

Draft^[b1] revised constitution
Constitution^[b2] for Australian Clogging Association
Inc.

Incorporated in
New South Wales July 1995
Revised 9th September 2005
Revised 19th September 2008
Revised^[b3]

According to the Association Incorporation Act 1984 Act. Clause 10

About this draft^[b4] revision of constitution for Australian Clogging Association Inc.

The constitution of an incorporated association forms the structure within which the association operates.

Discussion Point:

It is strongly recommended that the document is titled "Constitution of the said organization", Name/aims etc are included in the document to prevent loss of such information or documents, and prevent any further confusion for those who may follow.

August 2011

The name of the Association is Australian Clogging Association Incorporated, a^[b5] not for profit organization, herein after referred to as Australian Clogging Association Inc.

Statement of Objectives of the Association are:

- 1. To champion innovation, creativity and diversity in the field of clogging dance style.**
- 2. To advocate and demonstrate high standards of professionalism in the field of clogging dance style.**
- 3. To promote and develop clogging to the wider community.**
- 4. To ensure the stability and sustainability of the Association**
- 5. To encourage participation for all ages, at all levels of clogging with a focus on good mental and physical health.**
- 6. To encourage and promote leadership and fellowship within the Association and local community clubs throughout Australia.**

Mission Statement^[b6]:

Constitution of Australian Clogging Association Inc.

Reviewed Sept 2012....**Draft Copy only. Draft copy Number Four**
.... dated Monday 23 July 2012

Contents^[b7]

Part 1 - Preliminary

1 Definitions 4

Part 2 - Membership

2 Membership generally 5
3 Nomination for membership 5
4 Cessation of membership 6
5 Membership entitlements not transferable 6
6 Resignation of membership 6
7 Register of members 6
8 Fees and subscriptions 7
9 Members' liabilities 7
10 Resolution of disputes 7
11 Disciplining of members 7
12 Right of appeal of disciplined member 8

Part 3 - The committee

13 Powers of the committee 10
14 Composition and membership of committee 10
15 Election of committee members 10
16 Secretary 11
17 Treasurer 11
18 Casual vacancies 12
19 Removal of committee members 12
20 Committee meetings and quorum 12
21 Delegation by committee to sub-committee 13
22 Voting and decisions 14

Part 4 - General meetings

23 Annual general meetings - holding of 15
24 Annual general meetings - calling of and business at 15
25 Special general meetings - calling of 15
26 Notice 16
27 Quorum for general meetings 16
28 Presiding member 17
29 Adjournment 17
30 Making of decisions 17
31 Special resolutions 17
32 Voting 18
33 Proxy votes not permitted 18
34 Postal ballots 18

Part 5 - Miscellaneous

35 Insurance 19
36 Funds - source 19
37 Funds - management 19
38 Change of name, objects and constitution 19
39 Custody of books etc 20
40 Inspection of books etc 20

Constitution of Australian Clogging Association Inc.

Reviewed Sept 2012....**Draft Copy only. Draft copy Number Four**

... dated Monday 23 July 2012

DRAFT COPY NUMBER 5... Dated 1 September 2012

41 Service of notices 20
42 Financial year 21
Appendix 1 Application for membership of association 22

DRAFT

Part 1 - Preliminary

1. Interpretation

- (1) In these rules, except in so far as the context or subject matter otherwise indicates or requires:

"association" means the *Australian Clogging Association Incorporated*:

"committee" means office-bearers of the association:

"ordinary member" means a member of a **sub-committee** who is not an office-bearer of the association, referred to in rule 14(2)

"secretary" means:

(a) the person holding office under this constitution as secretary of the association, or

(b) if no such person holds that office - the public officer of the association.

"special general meeting" means a general meeting of the association other than an annual general meeting.

the Act means the **"Associations Incorporation Act 1984"**

"the Regulation" means the **"Associations Incorporation Regulation 1985."**

"leader" means the person recognized as a responsible for a club operating under the guidelines of ACA.[b8]

- (2) In this constitution:

(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, if the function is a duty, a reference to the performance of the duty.

- (3) The provisions of the **"Interpretation Act 1987"** apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

Part 2 - Membership

2. Membership generally^[b9]

- (1) A^[b10] person is eligible to be a member of the association only if:
 - (a) the person is a natural person, is a clogger^[b11], or interested in the promotion and perpetuation of clogging and the association.
 - (b) the person has been nominated and approved for membership of the association in accordance with clause 3.
 - (c) the person is a person referred to in section 15^[b12](1)(a),(b), or (c) 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.

3. Nomination for membership

- (1) A^[b13] nomination of a person for membership of the association:
 - (a) must be made by an applicant in writing in the form set out in Appendix 1 to this constitution, and duly nominated by a^[b14] leader
 - (b) must be accompanied with the prescribed fee payable under this constitution by a member as an^[b15] annual subscription fee, and
 - (c) must be lodged with the^[b16] secretary of the association.
- (2^[b17]) As soon as practicable after receiving a nomination for membership, the secretary must process the nomination and based on the information provided and on receipt of the payment of the amount referred to in subclause (1)(b), enter or cause to be entered the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the association. Should the Secretary have reason for concern in accepting the nomination for membership, the application can be directed to the President and/ or Treasurer for further consideration and determination, if circumstances warrant the necessity.
- (3) As^[b18] soon as practicable after the membership acceptance the secretary must pass the relevant monies paid onto the Treasurer for depositing in the Association's account.
- (4) In^[b19] the event that the nomination for membership is declined all monies must be returned to the applicant as soon as is practicable along with notification of the rejection of membership.

4. Cessation of membership

A person ceases to be a member of the association if the person:

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the association, or
- (d) fails to pay the annual membership fee under clause 8 (2) within 1 month after the fee is due.

5. Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of the association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

6. Resignation of membership

- (1) A member of the association is not entitled to resign that membership except in accordance with Clause 6. sections (1), (2), (3).
- (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving to the secretary written notice of at least [b20] one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (3) If a member of the association ceases to be a member under subclause (2), and in every other case where a member ceases to hold membership, the secretary must make an appropriate [b21] entry in the register of members recording the date on which the member ceased to be a member.

7. Register of members

- (1) The public [b22] officer of the association shall receive relevant information to maintain a register of members of the association specifying the name and postal or residential address of each person who is a member of the association together with the date on which the person became a member. This information shall be forwarded on quarterly by the Secretary of the association.
- (2) The register of members shall be kept
 - (a) at the principal place of administration of the association
 - or
 - (b) at the principal place of administration of the [b23] person delegated as responsiblefor record maintenance of the Register of Members.
 - or
 - (c) if the association has no premises, at the association's official address

- (3) The register of members must be open for inspection, free of charge, by any financial member of the association at any reasonable hour.
- (4) A [b24] member of the association may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (5 [b25]) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- (6 [b26]) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

8. Fees and subscriptions

- (1) A member of the association must, on admission to membership, pay to the association a membership fee determined by the [committee] [b27].
- (2) A member of the association must pay to the association an annual membership fee of \$20 per person or \$30 per family or, if some other amount is determined by the committee, of that other amount:
 - (a) in the case of new members - on becoming a member and before 1 July in the year succeeding the calendar year in which they became members: or
 - (b) in the case of continuing members - before 1st July in each calendar year.

9. Members' liabilities

The liability of a member of the association to contribute towards the payment of the 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 clause 8.

10. Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983*.
- (2 [b28]) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3 [b29]) The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration.

11. Disciplining of members

- (1 [b30]) A complaint may be made to the committee by any person that a member of the association:

- (a) has refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) has wilfully acted in a manner prejudicial to the interests of the association.
- (2)^[b31] The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3)^[b32] If the committee decides to deal with the complaint, the committee:
- (a) must cause notice of the complaint to be served on the member concerned, and
 - (b) must give the member at least 14 days but no longer than 28 days, from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4)^[b33] The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5)^[b34] If the committee expels or suspends a member, the secretary must, as soon as is practicable, after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 12.
- (6) The^[b35] expulsion or suspension does not take effect:
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 12, whichever is the later.

12. Right of appeal of disciplined member

- (1)^[b36] A member may appeal to the association in general meeting against a resolution of the committee under clause 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The^[b37] notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under Clause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28^[b38] days after the date on which the secretary received the notice.
- (4) At a general meeting of the association convened under Clause (3):
- (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and

- (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The [b39] appeal is to be determined by a simple majority of votes cast by members of the association.

Part 3 - The committee

13. Powers of the committee

The committee shall be called the committee of management of the association and, subject to the Act, the Regulation and this constitution^[b40] and to any resolution passed by the association in general meeting, the committee:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by this constitution^[b41] to be exercised by a general meeting of members of the association, and
- (c) has 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.

14. Composition^[b42] and membership of committee

- (1) Subject in the case of the first members of the committee to **Section 21 of the Act**, the committee shall consist of:
 - (a) the office-bearers of the association, and
 - (b) one ordinary committee members, each of whom is to be elected at the annual general meeting of the association under clause 15, from each site or territory that has members in the association, shall be a **sub-committee**.
- (2) The office-bearers of the association are as follows:
 - (a) the president,
 - (b) the vice-president,
 - (c) the treasurer,
 - (d) the secretary.
 - (e) and the immediate past president.
- (3) Each member of the committee and **sub-committee** shall, subject to the constitution, hold office until the conclusion of the annual general meeting, following the date of the member's election, but is eligible for re-election, but for no more than 3 consecutive terms for any one office.
- (4) In the event of a casual vacancy occurring in the membership of the committee or **sub-committee**, the committee may appoint a member of the association to fill the vacancy and the member so appointed shall hold office, subject to the constitution^[b43], until the conclusion of the annual general meeting next following the date of the appointment.

15. Election of committee members

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary members of **the sub-committee** :-
 - (a) must 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 form of the nomination, Appendix 2), and

- (b) must be delivered to the secretary of the association at least 90^[b44] days before the date fixed for the holding of 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 or **sub-committee**, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee **or sub-committee** are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5^[b45]) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (5) Currently this wording is in place:** If the number of nominations received exceeds the number of vacancies to be filled, a postal ballot shall be circulated to all eligible members, at least 60 days prior to the annual general meeting, a list of the nominees for each position, official ballot papers and an envelope endorsed "BALLOT PAPERS" to be opened by the Returning officer only". All financial members of the association are eligible to vote for office bearers but only financial members of the Association who are resident within the respective state are eligible to vote for ordinary members of the sub-committee..
- (6) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A^[b46] person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be a member of the association.
- (7) A nomination of a candidate for election under this clause is not valid if that candidate has been nominated for election to another office at the same election.

16. Secretary

- (1) The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
- all appointments of office-bearers and members of the committee, and
 - the names of members of the committee present at a committee meeting or a general meeting, and
 - all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

17. Treasurer

It is the duty of the treasurer of the association to ensure:

- (a^[b47]) that all money due to the association is collected and received and deposited into the Associations Account and that all payments authorised by the association are made, and

- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.
- (c) have an audited report presented at the Annual General Meeting.

18. Casual vacancies

- (1) [n**[b48]**] the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
 - (a) dies, or
 - (b) ceases to be a member of the association, or
 - (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
 - (d) resigns office by notice in writing given to the secretary, or
 - (e) is removed from office under clause 19, or
 - (f) becomes [b**[b49]**] a mentally incapacitated person, or
 - (g) is absent without the consent of the committee from all meetings held during a period of 6 months.
- (h**[b50]**) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
- (i**[b51]**) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

19. Removal of committee members

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in sub clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

20. Committee meetings and quorum

- (1) The committee shall meet at least once in each period of 12 months at such place and time as the committee may determine.

- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to 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 is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same^[b52] place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
 - (a) the president or, in the president's absence, the vice-president is to preside, or
 - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

21. Delegation by committee to sub-committee

- (1) The committee may, by instrument in writing, delegate to one 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 duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this clause 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 clause 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) Despite any delegation under this clause, 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 clause has the same force and effect as it would have if it had been done or suffered by the committee.

- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (7) A sub-committee may meet and adjourn as it thinks proper.

22. Voting and decisions

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members^[b53] 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 one 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 clause 20 (5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Part 4 - General meetings

23. Annual general meetings - holding of

- (1) With the exception of the first annual general meeting of the association, the association shall, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (2) The association must hold its annual general meeting:
 - (a) within the period of 18 months after its incorporation under the Act : and
 - (b) within the period of 6 months after the expiration of the first financial year of the association.
- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Commission under **Section 26(3) of the Act**

24. Annual general meetings - calling of and business at

- (1) The annual general meeting of the association is, subject to the Act and to clause 23, to 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 is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the committee reports on the activities of the association during the period since the previous annual general meeting
 - (c) to elect office-bearers of the association and ordinary members of the **sub- committe** and
 - (d) to receive and consider^[b54] any financial statement or report required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

25. Special general meetings - calling of

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
 - (a) must state the purpose or purposes of the meeting, and
 - (b) must be signed by the members making the requisition, and
 - (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 members making the requisition.

- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any expenses incurred, that would have been paid by the association had the committee convened the meeting, will be paid by the association.

26. Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 24 (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 must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

27. Procedure

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Five members present (being members entitled under this^{b55j} constitution to vote at a general meeting) constitutes 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:
 - (a) if convened on the requisition of members, is to be dissolved, and
 - (b) in any other case, is to 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 at least 3) are to constitute a quorum.

28. Presiding member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

29. Adjournment

- (1) The chairperson of 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 is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must 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 clauses (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.

30. Making of decisions

- (1) A question arising at a general meeting of the association is to be determined by either:
 - (a) a show of hands, or [b56]
 - (b) [b57] if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson 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.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

31. Special resolutions

A resolution of the association is a special resolution if:-

- (a) it is passed by a majority which comprises not less than three quarters of such members of the association present at the meeting, being entitled under this constitution so to do, vote in person or by proxy at a general meeting of which not less than 21 days written notice specifying the intention to propose

the resolution as a special resolution was given in accordance with this constitution, or,

(b) where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a)- the resolution is passed in a manner specified by the Commission

32. Voting

- (1) Upon any question arising at a general meeting of the association a member has one vote only.
- (2) All votes shall be given personally or by proxy but no member may hold more than 5 proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting 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 or proxy to the association has been paid, other^[b58] than the amount of the annual subscription payable in respect of the then current year.
- (5) ^[b59]A member is not entitled to vote at any general meeting of the association if the member is under 18 years of age.

33. Appointment of Proxies

- (1) Each member shall be entitled to appoint another 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 shall be in the form set out in Appendix 2 to this constitution

34. Postal^[b60] ballots

- (1) The association may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 12).
- (2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

Part 5 - Miscellaneous

35. Insurance

- (1) The association may effect and maintain insurance pursuant to **Section 44 of the Act**
- (2) In addition to the insurance required under clause (1), the association may effect and maintain other insurance.

36. Funds - source

- (1) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- (2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank **or** other authorised deposit-taking institution account.
- (3) The association must, as soon as practicable after receiving any **money**, issue an appropriate receipt.

37. Funds - management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All **electronic payments**, cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be **approved** by any 2 members of the committee or employees of the association, being members or employees authorised to do so by the committee.
- (3) A separate "Convention Fund" bank account is to be operated and:
 - (a) A donation is to be allocated from the "Convention Fund" towards the running costs of each National Convention.
 - (b) All National Convention surpluses are to be deposited into the "Convention Fund" account
 - (c) Any National Convention deficits required to be met from ACA funds are to be met from the "Convention Fund" account.
 - (d) Surplus convention fund monies not required each year are to be invested in term deposit or other high interest earning account.
 - (e) Total interest earned on "Convention Fund" monies is to be reinvested in the "Convention Fund" account
 - (f) New rules for financial assistance to National Conventions are to be **proposed**, passed and implemented prior to the depletion of the "Convention Fund" account.

38. Alteration of objects and constitution

- (1) The statement of objects and the **constitution** may be altered, rescinded or added to only by a special resolution of the association

- (2) An [b65] application to the Director-General for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.

39. Custody [b66] of books & Common Seal

- (1) Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the association.
- (2) The common seal of the association shall be kept in the custody of the public officer.
- (3) 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 public officer or secretary

40. Inspection of books etc [b67]

- (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
- (a) records, books and other financial documents of the association,
 - (b) this constitution,
 - (c) minutes of all committee meetings and general meetings of the association.
- (2) [b68] A member of the association may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.

41. Service of notices [b69]

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
- (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

42. Surplus Property

Omitted by amendment to the Association Incorporation Act 1984.

43. Financial year^[b70]

The financial year of the association is:

- (a) the period of time commencing on the date of incorporation of the association and ending on the following 30 June, and
- (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 July and ending on the following 30 June.

Appendix 1

AUSTRALIAN CLOGGING ASSOCIATION INCORPORATED

incorporated under the *Associations Incorporation Act 1984*

Application for membership of association

Clause 3 (1)

I,

[full name of applicant]

of

[address]

being a member of

.....

Club name.

as a(enter status - leader/dancer etc.)

hereby apply to become a member of the above named incorporated association. In the event of my admission as a member, I agree to be bound by the constitution of the association for the time being in force.

Please ^[b71] indicate by placing a X in the relevant box, by marking "agree" your personal information listed on the register is open for inspection by others. By marking "disagree" you are indicating that you do Not want your personal information open for inspection.

Agree

Disagree

.....
Signature of applicant Date

I,

[full name^[b72]]

a member of the association, nominate the applicant for membership of the association.

.....
Signature of proposer Date

I,

[full name]

a member of the association, second the nomination of the applicant for ACA membership

.....
Signature of seconder Date

For office use only: ApprovedNumber.....Date.....Signature.....

Appendix 2.
Australian Clogging Association Inc.
Nomination form
Clause 15 1(a)

Nominated Position.....
(Indicate position to be nominated for)

Member Nominated.....
(Name of nominated person)

ACA Membership Number.....
(Membership Number of nominated person)

Signature of Nominated Member.....
(to be signed by nominated person)

NOMINEES

1. Nominated by.....
(Printed name of nominator Number 1.)

ACA Membership number of nominator.....

Signature of Nominator

2. Nominated by.....
(Printed name of nominator Number 2.)

ACA Membership number of nominator.....

Signature of Nominator

Appendix 3.

Clause 33 (2)

FORM OF APPOINTMENT OF PROXY

I.....
(full name)

of.....
(Address)

being a member of The Australian Clogging Association Incorporated

hereby appoint
(Full name of Proxy)

being a member of the Australian Clogging Association Incorporated, as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or special general meeting, as the case may be) to be

held on the.....day of.....20.. and at any adjournment of the meeting.

*My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

* to be inserted if desired.....

.....
Signature of member appointing proxy

Date:-.....

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