



**HARBORD HARLEQUINS  
RUGBY CLUB**

**RULES OF THE  
ASSOCIATION**

(As amended on 14 September 2017)

## **PART 1 PRELIMINARY**

### **1. Definitions**

(1) In these rules:

**Director-General** means the Director-General of the Department of Fair Trading.

**Ordinary member** means a member of the Committee who is not an Office-Bearer of the Association, as referred to in rule 14 (2).

**Special General Meeting** means a general meeting of the Association other than an annual general meeting.

**The Act** means the Associations Incorporation Act 1984.

**The Regulation** means the Associations Incorporation Regulation 1999.

(2) In these rules:

a reference to a function includes a reference to a power, authority and duty, and a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the Interpretation Act 1987 apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

## **PART 2 – THE ASSOCIATION**

### **2. Name**

The name of the Association shall be Harbord Harlequins Rugby Club.

### **3. Objectives**

The objectives of the Association are to encourage, foster and promote the game of Rugby Football to be always conducted in an environment of enjoyment, safety, sportsmanship and fair play.

The members shall play in competitions organized by either the Metropolitan Northern Zone of Sydney Junior Rugby Union or the Manly and Warringah Rugby associations or any other rugby association or events as may be determined by the Committee from time to time.

### **4. Code of Conduct**

In addition to the Rules of this Association all members shall also be required to abide by the Australian Rugby Union Code of Conduct including any future amendments that may be made to that Code of Conduct. The Code of Conduct sets out guidelines for Administrators, Managers, Coaches, Players, Referees, Parents and Spectators. All members are expected to abide by all aspects of the Code of Conduct and are to use their best endeavours to ensure other members do the same.

### **5. Colours and Motto**

- (a) Colours - The club colours shall be gold, blue, maroon, and white.
- (b) Uniform - The player's uniform shall be gold, blue, maroon and white jerseys, blue shorts and maroon socks with gold, blue and white stripes.
- (c) Motto - "When we play, we play with style" which is always to be the aim of the members of the Association.

## **PART 3 – MEMBERSHIP**

### **6. *Membership qualifications***

A person is qualified to be a member of the Association if, but only if:

- (a) the person is a person referred to in section 15 (1) (a), (b) or (c) of the Act and has not ceased to be a member of the Association at any time after incorporation of the Association under the Act, or
- (b) the person is a person referred to in rule 7 (1) or (2), or
- (c) the person is a natural person:
  - (i) who has been nominated for membership of the Association as provided by rule 7 (3), (4), (5) or (6), and
  - (ii) who has been approved for membership of the Association by the Committee of the Association.

### **7. *Membership Classes***

Members of the Association shall be classified as follows:

- (1) **Players** – being playing members who have been selected to play for the Association and who have paid their membership fees for the year.
- (2) **Parents or Guardians of Players** – become members as a consequence of their child being a currently registered and paid Player member.
- (3) **Supporter Members** - are persons interested in fostering the objectives of the Association.
- (4) **Honorary Members** – the Committee may, at its discretion, and upon such terms and conditions as it thinks fit, confer Honorary Membership upon any member of any country, interstate or overseas rugby club, or on any other person to whom, in the opinion of the Committee, such courtesy should be extended.
- (5) **Life Members** - may be elected by the members of the Association at any Annual General Meeting of the Association, on the recommendation of the Committee. Life Membership shall be granted in recognition of outstanding service to the Club.
- (6) **Patrons** - the Committee may select a Patron(s) of the Club for approval by the members at an Annual General Meeting. Any Patron shall hold office for a period of 12 (twelve) months and is eligible for re-election.

### **8. *Nomination for membership***

- (1) A nomination of a person for Supporter membership of the Association:
  - (a) must be made by a member of the Association in writing in the form set out in Appendix 1 to these rules, and
  - (b) must be lodged with the Secretary of the Association.

- (2) As soon as practicable after receiving a nomination for Supporter membership, the Secretary must refer the nomination to the Committee which is to determine whether to approve or to reject the nomination.
- (3) As soon as practicable after the Committee makes that determination, the Secretary must:
  - (a) notify the nominee, in writing, that the Committee approved or rejected the nomination (whichever is applicable), and
- (4) The Secretary must enter the nominee's name in the register of members. On the name being so entered, the nominee becomes a member of the Association.
- (5) A nomination of a person for Life Membership of the association must observe all of the following conditions: -
  - (a) the nomination form shall be signed by two (2) existing members of the Association, shall be accompanied by commentary supporting the nomination and submitted to the Secretary of the Association.
  - (b) the nomination shall be presented to the Life Member Nominations Sub-Committee, consisting of the Club President and Life Members (chaired by the President) who will meet and consider the merits of the nomination and then vote on a resolution to recommend or decline the nomination to the next Annual General Meeting of the Association. Any such resolution must pass with a majority of not less than 75% of the Life Member Nominations Sub-Committee members in attendance, in person or by proxy, voting in favour of it.
  - (c) If clause (b) above is satisfied, then the nomination shall be presented to the next Annual General Meeting and after considering the merits of the nomination the members shall then vote on a resolution to award Life Membership to the nominee. That resolution must pass with a majority of not less than 75% of members in attendance, in person or by proxy, voting in favour of it.

## **9. Cessation of membership**

A person ceases to be a member of the Association if the person:

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the Association

## **10. Membership entitlements not transferable**

A right, privilege or obligation, which a person has by reason of being a member of the Association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

### **11. Resignation of membership**

(1) .

(2) A member of the Association may resign from membership of the Association by first giving to the Secretary written notice of at least one month (or such other period as the Committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

(3) If a member of the Association ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the Secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

### **12. Register of members**

(1) The Secretary of the Association must establish and maintain a register of members of the Association specifying the name address, telephone number and email address of each person who is a member of the Association together with the date on which the person became a member. The Register shall be managed in accordance with all relevant Privacy legislation and may in part take the shape of the player's registration database.

(2) The register of members must be kept at the principal place of administration of the Association and must be open for inspection, free of charge, by any member of the Association at any reasonable hour.

### **13. Members' Liabilities**

The liability of a member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association by way or player registration fees as required by rule 13.

#### **14. Resolution of internal disputes**

Disputes between members (in their capacity as members) of the Association, and disputes between members and the Association, at the request of either of the disputing parties, are to be referred by the Committee to a community justice centre for mediation in accordance with the Community Justice Centres Act 1983.

At least 7 (seven) days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

#### **15. Disciplining of members**

(1) A complaint may be made to the Committee by any person that a member of the Association:

- (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
- (b) has persistently refused or neglected to comply with the Code of Conduct, or
- (c) has persistently and willfully acted in a manner prejudicial to the interests of the Association.

(2) On receiving such a complaint, the Committee:

- (a) must cause notice of the complaint to be served on the member concerned, and
- (b) must give the member at least 14 (fourteen) days from the time the notice is served within which to make written submissions to the Committee in connection with the complaint, and
- (c) must take into consideration any submissions made by the member in connection with the complaint.

(3) The Committee may, by resolution, expel the member from the Association or suspend the member from membership of the Association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proven and that these facts constitute sufficient grounds for expulsion or suspension as per clause 16 (1) above.

(4) If the Committee expels or suspends a member, the Secretary must, within 7 (seven) days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the Committee for having taken that action and of the member's right of appeal under rule 17.

(5) The expulsion or suspension does not take effect:

- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or if within that period the member exercises the right of appeal, unless and
- (b) until the Committee confirms the resolution, whichever is the later.

#### **16. Right of appeal of disciplined member**

(1) A member may appeal to the Committee against a resolution of the Committee under rule 16, within 7 (seven) days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.

(2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

(3) On receipt of a notice from a member under clause (1), the Secretary must convene a Committee meeting to be held within 28 (twenty-eight) days after the date on which the Secretary received the notice.

(4) At the Committee meeting convened under clause (3) the member must be given the opportunity to state his / her case orally or in writing, or both.



## **PART 4 - THE COMMITTEE**

### **17. Powers of the Committee**

The Committee is to be called the Management Committee of the Association and, subject to the Act, the Regulation and these rules and to any resolution passed by the Association in general meeting:

- (a) is to control and manage the affairs of the Association, and
- (b) may exercise all such functions as may be exercised by the Association, other than those functions that are required by these rules to be exercised by a general meeting of members of the Association, and
- (c) has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.

### **18. Constitution and membership**

Subject in the case of the first members of the Committee to section 20 of the Act, the Committee is to consist of the Office-Bearers of the Association, as outlined in 19. (2) Office-Bearers of the Association, each of whom is to be elected at the annual general meeting of the Association under rule 20.

(1) The Office-Bearers of the Association are to be:

- (a) President
- (b) Vice-President – Junior Rugby
- (c) Vice President Mini Rugby
- (d) Secretary,
- (e) Treasurer
- (f) Social Convener
- (g) Gear Steward
- (h) Sponsorship & Merchandise Manager
- (i) Assistant Secretary
- (j) Administrator (employed)

- (2) Each member of the Committee is, subject to these rules, to hold office until the election of members of the Management Committee at the Annual General Meeting following the date of the member's election.
- (3) The Office-Bearers of the Association are eligible for re-election provided however that they may only serve for a maximum of 3 (three) consecutive years in any one position.
- (4) In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a member of the Association to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the election of members of the Management Committee at the annual general meeting next following the date of the appointment. Any such appointment to a casual vacancy shall not be included as part of the time period stipulated in clause (4) above.

## **19. Election of Committee members**

- (1) Nominations of candidates for election as Office-Bearers of the Association:
  - (a) must be made in writing, on the form set out in Appendix 3 to these, and
  - (b) must be delivered to the Secretary of the Association at least 7 (seven) days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.
  - (c) must be for individuals who are members of the Association.
- (2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated are taken to be elected. For the unfilled positions further nominations may be received at the annual general meeting.
- (3) If a sufficient number of further nominations are not received at the AGM, any vacant positions remaining on the Committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received for any role exceeds the number of vacancies to be filled, a ballot is to be held in accordance with the procedures set out at in Appendix 4 to these rules.

## **20. Secretary**

- (1) The Secretary of the Association must, as soon as practicable after being appointed as Secretary, lodge notice with the Association of his or her address.
- (2) It is the duty of the Secretary to keep minutes of:
  - (a) all appointments of Office-Bearers and members of the Committee,
  - (b) the names of members of the Committee present at a Committee meeting or a general meeting, and
  - (c) all proceedings at Committee meetings and general meetings.
- (3) The Secretary must ensure that Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (4) The Secretary is to act as Public Officer for the Association.

## **21. Treasurer**

It is the duty of the Treasurer of the Association to ensure that:

- (a) all money due to the Association is collected and received and that all payments authorized by the Association are made, and
- (b) correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association

(c) the books and accounts showing the financial affairs of the Association are independently reviewed by a suitably qualified person once per calendar year and, if possible, prior to the Annual General Meeting.

## **22. Casual vacancies**

For the purposes of these rules, a casual vacancy in the office of a member of the Committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of the Association, or
- (c) becomes an insolvent under administration within the meaning of the Corporations Law, or
- (d) resigns office by notice in writing given to the Secretary, or
- (e) is removed from office under rule 24, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the Committee from all meetings of the Committee held during a period of 6 (six) months.

## **23. Removal of Committee Member**

- (1) The Association in general meeting may by special resolution remove any member of the Committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the Committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations be notified to the members of the Association, the Secretary or the President may send a copy of the representations to each member of the Association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

## **24. Meetings and quorum**

- (1) The Committee must meet at least 4 (four) times in each period of 12 (twelve) months at such place and time as the Committee may determine. At least one Committee meeting is to be held in each of the four quarters of the calendar year.
- (2) Additional meetings of the Committee may be convened by the President or by any member of the Committee.
- (3) Oral or written notice of a meeting of the Committee must be given by the Secretary to each member of the Committee at least 48 (forty eight) hours (or such other period as may be unanimously agreed on by the members of the Committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Committee members present at the meeting unanimously agree to treat as urgent business.

- (5) A quorum for the transaction of the business of a meeting of the Committee shall be constituted by:-
- (a) at least 50% (fifty per cent) of the total number of elected/appointed Committee members being present, and
- (6) No business is to be transacted by the Committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the Committee:
- (a) the President or, in the President's absence, a Vice-President is to preside, or
  - (b) if the President or a Vice-President are absent or unwilling to act, such one of the remaining members of the Committee as may be chosen by the members present at the meeting is to preside.

#### **25. Delegation by Committee to Sub-Committee**

- (1) The Committee may, by instrument in writing, delegate to one or more Sub-Committees (consisting of such member or members of the Association as the Committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than:
- (a) this power of delegation, and
  - (b) a function which is a duty imposed on the Committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a Sub-Committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the Sub-Committee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this rule, the Committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a Sub-Committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Committee.
- (6) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A Sub-Committee may meet and adjourn as it thinks proper.

#### **26. Voting and decisions**

- (1) Questions arising at a meeting of the Committee or of any Sub-Committee appointed by the Committee are to be determined by a majority of the votes of members of the Committee or Sub-Committee present at the meeting.
- (2) Each member present at a meeting of the Committee or of any Sub-Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to rule 23(d), the Committee may act despite any vacancy on the Committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a Sub-Committee appointed by the Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or Sub-Committee.

## **Part 5 - GENERAL MEETINGS**

### **27. Annual general meetings - holding of**

- (1) With the exception of the first annual general meeting of the Association, the Association must, convene an annual general meeting of its members no later than 31 October of each year.
- (2) The Association must hold its first annual general meeting within the period of 18 (eighteen) months after its incorporation under the Act.
- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Director-General under section 26 (3) of the Act.

### **28. Annual general meetings - calling of and business at**

- (1) The annual general meeting of the Association is, subject to the Act and to rule 28, to be convened on such date and at such place and time as the Committee thinks fit.

In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:

- (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
  - (b) to receive from the Committee reports on the activities of the Association during the last preceding financial year,
  - (c) to elect Office-Bearers of the Association,
  - (d) to receive and consider the financial statements which are required to be submitted to members under section 26 (6) of the Act.
- (2) An annual general meeting must be specified as such in the notice convening it.

### **29. Special general meetings - calling of**

- (1) The Committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (2) The Committee must, on the requisition in writing of at 15 (fifteen) members, convene a special general meeting of the Association.
- (3) A requisition of members for a special general meeting:
  - (a) must state the purpose or purposes of the meeting, and
  - (b) must be signed by the members making the requisition, and
  - (c) must be lodged with the Secretary, and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the Committee fails to convene a special general meeting to be held within 1 (one) month after that date on which a requisition of members for the meeting is lodged with the Secretary, any one or more of

the members who made the requisition may convene a special general meeting to be held not later than 3 (three) months after that date.

- (5) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the Committee and any member who consequently incurs an expense is entitled to be reimbursed by the Association for any expense so incurred.

### **30. Notice**

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the Secretary must, at least 14 (fourteen) days before the date fixed for the holding of the general meeting give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the Secretary must, at least 21 (twenty one) days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 28 (1).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

### **31. Procedure**

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Five (5) members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - (a) if convened on the requisition of members, is to be dissolved, and
  - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 4 (four)) is to constitute a quorum.

### **32. Presiding member**

- (1) The President or, in the President's absence, a Vice-President, is to preside as chairperson at each general meeting of the Association.
- (2) If the President or a Vice-President are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

### **33. Adjournment**

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 (fourteen) days or more, the Secretary must give written or oral notice of the adjourned meeting to each member of the Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

### **34. Making of decisions**

- (1) A question arising at a general meeting of the Association is to be determined on a show of hands and, unless before or on the declaration of the show of hands a formal count is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the Association, a formal count may be demanded by the chairperson or by at least 3 (three) members present at the meeting.
- (3) At a general meeting of the Association, a secret ballot may be demanded by any single member present at the meeting.

### **35. Special resolution**

A resolution of the Association is a special resolution:

- (a) if it is passed by a majority which comprises at least three-quarters of such members of the Association as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which at least 21 (twenty one) days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or
- (b) where it is made to appear to the Director-General that it is not practicable for the resolution to be passed in the manner specified in paragraph (a), if the resolution is passed in a manner specified by the Director-General.



### **36. Voting**

- (1) On any question arising at a general meeting of the Association a member has one vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than 1 (one) proxy.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any general meeting of the Association unless:-
  - (a) that person is at least 18 (eighteen) years of age; and
  - (b) all money due and payable by the member or proxy to the Association has been paid to the Association.

### **37. Appointment of proxies**

- (1) Each member is to be entitled to appoint another member as proxy by notice given to the Secretary no later than 24 (twenty four) hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy is to be in the form set out in Appendix 2 to these rules.

## **Part 6 - MISCELLANEOUS**

### **38. Insurance**

The Association may effect and maintain insurance.

### **39. Funds - source**

- (1) The funds of the Association are to be derived from annual subscriptions of members, player fees, fund raising, donations and, subject to any resolution passed by the Association in general meeting, such other sources as the Committee determines.
- (2) All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank account.
- (3) The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **40. Funds - management**

- (1) Subject to any resolution passed by the Association in general meeting, the funds of the Association are to be used in pursuance of the Objectives of the Association in such manner as the Committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed jointly by any 2 (two) members of the Committee or employees of the Association, being members or employees authorised to do so by the Committee.
- (3) Prior to committing the Association to any item of expense greater than \$10,000 the Committee must gain the consent of the members of the Association at a general meeting.
- (4) Prior to borrowing any monies in the name of the Association that exceed the amount of \$3,000 the Committee must gain the consent of the members of the Association at a general meeting. This clause shall not operate in the situation where the Committee obtains short term trade credit from a supplier of goods and / or service to the Association.

### **41. Alteration of Objectives and Rules**

The statement of Objectives and these rules may be altered, rescinded or added to only by a special resolution of the Association.

### **42. Custody of books**

Except as otherwise provided by 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 Association.

#### **43. Inspection of books**

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

#### **44. Service of notices**

(1) For the purpose of these rules, a notice may be served on or given to a person:

- (a) by delivering it to the person personally, or
- (b) by sending it by pre-paid post to the address of the person, or
- (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or

(2) For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:

- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
- (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

#### **45. Financial Year End**

The financial year end date for the Association shall be the 30<sup>th</sup> September.

#### **46. Winding Up**

In the event of the winding up or cancellation of the incorporation of the Association and there remains after the satisfaction of all its debts and liabilities any property or assets whatsoever, then those assets and / or property shall NOT be paid to or distributed amongst the members of the club. Such property and / or assets shall be given or transferred to some other organizations (s) having objectives similar (or, in part, similar) to the objectives of the Association provided that the receiving organization(s) also prohibit the distribution of its or their property among its or their members.

The receiving organization(s) shall be chosen by the members of the Association at or before the time of dissolution or, if the Association is in default, the property and / or assets will be disposed of in a manner provided for in the legislation under which the Association is incorporated.

#### **47. Standing Orders**

- (1) All meetings of the club's members, office bearers, committees and sub-committees shall be conducted in accordance with the Rules of the Association including the Standing Orders which are included as Appendix 5.
- (2) However, in the event that a matter of importance or urgency arises, sufficient that the resolution of such a matter is delayed by Standing Orders, there may be a motion to suspend Standing Orders to allow the matter to be resolved.
- (3) Any matter not dealt with in Standing Orders shall be governed by the customary rules of debate as interpreted by the Chairperson of that meeting.
- (4) Any alteration to Standing Orders shall only be made at a General Meeting.

#### **48. Transitional Provisions**

Prior to the Association being incorporated and adopting these Rules of Association it existed as an unincorporated body founded in the year 2001 and known publicly as Harbord Harlequins Rugby Club ("HHRC"). During its existence HHRC accepted members, elected office bearers, acquired assets and conducted many (if not all) of the activities that will be conducted by the Association.

In moving to an incorporated structure and adopting these Rules of Association it is acknowledged that:-

- (a) Any person included in the list of members of HHRC as at the date of incorporation of the Association shall also then be taken to be duly nominated and accepted as a member of the Association.
- (b) Any person who is an Office Bearer, Management Committee member, sub-committee member and / or held any other official position within HHRC as at the date of incorporation of the Association shall also then be taken to have been duly nominated, elected and appointed to hold the same position with the Association.
- (c) All decisions made, actions taken and undertakings given in the name of HHRC continue to have the same operation and effect as if properly done under these Rules of Association. This will include the ownership and care of all assets as well as the duty to meet all liabilities and undertakings.

**APPLICATION FOR SUPPORTER MEMBERSHIP OF ASSOCIATION**

**Harbord Harlequins Rugby Club** (incorporated under the Associations Incorporation Act 1984)

I, \_\_\_\_\_  
(full name of applicant)

of \_\_\_\_\_  
(address)

\_\_\_\_\_  
(occupation)

hereby apply to become a supporter member of the above named incorporated Association. In the event of my admission as a member, I agree to be bound by the rules of the Association for the time being in force.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

I, \_\_\_\_\_ am a financial member of the  
(full name)

Association and nominate the applicant, who is personally known to me, for membership of the Association.

\_\_\_\_\_  
Signature of proposer

\_\_\_\_\_  
Date

I, \_\_\_\_\_ am a financial member of the  
(full name)

Association and second the nomination of the applicant, who is personally known to me, for membership.

\_\_\_\_\_  
Signature of seconder

\_\_\_\_\_  
Date

**FORM OF APPOINTMENT OF PROXY**

I, \_\_\_\_\_  
(full name)

of \_\_\_\_\_  
(address)

being a member of Harbord Harlequins Rugby Club hereby appoint

\_\_\_\_\_  
(full name of proxy)

of \_\_\_\_\_  
(address)

being a member of Harbord Harlequins Rugby Club, as my proxy to vote for me on my behalf at the general meeting of the Association (annual general meeting or special general meeting, as the case may be) to be held on the

\_\_\_\_\_ day of \_\_\_\_\_  
(month and year)

and at any adjournment of that meeting.

\* My proxy is authorised to vote at their discretion / in favour of / against (delete as appropriate) the resolution  
(insert details of the resolution).

\* To be inserted if desired.

\_\_\_\_\_  
(full name)

of \_\_\_\_\_  
(address)

\_\_\_\_\_  
(Signature of member appointing proxy)

Date \_\_\_\_\_

NOTE: A proxy vote may not be given to a person who is not a member of the Association.

**NOMINATION FOR ROLE AS OFFICE BEARER or COMMITTEE MEMBER**

**Harbord Harlequins Rugby Club** (incorporated under the Associations Incorporation Act 1984)

I, \_\_\_\_\_  
(full name of proposer)

of \_\_\_\_\_  
(address)

being a member of Harbord Harlequins Rugby Club hereby nominate

\_\_\_\_\_  
(full name of candidate)

of \_\_\_\_\_  
(address)

who is also a member of Harbord Harlequins Rugby Club for the position of:-

**President / Vice President / Treasurer / Secretary / Other Position**

(delete whichever is NOT applicable)

\_\_\_\_\_  
Signature of candidate

\_\_\_\_\_  
Signature of proposer

Date \_\_\_\_\_

Date \_\_\_\_\_

I, \_\_\_\_\_  
(full name of seconder)

of \_\_\_\_\_  
(address)

confirm that I am a member of the Harbord Harlequins Rugby Club and second the above nomination.

\_\_\_\_\_  
Signature of seconder

\_\_\_\_\_  
Date

**CONDUCT OF BALLOTS****Harbord Harlequins Rugby Club** (incorporated under the Associations Incorporation Act 1984)

Positions on all ballot papers shall be drawn by lot. Candidates may appoint scrutineers to attend the drawing for positions should they desire. The full names, including given names, of candidates shall appear on ballot papers. In the event of more candidates being nominated than there are vacancies to be filled, a ballot shall be taken on the preferential system. Preferential system shall mean that a voter must vote for all candidates in order of his/her preference.

**1. Preferential voting for election of one candidate**

The voter shall record his/her vote by placing the number "1" in the square opposite the name of the candidate for whom he/she desires to give his/her first preference vote, and he/she shall give contingent votes for all the remaining candidates by placing in the squares opposite the names of such candidates the numbers "2", "3", "4", respectively, and so on in order to indicate by numerical sequence the order of his/her preference for them. If all squares are numbered consecutively from 1, without repetition of any number, and the last square is left blank, the ballot paper will be treated as formal because the voter's intention is clear.

A candidate who received a number of first preference votes greater than half the total number of formal ballot papers shall thereupon be declared elected.

If no candidate has received an absolute majority of first preference votes, the Returning Officer shall proceed with the scrutiny, as follows:

- (a) The candidate who received the fewest first preference votes shall be excluded, and each ballot paper counted to him/her shall be counted to the candidate next in order of the voter's preference.
- (b) Then if no candidate has an absolute majority of votes, the process shall be repeated by excluding the next candidate who has the fewest votes, and counting each of his/her ballot papers to the unexcluded candidates next in the order of the voter's preference, until one candidate has received an absolute majority of votes and is elected.

**2. Preferential voting for election of more than one candidate**

In any case where two or more candidates are to be elected, the Returning Officer shall act in accordance with the following procedure:

- (1) The votes shall be classified into two categories as follows:
  - (a) Votes marked 1,2,3, etc., according to the number of vacancies shall be termed the "primary" votes and have equal value in the first count.
  - (b) Preference votes shall be termed the "secondary" votes and shall have rank according to their numerical order.
- (2) The "primary" votes shall first be counted and a list shall be prepared of the candidates in order according to the "primary" votes cast for them. The candidate who is last on the list thus compiled shall be excluded from the election.



- (3) Each ballot paper on which such excluded candidate received a number 1 vote shall then be scrutinized and the next available preference following the “primary” vote as defined in 1(a) shall be added to the total credited to each unexcluded candidate on the first count.
- (4) The candidate next last on the list shall then be excluded. Each ballot paper on which such candidate received a number 1 vote shall then be scrutinised and the next available preference vote to the “primary” vote as determined in 1(a) shall be added to the total credited to the respective remaining candidates. Should the next available preference vote be cast in the favour of an excluded candidate, it shall be disregarded and the next available preference vote cast in favour of a remaining candidate shall be added to the total credited to that candidate. This process of exclusion and distribution of preference votes shall be repeated until only the number of candidates required to fill the vacancies remain.
- (5) In the case of two or more candidates being equal during the progress of the count, you eliminate the candidate with the lowest number (first preference) votes. If there should still be equality then the Returning Officer should draw, in the presence of scrutineers, and the candidate whose name is drawn will remain in the ballot.
- (6) In determining which candidate is next in order of preference the votes which have been counted for any candidate who has been excluded shall not be considered and the order of voter’s preferences shall be determined on the next available preference which ballot paper has not been previously transferred.
- (7) All candidates must be voted for.
- (8) No Returning Officer or scrutineer shall be allowed to nominate for any position in any ballot in which he/she is acting as Returning Officer or scrutineer. In calling for nominations, the Returning Officer shall be deemed to have participated in the ballot, except in the case of the General Returning Officer.

**STANDING ORDERS****Harbord Harlequins Rugby Club** (incorporated under the Associations Incorporation Act 1984)

These Standing Orders shall be applicable to all Meetings of the Association and shall be construed subject to the Rules of the Association. However, in the event that a matter of importance or urgency arises, sufficient that the resolution of such a matter is delayed by Standing Orders, there may be a motion to suspend Standing Orders to allow the matter to be resolved.

Any matter not dealt with in these Standing Orders shall be governed by the customary rules of debate as interpreted by the Chairperson.

Any alterations to these Standing Orders shall only be made at a General Meeting.

**1. ORDER OF BUSINESS****(a) At an Annual General Meeting:**

apologies for absence

- (ii) reading and approval of minutes
- (iii) business arising from minutes
- (iv) correspondence

business arising from correspondence

- (vi) presentation of Annual Report
- (vii) presentation of Annual Financial Statements
- (viii) election of Office Bearers
- (ix) motions on notice

Constitution

Standing Orders

- (x) set annual membership fee
- (xi) other business

**(b) At Committee Meetings**

- (i) apologies for absence
- (ii) reading and approval of minutes
- (iii) business arising from minutes
- (iv) correspondence
- (v) business arising from correspondence
- (vi) consideration of application for membership
- (vii) Executive Report
- (viii) Treasurer's Report
- (ix) Committee Reports
  - Minis Rugby Co-ordinator
  - Junior Rugby Co-ordinator
  - Social Committee
  - Home Ground Committee
  - any other Committees
- (x) motions on notice
- (xi) other business

(c) Minutes

Minutes shall be taken at all meetings of the Association, and be presented for approval as the second item on the Agenda at all such respective meetings.

2. VOTING

Ex-officio Members of Committees

A member of the Association acting as an ex-officio member of a committee, pursuant to an appointment made by the Rules shall have the right to vote upon the proceedings of such committee.

(ii) Voting on Motion and Amendments

A motion or amendment, unless other provision has been specified in the Constitution and By-laws, shall be approved by a simple majority of those present and entitled to vote, with the exception of the case outlined in Standing Order 9.

(iii) Any voter, or the Chairman, shall be entitled to request a recount of votes; such a request must be made as soon as the result of the vote is announced. It is not incumbent on voters to vote the same way on both occasions; a vote may be reversed or an abstention registered or where there was a previous abstention a vote may be cast.

3. PROPOSALS AND MOTIONS

All proposals made to the meeting shall be in the form of motions or amendments to a motion; they shall be clearly expressed and capable of only one interpretation.

(ii) Any motion or amendment already accepted by the Chair shall not be withdrawn, except by the mover, with the agreement of the seconder. No motion may be withdrawn if any amendment is before the meeting, or after such amendment has been adopted; a motion or amendment before the Chair may be reworded by the mover subject to the leave of the seconder.

(iii) When an amendment has been tabled discussion shall be confined to that amendment; no further amendment shall be proposed until this amendment has been disposed of.

(iv) Any person participating in any debate, with the exception of the proposer and seconder of the motion, may move or second one amendment only, but may speak to any amendment.

(v) More than one amendment to a proposed motion may be moved; such amendment shall be considered one at a time, provided that notice of any subsequent amendment(s) have been given prior to the vote on the previous amendment being taken.

(vi) Should the amendment be defeated the original motion becomes open for further amendment. In the event that such an amendment is carried, this then becomes the subject motion. (Amendments to amendments are not prohibited, but they should be discouraged.)

4. DISCUSSION

Discussion shall only take place on a motion or amendment after it has been moved and seconded, and where required by the Constitution, or at the request of the Chairman.

(ii) A speaker may not speak more than once on a motion or amendment with the exception of the right of reply of the proposer.

- (iii) In the event that a motion is opposed or an amendment is moved, the proposer of a motion shall be entitled to the final right of reply before the vote is taken; such a reply, either on the motion or the first amendment, may not raise new material to support the motion, but must be confined to a summary to support that argument as presented and to answer any points raised by the opposition. The mover of an amendment is not entitled to a final right of reply.
- (iv) The Chairman indicates that the debate is closed when calling for the final right of reply.
- (v) Any person within the meeting may second a motion, or any amendment to a motion to allow discussion to take place.

#### 5. AMENDMENTS

- (i) A proposer, or seconder of a motion may vote for an amendment to that motion, or may vote against the motion or amendment.
- (ii) An amendment may not be moved after the substantive motion has been put to the vote.
- (iii) Amendments may be moved to motions on notice, provided that such amendments are within the scope of the notice and can involve the Association in no greater obligations than the notice specified.

#### 6. POINT OF ORDER

Anyone wishing to raise a point of order must do so at the time of the alleged irregularity, interrupting the speaker, if necessary.

- (ii) The point of order shall be made clearly and concisely.
- (iii) There shall be no discussion and the Chair shall rule upon the point of order raised.
- (iv) A point of order shall take precedence over all other business with the exception of a call for a quorum.

#### 7. DISSENT FROM THE RULING OF THE CHAIR

- (i) A motion of dissent against the ruling of the Chair must be made immediately following the ruling. A motion of dissent against the Chair must be supported by at least four other voters.
- (ii) Upon such a motion receiving the necessary support the person presiding shall vacate the Chair, and the debate taking place at the time of the dissent shall be suspended until the motion of dissent is resolved.
- (iii) After the motion of dissent has been resolved the person presiding shall resume the Chair, and the original question shall be pursued.

#### 8. FORMAL MOTIONS FOR THE CURTAILMENT OF DISCUSSION

- (a) The closure or "that the question be now put"
  - (i) The Closure may be moved during the discussion of a motion or an amendment; such motion may only be moved by a person who has not already spoken on the proposal (motion or amendment).


- (ii) The motion of closure can interrupt a speaker, may not be debated and shall be voted on immediately.
  - (iii) If the closure of a motion is defeated, the debate shall continue as before.
  - (iv) If the motion is carried, the motion or amendment under discussion at the time of the closure, shall be put to the meeting immediately; in the case of a motion, the mover shall now exert their right of reply; in the case of an amendment, the closure shall only apply to the amendment.
  - (v) This motion “that the question be now put”, may be moved any number of times during a debate.
  - (vi) The Chair may of their own volition, put the closure, in the event that in their opinion, adequate discussion has taken place.
- (b) “That the speaker be no longer heard” or “that the speaker be heard for a further limited period only”
- (i) This motion must be seconded and shall not be debated.
  - (ii) In the event that the Chairman considers that the speaker has had a fair hearing, the motion shall be voted on immediately.
- (c) Adjournment
- (i) A voter, who has not spoken to the motion or amendment on hand, may move an adjournment; this shall be open for debate, but may only be amended as to time and place for the reconvention of the meeting.
  - (ii) A motion of adjournment shall take precedence over all motions with the exception of a point of order.

## 9. RESCISION MOTIONS

- (i) A resolution, once passed at a meeting, cannot be erased by a further resolution negatively structured.
- (ii) A resolution may be rescinded, not less than one month after the passing of the resolution. Notice of the intended rescision must be given, sufficient for such an intention to be included in the notice convening the meeting.
- (iii) A resolution may not be rescinded by less than a two-thirds majority of those present and entitled to vote.

## 10. GENERAL MEETINGS

- (i) At any meeting of the Association time for general business shall be allotted except where such a meeting is convened within the Constitution for a specific purpose. Any voter shall have the right to raise any matter, without prior notice, unless such notice is required by the Constitution or By-laws, or any other rules of the Association.

  
PRESIDENT 14.9.17