

# Constitution



**CAIRNS**  
**Athletics Inc.**

## **Section 1.**

## **OBJECTS AND POWERS**

### **1.1 NAME:**

This Association shall be known as the **Cairns Athletics Inc.** Association Inc (hereafter called "the Association").

### **1.2 AFFILIATION:**

The Association may affiliate with any other association, club or organisation whose objects are altogether or in part similar to those of this Association subject to the conditions imposed under clause 1.4.2 except if shall not selectively affiliate with any State/National Parent organisation(s) of any of its member divisions.

### **1.3 OBJECTS:**

The objects for which the Association is established in the **Cairns** area are:

1. To act as an umbrella body for the various Athletic groups (hereafter referred to as Member Divisions) having basically similar goals and ideals and wishing to work together for their mutual benefit.
2. To encourage and promote the development of Athletics in the area in accordance with the philosophies, rules and regulations of each of its Member Divisions.
3. To coordinate the establishment and maintenance of such facilities as are necessary and appropriate for the conduct of athletic activities by and/or in conjunction with the Member Divisions.
4. To promote the development of those moral and physical qualities which are the basis of athletics.
5. To unify the purpose and activity of the Member Divisions.
6. To establish and maintain cordial relations with other sporting bodies.

### **1.4 POWERS:**

Solely for the purpose of carrying out the aforesaid object and not otherwise AND PROVIDED THAT no such powers of this Association shall allow it to cut across, impede, override or change any powers, rules, regulations or lawfully made decisions of any of its Divisions, the powers of the Association are:

1. To takeover such funds, assets and/or liabilities of the presently unincorporated association, however the Member Divisions may wish to "donate" their funds, assets and/or liabilities to the incorporated association.

2. To cooperate with, subscribe to, affiliate with, become a member of and/or amalgamate with any other organisation whose objects are altogether or in part similar to those of the Association provided that:
  - i) The objects of the other organisation in no way contradict those of this Association or any of the Association's Member Divisions.  
(Ref Section 5).
  - ii) The other organisation prohibits the distribution of its income and property amongst its members to an extent at least as great as that imposed on the Association via Section 6.
  - iii) Any affiliations meet the requirements of Clauses 1.2 and 1.4.2
  - iv) The Association shall not become a Member of a Parent Body of one of its own Member Divisions.
3. To buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the Association or persons frequenting the Association's premises.
4. To purchase, take on lease or in exchange, hire and otherwise, acquire any lands, buildings, easements or property, real and personal, and rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with, any of the objects of the Association provided that in case the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts.
5. To enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association; to obtain from any Government or Authority any rights, privileges and concessions which the Association may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
6. To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Association according to their contract.
7. To remunerate any person or body corporate for services rendered, or to be rendered and whether by way of brokerage or otherwise in placing or assisting to place or guaranteeing the placing or any unsecured notes debentures or other securities of the incorporated Association or in or about the incorporated Association or promotion of the incorporated Association or in the furtherance of its objects.
8. To construct, improve, maintain, develop, work, manage, carry out, alter or control any buildings, grounds works or conveniences which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to, subsidise or otherwise assist and take part in the constructing, improvement, maintenance, development, working, management, carrying out, alteration or control thereof.
9. To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit, except as restricted under Section 6.2.

10. To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate.
11. In furtherance of the objects of the Association to lend and advance money or give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate.
12. To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or over draft or otherwise to represent or secure any moneys and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the incorporated Association's property or assets present or future and to purchase, redeem or pay-off any such securities.
13. To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferrable instruments.
14. In furtherance of the objects of the Association to sell, improve, manage, develop, exchange, lease dispose of, turn to account or otherwise deal with all or part of the property and rights of the Association.
15. To take or hold mortgages, liens or charges, to secure payment to the purchase price, of any part of the Association's property of whatever kind sold by the Association, or any money due to the Association from purchasers and others.
16. To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Association but subjects always to the proviso in Clause 1.4.4.
17. To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedients for the purpose of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions or otherwise.
18. To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects.
19. To make donations for patriotic, charitable or community purposes.
20. To assist all schools in the Association's district where practicable by offering coaching and any other facility or assistance the Association is able to provide.
21. To co-op the services of any member of the Association or any other suitable person to act in any advisory capacity.
22. To make such Rules as are necessary for the proper conduct of the Association.
23. To do all such things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.

## **Section 2.           MEMBERSHIP**

### **2.1   CLASSES OF MEMBERS:**

The memberships of the Association shall consist of:

#### **2.1.1   ORDINARY MEMBERS:**

Ordinary Members shall comprise:

1.   Athletes over 18 years of age registered with a Division of the Association.
2.   Any parents (which shall include mothers, fathers, step-mothers, step-fathers or guardian of a child or any relative or person who has lawful custody of a child and is acting in loco parentis) of athletes less than 18 years of age who are registered with one of the Divisions.
3.   Any person over 18 years of age who is a registered official with a Division of the Association.
4.   Any other adult persons who in the opinion of the Management Committee would be an asset to the Association may be directly elected to ordinary membership status of the Association by the Management Committee. All persons elected in this fashion shall have their membership re-affirmed or otherwise at the first Management Committee Meeting after the Annual General Meeting each year.

#### **2.1.2   NON-VOTING MEMBERS:**

Athletes under the age of 18 years of age registered with a Division of the Association. Because of their age these members shall not have voting rights.

#### **2.1.3   SOCIAL MEMBERS:**

Any person who does not want to be admitted as an ordinary member and who in the opinion of the Management Committee may render assistance to the Association other than as an ordinary member, officials, administrator or coach may be admitted as a Social Member.

- Such members shall not be entitled to voting rights
- Such membership shall terminate at the close of each financial year and re-affirmed or otherwise at the first Management Committee meeting thereafter.

#### **2.1.4 HONORAY MEMBERS:**

A person who in the opinion of the Management Committee is capable of furthering the objects of the Association may be granted such membership.

- Such members shall not be entitled to voting rights.
- Such members shall have their membership re-affirmed or otherwise at the first Management Committee Meeting after the Annual General Meeting each year.

#### **2.1.5 LIFE MEMBERS:**

Life Members may be awarded to a member who has rendered outstanding and exceptional service to the Association on the recommendation of the Management Committee, and carried at the Annual General Meeting by at least three fourths majority of those present and entitled to vote.

- Life members shall not be required to pay any subscriptions or levies that may be imposed by the Association.
- Life members shall be entitled to attend and General Meetings of the Association and to vote at such meetings.

### **2.2 MEMBERSHIP CONDITIONS:**

1. The number of members in each and every class of membership shall be unlimited.
2. Persons (in these Rules called "Athletes") wishing to compete in events organised one of the Divisions of the Association, or by the Association itself in conjunction with more than one Division, must register with the Association by:
  - i) Becoming a member of the Association by registering with one of the Divisions as per 2.1.1.1 or 2.1.1.2
  - ii) Doing whatever is deemed necessary under the By-Laws such as that he can participate in the activities of a Division as per Section 5 of these Rules.
3. In the case of pre-existing organisation agreeing to form the subject Association prior to its becoming Incorporated:

Every person who at the time of the incorporation of the Association was a member of the unincorporated Association or a Division shall be admitted by the Management Committee to the same class of membership of the Association or the Division as that member held in the unincorporated Association. Financial Membership standing shall similarly be unaltered.

4. Every application for ordinary membership of the Association shall be on the prescribed Association/Division application form, signed by the applicant or his parent/guardian as appropriate.
5. Every nomination for any other class of membership of the Association shall be submitted in writing, signed by the proposer and seconder and shall be in such form as the Management Committee from time to time prescribes.

## **2.3 MEMBERSHIP FEES:**

1. Membership fees for Athletes [referred to in Clauses 2.1.1.1 and 2.1.1.2 and Parents (referred to in Clause 2.1.1.3)] shall be considered to be met by those fees set by and payable to the Division through which they gain membership of the Association.
2. The fees for other classes of membership not gained by dint of membership of a Division shall be such sum or sums as the Management Committee of the Association shall from time to time determine.
3. The membership fees for each class of membership shall be payable at such time and in such manner as the relevant Management Committee shall from time to time determine.

## **2.4 ADMISSION, RESIGNATION, SUSPENSION and/or REJECTION OF MEMBERS:**

Excepting that admissions, resignations, suspension and/or resignation of memberships – and associated appeals – gained by virtue of membership of a Division shall be handled by the said Division in accordance with its Rules and Regulations, such other cases as arise shall be handled as follows:

### **2.4.1 ADMISSION:**

1. At the next meeting of the Management Committee after the receipt of any application and the fee payable for any class of membership such application shall be considered by the Management Committee who shall thereupon determine upon the admission or rejection of the applicant.
2. Any applicant who receives a majority of votes of the members of the Management Committee present at the meeting at which such application is considered shall be accepted as a member to the class of membership applied for.
3. Upon the acceptance or rejection of an application for any class of membership the Secretary shall forthwith give the applicant notice in writing of such acceptance or rejection.

#### **2.4.2 RESIGNATION:**

1. A member may resign from the Association by giving a written notice of resignation to the Secretary.
2. Resignation takes effect on –
  - (a) The day and at the time the notice is received by the Secretary; or
  - (b) If a later day is stated in the notice – the later day.

#### **2.4.3 REJECTION OF MEMBERSHIP:**

An application for membership may be rejected by the Management Committee.

#### **2.4.4 SUSPENSION/TERMINATION OF MEMBERSHIP**

1. The Management Committee may terminate a member's membership if the member –
  - (a) Is convicted of an indictable offence; or
  - (b) Does not comply with any of the provisions of these rules; or
  - (c) Has membership fees in arrears for at least 2 months; or
  - (d) Conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the association.
2. Before the Management Committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.
3. If, after considering all representations made by the member, the Management Committee decides to terminate the membership, the Secretary of the committee must give the member a written notice of the decision.
4. The member concerned shall be given a full and fair opportunity of presenting his case and if the Management Committee resolves to terminate his membership it shall instruct the Secretary to call a Special General Meeting the members shall be given a full and fair opportunity of presenting his case and if the Special General Meeting endorses the Management Committee's recommendation, the Secretary shall confirm the decision in writing to the member.

## **2.5 APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP:**

1. A person whose application for membership has been rejected, or whose membership has been terminated, may give the Secretary written notice of the person's intention to appeal against the decision.
2. A notice of intention to appeal must be given to the Secretary within 1 month after the person receives written notice of the decision.
3. If the Secretary receives a notice of intention to appeal, the Secretary must, within 3 months after the day of receipt, call a General Meeting to decide the appeal.
4. At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.
5. Also, the Management Committee and the Committee Members who rejected the application or terminated the membership must be given an opportunity to show why the application should be rejected or the membership should be terminated.
6. An appeal must be decided by a vote of the members present at the meeting.
7. If a person whose application has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the Secretary must, as soon as practicable, refund the application fee paid by the person.

## **2.6 REGISTER OF MEMBERS:**

1. The Management Committee must keep a register of members.
2. The register of members must include the following particulars for each member –
  - (a) The full name and residential address of the member;
  - (b) The date of admission as a member;
  - (c) The date of death or resignation of the member;
  - (d) Details about the termination or reinstatement of membership;
  - (e) Any other particulars the Management Committee or the members at a General Meeting decide.
3. The register must be open for inspection at all reasonable times.
4. However, before the member may inspect the register, the member must apply to the Secretary to inspect it.

## **2.7 NOTICE TO MEMBERS:**

1. Any notice required under the Incorporation Act or by these Rules to be given to any member shall be given by sending it by post to such a member at his registered address or if there is not a registered address, to the address supplied to the Association for the giving of notices.
2. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice and to have been effected in the case of a notice of meeting on the day after the posting and in any other case at the time at which the letter would be delivered in the ordinary post.

## **Section 3.**

## **MANAGEMENT**

### **3.1 MEMBERSHIP OF MANAGEMENT COMMITTEE**

1. The Management Committee of the Association consists of a President, Secretary, Treasurer and any other members of the Association members elect or appoint at a General Meeting.
2. A member of the Management Committee must be a member of the Association.
3. At each Annual General Meeting of the Association, the members of the Management Committee must retire from office, but are eligible, on nomination, for re-election.

### **3.2 ELECTION OF THE MANAGEMENT COMMITTEE**

1. The election of officers of the Management Committee shall take place in the following manner:-
  - (i) Any two members of the Association shall be at liberty to nominate any other member to serve as an officer of the Management Committee;
  - (ii) The nomination, which shall be in writing and signed by the member and his proposer and seconder, shall be lodged with the Secretary at least 14 days before the Annual General Meeting at which the election is to take place;

- (iii) A list of the candidates' names in alphabetical order, with the proposers' and seconds' names shall be posted in a conspicuous place in the office or usual place of meeting of the Association for at least 7 days immediately preceding the Annual General Meeting;
- (iv) Balloting lists shall be prepared (if necessary) containing the names of the candidate in alphabetical order, and each member present at the Annual General Meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies;
- (v) Should, at the commencement of such meeting, there be insufficient number of candidates nominated, nominations may be taken from the floor of the meeting.

### **3.3 RESIGNATION OR REMOVAL FROM OFFICE OF MANAGEMENT COMMITTEE MEMBER**

1. A Management Committee member may resign from the committee by giving written notice of resignation to the Secretary.
2. The resignation takes effect on:
  - (a) The day and at the time the notice is received by the Secretary; or
  - (b) If a later day is stated in the notice – the day later.
3. A member may be removed from office at a General Meeting of the Association if a majority of the members present at the meeting vote in favour of removing the member.
4. Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
5. A member has no right of appeal against the member's removal from office under this section.

### **3.4 VACANCIES ON MANAGEMENT COMMITTEE**

1. If a casual vacancy happens on the Management Committee, the continuing members of the committee may appoint another member of the Association to fill the vacancy until the next Annual General Meeting.
2. The continuing members of the Management Committee may act despite a casual vacancy on the Management Committee.

3. However, if the number of committee members is less than the number fixed under these rules as a quorum of the Management Committee, the continuing members may act only to -
  - (a) Increase the number of Management Committee members to the number required for a quorum; or
  - (b) Call a General Meeting of the Association.

### **3.5 FUNCTIONS OF THE MANAGEMENT COMMITTEE**

1. Except as otherwise provided by these Rules and subject to resolutions of the members of the Association carried at any General Meeting, the Management Committee:
  - (i) Shall have the general control and management of the administration of the affairs, property and funds of the Association.
  - (ii) Shall have the authority to interpret the meaning of these Rules and any matter relating to the Association on which these Rules are silent.
2. The Management Committee may exercise all the powers of the Association:
  - (i) To borrow or raise or secure the payment of money in such a manner as the members of the Association may think fit and secure the same or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by the issue of debenture, perpetual or otherwise charged upon or any of the Association's property, both present and future, and to purchase, redeem or payoff any such securities;
  - (ii) To borrow money from members at a rate of interest not exceeding interest at the rate for time being charged by bankers in Brisbane for overdrawn account on money lent, and to mortgage or charge its property or part thereof and to issue debentures, and other securities, whether outright or as security for any debt, liability or obligation of the Association, and to provide any pay of any such securities; and
  - (iii) To invest in such manner as the members of the Association may from time to time determine.
3. The Management Committee may delegate any of its powers to a sub-committee consisting of such members of the Association as the Management Committee thinks fit. Any sub-committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the Management Committee.

4. A sub-committee may elect a Chairman of its meetings. If no such Chairman is elected, or if at any meeting the Chairman is not present within ten minutes after the time appointed for holding the meeting the members present may choose one of their number to be Chairman of the meeting.
5. A sub-committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present and, in the case of equality of votes, the Chairman in addition to having a deliberative vote shall also have a second or casting vote.
6. The Management Committee may appoint such Association officials, captains, handicappers and coaches as are considered necessary for the functioning of the Association.
7. All acts done by any meeting of the Management Committee or of a sub-committee or by any person acting as a member of the Management Committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the Management Committee or person acting as aforesaid, of the members of the Management Committee or any of them were disqualified, be as valid as if such person had been duly appointed and was qualified to be a member of the Management Committee.
8. A resolution in writing signed by all members of the Management Committee for the time being is entitled to receive notice of a meeting of the Management Committee shall be as valid and effectual as if it had been passed at a meeting of the Management Committee duly convened and held. Any such resolution may consist of several documents in life form, each signed by one or more members of the Management Committee.
9. The Management Committee may from time to time, make, amend or repeal by-laws not inconsistent with these Rules, for the internal management of the Association and furthermore any by-laws may be set aside by a general meeting of members:

Except that: Any by-laws governing one of the Divisions and any other by-Laws, resolutions or constitutional amendments which affect the application of a Division's Rules, Regulations

or

By-Laws must receive approval from the Parent Body of the relevant Division

10. The Association's rules, by-laws and regulations shall be binding on members, who shall not be absolved from their affect by plea of not having knowledge of them. A copy of such rules, by-laws and regulations shall be prominently displayed on the Association's notice board.

### **3.6 MEETINGS OF THE MANAGEMENT COMMITTEE**

1. The Management Committee shall meet at least every two months to exercise its functions.
2. A special meeting of the Management Committee shall be convened by the Secretary on the requisition in writing by not less than one-half of the members of the Management Committee, which requisition shall clearly state the reasons why such special meeting is being convened and the nature of the business to be transacted thereat.
3. At every meeting of the Management Committee a simple majority of a number equal to the number of members elected to the Management Committee as at the close of the last general meeting of the members, shall constitute a quorum.
4. Subject as previously provided in this Rules, the Management Committee may meet together and regulate its proceedings as it thinks fit, provided that questions arising at any meeting of the Management Committee shall be decided by a majority of votes and, in the case of equality of votes, the Chairman in addition to having a deliberative vote shall also have a second or casting vote.
5. A member of the Management Committee shall not vote in respect of any contract or proposed contract with the Association in which he is interested, or any matter arising thereof, and if he does so vote his vote shall not be counted.
6. The President shall preside as Chairman at every meeting of the Management Committee, or if there is no President, or if at any meeting he is not present within ten minutes after the time appointed for holding the meeting, the Vice President shall be Chairman or if the Vice President is also not present at the meeting the members may choose one of their number to be Chairman of that meeting.
7. If within half an hour from the time appointed for the commencement of a Management Committee meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Management Committee, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and such other time and place as the Management Committee may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall lapse.

### **3.7 NOTICE OF MEETINGS OF THE MANAGEMENT COMMITTEE**

1. Except as otherwise provided under Section 3 of these Rules, the Management Committee may meet together as it thinks fit, and provided that a regular time and place is established for normal meetings, formal notice of each such meeting shall not be mandatory.
2. Not less than fourteen (14) days notice shall be given by the Secretary to members of the Management Committee of any special meeting of the Management Committee. Such notice shall clearly state the nature of the business to be discussed thereat.

## **Section 4. GENERAL MEETINGS**

### **4.1 GENERAL MEETINGS**

#### **4.1.1 FIRST GENERAL MEETING**

1. The first general meeting must be held not less than 1 month, and not more than 3 months, after the day the association is incorporated.
2. The Management Committee must decide where the meeting is to be held.
3. The business to be conducted at the first general meeting must include the appointment of an auditor.

### **4.2 FIRST ANNUAL GENERAL MEETING**

The first Annual General Meeting must be held within 18 months after the day the association is incorporated.

### **4.3 ANNUAL GENERAL MEETINGS**

1. The Annual General Meeting shall be held within two (2) months of the close of the Association's financial year and at least seven (7) days notice shall be given to all financial members, officers and auditors of the Association.
2. The Business to be transacted at every Annual General Meeting shall be:
  - (i) The receiving of the Management Committee's report and the statement of income and expenditure, assets and liabilities and mortgages, charges and securities affecting the property of the Association for the preceding financial year;

- (ii) The receiving of the auditor's report upon the books and accounts for the preceding financial year;
- (iii) The election of officers, other members of the Management Committee and delegates to the Governing Bodies; and
- (iv) The appointment of an Auditor; and
- (v) General Business

#### **4.4 SPECIAL GENERAL MEETINGS**

The Secretary shall convene a Special General Meeting:

- 1. When directed to do so by the majority vote of the Management Committee;
- 2. On the requisition in writing by not less than one-half of the members presently on the Management Committee or not less than the number of the Management Committee or not less than the number of ordinary member of the Association, which equals double the number of members presently on the Management Committee plus one. Such requisition shall clearly state the reasons why such special general meeting is being convened and the nature of the business to be transacted thereat; or
- 3. On being given a notice in writing of an intention to appeal against the decision of the Management Committee to reject an application for membership or to terminate the membership of any person.

#### **4.5 NOTICE OF GENERAL MEETINGS**

- 1. The Secretary shall convene all general meetings of the Association by giving not less than seven (7) days notice of such meeting to the members of the Association.
- 2. Notice of every general meeting shall be given to members except those members who have not supplied to the Association an address within the district for the giving of notices to them.
- 3. Notice of every general meeting shall also be given to the Auditor or Auditors for the time being of the Association.
- 4. The manner by which such notice shall be given shall be determined by the Management Committee, provided that notice of any meeting convened for the purpose of hearing and determining the appeal of a member against the rejection or termination of his membership by the Management Committee shall be given in writing.

5. Notice of a general meeting shall clearly state the nature of the business to be discussed thereat.

#### **4.6 QUORUM FOR, AND ADJOURNMENT OF, GENERAL MEETING**

1. Subject to subsection (5), at a general meeting the number of members equal to double the number of members of the association presently on the Management Committee plus 1 to form a quorum.
2. No business may be conducted at a general meeting unless a quorum of members is present when the meeting proceeds to business.
3. If a quorum is not present within 30 minutes after the time fixed for a general meeting called on the request of members of the Management Committee or the Association, the meeting lapses.
4. If a quorum is not present within 30 minutes after the time fixed for a general meeting called other than on the request of members of the Management Committee or the Association, the meeting is to be adjourned to –
  - (a) The same day, time and place in the next week; or
  - (b) A day, time and place decided by the Management Committee.
5. If at an adjourned meeting, a quorum under subsection (1) is not present within 30 minutes after the time fixed for the meeting, the member's present form a quorum.
6. The chairperson may, with the consent of any meeting at which a quorum is present, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
7. If a meeting is adjourned under subsection (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
8. The Secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
9. If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.
10. In this rule –

**“member”** includes a person attending as a proxy or representing a corporation that is a member.

#### **4.7 PROCEDURE AT GENERAL MEETING**

1. Subject to these rules, at each general meeting –
  - (a) The President, or, if there is no President or if the President is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the Vice-President is to preside as chairperson; and
  - (b) If the Vice-President is absent or unwilling to act as chairperson, the members present must elect 1 of their number to be chairperson of the meeting; and
  - (c) The chairperson must conduct the meeting in a proper and orderly way; and
  - (d) Each question, matter or resolution must be decided by a majority of votes of the members present; and
  - (e) Each member present and entitled to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote; and
  - (f) A member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting; and
  - (g) Voting may be by a show of hands or a division of members, unless at least 20% of the members present demand a secret ballot; and
  - (h) If a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides; and
  - (i) The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held; and
  - (j) A member may vote in person or by proxy or by attorney and –
    - (i) On a show of hands, each person present who is a member or a representative of a member has 1 vote; and
    - (ii) In a secret ballot, each member present in person or by proxy or by attorney or other properly authorised representative has 1 vote; and
  - (k) An instrument appointing a proxy must be in writing; and
    - (i) If the appointer is an individual – signed by the appointer or the appointer's attorney properly authorised in writing; or
    - (ii) If the appointer is a corporation – either under seal or singed by a properly authorised office or attorney of the corporation; and
  - (l) A proxy may be a member of the Association or another person; and

- (m) The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot; and
- (n) If someone wants to give a member an opportunity to vote for or against a resolution, the instrument appointing a proxy must be in the following or like form –

ASSOCIATION:

I, of being a member of the association, appoint as my proxy to vote for me on my behalf at the (annual) general meeting of the association, to be held on the day of , 20 and at any adjournment of the meeting.

Signed this day of , 20 .

Signature.

\*In favour of

This form is to be used the resolution.

\*against

\*Strike out whichever is not wanted. (Unless otherwise instructed, the proxy may vote as the proxy considers appropriate); and

- (o) Each instrument appointing a proxy must be given to the Secretary before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote; and
- (p) The Secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each Management Committee meeting and general meeting are entered in a minute book; and
- (q) The Secretary must ensure the minute book for each general meeting is open for inspection at all reasonable times by any financial member who previously applies to the Secretary for the inspection.

2. To ensure the accuracy of the minutes recorded under subsection (1) (p)-
  - (a) The minutes of each Management Committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next Management Committee, verifying their accuracy; and
  - (b) The minutes of each general meeting must be signed by the chairperson of the meeting or the chairperson of the next general meeting, verifying their accuracy; and
  - (c) The minutes of each Annual General Meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the Association that is a general meeting or annual general meeting, verifying their accuracy.

## **Section 5. DIVISIONS**

### **5.1 DIVISIONS**

1. Interest groups which are not directly compatible by virtue of age groups catered for; affiliations with Governing bodies etc., will form separate Divisions within the Association.
2. Each such Division shall be at liberty to affiliate with another Association or organisation carrying on similar sporting activities notwithstanding that other Division of the Association are not so affiliated.
3. Each such Division which is affiliated with a governing body shall operate under a set of Rules, Regulations and/or By-Laws approved by that Body. These rules collectively shall form part of the “By-Laws” of this Association as referred to elsewhere in this constitution.
4. Divisions which this Association will be comprised of INITIALLY shall be:
  - (a) **Cairns & District Athletic Club Inc.**  
This Division will cater for athletes eligible to compete in Athletics North Queensland sanctioned meetings, and shall be affiliated with the Athletics North Queensland Association Inc.
  - (b) **Cairns Little Athletics Centre Inc.**  
This Division will cater for “Little Athletics” and will be affiliated with the Queensland Little Athletics Association Inc.
5. Subject to the approval of the Parent/Governing Bodies of all Affiliated Divisions at any point in time, other Divisions may be added from time to time as required provided all such relevant conditions as apply to pre-existing Division are met by the new Division.

## **Section 6. MISCELLANEOUS**

### **6.1 BY-LAWS**

1. The Management Committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the Association.
2. A by-law may be set aside by a vote of members at a general meeting of the Association.

### **6.2 ALTERATION OF RULES**

1. Subject to the *Associations Incorporation Act 1981*, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
2. However an amendment, repeal or addition is valid only if it is registered by the chief executive.

### **6.3 FUNDS AND ACCOUNTS**

1. The funds of the Association must be kept in an account in the name of the Association in a financial institution decided by the Management Committee.
2. Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Association.
3. All amounts must be deposited in the financial institution account as soon as practicable after receipt.
4. All amounts paid by cheque, the cheque must be signed by any 2 of the following –
  - (a) The President
  - (b) The Secretary
  - (c) The Treasurer
  - (d) Another member authorised by the Management Committee for the purpose.
5. Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed “not negotiable”.

6. A petty cash account must be kept on the imprest system, and the Management Committee must decide the amount of petty cash to be kept in the account
7. All expenditure must be approved or ratified at a Management Committee meeting
8. The Treasurer must, as soon as practicable after the end of each financial year, ensure a statement containing the following particulars is prepared –
  - (a) The income and expenditure for the financial year just ended;
  - (b) The Association's assets and liabilities at the close of the year;
  - (c) The mortgages, charges and securities affecting the property of the Association at the close of the year.
9. If the Association is incorporated within 3 months before the end of the Association's financial year, subsection (8) does not apply for the financial year in which the Association is incorporated.
10. The auditor must examine the statement prepared under subsection (8) and present a report about it to the Secretary before the next Annual General Meeting following the financial year for which the audit was made.
11. The income and property of the Association must be used solely in promoting the Association's objects and exercising the Association's powers.

#### **6.4 DOCUMENTS**

The Management Committee shall provide the safe custody of books, documents, instruments of title and securities of the Association.

#### **6.5 FINANCIAL YEAR**

The financial year of the Association shall close on **31 December** in each year.

#### **6.6 NOTICES – GENERAL**

1. Unless otherwise provided for in these rules, notices required under the Act or by these Rules to be given to any member shall be given by sending by post to such a member at his registered address or if there is not a registered address, to the address supplied to the Association for the giving of notices.

2. Where a notice is sent by post, service of the notice shall be carried out by properly addressing, prepaying and posting a letter containing a notice. The notice shall be deemed to have been effected as follows:
  - (i) In the case of a notice of a meeting; on the day after posting.
  - (ii) In any other case at the time at which the letter would be delivered in the ordinary course of the post.

## **6.7 DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY**

1. This section applies if the Association –
  - (a) Is wound-up under part 10 of the Act; and
  - (b) It has surplus assets
2. The surplus assets must not be distributed among the Association members.
3. The surplus assets must be given to another entity –
  - (a) Having objects similar to the Association's objects; and
  - (b) The rules of which prohibit the distribution of the entity's income and assets to its members.
4. In this section –

**“surplus assets”** has the meaning given by section 92(3) of the Act.

## **6.8 COMMON SEAL**

The Management Committee shall provide for a Common Seal and for its safe custody. The Common Seal shall only be used by the authority of the Management Committee and every instrument to which the seal shall be signed by a member of the Management Committee and shall be countersigned by the Secretary or by a second member of the Management Committee or by some other person appointed by the Management Committee for the purpose.

## **6.9 PROTESTS**

Protests shall be in writing accompanied by a cheque for \$25.00 and received within 30 minutes of the posting of the results of the event. If the protest is upheld, the fee will be returned. Coaches/Team Manager/Centre Manager, not athletes or parents should attempt to resolve the protests with the Chief Official before presenting it as an official protest.