

Rules of Ascot Park Golf Club Inc

RULES OF ASCOT PARK GOLF CLUB INC.

1. Name

The name of the incorporated association is Ascot Park Golf Club Inc. referred to herein as 'the club'.

2. Definitions

'committee' means the committee of management of the club

'financial year' means from 1st February to 31st January each year

'general meeting' means a general meeting of members of the club in accordance with these rules

'member' means a member of the club

'month' means a calendar month

'public officer' means the person appointed by the club pursuant to Section 56 of the Act

'special resolution' is as defined in the Act

'the Act' means the Associations Incorporations Act 1985

'the Regulations' means the Associations Incorporations Regulations 2008

3. Objects

The objects of the club are to provide a variety of golfing competitions and social activities for the enjoyment of members.

4. Powers of the club

The club shall have all the powers conferred by section 25 of the Act to further the objects of the club.

5. Membership

5.1. Types, application and voting rights

- a) **Playing membership** entitles the member to participate in golfing competitions and social activities of the club.
- b) **Social membership** entitles the member to participate in social activities of the club.
- c) **Life membership** may be awarded to any member in recognition of his or her long-standing meritorious service to the club. Life members shall have all the rights of Playing members. Life membership may be nominated by a 75% majority vote of the committee and subsequently approved at a general meeting by a majority of members.
- d) **Provisional membership.** An applicant for Playing or Social membership shall have respectively the same rights, other than voting rights, for the period of time that it takes the committee to consider and communicate its decision on the membership application. Once the committee notifies the applicant that his or her application for membership has

been accepted and the annual subscription paid, then either Playing or Social membership commences.

- e) Membership applications shall be in writing using the 'Application for Membership Form'. The form shall be signed by the applicant and the nominating club member and the applicant shall thereby acknowledge that he or she agrees to be bound by the club's rules. The relevant full year subscription fee shall accompany the application. Should the membership application be refused the full fee amount shall be returned to the applicant.
- f) The committee shall have the unquestionable right to refuse membership to any person, providing the reason does not contravene any relevant legislation.
- g) All Playing and Life members shall have voting rights.

5.2. Subscriptions

- a) The annual subscription fees for Playing and Social membership shall be set by the committee and recommended for approval by members at the annual general meeting.
- b) Annual subscription fees do not apply to Life membership.
- c) Existing members shall pay the annual subscription fee before 31 March, otherwise they will be deemed to be unfinancial. Upon payment of the annual subscription after 31 March the existing membership is automatically restored.
- d) Membership ceases once a person becomes unfinancial, or resigns, or is expelled. Subscription fees are not refundable upon a person ceasing membership.

5.3. Resignation

A member may resign from membership by giving written notice to the President or Secretary of the club.

5.4. Register of members

- a) A register of members must be kept and contain:
 - Name, address, email address and phone number of each member.
 - Type of membership.
 - Date on which each member was admitted to or resigned from the club.
 - Date and reason(s) for termination of membership (if applicable).
- b) Subject to the Act, confidentiality considerations and privacy laws, the register of members shall be used solely to further the objects of the club, as the committee considers appropriate.
- c) Having regard to privacy and confidentiality considerations, inspection of the register may be available to members of the club upon request, and at the discretion of the President.

5.5. Expulsion of a member

- a) Subject to providing a member opportunity to be heard or to make a written submission, the committee may resolve to expel a member upon a charge of misconduct detrimental to the interests of the club.

- b) Particulars of the charge shall be communicated to the member at least one month before the meeting of the committee at which the matter will be determined.
- c) The determination of the committee shall be communicated to the member, and in the event of an adverse determination the member shall, (subject to 5.5d below), cease to be a member 14 days after the committee has communicated its determination to the member.
- d) It shall be open to the member to appeal the expulsion to the club at a general meeting. The intention to appeal shall be communicated to the President or Secretary within 14 days after the determination of the committee has been communicated to the member.
- e) In the event of an appeal under 5.5d above, the appellant's membership of the club shall not be terminated unless the determination of the committee to expel the member is upheld by the members of the club in general meeting after the appellant has been heard. In such event membership will be terminated at the date of the general meeting at which the determination of the committee is upheld.

6. Committee

6.1. Powers and duties

- a) The affairs of the club shall be managed and controlled by a committee that, in addition to any powers and authorities conferred by these rules, may exercise all such powers and do all such things as are within the objects of the club, and are not by the Act or by these rules required to be done by the club in general meeting or special general meeting.
- b) The committee has the management and control of the funds and other property of the club.
- c) The committee shall have authority to interpret the meaning of these rules and any other matter relating to the affairs of the club on which these rules are silent.
- d) The committee shall appoint a public officer as required by the Act, and that person shall either be the President or the Secretary of the club.

6.2. Composition

The committee shall comprise, but not be limited to, the following:

- a) **PRESIDENT** – who shall endeavor to ensure the sound running of the club in accordance with these rules, assist the committee in any activities as required, and act as chairperson of all general, special general, and committee meetings. The President shall call committee meetings regularly to ensure the sound administration of the club for the benefit of members.
- b) **VICE PRESIDENT** – who shall assist the President in the carrying out of his or her duties and act as President should the President be unable or unwilling to act for any period of time.

- c) SECRETARY – who shall be responsible for the handling of all general correspondence, the preparation of all committee and general meeting agendas and minutes, maintenance of the register of members, the maintenance and safe keeping of the club’s records, Certificate of Incorporation and seal, and attend to other secretarial matters as required.
- d) TREASURER – who shall be responsible for the handling of all financial matters of the club, the keeping of adequate financial records, and the preparation of regular financial reports to the committee together with the club’s annual financial reports and statements for consideration and adoption by the committee before they are presented to members at the annual general meeting.
- e) CAPTAIN – who shall manage the club’s golfing competitions and associated activities in liaison with club vice captains, setting handicaps in accordance with accepted methods, organise tee times, ensure playing fees are paid, determine winners of competitions and advise members of all golfing activities.
- f) 2 VICE CAPTAINS – 1 each for the North and South courses – who shall assist the Captain in the performance of his or her duties and act as Captain if the elected Captain is unable or unwilling to act.
- g) SOCIAL SECRETARY – who shall invite up to 3 other members to form a Social sub-committee to conduct and report upon social activities, as approved by the committee.

6.3. Appointment

- a) A committee member shall be a natural person.
- b) The first committee of the club shall be comprised of such persons as hold office prior to incorporation. The first committee shall hold office until the first annual general meeting after incorporation.
- c) At each subsequent annual general meeting all committee positions shall be subject to nomination and election by a majority of members present at the meeting.
- d) The committee may appoint a member to fill a casual vacancy, and such a committee member shall hold office until the next annual general meeting of the club.
- e) The committee may second other members to assist in any activity deemed necessary, including the establishment of “Special Purpose” positions or subcommittees that shall report their activities to the committee.

6.4. Proceedings of committee

- a) The committee shall meet at least two monthly for the dispatch of business, unless extraordinary circumstances prevent that.
- b) A quorum for committee meetings shall be at least 4 committee members.
- c) Decisions made by the committee shall be on a majority basis. The chairperson of the committee meeting shall not have a casting vote but shall act as moderator in the event of a tied vote and seek compromise and consensus in any decision where necessary.
- d) A member of the committee having a direct or indirect pecuniary interest in a contract or proposed contract with the club must disclose the nature and extent of that interest to

the committee as required by the Act, and shall not vote with respect to that contract or proposed contract. The member of the committee must disclose the nature and extent of his or her interest in the contract at the next annual general meeting of the association.

6.5. Vacation of committee members

The office of a committee member shall be vacant if a committee member is:

- Disqualified from being a committee member by the Act
- Expelled as a member under these rules
- Permanently incapacitated by ill health or has deceased
- Absent without apology from more than three meetings in a financial year

7. The seal

The club shall have a common seal upon which its corporate name shall appear in legible characters. The seal shall not be used without express authorisation of the committee, and every use of the seal shall be recorded in the minute book of the club. The affixing of the seal shall be witnessed by the President and the Secretary.

8. Meetings

8.1. Annual general meetings

- a) The committee shall call an annual general meeting in accordance with the Act and these rules.
- b) The annual general meeting of the club shall be held every year no later than one month after the end of the financial year.
- c) The business at the meeting shall include:
 - confirmation of the minutes of the previous annual general meeting and of any special general meeting held since the last meeting
 - any specific business requiring consideration by the club in a general meeting
 - the presentation of reports on the preceding financial year by the President, the Captain and the Treasurer including the consideration of the financial accounts and any auditor's report
 - the election of all committee members and an auditor
 - any other business

8.2. Special general meeting

- a) The committee may call a special general meeting of the club at any time.
- b) Upon a requisition in writing of not less than 20 members of the club, the committee shall, within one month of the receipt of the requisition, convene a special general meeting for the purpose specified in the requisition. Every requisition for a special general meeting shall be signed by the relevant members and shall state the purpose of the meeting.

- c) If the committee does not convene a special general meeting within one month, a minimum of 50% of the requisitionists may convene a special general meeting in their own right. The committee shall ensure that the requisitionists are supplied with particulars of the members entitled to receive a notice of the meeting. The reasonable expenses of convening and conducting the meeting shall be borne by the club.

8.3. General meetings notice

- a) Subject to 8.3b, at least 14 days notice of any general meeting shall be given to members. The notice shall set out where and when the meeting will be held, and particulars of the nature and order of the business to be transacted at the meeting.
- b) Notice of a meeting at which a special resolution is to be proposed shall be given at least 21 days prior to the date of the meeting.
- c) A notice shall be given by the club to any member by serving the member with notice personally, or by sending it by email or by post to the address appearing in the register of members.

8.4. Proceedings at general meetings

- a) A quorum for the transaction of business at any general meeting shall be 20 members present.
- b) A meeting convened upon the requisition of members shall lapse if within 30 minutes after the time appointed for the meeting a quorum of members is not present.
- c) In any other case, the meeting shall stand adjourned to a date, time and place determined at the meeting. If at such adjourned meeting a quorum is not present within 30 minutes of the time appointed for the meeting the members present shall form a quorum.
- d) The President shall preside as chairperson at a general meeting of the club. If the President is not present within five minutes after the time appointed for holding the meeting, or he or she is present but declines to take or retires from the chair, the Vice President shall assume the role of chairperson otherwise the members may choose a committee member or one of their number to be chairperson of the meeting.

8.5. Voting at general meetings

- a) Each eligible voting member has only one vote at a meeting of the club.
- b) A question for decision at a general meeting or an ordinary resolution, other than a special resolution, must be determined by a majority of members who vote in person at that meeting.
- c) A special resolution at a general meeting must be determined by a majority of not less than 75% of the members present.
- d) Unless a poll is demanded by at least five members, a question for decision at a general meeting must be determined by a show of hands.

8.6. Poll at general meetings

- a) If a poll is demanded by at least five members, it must be conducted in a manner specified by the person presiding and the result of the poll is the resolution of the meeting on that question.
- b) A poll demanded for the election of a person presiding or on a question of adjournment must be taken immediately, but any other poll may be conducted at any time before the close of the meeting.

9. Minutes

- a) Proper minutes of all proceedings of general meetings of the club and of meetings of the committee, shall be entered within one month after the relevant meeting in the minute book kept for the purpose.
- b) The minutes kept pursuant to this rule must be confirmed by members of the club or the members of the committee at the next succeeding meeting.
- c) The minutes kept pursuant to this rule shall be signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the next succeeding meeting at which the minutes are confirmed.
- d) Where minutes are entered and signed they shall, until the contrary is proved, be evidence that the meeting was convened and duly held, and that all proceedings and appointments made at a meeting shall be deemed to be valid.

10. Dispute resolution

- a) The dispute resolution procedure set out in this rule applies to disputes under these rules between:
 - members
 - member(s) and the club
- b) The parties to the dispute must meet and discuss the matter in dispute and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- c) If the parties are unable to resolve the dispute at the meeting the parties may choose to meet and discuss the dispute before an independent person agreed to by the parties, and the independent person's decision is binding on the parties.

11. Financial reporting

11.1. Financial year

The first financial year of the club shall be the period ending the next 31 January following incorporation, and thereafter a period of 12 months commencing on 1 February and ending on 31 January of each year.

11.2. Accounts to be kept

The club shall keep and retain such accounting records as are necessary to correctly record and explain the financial transactions and financial position of the club in accordance with the Act.

11.3. Accounts and reports to be laid before members

The financial year's accounts shall be laid before members at the annual general meeting.

11.4. Appointment of an auditor

At each annual general meeting, the members shall appoint a person to be auditor of the club. The auditor shall hold office until the next annual general meeting and is eligible for re-appointment. If an appointment is not made at an annual general meeting, the committee shall appoint an auditor for the current financial year.

12. Prohibition against securing profits for members

The income and capital of the club shall be applied exclusively to the promotion of its objects and no portion shall be paid or distributed directly or indirectly to members except as bona fide remuneration of a member for services rendered or expenses incurred on behalf of the club.

13. Rules

- a) These rules may be altered by special resolution of the members of the club. This includes rescission or replacement by substitute rules.
- b) The alteration shall be registered with Consumer and Business Services which administers the Corporate Affairs Commission, as required by the Act.
- c) The registered rules shall bind the club and every member to the same extent as if they have respectively signed and sealed them, and agreed to be bound by all of the provisions thereof.

14. Winding up

The club may be wound up in the manner provided in the Act.

15. Application of surplus assets

If after the winding up of the club there remains 'surplus assets' as defined in the Act, such surplus assets shall be given or transferred to a charity or charities recommended by the committee and approved by a resolution of members in general meeting.

Document completed