



**CANBERRA CARAVAN CLUB INC.**

# **CONSTITUTION**

**6 MAY 2007**

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# CONSTITUTION OF THE CANBERRA CARAVAN CLUB INCORPORATED

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# CONSTITUTION OF THE CANBERRA CARAVAN CLUB INCORPORATED

## PART 1: PRELIMINARY

### 1. Date of Adoption

This constitution, dated 6 May 2007, supersedes the previous constitution as amended on 6 May 2006.

### 2. Name

The name of the club shall be "Canberra Caravan Club Incorporated" (in this constitution called the "club").

### 3. Interpretation

(1) In this constitution, unless the contrary intention appears:

- (a) "the Act" means the Associations Incorporation Act 1991;
- (b) "clause" means a clause of this constitution and "sub-clause" means a sub-clause of a clause of this constitution;
- (c) "member" means a financial member of the club and membership has a corresponding meaning;
- (d) "committee member" means a member of the committee to which clause 20 refers;
- (e) "president" means the president of the club;
- (f) "vice- president" means the vice-president of the club;
- (g) "secretary" means the secretary of the club;
- (h) "treasurer" means the treasurer of the club;
- (i) "membership secretary" means the membership secretary of the club;
- (j) "general meeting" means a general meeting of members convened in accordance with clause 31; and
- (k) "special general meeting" means a special general meeting of members convened in accordance with clause 33;

(2) Words or expressions not defined in this constitution are taken as defined in the Act or in the Schedule to the Regulations made under the Act.

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- (3) In this constitution, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form.
- (4) Subject to the jurisdiction of the law courts, the interpretation of any of these clauses and the determination of any such matter which these clauses do not cover, shall be referred to the committee for decision and the committee's decision shall be final and binding on members except at an annual general meeting or special general meeting when the members shall decide the interpretation.
- (5) In this constitution, any words of masculine gender includes the feminine and the singular includes the plural, and vice versa.

#### **4. Registered Office**

The office of the club shall be at Canberra in the Australian Capital Territory or such other place as the committee shall determine.

### **PART II: OBJECTS**

#### **5. Objects**

- (1) To promote and encourage interest in caravans and the use and enjoyment of caravans.
  - (2) To seek, receive and disseminate information of value to its members.
  - (3) To present the views and wishes of its members to the Government of the Australian Capital Territory or to any other body or person.
  - (4) To promote, support or oppose legislation or other measures affecting caravans, the use and enjoyment of caravans or the welfare of its members.
  - (5) To make and maintain provision to enable its members to indulge in the use and enjoyment of caravans and generally to afford to members and their guests all the usual privileges, advantages, conveniences and accommodation of a club.
  - (6) To establish, maintain and conduct a social club (with or without a licence to supply spirituous and fermented liquors) for the accommodation of the members and their guests.
  - (7) To purchase, take on lease or in exchange, hire or otherwise acquire any real or personal property of any description or any estate or interest in such property or any rights over or connected with any such property that may be deemed necessary or convenient for any of the objects or purposes of the club and to build or otherwise provide club houses, club rooms and conveniences in connection therewith and any buildings and conveniences whatsoever which may be necessary or convenient for the
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objects or purposes of the club and to furnish, alter, enlarge, repair and maintain any club houses, club rooms, buildings and conveniences and to permit the same to be used by members of the club and others, either gratuitously or for payment.

- (8) To manage, improve, develop and maintain all or any part of the lands and buildings of the club and to demise, sublet, exchange, sell, dispose or otherwise deal with the same, either together or in portions for such considerations as the members in general meeting may think fit.
  - (9) To buy, sell and supply and deal in goods of all kinds.
  - (10) To construct, maintain and alter buildings or works necessary or convenient for any of the objects or purposes of the club.
  - (11) To encourage social intercourse among and between members and their guests.
  - (12) To accept any gifts, whether subject to a special trust or not, for any one or more of the objects or purposes of the club.
  - (13) To take such steps from time to time as the committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the club whether by way of donations, subscriptions or otherwise.
  - (14) To print and publish such newspapers, periodicals, books, leaflets or other such documents as the committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the club.
  - (15) To supply to the members and their guests all kinds of liquors, goods and refreshments in accordance with the law of the Australian Capital Territory for the time being in force relating to such supply.
  - (16) To borrow and raise money in such manner and on such terms as may be approved or directed by resolution passed at a general meeting, and securing the repayment of money so raised or borrowed or the payment of a debt or liability of the club by giving mortgages, charges or securities upon or over all or any of the real or personal property of the club.
  - (17) Subject to the provisions of the Trustees Act, as amended, to invest any moneys of the club not immediately required for any of its objects or purposes in such manner as the members in general meeting may from time to time determine.
  - (18) To make gifts, subscriptions or donations to any of the funds, authorities or institutions to which section 78 (1) (a) of the Income Tax Assessment Act 1936 refers.
  - (19) To appoint and employ any person considered necessary for the purpose of the club and to pay them salaries, gratuities or pensions and to suspend, remove or dismiss any person so employed and to remunerate other persons in return for services rendered to the club.
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- (20) To establish and support or aid in the establishment or support of any other association formed for any of the basic objects of the club.
- (21) To draw, make, accept, endorse, execute and issue cheques, promissory notes, bills of exchange, debentures and other negotiable or transferable instruments.
- (22) To remunerate any persons in cash or otherwise for services rendered or to be rendered in relation to the conduct of the club's business.
- (23) To insure and keep insured any insurable property of the club against any loss or damage by fire or otherwise and to insure and keep insured any servants of the club against risk, accident or breach of fidelity in the course of their employment by the club and to effect insurance for the purpose of indemnifying the club in respect of claims by reasons of any risk, accident or breach of fidelity and to pay premiums on any such insurance and generally to insure against losses, damage, risks, accident and liabilities of all kinds which may affect the club.
- (24) To do all such other lawful things as are incidental or conducive to the attainment of the objects of the club or of any of them.

## **A. MEMBERSHIP**

### **6. Members**

There shall be two categories of members, namely:

- (a) ordinary members and
- (b) life members.

### **7. Membership Qualifications**

- (1) A person is qualified to be an ordinary member if he:
    - (a) was a member of the Canberra Caravan Club at the time of the club's incorporation and has not ceased to be a member at any time since the club's incorporation under the Act; or
    - (b) has been nominated for membership in accordance with sub-clause 8 (1) and has been approved for membership.
  - (2) A person wishing to join the club shall possess a caravan before being nominated for membership.
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## **8. Nomination for Membership**

- (1) A nomination of a person for membership shall be:
  - (a) made by a member in writing, on the approved form;
  - (b) lodged with the membership secretary; and
  - (c) accompanied by the prescribed joining fee.
- (2) Where a person's nomination for membership is approved, the person shall be allocated the next membership number.
- (3) As soon as practicable after receiving a nomination for membership, the membership secretary shall refer the nomination to the next general meeting for approval or rejection of the nomination.
- (4) Where the nomination for membership is approved, the membership secretary shall:
  - (a) as soon as practicable, notify the nominee in writing that the nomination has been approved;
  - (b) enter the nominee's name in the register of members kept by the membership secretary and upon such entry being made the nominee becomes an ordinary member;
  - (c) deliver to the new ordinary member a copy of this constitution; and
  - (d) request the new ordinary member to pay, within one month after receipt of the notification, the amount of the annual subscription, in accordance with clause 12.
- (5) Where the nomination has been rejected, the treasurer shall refund to the nominee the joining fee which accompanied the nomination.

## **9. Register of Members**

- (1) The membership secretary shall keep and maintain a register of members. The register shall record each member's name and address, the date on which membership was approved and date (if any) on which each member ceased to be a member of the club.
  - (2) The membership secretary shall:
    - (a) make the register available for members' inspection, with a minimum two days notice, at a mutually convenient location; and
    - (b) in each annual return, publish the address at which the register is available for inspection.
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## **10. Life Members**

An ordinary member who has rendered meritorious service to the club may be elected as a life member on account of such service. A member shall be elected as a life member only on the committee's recommendation to the members at the annual general meeting after which he shall be entitled to immunity from payment of annual subscriptions.

## **11. Joining Fee**

The club's joining fee shall be determined by the members at the annual general meeting and is payable by the nominee when lodging his nomination for membership.

## **12. Annual Subscription**

- (1) The annual subscription shall be determined by the members at the annual general meeting. The annual subscription is payable at the annual general meeting and shall be paid by no later than one month after the annual general meeting.
- (2) Notwithstanding clause 39, the period applicable for annual subscriptions shall commence on the first day after the annual general meeting and end on the day upon which the annual general meeting is held in the following year.
- (3) A new member joining the club more than one month after the annual general meeting shall pay the pro-rata rate applicable for the number of whole months remaining before the next annual general meeting, at the date that the nomination for membership is approved. Payment shall be made within one month after receipt of notification of approval of the nomination for membership.
- (4) A member who fails to pay the prescribed annual subscription within one month after the annual general meeting, in accordance with sub-clause (1), shall be deemed to be unfinancial.
- (5) Where a member has not paid the prescribed annual subscription within two months after the annual general meeting, the committee, at its discretion, may deem the member to have resigned his membership.

## **13. Special Levy**

The committee may recommend to the members at an annual general meeting the introduction, amendment or abolition of a special levy. When a levy is introduced, the members shall decide when it is due to be paid.

## **14. Membership**

- (1) Financial ordinary members and life members, subject to this constitution, shall be entitled to all the rights and privileges of membership and shall bear all the obligations, duties and liabilities of such membership.
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- (2) An unfinancial member shall not be entitled to any of the rights and privileges of membership, including the right to resign or be elected or appointed to the committee.
- (3) Persons wishing to join the club shall follow the guidelines approved by the general meeting from time to time.

### **15. Membership Entitlements not Transferable**

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

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

### **16. Members' Liabilities**

A member's liability to contribute towards the payment of club debts and liabilities or the costs, charges and expenses of winding up the club is limited to the amount, if any, unpaid by the member as required by clauses 12 and 13.

### **17. Cessation of Membership**

A person ceases to be a member if he:

- (a) dies;
- (b) resigns from membership, pursuant to clause 18;
- (c) is expelled from the club, pursuant to clause 44; or
- (d) fails to renew his membership.

### **18. Resignation of Membership**

- (1) A member may resign as a member of the club:
    - (a) by delivering or sending by post (giving not less than two weeks notice) to the secretary, a written notice of intent to resign and, upon the expiration of the period of notice, the member ceases to be a member;
      - (i) unless the resignation is withdrawn by lodging a written notice of withdrawal with the secretary before the expiration of the period of notice;
    - (b) orally (giving not less than twenty-four hours notice) to the president or secretary, with at least one other member as witness;
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- (i) unless the resignation is withdrawn by orally informing the president or secretary of the withdrawal, before the expiration of the period of notice, with at least one other member as witness.
- (2) Where a person ceases to be a member, the membership secretary shall make the appropriate entry in the register of members recording the date on which the member ceased to be a member.

## **B. COMMITTEE**

### **19. Powers of the Committee**

The committee, subject to the Act, Regulations, this constitution, and to any resolution passed by the members in general meeting:

- (a) shall control and manage the club's affairs;
- (b) may exercise all such functions as may be exercised by the club as well as those functions that are required by the constitution to be exercised by the members in general meeting; and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the club's affairs.

### **20. Composition and Membership of the Committee**

- (1) The committee shall consist of the:
- (a) office-bearers of the club; and
  - (b) a number of ordinary committee members necessary for the proper management of the club
    - (i) each of whom shall be elected pursuant to clause 21 or appointed in accordance with sub-clause 24 (1); and
    - (ii) subject to the committee's recommendation to the members at the annual general meeting as to how many ordinary committee members are required on the committee.
- (2) The office-bearers shall be the:
- (a) president;
  - (b) vice president;
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- (c) secretary; and
  - (d) treasurer.
- (3) Subject to sub-clause (1), the committee may act notwithstanding any vacancy on the committee.

## **21. Election of Committee Members**

- (1) Nominations of candidates for election as office-bearers or ordinary committee members shall be:
- (a) made in writing and signed by two members and the candidate; and
  - (b) delivered to the secretary not later than the last general meeting before the annual general meeting is held.
- (2) Members wishing to nominate as candidates for election but who will be absent from the annual general meeting, may nominate in accordance with sub-clause (1).
- (3)
- (a) If insufficient nominations are received to fill any committee vacancy, further nominations shall be called for at the annual general meeting.
  - (b) If insufficient further nominations are received to fill any vacancy, that position shall be deemed vacant.
  - (c) If a position remains vacant at the end of the annual general meeting, the committee may appoint a member to fill the position.
- (4) A ballot shall be held for all positions for which at least one nomination has been received.
- (5) The ballot shall be conducted in such manner as the committee directs.
- (6) A member is not eligible to be elected to more than one committee position.
- (7) Members elected as committee members shall hold office, subject to this constitution, until the conclusion of the next annual general meeting, but are eligible for re-election.
- (8) A member may hold any one office-bearer position for only three consecutive years but may be elected to another position.
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## **22. Absentee Voting**

A member wishing to vote in the election of committee members but who will be absent from the meeting, may cast an absentee vote by advising the secretary in writing of the name/s of the member/s (including the relevant position/s) he wishes to vote for. The secretary must receive the vote/s before the annual general meeting commences.

## **23. Resignation of Committee Member**

A committee member may resign from the committee:

- (a) by delivering or sending by post (giving not less than two weeks notice) to the secretary, a written notice of intent to resign and, upon the expiration of the period of notice, the committee member ceases to be a committee member;
  - (i) unless the resignation is withdrawn by lodging a written notice of withdrawal with the secretary before the expiration of the period of notice;
- (b) orally (giving not less than twenty-four hours notice) to the president or secretary, with at least one other committee member as witness;
  - (i) unless the resignation is withdrawn by orally informing the president or secretary of the withdrawal, before the expiration of the period of notice, with at least one other committee member as witness.

## **24. Vacancy on Committee**

- (1) In the event of a vacancy in the membership of the committee, the committee may appoint a member to fill the vacancy and the member so appointed shall hold office, subject to this constitution, until the conclusion of the next annual general meeting, but is eligible for re-election.
  - (2) For the purposes of this constitution, a vacancy in the office of a committee member occurs if the committee member:
    - (a) dies;
    - (b) ceases to be a member;
    - (c) resigns his office in accordance with clause 23;
    - (d) is removed from office pursuant to clause 25;
    - (e) becomes an insolvent under administration within the meaning of the Corporations Law;
    - (f) suffers from mental or physical incapacity;
    - (g) is disqualified from office under sub-section 63 (1) of the Act; or
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- (h) is absent without the committee's consent from all committee and general meetings held during a period of three months.

## **25. Removal of Committee Member**

The members at a special general meeting may remove, by resolution and subject to Section 50 of the Act, a committee member from office before the expiration of the committee member's term of office.

## **26. Duties of Committee Members**

The duties of each committee position are in accordance with the duty statement for each position as approved by the members in general meeting.

## **27. Committee Meetings and Quorum**

- (1) The committee shall meet at least once in any month (except January) in which a general meeting is not held and during any other month when considered necessary by the president or secretary.
- (2) The secretary shall give each committee member at least seven days notice prior to the date of a meeting.
- (3) The quorum for a meeting shall be a majority of committee members, including two office bearers.
- (4) Notice of a meeting given under sub-clause (2) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.

## **28. Special Committee Meeting**

- (1) The president or secretary shall give each available committee member at least 48 hours notice prior to the time fixed for a special committee meeting.
  - (2) A quorum is achieved when a majority of available committee members, including two office bearers, is present at the time and place fixed for the meeting by the president or the secretary.
  - (3) Should the president and secretary be absent, any decision made at the meeting shall be brought before the committee as soon as possible for endorsement.
  - (4) Notice of a meeting given under sub-clause (1) shall specify the nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting.
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## **29. Rules Common to all Committee and Sub-committee Meetings**

- (1) (a) The president shall preside as chairman at all committee/sub-committee meetings at which he is present and shall have only a deliberative vote.
  - (b) The vice-president shall preside as chairman at all committee/subcommittee meetings from which the president is absent and, whilst so presiding, shall have all the powers and functions of the president.
  - (c) Should both the president and vice-president be absent from a meeting, the committee members present shall elect one of their number to preside as chairman.
- (2) Each committee member present at a committee/sub-committee meeting is entitled to one vote.
- (3) Voting shall be by simple majority.
- (4) (a) The committee/sub-committee shall not transact any business unless a quorum is present and if within thirty minutes after the time fixed for the meeting a quorum is not present, the meeting stands adjourned to a place, day and time agreed to by the committee/sub-committee members present.
  - (b) If a quorum is not present within thirty minutes after the time fixed for the adjourned meeting, the meeting shall be dissolved.
- (5) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or a sub-committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any committee or sub-committee member.

## **30. Delegation by Committee to Sub-committee**

- (1) The committee may delegate to one or more sub-committees the exercise of such of the committee functions as are specified by the committee, other than:
    - (a) this power of delegation; and
    - (b) a function which is a function imposed on the committee by the Act, any other law of the Australian Capital Territory or by resolution of the members in general meeting.
  - (2) A function, the exercise of which has been delegated to a sub-committee under this clause, may, while the delegation remains unrevoked, be exercised by the sub-committee in accordance with the terms of delegation.
  - (3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified by the committee.
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- (4) Notwithstanding any delegation under this clause, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this constitution has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may revoke wholly or in part any delegation under this clause.
- (7) A sub-committee may meet and adjourn as it thinks proper.

## **C. GENERAL MEETINGS**

### **31. General Meeting**

- (1) The secretary shall convene, at the direction of the president, a general meeting at least once in each month unless the members decide that a general meeting should not be held in a particular month.
- (2) If it is not possible to hold a general meeting when scheduled, it shall be held as soon as possible thereafter.

### **32. Annual General Meeting**

- (1) The annual general meeting shall be held within six months after the end of the previous financial year.
  - (2) The secretary may apply to the Registrar for an extension of the period of time referred to in sub-clause (1) whether or not the application is made before the period expired.
  - (3) The annual general meeting shall, subject to the Act, be convened on such date at such a place and time as the members in general meeting decide on the recommendation of the committee.
  - (4) A notice in writing specifying the place, date, time and agenda of the meeting shall be forwarded to each member at least fourteen days prior to the date of the meeting.
  - (5) An annual general meeting shall be specified as such in the notice convening it and shall be conducted in accordance with the provisions of the constitution.
  - (6) The business of the annual general meeting shall include:
    - (a) confirm the minutes of the previous annual general meeting;
    - (b) receive from the committee reports on the club's activities during the previous financial year;
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- (c) receive and consider statements of accounts and reports that are required to be submitted to members pursuant to sub-section 73 (1) of the Act;
- (d) appoint an auditor who shall not be a member;
- (e) elect committee members, including office-bearers, pursuant to clause 21; and
- (f) appoint a Public Officer who shall be a member residing in the ACT.

### **33. Special General Meeting**

- (1) The secretary shall convene, at the direction of the president, or on written request from at least ten per cent of the members, a special general meeting.
- (2) A notice in writing specifying the place, date, time and agenda of a special general meeting and, in addition, the intention to propose one or more resolutions as special resolutions, shall be forwarded to each member at least twenty-one days prior to the date of the meeting.
- (3) To be passed, each resolution must be passed by at least seventy-five per cent of financial members at the meeting.
- (4) A request from members for a special general meeting:
  - (a) shall state the purpose/s of the meeting;
  - (b) shall be signed by the members making the request;
  - (c) shall be lodged with the secretary; and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the request.
- (5) If the committee fails to convene a special general meeting within one month after the date on which the members' request for a meeting is lodged with the secretary, any three or more of the members who made the request may convene a special general meeting to be held not later than two months after that date.
- (6) A special general meeting convened by the members referred to in sub-clause (5) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.

### **34. Rules Common to all General Meetings**

- (1) The president shall preside as chairman at all general meetings at which he is present.
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- (2) The vice president shall preside as chairman at all general meetings from which the president is absent and, whilst so presiding, shall have all the powers and functions of the president.
- (3) Should both the president and vice-president be absent from a meeting, the members present shall elect one of their number to preside as chairman.

### **35. General Meetings - Procedure and Quorum**

- (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled to vote is present.
- (2) Twenty-five per cent of the total membership (being members entitled under this constitution to vote at a general meeting), constitutes a quorum for a general meeting.
- (3)
  - (a) If within thirty minutes after the time fixed for the commencement of a general meeting a quorum is not present, the meeting, if convened at the request of members, shall be dissolved and in any other case shall stand adjourned to a place, day and time agreed to by the members present.
  - (b) If a quorum is not present within thirty minutes after the time fixed for the adjourned meeting, the members present, being not less than five, shall constitute the quorum.

### **36. Adjournment**

- (1) The chairman may, with the consent of the majority of members present at the meeting, adjourn the meeting to a place, date and time agreed to by the members, but no business shall be transacted at the adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a general meeting is adjourned for fourteen days or more, the secretary shall give each member notice of the adjourned meeting stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in sub-clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at the adjourned meeting is not required to be given.

### **37. Making of Decisions**

- (1) A question arising at a general meeting shall be determined by a show of hands and, unless before or after the declaration of the show of hands a poll is demanded, a declaration by the chairman that a resolution has been carried or lost, or an entry to that effect in the minute book, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
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- (2) At a general meeting, a poll may be demanded by the chairman or by not less than five members present.
- (3) Where the poll is demanded at a general meeting, the poll shall be taken:
  - (a) immediately in the case of a poll which relates to the election of the person to preside at the meeting or to a question of an adjournment; or
  - (b) in any other case, in such manner and at such time before the close of the meeting as the chairman directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

### **38. Voting**

- (1) Each financial member present at a general meeting has one vote only.
- (2) Voting shall be by simple majority.

## **D. ACCOUNTS AND AUDIT**

### **39. Financial Year**

The club's financial year shall commence on the first day of February and end on the thirty-first day of January in each year.

### **40. Funds – Source**

- (1) Club funds shall be derived from joining fees, annual subscriptions, special levies, donations, and, subject to any resolution passed by the members in general meeting and subject to Section 114 of the Act, such other sources as the committee determines.
- (2) All money received shall be deposited as soon as practicable and without deduction to the credit of the club's bank account and an appropriate receipt issued.

### **41. Funds – Management**

- (1) Subject to any resolution passed by the members in general meeting, club funds shall be used in pursuance of the club's objects in such manner as the members determine.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two of the office-bearers.

### **42. Auditor**

- (1) The auditor, appointed pursuant to sub-clause 32 (6) (d), shall hold office until:
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- (a) the next annual general meeting but is eligible for re-appointment; or
  - (b) he is removed from office by the members at a special general meeting.
- (2) Should the auditor be removed from his office, the members shall appoint an auditor who shall not be a member.

## **E. MANAGEMENT**

### **43. Complaints**

All complaints about club matters shall be made in writing to the secretary who shall submit them to the committee. The committee's decision in respect of all such complaints shall be final.

### **44. Disciplinary Measures**

- (1) Where the committee is of the opinion that a member has:
- (a) persistently refused or neglected to comply with a provision of this constitution; or
  - (b) persistently and wilfully acted in a manner prejudicial to the club's interests
- the committee may recommend to the general meeting that the member be:
- (i) reprimanded;
  - (ii) suspended from such rights and privileges of membership as the committee may determine for a specified period;
  - (iii) requested to resign; or
  - (iv) be expelled from the club.
- (2) A committee recommendation under sub-clause (1) is of no effect unless the members at a general meeting held not earlier than fourteen days and not later than twenty eight days after service on the member of a notice under sub-clause (3), confirms the recommendation in accordance with this sub-clause.
- (3) Where the members in general meeting pass a resolution under sub-clause (1), the secretary shall, as soon as practicable, advise the member in writing:
- (a) setting out the general meeting resolution and the grounds on which it is based;
  - (b) stating that the member may address the general meeting not earlier than fourteen days and not later than twenty eight days after receipt of the advice;
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- (c) stating the date, place and time of the meeting; and
- (d) informing the member that he may do either or both of the following:
  - (i) attend and speak at the meeting;
  - (ii) submit to the general meeting or prior to the date of the meeting written representations relating to the resolution.
- (4) Subject to Section 50 of the Act, at the general meeting mentioned in sub-clause (2), the meeting shall:
  - (a) give the member an opportunity to make oral representations;
  - (b) give due consideration to any written representations submitted to the general meeting by the member at or prior to the meeting; and
  - (c) by resolution determine whether to confirm or revoke the general meeting resolution made under sub-clause (1).
- (5) Where the general meeting confirms a resolution under sub-clause (4), the secretary shall, within seven days after that confirmation, inform the member in writing of that confirmation and of the member's right of appeal under clause 45.
- (6) A resolution of the general meeting under sub-clause (4) does not take effect:
  - (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
  - (b) where within that period the member exercises the right of appeal, unless and until the general meeting confirms the resolution in accordance with sub-clause (4).

#### **45. Right of Appeal of Disciplined Member**

- (1) A member may appeal to the members in general meeting against disciplinary action determined under sub-clause 44 (4), within seven days after notice is served on the member, by lodging with the secretary a notice to that effect.
  - (2) Upon receipt of a notice under sub-clause (1), the secretary shall convene a special general meeting as soon as possible after the date on which the secretary received the notice.
  - (3) Subject to section 50 of the Act, at a special general meeting convened under sub-clause (2):
    - (a) no business other than the question of the appeal shall be transacted;
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- (b) the special general meeting and the member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
  - (c) the members present shall vote by secret ballot on the question of whether the resolution made under sub-clause 44 (4) should be confirmed or revoked.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under sub-clause 44 (4), that resolution is confirmed.

## **F. MISCELLANEOUS**

### **46. Service of Notices**

- (1) Under this constitution a notice may be served upon any member either personally or sending it by post to the member at the address shown in the register of members or by email.
- (2) Where a notice is served correctly by post, it shall be deemed, unless the contrary is proved, to have been served on the member at the time at which the notice would have been delivered in the ordinary course of post.

### **47. Change of Address**

- (1) A member shall notify the membership secretary of any change of his address for service of notices.
- (2) The membership secretary shall record that change of address in the register of members kept by him pursuant to clause 9 and revise the membership list accordingly.

### **48. Amendments to Constitution**

This constitution may be amended at a special general meeting where the resolution for the amendment is passed by at least seventy five per cent of members who, being entitled to vote, vote in person at the meeting.

### **49. Common Seal**

- (1) The club's common seal shall be kept in the secretary's custody.
  - (2) The common seal shall not be affixed to any document except with the authority of the members in general meeting and the affixing of the common seal shall be attested to by the signatures of two office-bearers, one being the secretary.
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## **50. Custody of Books**

Subject to the Act, the Regulations and this constitution, all committee members shall keep in their custody or under their control all club records, books and other documents relevant to their positions.

## **51. Inspection of Books**

The club's records, books and other documents shall be open for inspection at a place in the Australian Capital Territory, with due notice, free of charge, by a member at any reasonable hour.

## **52. By-laws**

The committee, with approval from a general meeting, may introduce, revise, or abolish a by-law.

## **53. Surplus Property**

Surplus property shall be dealt with as determined by members at a general meeting.

## **G. WINDING UP**

### **54. Voluntary Winding-up**

- (1) If, in the opinion of the committee the club must disband, the president shall direct the secretary to give notice of a special general meeting, in accordance with clause 33.
  - (2) The winding up of the club's affairs, including the distribution of the club's assets, shall be carried out pursuant to part VII of the Act, as amended.
  - (3) The disposal of any assets of the club shall be agreed by members at the special general meeting.
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