2.9 FEES**

- 1 New Applicant  
Each applicant shall pay such joining fees and annual fees as shall be determined by the Committee before such applicant is **accepted** as an Ordinary Member of the club.

2 Existing Member

Each member of the club shall pay such annual fees as shall be determined by the **Committee**. These may be paid in advance if the Committee determines.

## **PART 3 - COMMITTEE**

### **3.1 COMPOSITION**

The affairs of the club shall be managed by a Committee constituted by the following officers: -

- a. Commodore, Vice Commodore, Rear Commodore, Administration Officer and Treasurer who all shall be Ordinary, Crew or Honorary Life Members of the Club.  
and
- b. A minimum of two **Directors**, elected Committee members who shall be Ordinary, Crew, Social (one only, as nominated by the Committee) or Honorary Life Members of the Club.  
and
- c. The retiring Commodore, who shall be an ex officio member of the Committee for a period of one year from the date of their retirement or until the next succeeding Annual General meeting of the Club. Nothing in this clause shall preclude a retiring Commodore from standing for election to any other position of office on the Committee.

### **3.2 RESPONSIBILITIES**

The responsibilities of the Committee:

- a. Shall control and manage the business affairs of the club, other than those powers and functions that are required by this constitution to be exercised by General Meetings of the members of the club;  
and
- b. Subject to this constitution the Regulations and the Act, shall take all appropriate action essential for the proper management of the business affairs of the Club.

### **3.3 DUTIES & POWERS**

The Committee shall have the following duties and powers:

- a. Responsibility for the proper execution through the Club's officers, of the policies approved by the club.
- b. Authorise all expenditures and shall not create any indebtedness beyond the current income of the club, nor authorise dispersal of the club funds for purposes inconsistent with the business and policy authorised by the club membership.
- c. Shall have the power to modify, override, or rescind the action of any officer of the club.
- d. Shall have the books, accounts and operations of the Club audited annually or, at its discretion, more frequently and may require an investigation or have an audit made of the handling of the club funds by any officer, committee, or members of the club.

- e. Shall appoint, on the recommendation of the Treasurer, a bank, or banks for the deposit of the funds of this Club.
- f. Shall not authorise, nor permit the expenditure, for any administrative purpose, of the net income of any projects or activities of the club by which funds are raised from the public other than a 10% contribution of net proceeds of a charity event.
- g. May submit any matters of new business and policy to the respective Standing or Sub-Committee for study and recommendation to the Committee.

### **3.4 PERSONS ELIGIBLE TO HOLD OFFICE**

- 1 No person shall be eligible to hold office in the club unless they are an Ordinary, Crew or Honorary Life member, in good standing.
- 2 No member of the Committee shall receive any fee or reward for any service rendered to the club in their official capacity.

### **3.5 DUTIES OF EXECUTIVE OFFICERS**

**COMMODORE:** shall be the Chief Executive Officer of the club; preside **at all Monthly** Meetings and General Meetings of the club including;

- a. Issues the call for regular and special meetings of the Committee of the club.
- b. Appoints the standing and Sub-Committees of the club and co-operate with the respective chairpersons.
- c. Ensures regular functioning and reporting of such Committees.
- d. Ensure that regular elections are duly called, noticed, and held.

**VICE COMMODORE:** If the Commodore is unable to perform the duties of their office for any reason, the Vice Commodore shall occupy their position and perform their duties with the same authority as the Commodore. The Vice Commodore shall, under the direction of the Commodore, oversee the functioning of such Committees of the Club as the Commodore shall designate.

**REAR COMMODORE:** If the Commodore and/or Vice Commodore are unable to perform the duties of their office for any reason, the Rear Commodore shall occupy their position and perform their duties with the same authority as the Commodore. The Rear Commodore shall, under the direction of the Commodore, oversee the functioning of such Committees of the Club as the Commodore shall designate.

**ADMINISTRATION OFFICER:** The Administration Officer of the Club shall:

- 1 Prepare meeting agendas and keep minutes of the resolutions and proceedings of each General Meeting and **Monthly** Meeting in books provided for that purpose together with a record of the names of persons present at these meetings.
- 2 Keep a register of the members of the Committee of the club detailing the same information as held in the register of members and position held by each and the date on which such person became a member of the Committee. Any change in the membership of the Committee must be recorded in the register no later than 28 days after the change occurs.

- 3 Prepare notices of meetings and manage correspondence both inwards and outwards.

**TREASURER:** The Treasurer of the Club shall:

- 1 Keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club. Such accounts are to be presented at each **Monthly Meeting**.
- 2 Issue annual statements to each member for dues and other financial obligations owed to this Club, collect and deposit such fees and dues in the approved bank or banks approved by the Committee.
- 3 **Pay out monies in payment of Club obligations only on authority given by the Committee as follows:**
  - a. All EFT transfers shall require the Treasurer and one other officer to authorise the transaction.

### **3.6 ELECTIONS OF COMMITTEE MEMBERS**

The Officers of this Club excluding the Immediate Past Commodore shall be elected as follows:

- 1 Nominations for Officers of the Committee shall be lodged with the Administration Officer at least 21 days prior to the Annual General Meeting and a 14 day prior written notice thereof shall be given to each member of the Club by the Administration Officer. Such notice shall include the names of all nominees and a statement that these nominees will be voted upon at this Annual General Meeting.
- 2 All Officers and Committee members shall be elected annually and shall take office immediately following their election at the Annual General Meeting and shall hold office for one year from that date, or until their successors shall have been elected.
- 3 The election shall be by ballot by those present and qualified to vote. A plurality vote shall be necessary to elect.
- 4 In the event that the Administration Officer shall not have received a nomination for any particular position then late nominations may be accepted from the floor at the Annual General Meeting.

### **3.7 REMOVAL OF COMMITTEE MEMBERS**

Any member of the Committee of this Club may be removed from office for good cause by 75% vote of the Committee.

### **3.8 VACANCY ON THE COMMITTEE**

- 1 For the purpose of this Constitution the office of any member of the Committee of this Club becomes vacant if the officer:
  - a. ceases to be a member of the Club;
  - b. becomes bankrupt, takes the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors, or makes an assignment of his or her remuneration for their benefit;
  - c. resigns their office by notice in writing given to the Administration

Officer.

- 2 If the office of Commodore shall become vacant, the Vice or Rear Commodore shall advance in office according to their rank. In the event such provision or advancement shall fail to fill the office of Commodore or Vice Commodore, the Committee shall thereon call a special election, giving each member in good standing 14 days prior notice of the time and place thereof, which time and place shall be determined by the said Committee and such office shall be filled at the said election meeting.
- 3 In the event of a vacancy in the office of Rear Commodore, the Committee may appoint a member to fill the unexpired term.
- 4 In the event of vacancy in any other office the Committee shall appoint a member to fill the unexpired term.
- 5 In the event vacancies shall be of such number as to reduce the number of Committee members to less than the number required for a quorum, the membership of the Club shall have power to fill such vacancies by an election held by the Committee of the club. Such notice may be given by any remaining Committee Member but, if none, then by any member.

## **PART 4 - MEETINGS**

### **4.1 ANNUAL GENERAL MEETINGS**

- 1 The Committee shall in each calendar year convene an Annual General Meeting of its members.
- 2 The Annual General Meeting shall be held in August or such other month as may be determined each year at a time and place determined by the Committee.
- 3 The Annual General Meeting details shall be specified as such in the notice convening it.
- 4 The ordinary business of the Annual General Meeting shall be to:
  - a. Confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting.
  - b. Receive, from the Committee, audited accounts, and reports upon the transactions of the Club during the last preceding financial year.
  - c. Nominate and authorise in accordance with Section 27(1) of the Associations Incorporation Act 2009 one member of the Committee to sign the Form 12 Annual Statement for the year on behalf of the Club.
  - d. Appoint Auditors for the next financial year.
  - e. Elect **Officers** and Committee members for the next year.
  - f. Approve or otherwise Honorary Membership for the forthcoming year.
  - g. Approve or otherwise Honorary Life Membership.
- 5 The Annual General Meeting shall be in addition to any other general meetings that may be held in the same year.

## **NOTICES**

- 1 Members are to be given a 21 day notice of an Annual General Meeting, date, time, and place.
- 2 Any special items of business are to be communicated to the Administration Officer 14 days prior to the set date of the AGM and will form part of the agenda, or may be raised by a member in good standing from the floor of the AGM in general business.

### **4.2 SPECIAL GENERAL MEETINGS**

- 1 All general meetings other than the Annual General Meeting shall be called Special General Meetings.
- 2 Except as otherwise specifically provided, the act of a majority of the members present or by proxy at any meeting shall be the act and decision of the entire Club.
- 3 The Committee may, whenever it thinks fit, convene a Special General Meeting of the Club and where, but for this sub-clause, more than 15 months would elapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.
- 4 The Committee must, on the requisition in writing of not less than 15 members, convene a Special General Meeting of the club.
- 5 The requisition for a Special General Meeting shall state:
  - a. the purpose or purposes of the meeting
  - b. and
  - c. must be signed by the members making the requisition,
  - d. and
  - e. must be lodged with the Administration Officer,
  - f. and
  - g. may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- 6 If the Committee fails to convene a Special General Meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the Administration Officer, any one or more of the members who made the requisition may convene a Special General Meeting to be held not later than 3 months after that date.
- 7 A Special General Meeting convened by members in pursuance of this constitution shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee.

## **NOTICES**

- 1 The Administration Officer of the Club shall at least 14 days before the date fixed for holding a Special General Meeting notify in writing, each member of the Club at their postal or electronic address appearing on the Register. In addition, such notice may be published in the Club **Newsletter**. The notice shall state the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 2 A member desiring to bring any business before a Special General Meeting shall give notice of that business in writing prior to the 14 days to the Administration Officer who shall include that business in a notice calling the next Special General Meeting after the receipt of that member's notice.
- 3 No business other than that set out in the notice convening the meeting shall be transacted at the meeting.

### **4.3 PROCEEDINGS AT ALL ANNUAL GENERAL MEETINGS AND SPECIAL GENERAL MEETINGS**

- 1 No item of business shall be transacted at a meeting unless a quorum of members entitled under this Constitution to vote is present during the time when the meeting is considering that item.
- 2 The presence in person or by proxy of fifteen members in good standing shall constitute a quorum at any Annual **and Special** General Meeting.
- 3 If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting:
  - a. if a Special General Meeting convened upon the requisition of members shall be dissolved, and
  - b. in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified by the Chairperson at the time of adjournment or
  - c. communicated by written notice to members (given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than three) shall be a quorum.

### **4.4 CHAIRPERSON**

- 1 The Commodore, or in their absence, the Vice Commodore, or in their absence the Rear Commodore shall preside at each General Meeting of the club.
- 2 If the Commodore, Vice Commodore, and Rear Commodore are absent from a General Meeting, the members present shall elect one of their number to preside as Chairperson at the meeting.

### **4.5 ADJOURNMENT OF MEETINGS**

- 1 The Chairperson of an Annual General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

- 2 Where a meeting is adjourned for more than 21 days, a like notice of the adjourned meeting shall be given.
- 3 Except as provided in clause 4.5.1 & 2, It is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

#### **4.6 ENTITLEMENT TO VOTE AT ANNUAL GENERAL MEETINGS AND SPECIAL GENERAL MEETINGS**

- 1 Upon any question arising at any Annual General Meeting or Special General Meeting of the club an ordinary, crew, social (one only, as nominated by the Committee) and Honorary Life member has one vote only.
- 2 Only ordinary, crew, social (one only, as nominated by the Committee) and Honorary Life members in good standing and proxies shall be entitled to vote at any Annual General Meeting or Special General Meeting of the club.
- 3 All votes shall be given personally or by proxy but no member may hold more than five proxies excluding the chairperson.
- 4 Only members in good standing may exercise voting privileges and hold office in the club.
- 5 The Chairperson of the meeting is entitled to exercise one vote only other than expressing the vote under proxy.

#### **4.7 VOTING AT MEETINGS – SHOW OF HANDS**

A question arising at an Annual General Meeting or Special General Meeting of the club shall be determined on a show of hands. On the declaration of the Chairperson that a resolution has, on the show of hands, been carried or carried unanimously or carried by the **majority** or lost, an entry to that effect shall be made in the minute book of the Club, as evidence of the fact without proof of the number of votes recorded in favour of or against the resolution.

#### **4.8 VOTING AT MEETINGS – POLL**

If at a meeting a poll is demanded by three or more members it shall be taken at that meeting in such a manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.

A poll that is demanded on the election of a Chairperson or on a question of adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairperson may direct.

#### **4.9 APPOINTMENT OF PROXIES**

- 1 Each member entitled to vote shall be entitled to appoint the chairperson or another member as proxy by notice given to the Administration Officer no later than 24 hours prior to the time of the meeting in respect of which the proxy is appointed.
- 2 The notice appointing the proxy shall be in the form set out in Appendix 1 of this Constitution.

#### **4.10 *MONTHLY MEETINGS***

**Meetings** of the *club members* and Committee shall be held monthly or at such time and place as the Committee shall determine.

At *Monthly Meetings* :

- 1 The Commodore, or in their absence, the Vice Commodore, or in their absence the Rear Commodore shall preside; or
- 2 If the Commodore and the Vice Commodore and the Rear Commodore are absent such one of the remaining members of the Committee as may be chosen by the members present, shall preside as Chairperson.
- 3 Questions arising at a *Monthly Meeting of members* and the Committee or of any Sub-Committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the chairperson at the meeting may determine.
- 4 Each ordinary, crew, social (one only, as nominated by the Committee) and Honorary Life Member present at a *Monthly Meeting of members* and the Committee or of any Sub-Committee appointed by the Committee is entitled to one vote.
- 5 Written notice of each *Monthly Meeting* shall be served on each member *and* the Committee to the address as recorded in the Register and by publication on the Bobbin Head Cruising Club Website at least two business days before the date of the meeting. Such requirements will not apply where the Committee has a policy of holding the *Monthly Meeting* on a regular day of each month.

**Special Meetings** of the *members* and Committee shall be held when called by the Commodore or when requested by five or more *members* at such time and place as the Commodore shall determine.

- 1 A 14 day notice shall be given to *members* of any Special Meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- 2 The presence in person of *fifteen* members shall constitute a quorum at any *Special Meeting*.
- 3 Except as otherwise specifically provided, the act of a majority of the *members* present at any special meeting of *members and* the Committee shall be the act and decision of the entire Committee.
- 4 No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting lapses.

### **PART 5 - MISCELLANEOUS**

#### **5.1 CUSTODY OF BOOKS**

Except, as otherwise, provided by this Constitution the Public Officer shall keep in their custody or under their control all records, books and other documents relating to the Club.

## **5.2 INSURANCE**

- 1 The Committee shall review at least on an annual basis, the insurance requirements for the Club's activities and affect such insurance as deemed appropriate by the Committee.
- 2 In addition to the insurance required under clause 5.2.1. the Club may affect and maintain other insurance as may be deemed appropriate by the Committee from time to time.

## **5.3 ALTERATION OF CONSTITUTION AND STATEMENT OF OBJECTIVES**

- 1 The Constitution may be amended by a Special Resolution passed by 75% majority of ordinary, crew, social (one only, as nominated by the Committee) and Honorary Life Members present at a meeting of which written notice thereof stating the proposed amendments shall have been mailed or emailed to each eligible Member of this club at least 21 days prior to the meeting.
- 2 Where the Objects or this Constitution are amended such amendments shall not be of effect unless the Corporate Affairs Commission has been notified thereof in accordance with Section 20 of the Act.
- 3 Notification of any such resolution shall be given to the Corporate Affairs Commission within 30 days of the passing thereof.

## **NOTICES**

- 1 A notice may be served by or on behalf of the club upon any eligible member either personally, in writing at their address, or the electronic address shown in the Register.
- 2 Where a document is properly addressed pre-paid posted or emailed to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

## **5.4 WINDING UP OR CANCELLATION OF THE CLUB**

- 1 In the event of the winding up or the cancellation of the incorporation of the club, the assets of the club, after satisfaction of all debts and liabilities of the club shall be disposed of in accordance with the provisions of the Associations Incorporation Act, 1984 2009 and the Income Tax Assessment Act.
- 2 At the first General Meeting of the club, the members shall pass a special resolution nominating an incorporated association as the association in which it is to vest its surplus property and funds pursuant to Section 53 (2) of the Associations Incorporation Act, 2009. Such nominated association shall be an association that is exempt from the payment of income tax under Section 23 of the Income Tax Assessment Act.

## **5.5 MEMBERS LIABILITIES**

The liability of a Member of the club to contribute toward the payment of debts and liabilities of the club or the costs, charges, and expenses of the winding up of the club is limited to the amount, if any, unpaid by the Member in respect of

membership fees of the club. This does not negate the responsibility or liability of the Committee as specified under the Act. A matter or thing done or omitted to be done by a committee member, or by a person acting under the direction of a committee member, does not, if the matter or thing was done or omitted to be done in good faith for the purpose of exercising the committee member's functions under this Act, subject the committee member or person so acting personally to any action, liability, claim or demand.

No fees or assessments in addition to those set forth herein may be levied on, or required of, any member by the club, its Committee or any officer of this Club.

### **5.6 FUNDS**

- 1 The funds of the Club shall be derived from joining fees, annual fees, donations and such other sources as the Committee or the club members determines.
- 2 All accounts shall be presented to and passed for payment at a **Monthly** Meeting of **members and** the Committee and full details of the amount and approval shall be entered in the Administration Officer's minute book.
- 3 Any re-imbursements to **members or** Committee Members shall be made by **Electronic Funds Transfer** upon presentation of an official receipt.
- 4 The Clubs accounts are to be maintained in a timely manner in either book form or using authorised accounting software. Payment of approved invoices shall be provided by the Treasurer and a Committee approved member by **Electronic Funds Transfer**.
- 5 At all times, the Commodore or other Committee approved person shall have internet viewing rites of all the club bank accounts.
- 6 The income and property of the club whencesoever derived, shall be applied solely toward the promotion of the Objectives and Purposes of the club. No portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise, to the members of the club.
- 7 No officer or member of the Committee of the club shall be appointed to a salaried office of the club, or paid by fees or remuneration or other benefit in money or money's worth.
- 8 Monies shall not be paid or given by the club to any officer or member of such Committee except repayment of out-of-pocket expenses.

### **5.7 AUDIT**

The Club shall appoint an auditor or auditors annually:

- 1 The auditor or auditors shall be elected at the Annual General Meeting.
- 2 Audits shall be conducted at regular intervals of not more than twelve months.
- 3 An auditor shall not be a member or related to a member of the Committee.

### **5.8 INSPECTION OF RECORDS**

The Records, books and other documents of the club shall be open to inspection free of charge to a member of the club at any reasonable hour.

## **5.9 FINANCIAL YEAR**

The financial year of the club shall be July 1 through June 30.

## **5.10 PARLIAMENTARY PRACTICES**

Except as otherwise specifically provided in this Constitution, all questions of Order or Procedure with respect to any meeting or action of the club, its Committee or any Committee appointed hereunder shall be determined in accordance with the current edition of Joske's Law "Law and Procedure at Meetings in Australia".

## **5.11 CLUB GUIDELINES**

- 1 The Committee shall have the power to make club guidelines relating to the club and its affairs as it thinks fit provided such club guidelines are not contrary to or inconsistent with the constitution and may from time to time vary and/or add to such club guidelines.
- 2 This Club shall not endorse or recommend any candidate for public office, nor shall partisan politics or sectarian religion be debated by members in meetings of this Club.
- 3 No Officer or Member of the club shall use their membership as a means of furthering any personal, political, or other aspirations, nor shall the club, as a whole take part in any movement not in keeping with its Purposes and Objects.
- 4 If any question or difference shall arise as to the construction of the club guidelines such question or difference shall be referred to the Committee whose decision shall be final and binding on all concerned.
- 5 All club guidelines shall be listed on the club's website.

**APPENDIX 1**  
**(Constitution 4.9)**

**FORM OF APPOINTMENT OF PROXY**

I, \_\_\_\_\_ (full name)

being a financial member of Bobbin Head Cruising Club Inc.

hereby appoint

the Chairperson of the meeting

or

\_\_\_\_\_ (full name of proxy)

also, being a financial member of Bobbin Head Cruising Club Inc., as my proxy to vote as per my instructions at the General Meeting of the Club (Annual General Meeting or Special Meeting) to be held on the

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and at any adjournment of that meeting.

\_\_\_\_\_ (Signature of member appointing proxy)

Date: / /

NOTE: A proxy vote may not be given to a person who is not a member of the Club or a member not in good standing.