

# **Canberra Cross-Country Ski Club**

# **Constitution**

**Approved by General Meeting on 25 July 2012 and 26 September 2012**

CANBERRA CROSS COUNTRY SKI CLUB  
Formerly  
CANBERRA NORDIC SKI CLUB

---

**PRELIMINARY****1 Amendments to this Constitution**

This Constitution and its Objects:

- (a) may not be altered, amended or repealed except by a Special Resolution of the Club.
- (b) will be reviewed in 2015 and every 5 years thereafter.

**1A Name**

The name of this body shall be the Canberra Cross-Country Ski Club Incorporated and the body shall hereinafter be referred to as the Club.

**1B Definitions**

In this Constitution -

- (a) **Club** means the Canberra Cross-Country Ski Club Incorporated; and
- (b) **Constitution** means this Constitution of the Club, which comprises the complete rules of an Incorporated Association required by the Act; and
- (c) **By-laws** mean the rules, subsidiary to this Constitution, setting out the forms, manners and procedures for running the Club; and
- (d) **Act** means the Associations Incorporation Act 1991; and
- (e) **Regulation** means the Associations Incorporation Regulation 1991; and
- (f) **Model Rules** for the Act are the provisions set out in schedule 1 to the Regulation; and
- (g) **Registrar-General** is the Registrar-General for the Act
- (h) **Financial Year** means the year ending on 30 April; and
- (i) **Member** means a member, however described, of the Club.

**1C Application of Legislation**

- (1) The *Legislation Act 2001* applies to these rules in the same way as it would if they were an instrument made under the Act.
- (2) If the Model Rules make provision in relation to any matter not provided for in this Constitution, this Constitution is taken to include the provision of the Model Rules in relation to that matter.

**1D Objects**

- (1) To promote interest in cross-country skiing.
- (2) To promote good fellowship among those interested in cross-country skiing.
- (3) To educate, train, coach and encourage Members of the Club.

**1E Powers**

The Club may do all things necessary in accordance with this Constitution to achieve the Objects of the Club.

**1F Relationship between the Club and members**

The Constitution of the Club is taken to bind the Club and its Members from time to time as if the Constitution had been signed and sealed by each Member and contained covenants on the part of each Member to observe the Constitution.

**1G Service of Notice**

The Club may serve a notice on a Member by sending it by email or post to the Member at the Member's address shown in the Register of Members.

**MEMBERSHIP****2 Membership qualifications**

Any person who is interested in cross-country skiing shall be eligible for membership.

**3 Application for Membership**

- (1) An application from a person for membership of the Club -
  - (a) must be made in writing in the form prescribed by the Committee; and
  - (b) must be lodged with the Membership Coordinator of the Club.
- (2) As soon as is practicable after receiving a nomination for membership, the Membership Coordinator must refer the nomination to the Committee which must decide whether to approve or to reject the nomination.
- (3) The Membership Coordinator must as soon as practicable after that decision notify the applicant of that decision.
- (4) The Membership Coordinator must enter the nominee's name in the register of Members.

**3A Appointment of Honorary Member or Honorary Life Member**

- (1) A properly constituted General Meeting may appoint any person as an Honorary Member or Honorary Life Member of the Club in recognition of services rendered in promoting the interests and Objects of the Club.
- (2) An Honorary Member or Honorary Life Member shall be entitled to all the privileges of a Member under this Constitution including the right to vote and stand for election.

**4 Membership entitlements not transferable**

A right, privilege or obligation that a person has because of being a Member of the Club -

- (a) cannot be transferred or transmitted to another person; and
- (b) terminates on cessation of the person's membership.

**5 Cessation of membership**

A person ceases to be a Member of the Club if the person -

- (a) dies or, for a corporation, is wound up; or
- (b) resigns from membership of the Club; or
- (c) is expelled from the Club; or
- (d) fails to renew membership of the Club; or
- (e) at the expiration of one month after notice by the Treasurer to that person that her or his membership fee is overdue unless within that period he or she pays the fee and any monies properly payable by her or him to the Club and set out in the notice of the Treasurer.

**6 Resignation of membership**

- (1) A Member is not entitled to resign from membership of the Club except in accordance with this section.
- (2) A Member who has paid all amounts payable by the Member to the Club may resign from membership of the Club by first giving notice (of not less than 1 month or, if the Committee has determined a shorter period, that shorter period) in writing to the Membership Coordinator of the Member's intention to resign and, at the end of the period of notice, the Member ceases to be a Member.
- (3) If a person ceases to be a Member, the Membership Coordinator must make an appropriate entry in the register of Members recording the date the Member ceased to be a Member.

**FEES AND SUBSCRIPTIONS****7 Fees and subscriptions**

- (1) The annual membership fee for all classes of membership shall be determined at the Annual General Meeting in each year and shall be payable by 1 May.
- (2) A Member who joins the Club and pays the appropriate membership subscription after 1 October in any year may, at the discretion of the Committee, be deemed to have paid the subscription for the following year.
- (3) Upon any person ceasing to be a Member of the Club for any reason whatsoever that person shall not be entitled to the return of her or his membership fee or any portion thereof.

**RIGHTS AND LIABILITIES****8 Members' rights and liabilities**

- (1) The liability of a Member to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount (if any) unpaid by the Member in relation to membership of the Club.
- (2) A Member of the Club who is deprived by a decision of the Club of a right conferred on the Member, as a Member, by the Constitution of the Club may apply to the court for an order to vary or set aside the decision.
- (3) If the Club exercises any power that it has to adjudicate a dispute between its Members: or between itself and a Member or Members, in relation to the rights given to the Members by the rules of the Club any decision made by the Club is not taken to be valid unless, in any proceedings in relation to the dispute, the rules of natural justice have been complied with.

**DISCIPLINE****9 Disciplining of Members**

- (1) If the Committee is of the opinion, after due consideration of a complaint or otherwise, that a Member -
  - (a) has persistently refused or neglected to comply with a provision of these rules; or
  - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the Club; the Committee may, by resolution -
    - (i) expel the Member from the Club; or
    - (ii) suspend the Member from the rights and privileges of membership of the Club that the Committee may decide for a specified period.
- (2) If the Committee passes a resolution under subsection (1), the Secretary must, as soon as practicable, serve a written notice on the Member setting out -
  - (a) the resolution of the Committee and the grounds on which it is based; and
  - (b) the Member's right of appeal under section 10.
- (3) A resolution confirmed by the Committee under subsection (1) does not take effect -
  - (a) until the end of the period within which the Member is entitled to appeal against the resolution if the Member does not exercise the right of appeal within that period; or
  - (b) if within that period the Member exercises the right of appeal—unless and until the Club confirms the resolution in accordance with section 10 (4).

**10 Right of appeal of disciplined Member**

- (1) A Member may appeal to the Club in General Meeting against a resolution of the Committee that is confirmed under section 9 (1), within 7 days after notice of the resolution is served on the Member, by lodging with the Secretary a notice to that effect.
- (2) On receipt of a notice under subsection (1), the Secretary must notify the Committee which must call a General Meeting of the Club to be held within 21 days after the date when the Secretary received the notice or as soon as possible after that date.
- (3) Subject to the Act, section 50, at a General Meeting of the Club called under subsection (2) -
  - (a) the Committee and the Member must be given the opportunity to make representations in relation to the appeal orally or in writing; or both; and
  - (b) the Members present must vote by secret ballot on the question of whether the resolution made under section 9 (1) should be confirmed or revoked.
- (4) If a majority of the Members present at the meeting vote in favour of the confirmation of the resolution made under section 9 (1), that resolution is confirmed.

**COMMITTEE****11 Powers of Committee**

- (1) The business and affairs of the Club shall be under the management and control of the Committee provided, however, that except in the case of extreme urgency the Committee shall not take any action contrary to decisions made at a General Meeting.
- (2) The Committee may, subject to the decisions made at General Meetings, exercise all the powers of the Club and do all such acts and things as may be done by the Club or which it considers necessary or expedient to carry out the Objects of the Club.
- (3) The Club will not finance an activity, nor approve the use of the Club's name in association with an activity, unless the Committee has first been provided, in writing, with detailed information on -
  - (a) the proposed activity; and
  - (b) the proposed budget for the activity; and
  - (c) the income and other benefits that the Club might derive from the activity; and
  - (d) expenditure and other costs that the Club might incur in the financing of the activity; and
  - (e) any other commitment of Club resources or assets that might be incurred in supporting the activity.

**12 Composition and membership**

The Committee consists of -

- (a) the Executive of the Club
  - (i) the President; and
  - (ii) the Vice-President; and
  - (iii) the Treasurer; and
  - (iv) the Secretary; and
- (b) up to 7 Ordinary Committee Members, whose duties will be determined by the new Committee after each AGM:
  - (i) Meetings Coordinator; and
  - (ii) Membership Coordinator; and
  - (iii) Newsletter Coordinator and
  - (iv) Racing Coordinator; and
  - (v) Touring Coordinator; and
  - (vi) Training Coordinator; and
  - (vii) Webmaster.

**12A Public Officer**

- (1) The position of Public Officer shall be held by a Member of the Committee, elected by the Committee.
- (2) If the position of Public Officer becomes vacant, the Committee shall appoint, within 1 month after it becomes vacant, a new Public Officer.
- (3) A person is not eligible to be the Public Officer of an incorporated Club unless the person resides in the ACT and is at least 18 years of age.

**13 Election of Committee**

- (1) Nominations of candidates for election as Executive or as Ordinary Committee Members of the Club -
  - (a) may be made in writing, signed by 2 Members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
  - (b) must be given to the Secretary of the Club before or at the Annual General Meeting at which the election is to take place, or
  - (c) may be proposed and seconded by 2 Members of the Club with the consent of the candidate at the Annual General Meeting.
- (2) The election for each Executive and Ordinary Committee Member position listed above shall be by ballot of Members present and voting thereon, held at the Annual General Meeting. No ballot shall be required when the number of candidates nominated for each office does not exceed the number of vacancies; and the candidates shall be declared duly elected.
- (3) Each Member of the Committee holds office, subject to this Constitution, until the conclusion of the Annual General Meeting following the date of the Member's election.
- (4) If there is a vacancy in the membership of the Committee, the Committee may appoint a Member of the Club to fill the vacancy and the Member so appointed holds office, subject to these rules, until the conclusion of the next Annual General Meeting after the date of the appointment.
- (5) A person is not eligible to simultaneously hold more than 1 Executive position on the Committee.
- (6) A person may not occupy the office of President for more than 3 consecutive years.

**14 Duties of the Secretary**

The Secretary must -

- (a) receive nominations for positions on the Committee; and
  - (b) receive notices of business for inclusion in the agenda for Committee and General Meetings; and
  - (c) issue notices for meetings; and
  - (d) keep minutes of -
    - (i) all elections and appointments of Executive and Ordinary Committee Members; and
    - (ii) the names of Members of the Committee present at a Committee meeting or a General Meeting; and
    - (iii) all proceedings at Committee meetings and General Meetings; and
  - (e) ensure minutes of proceedings at a meeting are signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.
  - (f) attend to correspondence;
  - (g) maintain a register of By-laws of the Club
  - (h) keep in his or her custody or under his or her control all records, books; and other documents relating to the Club
  - (i) keep the Common Seal of the Club
-

- (j) make the records, books and other documents of the association open to inspection at a place in the ACT, free of charge, by a Member of the association at any reasonable hour.

#### **15 Duties of the Treasurer**

The Treasurer must -

- (a) collect and receive all monies payable to the Club; and give receipts therefore; and
- (b) pay all monies received on behalf of the Club into the Club's bank account; and
- (c) keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club; and
- (d) when requested to do so by the Committee or the Auditor, provide to the Auditor a list of all accounts, books and records of the Club; and allow their inspection by the Auditor; and
- (e) provide any other information required by the Auditor; and
- (f) present to the Annual General Meeting a balance sheet of the current assets and liabilities of the Club, certified to be correct by the Auditor, together with a written report; and
- (g) prepare the Annual Return required by the Act.

#### **15H Duties of the Public Officer**

The Public Officer shall -

- (a) notify the Registrar-General of her or his appointment and name and address within 1 month of such appointment; and
- (b) notify the Registrar-General within 1 month of any change of address; and
- (c) notify the Registrar-General within 1 month of any change of -
  - (i) Committee particulars, including occupant, address or vacancy; or
  - (ii) the Objects or purposes of the Club; or
  - (iii) the Constitution of the Club; or
  - (iv) any trusts relating to the Club advise the Registrar-General in accordance with the procedures set out in the Act of such change; and
- (d) accept service of documents on behalf of the Club; and
- (e) give notice or make demand when requested by the Club.
- (l) lodge with the Registrar-General the Annual Return required by the Act.

#### **16 Vacation of Committee Position**

For the purposes of this Constitution a Committee position becomes vacant if the person holding that office -

- (a) dies; or
- (b) ceases to be a Member of the Club; or
- (c) resigns the position; or
- (d) is removed from the position under section 17 (Removal of Committee Members); or
- (e) becomes bankrupt or personally insolvent; or
- (f) suffers from mental or physical incapacity; or
- (g) is disqualified from office under the Act, section 63 (1); or
- (h) is subject to a disqualification order under the Act, section 63A; or
- (i) is absent without the consent of the Committee from all meetings of the Committee held during a period of 6 months; or
- (j) in the case of the Public Officer, ceases to reside in the Australian Capital Territory.

**16A Offences by Committee Members**

- (1) A Member of the Committee who knowingly fails to take all reasonable steps to ensure that the Club has complied or is complying with the Act or with a condition imposed on the Club under the Act commits an offence.
- (2) If a Member of the Committee changes his or her address the Member must, within 1 month after the change occurred, notify the Club of the change.

**17 Removal of Committee Members**

The Club in General Meeting may by resolution, subject to the Act, section 50, remove any Member of the Committee from the office of Member of the Committee before the end of the Member's term of office.

**18 Committee Meetings and Quorum**

- (1) The Committee must meet at least 3 times in each calendar year at the place and time that the Committee may decide.
- (2) Additional meetings of the Committee may be called by any 3 Members of the Committee.
- (3) A Member desiring to bring any business before a Committee Meeting may give written notice of that business to the Secretary who must include that business in the next notice calling a Committee Meeting given after receipt of the notice from the Member.
- (4) Email, SMS 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 before the time appointed for the holding of the meeting.
- (5) Notice of a meeting given under subsection (3) must specify the nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the Committee Members present at the meeting unanimously agree to treat as urgent business.
- (6) Any 4 Members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- (7) No business may be transacted by the Committee unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (8) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.
- (9) At meetings of the Committee -
  - (a) the President or, in the absence of the President, the Vice-President presides; or
  - (b) if the President and the Vice-President are absent one of the remaining Members of the Committee may be chosen by the Members present to preside.

**19 Delegation by Committee to Sub-Committee**

- (1) The Committee shall have the power to delegate any of its powers to a Sub-Committee to deal with any particular matter of matters and upon such terms as the Committee may think fit. The President shall be an exofficio Member of all Sub-Committees.
- (2) A Sub-Committee may meet and adjourn, in the absence of direction by the Committee, as it considers appropriate.

**20 Voting and decisions**

- (1) Questions arising at a meeting of the Committee or of any Sub-Committee appointed by the Committee are decided by a majority of the votes of Members 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 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.
- (3) All acts or decisions done or made by any meeting of the Committee or any Member thereof shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of such Member or all or any Members of the Committee, be as valid and effective as if they had all been properly appointed, unless it be proved that the appointment was made in fraud or bad faith.

**GENERAL MEETINGS****21 Special Resolutions**

- (1) Changes to the following require a Special Resolution of the Club
  - (a) Name; or
  - (b) Objects; or
  - (c) Constitution; or
  - (d) By-laws; or
  - (e) winding-up or dissolution; or
  - (f) property on winding-up or dissolution
- (2) A resolution of the Club is taken to be a Special Resolution if -
  - (a) it is passed at a General Meeting of the Club being a meeting of which at least 21 days notice, accompanied by notice of intention to propose the resolution as a Special Resolution, has been given to the Members of the Club; and
  - (b) it is passed by at least three quarters of the votes of those Members of the Club who, being entitled to vote, vote in person at the meeting.
- (3) Changes to 21 (1) (a), (b) and (c) shall not be effective until filed with the Registrar-General according to the requirements of the Act.

**21A Annual General Meetings—holding of**

The Club must, at least once in each calendar year and within 5 months after the end of each Financial Year of the Club call an Annual General Meeting of its Members.

**22 Annual General Meetings—calling of and business at**

- (1) The Annual General Meeting of Members shall be held in September in each year and Members shall be given notice in writing at least 14 days before such meeting.
- (2) In addition to any other business that may be transacted at an Annual General Meeting, the business of an Annual General Meeting is—
  - (a) to confirm the minutes of the last Annual General Meeting and of any General Meeting held since that meeting; and
  - (b) to receive from the Committee reports on the activities of the Club during the last Financial Year; and
  - (c) to elect Members of the Committee, including the Executive; and
  - (d) to receive and consider the statement of accounts and the reports that are required to be submitted to Members under the Act.
- (3) An Annual General Meeting must be specified as such in the notice calling it
- (4) An Annual General Meeting must be conducted in accordance with the provisions of this part.

**23 General Meetings—calling of**

- (1) The Committee may, whenever it considers appropriate, call a General Meeting of the Club.
- (2) The Committee must, on the requisition in writing of 6 Members, call a General Meeting of the Club
- (3) A requisition of Members for a 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 1 or more of the Members making the requisition.
- (4) If the Committee fails to call a General Meeting within 1 month after the date when a requisition of Members for the meeting is lodged with the Secretary, any 1 or more of the Members who made the requisition may call a General Meeting to be held not later than 3 months after that date.
- (5) A General Meeting called by a Member or Members mentioned in subsection (4) must be called as nearly as is practicable in the same way as General Meetings are called by the Committee and any Member who thereby incurs expense is entitled to be reimbursed by the Club for any reasonable expense so incurred.

**24 Notice**

- (1) Except if the nature of the business proposed to be dealt with at a General Meeting requires a Special Resolution of the Club, the Secretary must, at least 14 days before the date fixed for the holding of the General Meeting, serve a notice on 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 Club, the Secretary must, at least 21 days before the date fixed for the holding of the General Meeting, serve a notice on each Member specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a Special Resolution.
- (3) No business other than that specified in the notice calling a General Meeting may be transacted at the meeting except, for an Annual General Meeting, business that may be transacted under section 22 (2).
- (4) A Member desiring to bring any business before a General Meeting may give written notice 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.

**25 General meetings—procedure and quorum**

- (1) No item of business may be transacted at a General Meeting unless a quorum of Members entitled under these rules to vote is present during the time the meeting is considering that item.
  - (2) 15 Members present in person (who are entitled under these rules to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.
  - (3) If within 30 minutes after the appointed time for the start of a General Meeting a quorum is not present, the meeting -
    - (a) if an Annual General meeting, the Members present (being not less than 3) constitute a quorum; and
    - (b) if called on the requisition of Members is dissolved; and
    - (c) in any other case stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of 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 30 minutes after the time appointed for the start of the meeting, the Members present (being not less than 3) constitute a quorum.

**26 Presiding Member**

- (1) The President: or in the absence of the President, the Vice-President, presides at each General Meeting of the Club.
- (2) The Secretary presides over the election of President at an Annual General Meeting
- (3) If the President and the Vice-President are absent from a General Meeting, the Members present must elect 1 of their number to preside at the meeting.
- (4) At all Meetings the decision of the Member presiding on points of order shall be final.

**27 Adjournment**

- (1) The Member presiding at 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 may 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 email or written notice of the adjourned meeting to each Member of the Club 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 subsections (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.

**28 Making of decisions**

- (1) A question arising at a General Meeting of the Club is to be decided 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 Member presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost: or an entry to that effect in the minute book of the Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a General Meeting of the Club, a poll may be demanded by the Member presiding or by not less than 3 Members present in person at the meeting.
- (3) If the poll is demanded at a General Meeting, the poll must be taken -
  - (a) immediately if the poll relates to the election of the Member to preside at the meeting or to the question of an adjournment; or
  - (b) in any other case—in the way and at the time before the close of the meeting that the Member presiding directs; and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

**29 Voting**

- (1) Except for Special Resolutions, resolutions shall be passed by the Club; and persons shall be elected to office, by the consent of a simple majority of persons present at the Meeting and entitled to vote.
- (2) Subject to subsection (3), on any question arising at a General Meeting of the Club a Member has 1 vote only.
- (3) All votes must be given personally.
- (4) If the votes on a question at a General Meeting are equal, the Member presiding is entitled to exercise a second or casting vote.
- (5) A Member is not entitled to vote at any General Meeting of the Club unless all money due and payable by the Member to the Club has been paid.

**30 Appointment of proxies**

Only Members present in person shall be entitled to vote.

**30A Social Meetings**

- (1) A Social Meeting may be called at any time by the President or the Secretary. A Social Meeting shall not make substantive decisions concerning the Club.
- (2) A quorum shall not be required for a Social Meeting.

**FINANCE****31 Financial Year**

The financial year shall be from 1 May to 30 April.

**32 Funds—source**

- (1) The funds of the Club must be derived from entrance fees and annual subscriptions of Members, donations and, subject to any resolution passed by the Club in General Meeting and subject to the Act, section 114, any other sources that the Committee decides.
- (2) All monies of the Club shall be paid into the account of the Club at such bank as the Committee may from time to time direct.
- (3) The Club must, as soon as practicable after receiving any money, issue an appropriate receipt.

**32 Funds—management**

- (1) The income of the Club shall be applied solely towards the Objects and purposes of the Club.
- (2) All monies drawn from the Club's accounts shall be drawn by cheque signed by at least two of the bank signatories authorised by the Committee. No cheque shall be signed or money withdrawn unless such transaction has been approved by the Committee or, in the case of urgency, by the President and the Secretary.
- (3) The Treasurer shall not pay any claim for reimbursement where the claim is first made more than 12 months from the date of the expenditure or entitlement without the prior approval of the Committee.

**32A Accounting records**

The Club shall: retain its accounting records for at least 7 years after the transactions to which they relate were completed.

**32B Annual returns**

The Club shall, within the period of 6 months beginning at the end of each financial year of the Club lodge with the Registrar-General -

- (a) a statement of particulars relating to the Club in the form approved under section 126 (Approved forms) for this section; and
- (b) an audited statement of the Club's accounts; and
- (c) a copy of the auditor's report in relation to those accounts; and
- (d) any prescribed documents; and
- (e) a statement by 2 Members of the Committee of the Club certifying whether the provisions of this Act that apply to the Club in relation to that year in relation to—
  - (i) the preparation of the annual statement of the Club's accounts; and
  - (ii) the auditing of the accounts and the presentation of the audited statement of accounts at the Annual General Meeting of the Club;

**33 NOT USED See 1**

---

**34 Common seal**

- (1) The Common Seal of the Club shall be in the form of a rubber stamp inscribed with the name of the Club encircling the words Seal.
- (2) The Common Seal of the Club shall not be affixed to any instrument except by authority of the Committee and the affixing thereof shall be attested by the signatures of two Members of the Committee, one of whom must be an Executive member; and that attestation is sufficient for all purposes that the Common Seal was affixed by authority of the Committee.
- (3) The Common Seal shall be kept in the custody of the Secretary

**34A Trustees**

Unless otherwise determined the Members of the Committee of the Club for the time being shall be deemed to be the Trustees of the Club, to hold any property real and personal belong to the Club.

**AUDIT****34B Auditor**

- (1) The Committee shall appoint within one month after each Annual General Meeting a person to be the Auditor of the Club's financial affairs.
- (2) The Committee shall not appoint as auditor a person who is the Public Officer or a Member of the Club.
- (3) If at any time the position becomes vacant, the Committee shall within one month appoint another person to be the Club's Auditor.

**34C Duties of the Auditor**

The Auditor shall -

- (a) examine, at least once in each financial year, the financial records of the Club;
- (b) certify the correctness of the accounts of the Club; and provide a written report to the Annual General Meeting;
- (c) state, in her or his report and in certifying the accounts -
  - (i) whether he or she has obtained the information sought by her or him;
  - (ii) whether, in her or his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Club according to the information at her or his disposal and the explanation given to her or him and as shown by the books of the Club;
  - (iii) whether the rules relating to the administration of the funds of the Club have been observed.

**BOOKS AND DOCUMENTS****35 Custody of books and documents**

Subject to the Act, the Regulation and these rules, the Secretary must keep in his or her custody or under his or her control all records, books; and other documents relating to the Club.

**35A Register of Members**

- (1) The Club must keep and maintain a register of its Members; and must enter any prescribed particulars in the register.
- (2) For the Act, section 67 (1), the following particulars are prescribed for inclusion in the register of Members -
  - (a) the name of the incorporated Club; and
  - (b) the name and address of each Member of the Club; and

- (c) the date each Member became a Member of the Club; and
- (d) the date (if any) each Member ceased to be a Member of the Club.

**36 Inspection of books and documents**

The records, books and other documents of the Club must be open to inspection, free of charge, by a Member of the Club at any reasonable hour.

- (a) at the address of the Secretary of the Club or at another place in the ACT nominated by the Committee; and
- (b) in each annual return, publish the place where the register is available for inspection.

**36A Copies of documents for members**

On the request of a Member of an incorporated Club, the Club must give the Member

- (a) a copy of a current statement of the objects of the Club or
- (b) a copy of the Constitution and By-laws of the Club currently in force; or
- (c) a copy of the deeds of any trust relevant to the Club.

**37 NOT USED****WINDING -UP AND DISSOLUTION****38 Winding Up and Dissolution**

- (1) The property assets and income of the Club, wherever derived, shall be applied towards the promotion of the Objects of the Club; and no portion thereof shall be paid or transferred either directly or indirectly by way of dividend, bonus or otherwise by way of profit to Members general of the Club. Provided that nothing herein contained shall prevent in good faith of remuneration to any officers or servants of the Club or any Member in return for services actually rendered, nor prevent the payment of interest on money borrowed from any Member of the Club. Should the Club for any reason cease to function, any Member or person holding any Club monies or property shall forthwith pay the same to the Committee.
- (2) The Club shall not be dissolved unless so determined by a Special Resolution of the Club.
- (3) On the dissolution of the Club, any assets remaining after payment of all debts and liabilities shall be disposed of only to another body or other bodies in Australia engaged in promoting objects similar to the Objects of the Club, in accordance with a Special Resolution of the Club.