

**Rules of**  
**The West Australian Croquet Association**  
**Incorporated**  
**(2022)**

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### EXPLANATORY NOTE

The information set out in this panel is for information purposes only and does not form part of the Rules.

- A. The name of the Association is ***The West Australian Croquet Association Incorporated***.
- B. The Association has registered the name Croquetwest.
- C. The objects of the Association are (see rule 2):
  - (a) the promotion and control of the games of association croquet, golf croquet and related mallet sports in Western Australia;
  - (b) to affiliate with and subscribe to the Australian Croquet Association (Inc) or any other body of a similar nature and if thought fit, to withdraw or retire from such association or body;
  - (c) to admit to membership any croquet club in accordance with these rules and by laws;
  - (d) to coordinate activities of members without restricting or controlling the activities of the members.
- D. One half of the members entitled to vote under these rules will constitute a quorum for the conduct of business at a general meeting.
- E. One half of the number of elected committee members plus one constitute a quorum for the conduct of the business of a committee meeting.
- F. The Association's financial year will be the period of 12 months commencing on 1 July and ending on 30 June of each year.

## PART 1 — PRELIMINARY

### 1. Terms used

In these rules, unless the contrary intention appears —

**Act** means the *Associations Incorporation Act 2015*;

**Association** means The West Australian Croquet Association Incorporated, being the incorporated association to which these rules apply;

**body corporate** means a company or other incorporated association or body of persons;

**books**, of the Association, includes the following —

- (a) a register;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

**by laws** means by laws made by the Association under rule 69;

**Commissioner** means the person for the time being designated as the Commissioner under section 153 of the Act;

**committee** means the management committee of the Association referred to in rule 28(1);

**committee meeting** means a meeting of the committee;

**committee member** means a member of the committee;

**delegate** or **deputy delegate** means a delegate or deputy delegate of a member appointed under rule 14(2);

**dispute officer** means a person appointed by the committee for the purposes of dealing with a dispute under Part 4 Division 3;

**electronic address** includes an email address;

**electronic communication** includes email;

**financial records** includes —

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain —
  - (i) the methods by which financial statements are prepared; and
  - (ii) adjustments to be made in preparing financial statements;

**financial report**, of a tier 2 association or a tier 3 association, has the meaning given in section 63 of the Act;

**financial statements** means the financial statements in relation to the Association required under Part 5 Division 3 of the Act;

**financial year**, of the Association, means the 12 month period commencing on 1 July and ending on 30 June in the following year;

**general meeting**, of the Association, means a meeting of the Association that all members are entitled to receive notice of and to attend, and includes an annual general meeting and a special general meeting;

**member** means an incorporated association or other body corporate who is a member of the Association;

**membership fees** means the entrance fee (if any) and the annual membership fee (if any) to be paid for membership of the Association;

**office holder** means an office holder of the Association under rule 28(2);

**ordinary committee member** means a committee member who is not an office holder;

**president** means the committee member holding office as the president of the Association;

**quorum** —

- (a) for a committee meeting, has the meaning set out in rule 47(1);
- (b) for a general meeting, has the meaning set out in rule 60(4);

**register of members** means the register of members referred to in section 53 of the Act;

**registered player** means a person who is registered member of a member;

**resolution by circulation** means a proposed resolution of the committee that is circulated under rule 50, whether or not it is passed as a decision of the committee in accordance with that rule;

**rules** means these rules of the Association, as in force for the time being, and includes any by laws;

**secretary** means the committee member holding office as the secretary of the Association;

**special general meeting** means a general meeting of the Association other than the annual general meeting;

**special resolution** means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

**standing committee** means a standing committee referred to in rule 52(1);

**standing committee meeting** means a meeting of a standing committee;

**standing committee member** means a member of a standing committee;

**subcommittee** means a subcommittee appointed by the committee under rule 54(1)(a) and includes a working party;

**tier 1 association** means an incorporated association to which section 64(1) of the Act applies;

**tier 2 association** means an incorporated association to which section 64(2) of the Act applies;

**tier 3 association** means an incorporated association to which section 64(3) of the Act applies;

**treasurer** means the committee member holding office as the treasurer of the Association.

## 2. Objects

The objects of the Association are—

- (a) the promotion and control of the games of association croquet, golf croquet and related mallet sports in Western Australia;
- (b) to affiliate with and subscribe to the Australian Croquet Association (Inc) or any other body of a similar nature and if thought fit, to withdraw or retire from such association or body;
- (c) to admit to membership any croquet club in accordance with these rules and by laws;
- (d) to coordinate activities of members without restricting or controlling the activities of the members.

## PART 2 — ASSOCIATION TO BE NOT FOR PROFIT BODY

### 3. Not-for-profit body

- (1) The property and income of the Association must be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.
- (2) A payment may be made to a member out of the funds of the Association only if it is authorised under subrule (3).
- (3) A payment to a member out of the funds of the Association is authorised if it is —
  - (a) the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or
  - (b) the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
  - (c) the payment of reasonable rent to the member for premises leased by the member to the Association; or
  - (d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.
- (4) Nothing in this rule prevents a payment of the type referred to in subrule (3), to a registered player or any other person.

## **PART 3 — MEMBERS**

### **Division 1 — Membership**

#### **4. Eligibility for membership**

Any Western Australian croquet or other club which —

- (a) supports the objects or purposes of the Association; and
- (b) is an incorporated association or other body corporate; and
- (c) has 6 or more members or shareholders who are registered players,

is eligible to apply to become a member.

#### **5. Applying for membership**

- (1) A club which wants to become a member must apply in writing to the Association.
- (2) The application must be signed by the secretary of the applicant and must include —
  - (a) evidence that it satisfies the eligibility requirements for membership under rule 4;
  - (b) a copy of its rules or constitution and any by laws;
  - (c) the address for serving notices on the applicant;
  - (d) the name, postal address or electronic address and telephone numbers of the office holders of the applicant;
  - (e) the name, postal address or electronic address, and postcode, of each registered player of the applicant; and
  - (f) such other information as may be required by the committee.

#### **6. Dealing with membership applications**

- (1) The committee must consider each application for membership of the Association and decide whether to accept or reject the application.
- (2) Subject to subrule (3), the committee must consider applications in the order in which they are received by the Association.
- (3) The committee may delay its consideration of an application if the committee considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
- (4) The committee must not accept an application unless the applicant —
  - (a) is eligible under rule 4; and
  - (b) has applied under rule 5.
- (5) The committee may reject an application even if the applicant —
  - (a) is eligible under rule 4; and
  - (b) has applied under rule 5.
- (6) The committee must notify the applicant of the committee's decision to accept or reject the application as soon as practicable after making the decision.
- (7) If the committee rejects the application, the committee is not required to give the applicant its reasons for doing so.



## 7. Becoming a member

An applicant for membership of the Association becomes a member when —

- (a) the committee accepts the application; and
- (b) the applicant pays any membership fees payable to the Association under rule 11.

## 8. Classes of membership

- (1) The Association consists of one class of membership only, being ordinary members.
- (2) A member has full voting rights and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the committee.

## 9. When membership ceases

- (1) A member ceases to be a member when any of the following takes place —
  - (a) the incorporated association or body corporate that is the member is wound up;
  - (b) the member ceases to be an incorporated association or other body corporate;
  - (c) the member ceases to have 6 or more members or shareholders who are registered players, for a period of at least 12 months;
  - (d) the member resigns from the Association under rule 10;
  - (e) the member is expelled from the Association under rule 17;
  - (f) the member ceases to be a member under rule 11(3).
- (2) The secretary must keep a record, for at least one year after a member ceases to be a member, of —
  - (a) the date on which the member ceased to be a member; and
  - (b) the reason why the member ceased to be a member.
- (3) The rights of a member are not transferable and end when membership ceases.

## 10. Resignation

- (1) A member may resign from membership of the Association by giving written notice of the resignation to the secretary.
- (2) The resignation takes effect —
  - (a) when the secretary receives the notice; or
  - (b) if a later time is stated in the notice, at that later time.
- (3) A member who has resigned from membership of the Association remains liable for any membership fees or other amount that are owed to the Association (the **owed amount**) at the time of resignation.
- (4) The owed amount may be recovered by the Association in a court of competent jurisdiction as a debt due to the Association.

## Division 2 — Membership fees

## 11. Membership fees

- (1) The committee must determine the entrance fee (if any) and the annual membership fee (if any) to be paid for membership of the Association.
- (2) A member must —
  - (a) pay the annual membership fee; and
  - (b) if the membership fees are based on the number of registered players of the member, a summary showing the calculation of fees submitted,to the treasurer, or another person authorised by the committee to accept payments, within 3 months after the date of the annual general meeting (the **due date**).
- (3) If a member has not paid the annual membership fee within the period of 3 months after the due date, the member ceases to be a member on the expiry of that period.
- (4) If a member who has ceased to be a member under subrule (3) offers to pay the annual membership fee after the period referred to in that subrule has expired —
  - (a) the committee may, at its discretion, accept that payment; and
  - (b) if the payment is accepted, the member's membership is reinstated from the date the payment is accepted.
- (5) If —
  - (a) the membership fees are based on the number of registered players of the member; and
  - (b) a person becomes a registered player of the member after the annual membership fee was paid under subrule (2),

the member must pay an additional amount of membership fee, calculated by reference to that registered player, as determined by the committee which may be proportionate for the remainder of the financial year.

### Division 3 — Register of members

## 12. Register of members

- (1) The secretary, or another person authorised by the committee, is responsible for the requirements imposed on the Association under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the Association.
- (2) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the date on which each member becomes a member.
- (3) The register of members must be kept in the form and at the place determined by the committee.
- (4) A member who wishes to inspect the register of members must contact the secretary to make the necessary arrangements.
- (5) If —
  - (a) a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or
  - (b) a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,

the committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Association.

## **Division 4 — Membership rights and duties**

### **13. Member's rights**

In addition to the rights referred to in rule 8(2), a member has the following rights and privileges —

- (a) to receive information on all croquet or other mallet sports tournaments so registered players may participate in those tournaments, including information on tournaments across Australia;
- (b) to be part of a network of coaching organised by the coaching committee;
- (c) to receive information and assistance from the referee committee;
- (d) to access information and expert knowledge from the match committee on the conduct of tournaments and competitions;
- (e) to apply to conduct croquet or other mallet sports tournaments which meet the Association's requirements for the conduct of such tournaments;
- (f) to have its registered players recognised as being eligible to play, and to play, at clubs and tournaments anywhere in Australia, including any tournament conducted by the Association;
- (g) to have its registered players included in the State handicapping system;
- (h) to receive legal guidance through the WA Sports Federation of which the Association is a member;
- (i) to be eligible to apply for any grant, subsidy or payment from the Association or the Australian Croquet Association (Inc);
- (j) to have its registered players receive invitations to, and concessions for, entertainment or social activities arranged by the Association;
- (k) to have the Association pay the affiliation fee for the member's registered players to the Australian Croquet Association (Inc);
- (l) to have the Association arrange for the member's registered players to be covered by suitable volunteer's insurance, or ensure they are covered through suitable volunteer's insurance taken out by the Australian Croquet Association (Inc).

### **14. How rights are exercised**

- (1) Subject to rule 62(2), the rights of a member may be exercised in —
  - (a) writing by a notice signed by the secretary of the member, given to the secretary; or
  - (b) person or in writing by a delegate of the member, or if the delegate is absent unable or unwilling to act, by a deputy delegate of the member.
- (2) A member may appoint a delegate and a deputy delegate by notice in writing signed by the secretary of the member, given to the secretary.
- (3) The delegate or deputy delegate of a member need not be a registered player, member or shareholder of the member which the person is representing, but must be a registered player of a member.
- (4) The appointment of the delegate and deputy delegate continues until the Association is notified otherwise by notice in writing signed by the secretary of the member, given to the secretary.
- (5) A person may be appointed as a delegate or deputy delegate by more than one member.

### **15. Member's duties**

- (1) A member must provide to the secretary, within 3 months after the date of the annual general meeting of the Association in each year, details of —
  - (a) the name, postal address or electronic address and telephone numbers of the office holders of the member;
  - (b) the name, postal address or electronic address, and postcode, of each registered player of the member, noting new players, players previously registered at another member (if known) and persons who are no longer registered players of the member.
- (2) A member must provide to the secretary details of any new or change to any of the following information, within 14 days of the change occurring —
  - (a) the address for serving notices on the member;
  - (b) the name, postal address or electronic address and telephone numbers of the office holders of the member;
  - (c) the name, postal address or electronic address, postcode of each person who becomes a registered player of the member after the notice was given under subrule (1), and the date on which the person became a registered player of the member.
- (3) A member must notify the secretary when the club no longer satisfies the eligibility requirements for membership under rule 4, within 14 days of the first day on which it no longer satisfies the eligibility requirements.
- (4) A member must provide to the secretary, on request and at no cost to the Association, a copy of the member's current rules or constitution and any by laws.
- (5) A member must keep a copy of these rules and any by laws available for inspection by registered players of the member, who are deemed to have notice of these rules and any by laws.
- (6) For the purposes of these rules, a person may be a registered player of only one member, but may be a member or shareholder of more than one member.

## PART 4 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION

### Division 1 — Term used

#### 16. Term used: member

In this Part —

- i) **member**, in relation to a member who is expelled from the Association, includes a former member,
- ii) *in this part member includes registered players who are members of a member.*
- iii) *Nothing in this part prevents any party to a dispute or grievance procedure from having a matter addressed in accordance with ACA Member Protection or National Integrity Framework policies as adopted by WACA from time to time.*
- iv) *WACA will appoint accredited member Information Protections Officers (MPIO'S) qualified to advise members on available options arising from the Rules and adopted policies relevant to this part. These persons will also be available to act as Complaint Management Officers (CMO'S) or Dispute Officers as described in the Rules and various adopted policies".*

### Division 2 — Disciplinary action

#### 17. Suspension or expulsion

- (1) The committee may decide to suspend a member's membership or to expel a member from the Association if —
  - (a) the member contravenes any of these rules; or
  - (b) the member acts detrimentally to the interests of the Association.
- (2) The secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the committee meeting at which the proposal is to be considered by the committee.
- (3) The notice given to the member must state —
  - (a) when and where the committee meeting is to be held; and
  - (b) the grounds on which the proposed suspension or expulsion is based; and
  - (c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion.
- (4) At the committee meeting, the committee must —
  - (a) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
  - (b) give due consideration to any submissions so made; and
  - (c) decide —
    - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
    - (ii) whether or not to expel the member from the Association.

- (5) A decision of the committee to suspend the member's membership or to expel the member from the Association takes immediate effect.
- (6) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- (7) A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving notice of the committee's decision under subrule (6), give written notice to the secretary requesting the matter be referred to a special general meeting.
- (8) If notice is given under subrule (7), the secretary must convene a special general meeting within 28 days after notice is given by the member under that subrule.
- (9) If the secretary does not convene a special general meeting within that 28 day period, the member making the request may convene the special general meeting.
- (10) The Association must reimburse any reasonable expenses incurred by the member convening a special general meeting under subrule (9).
- (11) At the special general meeting, the member, or the member's representative, must be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the meeting about the committee's decision to suspend the member's membership or to expel the member.
- (12) The decision of the special general meeting will be final.

## 18. Consequences of suspension

- (1) During the period a member's membership is suspended, the member —
  - (a) loses any rights (including voting rights) arising as a result of membership except for its right to appeal to a special general meeting under rule 17; and
  - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association.
- (2) When a member's membership is suspended, the secretary must record in the register of members —
  - (a) that the member's membership is suspended; and
  - (b) the date on which the suspension takes effect; and
  - (c) the period of the suspension.
- (3) When the period of the suspension ends, the secretary must record in the register of members that the member's membership is no longer suspended.

## Division 3 — Resolving disputes

## 19. Terms used

In this Division —

**convenor** means the dispute officer or committee (as the case may be) who is responsible for convening a dispute meeting under rule 23 and determining a dispute under rule 24;

**dispute** means a complaint, dispute or issue, other than one to which Part 4 Division 2 or rule 53(11) applies;

**grievance procedure** means the procedures set out in this Division;

**party to a dispute** includes a person —

- (a) who is a party to the dispute; and
- (b) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

## 20. Application of Division

The procedure set out in this Division (the grievance procedure) applies to disputes between —

- (a) members; or
- (b) one or more members and the Association.

## 21. Parties to attempt to resolve dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

## 22. Grievance procedure

(1) A dispute may be dealt with by referral to —

- (a) a dispute officer, if there is one and if any of the cases in subrule (2) apply; or
- (b) a committee meeting in any other case, including if agreement cannot be reached by the relevant members on which dispute officer is to deal with the dispute.

(2) The dispute may be dealt with by a dispute officer if the dispute is between —

- (a) two or more members, and they agree that it will be dealt with by a dispute officer and they agree which dispute officer is to deal with the dispute, within 14 days of notice having been given under rule 23(1) below;
- (b) the Association and a member, and the member elects that the dispute will be dealt with by a dispute officer and nominates which dispute officer is to deal with the dispute in the notice given under rule 23(1) below;
- (c) the Association and more than one member, and the members to the dispute agree that it will be dealt with by a dispute officer and they agree which dispute officer is to deal with the dispute, within 14 days of notice having been given under rule 23(1) below.

## 23. How grievance procedure is started

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 21, any party to the dispute (the **notifying member**) may start the grievance procedure by giving written notice to the other party (or parties) to the dispute, and the secretary if the Association is not a party to the dispute, of —

- (a) the parties to the dispute; and
- (b) the matters that are the subject of the dispute; and
- (c) any election that the dispute is to be dealt with by a dispute officer and nomination of the dispute officer who is to deal with it, that may be made under rule 22(2).

- (2) If a dispute is to be dealt with by a dispute officer in a case to which rule 22(2)(b) applies, the notifying member is to notify the dispute officer of its nomination within 7 days of giving the notice under subrule (1).
- (3) If a dispute is to be dealt with by a dispute officer in a case to which rule 22(2)(a) or (c) applies, the other party (or parties) to the dispute is or are to notify the notifying member whether or not they agree the dispute officer nominated by the notifying member is to deal with the dispute, within 14 days of being notified under subrule (1).
- (4) If the other party, or at least one of the other parties, to the dispute does or do not give notice under subrule (3), the parties to the dispute are deemed not to have reached agreement on which dispute officer is to deal with the dispute, and the grievance procedure in rule 22(1)(b) applies.
- (5) If the parties to the dispute agree under subrule (3) on which dispute officer is to deal with the dispute within 14 days of being notified under subrule (1), the dispute officer is to be notified of their nomination by the members who agree on their nomination, within 7 days of agreement being reached.
- (6) The dispute officer is to convene a meeting to consider and determine the dispute, within 28 days of being notified under subrule (2) or (5), as the case may be, unless rule 25 applies.
- (7) The secretary is to convene a committee meeting to consider and determine the dispute, within 28 days after —
  - (a) the expiry of the 14 day period referred to in rule 22(2)(a) or (c), if the members fail to agree on which dispute officer is to deal with the dispute; or
  - (b) the secretary is given notice under subrule (1), and rule 22(2)(b) does not apply.
- (8) The dispute officer or secretary (as the case may be) must give each party to the dispute written notice of the dispute officer meeting or committee meeting (as the case may be, the **dispute meeting**) at which the dispute is to be considered and determined at least 7 days before the dispute meeting is held.
- (9) The notice given to each party to the dispute must state —
  - (a) when and where the dispute meeting is to be held; and
  - (b) that the party, or the party's representative, may attend the dispute meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the dispute officer or committee about the dispute.
- (10) If —
  - (a) the dispute is between one or more members and the Association; and
  - (b) any party to the dispute gives written notice to the secretary and any other party to the dispute stating that the party does not agree to the dispute being determined by the committee,

the committee must not determine the dispute.

## 24. Determination of dispute by convenor

- (1) At the dispute meeting at which a dispute is to be considered and determined, the convenor must —
  - (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the convenor about the dispute; and
  - (b) give due consideration to any submissions so made; and



- (c) determine the dispute.
- (2) The convenor must give each party to the dispute written notice of the convenor's determination, and the reasons for the determination, within 7 days after the dispute meeting at which the determination is made.

## **25. Alternative procedure**

- (1) If the dispute is to be dealt with by a dispute officer and the parties to the dispute so agree, the dispute officer need not deal with the dispute in the manner set out in rules 23 and 24 but may deal with it in such other way as the dispute officer considers appropriate, subject to subrules (2) and (3).
- (2) The dispute officer must —
  - (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the dispute officer about the dispute; and
  - (b) give due consideration to any submissions so made; and
  - (c) determine the dispute.
- (3) The dispute officer must give each party to the dispute written notice of the dispute officer's determination, and the reasons for the determination, within 7 days after making the determination.

## **26. Special general meeting**

- (1) A party to the dispute may, within 14 days after receiving notice of the convenor's determination under rule 24 or 25 or notice under rule 23(10)(b), give written notice to the secretary requesting the dispute be referred to a special general meeting.
- (2) If notice is given under subrule (1), the secretary must convene a special general meeting within 28 days after notice is given under that subrule.
- (3) If the secretary does not convene a special general meeting within that 28 day period, the member making the request may convene the special general meeting.
- (4) The Association must reimburse any reasonable expenses incurred by the member convening a special general meeting under subrule (3).
- (5) At the special general meeting, each party to the dispute, or its representative, must be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the meeting about the convenor's decision, and may affirm or vary the convenor's decision or substitute its own decision.
- (6) The decision of the special general meeting will be final.

## **PART 5 — COMMITTEE**

### **Division 1 — Powers of committee**

#### **27. Committee**

- (1) The committee members are the persons who, as the management committee of the Association, have the power to manage the affairs of the Association.
- (2) Subject to the Act, these rules, the by laws and any resolution passed at a general meeting, the committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Association.
- (3) The committee must take all reasonable steps to ensure that the Association complies with the Act, these rules and the by laws.

### **Division 2 — Composition of committee and duties of members**

#### **28. Committee members**

- (1) The committee members consist of —
  - (a) the office holders of the Association; and
  - (b) 4 ordinary committee members.
- (2) The following are the office holders of the Association —
  - (a) the president;
  - (b) the vice-president;
  - (c) the secretary;
  - (d) the treasurer.
- (3) A person may be a committee member if the person is —
  - (a) an individual who has reached 18 years of age; and
  - (b) a registered player of a member.
- (4) A person must not hold 2 or more of the offices mentioned in subrule (2) at the same time.
- (5) A person who is a delegate or deputy delegate of a member may also be a committee member.

#### **29. President**

- (1) The president has the following duties —
  - (a) promoting the objects of the Association, and to ensure the proper conduct of the Association's affairs, in accordance with these rules;
  - (b) monitoring the conduct of committee members to ensure each of them is carrying out their duties in a competent, efficient and professional manner;
  - (c) co-ordinating and monitoring the implementation of the Association's policies and guidelines;

- (d) representing the Association at meetings and functions including of the Australian Croquet Association (Inc), or when unable to do so delegating this duty to another committee member;
  - (e) consulting with the secretary regarding the business to be conducted at each committee meeting and general meeting;
  - (f) chairing all committee meetings and general meetings at which the president is present.
- (2) The president is an ex officio member of all standing committees, but is not entitled to vote at meetings of those committees in that capacity.
- (3) The president has the powers and duties relating to convening and presiding at committee meetings and presiding at general meetings provided for in these rules.

## 30. Vice-president

- (1) The vice-president has the following duties —
- (a) assisting the president in the performance of the president's duties;
  - (b) performing the president's duties if the president is unable to do so;
  - (c) being the primary committee member who liaises with standing committees;
  - (d) being responsible for implementing any strategic or operational plan adopted by the Association;
  - (e) carrying out any other duty given to the vice-president under these rules or by the committee.
- (2) The vice-president is an ex officio member of all standing committees, but is not entitled to vote at meetings of those committees in that capacity.

## 31. Secretary

- (1) The secretary has the following duties —
- (a) dealing with the Association's correspondence;
  - (b) consulting with the president regarding the business to be conducted at each committee meeting and general meeting;
  - (c) preparing and issuing the notices required for meetings and for the business to be conducted at meetings;
  - (d) unless another member is authorised by the committee to do so, maintaining on behalf of the Association the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Act;
  - (e) maintaining on behalf of the Association an up-to-date copy of these rules, as required under section 35(1) of the Act;
  - (f) unless another member is authorised by the committee to do so, maintaining on behalf of the Association a record of committee members and other persons authorised to act on behalf of the Association, as required under section 58(2) of the Act;
  - (g) unless another member is authorised by the committee to do so, maintaining on behalf of the Association a register of registered players and their postal or electronic address and postcode;
  - (h) unless another member is authorised by the committee to do so, maintaining on behalf of the Association an up-to-date copy of all policies, guidelines or handbook made or published by the Association;
  - (i) ensuring the safe custody of the books of the Association, other than the financial records, financial statements and financial reports, as applicable to the Association;
  - (j) maintaining full and accurate minutes of committee meetings and general meetings;
  - (k) carrying out any other duty given to the secretary under these rules or by the committee.

- (2) The secretary is an ex officio member of all Standing Committees, but is not entitled to vote at meetings of those committees in that capacity.

## **32. Treasurer**

The treasurer has the following duties —

- (a) preparing a financial plan for the Association, comprising an annual budget plan and a 5 year projected budget plan for approval by the committee and supervising the implementation of the approved financial plan;
- (b) tabling a statement of the Association's financial position at each committee meeting;
- (c) ensuring that any amounts payable to the Association are collected and issuing receipts for those amounts in the Association's name;
- (d) ensuring that any amounts paid to the Association are credited to the appropriate account of the Association, as directed by the committee;
- (e) ensuring that any payments to be made by the Association have been authorised in accordance with these rules and are made on time;
- (f) opening such bank accounts or other investment accounts as authorised by the committee;
- (g) ensuring that the Association complies with the relevant requirements of Part 5 of the Act;
- (h) ensuring the safe custody of the Association's financial records, financial statements and financial reports, as applicable to the Association;
- (i) if the Association is a tier 1 association, coordinating the preparation of the Association's financial statements before their submission to the Association's annual general meeting;
- (j) if the Association is a tier 2 association or tier 3 association, coordinating the preparation of the Association's financial report before its submission to the Association's annual general meeting;
- (k) ensuring the audit of the Association's financial statements or financial records is completed and available for presentation at the annual general meeting;
- (l) providing any assistance required by an auditor or reviewer conducting an audit or review of the Association's financial statements or financial report under Part 5 Division 5 of the Act;
- (m) carrying out any other duty given to the treasurer under these rules or by the committee.

## **Division 3 — Election of committee members and tenure of office**

## **33. How members become committee members**

A person becomes a committee member if the person —

- (a) is elected to the committee at a general meeting; or
- (b) is appointed to the committee by the committee to fill a casual vacancy under rule 40.

## **34. Returning officer and scrutineers**

- (1) Prior to giving notice under rule 35(1), the committee must appoint a returning officer to conduct, and 2 scrutineers to oversee, the conduct of the election of committee members for the next year.
- (2) None of the returning officer and scrutineers may be a current committee member nor a candidate for election as a committee member for the next year.

## **35. Nomination of committee members**

- (1) At least 8 weeks before the proposed date of an annual general meeting, the secretary must give written notice to all the members —
  - (a) calling for nominations for election to the committee; and
  - (b) stating the date by which nominations must be received by the secretary to comply with subrule (2).
- (2) A member may nominate a person for election to the committee at the annual general meeting by giving written notice of the nomination to the secretary within 2 weeks of receiving the notice under subrule (1).
- (3) A person may be nominated for one specified position of office holder of the Association or to be an ordinary committee member.
- (4) A person whose nomination does not comply with this rule is not eligible for election to the committee unless the person is nominated under rule 36(3).
- (5) Within 2 weeks after the 2 week period for receiving nominations under subrule (2) has expired, the secretary and at least one other committee member will review the nominations and the secretary will notify the members which positions on the committee will be —
  - (a) filled at the annual general meeting because only one nomination has been received for that position, and who was nominated for the position; or
  - (b) placed on the ballot paper for voting at the annual general meeting because the nominations exceed the number of positions or no nominations have been received.
- (6) The notice given under subrule (5) must include —
  - (a) the list of candidates who have been nominated for each position under subrule (2);
  - (b) a ballot paper, which includes a profile of each candidate who is nominated for a position that will be voted on at the annual general meeting;
  - (c) details of which positions remain vacant because no or insufficient nominations have been received;
  - (d) the name and address of the returning officer appointed under rule 34, to whom ballot papers may be returned by a member prior to the annual general meeting.

## **36. Election of committee members**

- (1) At the annual general meeting, a separate election must be held for each position of committee member of the Association.
- (2) Elections for the following positions will be filled in —
  - (a) even numbered years – president, treasurer and 2 ordinary committee members; and
  - (b) odd numbered years – vice-president, secretary and the 2 other ordinary committee members.
- (3) If there is no nomination for a position or insufficient nominations for ordinary committee members, the chairperson of the meeting may call for nominations from the members at the meeting.
- (4) If only one person who is eligible has been nominated for a position under rule 35(2) or at the meeting, the chairperson of the meeting must declare the person elected to the position.
- (5) If more than one person who is eligible has been nominated for a position, a ballot will be held to decide who is to be elected to the position.
- (6) The ballot shall be conducted on a first-past-the-post basis for each position, and will comprise one vote for each member, which vote may be given in the following manner —

- (a) if the member has given its ballot paper to the returning officer before the commencement of the annual general meeting for that position, as indicated on the ballot paper so received; or
  - (b) otherwise, by vote cast on the ballot paper for that position by the member's delegate or deputy delegate, as the case may be, at the annual general meeting.
- (7) A person who has been nominated for a position may vote for himself or herself even if he or she is a delegate or deputy delegate of a member.

### **37. Term of office**

- (1) The term of office of a committee member is for 2 years and begins—
  - (a) immediately after the closure of the general meeting at which the person is elected under rule 36 or subrule 38(3)(b); or
  - (b) when the person is appointed to fill a casual vacancy under rule 40.
- (2) Subject to rule 39, a committee member holds office until the closure of the second annual general meeting occurring after the annual general meeting at which the committee member was elected.
- (3) A committee member may be re-elected, but no committee member may serve more than 3 consecutive terms in any one position.

### **38. Resignation and removal from office**

- (1) A committee member may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the president.
- (2) The resignation takes effect —
  - (a) when the notice is received by the secretary or president; or
  - (b) if a later time is stated in the notice, at the later time.
- (3) At a general meeting, the Association may by resolution —
  - (a) remove a committee member from office; and
  - (b) elect a person who is eligible under rule 28(3) to fill the vacant position.
- (4) A committee member who is the subject of a proposed resolution under subrule (3)(a) may make written representations (of a reasonable length) to the secretary or president and may ask that the representations be provided to the members.
- (5) The secretary or president may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.

### **39. When membership of committee ceases**

A person ceases to be a committee member if the person —

- (a) dies or otherwise ceases to be a registered player; or
- (b) resigns from the committee or is removed from office under rule 38; or
- (c) becomes ineligible to accept an appointment or act as a committee member under section 39 of the Act;
- (d) becomes permanently unable to act as a committee member because of a mental or physical disability; or

- (e) fails to attend 3 consecutive committee meetings, of which the person has been given notice, without having satisfied the committee that the person will be unable to attend for good reason.

## 40. Filling casual vacancies

- (1) The committee may appoint a person who is eligible under rule 28(3) to fill a position on the committee that —
  - (a) has become vacant under rule 38(1) or 39; or
  - (b) was not filled by election at the most recent annual general meeting or under rule 38(3)(b).
- (2) If the position of secretary becomes vacant, the committee must appoint a person who is eligible under rule 28(3) to fill the position within 14 days after the vacancy arises.
- (3) Subject to the requirement for a quorum under rule 47(1), the committee may continue to act despite any vacancy in its membership.
- (4) If there are fewer committee members than required for a quorum under rule 47(1), the committee may act only for the purpose of —
  - (a) appointing committee members under this rule; or
  - (b) convening a general meeting.

## 41. Validity of acts

The acts of a committee, standing committee or subcommittee, or of a committee member, standing committee member or member of a subcommittee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a committee member, standing committee member or member of a subcommittee.

## 42. Payments to committee members

- (1) In this rule —
  - committee member** includes a standing committee member or member of a subcommittee;
  - committee meeting** includes a standing committee meeting or meeting of a subcommittee.
- (2) A committee member is entitled to be paid out of the funds of the Association for any out-of-pocket expenses for travel and accommodation properly incurred —
  - (a) in attending a committee meeting; or
  - (b) in attending a general meeting; or
  - (c) otherwise in connection with the Association's business.

## Division 4 — Committee meetings

## 43. Committee meetings

- (1) The committee must meet at least 6 times in each year on the dates and at the times and places determined by the committee.

- (2) The date, time and place of the first committee meeting must be determined by the committee members as soon as practicable after the annual general meeting at which the committee members are elected.
- (3) Special committee meetings may be convened by the president, the secretary or any 2 committee members.
- (4) A member or a standing committee may request, by at least 7 days prior notice in writing to the secretary, that an issue specified in the notice be considered by the committee at its next committee meeting.

#### **44. Notice of committee meetings**

- (1) Notice of each committee meeting must be given in writing to each committee member at least 48 hours before the time of the meeting.
- (2) The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- (3) Unless subrule (4) applies, the only business that may be conducted at the meeting is the business described in the notice.
- (4) Urgent business that has not been described in the notice may be conducted at the meeting if the committee members at the meeting unanimously agree to treat that business as urgent.

#### **45. Procedure and order of business**

- (1) The president or, in the president's absence, the vice-president must preside as chairperson of each committee meeting.
- (2) If the president and vice-president are absent or are unwilling to act as chairperson of a meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) The procedure to be followed at a committee meeting must be determined from time to time by the committee.
- (4) The order of business at a committee meeting may be determined by the committee members at the meeting.
- (5) A registered player —
  - (a) or other person who is not a committee member may attend a committee meeting if invited to do so by the committee; or
  - (b) may be co-opted to serve on the committee but only for so long as is necessary.
- (6) A person invited under subrule (5)(a) to attend a committee meeting —
  - (a) has no right to any agenda, minutes or other document circulated at the meeting; and
  - (b) must not comment about any matter discussed at the meeting unless invited by the committee to do so; and
  - (c) cannot vote on any matter that is to be decided at the meeting.
- (7) A person co-opted to serve on a committee under subrule (5)(b) —
  - (a) has a right to any agenda, minutes or other document circulated at the meeting; and
  - (b) may comment about any matter discussed at the meeting; but
  - (c) cannot vote on any matter that is to be decided at the meeting.



## **46. Use of technology to be present at committee meetings**

- (1) The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A committee member who participates in a committee meeting as allowed under subrule (1) is taken to be present at the meeting and, if the committee member votes at the meeting, the committee member is taken to have voted in person.

## **47. Quorum for committee meetings**

- (1) The quorum for a committee meeting is one half of the number of elected committee members plus one.
- (2) Subject to rule 40(4), no business is to be conducted at a committee meeting unless a quorum is present.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting —
  - (a) in the case of a special meeting — the meeting lapses; or
  - (b) otherwise, the meeting is adjourned to the same time, day and place in the following week.
- (4) If —
  - (a) a quorum is not present within 30 minutes after the commencement time of a committee meeting held under subrule (3)(b); and
  - (b) at least 2 committee members are present at the meeting,

those committee members present are taken to constitute a quorum.

## **48. Voting at committee meetings**

- (1) Each committee member present at a committee meeting has one vote on any question arising at the meeting.
- (2) A motion is carried if a majority of the committee members present at the committee meeting vote in favour of the motion.
- (3) If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (4) A vote may take place by the committee members present indicating their agreement or disagreement or by a show of hands, unless the committee decides that a secret ballot is needed to determine a particular question.
- (5) If a secret ballot is needed, the chairperson of the meeting must decide how the ballot is to be conducted.

## **49. Minutes of committee meetings**

- (1) The committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes of a committee meeting must record the following —

- (a) the names of the committee members present at the meeting;
  - (b) the name of any person attending the meeting under rule 45(5);
  - (c) the business considered at the meeting;
  - (d) any motion on which a vote is taken at the meeting and the result of the vote.
- (3) The minutes of a committee meeting must be entered in the Association's minute book within 30 days after the meeting is held.
- (4) The president must ensure that the minutes of a committee meeting are reviewed and signed as correct by —
  - (a) the chairperson of the meeting; or
  - (b) the chairperson of the next committee meeting.
- (5) When the minutes of a committee meeting have been signed as correct they are, until the contrary is proved, evidence that —
  - (a) the meeting to which the minutes relate was duly convened and held; and
  - (b) the matters recorded as having taken place at the meeting took place as recorded; and
  - (c) any appointment purportedly made at the meeting was validly made.
- (6) Minutes of a committee meeting must be given, within 7 days of the meeting, to the committee members, the secretary of each member, the delegate of a member if the delegate is not a registered player of that member, and the secretary (or if there is none, the chairperson) of each standing committee.

## 50. Use of technology for making committee decisions

- (1) The committee may make a decision as if it were made at a committee meeting, if the following is satisfied —
  - (a) a proposed resolution is circulated by electronic communication to all committee members;
  - (b) if a committee member responds, it is circulated by the same means to all committee members;
  - (c) a quorum of the committee agrees to the proposed resolution by electronic communication, within 7 days of the proposed resolution being circulated; and
  - (d) no committee member has, within 7 days of the electronic communication being sent, dissented to the proposed resolution or requested that it be considered at a committee meeting duly convened under rules 43 and 44.
- (2) The provisions of the Act and these rules (other than rule 49) which apply to committee members and committee meetings apply, with any necessary modifications, to the making of a decision by the committee under subrule (1).

## 51. Minutes of committee decisions

- (1) The committee must ensure that minutes are taken and kept of each resolution by circulation.
- (2) The minutes of a resolution by circulation must record the following —
  - (a) the names of the committee members and each of their electronic addresses to which the proposed resolution was circulated;
  - (b) details of all responses received and to whom each of the responses were circulated;
  - (c) the outcome of the decision including whether there was, within 7 days of the proposed resolution being circulated —
    - (i) a quorum of committee members who voted in favour of the proposed resolution; and

- (ii) a committee member who dissented to the proposed resolution or requested that it be considered at a committee meeting duly convened under rules 43 and 44.
- (3) The minutes of a resolution by circulation must be entered in the Association's minute book within 30 days after the outcome of the resolution by circulation is determined under rule 50.
- (4) The president must ensure that the minutes of a resolution by circulation are reviewed and signed as correct by the chairperson of the next committee meeting.
- (5) When the minutes of a resolution by circulation have been signed as correct they are, until the contrary is proved, evidence that —
  - (a) the proposed resolution was duly circulated; and
  - (b) the matters recorded as having taken place pursuant to the resolution by circulation took place as recorded; and
  - (c) any decision or appointment purportedly made pursuant to the resolution by circulation at the meeting was validly made as a decision of the committee.
- (6) Minutes of a resolution by circulation must be given, within 7 days of the outcome of the resolution by circulation is determined under rule 50, to the committee members, the secretary of each member, the delegate of a member if the delegate is not a registered player of that member, and the secretary (or if there is none, the chairperson) of each standing committee.

## Division 5 — Standing committees, subcommittees and subsidiary offices

### 52. Standing committees

- (1) The Association has the following standing committees —
  - (a) match committee;
  - (b) refereeing committee;
  - (c) coaching committee;
  - (d) handicapping committee;
  - (e) selection committee; and
  - (f) such other standing committees as may be set out in the by laws.
- (2) The committee must —
  - (a) at the first committee meeting after the annual general meeting, or such other time set out in the by laws;
  - (b) appoint, in writing, the members of each standing committee.
- (3) A standing committee may consist of the number of people, who must be registered players, set out in the by laws or if none are specified, that the committee considers appropriate.
- (4) The quorum of a standing committee meeting is one half of the number of appointed standing committee members plus one.

### 53. Business of standing committees

- (1) A standing committee must undertake the duties that are set out in the by laws.
- (2) The chairperson of a standing committee or such other member of the standing committee nominated by the chairperson must attend a committee meeting or a general meeting for a

specific purpose, if so directed by the standing committee, the committee, the Association in general meeting or the president.

(3) A standing committee must —

- (a) provide a written report to the secretary for consideration at each committee meeting;
- (b) provide a written report of the standing committee for presentation at the annual general meeting;
- (c) ensure that the policies, guidelines or part of the handbook made or published by the Association which relate to the duties of the standing committee are kept current.

(4) The standing committee members must meet in person within 1 month of being appointed under rule 52(2)(b), and appoint one of them to be the chairperson of the standing committee.

(5) A standing committee may determine its own procedures for the conduct of its business, except —

- (a) as provided for in these rules, any by law or any direction given by the committee;
- (b) if at least 2 standing committee members request in writing that a meeting of the standing committee be convened in person.

(6) The secretary (or if there is none, the chairperson) of a standing committee must convene a meeting of the standing committee in person on at least 7 days notice in writing if a request is made under subrule (5)(b).

(7) A motion is carried if a majority of the standing committee members present at a standing committee meeting vote in favour of the motion.

(8) If the votes are divided equally on a question, the chairperson of the standing committee meeting has a second or casting vote.

(9) Rule 46 relating to the use of technology to be present at a committee meeting and rule 50 relating to the use of technology for making committee decisions apply to the conduct of standing committee meetings and business, as if a reference in those rules to

- (a) a committee were a reference to a standing committee;
- (b) a committee meeting were a reference to a standing committee meeting; and
- (c) a committee member were a reference to a standing committee member.

(10) When a standing committee meets or makes a resolution by circulation, the standing committee must ensure that minutes are taken and kept of each meeting or resolution by circulation, and a copy of the minutes is provided to the secretary.

(11) If a complaint, dispute or issue arises among standing committee members that they are not able to resolve among themselves, the matter may only be referred to the committee (and not a dispute officer) for resolution, by notice in writing to the secretary by any standing committee member.

(12) A standing committee member may not expend any funds of the Association or bind the Association under any contract, agreement or in any other way unless authorised to do so by the committee or by a general meeting.

## **54. Subcommittees and subsidiary offices**

(1) To help the committee in the conduct of the Association's business, the committee may, in writing, do any of the following —

- (a) appoint one or more subcommittees;
- (b) create one or more subsidiary offices and appoint people to those offices.

- (2) A subcommittee may consist of the number of people, the majority of whom must be registered players, that the committee considers appropriate.
- (3) A person, who is a registered player, may be appointed to a subsidiary office.
- (4) Subject to any directions given by the committee —
  - (a) a subcommittee may meet and conduct business as it considers appropriate; and
  - (b) the holder of a subsidiary office may carry out the functions given to the holder as the holder considers appropriate.

## 55. Delegation to standing committee, subcommittees and holders of subsidiary offices

- (1) In this rule —
 

**non-delegable duty** means a duty imposed on the committee by the Act or another written law.
- (2) The committee may, in writing, delegate to a standing committee, subcommittee or the holder of a subsidiary office the exercise of any power or the performance of any duty of the committee other than —
  - (a) the power to delegate; and
  - (b) a non-delegable duty.
- (3) A power or duty, the exercise or performance of which has been delegated to a standing committee, subcommittee or the holder of a subsidiary office under this rule, may be exercised or performed by the standing committee, subcommittee or holder in accordance with the terms of the delegation.
- (4) The delegation may be made subject to any conditions, qualifications, limitations or exceptions that the committee specifies in the document by which the delegation is made.
- (5) The delegation does not prevent the committee from exercising or performing at any time the power or duty delegated.
- (6) Any act or thing done by a standing committee, subcommittee or by the holder of a subsidiary office, under the delegation has the same force and effect as if it had been done by the committee.
- (7) The committee may, in writing, amend or revoke the delegation.

## PART 6 — GENERAL MEETINGS OF ASSOCIATION

### 56. Annual general meeting

- (1) The committee must determine the date, time and place of the annual general meeting, which must be within 3 months after the end of the Association's financial year.
- (2) If for any reason it is proposed to hold the annual general meeting more than 6 months after the end of the Association's financial year, the secretary must apply to the Commissioner for permission under section 50(3)(b) of the Act within 4 months after the end of the financial year.
- (3) The ordinary business of the annual general meeting is as follows —
  - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then if the minutes of that meeting have not yet been confirmed, and to consider any business arising under those minutes;
  - (b) to receive and consider —
    - (i) the committee's annual report on the Association's activities during the preceding financial year including written reports from each standing committee; and
    - (ii) if the Association is a tier 1 association, the financial statements of the Association for the preceding financial year presented under Part 5 of the Act; and
    - (iii) if the Association is a tier 2 association or a tier 3 association, the financial report of the Association for the preceding financial year presented under Part 5 of the Act;
    - (iv) a copy of the auditor's report on the financial statements or financial report of the Association for the immediately preceding financial year, whether or not a copy of the report of the review or auditor's report on the financial statements or financial report is required to be presented for consideration under Part 5 of the Act;
  - (c) to elect the office holders of the Association and other committee members due for election at that annual general meeting;
  - (d) to appoint the auditor of the Association for the current financial year, or if required under the Act to appoint or remove a reviewer or auditor of the Association in accordance with the Act;
  - (e) to confirm or vary the membership fees and other amounts (if any) to be paid by members.
- (4) The annual general meeting may conduct any other business —
  - (a) of which notice in writing was given by a member or the chairperson of any standing committee (with reasons) to the secretary at least 6 weeks prior to the date of the annual general meeting; or
  - (b) which the committee has authorised to be so conducted at a committee meeting prior to the notice of the annual general meeting being given; and

in either case which business is included in the notice of the annual general.

### 57. Special general meetings

- (1) A special general meeting may be convened by —
  - (a) a resolution of the committee;
  - (b) a request in writing signed by the chairpersons of at least 3 of the standing committees;

- (c) a decision of the annual general meeting; or
  - (d) direction of the president.
- (2) The committee must convene a special general meeting if at least 25% of the members require a special general meeting to be convened.
- (3) The members requiring a special general meeting to be convened under subrule (2) must —
  - (a) make the requirement by written notice given to the secretary; and
  - (b) state in the notice the business to be considered at the meeting (with reasons or rationale); and
  - (c) each sign the notice.
- (4) The special general meeting must be convened within 42 days after notice is received by the secretary under subrule (3)(a).
- (5) If the committee does not convene a special general meeting within that 42 day period, the members making the requirement (or any of them) may convene the special general meeting.
- (6) A special general meeting convened by members under subrule (5) —
  - (a) must be held within 4 months after the date the original requirement was made; and
  - (b) may only consider the business stated in the notice by which the requirement was made.
- (7) The Association must reimburse any reasonable expenses incurred by the members convening a special general meeting under subrule (5).

## **58. Notice of general meetings**

- (1) The secretary or, in the case of a special general meeting convened under rule 57(5), the members convening the meeting, must give to each member at least 28 days' notice of a general meeting.
- (2) The notice must —
  - (a) specify the date, time and place of the meeting; and
  - (b) indicate the general nature of each item of business to be considered at the meeting; and
  - (c) if the meeting is the annual general meeting, include the matters required to be included under rule 35(5) and (6); and
  - (d) if a special resolution is proposed —
    - (i) set out the wording of the proposed resolution as required by section 51(4) of the Act; and
    - (ii) state that the resolution is intended to be proposed as a special resolution.

## **59. Use of technology to be present at general meetings**

- (1) The presence of a member (through its delegate or deputy delegate) at a general meeting need not be by attendance in person but may be by that member (through its delegate or deputy delegate) and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A member who participates in a general meeting as allowed under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

## **60. Presiding member and quorum for general meetings**

- (1) The president or, in the president's absence, the vice-president must preside as chairperson of each general meeting.
- (2) If the president and vice-president are absent or are unwilling to act as chairperson of a general meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) No business is to be conducted at a general meeting unless a quorum is present.
- (4) The quorum for a general meeting is one half of the members who are entitled to vote.
- (5) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting, the meeting is adjourned to —
  - (a) the same time and day in the following week; and
  - (b) the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.
- (6) If —
  - (a) a quorum is not present within 30 minutes after the commencement time of a general meeting held under subrule (5); and
  - (b) at least 2 members are present at the meeting,those members present are taken to constitute a quorum.

## **61. Adjournment of general meeting**

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of a majority of the members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned —
  - (a) if there is insufficient time to deal with the business at hand; or
  - (b) to give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for more than 14 days, in which case notice of the meeting must be given in accordance with rule 58.

## **62. Voting at general meeting**

- (1) On any question arising at a general meeting each member has one vote. If a person has been appointed as a delegate or deputy delegate for more than one member under rule 14(5), the person has one vote for each member that the person is representing at the meeting as delegate or, if applicable at the relevant meeting, deputy delegate.
- (2) A member may vote —
  - (a) by return of a completed ballot paper to the returning officer, in the case of the election of committee members, as provided for in rule 35(6)(d); or



- (b) in person at the meeting, by the delegate or deputy delegate of the member.
- (3) Except in the case of a special resolution, a motion is carried if a majority of the members present at a general meeting vote in favour of the motion.
- (4) If votes are divided equally on a question, the chairperson of the meeting does not have a second or casting vote, and so the motion is lost.
- (5) If the question is whether or not to confirm the minutes of a previous general meeting, only members who were present at that meeting may vote.
- (6) For a person to be eligible to vote at a general meeting as a member, the member must have —
  - (a) been a member at the time notice of the meeting was given under rule 58; and
  - (b) paid any membership fees or other amount payable to the Association by the member.
- (7) Committee members and the chairperson of, or other person representing, each standing committee may attend a general meeting, but none of them —
  - (a) has a right to any agenda, minutes or other document circulated at the meeting; and
  - (b) may comment about any matter discussed at the meeting unless invited by the chairperson of the meeting to do so; and
  - (c) has a vote on any matter that is to be decided at the meeting,
 unless the person is also a delegate or deputy delegate of a member.
- (8) A registered player may attend a general meeting and at the invitation of the chairperson of the meeting may raise questions on reports or matters of general business, but the player does not have —
  - (a) a right to any agenda, minutes or other document circulated at the meeting; and
  - (b) a vote on any matter that is to be decided at the meeting,
 unless the player is also a delegate or deputy delegate of a member.

## 63. When special resolutions are required

- (1) A special resolution is required if it is proposed at a general meeting —
  - (a) to affiliate the Association with another body; or
  - (b) to request the Commissioner to apply to the State Administrative Tribunal under section 109 of the Act for the appointment of a statutory manager.
- (2) Subrule (1) does not limit the matters in relation to which a special resolution may be proposed.

## 64. Determining whether resolution carried

- (1) In this rule —
 

**poll** means the process of voting in relation to a matter that is conducted in writing.
- (2) Subject to subrule (4), the chairperson of a general meeting may, on the basis of general agreement or disagreement or by a show of hands, declare that a resolution has been —
  - (a) carried; or
  - (b) carried unanimously; or

- (c) carried by a particular majority; or
  - (d) lost.
- (3) If the resolution is a special resolution, the declaration under subrule (2) must identify the resolution as a special resolution.
- (4) If a poll is demanded on any question by the chairperson of the meeting or by at least 3 other members present in person —
  - (a) the poll must be taken at the meeting in the manner determined by the chairperson;
  - (b) the chairperson must declare the determination of the resolution on the basis of the poll.
- (5) If a poll is demanded on the election of the chairperson or on a question of an adjournment, the poll must be taken immediately.
- (6) If a poll is demanded on any other question, the poll must be taken before the close of the meeting at a time determined by the chairperson.
- (7) A declaration under subrule (2) or (4) must be entered in the minutes of the meeting, and the entry is, without proof of the voting in relation to the resolution, evidence of how the resolution was determined.

## 65. Minutes of general meeting

- (1) The secretary, or a person authorised by the committee from time to time, must take and keep minutes of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must record —
  - (a) the names of the members attending the meeting, including the name of the delegate or deputy delegate representing the member; and
  - (b) the financial statements or financial report presented at the meeting, as referred to in rule 56(3)(b)(ii) or (iii); and
  - (c) the auditor's report presented at the meeting, as referred to in rule 56(3)(b)(iv).
- (4) The minutes of a general meeting must be entered in the Association's minute book within 30 days after the meeting is held.
- (5) The president must ensure that the minutes of a general meeting are reviewed and signed as correct by —
  - (a) the chairperson of the meeting; or
  - (b) the chairperson of the next general meeting.
- (6) When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that —
  - (a) the meeting to which the minutes relate was duly convened and held; and
  - (b) the matters recorded as having taken place at the meeting took place as recorded; and
  - (c) any election or appointment purportedly made at the meeting was validly made.
- (7) Minutes of a general meeting must be given, within 7 days of the meeting, to the committee members, the secretary of each member, the delegate of a member if the delegate is not a

registered player of that member, and the secretary (or if there is none, the chairperson) of each standing committee.

## **PART 7 — FINANCIAL MATTERS**

### **66. Source of funds**

The funds of the Association may be derived from membership fees, tournament fees and charges, donations, fund-raising activities, grants, bequests, sponsorships, interest and any other sources approved by the committee.

### **67. Control of funds**

- (1) The Association must open an account or accounts in the name of the Association with a financial institution determined by the committee from which all expenditure of the Association is made and into which all funds received by the Association are deposited.
- (2) Subject to any restrictions imposed at a general meeting and subrule (3), the committee may approve expenditure on behalf of the Association.
- (3) The expenditure specified in subrule (4) may not be paid unless the expenditure is —
  - (a) approved by a general meeting; or
  - (b) authorised under a by law.
- (4) Subrule (3) applies to expenditure which is —
  - (a) a one off item of expenditure exceeding \$10,000 (or such other amount specified in the by laws); or
  - (b) an annual Laws exceeding in total \$5,000 (or such other amount specified in the by laws), where the annual payment may be made in one payment or multiple instalments.
- (5) Subject to subrule (3), the committee may authorise the treasurer to expend funds on behalf of the Association without requiring approval from the committee up to a specified limit —
  - (a) for a specified item of expenditure; or
  - (b) generally, for each item on which the funds are expended.
- (6) The committee is to approve the tournament fees in advance, of the tournament or tournaments being held.
- (7) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Association must be signed by —
  - (a) 2 committee members; or
  - (b) one committee member and a person authorised by the committee.
- (8) All funds of the Association must be deposited into the Association's account within 5 working days after their receipt.

### **68. Financial statements and financial reports**

- (1) For each financial year, the committee must ensure that the requirements imposed on the Association under Part 5 of the Act relating to the financial statements or financial report of the Association are met and that the Association's financial statements or financial report, as applicable, are audited (whether or not required under the Act).

(2) Without limiting subrule (1), those requirements include —

- (a) if the Association is a tier 1 association, the preparation of the financial statements; and
- (b) if the Association is a tier 2 association or tier 3 association, the preparation of the financial report; and
- (c) if required, the review or auditing of the financial statements or financial report, as applicable; and
- (d) the presentation to the annual general meeting of the financial statements or financial report, as applicable; and
- (e) if required, the presentation to the annual general meeting of the copy of the report of the review or auditor's report, as applicable, on the financial statements or financial report.

## PART 8 — GENERAL MATTERS

### 69. By laws

- (1) The Association may, by resolution at a general meeting, make, amend or revoke by laws.
- (2) By laws may —
  - (a) impose restrictions on the committee's powers, including the power to dispose of the Association's assets; and
  - (b) impose requirements relating to the financial reporting and financial accountability of the Association and the auditing of the Association's accounts; and
  - (c) provide for any other matter these rules specify may be, or the Association in general meeting considers necessary or convenient to be, dealt with in the by laws.
- (3) A by law is of no effect to the extent that it is inconsistent with the Act, the regulations or these rules.
- (4) Without limiting subrule (3), a by law made for the purposes of subrule (2)(b) may only impose requirements on the Association that are additional to, and do not restrict, a requirement imposed on the Association under Part 5 of the Act.
- (5) A by law takes effect from the date of the general meeting at which it is made or such later date as may be specified in the by law.

### 70. Executing documents and common seal

- (1) The Association may execute a document including a deed if the committee has authorised the execution of the document and the document is signed by —
  - (a) the president or secretary; and
  - (b) one committee member.
- (2) The Association does not have a common seal.
- (3) The secretary must make a written record of each document executed by the Association.

### 71. Giving notices to members

- (1) In this rule —

**recorded** means recorded in the register of members.
- (2) A notice or other document that is to be given to a member under these rules is taken to have been given to the member if it is in writing and —
  - (a) delivered by hand to the president or secretary of the member; or
  - (b) sent by prepaid post to the recorded postal address of the member; or
  - (c) sent by electronic communication to the recorded electronic address of the member.
- (3) When a notice is given to a member under these rules, the secretary will endeavour to give a copy of the notice to the delegate or deputy delegate of the member, but the failure to give a notice under this subrule does not have any legal effect.

## **72. Custody of books and securities**

- (1) Subject to subrule (2), the books and any securities of the Association must be kept in the secretary's custody or under the secretary's control.
- (2) The financial records and, as applicable, the financial statements or financial reports of the Association must be kept in the treasurer's custody or under the treasurer's control.
- (3) Subrules (1) and (2) have effect except as otherwise decided by the committee.
- (4) The books of the Association must be retained for at least 7 years.
- (5) The minute books of the Association may be held in any form approved by the committee, including in physical or electronic form.

## **73. Record of committee members and others**

The record of committee members and other persons authorised to act on behalf of the Association that is required to be maintained under section 58(2) of the Act must be kept in the secretary's custody or under the secretary's control.

## **74. Inspection of records and documents**

- (1) Subrule (2) applies to a member who wants to inspect —
  - (a) the register of members under section 54(1) of the Act; or
  - (b) the record of the names and addresses of committee members, and other persons authorised to act on behalf of the Association, under section 58(3) of the Act;
  - (c) the by laws, or any other policies, guidelines or handbook made or published by the Association; or
  - (d) any other record or document of the Association.
- (2) The member, through its president or secretary, must contact the secretary to make the necessary arrangements for the inspection.
- (3) The inspection must be free of charge.
- (4) If the member wants to inspect a document that records the minutes of a committee meeting, the right to inspect that document is subject to any decision the committee has made about minutes of committee meetings generally, or the minutes of a specific committee meeting, being available for inspection by members.
- (5) The member may make a copy of or take an extract from a record or document referred to in subrule (1)(c) or (d) but does not have a right to remove the record or document for that purpose.
- (6) The member must not use or disclose information in a record or document referred to in subrule (1) except for a purpose that is —
  - (a) directly connected with the affairs of the Association; or
  - (b) related to complying with a requirement of the Act.
- (7) The committee may agree to a registered player, or registered players generally, being provided access to a document referred to in subrule (1) by the secretary. If access is provided it will be subject to the following —
  - (a) the Association may charge a reasonable charge for providing a copy or extract of the document;

- (b) subrules (4), (5) and (6) apply to the provision of the document as if a reference in those subrules to a member were a reference to the registered player to whom the document is being provided; and
- (c) any other conditions determined by the committee.

## **75. Publication by committee members of statements about Association business prohibited**

A committee member must not publish, or cause to be published, any statement about the business conducted by the Association at a general meeting or committee meeting unless —

- (a) the committee member has been authorised to do so at a committee meeting or a general meeting; and
- (b) the authority given to the committee member has been recorded in the minutes of the meeting at which it was given.

## **76. Distribution of surplus property on cancellation of incorporation or winding up**

- (1) In this rule —

**surplus property**, in relation to the Association, means property remaining after satisfaction of —

- (a) the debts and liabilities of the Association; and
- (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Association,

but does not include books relating to the management of the Association.

- (2) On the cancellation of the incorporation or the winding up of the Association, its surplus property must be distributed as determined by special resolution by reference to the persons mentioned in section 24(1) of the Act.

## **77. Alteration of rules**

If the Association wants to alter or rescind any of these rules, or to make additional rules, the Association may do so only by special resolution and by otherwise complying with Part 3 Division 2 of the Act.