



Association Rules

1. NAME

The name of the incorporated association is Fishermen's Bend Gymnastic Club Incorporated (the Association).

2. PURPOSES

The purposes of the Association are:

- a. to offer people in our local community safe and enjoyable participation in gymnastics sports; and
- b. to deliver programs by trained staff in a positive learning environment that promotes physical and emotional development and wellbeing.

The Association has power to do all things that help it to achieve these Purposes. The Association and its Committee may only exercise their powers and use the income and assets of the Association for the Purposes of the Association.

3. INTERPRETATION

In these rules, unless the contrary intention appears:

"Committee" means the Committee of Management of the Association.

"Financial year" means the year ending on 31st December.

"General meeting" means a general meeting of members convened in accordance with rule 5.

"Head staff member" means the person employed by the Committee to be in control of the day-to-day activities of the Association.

"Member" means a member of the Association.

"Ordinary member of the Committee" means a member of the Committee who is not an officer of the Association under rule 7.1(iv).

"The Act" means the Associations Incorporation Reform Act 2012, and includes any regulations made under the Act.



4. MEMBERSHIP

4.1 GENERAL:

Any person who supports the purposes of the Association is eligible for membership. Application for membership is by completion of the Association's enrolment form. A person becomes a member when the Committee has approved their application to join the Association. This approval is deemed to be given when:

- a. an authorised member of the Association makes an offer of a place in a gymnastics program; and
- b. the Association has received the person's membership fees.

For members under 15 years of age at the commencement of the financial year, the member's rights to vote at general meetings and be elected to the Committee rest with a parent or legal guardian.

Registered gymnastics coaches and other staff members employed by the Association are deemed to be members for the duration of such employment, and shall be recorded as Staff Members on the register of members.

4.2 MEMBERSHIP FEES:

Membership fees for the financial year shall be set by the Committee prior to the commencement of gymnastics programs for that year. The fees shall be payable on the dates set by the Committee.

4.3 REGISTRATION OF MEMBERS:

The Secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member.

4.4 RESIGNATION OF MEMBERS:

- (i) Members may resign from the Association by written or oral notice, or by not paying their membership fees within two (2) months of their fees being due.
- (ii) Upon the expiration of such notice or at such time as membership fees are unpaid two months after they are due, the Secretary or nominated person shall record in the register of members the date on which the member ceased to be a member.

4.5 REMOVAL OF MEMBERS:

- (i) The Committee may suspend or expel any member of the Association who:
 - a. commits any breach of any rule or membership contract obligation of the Association;
 - b. in the opinion of the Committee, acts in a manner which is contrary to the interests of the Association; or
 - c. no longer complies with the membership requirements of the Association.



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- (ii) Before the Committee may suspend or expel any member, the member shall be informed of the allegation and invited to present an oral or written explanation to the committee meeting at which the matter is to be considered.
 - (iii) Any member of the Association who feels aggrieved by a decision of the Committee under rule 4.5(i) may seek a review of the decision in accordance with the grievance procedures in rule 8.3.
 - (iv) Any member who has been removed from the Association under this process and reapplies must have their application submitted before the Committee at the next Committee meeting. The Committee shall vote on whether the application will be accepted.

5. GENERAL MEETINGS

- (i) General meetings of all members may be called:
 - a. by resolution of the Committee;
 - b. at the request of the President of the Association; or
 - c. by the written request of five members or not less than five per cent of the members of the Association.

Such a general meeting shall be held no less than 14 days or no more than one (1) month after the request or resolution is made. In the case of a request by members under paragraph (c), the members may convene the general meeting if a meeting has not been held within the required time.

- (ii) The Secretary of the Association shall, at least 14 days before the date fixed for holding a general meeting of the Association, notify all members orally or in writing on the Association's noticeboard or newsletter, stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (iii) The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any member shall not invalidate any proceedings or resolutions at any meeting of the Association or any Committee thereof.
- (iv) The President of the Association shall preside as Chairperson of the general meeting.
- (v) Members present at a meeting may agree to adjourn any meeting but no business shall be transacted at any adjourned meeting other than business left unfinished at the meeting from which the adjournment took place.
- (vi) Each member present is entitled to one vote, in person or by post, but not by proxy. Resolutions shall be carried by a majority of the members present and voting.
- (vii) At any general meeting a declaration by the Chairperson that a resolution has been carried or not shall be sufficient evidence of members' voting intention unless three members call for a



poll. When a poll is taken the number of votes in favour and against the resolution shall be recorded.

- (viii) At all general meetings, five members present shall constitute a quorum. If within thirty minutes from the time appointed for the meeting a quorum is not present the meeting if convened by request of members shall be dissolved. If not so convened, the meeting shall stand adjourned to the same day in the next week at the same time and place and at such an adjourned meeting, those present shall form a quorum for all purposes.
- (ix) Minutes of the proceedings of every general meeting shall be kept.

6. ANNUAL GENERAL MEETING

- (i) The Association shall in each calendar year convene an Annual General Meeting (AGM) of its members.
- (ii) The AGM shall be held on such day as the Committee determines, but not later than 5 months from the end of the preceding financial year.
- (iii) The AGM shall be specified as such in the notice convening it.
- (iv) The provisions of rule 5 shall apply to the AGM.
- (v) The ordinary business of the AGM shall be:-
 - a. to confirm the minutes of the last preceding AGM and of any general meeting held since that meeting;
 - b. to receive and consider the Annual Report of the Committee on the activities of the Association during the preceding financial year;
 - c. to receive and consider the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with the Act; and
 - d. to elect officers of the Association and ordinary members of the Committee.
- (v) The Annual General Meeting may transact special business of which notice is given in accordance with these rules.

7. COMMITTEE

7.1 GENERAL:

- (i) The affairs of the Association shall be managed by a Committee of Management.
- (ii) The Committee:
 - a. shall control and manage the business and affairs of the Association;



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- b. may, subject to these rules and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Association; and
 - c. subject to these rules and the Act, has power to do all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.
- (iii) The Committee shall have up to 14 members. Staff members, with the exception of the head staff member, are not eligible for election to the Committee. The head staff member is automatically appointed as a member of the Committee and represents the interests of all staff members on the Committee.
- (iv) The members at the AGM shall elect the following officers:
- a. President
 - b. Vice President
 - c. Secretary
 - d. Treasurer

7.2 ELECTION OF OFFICERS AND ORDINARY MEMBERS OF THE COMMITTEE:

- (i) For the purposes of these rules, the position of an officer of the Association or an ordinary member of the Committee becomes vacant at the AGM, or earlier if the officer or member: -
- a. ceases to be a member of the Association; or
 - b. resigns his/her office by oral or written notice to the Secretary or President.
- (ii) In the event of a casual vacancy occurring in the Committee, the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to the conclusion of the next AGM.
- (iii) Nominations of candidates for election as officers of the Association or as ordinary members of the Committee shall be made orally to the Secretary either before the AGM or when the position is declared vacant at the AGM.
- (iv) The head staff member is eligible for election to the office of Secretary, but is not eligible for election to the other offices.
- (v) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the AGM.
- (vi) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.



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- (vii) If the number of nominations is greater than the number of vacancies to be filled, and/or there is more than one nomination for any officer position, a ballot for the election of officers and ordinary members of the Committee shall be conducted at the AGM in such a usual and proper manner as the Committee may direct.
- (viii) A nomination of a candidate for election under this clause is not valid if that candidate has been elected to another office at the same election.

7.3 PROCEEDINGS OF COMMITTEE:

- (i) The Committee shall meet at least 4 times each year at such place and at such times as the Committee may determine.
- (ii) A quorum shall be half of the Committee members.
- (iii) The President or, in the absence of the President, the Vice-President shall chair the meetings of the Committee.
- (iv) Questions arising at any meeting shall be decided by a majority of votes and in the case of an equality of votes the motion is defeated.
- (v) Any two Committee members may, at any time, summon a meeting of the Committee.
- (vi) Oral or written notice of each Committee meeting shall be served on each member of the Committee at a reasonable time before the date of the meeting.

7.4 SECRETARY:

The Secretary of the Association shall:

- a. supervise the keeping of minutes of the resolutions and proceedings of each general meeting and each Committee meeting together with a record of the names of persons present at Committee meetings; and
- b. maintain the register of members in accordance with rule 4.3.

The Committee must appoint a Secretary of the Association whenever that position becomes vacant. The Secretary must notify the Registrar of his/her appointment within 14 days after such appointment.

7.5 TREASURER:

The Treasurer of the Association shall:

- a. supervise the collection and receipt of all monies due to the Association and make all 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.



7.6 REMOVAL OF MEMBERS OF COMMITTEE:

- (i) The Association in general meeting may by resolution remove any member of the Committee before the expiration of his/her term of office and appoint another member in his/her place to hold office until the expiration of the term of the first-mentioned member.
- (ii) The Committee member thus removed may require the Secretary or Chairperson to send a copy of the reasons to each member of the Association or, if they are not sent, the member may require that they be read out at the next scheduled Committee meeting.

8. GRIEVANCE PROCEDURES

8.1 GENERAL:

If there is a grievance or dispute involving members, the Association or Committee, wherever possible the parties involved must first attempt to resolve the dispute between themselves.

If the dispute cannot be resolved between the people involved, the following grievance procedure is to be followed, as soon as reasonably possible:

Step 1:

The party with a grievance is to write to the President of the Association outlining the nature of the grievance, any relevant facts and suggestions for a suitable solution.

The Committee will appoint an unbiased person to facilitate a solution acceptable to all parties. This person may be an external facilitator.

Step 2:

If the parties cannot agree on a solution, the facilitator will make a recommendation in writing to the Committee proposing a solution.

The Committee will consider the recommendation and make a decision by majority vote.

If the grievance directly involves a member of the Committee, this member shall not be present when the matter is being considered and voted on by the Committee.

No party shall be victimised or discriminated against for lodging a grievance.

Parties to a grievance agree to strict confidentiality regarding the content of the grievance unless disclosure is required by law.



8.2 GRIEVANCES BETWEEN STAFF MEMBERS:

If the grievance is between staff members, procedures outlined in the Association's staff manual shall be followed to resolve the dispute.

In exceptional circumstances eg. allegations of illegality or misconduct of senior staff members, the concerned staff member may lodge a complaint directly to the Committee.

8.3 GRIEVANCES AGAINST DECISIONS OF THE COMMITTEE:

If the grievance is against a decision of the Committee, the aggrieved party shall have an opportunity to seek a review of the decision.

In this case, the aggrieved party should put their complaint in writing, outlining the nature of the grievance, any relevant facts and suggestion for a suitable solution.

The aggrieved party will, upon request, be given the opportunity to address the Committee in person to outline their concerns. Having heard the arguments, the Committee will genuinely consider the facts and make a final decision.

The President, on behalf of the Committee, will provide reasons in writing to the aggrieved party.

8.4 RIGHT OF APPEAL:

An aggrieved party has the right to lodge a complaint or appeal to an appropriate external tribunal or Court of Law.

9. ALTERATION OF RULES

No rule of the Association shall be repealed or amended and no new rule shall be made except by a Special Resolution, put to a vote of members at a General Meeting. At least 21 days notice of proposed changes must be given to members. Passing of a Special Resolution requires a minimum of seventy five percent (75%) of the members who vote at the meeting to vote in favour.

10. WINDING UP

- (i) The Association may only be wound up by the following procedures:
 - a. written notice proposing the winding up of the Association and the date of the general meeting at which the proposal is to be considered must be given or sent to all members at least 21 days before the date of the meeting; and
 - b. at that meeting, the proposal must be approved by a majority of not less than seventy five percent (75%) of the members who vote at the meeting.
- (ii) If a motion to wind up the Association is approved, any assets remaining after all the debts of the Association have been paid are to be transferred to an organisation, or to organisations



having a similar purpose to the Association or if there are no such similar organisations, the assets shall be disposed of in accordance with the Act.

11. RECORDS

Except as otherwise provided in these rules, the Secretary shall keep in his/her custody or under his/her control all books, documents and securities of the Association.

The register of members, minutes of general meetings and accounts of the Association shall be available for inspection by members upon reasonable notice to the Secretary.

12. FUNDS

The funds of the Association shall be derived from membership fees and other such sources as the Committee determines.

Cheques, EFT transfers or cash payments made from the Association's funds are to be authorised by two members of the Committee. However, the Committee may authorise the Treasurer and/or head staff member to expend funds up to a specified limit without requiring approval from the Committee.

13. SEAL

The Association does not have a common seal.

14. AFFILIATION

The Association may affiliate with any society or association of its choosing, as long as those affiliated bodies aid and assist the Association in its Purposes.

15. NON PROFIT

The assets and income of the Association shall be applied solely in furtherance of its purposes, and no portion shall be distributed directly or indirectly to its members, except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

16. NOTICES

- (i) A notice may be served by or on behalf of the Association upon any member either personally, by post or electronically to the member at the address shown in the register of members.
- (ii) Where a document is properly addressed and posted to a member, the document shall, unless the contrary is proved, be deemed to have been given to the member at the time at which the document would have been delivered in the ordinary course of post.



GENERAL RIGHTS OF MEMBERS

A member of the Association who is entitled to vote has the right:

- a. to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
- b. to submit items of business for consideration at a general meeting; and
- c. to attend and be heard at general meetings; and
- d. to vote at a general meeting; and
- e. to have access to the minutes of general meetings and other documents of the Association; and
- f. to inspect the register of members.

A member is entitled to vote if:

- a. the member is a member other than an associate member; and
- b. more than 10 business days have passed since he or she became a member of the Association; and
- c. the member's membership rights are not suspended for any reason.

RIGHTS NOT TRANSFERABLE

The rights of a member are not transferable and end when membership ceases.

CUSTODY AND INSPECTION OF BOOKS AND RECORDS

- (i) Members may on request inspect free of charge:
 - a. the register of members;
 - b. the minutes of general meetings;
 - c. subject to subrule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.
- (ii) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- (iii) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- (iv) Subject to subrule (ii), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.
- (v) For purposes of this rule **relevant documents** means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following:
 - a. its membership records;
 - b. its financial statements;
 - c. its financial records;
 - d. documents relating to transactions, dealings, business or property of the Association.