

AUSTRALIAN CAPITAL TERRITORY BADMINTON ASSOCIATION
INCORPORATED

CONSTITUTION
based on the model rules and the provisions of the Associations
Incorporation Act 1991

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PART I - PRELIMINARY

1.1 Interpretation

(1) In this Constitution, unless a contrary intention appears:

"the Association"	means the Australian Capital Territory Badminton Association
"Executive Committee"	means the Committee formed of the president, vice president, secretary; treasurer; and Associate Member
"financial year"	means the year ending on 30 September
"Affiliated Club"	means a member club, however described
"Associate Member"	means a member of the Association by virtue of their membership to an Affiliated Club
"ordinary Committee member"	means a member of the Committee who is not an office-bearer of the Association as referred to in paragraph 1.14(2):
"secretary"	means the person nominated by the association or, where no such person holds that office, the public officer of the Association;
"the Act"	means the <i>Associations Incorporation Act 1991</i> ;
the Regulations"	means the Associations Incorporation Regulations.

(2) In these rules -

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty.

(3) The provisions of the *Interpretation Act 1967* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

PART II - MEMBERSHIP

1.2 Membership Qualifications

(1) A district or club is qualified to be a member if

- (a) the district or club is a member referred to in paragraph 21 (2) (a) or (b) of the Act and has not ceased to be a member of the Association at any time after incorporation of the Association under the Act, or
- (b) the district or club
 - (i) has been nominated for membership in accordance with subrule 1.4, and
 - (ii) has been approved for membership of the Association by the Committee of the Association.

(2) The Executive Committee may at its discretion admit any individual or entity to membership of the Association.

1.3 Nomination to become an Affiliated Club

- (1) A nomination for membership of the Association by a district or club that carries out Badminton in the Australian Capital Territory
 - (a) shall be made by two members of the club in writing in the form required by the Committee, and
 - (b) shall be lodged with the secretary of the Association.
- (2) As soon as is practicable after receiving a nomination for membership, the secretary shall refer the nomination to the Committee which shall determine whether to approve or reject the nomination.
- (3) Where the Committee determines to approve or reject a nomination for membership, the secretary shall as soon as practicable after that determination notify the nominee of that outcome.
- (4) If the nomination is successful, the Committee will request the nominee to:
 - (a) if applicable, lodge a copy of its Constitution together with the names and addresses of its Office Bearers with the secretary
 - (b) if it chooses to operate as a sub-Committee of the Association, lodge a statement in the form of Appendix 2
 - (c) provide a list of their members.
- (4) Upon the name being so entered, the nominee shall become an Affiliated Club (member) of the Association.

1.4 Deemed Members

- (1) Each person or entity that is a member of an Affiliated Club shall be deemed to be an Associate Member of the Association unless they decline or resign from being an Associate Member.
- (2) Associate Members will not be liable to pay any fees to the Association whatsoever.
- (3) Each Affiliated Club must notify their members (being the Associate Members) that those members will automatically be Associate Members unless they opt out.
- (4) If an Associate Member ceases membership with their club they also cease being an Associate Member.

1.5 Membership entitlements are not transferable

A right, privilege or obligation which a district, club or individual has by reason of being an Affiliated Club of the Association

- (a) is not capable of being transferred or transmitted to another district, club or individual and
- (b) terminates upon cessation of membership.

1.6 Maintaining Membership

- (1) The Committee may from time to time request Affiliated Clubs provide documents in relation to the good governance of their club. These documents may include:
 - (a) evidence their finances are kept separate from their members;
 - (b) evidence of a club management structure comprising a Club President and one or more additional club members;
 - (c) evidence of an annual meeting of club members; and
 - (d) evidence the club is run in accordance with the policies the Association may choose to implement, including those required to be adopted by the Association resulting from its affiliation to Badminton Australia.
- (2) An Affiliated Club must update the Association annually prior to end March of changes to their member's details using the membership recording system as prescribed from time to time by the Association.
- (3) If the Committee decides the Affiliated Club is not meeting reasonable standards of good governance they may ask the member to rectify these specific issues.

1.7 Cessation of Membership

A district, club or individual ceases to be a member of the Association if the district, club or individual

- (a) dies or is wound up
- (b) resigns from membership of the Association
- (c) is expelled from the Association, or
- (d) fails to renew membership of the Association.

1.8 Resignation of Membership

- (1) A member is not entitled to resign from membership of the Association except in accordance with this rule.
- (2) A member who has paid all amounts payable by the member to the Association may resign from membership of the Association by first giving notice (being not less than 1 month or, if the Committee has determined a shorter period, that shorter period), in writing to the secretary, of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.
- (3) Where a person ceases to be a member, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

1.9 Fees, Subscriptions etc.

- (1) The Committee may determine from time to time the scale of fees and benefits to apply to each level of membership of the Association by general resolution of members at a general meeting.
- (2) Teams and individuals taking part in Association competitions shall be required to pay a registration fee, the level and timing to be decided by the Committee.
- (3) The annual membership fee is payable before 1 April in any calendar year, unless otherwise decided by the Committee.

- (4) The formula for calculating fees is available as Schedule 1.
- (5) If a Member fails to pay fees by 1 April then the Association may, by special resolution, resolve to remove that Member as a Member of Association.
- (6) The Secretary must give written notice of their resolution to the person or entity who fails to pay fees.

1.10 Members' Liabilities

The liability of a member to contribute towards the payment of debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by rule 1.9.

1.11 Disciplining of Members

- (1) Where the Committee is of the opinion that a member
 - (a) has persistently refused or neglected to comply with a provision of these rules, or
 - (b) has persistently or wilfully acted in a manner prejudicial to the interests of the Association, or
 - (c) refused to rectify governance concerns after notification under clause 1.6.
 the Committee may, by resolution
 - (c) expel the member from the Association; or
 - (d) suspend the member from such rights and privileges of membership of the Association as the Committee may determine for a specified period.
- (2) A resolution of the Committee under subrule (1) is of no effect unless the Committee, at meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subrule (3), confirms the resolution in accordance with this rule.
- (3) Where the Committee passes a resolution under subrule (1), the secretary shall, as soon as practicable, cause a notice in writing to be served on the member
 - (a) setting out the resolution of the Committee and the grounds on which it is based
 - (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that the member may do either or both of the following:
 - (i) attend and speak at that meeting
 - (ii) submit to the Committee at or prior to the date of that meeting written representations relating to the resolution.
- (4) Subject to section 50 of the Act, at a meeting of the Committee mentioned in subrule (2) the Committee shall

- (a) give to the member mentioned in subrule (1) an opportunity to make oral representations
 - (b) give due consideration to any written representations submitted to the Committee by that member at or prior to the meeting; and
 - (c) by resolution determine whether to confirm or to revoke the resolution of the Committee made under subrule (1).
- (5) Where the Committee confirms a resolution under subrule (4), the secretary shall, within 7 days after that confirmation, by notice in writing inform the member of that confirmation and of the member's right of appeal under rule 10.
- (6) A resolution confirmed by the Committee under subrule (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 Association confirms the resolution in accordance with subrule 10 (4).

1.12 Right of appeal of disciplined member

- (1) A member may appeal to the Association in general meeting against a resolution of the Committee which is confirmed under rule 1.11(4), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) Upon receipt of a notice under subrule (1), the secretary shall notify the Committee which shall convene a general meeting of the Association to be held within 21 days after the date from which the secretary received the notice or as soon as possible after that date.
- 3) Subject to section 50 of the Act, at a general meeting of the Association convened under subrule (2)
 - (a) no business other than the question of the appeal shall be transacted;
 - (b) the Committee 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 rule 1.11(4), that the resolution is confirmed.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under subrule 3, that resolution is confirmed.

PART III - THE COMMITTEE

1.13 Powers of the Committee

The Committee and Executive Committee, subject to the Act, the Regulations, these rules, and to any resolution passed by the Association in general meeting

- (a) shall control and manage the affairs of the Association;

- (b) may exercise all such functions as may be exercised by the Association other than those functions that are required by these rules to be exercised by the Association in general meeting; and
- (c) has the 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 affairs of the Association; and
- (d) the Executive Committee may meet during the intervals between meetings of the Committee and has the power to conduct the affairs of the Association and shall report thereon to the next meeting of the Committee; and
- (e) the Executive Committee will have any additional powers as delegated by the Committee from time to time; and
- (f) the Committee may from time to time, make, vary, amend or repeal policies, including but not limited to:
 - i. a code of conduct
 - ii. any policy of Badminton Australia
 - iii. any other policy the Committee agrees to by general resolution.

1.14 Constitution and Membership

- (1) The Committee shall consist of:
 - (a) the office-bearers of the Association
 - (b) a representative of each affiliated Club
 - (c) a Junior Development Officer
 - (d) a Match Secretary
- (2) The office-bearers and Executive Committee of the Association shall be:
 - (a) the President;
 - (b) the Vice-President;
 - (c) the Treasurer
 - (d) the Secretary
 - (e) an Associate Member
- (3) Each member of the Committee shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) In the event of a vacancy in the membership of the Executive Committee, the Committee may appoint a member of the Association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting following the date of the appointment.
- (5) In the event of a vacancy in the membership of a Club representative, the relevant affiliated Club shall appoint another representative.

1.15 Election of Committee Members

- (1) Nomination of candidates for election as office-bearers and as Match Secretary of the Association
 - (a) shall be made in writing, signed by 2 members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and

- (b) shall be delivered to the secretary of the Association not less than 7 days before the date fixed for the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the Committee shall be deemed to be vacancies.
- (4) If the number of nominations received is equal to the number vacancies to be filled, the persons shall be taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (6) The ballot for the election of office-bearers and ordinary Committee members shall be completed at the annual general meeting in such manner as the Committee may direct.
- (7) A person is not eligible to simultaneously hold more than 1 position on the Committee.
- (8) Appointments of Club representatives
 - (a) shall be provided to the Secretary of the Association in writing by the Club President
- (9) Through the same process, the Club representative may appoint one alternate Club representative.

1.16 Secretary

- (1) The secretary of the Association shall, as soon as practicable after being appointed as secretary, notify the Association of his or her address.
- (2) The secretary shall keep minutes of
 - (a) all elections and appointments of office-bearers and ordinary Committee members
 - (b) the names of members of the Committee present at a Committee meeting or a general meeting; and
 - (c) all proceedings at Committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting shall be signed by the person presiding at the meeting or by a person presiding at the next succeeding meeting.

1.17 Public Officer

- (1) The Secretary of the Association shall also act as the Public Officer of the Association.
- (2) The Public Officer must reside in the Territory and be at least 18 years of age.
- (3) The Public Officer of the Association shall, not less than 1 month after being appointed, lodge with the Registrar-General a notice of the appointment in the approved form.
- (4) If the Public Officer changes his or her address, the Public Officer shall, within 1 month after the change, lodge with the Registrar-General a notice of the change in the approved form.

1.18 Treasurer

- (1) The Treasurer of the Association shall
 - (a) collect and receive all moneys due to the Association and make payments authorised by the Association; and
 - (b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.

1.19 Vacancies

- (1) For the purposes of these rules, a vacancy in the office of a member of the Committee occurs if the member
 - (a) dies;
 - (b) ceases to be a member of the Association;
 - (c) resigns from office;
 - (d) is removed from office pursuant to rule 1.20;
 - (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 subsection 63(1) of the Act; or
 - (h) is absent without the consent of the Committee members from all meetings of the Committee held during a period of 6 months.

1.20 Removal of Committee Members

The Association in general meeting may by resolution, subject to section 50 of the Act, remove any member of the Committee from the office of member of the Committee before the expiration of the member's term to office.

1.21 Committee Meetings and Quorum

- (1) The Committee shall meet at least 2 times in each calendar year at such place and time as the Committee may determine.
- (2) Additional meetings of the Committee may be convened by the president or any 4 members of the Committee.
- (3) Oral or written notice of a meeting of the Committee shall be given by the secretary to each member of the Committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the Committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subrule (3) 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.
- (5) Any 3 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.

- (6) No business shall be transacted by the Committee unless a quorum is present and if within half an hour after the time appointed for the meeting a quorum is not present the meeting stands adjourned to the same place and at the same hour of the day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.
- (8) At meetings of the Committee
 - (a) the president or in the absence of the president, the vice-president shall preside; or
 - (b) if the president and the vice-president are absent, one of the remaining members of the Committee may be chosen by the members present to preside.

1.22 Delegation by Committee to Sub-Committee

- (1) The Committee may, by instruction in writing, delegate to 1 or more sub-Committees (consisting of such member or members of the Association as the Committee thinks fit), the exercise of such of the functions of the Committee as are specified in the instrument, other than:
 - (a) this power of delegation; and
 - (b) a function which is a function imposed on the Committee by the Act, by any other law of the Territory, or by resolution of the Association in general meeting
- (2) A function, the exercise of which has been delegated to a sub-Committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-Committee in accordance with the terms of the delegation.
- (3) A delegation under this rule 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 in the instrument of delegation.
- (4) Notwithstanding any delegation under this rule, 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 rule has the same force and effect as it would have if it had done or suffered by the Committee.
- (6) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A sub-Committee may meet and adjourn as it thinks proper.
- (8) A sub-Committee may keep separate accounts and if authorised a separate bank account subject to meeting the requirements of the Act, this Constitution and the provision of financial information in a form sufficient to allow the audit of the Association's accounts.

1.23 Voting and Decisions

- (1) Questions arising at the meeting of the Committee or any sub-Committee appointed by the Committee shall be determined by a majority of the votes of members of the Committee or sub-Committee present at the meeting.
- (2) Each member present at a meeting of the Committee or of any sub-Committee appointed by the Committee (including the person presiding at the meeting) is entitled to 1 vote but, in the

event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

- (3) Subject to subrule 1.28, the Committee may act notwithstanding any vacancy on the Committee .
- (4) Any act or thing suffered, or purporting to have been done or suffered, by the Committee or by the 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 member of the Committee or sub-Committee.

PART IV - GENERAL MEETINGS

1.24 Annual General Meetings - holding of

- (1) The Association shall, at least once in each calendar year and within the period of 5 months after the expiration of each financial year of the Association, convene an annual general meeting of its members.
- (2) Subrule (1) has effect subject to the powers of the Registrar of Incorporated Associations under section 120 of the Act in relation to extensions of time.

1.25 Annual General Meetings - calling of and business at

- (1) The annual general meeting of the Association shall, subject to the Act, be convened on such date and at such place and time as the Committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be:
 - (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 reports on the activities of the Association during the last preceding financial year;
 - (c) to elect members of the Committee, including office-bearers;
 - (d) to receive and consider the statement of accounts and the reports that are require to be submitted to members pursuant to subsection 73(1) of the Act; and
 - (e) to consider for election to Life Membership any person whose name is submitted and endorsed by the retiring Executive Committee. **NOTE:** Not more than one Life Member can be elected in any one year.
- (3) An annual general meeting shall be specified as such in the notice convening it in accordance with rule 1.27.
- (4) An annual general meeting shall be conducted in accordance with the provisions of this Part.

1.26 General Meetings - calling of

- (1) The Committee may, whenever it thinks fit, convene a general meeting of the Association.
- (2) The Committee shall, on the requisition in writing of

- (a) the Association council; or
- (b) three affiliated clubs or one district; or
- (c) not less than 50, or 20 per cent (whichever is the lesser) of the total number of individual members,

convene a general meeting of the Association.

- (3) A requisition for a general meeting
 - (a) shall state the purpose or purposes of the meeting;
 - (b) shall be signed by the members making the requisition;
 - (c) shall be lodged with the secretary; and
 - (d) may consist of several documents in a similar form, each signed by 1 or more of the members making the requisition.
- (4) If the Committee fails to convene a general meeting within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary, any 1 or more of the members who made the requisition may convene a meeting to be held not more than 3 months after that date.
- (5) A general meeting convened by a member or members referred to in subrule (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the Committee and any member who thereby incurs expense is entitled to be reimbursed by the Association for any reasonable expense so incurred.

1.27 Notice

- (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by prepaid post to each affiliated club at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each affiliated club in the manner provided in subrule (1) specifying, in addition to the matter required under that subrule, the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to subrule 1.25(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who shall include that notice from the member.

1.28 General Meetings - procedure and quorum

- (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

- (2) Representatives who are financial members of at least 3 Affiliated Clubs or 15 individual persons who are financial members of affiliated clubs (Associate Members) present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of the members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than that described in (2) above) shall constitute a quorum.

1.29 Accidental Omission to Give Notice

- (1) Proceedings at, or resolutions passed at, any General Meeting will not be invalidated merely as a result of any:
 - a) accidental omission to give notice of any General Meeting to any Member, or
 - b) accidental giving of insufficient notice of any General Meeting to any Member; or
 - c) the non-receipt of any notice by any Member.

1.30 Presiding Member

- (1) The president, or in the absence of the president, the vice-president, shall preside at each general meeting of the Association.
- (2) If the president and the vice-president are absent from the general meeting, the members present shall elect 1 of their number to preside at the meeting.

1.31 Adjournment

- (1) The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each member of the Association 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 subrules (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

1.32 Making of Decisions

- (1) A question arising at a general meeting of the Association shall be determined on a show of hands and, unless a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

- (2) At a general meeting of the Association, a poll may be demanded by the person presiding or by not less than 3 members present in person or by proxy at the meeting.
- (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 the 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 person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

1.33 Voting

- (1) Subject to subrule (3), upon any question arising at a general meeting of the Association a member has 1 vote only.
- (2) All votes shall be given personally
- (3) In the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote at any general meeting of the Association unless all money due and payable by the member to the Association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

1.34 Disclosure of Interest

- (1) Committee members who are interested in any way, whether directly or indirectly, in any contract or arrangement made or proposed to be made or in respect of any matter arising out of a contract, arrangement or proposed contract or arrangement with the Association, must disclose in writing the nature and extent of their interest both at the first meeting of the Association or their own organisations where the contract or arrangement is first taken into consideration and at the next general meeting of the Association.
- (2) If a member of the Committee or an Affiliated Club becomes interested, directly or indirectly, in a contract or arrangement or in any matter arising out of a contract or agreement after it is made or entered into, the Member must disclose in writing their interest at both the first meeting of the Committee (with respect to Officebearers) after the interest arises and at the next general meeting of the Committee.
- (3) No Member can take part in making any decision in respect of any contract or arrangement or proposed contract or arrangement in which he or she is interested directly or indirectly and if he or she does vote the vote must not be counted.

PART V - MISCELLANEOUS

1.35 Funds - Source

- (1) The funds of the Association shall be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Association in general meeting and subject to section 114 of the Act, such other source as the Committee determines.
- (2) All money received by the Association shall be deposited as soon as practicable and without deduction to the Association's bank account.

- (3) The Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

1.36 Funds - Management

- (1) Subject to any resolution passed by the Association in general meeting, the funds of the Association shall be used in pursuance of the objects of the Association in such a manner as the Committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 members of the Committee or employees of the Association, being members of the Committee or employees authorised to do so by the Committee.
- (4) No cheques shall be drawn on the association's bank account except for the payment of expenditure that has been authorised by the Committee

1.37 Alteration of Objects and Rules

Neither the objects of the Association referred to in section 29 of the Act nor these rules shall be altered except in accordance with the Act.

1.38 Common Seal

- (1) The common seal of the Association shall be kept in the custody of the secretary.
- (2) The common seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal shall be attested by the signatures either of 2 members of the Committee or of 1 member of the Committee and of the secretary .

1.39 Custody of Books

Subject to this Act, the Regulations and these rules, the secretary and treasurer as the case may be shall keep in his or her control all records, and other documents relating to the Association.

1.40 Inspection of Books

The records, books and other documents of the Association shall be open to inspection at a place in the Territory, free of charge, by a member of the Association at any reasonable hour.

1.41 Service of Notices

- (1) For the purpose of these rules, a notice may be served by or on behalf of the Association upon any member at the member's address shown in the register of members.
- (2) Where a document is sent to a person by properly addressing, prepaying and posting the person a letter containing the document, the document shall, unless the contrary proved, be deemed for the purposes of these rules to have been served on the person the time at which the letter would have been delivered in the ordinary course of post

1.42 Surplus Property

- (1) The Association shall pass a special resolution nominating
 - (a) another Association for the purpose of paragraph 92(1)(a) of the Act; or
 - (b) a fund, authority or institution for the purpose of paragraph 92(1)(b) of the Act, in which it is to vest its surplus property in the event of the dissolution or winding up of the Association.
- (2) An Association nominated under paragraph (1)(a) must fulfil the requirements specified in subsection 92(2) of the Act.

1.43 Association Council

- (1) An Association Council may be formed of the Executive Committee and Presidents of the affiliated Clubs.
- (2) The Council shall meet as required by the Executive Committee or on written request from 3 Clubs
- (3) 14 days clear written or oral notice must be given of the meeting.
- (3) The recommendations of the Council shall be submitted to the Executive Committee for consideration

SCHEDULE 1 Fees Structure

1. Each club affiliated with the ACT Badminton Association Inc shall pay an annual club membership fee by 1 April each year, or as otherwise determined by the Committee. This fee is a minimum of \$230.
2. Each club affiliated with the Association shall in addition pay a fee for each member affiliated with that club. This fee is a minimum of \$14 per player.
3. Each of these fees may be changed in accordance with any measure or standard whatsoever that may be approved in accordance with this Constitution, including, for example:
 - a. Any factor that should be different to another Member that may be approved by the Committee.

APPENDIX 1

Statement of Objects of the ACT Badminton Association to be lodged with the Registrar in accordance with Section 29 of the Associations Incorporation Act (No 46 1991)

Objects and Purposes of the ACT Badminton Association

1. The basic objects of the Association are to promote, expand, advance and foster the game of Badminton on the basis as a not-for-profit organisation.
2. In addition to the basic objects of the Association the powers and purposes of the Association will be deemed to include:-
 - (a) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Association;
 - (b) the buying, selling, and supplying of, and dealing in goods associated with Badminton;
 - (c) the construction, maintenance, and alteration of building or works necessary or convenient for any of the objects or purposes of the Association;
 - (d) the accepting of any gift, whether subject to special trust or not, for any one or more of the objects or purposes of the Association;
 - (e) the taking of 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 Association, whether by way of donations, subscriptions, or otherwise;
 - (f) the printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the Committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Association;
 - (g) the borrowing and raising of money in such manner and on such terms as the Committee may think fit or 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 Association by giving mortgages, charges or securities upon or over all or any of the seal or personal property of the Association;
 - (h) subject to the provisions of the Trustee Ordinance 1957, the investment of any monies of the Association not immediately required for any of its objects or purposes in such manner as the Committee may from time to time determine;
 - (i) the establishment and support or aiding in the establishment or support, of any other Association formed for any of the basic objects of the Association;
 - (j) the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Association or of any of the objects and purposes specified in the foregoing provisions of this sub-rule;
 - (k) the employment on a salaried or contract basis of persons to assist in carrying out the objects and purposes of the Association

CLUB DECLARATION FOR SUB COMMITTEE STATUS

We the undersigned wish to form a club to be known as as a sub-Committee of the ACT Badminton Association Inc.

A meeting of the club held on and representing the majority of current members has agreed to this proposal. (List of current club members and addresses attached)

We agree to be bound by the Australian Capital Territory Badminton Association Constitution and provide to the Australian Capital Territory Badminton Association annually, information necessary for it to discharge its obligations under the Associations Incorporation Act 1991 and associated instruments.

We apply for and agree to operate in accord with an instrument of delegation pursuant to Clause 1.22 of the ACT Badminton Association's Constitution.

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Spokespersons