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# **TUGGERANONG 55 PLUS CLUB INC**

## **CONSTITUTION**

**7 OCTOBER 2015**

## Version Control

	<b>Date Approved</b>
<b>Version 1 (Original)</b>	<b>8 December 2009</b>
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## **Part 1: Preliminary**

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### **1. Name**

- (1) The name of the Club is 'Tuggeranong 55 Plus Club Incorporated' (the Club).

### **2. Objects**

- (1) The objects of the club are:
- a. to initiate, develop, conduct or sponsor activities and services to seniors through operation of a club for senior.
  - b. to promote healthy, active and meaningful ageing.
  - c. to provide a welcoming social environment and a range of activities to promote a fulfilling lifestyle for seniors and to encourage seniors to join in such activities.
  - d. to provide such additional services as the committee may from time to time decide to promote the welfare of seniors.
  - e. to promote greater awareness among indigenous people and those of multicultural backgrounds of the club's activities and to encourage participation of their senior members.
  - f. to liaise with other organisations representing seniors and to work cooperatively with them.
  - g. to increase public awareness of the needs of seniors.
  - h. to advise the community and governments of seniors' needs and ways of meeting them.
  - i. to do all such lawful things as are incidental to the carrying out of the above objects.

### **3. Interpretation**

- (1) In this constitution, unless a contrary intention appears:
- a. Act means the Associations Incorporation Act 1991;
  - b. financial member means a member of the Club whose membership fee for the current year has been paid;
  - c. financial year means the year ending 30 June;
  - d. ordinary committee member means a member of the Management Committee who is not an Office-bearer of the Club;
  - e. recipient, for a document, means the individual, corporation or agency on whom the document is intended to be served;
  - f. reference to a function includes a reference to a power, authority or duty;
  - g. Regulation means the Associations Incorporation Regulation 1991;

- h. Secretary means the person holding office in accordance with these rules as Secretary of the Club or, if no such person holds that office, the Public Officer of the Club;
- i. sender, for a document served, or to be served, by post or email, means the person sending, or seeking to send, the document ;
- j. Special Resolution is one which changes matters fundamental to the nature of the Club, including altering the Constitution, changing the Club's name, amalgamating with another association or winding up of the Club and must be passed by at least 75% of financial members present, who either vote in person at the meeting or by proxy;
- k. spokesperson is the person, delegated by the Management Committee, who may make public statements on behalf of the Club only in accordance with previously agreed policy or, in an emergency, following consultation with at least two members of the Management Committee;
- l. words or expressions are to be interpreted in accordance with the provisions of the *Interpretation Act 1967*.

#### **4. Application of Legislation Act 2001**

- 12.** The *Legislation Act 2001* applies to these rules in the same way as it would if they were an instrument made in accordance with the Act.

## **Part 2: Membership**

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### **5. Membership Qualifications**

- (1) Membership of the Club is open to any person aged 50 years or over who agrees with the Objects of the Club, is willing to abide by the Code of Conduct of the Club and is willing to pay membership and other fees prescribed by the Management Committee.

### **6. Membership Application**

- (1) To apply to join the Club a person must complete and sign the Club's application form and pay the fee for new members prescribed by the Management Committee.
- (2) As soon as practicable after receiving an application for membership the (Membership) Secretary must advise the Management Committee of the application.
- (3) The Management Committee may refuse an application for membership. If an application is refused the Management Committee must provide the applicant, in writing, with the reasons for the refusal.
- (4) New applications for membership or payment of new membership fees cannot be made on the day of any General Meeting (including the Annual General Meeting) or on any of the four week days preceding a General Meeting.

### **7. Cessation of Membership**

- (1) A person ceases to be a member of the Club if the person:
  - a. dies;
  - b. resigns, in writing, to the Secretary;
  - c. is expelled; or
  - d. does not pay the membership renewal fee within three months of expiry date.

### **8. Register of Members**

- (1) In accordance with the Act and the Regulation, the Secretary must ensure that a register is maintained which contains the name, address, telephone number and email address, as available, of each member with the date on which the person became or ceased to be a member of the Club.
- (2) If a person ceases to be a financial member, the Secretary must ensure that an entry is made in the Register of Members recording the date on which the member ceased to be a financial member.
- (3) The Management Committee must comply with privacy legislation in dealing with any request for access to the register.

## **9. Rights, Privileges and Responsibilities of Members**

- (1) All financial members may:
  - a. vote at General Meetings of the Club, and
  - b. be eligible for election to the Management Committee.
- (2) A right, privilege or responsibility of a member cannot be transferred to another person and terminates when the person's membership ceases.

## **10. Member Liability**

- (1) The liability of a member to contribute towards the payment of the debts and liabilities of the Club, or the costs, charges and expenses of the winding up of the Club, is limited to the amount, if any, of unpaid annual membership fee.



## **Part 3: Management Committee**

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### **11. Management Committee Powers**

- (1) The Management Committee, subject to the Act, the Regulation, this Constitution, and to any resolution passed by the Club in General Meeting:
  - a. controls and manages the affairs of the Club;
  - b. appoints a member of the Management Committee to be Public Officer who retains that position until the Management Committee appoints a successor;
  - c. exercises all such functions as may be exercised by the Club other than those functions that are required by this Constitution to be exercised by the Club in General Meeting;
  - d. performs all such acts and do all such things as appear to the Management Committee to be necessary or desirable for the proper management of the affairs of the Club;
  - e. may make by-laws, rules, regulations and policies not inconsistent with this Constitution which, in the opinion of the Management Committee, are necessary and desirable for carrying out the objects for which the club is formed; and
  - f. may amend or rescind any such by-laws, rules, regulations and policies.

### **12. Management Committee Membership**

- (1) The Management Committee consists of:
  - a. the Office-bearers of the Club; and
  - b. up to eight ordinary committee members, each of whom is elected in accordance with Clause 14 or appointed in accordance with Sub Clause (7) below.
- (2) The Office-bearers of the Club are:
  - a. President,
  - b. Vice-President,
  - c. Treasurer, and
  - d. Secretary.
- (3) The Management Committee may allocate responsibility for membership to one of the eight ordinary members.
- (4) The Management Committee may allocate responsibility for recording the minutes of Management Committee and/or General Meetings to one of the eight ordinary members.
- (5) A member may hold only one position (including Membership Secretary or Minute Secretary) on the Management Committee at any one time.

- (6) Each member of the Management Committee, subject to this Constitution, holds office until the conclusion of the Annual General Meeting following the date of the member's previous election, but is eligible for re-election, subject to Sub-clause 14 (6).
- (7) In the event of a vacancy in the membership of the *Management* Committee, the *Management* Committee may appoint a member of the Club to fill the vacancy and the member so appointed holds office, subject to this Constitution, until the conclusion of the next Annual General Meeting after the date of the appointment.
- (8) A member of the Management Committee must remain a financial member of the Club during the term of his/her office.

### **13. Executive Committee – Organisation and Meetings**

- (1) The Executive Committee comprises the Office-bearers of the Management Committee, and the Public Officer.
- (2) Subject to any resolution made by the Management Committee, the Executive Committee has power to make routine management decisions between meetings of the Management Committee.
- (3) The Executive Committee must report its decisions to the next meeting of the Management Committee.
- (4) The Executive Committee is responsible for managing contractual matters associated with grants received from the Federal and ACT Governments, and with the employment of any staff.
- (5) The President and two other members of the Executive Committee constitute a **quorum** for the transaction of business.

### **14. Election of Office-Bearers and Management Committee**

- (1) Nominations of financial members for election as Office-bearers or ordinary committee members:
  - a. must be made on the prescribed form, approved by the Management Committee, giving the written consent of the candidate and signed by two financial members of the Club; and
  - b. must be delivered to the Secretary not later than seven days before the date fixed for the Annual General Meeting at which the election is to take place.
- (2) The election of Office-bearers and Management Committee members must be conducted by a financial member who is not a candidate for any of these positions.
- (3) If insufficient nominations are received to fill all vacancies on the Management Committee, the candidates nominated are to be deemed elected and further nominations are to be invited and received at the Annual General Meeting.
- (4) If insufficient further nominations are received, any vacant positions remaining on the Management Committee are deemed to be vacant. The Management Committee may appoint a member of the Club to fill the vacancy.

- (5) A secret ballot must be held for any Office-bearer or ordinary committee position when more than one nomination for that position has been received.
- (6) The Management Committee, by resolution, may place limits on the number of successive terms of appointment of Office-bearers.

## **15. Management Committee Vacancies**

- (1) An Office-bearer or ordinary Management Committee member position is deemed to be vacant if the Office-bearer or member:
  - a. dies;
  - b. ceases to be a member;
  - c. resigns in writing to the Secretary;
  - d. is removed from the position in accordance with Clause 16;
  - e. becomes an insolvent in accordance with administration within the meaning of the Act;
  - f. suffers from serious mental or physical incapacity;
  - g. is disqualified from the position in accordance with Section 63(1) of the Act ; or
  - h. is absent without the consent of the Management Committee from three successive meetings of the Management Committee.

## **16. Removal of Office-bearers and Management Committee Members**

- (1) The Club in General Meeting may, by resolution, subject to Section 50 of the Act, remove any Office-bearer or member of the Management Committee from their position before the expiration of their term of office. (Note: Section 50 of the Act refers to Rules of Natural Justice.)

## **17. President**

- (1) The President's responsibilities include:
  - a. presiding at Management Committee meetings and at all General Meetings of the Club;
  - b. encouraging balanced participation by all members of the Management Committee, and
  - c. acting as spokesperson for the Club unless an alternative spokesperson has been delegated by the Management Committee.

## **18. Vice President**

- (1) The Vice President must act for the President unless the Executive Committee has resolved that another person act in his or her absence.

## **19. Secretary**

- (1) The Secretary's responsibilities include:
  - a. ensuring the results of all elections and appointments of Office-bearers and ordinary Management Committee members are recorded;
  - b. ensuring the names of members present at a Management Committee Meeting or a General Meeting are recorded;
  - c. ensuring minutes of all proceedings at Management Committee Meetings and General Meetings are recorded; and
  - d. ensuring that the person presiding at a meeting signs the minutes of the previous meeting as being a true record of that meeting.

## **20. Treasurer**

- (1) The Treasurer's responsibilities include:
  - a. receiving all money due to the Club and ensuring that as soon as practicable an appropriate receipt is issued;
  - b. ensuring all money received by the club is deposited as soon as practicable and without deduction to the credit of the Club's bank account;
  - c. making all payments authorised by the Management Committee;
  - d. ensuring that an accurate report of the current financial affairs of the Club is presented at each Management Committee meeting; and
  - e. keeping correct records showing the financial affairs of the Club with full details of all receipts and expenditure.

## **21. Management Committee – Organisation and Meetings**

- (1) The Management Committee must meet at least six times in each financial year, at such place and time as the Management Committee may decide.
- (2) Additional meetings of the Management Committee may be called by the President or any two members of the Management Committee.
- (3) Oral, written or electronic notice of a meeting of the Management Committee must be given by the Secretary to the members of the Management Committee at least 48 hours before the time appointed for the holding of a meeting. Notice of a meeting must specify the nature of the business to be transacted at the meeting. Other business transacted at the meeting must be subject to agreement by the President or by majority agreement of the Management Committee.
- (4) Any five members of the Management Committee constitute **a quorum** for the transaction of business.
- (5) No business is to be transacted by the Management Committee unless a quorum is present, and if a quorum is not present, the meeting stands adjourned to a place and time to be determined by the President.

- (6) If at the adjourned meeting a quorum is not present, within half an hour after the time appointed for the meeting, the meeting must be dissolved.
- (7) At meetings of the Management Committee:
  - a. the President, or in the absence of the President, the Vice President must preside at each Meeting of the Management Committee; or
  - b. if the President and the Vice President are absent from a Management Committee meeting, one of the remaining members of the Management Committee may be chosen by the members to preside at the meeting.

## **22. Sub-committees**

- (1) The Management Committee may appoint Sub-committees.
- (2) The Management Committee must specify the purpose, the convenor and the membership of the Sub-committee and may specify any conditions or limitations as to the exercise of the function by the Sub-committee. Notwithstanding any delegation to a Sub-committee, the Management Committee may continue to exercise any function delegated.
- (3) The Management Committee may, at any time, revoke or vary wholly or in part any delegation to a Sub-committee.
- (4) A majority of appointed members of a Sub-committee, present at a meeting, constitute a quorum.
- (5) A Sub-committee may meet and adjourn as it thinks proper.
- (6) Any act or thing done or allowed by a Sub-committee acting in the exercise of a delegation in accordance with this Clause, has the same force and effect as it would have if it had been done or allowed by the Management Committee.

## **23. Management Committee and Sub-committee Voting and Decisions**

- (1) Questions arising at a meeting of the Management Committee or of any Sub-committee must be determined by a majority of the members present and voting.
- (2) Voting is to be determined on a show of hands, but the Management Committee or Sub-committee may agree to voting by secret ballot.
- (3) Each member present at a meeting is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (4) Any act or thing done or allowed, or purporting to have been done or allowed, by the Management Committee or by a Sub-committee appointed by the Management Committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Management Committee or Sub-committee.

## **24. Conflict of Interest**

- (1) A member of the Management Committee who has a material personal interest in a matter that is being considered at a Management Committee meeting:
  - a. must not vote on the matter; and
  - b. must not be present while the matter is being considered at the meeting.
- (2) A member of the Management Committee must not be taken to be interested or to have been at any time interested in a contract or proposed contract merely because the member has guaranteed or joined in guaranteeing the repayment of a loan or any part of the loan to the Club.

## **Part 4: General Meetings**

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### **25. Convening a General Meeting**

- (1) The Management Committee may convene a General Meeting of the Club.
- (2) The Management Committee must convene a General Meeting following a requisition from not less than five per cent of the total financial members in accordance with Clause 33.
- (3) A financial member who wants to bring any business before a General Meeting must give notice in writing of that business to the Secretary, who is to include that business in the next notice calling a General Meeting given after receipt of the notice from the financial member.
- (4) The Secretary is responsible for a notice to be sent which specifies:
  - a. the place, date and time of the General Meeting;
  - b. the business proposed to be transacted at the meeting;
  - c. whether the meeting is the Annual General Meeting;
  - d. whether any special resolutions are to be considered; and
  - e. whether agenda papers are available on request prior to the meeting, either electronically or printed copy.
- (5) The Secretary is responsible for ensuring that:
  - a. the notice is sent, at least 21 days before the date fixed for the holding of the General Meeting, by post or email to each member at the member's postal or email address appearing in the register of members; and
  - b. at the time the notices are sent to members, a copy of the notice is placed on the Club's notice board.

### **26. Quorum**

- (1) No item of business is to be transacted at a General Meeting unless a quorum comprising at least five per cent of financial members is present during the time the meeting is considering the item.

### **27. Presiding Officer**

- (1) The President or, in the absence of the President, the Vice President, must preside at each General Meeting of the Club.
- (2) If the President and the Vice President are absent from a General Meeting, the financial members present must elect one of their number to preside at the meeting.

## **28. Adjournment and Dissolution**

- (1) If within 30 minutes after the appointed time for the commencement of a General Meeting a quorum is not present, the meeting must stand adjourned to the same day in the following week at the same time and at the same place (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by notice to members given before the day to which the meeting is adjourned).
- (2) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the commencement of the meeting, the meeting must be dissolved.
- (3) The person presiding at a General Meeting at which a quorum is present may, with the consent of the majority of financial members present at the meeting, adjourn the meeting and specify the place, date and time of the adjourned meeting.
- (4) Where a General Meeting is adjourned for 14 days or more, the Secretary must give written, electronic or oral notice of the adjourned meeting to each member of the Club stating the place, date and time of the meeting and the business proposed to be transacted at the meeting.

## **29. Business to be Discussed**

- (1) Only the business specified in the notice convening the General Meeting may be transacted at the meeting.
- (2) The only business to be transacted at an adjourned meeting is the business left unfinished at the meeting at which the adjournment took place.

## **30. Decisions**

- (1) A question arising at a General Meeting of the Club must be determined on a show of hands of financial members, unless before or on the declaration of the show of hands, a poll is demanded.
- (2) 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 minutes of the meeting, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) A poll may be demanded by the person presiding or by not less than three financial members present in person or by proxy at the meeting.
- (4) Where the poll is demanded, the poll must 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 is to be deemed to be the resolution of the meeting on that matter.



### **31. Voting**

- (1) A financial member has one vote only upon any question arising at a General Meeting of the Club, except in the case of an equality of votes the person presiding is entitled to exercise a second or casting vote.
- (2) All votes must be given personally or by proxy, but no financial member may hold more than five proxies.

### **32. Appointment of Proxies**

- (1) Each financial member is entitled to appoint another financial member as proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy must be in the form set out in the Appendix to this Constitution.

### **33. General Meetings Called by Requisition of Members**

- (1) The number of financial members making a requisition to the Management Committee to convene a General Meeting must be not less than five per cent of the total number of financial members of the Club.
- (2) A requisition of financial members for a General Meeting:
  - a. must state the purpose of the meeting;
  - b. must be signed by the financial members making the requisition;
  - c. must be lodged with the Secretary; and
  - d. may consist of several documents in a similar form, each signed by one or more of the financial members making the requisition.
- (3) If the Management Committee fails to convene a General Meeting within one month after the date on which a requisition of financial members was made, those who made the requisition may convene a General Meeting to be held not later than three months after that date.
- (4) A General Meeting convened by members referred to in Sub-clause (3) must be convened as nearly as is practicable in the same manner as General Meetings are convened by the Management Committee. Any financial member who thereby incurs expenses is entitled to be reimbursed by the Club for any reasonable expense so incurred.

### **34. Annual General Meetings**

- (1) The Management Committee must convene an Annual General Meeting of the Club once each calendar year to be held within five months after the expiration of each financial year of the Club.
- (2) The Annual General Meeting must be convened at such place, date and time as resolved by the Management Committee.

- (3) The provisions of the Constitution (Clauses 25-32) applying to General Meetings of the Club also apply to Annual General Meetings.
- (4) The business of an Annual General Meeting, in addition to any other business which may be transacted, must:
  - a. confirm the minutes of the previous Annual General Meeting and of any General Meeting held since that meeting;
  - b. receive from the President a report on the activities of the Club during the previous financial year;
  - c. receive from the Treasurer the statement of accounts and the financial reports that are required to be submitted to members in accordance with to Section 73(1) of the Act, namely:
    - (i) the audited statements of the Club's accounts in respect of the most recently ended financial year; and
    - (ii) a copy of the Auditor's report in relation to the Club's accounts for the most recently ended financial year;
  - d. elect members of the Management Committee, including Office-bearers;
  - e. appoint a person, who is not a member of the Club and has not assisted in the preparation of the accounts, as Auditor of the Club, in accordance with Section 74(3) of the Act and Section 12 of the Regulation. Such person must have adequate knowledge and experience to fulfil the role of Auditor.

## **Part 5: Miscellaneous**

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### **35. Source of Funds**

- (1) The funds of the Club may be derived from sources, including membership fees, activity fees, government grants and donations and, subject to any resolution passed by the Club in General Meeting and subject to Section 114 of the Act, such other sources as the committee determines.

### **36. Fees**

- (1) Fees, such as membership fees and activity fees, and dates due are as determined by resolution of the Management Committee.

### **37. Management of Funds**

- (1) Subject to any resolution passed at a General Meeting, the funds of the Club must be used in pursuance of the Objects of the Club in such a manner as the Management Committee determines.
- (2) The funds of the Club must not be paid or transferred to any member of the Club in consideration of any voluntary services except by way of out-of-pocket expenses.
- (3) If a member tenders or contracts for the supply of goods or services to the Club in return for payment, that tender or contract must be treated in the same way as any other commercial transaction entered into by the Club.
- (4) The Treasurer of the Club or other authorised person must fulfil the requirements of Clause 20.
- (5) All cheques and other negotiable instruments must be signed by two people authorised by the Management Committee. Signatories must not be related by birth or marriage or in a de facto relationship.
- (6) The Management Committee must specify requirements for authorising payment for goods and services and for receipt and transfer of funds through use of credit/debit card and electronic banking services. The Management Committee may also specify requirements which enhance money management by taking advantage of future technological developments.
- (7) The Management Committee may approve a petty cash float, administered by the Treasurer, to meet routine small expenditures. Such floats must not exceed the limit as determined by resolution of the Management Committee. Records must be kept of all such expenditure and reported at Management Committee meetings.
- (8) Except with the authority of the Management Committee, no payment exceeding a sum as determined by resolution of the Management Committee may be made from the funds of the Club.

### **38. Alteration of the Constitution**

- (1) This Constitution may be amended by a special resolution at a General Meeting.
- (2) The notice of the General Meeting must advise financial members that a copy of the proposed amended Constitution is available, on request, either electronically or as printed copy.
- (3) The special resolution to amend the Constitution must be passed by at least 75% of those financial members who vote in person at the meeting.
- (4) Any amendment to this Constitution must be lodged with the Registrar General within one month of its approval at a General Meeting.
- (5) Any amendments to the Constitution do not take effect until approved by the Registrar General.

### **39. Common Seal**

- (1) The Public Officer is responsible for the custody of the Common Seal of the Club.
- (2) The Common Seal must not be affixed to any instrument except by the authority of the Management Committee, and affixing of the Common Seal must be attested by the signatures of two members of the Management Committee.

### **40. Custody of Books and Records**

- (1) Subject to the Act, the Regulations and this Constitution, the President, Secretary, Treasurer and Public Officer must keep in accordance with their control all books, records and other documents relating to their duties.

### **41. Inspection of Books and Records**

- (1) Subject to the Privacy Act 1988, the records, registers, books and other documents of the Club must be made available for inspection, at the Club's premises and free of charge, if requested by any financial member of the Club. Such a request must be given in writing to the Secretary at least seven week days before the inspection, and must specify the general nature of the records, registers, books, or other documents to be inspected.

### **42. Voluntary Winding Up**

- (1) The Club may be wound up voluntarily if financial members have, by special resolution, resolved to that effect at a General Meeting.

### **43. Surplus Property**

- (1) No special resolution for the winding up of the Club may be considered unless the financial members have first passed 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 the Club is to vest its surplus property in the event of such winding up.
- (2) A special resolution for the purpose of paragraph 92(1) of the Act may be presented at a General Meeting called for the purpose of considering a special resolution for the winding up of the Club or at any previous General Meeting.
  - (3) An association nominated in a special resolution in accordance with Sub-clause (1) (a) must fulfil the requirements specified in subsection 92(2) of the Act.

## Part 6: Discipline

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### 44. Disciplining of Members

- (1) If the Management Committee is of the opinion that a member has refused or neglected to comply with a provision of this Constitution or the Code of Conduct or has wilfully acted in a manner prejudicial to the interests of the Club, the Management Committee may, by resolution:
  - a. suspend the member from the rights and privileges of membership of the Club for a period specified by the Management Committee; or
  - b. expel the member from the Club.
- (2) If the Management Committee passes a resolution in accordance with Sub-clause (1), the Secretary must, within three week days, serve a written notice on the member:
  - a. setting out the resolution of the Management Committee and the grounds on which it is based; and
  - b. stating that the member may address the Management Committee at a review meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
  - c. stating the date, place and time of the review meeting; and
  - d. informing the member that the member may do either or both of the following:
    - (i) attend and speak at the review meeting;
    - (ii) submit to the Management Committee at or before the review meeting, written representations relating to the resolution.
- (3) Subject to the Act, Section 50 (which relates to Rules of Natural Justice), at the review meeting of the Management Committee mentioned in Sub-clause (2), the Management Committee must:
  - a. give to the member mentioned in Sub-clause (1) an opportunity to make oral representations; and
  - b. give due consideration to any written representations submitted to the Management Committee by that member at or before the review meeting; and
  - c. by resolution, decide whether to confirm or to revoke the resolution of the Management Committee made in accordance with Sub-clause (1).
- (4) If the Management Committee confirms a resolution in accordance with Sub-clause (3), the Secretary must, within three week days after that confirmation, inform the member in writing of that confirmation and of the member's right of appeal in accordance with Clause 45.
- (5) A resolution confirmed by the Management Committee at the review meeting in accordance with Sub-clause (3) does not take effect:
  - a. until the end of the period (seven week days) within which the member is entitled to appeal against the resolution; or

- b. if within that period the member exercises the right of appeal, unless and until the Club confirms the resolution in accordance with Clause 45(4).

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

- (1) A member may appeal to the Club in General Meeting against a resolution of the Management Committee that is confirmed in accordance with Clause 44(3), within seven week days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
- (2) On receipt of a notice in accordance with Sub-clause (1), the Secretary must notify the Management Committee, which must call a General Meeting of the Club to be held in accordance with Part 4 Clause 25 and within 28 days after the date when the Secretary received the notice.
- (3) Subject to the Act, Section 50, at a General Meeting of the Club called in accordance with Sub-clause (2):
  - a. no business other than the question of the appeal may be transacted; and
  - b. the Management Committee and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
  - c. the financial members present must vote by secret ballot on the question of whether the resolution made in accordance with Clause 44(3) should be confirmed or revoked.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made in accordance with Clause 44(3), that resolution is confirmed.

**Appendix: Form of Appointment of Proxy**

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I, .....  
(full name)

of .....  
(address)

being a financial member of Tuggeranong 55 Plus Club Inc. appoint

.....  
(full name of proxy)

of .....  
(address)

being a financial member of that incorporated Club, as my proxy to vote for me on my behalf at the General Meeting/Annual General Meeting to be held on

..... and at any adjournment of that meeting.  
(date)

My proxy is authorised to vote in favour of/against *(delete as appropriate)* the following resolution:

.....  
.....  
.....  
.....  
(insert details)

.....  
(Signature of member appointing proxy)

.....  
(date)

**NOTE:** A proxy vote may not be given to a person who is not a financial member of the Club.