

CONSTITUTION OF GUNGAHLIN LITTLE ATHLETICS CENTRE INCORPORATED 2022

1 NAME:

1.1 The Association shall be called Gungahlin Little Athletics Centre Incorporated.

2 DEFINITIONS:

2.1 In this constitution:

“the Centre” means the Gungahlin Little Athletics Centre.

“the Act” means the Associations Incorporation Act 1991 (ACT).

“Competitive Members” means children registered with the Centre.

“Life Members” means persons awarded Life Membership by the Centre as a result of long-term service to the Centre.

“Model Rules” means the rules of the ACT Associations Incorporation Regulations 1991.

“Ordinary Members” means:

- (a) parents/guardians of Competitive Members as recorded in the approved registration system;
- (b) persons who officiate in any capacity for or on behalf of the Centre.
- (c) officers, including persons serving on committees, officials and

delegates, not being persons covered by Clauses (a) and (b).

"the Public Officer" means the public officer of the Centre appointed in accordance with the Act.

"the Territory" means the Australian Capital Territory.

"the Season" means the period commencing 1 October and ending 30 September in the following calendar year.

3 OBJECTIVES OF THE CENTRE:

3.1 Encourage the development of children of all abilities by promoting positive attitudes and a healthy lifestyle through family and community involvement in athletic activities, both as a social and recreational activity and as athletics competition.

3.2 To manage the functions, assets, liabilities, and all property of the Centre and continue such functions, realise such assets, meet such liabilities and deal with such property as the Centre sees fit.

3.3 To abide by the Little Athletics Australia Standard Rules of Competition.

4 POWERS OF THE CENTRE:

4.1 To impose and collect fees, dues, levies, and other charges as determined by the Committee.

4.2 To purchase or otherwise acquire any property whether real or personal for the direct or indirect benefit of the Centre, and to use, exercise, develop or grant licences in respect of, or otherwise turn to account, the property so acquired.

4.3 To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Centre.

4.4 To appoint persons, both paid and unpaid, to fulfil specific functions that the Centre has deemed as being necessary for the carrying out of this Constitution or for any matters connected therewith.

4.5 To delegate any part of its duties, except the power to delegate, provided that it remains at all times the right to review or revoke the actions, decisions or recommendations of any person or persons to whom such duties have been delegated.

4.6 To make By-Laws in regard to the day-to-day operations of the Centre ensuring that all such By-Laws in no way contradict this Constitution.

4.7 To appoint officials to act as representatives of the Centre in any competitions organised under the auspices of the ACTLAA.

4.8 To suspend, disqualify, expel, or otherwise discipline any member, representative, or officer who:

- (a) has persistently failed to comply with the ACTLAA Code of Behaviour for Athletes, Administrators, Officials, Coaches, Parents and Relatives or Spectators.
- (b) has persistently and wilfully acted in a manner prejudicial to the interests of the Centre.

5 MEMBERSHIP:

5.1 Membership of the Centre shall consist of the following classes:

- (a) Competitive Members
- (b) Ordinary Members
- (c) Life Members

6 MANAGEMENT:

6.1 The management of the Centre shall be vested in a Committee of not less than five (5) adults who shall be elected after nominations have been called for and received, by a simple majority of the Ordinary Members at the Annual General Meeting of the Centre conducted in accordance with Rule 9.

6.2 The Committee shall include the following positions, known as Officer Bearers of the Centre:

- (a) President
- (b) Vice President
- (c) Treasurer
- (d) Registrar
- (e) Secretary

6.3 The Committee may include any other positions that it considers necessary.

6.4 Each member of the Committee shall, subject to these rules, hold office until the conclusion of the Annual General Meeting following the date of the Member's election, but is eligible for re-election.

6.5 A person is not eligible to simultaneously hold more than one (1) Office Bearer position on the Committee.

7 POWERS OF THE COMMITTEE:

7.1 The Committee, having regard to this Constitution and the Constitution of ACTLAA, shall plan and implement the competitive requirements of the Competitive Members and any other related or social activities that it thinks fit for the benefit of the Centre.

7.2 The Committee may determine the filling of casual vacancies on the Committee as notified in accordance with Rule 22 of this Constitution.

7.3 The Committee shall have the power to make such payments from the funds of the Centre as are from time to time considered necessary for the good management of the Centre and for furthering its objectives.

7.4 The Committee shall determine the investment of the Centre money in such a manner as is deemed appropriate.

7.5 The Committee shall, in accordance with the Act, appoint a Public Officer who shall undertake such duties as are required by the laws of the Australian Capital Territory. If that office becomes vacant at any time, the Committee shall appoint within 14 days a person residing in the Territory to fill that vacancy.

8 COMMITTEE MEETINGS:

8.1 The Committee shall meet at least once every two (2) months at a date, time, and place to be decided and advised by the Secretary, unless agreed by the Committee that such a meeting is not required.

8.2 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.

8.3 Notice of a meeting given under Rule 8.2 must specify the general 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.

8.4 Questions arising at a meeting of the Committee are decided by a majority of the votes of members of the Committee present at the meeting.

8.5 At meetings of the Committee -

- (a) the President or, in the absence of the President, the Vice President is Chairperson; or
- (b) If the President and the Vice-President are absent - one (1) of the remaining members of the Committee may be chosen by the members present to act as Chairperson

8.6 All Committee Members in attendance will each have one (1) vote on items of business.

8.7 The Chairperson shall have an ordinary and casting vote if necessary at all meetings.

8.8 Committee meetings shall be conducted in accordance with the agenda distributed with the notice of the meeting.

9 ANNUAL GENERAL MEETING:

9.1 The Annual General Meeting shall be held once in each calendar year, within the period of five (5) months, beginning at the end of the Centre's most recently ended financial year.

9.2 The Annual General Meeting of the Centre must, subject to the Act, be called on the date and at the place and time that the Committee considers appropriate.

9.3 The Secretary must, at least twenty one (21) days before the date fixed for the holding of the Annual General Meeting, send written notice to each member of the date, place and time of the meeting.

9.4 Any member desiring to bring any business before an Annual General Meeting may give written notice of that business to the Secretary at least seven (7) days before the date fixed for the holding of the Annual General Meeting. The Secretary must then include this business in the agenda for the meeting.

9.5 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
- (b) to receive from the Committee reports on the activities of the Centre during the last financial year; and
- (c) to elect members of the Committee, including office-bearers; and
- (d) to receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act.

9.6 The Secretary should distribute to all members, the agenda for the Annual General Meeting and the statement of accounts and any reports, prior to the meeting.

9.7 Ordinary Members present at the meeting shall be entitled to debate and to vote on the business of the meeting. Proxy voting is not permitted.

9.8 Questions arising at the Annual General Meeting are decided by a majority of the votes of Ordinary Members present at the meeting.

9.9 The Annual General Meeting shall be conducted in accordance with the agenda distributed prior to the meeting.

10 SPECIAL GENERAL MEETINGS:

- 10.1 A Special General Meeting shall be called at any time when ten (10) or more Ordinary Members request the Secretary to call such a meeting or when the Committee decides that such a meeting is necessary.
- 10.2 Except where the nature of the business proposed to be dealt with at a Special General Meeting requires a special resolution of the Centre, at least fourteen (14) days written notice, specifying the place, date, and time of the meeting and the nature of the business to be transacted shall be given to Members of the Centre.
- 10.3 Where the nature of the business proposed to be dealt with at a Special General Meeting requires a special resolution, at least twenty one (21) days notice, in the manner provided in Rule 10.2 specifying, in addition to the matter required under that rule, the intention to propose the resolution as a special resolution.
- 10.4 A resolution shall be passed by not less than three quarters of those Ordinary Members present at the meeting. Proxy voting is not permitted.

11 QUORUM:

- 11.1 Ten (10) Ordinary Members shall constitute a quorum at any Annual or Special General Meeting.
- 11.2 Four (4) Committee Members shall constitute a quorum at a meeting of the Committee.
- 11.3 No item of business may be transacted at a Committee, Annual General Meeting or Special General Meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

12 AMENDMENTS TO THE CONSTITUTION:

- 12.1 Proposed amendments to the Constitution shall be made in writing, seconded by an Ordinary Member and forwarded to the Secretary at least seven (7) days prior to the Annual General Meeting or Special General Meeting called for that purpose.
- 12.2 Amendments to the Constitution must be approved by at least three quarters of Ordinary Members present at the Annual General Meeting or Special General Meeting called for the purpose to consider any such proposed amendment.

13 FINANCE:

- 13.1 The financial year of the Centre will end on the 31st March each year.
- 13.2 The Centre shall derive income from registration fees, sponsorships, grants

and activities approved by the Committee.

- 13.3 All monies received by the Centre shall be deposited to the credit of the Centre in an account with a regulated financial institution in the Territory approved by the Committee hereinafter called 'the Centre Bank Account'.
- 13.4 All payments made by the Centre shall be by electronic payment or other arrangements as may be established and approved by the Committee from time to time.
- 13.5 At each Annual General Meeting, an Auditor shall be appointed in accordance with the Act to audit all accounts of the Centre, including special and trust accounts and report on such at the next Annual General Meeting. The appointed Auditor shall be a recognised Accountant or person qualified in business practice and not a Member of the Committee.
- 13.5.1 In the case that it is necessary to replace an appointed Auditor, the Committee shall have the power to appoint a replacement Auditor for the period up until the next Annual General Meeting.
- 13.5.2 If a Special General Meeting is held for the purpose stated in Rule 14.3, an Auditor shall be appointed at this time as per Rule 13.5.
- 13.6 The income and property of the Centre shall be applied solely towards the promotion of the objectives of the Centre and no portion shall be transferred directly or indirectly by the way of dividend, bonus or otherwise by the way of profit to the Members of the Centre.
- 13.7 Nothing in Rule 13.6 prevents the payment in good faith of remuneration to any officer or servant of the Centre in return for any services actually rendered to the Centre, or reasonable and proper rent for premises let to the Centre.

14 ANNUAL GENERAL REPORT AND BALANCE SHEET:

- 14.1 The audited Annual General Report and Balance Sheet shall be presented at the Annual General Meeting by the Treasurer and shall be approved by a simple majority of Ordinary Members present.
- 14.2 The Committee shall ensure that copies of the audited Annual General Report and Balance Sheet are available for perusal by Members immediately before and during the Annual General Meeting.
- 14.3 If the audited General Report and Balance Sheet is not presented at the Annual General Meeting, the Treasurer shall present the audited Annual General Report and Balance Sheet at a Special General Meeting held for this purpose. The same process shall be followed as outlined in Rule 14.1 and 14.2.

14.4 If a Special General Meeting is held for the purpose stated in Rule 14.3, this meeting must be held within five (5) months of the Centre's most recently ended financial year.

15 AFFILIATION AND REGISTRATION FEES:

15.1 The Centre shall affiliate with ACTLAA each year, paying the necessary affiliation fees for each Registered Member as set down in the rules of the ACTLAA and notifying ACTLAA of the names, addresses and positions of the Centre Committee on the Centre affiliation form.

15.2 Registered Members shall pay to the Centre at time of registration an amount comprised of:

- (a) the ACTLAA affiliation fee, as advised by ACTLAA; and
- (b) a Centre registration fee, as determined by the Committee each year prior to affiliating with ACTLAA .

15.3 Ordinary Members are granted membership at no cost payable.

16 MEMBERS' LIABILITY:

16.1 No Member or Committee Member shall be liable for any claim whatsoever, monetary or otherwise in the event of claims by persons whether they be Members or non-members.

16.2 Where a debt was incurred through the illegal action of a Member or Members, or without authority of the Committee, that Member or those Members will be liable for the debt.

17 DISCIPLINING OF MEMBERS:

17.1 The Committee may, by resolution, suspend, expel or otherwise discipline a Member from the Centre if the Member has :

- (a) persistently refused or neglected to comply with a provision of these Rules;
or
- (b) persistently and wilfully acted in a manner prejudicial to the interests of the Centre.

17.2 Where the Committee passes a resolution under Rule 17.1 the Secretary shall provide a notice in writing to the Member stating:

- (a) the resolution of the Committee and the grounds upon which it was based;
- (b) that the Member may address the Committee at a meeting to be held no earlier than fourteen (14) days and no later than twenty eight (28) days after service of the notice;
- (c) the date, time and place of the Committee meeting;

(d) that the Member may do either or both of:

(i) attend and speak at the meeting,

(ii) submit to the Committee at or prior to the date of that meeting written representation relating to the resolution.

17.3 Subject to section 50 of the Act, at the meeting of the Committee convened under Rule 17.2 the Committee shall:

(a) give the Member an opportunity to make an oral presentation;

(b) give due consideration to any written representations submitted to the Committee by that Member prior to or at the meeting; and

(c) by resolution determine whether to confirm or to revoke the resolution of the Committee made under Rule 17.1

17.4 Where the Committee confirms a resolution under Rule 17.3, the Secretary shall within 7 days after that confirmation, by notice in writing inform the Member of that confirmation and of the Member's rights of appeal under Rule 18.

17.5 Where the Committee confirms a resolution under Rule 17.3, it takes effect:

(a) if the Member does not appeal against the resolution within the period of seven (7) days after notice of the resolution is served on the Member, if at the end of that period ; or

(b) if the Member appeals against the resolution within the period of seven (7) days after notice is served on the Member, at the time the Centre confirms the resolution in accordance with Rule 17.4

18 RIGHT OF APPEAL OF DISCIPLINED MEMBER:

18.1 A Member may by notice lodged with the Secretary, appeal to the Centre in General Meeting against a resolution of the Committee which is confirmed under Rule 17.3, within seven (7) days after notice of the resolution is served on the Member.

18.2 Upon receipt of a notice under Rule 18.1, the Secretary shall notify the Committee which shall convene a Special General Meeting of the Centre to be held within twenty one (21) days after the date on which the Secretary received the notice.

18.3 Subject to section 50 of the Act, at a Special General Meeting of the Centre convened under Rule 18.2:

(a) no business other than question of the appeal shall be transacted;

(b) the Committee and the Member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and

(c) the Members present shall vote by secret ballot on the question of whether the resolution made under Rule 17.3 should be confirmed or revoked.

19 DISSOLUTION OF THE CENTRE:

- 19.1 The Centre may be wound up voluntarily whenever a resolution is passed requiring the Centre to be wound up or dissolved at a Special General Meeting of the Centre called for this purpose.
- 19.2 If upon winding up or dissolution of the Centre, after the satisfaction of all its debts and liabilities, any moneys or property whatsoever remaining shall not be paid or distributed among the registered Members but shall be offered to the Board of Management of the ACTLAA. This course of action will be confirmed by Ordinary Members of the Centre at the Special General Meeting held to consider the motion of dissolution or winding up.

20 CASUAL VACANCIES:

- 20.1 Any Member of the Committee may submit their resignation in writing to a Centre meeting.
- 20.2 If any Member of the Committee is absent from two (2) consecutive meetings of the Centre without the express permission of the Committee, the position may be declared vacant.
- 20.3 Vacant positions on the Committee shall be filled until the next Annual General Meeting by persons appointed by the Committee.

21 CUSTODY AND INSPECTION OF BOOKS AND DOCUMENTS:

- 21.1 Subject to the Act 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 Centre.
- 21.2 The records, books and other documents of the Centre must be open to inspection at a place in the ACT, free of charge, by a member of the Centre at any reasonable hour.

22 PRECEDENCE AND CLARIFICATION - THE MODEL RULES:

- 22.1 This Constitution is drafted in accordance with the Model Rules and takes precedence over those Model Rules.
- 22.2 Where an omission is identified within this Constitution, the clauses contained in the Model Rules will apply until such time as this Constitution is so amended.
- 22.3 Where an anomaly or ambiguity is identified in this Constitution, the clauses contained in the Model Rules shall apply until such time as this Constitution is so amended.

- 22.4 Where reference to the Model Rules fails to resolve an anomaly or ambiguity or fails to provide coverage for an omission, the Committee shall resolve such anomaly, ambiguity or omission by the tabling and debate of an appropriate Motion which requires at least seventy-five percent (75%) of Committee members present. In these instances, a sixty-six percent (66%) majority vote is required for the tabled Motion to be passed.
- 22.5 In reading and amending this Constitution, a heading to a Section or set of Rules is indicative of the content only and does not form part of the actual Section or set of Rules.
- 22.6 Changes to this Constitution relating to correct spelling errors or changes to the words appearing in a heading are to be regarded do not require motions to effect such changes.
- 22.7 Renumbering of Rules (or sub rules) as a result of the insertion of new rules (or sub rules) or the deletion of existing rules (or sub rules) are to be regarded as cosmetic only and do not require motions to effect such changes.
- 22.8 Any change of a reference to a Rule (or sub rule) that requires changing as the result of Rule 22.7 does not require a motion to effect such a change.