



Mackay Athletics Club Inc

CONSTITUTION

of the

MACKAY ATHLETICS CLUB INCORPORATED

COPY

Contents

Section 1	Objects	Page 2
Section 2	Membership	Page 2
Section 3	Management	Page 6
Section 4	Meetings	Page 12
Section 5	Miscellaneous	Page 17

SECTION 1

OBJECTS

1.1. INTERPRETATION

- (1) In these rules, **Act** means the *Associations Incorporation Act 1981*
- (2) A word or expression that is not defined in these model rules, but is defined in the Act has, if the context permits, the meaning given by the Act.

1.2. NAME

The name of the incorporated Association is Mackay Athletics Club Incorporated. (in these Rules 'Association')

1.3. OBJECTS

The objects for which the Association is established are:

- (1) To become a member of Athletics North Queensland Association Inc;
- (2) To promote athletics as set out in the constitution of Athletics North Queensland Association Inc by establishing and maintaining such facilities and services as are calculated to be appropriate to the practice and competition of athletics;
- (3) To establish and maintain cordial relations with other sporting bodies;
- (4) To conduct athletic meetings in the Mackay region.

SECTION 2

MEMBERSHIP

2.1. CLASSES OF MEMBERS

The members of the Association shall consist of the ordinary members and may consist of any of the following classes of members:

The number of members in each and every class of membership shall be unlimited.

2.1.1 ORDINARY MEMBERS

Ordinary Members shall comprise:

- (1) Athletes over 18 years of age registered with a Division of the Association.
- (2) Any parents (which shall include mothers, fathers, step-mothers, step-fathers or guardian of a child or any relative or person who has lawful custody of a child and is acting in loco parentis) of athletes less than 18 years of age who are registered with one of the Divisions.
- (3) Any person over 18 years of age who is a registered official with a Division of the Association.
- (4) Any other adult persons who in the opinion of the Management

Committee would be an asset to the Association may be directly elected to ordinary membership status of the Association by the Management Committee. All persons elected in this fashion shall have their membership re-affirmed or otherwise at the first Management Committee Meeting after the Annual General Meeting each year.

i. ASSOCIATE MEMBERS

- I. A person who in the opinion of the Management Committee is suitable, may be admitted to membership upon payment of the prescribed fee and completion of the relevant application form. Such member shall not be entitled to voting rights. Such membership shall terminate no later than the close of the financial year of the Association.

ii. HONORARY MEMBERS

- I. A person who in the opinion of the Management Committee is capable of furthering the objects of the Association may be granted such membership.
- II. Such members shall not be entitled to voting rights.
- III. Such members shall have their membership re-affirmed or otherwise as the first Management Committee Meeting after the Annual General Meeting.

iii. SOCIAL MEMBERS

- I. Any person who does not want to be admitted as an ordinary member and who in the opinion of the Management Committee may render assistance to the Association other than as an ordinary member, official administrator or coach may be admitted as a Social Member.
- II. Such members shall not be entitled to voting rights.
- III. Such membership shall terminate at the close of each financial year and be re-affirmed or otherwise at the first Management Committee Meeting thereafter.

iv. LIFE MEMBERS

- I. Life membership may be awarded to a member who has rendered outstanding and exceptional service to the Association on the recommendation of the Management Committee, and carried at the Annual General Meeting by at least a three fourths majority of those present and entitled to vote.
- II. Life Members shall not be required to pay any subscriptions or levies that may be imposed by the Association.
- III. Life Members shall be entitled to attend Special General Meetings and Annual General Meetings of the Association but cannot vote at such meetings.
- IV. Life Members who are members of the Management Committee are entitled to vote at such Management Committee Meetings in that capacity.

2.2. MEMBERSHIP

Every application for ordinary membership of the Association shall be on the prescribed application form, signed by the applicant or his or her parent-guardian (where appropriate) and every nomination for any other class of membership of the Association shall be submitted in writing, signed by the proposer and seconder and shall be in such form as the Management Committee from time to time prescribe.

2.3. MEMBERSHIP FEES

- (1) The membership fees for each class of membership other than Life Membership shall be such sum as the Management Committee shall from time to time determine.
- (2) The membership fees for each class of membership shall be payable at such time and in such manner as the Management Committee shall from time to time determine.

2.4. ADMISSION AND REJECTION OF MEMBERS.

- (1) At the next meeting of the Management Committee after the receipt of any application and the fee payable for any class of membership such application shall be considered by the Management Committee who shall thereupon determine upon admission or rejection of the applicant.
- (2) Any applicant who receives a majority of votes of the members of the Management Committee present at the meeting at which such application is considered shall be accepted as a member to the class of membership applied for.
- (3) Upon the acceptance or rejection of an application for any class of membership
- (4) the Secretary shall forthwith give the applicant notice in writing of such acceptance or rejection.

2.5. TERMINATION AND TRANSFER OF MEMBERSHIP

- (1) A member may resign from the Association at any time by giving notice in writing to the Secretary. Such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date. All outstanding fees and charges shall be settled by such member at the date of notice.
- (2) If a member
 - (a) Is convicted of an indictable offence;
 - (b) Fail to comply with any of the provisions of these Rules;
 - (c) Has Membership fees in arrears by two months or more;
 - (d) Conducts himself in a manner considered to be injurious or prejudicial to the character or interest of the Association, the Management Committee shall consider whether his membership shall be terminated or suspended for a specified period. Any member dealt with under this rule shall receive seven (7) days notice to

- attend a specified meeting of the Management Committee, such notice clearly stating the purpose for which the member has been requested to attend.
- (3) The member concerned shall be given a full and fair opportunity of presenting his case and if the Management Committee resolves to terminate his Membership it shall instruct the Secretary to call a Special General Meeting to consider its recommendation and to advise the member in writing accordingly. At such Special General Meeting the member shall be given a full and fair opportunity of presenting his case and if the Special General Meeting endorses the Management Committee's recommendation, the Secretary shall confirm the decision in writing to the member.
 - (4) An appeal shall lie to Athletics North Queensland Association Inc against any decision under this Rule of the Special General Meeting of members, and Athletics North Queensland Association Inc may vary the penalty in accordance with its Constitution.

2.6. APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP

- (1) A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the person's intention to appeal against the decision.
- (2) A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.
- (3) If the secretary receives a notice of intention to appeal, the secretary must, within 1 month after receiving the notice, call a general meeting to decide the appeal.
- (4) The general meeting to decide an appeal must be held within 3 months after the secretary receives the notice of intention to appeal.
- (5) At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.
- (6) Also, the management committee and the members of the committee who rejected the application or terminated the membership must be given a full and fair opportunity to show why the application should be rejected or the membership should be terminated.
- (7) An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.
- (8) If a person whose application for membership has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable, refund the membership fee paid by the person.

2.7. REGISTER OF MEMBERS

- (1) The management committee must keep a register of members of the association.
- (2) The register must include the following particulars for each member—

- (a) the full name of the member;
 - (b) the postal or residential address of the member;
 - (c) the date of admission as a member;
 - (d) the date of death or time of resignation of the member;
 - (e) details about the termination or reinstatement of membership;
 - (f) any other particulars the management committee or the members at a general meeting decide.
- (3) The register must be open for inspection by members of the association at all reasonable times.
 - (4) A member must contact the secretary to arrange an inspection of the register.
 - (5) However, the management committee may, on the application of a member of the association, withhold information about the member (other than the members full name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

2.8. PROHIBITION ON USE OF INFORMATION ON REGISTER OF MEMBERS

- (1) A member of the association must not—
 - (a) use information obtained from the register of members of the association to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes; or
 - (b) Disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes.
- (2) Subrule (1) does not apply if the use or disclosure of the information is approved by the association.

SECTION 3	MANAGEMENT
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3.1. MEMBERSHIP OF MANAGEMENT COMMITTEE

- (1) The Management Committee of the Association shall consist of the President, the Vice-President, the Secretary, the Treasurer, all of whom shall be ordinary or Life members of the Association, and not less than two (2) or more than four (4) other ordinary members as the members of the Association at the Annual General Meeting may from time to time elect.
- (2) At the Annual General Meeting of the Association, all members of the Management Committee for the time being retire from office but shall be eligible upon nomination for re-election.
- (3) The election of officers and other members of the Management Committee shall take place in the following manner:-

- (a) Any two ordinary or life members of the Association shall be at liberty to nominate any other ordinary or life member to serve as an officer or member of the Management Committee;
- (b) The nomination, which shall be in writing and signed by the member and his proposer and seconder, shall be lodged with the Secretary at least fourteen (14) days before the Annual General Meeting at which the election is to take place;
- (c) A list of the candidate's names in alphabetical order, with the proposer's and seconder's names shall be posted in a conspicuous place in the office or usual place of meeting of the Association for at least seven (7) days immediately preceding the Annual General Meeting;
- (d) Balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order, and each member present at the AGM shall be entitled to vote for any number of such candidates not exceeding the vacancies.
- (e) Should, at the commencement of such meeting, there be an insufficient number of candidates nominated, nominations may be taken from the floor of the meeting.

3.2. RESIGNATIONS AND REMOVAL FROM THE MANAGEMENT COMMITTEE

- (1) A member of the management committee may resign from the committee by giving written notice of resignation to the secretary.
- (2) The resignation takes effect at—
 - (a) the time the notice is received by the secretary; or
 - (b) if a later time is stated in the notice—the later time.
- (3) A member may be removed from office at a general meeting of the association if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member.
- (4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (5) A member has no right of appeal against the members removal from office under this rule.
- (6) A member immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act.

3.3. VACANCIES ON MANAGEMENT COMMITTEE

- (1) If a casual vacancy happens on the management committee, the continuing members of the committee may appoint another member of the association to fill the vacancy until the next annual general meeting.
- (2) The continuing members of the management committee may act despite a casual vacancy on the management committee.
- (3) However, if the number of committee members is less than the number fixed under rule 3.6 (1) as a quorum of the management committee, the continuing members may act only to—
 - (a) increase the number of management committee members to the number required for a quorum; or
 - (b) call a general meeting of the association.

3.4. FUNCTIONS OF THE MANAGEMENT COMMITTEE

- (1) Subject to these rules or a resolution of the members of the association carried at a general meeting, the management committee has the general control and management of the administration of the affairs, property and funds of the association.
- (2) The management committee has authority to interpret the meaning of these rules and any matter relating to the association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.

Note—

The Act prevails if the associations rules are inconsistent with the Act—see section 1B of the Act.

- (3) The management committee may exercise the powers of the association—
 - (a) To subscribe to, become a member of and co-operate with any other association, club, or organisation whether incorporated or not, whose objects are altogether or in part similar to those of the Association provided that the Association shall not subscribe to or support with its funds any association, club or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of Rule 5.8;
 - (b) To buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the Association or persons frequenting the Association's premises;
 - (c) To purchase, take on lease or in exchange, hire and otherwise, acquire any lands, buildings or property, real and personal, and rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with, any of the objects of the Association provided that in case the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts;
 - (d) To enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association; to obtain from any Government or Authority any rights, privileges, and concessions which the Association may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;
 - (e) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen, and other persons as may be necessary or convenient for the purposes of the Association according to their contract;
 - (f) To remunerate any person or body corporate for services rendered, or to be rendered, and whether by way of brokerage or otherwise in placing or assisting to place or guaranteeing the placing of any unsecured notes debentures or other securities of the Association or in or about the Association or promotion of the Association or in the furtherance of its objects;

- (g) To construct, improve, maintain, develop, work, manage, carry out, alter or control any buildings, grounds works or conveniences which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to, subsidise or otherwise assist and take part in the constructing, improvement, maintenance, development, working, management, carrying out, alteration or control thereof;
- (h) To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit;
- (i) To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate;
- (j) In furtherance of the objects of the Association to lend and advance money or give credit to any person or body corporate; to guarantee or give guarantees or indemnities for the payment of money or the performance of contracts or obligation by any person or body corporate, and otherwise to assist any person or body corporate;
- (k) To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or over draft or otherwise to represent or secure and moneys and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the Association's property or assets present or future and to purchase, redeem or pay-off any such securities;
- (l) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills or exchange, bills of lading and other negotiable or transferable instruments;
- (m) In furtherance of the objects of the Association to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or part of the property and rights of the Association;
- (n) To take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Association's property of whatever kind sold by the Association, or any money due to the Association from purchasers and others;
- (o) To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Association but subject always to the proviso in sub rule 3 (d);
- (p) To take such steps by personal or written appeals, public meetings, or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions or otherwise;
- (q) To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects;
- (r) To amalgamate with any one or more clubs/incorporated associations having objects altogether or in part similar to those of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least

as great as that imposed upon the Association under or by virtue of Rule 5.8;

- (s) To purchase or otherwise acquire and undertake all of any part of the property, assets, liabilities and engagements of any one or more of the club/incorporated association with which the Association is authorised to amalgamate;
- (t) To make donations for patriotic, charitable or community purposes;
- (u) To assist all schools in the Association's district where practicable by offering coaching and any other facility or assistance the Association is able to provide;
- (v) To co-opt the services of any member of the Association or any other suitable person to act in any advisory capacity;
- (w) To make such Rules as are necessary for the proper conduct of the Association;
- (x) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.
- (z) The Management Committee may appoint such Association officials, captains, handicappers and coaches as are considered necessary for the functioning of the Association.

3.5. MEETINGS OF MANAGEMENT COMMITTEE

- (1) Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate.
- (2) The management committee must meet at least once every 4 months and at least monthly during the season to exercise its functions.
- (3) The management committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the management committee.
- (5) The management committee may hold meetings, or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (6) A committee member who participates in the meeting as mentioned in subrule (5) is taken to be present at the meeting.
- (7) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.
- (8) A member of the management committee must not vote on a question about a contract or proposed contract with the association if the member has an interest in the contract or proposed contract and, if the member does vote, the members vote must not be counted.
- (9) The president is to preside as chairperson at a management committee meeting.
- (10) If there is no president or if the president is not present within 10 minutes after the time fixed for a management committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.

3.6. QUORUM FOR, AND ADJOURNMENT OF, MANAGEMENT COMMITTEE MEETING

- (1) At a management committee meeting, more than 50% of the members elected to the committee as at the close of the last general meeting of the members form a quorum.
- (2) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called on the request of members of the committee, the meeting lapses.
- (3) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called other than on the request of the members of the committee—
 - (a) the meeting is to be adjourned for at least 1 day; and
 - (b) the members of the management committee who are present are to decide the day, time and place of the adjourned meeting.
- (4) If, at an adjourned meeting mentioned in subrule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

3.7. SPECIAL MEETING OF MANAGEMENT COMMITTEE

- (1) If the secretary receives a written request signed by at least 33% of the members of the management committee, the secretary must call a special meeting of the committee by giving each member of the committee notice of the meeting within 14 days after the secretary receives the request.
- (2) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.
- (3) A request for a special meeting must state—
 - (a) why the special meeting is called; and
 - (b) the business to be conducted at the meeting.
- (4) A notice of a special meeting must state—
 - (a) the day, time and place of the meeting; and
 - (b) the business to be conducted at the meeting.
- (5) A special meeting of the management committee must be held within 14 days after notice of the meeting is given to the members of the management committee.

3.8. MINUTES OF MANAGEMENT COMMITTEE MEETINGS

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes, the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy.

3.9. APPOINTMENT OF SUBCOMMITTEES

- (1) The management committee may appoint a subcommittee consisting of members of the association considered appropriate by the committee to help with the conduct of the associations operations.
- (2) A member of the subcommittee who is not a member of the management committee is not entitled to vote at a management committee meeting.
- (3) A subcommittee may elect a chairperson of its meetings.
- (4) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- (5) A subcommittee may meet and adjourn as it considers appropriate.
- (6) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

3.10. ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS

- (1) An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed.
- (2) Subrule (1) applies even if the act was performed when—
 - (a) there was a defect in the appointment of a member of the management committee, subcommittee or person acting as a member of the management committee; or
 - (b) a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

3.11. RESOLUTIONS OF MANAGEMENT COMMITTEE WITHOUT MEETING

- (1) A written resolution signed by each member of the management committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in subrule (1) may consist of several documents in like form, each signed by 1 or more members of the committee.

SECTION 4	MEETINGS
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4.1. FIRST ANNUAL GENERAL MEETING

The first annual general meeting must be held within 6 months after the end date of the association's first reportable financial year.

4.2. SUBSEQUENT ANNUAL GENERAL MEETINGS

Each subsequent annual general meeting must be held—

- (a) at least once each year; and
- (b) within 6 months after the end date of the association's reportable financial year.

4.3. BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING OF LEVEL 1 INCORPORATED ASSOCIATIONS AND PARTICULAR LEVEL 2 AND 3 INCORPORATED ASSOCIATIONS

- (1) This rule applies only if the association is—
 - (a) a level 1 incorporated association; or
 - (b) a level 2 incorporated association to which section 59 of the Act applies; or
 - (c) a level 3 incorporated association to which section 59 of the Act applies.
- (2) The following business must be conducted at each annual general meeting of the association—
 - (a) receiving the association's financial statement, and audit report, for the last reportable financial year;
 - (b) presenting the financial statement and audit report to the meeting for adoption;
 - (c) electing members of the management committee;
 - (d) for a level 1 incorporated association—appointing an auditor or an accountant for the present financial year;
 - (e) for a level 2 incorporated association, or a level 3 incorporated association, to which section 59 of the Act applies—appointing an auditor, an accountant or an approved person for the present financial year.

4.4. BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING OF OTHER LEVEL 2 INCORPORATED ASSOCIATIONS

- (1) This rule applies only if the association is a level 2 incorporated association to which section 59A of the Act applies.
- (2) The following business must be conducted at each annual general meeting of the association—
 - (a) receiving the association's financial statement, and signed statement, for the last reportable financial year;
 - (b) presenting the financial statement and signed statement to the meeting for adoption;
 - (c) electing members of the management committee;
 - (d) appointing an auditor, an accountant or an approved person for the present financial year.

4.5. BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING OF OTHER LEVEL 3 INCORPORATED ASSOCIATIONS

- (1) This rule applies only if the association is a level 3 incorporated association to which section 59B of the Act applies.

- (2) The following business must be conducted at each annual general meeting of the association—
 - (a) receiving the association's financial statement, and signed statement, for the last reportable financial year;
 - (b) presenting the financial statement and signed statement to the meeting for adoption;
 - (c) electing members of the management committee.

4.6. NOTICE OF GENERAL MEETING

- (1) The secretary may call a general meeting of the association.
- (2) The secretary must give at least 14 days notice of the meeting to each member of the association.
- (3) If the secretary is unable or unwilling to call the meeting, the president must call the meeting.
- (4) The management committee may decide the way in which the notice must be given.
- (5) However, notice of the following meetings must be given in writing—
 - (a) a meeting called to hear and decide the appeal of a person against the management committee's decision—
 - (i) to reject the person's application for membership of the association;
 - or
 - (ii) to terminate the person's membership of the association;
 - (b) a meeting called to hear and decide a proposed special resolution of the association.
- (6) A notice of a general meeting must state the business to be conducted at the meeting.

4.7. QUORUM FOR, AND ADJOURNMENT OF, GENERAL MEETING

- (1) The quorum for a general meeting is at least the number of members elected or appointed to the management committee at the close of the association's last general meeting plus 1.
- (2) However, if all members of the association are members of the management committee, the quorum is the total number of members less 1.
- (3) No business may be conducted at a general meeting unless there is a quorum of members when the meeting proceeds to business.
- (4) If there is no quorum within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee or the association, the meeting lapses.
- (5) If there is no quorum within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management committee or the association—
 - (a) the meeting is to be adjourned for at least 7 days; and
 - (b) the management committee is to decide the day, time and place of the adjourned meeting.
- (6) The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.

- (7) If a meeting is adjourned under subrule (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- (8) The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- (9) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

4.8. PROCEDURE AT GENERAL MEETING

- (1) A member may take part and vote in a general meeting in person, by proxy, by attorney or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (2) A member who participates in a meeting as mentioned in subrule (1) is taken to be present at the meeting.
- (3) At each general meeting—
 - (a) the president is to preside as chairperson; and
 - (b) if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the members present must elect 1 of their number to be chairperson of the meeting; and
 - (c) the chairperson must conduct the meeting in a proper and orderly way.

4.9. VOTING AT GENERAL MEETING

- (1) At a general meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority of votes of the members present.
- (2) Each member present and eligible to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.
- (3) A member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting.
- (4) The method of voting is to be decided by the management committee.
- (5) However, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.
- (6) If a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides.
- (7) The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

4.10. SPECIAL GENERAL MEETING

- (1) The secretary must call a special general meeting by giving each member of the association notice of the meeting within 14 days after—
 - (a) being directed to call the meeting by the management committee; or
 - (b) being given a written request signed by—

- (i) at least 33% of the number of members of the management committee when the request is signed; or
 - (ii) at least the number of ordinary members of the association equal to double the number of members of the association on the management committee when the request is signed plus 1; or
 - (c) being given a written notice of an intention to appeal against the decision of the management committee—
 - (i) to reject an application for membership; or
 - (ii) to terminate a person's membership.
- (2) A request mentioned in subrule (1)(b) must state—
 - (a) why the special general meeting is being called; and
 - (b) the business to be conducted at the meeting.
 - (3) A special general meeting must be held within 3 months after the secretary—
 - (a) is directed to call the meeting by the management committee; or
 - (b) is given the written request mentioned in subrule (1)(b); or
 - (c) is given the written notice of an intention to appeal mentioned in subrule (1)(c).
 - (4) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.

4.11. PROXIES

- (1) An instrument appointing a proxy must be in writing and be in the following or similar form—

Mackay Athletics Club Inc.:

I, of , being
a member of the association, appoint
of
as my proxy to vote for me on my behalf at the (annual) general meeting of the
association, to be held on the day of
 20
and at any adjournment of the meeting.
Signed this day of 20 .

Signature
- (2) The instrument appointing a proxy must—
 - (a) if the appointor is an individual—be signed by the appointor or the appointor's attorney properly authorised in writing; or
 - (b) if the appointor is a corporation—
 - (i) be under seal; or
 - (ii) be signed by a properly authorised officer or attorney of the corporation.
- (3) A proxy may be a member of the association or another person.
- (4) The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.
- (5) Each instrument appointing a proxy must be given to the secretary before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote.
- (6) Unless otherwise instructed by the appointor, the proxy may vote as the proxy considers appropriate.
- (7) If a member wants a proxy to vote for or against a resolution, the instrument appointing the proxy must be in the following or similar form—

Mackay Athletics Club Inc.:

I, of , being
a member of the association, appoint
of
as my proxy to vote for me on my behalf at the (annual) general meeting of the
association, to be held on the day of
20
and at any adjournment of the meeting.
Signed this day of 20 .

Signature

This form is to be used *in favour of/*against [*strike out whichever is not wanted*] the
following resolutions—
[*List relevant resolutions*]

4.12. MINUTES OF GENERAL MEETINGS

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each general meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes—
 - (a) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
 - (b) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the association that is a general meeting or annual general meeting, verifying their accuracy.
- (3) If asked by a member of the association, the secretary must, within 28 days after the request is made—
 - (a) make the minute book for a particular general meeting available for inspection by the member at a mutually agreed time and place; and
 - (b) give the member copies of the minutes of the meeting.
- (4) The association may require the member to pay the reasonable costs of providing copies of the minutes.

SECTION 5

MISCELLANEOUS

5.1. BY-LAWS

- (1) The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the association.
- (2) A by-law may be set aside by a vote of members at a general meeting of the association.

5.2. ALTERATION OF RULES

- (1) Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- (2) However an amendment, repeal or addition is valid only if the same shall have been previously submitted to and approved by Athletics North

Queensland Association Inc and only if it is registered by the chief executive.

5.3. COMMON SEAL

- (1) The management committee must ensure the association has a common seal.
- (2) The common seal must be—
 - (a) kept securely by the management committee; and
 - (b) used only under the authority of the management committee.
- (3) Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by—
 - (a) the secretary; or
 - (b) another member of the management committee; or
 - (c) someone authorised by the management committee.

5.4. FUNDS AND ACCOUNTS

- (1) The funds of the association must be kept in an account in the name of the association in a financial institution decided by the management committee.
- (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the association.
- (3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- (4) A payment by the association of \$100 or more must be made by cheque or electronic funds transfer.
- (5) If a payment of \$100 or more is made by cheque, the cheque must be signed by any 2 of the following—
 - (a) the president;
 - (b) the secretary;
 - (c) the treasurer;
 - (d) any 1 of 3 other members of the association who have been authorised by the management committee to sign cheques issued by the association.
- (6) However, 1 of the persons who signs the cheque must be the president, the secretary or the treasurer.
- (7) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.
- (8) A petty cash account must be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.
- (9) All expenditure must be approved or ratified at a management committee meeting.

5.5. GENERAL FINANCIAL MATTERS

- (1) On behalf of the management committee, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.

- (2) The income and property of the association must be used solely in promoting the association's objects and exercising the association's powers.

5.6. DOCUMENTS

The management committee must ensure the safe custody of books, documents, instruments of title and securities of the association.

5.7. FINANCIAL YEAR

The end date of the association's financial year is 30 September in each year.

5.8. DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

- (1) This rule applies if the association—
 - (a) is wound-up under part 10 of the Act; and
 - (b) has surplus assets.
- (2) The surplus assets must not be distributed among the members of the association.
- (3) The surplus assets must be given to another entity—
 - (a) having objects similar to the association's objects; and
 - (b) the rules of which prohibit the distribution of the entity's income and assets to its members.
- (4) In this rule— **surplus assets** see section 92(3) of the Act..