

# CONSTITUTION



**THIRLSTANE  
GOLF CLUB INC.**

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This Constitution commenced on 8 July 2015 following a Special General Meeting for that purpose.

Amendments since 8 July 2015

Date	Rule Amended	Amendment Description
17/5/2016	6	Changes to membership categories to non-gender specific Incl. Lady members to change to Full Members by 2020 & Couples discount rate be discontinued.
16/5/2017	6	Social Member Hon. included and changes to Intermediate Full Member and Full Member ages.
16/5/2017	23	Remove Para 5 to clarify Vice President & Deputy Vice President 2 year terms
14/5/2019	6	Insert definition of 'Summer Member'
11/5/2021	6	Remove Country Social Member Category and remove Lady Member references.

# 1. Name of Club

The name of the Club is as follows:

**Thirstane Golf Club Inc**, referred to throughout this document as **the Club**

# 2. Interpretation

In these rules, unless the context otherwise requires -

**accounting records** has the same meaning as in the Act;

**Act** means the *Associations Incorporation Act 1964* ;

**annual general meeting** means an annual general meeting of the Club held under rule 12;

**auditor** means the person appointed as the auditor of the Club under rule10;

**authorised deposit-taking institution** means a body corporate that is an authorised deposit-taking institution for the purposes of the *Banking Act 1959* of the Commonwealth;

**basic objects of the Club** means the objects and purpose of the Club as stated in an application under section 7 of the Act for the incorporation of the Club;

**By-laws** means by-laws made by the management committee of the Club in accordance with rule 22(2)(e).

**Club** means the Club referred to in rule 1; and  
Club has the same meaning as Association as defined in the Act.

**Commissioner** has the same meaning as under the Act;

**committee** means the committee of management referred to in rule 22;

**Constitution** means these Rules formulated in accordance with Section 16 (1) of the *Act*.

**financial year** means the financial year for the Club as defined in Rule 32;

**general meeting** means -  
(a) an annual general meeting; or  
(b) a special general meeting;

**member** means a person who is a financial member of the Club or a person who holds a class of membership that does not require the payment of an annual subscription in accordance with Rule 6;

**officer of the Club** means a person elected as an officer of the Club at an annual general meeting or appointed as an officer of the Club under rule 23;

**ordinary business of an annual general meeting** means the business specified in rule 12(5);

**ordinary committee member** means a member of the committee other than an officer of the Club in accordance with rule 24;

**public officer** means a person appointed by the committee to be the public officer for the Club in accordance with rule 22 (2) (d);

**special committee meeting** means a meeting of the committee that is convened under rule 27(2) by the president or any 4 of the members of the committee;

**special general meeting** means a meeting of the Club, other than an annual general meeting, convened under rule 13;

**special resolution** has the same meaning as in the *Act*.

### 3. Club office

The office of the Club is to be at the following place or at any other place the committee determines: 291 Squeaking Point Road, Thirlstane in the State of Tasmania.

### 4. Constitution

(1) The Club shall comply with these Rules as required for incorporated Clubs in accordance with Section 16 (1) of the *Act*.

(2) These Rules shall be known as the *Thirlstane Golf Club Constitution*.

### 5. Objects and purposes of Club

The objects and purposes of the Club consist of the basic objects of the Club and the following objects and purposes:

(a) to promote and conduct the game of golf and such other amusements and entertainments, pastimes and recreations, indoor and outdoor, as the Club may deem expedient.

(b) to subscribe to, become a member of and co-operate with any other club, association or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Club.

(c) the purchase, taking on lease or in exchange, hire or other acquisition of any real or personal property necessary or convenient for any of the objects or purposes of the Club;

(d) the purchase, sale or supply of, or other dealing in goods;

(e) the purchase, sale or supply of liquor in accordance with the *Liquor Licensing Act 1990*;

(e) the construction, maintenance or alteration of any building or works necessary or convenient for any of the objects or purposes of the Club;

(f) the acceptance of a gift for any of the objects or purposes of the Club;

(g) the taking of any step the committee or the members of the Club at a general

meeting determine expedient for the purpose of procuring contributions to the funds of the Club;

(h) the printing or publication of any newspaper, periodical, book, leaflet or other document the committee or the members of the Club at a general meeting determine desirable for the promotion of any of the objects or purposes of the Club;

(i) the borrowing and raising of money in any manner and on terms -

(i) the committee thinks fit; or

(ii) approved or directed by resolution passed at a general meeting;

(j) subject to the provisions of the *Trustee Act 1898*, the investment, in any manner the committee determines, of any money of the Club not immediately required for any of the objects or purposes of the Club;

(k) the making of a gift, subscription or donation to any of the funds, authorities or institutions to which section 78A of the *Income Tax Assessment Act 1936* of the Commonwealth relates;

(l) the establishment and support, or aiding in the establishment and support, of Clubs, institutions, funds, trusts, schemes or conveniences calculated to benefit servants or past servants of the Club and their dependents, and the granting of pensions, allowances or other benefits to servants or past servants of the Club and their dependents, and the making of payments towards insurance in relation to any of those purposes;

(m) the establishment and support, or aiding in the establishment or support, of any other club formed for any of the basic objects of the Club;

(n) the purchase, or acquisition, and the undertaking of all or part of the property, assets, liabilities or engagements of any club with which the Club is amalgamated in accordance with the provisions of the Act and the rules of the Club;

(o) the doing of any lawful thing incidental or conducive to the attainment of the objects or purposes of the Club.

## 6. Membership of Club (Amended 17/5/2016)

(1) A person may be admitted to a class of membership as determined by this rule or that may be determined by an annual general meeting or a special general meeting.

(2) A person who has been nominated and approved for membership of the Club in accordance with this rule shall be eligible for membership in one of the following categories.

**Clubhouse Member** - means a person who is entitled to use the bar facilities and clubrooms. A Clubhouse member must pay green fees for any game of social golf they play at the Club. A Clubhouse member shall not be entitled to hold office or vote at any general meeting of the Club.

**Country Member** - means a member whose permanent place of residence shall be not less than 50 kilometres by the nearest practicable route from the Club. A Country member is not entitled to hold office or vote at any general meeting of the Club but is otherwise entitled to all of the same rights as a Full Member.

**Foundation Member** - means a person who is the holder of a Foundation Member Certificate. A foundation member has the right to vote at any and all general meetings of the Club and

shall enjoy all of the rights and privileges of a Full member or Lady member as the case may be. A Foundation Member shall not be required to pay an annual subscription.

**Foundation Member Non Playing** - means a person who is the holder of a Foundation Member Certificate. A 'Foundation Member Non-playing' has the right to vote at any and all general meetings of the Club but is not able enter or play in a golf competition at the Club because they no longer hold a current GA handicap. A Foundation Member Non playing shall not be required to pay an annual subscription.

**Full Member** - means a person of not less than twenty five years of age who has the right to vote at any and all general meetings of the Club and shall enjoy all of the rights and privileges of a Full member of the Club.

**Full Honorary Member** means a person of not less than twenty years of age who has been appointed as a Full Honorary Member by the committee for a period of twelve months and has the right to vote at any and all general meetings of the Club and shall enjoy all of the rights and privileges of a Full member of the Club. A Full Honorary Member shall not be required to pay an annual subscription. Full Honorary Membership status shall be ratified and endorsed by the Committee annually prior to the 1st of April of each year.

**Full Intermediate Member** - means a person aged between 18 years and 25 years inclusive. A Full Intermediate Member shall be entitled to hold office and can vote at any general meeting of the Club. A Full Intermediate member shall pay 50% of a Full Member annual subscription.

**Junior Member** - means a person up to the age of 18 years. A junior member shall not be entitled to hold office or vote at any general meeting of the Club.

**Life Member** - means a person who is a Full member who shall have been elected as a Life member by not less than three fourths majority of the full members present at an annual general meeting of the Club. A Life member shall enjoy all of the rights and privileges of a Full member. A Life Member shall not be required to pay an annual subscription.

**Member for Life** - means a person who is the holder of a Member For Life Certificate. A Member for Life has the right to vote at any and all general meetings of the Club and shall enjoy all of the rights and privileges of a Full member. A Member For Life shall not be required to pay an annual subscription.

**Member for Life (Honorary)** - means a person who is the holder of an Honorary Member for Life Certificate. An Honorary Member for Life has the right to vote at any and all general meetings of the Club and shall enjoy all of the rights and privileges of a Full member. An Honorary Member for Life shall not be required to pay an annual subscription.

**Member for Life Non Playing** - means a person who is the holder of a Member for Life Certificate. A 'Member for Life Non-playing' has the right to vote at any and all general meetings of the Club but is not able enter or play in a golf competition at the Club because they no longer hold a current GA handicap. A Member for Life Non playing shall not be required to pay an annual subscription.

**Social Member Honorary** means a person who is nominated and approved for membership to the Club as an honorary Social Member. A Social Member Honorary shall have the right to use the Clubrooms and facilities of the Club. A Social Member Honorary shall not be required to pay an annual subscription. A Social Member Honorary shall not be entitled to hold office or vote at any general meeting of the Club. Social Member Honorary status shall be ratified and endorsed by the Committee annually prior to the 1st of April of each year.



**Social Member** means a person who is nominated and approved for membership to the Club as a Social member. A Social member shall have the right to use the Clubrooms and facilities of the Club and is entitled to at least 12 free games of social golf per annum. A social member shall not be entitled to hold office or vote at any general meeting of the Club.

**Summer Member** – means a person who holds a Club Membership for six months of the year from 1 October to 31 March and who shall enjoy all of the rights and privileges of a full member during the period of membership. A summer member is not eligible to nominate or stand for any position on the general committee but may, if approved by the committee, be part of a sub-committee for the duration of their membership.

(3) A person who is nominated and approved for membership in accordance with this rule is eligible to be a member of the Club on payment of the annual subscription for the relevant member class in accordance with Rule 33.

(4) Notwithstanding sub-rule (3), Foundation Members, Members for Life and Life members do not require the payment of an annual subscription.

(5) A nomination of a person for membership is to be -  
(a) made in writing specifying the class of membership sought and signed by 2 members of the Club; and  
(b) accompanied by the written consent of the person nominated; and  
(c) lodged with the public officer of the Club.

(6) The consent referred to in sub-rule (5)(b) may be endorsed on the nomination.

(7) As soon as practicable after the receipt of a nomination, the public officer is to refer the nomination to the committee.

(8) If a nomination is approved by the committee, the public officer is to -  
(a) notify the nominee, in writing, whether or not the nominee has been approved for the requested class of membership of the Club; and  
(b) on receipt of the required amount payable (if any) by the nominee as the first annual subscription, enter the nominee's name in a register of members.

(9) A member of the Club may resign by serving on the public officer a written notice of resignation.

(10) On receipt of a notice from a member of the Club under sub-rule (9), the public officer is to remove the name of the member from the register of members.

(11) A person -  
(a) becomes a member of the Club when his or her name is entered in the register of members.  
(b) ceases to be a member of the Club when his or her name is removed from the register of members.

(12) Any right, privilege or obligation of a person as a member of the Club-  
(a) is not capable of being transferred to another person; and  
(b) terminates on the cessation of the membership.

(13) If the Club is wound up, each member of the Club, and each person who was a member of the Club within the period of 12 months immediately preceding the commencement of the winding-up, is liable to contribute -

- (a) to the assets of the Club for payment of the liabilities of the Club; and
- (b) for the costs, charges and expenses of the winding-up; and
- (c) for the adjustment of the rights of the contributors among themselves.

(14) Any liability under sub-rule (13) is not to exceed fifty dollars .

(15) Despite sub-rule (13), a former member of the Club is not liable to contribute under that sub-rule in respect of any liability of the Club incurred after he or she ceased to be a member.

(16) The committee may from time to time arrange reciprocal arrangements with any other registered golf club.

(17) Should any subscription or other debt payable to the Club by any member remain unpaid for a period of three months, the member concerned shall be deemed to have terminated his membership, but in any specific case the committee may extend the period. Termination of membership under this Rule or under Rule 35 shall be without prejudice to the liability of the member to pay any subscription or other debt then due to the Club.

## 7. Income and property of Club

(1) The income and property of the Club is to be applied solely towards the promotion of the objects and purposes of the Club.

(2) No portion of the income or property of the Club is to be paid or transferred to any member of the Club unless the payment or transfer is made in accordance with this rule.

(3) The Club may -

(a) pay a servant or member of the Club-

- (i) remuneration in return for services rendered to the Club, or for goods supplied to the Club, in the ordinary course of business of the servant or member; or
- (ii) remuneration that constitutes a reimbursement for out-of-pocket expenses incurred by the servant or member for any of the objects or purposes of the Club; or
- (iii) interest at a rate not exceeding 7.25% on money lent to the Club by the servant or member; or
- (iv) a reasonable amount by way of rent for premises, or a part of premises, let to the Club by the servant or member; and

(b) pay a member of the committee remuneration in return for carrying out the functions of a member of the committee; and

(c) pay a member of a subcommittee remuneration in return for carrying out the functions of a member of the subcommittee; and

(d) if so requested by or on behalf of any other Club, organisation or body, appoint or nominate a member of the Club to an office in that other Club, organisation or body.

(4) Despite sub-rule (3)(a), (b) and (c), the Club is not to pay a person any amount under that

sub-rule unless the committee has first approved that payment.

(5) Despite sub-rule (3)(d), the Club is not to appoint or nominate a member of the Club under that sub-rule to an office in respect of which remuneration is payable unless the Club or committee has first approved -

- (a) that appointment or nomination; and
- (b) the receipt of that remuneration by that member.

## **8. Accounts of receipts and expenditure**

(1) True accounts are to be kept of the following:

- (a) each receipt or payment of money by the Club and the matter in respect of which the money was received or paid;
- (b) each asset or liability of the Club.

(2) The accounts are to be open to inspection by the members of the Club at any reasonable time, and in any reasonable manner, determined by the committee.

(3) The Treasurer of the Club is to keep all accounting books, and general records and records of receipts and payments connected with the business of the Club in the form and manner the committee determines.

(4) The accounts, books and records are to be kept at the Club's office or at any other place the committee determines.

## **9. Banking and Finance**

(1) On behalf of the Club, the Treasurer of the Club is to -

- (a) receive any money paid to the Club; and
- (b) immediately after receiving the money, issue an official receipt in respect of the money; and
- (c) cause the money to be paid into the account opened under sub-rule (2) as soon as practicable after it is received.

(2) The committee is to open with an authorised deposit-taking institution an account in the name of the Club.

(3) The committee may -

- (a) receive from an authorised deposit-taking institution a cheque drawn by the Club on any of the Club's accounts with the authorised deposit-taking institution; and
- (b) release or indemnify the authorised deposit-taking institution from or against any claim, or action or other proceeding, arising directly or indirectly out of the drawing of that cheque.

(4) Except with the authority of the committee, a payment of an amount exceeding \$100 is not to be made from the funds of the Club otherwise than by cheque drawn on the Club's account.

(5) The committee may provide the treasurer with an amount of money to meet urgent expenditure, subject to any conditions the committee may impose in relation to the expenditure.

(6) A cheque is not to be drawn on the Club's account except for the purpose of making a payment that has been authorised by the committee.

(7) A cheque, draft, bill of exchange, promissory note or other negotiable instrument is to be  
(a) signed by the treasurer or, in the treasurer's absence, by any other member, or members, of the committee the committee nominates for that purpose; and  
(b) countersigned by the public officer of the Club.

(8) Notwithstanding the above, the Committee may authorise receipts and payments to be transacted electronically and establish approval processes for such transactions.

## 10. Auditor

(1) At each annual general meeting, the members of the Club present at the meeting are to appoint a person as the auditor of the Club.

(2) If an auditor is not appointed at an annual general meeting under sub-rule (1), the committee is to appoint a person as the auditor of the Club as soon as practicable after that annual general meeting.

(3) The auditor is to hold office until the next annual general meeting and is eligible for re-appointment.

(4) The first auditor -  
(a) may be appointed by the committee before the first annual general meeting; and  
(b) If so appointed, holds office until the first annual general meeting unless earlier removed by a resolution of the members of the Club at a general meeting.

(5) If the first auditor is appointed by the committee under sub-rule (4)(a) and subsequently removed at a general meeting under sub-rule (4)(b), the members of the Club, at that general meeting, may appoint an auditor to hold office until the first annual general meeting.

(6) Except as provided in sub-rule (4)(b), the auditor may only be removed from office by special resolution.

(7) If a casual vacancy occurs in the office of auditor, the committee is to appoint a person to fill the vacancy until the next annual general meeting.

## 11. Audit of accounts

(1) The auditor is to audit the financial affairs of the Club at least once in each financial year of the Club.

(2) The auditor, after auditing the financial affairs of the Club for a particular financial year of the Club, is to -  
(a) certify as to the correctness of the accounts of the Club; and  
(b) at the next annual general meeting, provide a written report to the members of the Club present at that meeting.

- (3) In the report and in certifying to the accounts, the auditor is to -
- (a) specify the information, if any, that he or she has required under sub-rule (5)(b) and obtained; and
  - (b) state whether, in his or her opinion, the accounts exhibit a true and correct view of the financial position of the Club according to the information at his or her disposal; and
  - (c) state whether the rules relating to the administration of the funds of the Club have been observed.
- (4) The public officer of the Club is to deliver to the auditor a list of all the accounting records, books and accounts of the Club.
- (5) The auditor may -
- (a) have access to the accounting records, books and accounts of the Club; and
  - (b) require from any servant of the Club any information the auditor considers necessary for the performance of his or her duties; and
  - (c) employ any person to assist in auditing the financial affairs of the Club; and
  - (d) examine any member of the committee, or any servant of the Club, in relation to the accounting records, books and accounts of the Club.

## **12. Annual general meeting**

- (1) The Club is to hold an annual general meeting each year.
- (2) An annual general meeting is to be held on any day (being not later than 3 months after the end of the financial year of the Club) the committee determines.
- (3) An annual general meeting is to be in addition to any other general meeting that may be held in the same year.
- (4) The notice convening an annual general meeting is to specify the purpose of the meeting.
- (5) The ordinary business of an annual general meeting is to be as follows:
- (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - (b) to receive from the committee, auditor and servants of the Club reports on the transactions of the Club during the last preceding financial year of the Club;
  - (c) to appoint the Patron of the Club;
  - (d) to elect the officers of the Club and the ordinary committee members;
  - (e) to appoint the auditor and determine his or her remuneration;
  - (f) to determine the remuneration of servants of the Club.
- (6) An annual general meeting may transact special business of which notice is given in accordance with rule 14.

## **13. Special general meetings**

- (1) The committee may convene a special general meeting of the Club at any time.
- (2) The committee, on the requisition in writing of at least 20 members of the Club, is to convene a special general meeting of the Club.
- (3) A requisition for a special general meeting -
  - (a) is to state the objects of the meeting; and
  - (b) is to be signed by each of the requisitioners; and
  - (c) is to be deposited at the office of the Club; and
  - (d) may consist of several documents, each signed by one or more of the requisitioners.
- (4) If the committee does not cause a special general meeting to be held within 21 days after the day on which a requisition is deposited at the office of the Club, any one or more of the requisitioners may convene the meeting within 3 months after the day of the deposit of the requisition.
- (5) A special general meeting convened by requisitionists is to be convened in the same manner, as nearly as practicable, as the manner in which a special general meeting would be convened by the committee.
- (6) All reasonable expenses incurred by requisitioners in convening a special general meeting are to be refunded by the Club.
- (7) The committee may impose a levy on members of the Club at any special general meeting providing that three quarters of the members present who are eligible to vote, vote in favour of such levy.

## **14. Notices of general meetings**

At least 14 days before the day on which a general meeting of the Club is to be held, the public officer of the Club is to publish in at least one newspaper circulating in Tasmania an advertisement specifying -

- (a) the place, day and time at which the meeting is to be held; and
- (b) the nature of the business that is to be transacted at the meeting.

## **15. Business and quorum at general meetings**

- (1) All business transacted at a general meeting, other than the ordinary business of an annual general meeting, is special business.
- (2) Business is not to be transacted at a general meeting unless a quorum of members of the Club entitled to vote is present at the time the meeting considers that business.
- (3) A quorum for the transaction of the business of a general meeting is 15 members of the

Club entitled to vote.

- (4) If a quorum is not present within one hour after the time appointed for the commencement of a general meeting, the meeting -
- (a) if convened on the requisition of members of the Club is dissolved; or
  - (b) if convened by the committee, is to be adjourned to the same day in the next week at the same time and -
    - (i) at the same place; or
    - (ii) at any other place specified by the chairperson -
      - (A) at the time of the adjournment; or
      - (B) by notice in a manner determined by the chairperson.

(5) If at an adjourned general meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting is dissolved.

## **16. Chairperson at general meetings**

At each general meeting of the Club, the chairperson is to be -

- (a) the president; or
- (b) in the absence of the president, the vice-president; or
- (c) in the absence of the president and the vice-president, the deputy vice-president; or
- (d) in the absence of the president and both vice-presidents, a member of the Club elected to preside as chairperson by the members of the Club present and entitled to vote at the general meeting.

## **17. Adjournment of general meetings**

(1) The chairperson of a general meeting at which a quorum is present may adjourn the meeting with the consent of the members of the Club who are present and entitled to vote at the meeting, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting is to be given in the same manner as the notice of the original meeting.

(3) If a meeting is adjourned for less than 14 days, it is not necessary to give any notice of the adjournment or of the business to be transacted at the adjourned meeting.

## **18. Determination of questions arising at general meetings**

(1) A question arising at a general meeting of the Club is to be determined on a show of hands.

(2) A declaration by the chairperson that a resolution has, on a show of hands, been lost or carried, or carried unanimously or carried by a particular majority, together with an entry to

that effect in the minute book of the Club, is evidence of that fact unless a poll is demanded on or before that declaration.

## 19. Votes

(1) On any question arising at a general meeting of the Club, a member of the Club (including the chairperson) has one vote only.

(2) All votes are to be given personally.

(3) Despite sub-rule (1), in the case of an equality of votes, the chairperson has a second or casting vote.

## 20. Taking of poll

If at a general meeting a poll on any question is demanded -

(a) the poll is to be taken at that meeting in the manner the chairperson determines; and

(b) the result of the poll is taken to be the resolution of the meeting on that question.

## 21. When poll to be taken

(1) A poll that is demanded on the election of a chairperson, or on a question of adjournment, is to be taken immediately.

(2) A poll that is demanded on any other question is to be taken at any time before the close of the meeting as the chairperson determines.

## 22. Affairs of Club to be managed by a Committee

(1) The affairs of the Club are to be managed by a committee of management constituted as provided in rule 24.

(2) The committee -

(a) is to control and manage the business and affairs of the Club; and

(b) may exercise all the powers and perform all the functions of the Club, other than those powers and functions that are required by these rules to be exercised and performed by members of the Club at a general meeting; and

(c) has power to do anything that appears to the committee to be essential for the proper management of the business and affairs of the Club.

(d) must appoint a person to be the public officer for the Club.

(i) The public officer may hold a position on the committee.

(ii) The position of public officer must not remain vacant for a period exceeding 14 days.

(iii) The Commissioner must be notified within 14 days of a change of public officer and of any change of address of the public officer.



(e) may from time to time make, amend or repeal by-laws, not inconsistent with these Rules, for the proper management of the Club and its members.

(i) A record of the current By-Laws shall be made available to any member upon request

(ii) Any By-Laws may be set aside by a General Meeting of members.

(iii) The committee shall take whatever action it deems to be appropriate in relation to a breach of a By-law made under the authority of these Rules.

## 23. Officers of the Club

(1) The officers of the Club are as follows:

- (a) one President;
- (b) one Vice-President;
- (c) one Deputy Vice-President;
- (d) one Treasurer;
- (e) one Secretary.
- (f) one Captain

(2) The President, Secretary, Treasurer and Captain shall hold office for one year until the following annual general meeting but are eligible for re-election

(3) The vice-presidents shall hold office for two consecutive years after which they shall retire but they are eligible for re-election.

(4) The deputy vice-president shall be vice-president from the commencement of his second year in office should the position of vice president become vacant at the annual general meeting.

(5) If a casual vacancy in the positions referred to in sub-rule (1) occurs, the committee may appoint one of its members to fill the vacancy until the next annual general meeting after the appointment.

## 24. Constitution of the committee

(1) The committee shall consist of -

- (a) the officers of the Club; and
- (b) at least three other members elected at the annual general meeting;
- (c) the President or in her absence, the Vice President of the Ladies committee who shall be an ex-officio member with the right to vote at the committee meetings.
- (d) the President or in his absence the Vice-President of the Veterans committee who shall be an ex-officio member with a right to vote at the Committee meetings.

(2) An ordinary committee member is to hold office for two years (unless sub-rule (4) applies) and is eligible for re-election.

(3) To ensure continuity, one committee member shall be appointed at one annual general meeting and two committee members will be appointed at each alternate annual general meeting.

(4) Should three vacancies exist for the position of ordinary committee members in any one year, one member shall be appointed for one year and two members shall be appointed for two years and thereafter sub rule (3) applies.

(5) If a casual vacancy occurs in the office of ordinary committee member, the committee may appoint a member of the Club to fill the vacancy until the next annual general meeting after the appointment.

## 25. Election of numbers of committee

(1) A nomination of a candidate for election as an officer of the Club, or as an ordinary committee member, is to be -

(a) made in writing, signed by 2 members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the nomination); and

(b) delivered to the public officer of the Club at least 10 days before the day on which the annual general meeting is to be held.

(2) If insufficient nominations are received to fill all vacancies on the committee -

(a) the candidates nominated are taken to be elected; and

(b) further nominations are to be received at the annual general meeting.

(3) If the number of nominations received is equal to the number of vacancies on the committee to be filled, the persons nominated are taken to be elected.

(4) If the number of nominations received exceeds the number of vacancies on the committee to be filled, a ballot is to be held.

(5) If the number of further nominations received at the annual general meeting exceeds the number of remaining vacancies on the committee to be filled, a ballot is to be held in relation to those further nominations.

(6) The ballot for the election of officers and ordinary committee members is to be conducted at the annual general meeting in the manner determined by the committee.

## 26. Vacation of office

For the purpose of these rules, the office of an officer of the Club, or of an ordinary committee member, becomes casually vacant if the officer or committee member -

(a) dies; or

(b) becomes bankrupt, applies to take 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 or estate for their benefit; or

(c) becomes a represented person within the meaning of the *Guardianship and Administration Act 1995* ; or

(d) resigns office in writing addressed to the committee; or

(e) ceases to be ordinarily resident in Tasmania; or

(f) is absent from 3 consecutive meetings of the committee without the permission of

the other members of the committee; or

(g) ceases to be a member of the Club; or

(h) fails to pay all arrears of subscription within 14 days after receiving a notice in writing signed by the public officer of the Club stating that the officer or committee member has ceased to be a financial member of the Club; or

(i) is convicted of a crime whilst holding such office.

## 27. Meetings of the committee

(1) The committee is to meet at least once in each month at any place and time the committee determines.

(2) A meeting of the committee, other than a meeting referred to in sub-rule (1), may be convened by the President or any 4 of the members of the committee.

(3) Written notice of any special committee meeting is to be served on members of the committee and is to specify the general nature of the business to be transacted.

(4) A special committee meeting may only transact business of which notice is given in accordance with sub-rule (3).

(5) A quorum for the transaction of the business of a meeting of the committee is 6 members of the committee.

(6) Business is not to be transacted at a meeting of the committee unless a quorum is present.

(7) If a quorum is not present within half an hour after the time appointed for the commencement of -

(a) a meeting of the committee (other than a special committee meeting), the meeting is to be adjourned to the same day in the next week at the same time and at the same place; or

(b) a special committee meeting, the meeting is dissolved.

(8) At each meeting of the committee, the chairperson is to be -

(a) the president; or

(b) in the absence of the president, the vice-president; or

(c) in the absence of the president and the vice-president, the deputy vice-president; or

(d) in the absence of the president and both vice-presidents, a member of the committee elected to preside as chairperson by the members of the committee present at the meeting.

(9) Any question arising at a meeting of the committee is to be determined -

(a) on a show of hands; or

(b) if demanded by a member, by a poll taken at that meeting in the manner the chairperson determines.

(10) On any question arising at a meeting of the committee, a member of the committee

(including the chairperson) has one vote only.

(11) Despite sub-rule (10), in the case of an equality of votes, the chairperson has a second or casting vote.

(12) Written notice of each committee meeting is to be served on each member of the committee by -

- (a) giving it to the member during business hours before the day on which the meeting is to be held; or
- (b) leaving it, during business hours before the day on which the meeting is to be held, at the member's postal or residential address or place or address of business or employment last known to the server of the notice; or
- (c) sending it by post to the person's postal or residential address or address of business or employment last known to the server of the notice in sufficient time for it to be delivered to that address in the ordinary course of post before the day on which the meeting is to be held; or
- (d) faxing it to the member's fax number; or
- (e) emailing it to the member's email address.

## **28. Disclosure of interests**

(1) If a member of the committee or a member of a subcommittee has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the committee or subcommittee at a meeting, the member is to, as soon as practicable after the relevant facts come to the member's knowledge, disclose the nature of the interest to the committee.

(2) If at a meeting of the committee or a subcommittee a member of the committee or subcommittee votes in respect of any matter in which the member has a direct or indirect pecuniary interest, that vote is not to be counted.

## **29. Subcommittees**

(1) The committee may -

- (a) appoint a subcommittee from the committee; and
- (b) prescribe the powers and functions of that subcommittee.

(2) The committee may co-opt any person as a member of a subcommittee without voting rights, whether or not the person is a member of the Club.

(3) A quorum for the transaction of the business of a meeting of the subcommittee is three appointed members entitled to vote.

(4) The public officer of the Association is to convene meetings of a subcommittee.

(5) The President is an ex-officio member of all appointed subcommittees.

(6) Any question arising at a meeting of a subcommittee is to be determined -  
(a) on a show of hands; or

(b) if demanded by a member, by a poll taken at that meeting in the manner the chairperson determines.

(7) On any question arising at a meeting of a subcommittee, a member of the subcommittee (including the chairperson) has one vote only.

(8) Written notice of each subcommittee meeting is to be served on each member of the subcommittee by -

(a) giving it to the member during business hours before the day on which the meeting is to be held; or

(b) leaving it, during business hours before the day on which the meeting is to be held, at the member's postal or residential address or place or address of business or employment last known to the server of the notice; or

(c) sending it by post to the person's postal or residential address or address of business or employment last known to the server of the notice in sufficient time for it to be delivered to that address in the ordinary course of post before the day on which the meeting is to be held; or

(d) faxing it to the member's fax number; or

(e) emailing it to the member's email address.

(9) Notwithstanding this Rule, the Thirlstane Veterans committee and the Ladies committee shall be deemed to be subcommittees of the Club and are subject to by-laws in accordance with Rule 22 (e) of these Rules.

## **30. Appointment of Assistant Officers of the Club**

(1) The committee may appoint any member of the committee to the positions of

(a) assistant secretary;

(b) assistant treasurer;

(c) any other position that the committee deems to be necessary or desirable:

## **31. Executive committee**

(1) The president, the vice-presidents, the treasurer, captain and the secretary constitute the executive committee.

(2) During the period between meetings of the committee, the executive committee may issue instructions to the public officer and servants of the Club in matters of urgency connected with the management of the affairs of the Club.

(3) The executive committee is to report on any instructions issued under sub-rule (2) to the next meeting of the committee.

## **32. Financial Year of the Club**

The financial year of the Club is a twelve month period from 1 April through to 31 March.

### **33. Annual subscription**

- (1) Annual subscriptions payable by a member of the Club shall be set and determined by the committee and shall be subject to review at least annually.
- (2) Subscriptions, other than Summer Membership are due and payable at the commencement of the Club financial year. (To be amended at 2021 AGM)
- (3) Subscriptions shall be in accordance with the Membership By-laws established by the committee for that purpose in accordance with Rule 22 (2) (e).

### **34. Service of notices and requisitions**

Except as otherwise provided by these rules, a document may be served under these rules on a person by -

- (a) giving it to the person; or
- (b) leaving it at, or sending it by post to, the person's postal or residential address or place or address of business or employment last known to the server of the document; or
- (c) faxing it to the person's fax number; or
- (d) emailing it to the person's email address.

### **35. Expulsion of members**

- (1) The committee may expel a member from the Club if, in the opinion of the committee, the member is guilty of conduct detrimental to the interests of the Club.
- (2) The expulsion of a member under sub-rule (1) does not take effect until the latter of the following:
  - (a) the fourteenth day after the day on which a notice is served on the member under sub-rule (3);
  - (b) if the member exercises his or her right of appeal under this rule, the conclusion of the special general meeting convened to hear the appeal.
- (3) If the committee expels a member from the Club, the public officer of the Club, without undue delay, is to cause to be served on the member a notice in writing -
  - (a) stating that the committee has expelled the member; and
  - (b) specifying the grounds for the expulsion; and
  - (c) informing the member of the right to appeal against the expulsion under rule 36.

### **36. Appeal against expulsion**

- (1) A member may appeal against an expulsion under rule 35 by serving on the public officer of the Club, within 14 days after the service of a notice under rule 35(3), a requisition in writing demanding the convening of a special general meeting for the purpose of hearing the appeal.
- (2) On receipt of a requisition, the public officer is to immediately notify the committee of the receipt.
- (3) The committee is to cause a special general meeting to be held within 21 days after the day on which the requisition is received.
- (4) At a special general meeting convened for the purpose of hearing an appeal under this rule -
  - (a) no business other than the question of the expulsion is to be transacted; and
  - (b) the committee may place before the meeting details of the grounds of the expulsion and the committee's reasons for the expulsion; and
  - (c) the expelled member must be given an opportunity to be heard; and
  - (d) the members of the Club who are present are to vote by secret ballot on the question of whether the expulsion should be lifted or confirmed.
- (5) If at the special general meeting a majority of the members present vote in favour of the lifting of the expulsion -
  - (a) the expulsion is lifted; and
  - (b) the expelled member is entitled to continue as a member of the Club.
- (6) If at the special general meeting a majority of the members present vote in favour of the confirmation of the expulsion -
  - (a) the expulsion takes effect; and
  - (b) the expelled member ceases to be a member of the Club.

## 37. Disputes

- (1) A dispute between a member of the Club and the Club has the option of being determined by arbitration in accordance with the provisions of the *Commercial Arbitration Act 2011* .
- (2) This rule does not affect the operation of rule 36.

## 38. Seal of Club

- (1) The seal of the Club is to be in the form of a rubber stamp inscribed with the name of the Club encircling the word "Seal".
- (2) The seal is not to be affixed to any instrument except by the authority of the committee.
- (3) The affixing of the seal is to be attested by the signatures of -
  - (a) two members of the committee; or
  - (b) one member of the committee and the public officer of the Club or any other person the committee may appoint for that purpose.

(4) If a sealed instrument has been attested under sub-rule (3), it is presumed, unless the contrary is shown, that the seal was affixed to that instrument by the authority of the committee.

(5) The seal is to remain in the custody of the public officer of the Club.

## **39. Dissolution**

(1) The Club may be dissolved or wound up by a resolution at any general meeting of the Club called for such purpose at which not less than three quarters of those members who are present and who enjoy voting rights and entitled to do so resolve that the Club be dissolved or wound up.

(2) If upon the winding up or dissolution of the Club there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must be distributed in accordance with a resolution passed by at least two-thirds of the members of the Club, providing such resolution has been determined to be just and lawful by the Supreme Court.