

ASSOCIATIONS INCORPORATION ACT 1981 – SCHEDULE 3

RULES FOR BALLARAT EIGHT BALL ASSOCIATION INCORPORATED

- 1** The name of the incorporated association is **BALLARAT EIGHT BALL ASSOCIATION INCORPORATED** (in these rules called "the Association").(1*)

** An incorporated association must have the word "Incorporated" as the last word in its name.*

INTERPRETATION

- 2** (1) In the rules, unless the contrary intention appears:-
 "Committee" means the Committee of Management of the Association.
 "Financial year" means the year ending on 31st December.
 "General Meeting" means a General Meeting of Members convened in accordance with Rule 11.
 "Member" means:- (i) a single person who is granted membership of the Association; and
 (ii) a family which is granted membership of the Association'
 "Ordinary Member of the Committee" means a member of the committee who is not an officer of the Association under Rule 21.
 "The Act" means the Association Incorporation Act 1981.
 "The Regulations" means the regulation under the Act.
 "Participating Venue" means any venue where members of the association have formed a representative team which has been accepted by the Committee.
- (2) In these Rules, a reference to the Secretary of an Association is a reference:-
 (a) where a person holds office under these Rules as secretary of the Association- to that person; and
 (b) in any other case, to the public officer of the Association.
- (3) Words of expressions contained in these Rules shall be interpreted in accordance with the provisions of the interpretation of the Legislation Act 1984 and the Act as in force from time to time.
- (4) A reference in these Rules to a Member shall insofar as family membership is concerned, be a reference to the person representing that family.

APPLICATION FOR MEMBERSHIP

- 3** (1) A natural person who applies and is approved for membership as provided in these Rules is eligible to be a Member of the Association on payment of the entrance fee and annual subscription payable under these Rules.
- (2) A person who is not a member of the Association at the time of the incorporation of the Association (or who was such a member at that time but has ceased to be a member) shall not be admitted to membership:-
 (a) unless he applies as provided in sub-clause (3); and
 (b) his admission as a member is approved by the Committee.
- (3) A nomination of a person for membership of the Association shall be made orally or in writing to a Committee member accompanied by payment of the appropriate entrance fee and annual subscription
- (4) As soon as is practical after the receipt of an application, the Committee shall determine whether to approve or reject the application.
- (5) Upon an application being approved by the Committee, the Secretary shall, with as little delay as possible, notify the applicant of the approval for membership of the Association.
- (6) The Secretary shall enter the name of the applicant in the Register of Members kept by him and, upon the name being entered, the applicant becomes a Member of the Association.
- (7) A right, privilege, or obligation of a person by reason of membership of the Association:-
 (a) is not capable of being transferred or transmitted to another person;
 (b) terminates upon the cessation of his membership whether by death or resignation or otherwise.

ENTRANCE FEE AND ANNUAL SUBSCRIPTION

- 4** (1) The entrance fee is such sum if any, as the Committee shall from time to time decide.
 (2) The annual subscription will be such a sum, as the Committee shall, from time to time, decide.

REGISTER OF MEMBERS

- 5** The Secretary shall keep and maintain a Register of Members in which shall be entered the full name, address and date of entry of the name of each Member and the Register shall be available for inspection by the Members at the address of the Public Officer.

RESIGNATION AND EXPULSION OF MEMBERS

- 6 (1) A Member of the Association who has paid all moneys due and payable by him to the Association may resign from the Association by verbally notifying a Committee Member of his intention to resign and upon so doing, the Member shall cease to be a Member.
- (2) Upon the resignation of a Member under sub-clause (1), the Secretary shall make it in the Register of Members an entry recording the date on which the Member by whom the notice was given ceased to be a Member.
- 7 (1) Subject to the Rules, the Committee may by resolution:-
- (a) expel a Member from the Association;
 - (b) suspend a Member from membership of the Association for a specified period; or
 - (c) fine a Member in accordance with the Regulations (2*), if the Committee is of the opinion that the Member:-
 - (i) has refused or neglected to comply with these Rules; or
 - (ii) has been guilty of conduct unbecoming a Member or prejudicial to the interests of Association.

*** The Regulations provide that the Committee of an incorporated association may impose a fine not exceeding \$20.00 on a member who commits a breach of the Rules of the incorporated association.**

- (2) A resolution of the Committee under sub-clause (1):-
- (a) does not take effect unless the Association, at a special meeting held not earlier than 14 and not later than 28 days after the service on the Member of a notice under sub-clause (3) confirms the resolution in accordance with this clause; and
 - (b) where the Member exercises a right of appeal to the Association under this clause does not take effect unless the Association confirms the resolution in accordance with this clause.
- (3) Where the Committee passes a resolution under sub-clause (1), the Secretary shall, as soon as practicable, cause to be served on the Member a notice in writing:-
- (a) setting out the resolution of the Committee and the grounds on which it is based;
 - (b) stating that the Member may address the Association at a meeting to be held at a special meeting held not earlier than 14 and not later than 28 days after the service of the notice;
 - (c) stating the date, place and time of that meeting;
 - (d) informing the Member that he may do one of the following –
 - (i) attend the meeting;
 - (ii) give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution.
- (4) At a General Meeting of the Association convened under sub-clause (2a):-
- (a) no business other than the question of the appeal shall be transacted;
 - (b) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
 - (c) the Member shall be given an opportunity to be heard; and
 - (d) the Members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (5) If at the General Meeting:-
- (a) two-thirds of the Members vote in favour of the confirmation of the resolution, the resolution is confirmed; and
 - (b) in any other case, the resolution is revoked.

ANNUAL GENERAL MEETING

- 8 (1) The Association shall in each calendar year convene an Annual General Meeting of the Members. (3*)
*** Section 30 of the Act provides that an incorporated association shall, at least once in each calendar year, convene a General meeting, to be called an annual general meeting.**
- (2) The Annual General Meeting shall be held on such day as the Committee determines.
- (3) The Annual General Meeting shall be specified as such in the notice convening it.
- (4) The ordinary business of the Annual General Meeting shall be:-
- (a) to confirm the minutes of the last preceding Annual General Meeting and of any General Meeting held since that meeting;
 - (b) to receive from the Committee reports upon the transactions of the Association during the last financial year;
 - (c) to elect officers of the Association and the ordinary members of the Committee; and
 - (d) to receive and consider the statement submitted by the Association in accordance with Section 30(3) of the Act.
- (5) The Annual General Meeting may transact special business of which notice is given in accordance with these Rules.

- (6) The Annual General Meeting shall be in addition to any other General meetings that may be held in the same year.

SPECIAL GENERAL MEETING

- 9** All General Meetings other than the Annual General meeting shall be called a Special General Meetings.
- 10** (1) The Committee may, whenever it thinks fits, convene a Special General Meeting of the Association, and, where, but for this sub-clause, more than 15 months would lapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.
- (2) The Committee shall, on the requisition in writing of Members representing not less than 5% of the total number of Members, convene a Special General Meeting of the Association.
- (3) The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the Members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- (4) If the Committee does not cause a Special General Meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the Members making the requisition, or any of them, may convene a Special General Meeting to be held not later than 3 months after the date.
- (5) A Special General Meeting convened by Members in pursuance of these Rules shall be convened in the same manner as nearly possible as that in which those meetings are convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the person incurring the expenses.

NOTICE OF GENERAL MEETING

- 11** (1) The Secretary of the Association shall, at least 14 days or, if a special resolution is to be proposed, at least 21 days, before the date fixed for the holding a General Meeting of the Association, cause to be published in the Ballarat Courier a Notice of the Meeting stating the place, date and time of the Meeting and the nature of the business to be transacted at the Meeting.
- (2) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- (3) A Member desiring to bring any business before a Meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next General Meeting after the receipt of the notice.

PROCEEDINGS AT GENERAL MEETING

- 12** (1) All business that is transacted at a special general Meeting and all business that is transacted at the Annual General Meeting with the exception of that specially referred to in these Rules as being the ordinary business of the Annual General Meeting shall be deemed to be special business.
- (2) No item of business shall be transacted at a General Meeting unless a quorum of Members entitled under these Rules to vote is present during the time when the meeting is considering that item.
- (3) Ten members personally present (being members entitled under these Rules to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.
- (4) If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall be a quorum.
- 13** (1) The President shall preside as Chairman at each General Meeting of the Association.
- (2) If the President is absent from a General Meeting, the Members present shall elect one of their number to preside as Chairman at the meeting.
- 14** (1) The Chairman of a General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of a General Meeting.
- (3) Except as provided in sub-clause (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
- 15** A question arising at a General Meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minutes 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.

- 16** (1) Upon any question arising at a General Meeting of the Association, a Member has only one vote.
 (2) All votes shall be given personally.
 (3) In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.
- 17** (1) If at a meeting a poll on any question is demanded by not less than three Members, it shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
 (2) A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.
- 18** A Member is not entitled to vote at any General Meeting unless all moneys due and payable by him to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

COMMITTEE OF MANAGEMENT

- 19** (1) The affairs of the Association shall be managed by a Committee of Management constituted as provided in Rule 22.
 (2) The Committee:-
 (a) shall control and manage the business affairs of the Association;
 (b) may, subject to these Rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by the General Meeting of the Members of the Association; and
 (c) subject to these Rules, the Regulations and the Act, has power to perform all such acts and things as appear to be Committee to be essential for the proper management of the business and affairs of the Association
- 20** (1) The Officers of the Association shall be:-
 (a) a President;
 (b) a Vice President;
 (c) a Treasurer; and
 (d) a Secretary.
 (2) The provisions of Rule 23 so far as they are applicable and with the necessary modifications, apply to and in relation to election of persons to any of the offices mentioned in sub-clause (1).
 (3) Each Officer of the Association shall hold office until the Annual General Meeting next after the date of his election but is eligible for re-election.
 (4) In the event of a casual vacancy in any office referred to in sub-clause (1), the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the Annual General Meeting next following the date of his appointment.
- 21** (1) Subject to Section 23 of the Act, the Committee shall consist of:-
 (a) the officers of the Association; and
 (b) six (or such other number as the Association shall, from time to time, decide) Ordinary Members:- each of whom shall be elected at the Annual General Meeting of the Association in each year.
 (2) Each Ordinary Member of the Committee shall, subject to these Rules, hold office until the Annual General Meeting next after the date of his election but is eligible for re-election.
 (3) In the event of a casual vacancy occurring in the office of any Ordinary Member of the Committee, the Committee may appoint a Member of the Association to fill the vacancy and the Member so appointed shall hold office, subject to these Rules, until the conclusion of the Annual General Meeting next following the date of his appointment.
- 22** (1) Nominations of candidates for election as Officers of the Association or as Ordinary Members of the Committee shall be made verbally to the Secretary of the Association not less than seven(7) days before the date fixed for the holding of the Annual General Meeting.
 (2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
 (3) If the number of nominations received is equal to the number of vacancies to be filled, the person nominated shall be deemed to be elected.
 (4) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
 (5) The ballot for the election of Officers and Ordinary Members of the Committee shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.
 (6) A nomination of a candidate for election under this clause is not valid if that candidate has been nominated for another office for election at the same meeting.
- 23** For the purposes of these Rules, the office of an Officer of the Association or of any Ordinary Member of the Committee becomes vacant if the Officer or Member:-
 (a) ceases to be a Member of the Association;
 (b) becomes insolvent under administration within the meaning of the Companies (Victoria) Code; or
 (c) resigns his office by notice in writing given to the Secretary.

PROCEEDINGS OF COMMITTEE

- 24** (1) The Committee shall meet at least 3 times in each year at such place and such times as the Committee may determine.
- (2) Special meetings of the Committee may be convened by the President.
- (3) Notice shall be given to Members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- (4) One half of the total numbers of Members of the Committee (but not less than three members of the Committee) constitutes a quorum for the transaction of the business of a meeting of the Committee.
- (5) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for a meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
- (6) At meetings of the Committee:-
- (a) the President shall preside; or
- (b) if the President is absent, such one of the remaining members of the Committee as may be chosen by the members present shall preside.
- (7) Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- (8) 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 and, in the event of any equality of votes on any question, the person presiding may exercise a second or casting vote.
- (9) Written notice of each committee meeting shall be served on each member of the Committee by delivering it to him at a reasonable time before the meeting or by sending it by pre-paid post addressed to him at his usual or last known place of abode at least two business days before the date of the meeting.
- (10) Subject to sub-clause (4) the Committee may act notwithstanding any vacancy of the Committee.

SECRETARY

- 25** The Secretary of the Association shall keep minutes of the resolutions and proceedings of each General Meeting and each Committee Meeting in books provided for the purpose together with a record of names of persons present at Committee Meetings.

TREASURER

- 26** (1) The Treasurer of the Association:-
- (a) shall collect and receive all moneys due to the Association and make all payments authorized by the Association; and
- (b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- (2) The Accounts and books referred to in sub-clause (1) shall be available for inspection by Members.

REMOVAL OF MEMBER OF COMMITTEE

- 27** (1) The Association in General Meeting may by resolution remove any member of the Committee before the expiration of his term of office and appoint another member in his stead to hold office until the expiration of the term of the first mentioned members.
- (2) Where the member to whom a proposed resolution referred to in sub-clause (1) makes representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and requests that they 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 they are not so sent, the member may require that they be read out at the meeting.

CHEQUES

- 28** All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two member of the Committee.

SEAL

- 29** (1) The Common Seal of the Association shall be kept in the custody of the Secretary.
- (2) The Common Seal shall not be affixed to any instrument except by authority of the Committee and the affixing of the Common Seal shall be attested by the signatures either of two members of the Committee or of one member of the Committee and of the Public Officer of the Association.

ALTERATION OF RULES AND STATEMENT OF PURPOSE

- 30** These Rules and the Statement of Purposes of the Association shall not be altered except in accordance with the Act (4*)
**Section 22 of the Act provides that an incorporated association may, by special resolution, alter its statement of purposes or its rules. Section 29 of the Act defines a special resolution.*

NOTICES

- 31** (1) A notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at his address shown in the Register of Members.
 (2) Where a document is properly addressed pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

WINDING UP OR CANCELLATION

- 32** In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Act. (5*)
** See part VIII of the Act for Winding Up and Cancellation.*

CUSTODY OF RECORDS

- 33** Except as otherwise provided in these Rules, the Secretary shall keep in his custody or under his control, all books, documents and securities of the Association.

FUNDS

- 34** The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.