

# **DARWIN TRAILER BOAT CLUB**

## **INCORPORATED**

# **CONSTITUTION AND RULES**

*As amended at DTBC SGM held  
06 September 2009*



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## **1 NAME**

The Club shall be called the ‘Darwin Trailer Boat Club Incorporated’ hereinafter referred to as ‘the Club’.

## **2 MINIMUM NUMBER OF MEMBERS**

The club must have at least (20) members

## **3 OBJECTS**

The objects of the said Club shall be:

- a) to foster and facilitate trailer boating and boating generally;
- b) to disseminate useful information relating to the boating, sporting, and fishing activities of the Club;
- c) to promote and control competitive, sporting and recreational events amongst the Members of the Club;
- d) to obtain launching sites and the improvement of boating facilities generally in Darwin waters;
- e) to promote good fellowship amongst Members of the Club; and,
- f) to raise funds by way of loans, mortgages, subscriptions or other means.
- g) To promote and encourage sound and competitive business practices to ensure the continuing viability of the Club.
- h) The assets and income of the Club shall be applied solely in the furtherance of the above mentioned objects and no portion shall be distributed directly or indirectly to the Members except as bona fide compensation for services rendered or expenses incurred for and on behalf of the Club by a Member or Members.

## **4 PATRON**

There shall be a Patron of the Club, who shall be appointed by the Council of the Club.

## **5 MEMBERSHIP**

The Club shall consist of Ordinary, Honorary, Concessional, Junior, Country, Spouse/Partner and Temporary Members, all of whom shall conform to the requirements set out herein. A Register of Financial Members of the Club shall be kept on the Club premises. All Members shall be entitled to use the facilities and avail themselves of the privileges provided by the Club.

## **6 DEFINITIONS OF, AND QUALIFICATIONS FOR MEMBERSHIP**

### **1) ORDINARY MEMBERSHIP**

Ordinary membership shall consist of Active, Life, and House Members.

#### **a) *Active Membership***

- (i) An Active Member is a Member who has qualified for Active membership status and who has been granted Active membership status by the Council.
- (ii) Active Members shall be eligible to serve on the Council or in any office connected with the Club and shall be eligible to vote on all matters concerning the Club.

#### ***Qualifications for Active Membership***

- (iii) Any person who owns a boat and whose boat is registered in accordance with Northern Territory legislation relating to small craft and the carriage of safety equipment in small craft is eligible for Active membership status.
- (iv) Where there is no NT legislation relating to the registration of small craft or to the carriage of safety equipment, a person who owns a boat
  - which is registered with the Club and which complies with the standards set out in the Regulations of this Constitution;
  - which carries a Club registration number; and,
  - which carries such safety equipment as is specified by the Club from time to timeis eligible for Active membership status.
- (v) Any person whose boat is subject to registration under NT legislation relating to the carriage of persons, charter operations or line fishing and who complies with that legislation is eligible for Active membership status.
- (vi) Only one person may be registered as an Active Member in respect of any one boat unless otherwise determined by the Council.

#### **b) *Life Membership***

- (i) Life Membership, exempt from payment of subscriptions, may be conferred on any Member who has rendered special services to the Club. A Nomination for Life Membership form must be completed and presented to the DTBC Secretary eight (8) weeks prior to the AGM for consideration by the Council. Successful nominations shall be conferred only at an Annual General Meeting of the Club by a majority of two-thirds of those Members entitled to vote which shall be by secret ballot.
- (ii) A Life Member is eligible for election to the Council
- (iii) Life Members shall have the same voting rights as Active Members of the Club.

#### **c) *House Members***

- (i) Any person not eligible for Active membership may, subject to Council's approval, be admitted to the Club as a House Member.
- (ii) House Members is eligible for election to the Council

- (iii) House Members shall be eligible to vote at the elections of Council Members but not on matters affecting the Constitution of the Club or on the disposal of Club property or assets.

## 2) **Honorary Membership**

Except in the case of Club Employee Members, Honorary Membership status is conferred on a person by Council decision. Honorary Members shall be entitled to use the facilities of the Club but shall not be eligible for election to the Council, neither shall they be entitled to vote at an election of Members of the Council, or have any voice or authority in the management or administration of the Club. ***Honorary members do not have the right to sign in visitors. Honorary membership may be granted to:***

- a) ***A visitor from a place not less than 100 kilometrea from Darwin for a period not exceeding one month;***
- b) ***All Club employees for the duration of their employment; and***
- c) ***Other visitors as the Council deem appropriate.***

## 3) **CONCESSIONAL MEMBERSHIP**

***Concessional Membership is normally restricted to Senior Citizens. In general the following rules apply:***

- a) ***Concessional Membership*** may be granted to any Ordinary or Spouse/Partner Member who has passed retiring age – viz 65 years for males, 60 years for females. Proof of age – either in the form of a certified true copy of a birth certificate or Northern Territory Pensioner’s Concession Card – must accompany all applications for membership.
- b) Rates relating to annual subscription for Senior Citizen membership shall be set by Council from time to time and ratified by the next succeeding AGM.
- c) Senior Citizen Members who also qualify as Active Members shall have all the rights and entitlements of Active Members.
- d) Senior Citizen Members who do not qualify as Active Members shall have the same rights and entitlements as House Members.
- e) ***A person in possession of a NT Pensioner’s Concession Card who is not eligible for membership under Section 5 (3) (a) may apply to Council for Concessional Membership.***

## 4) **JUNIOR MEMBERSHIP**

Junior membership may be applied for and granted by Council to children of Members, who are financial Members of the Club at the time of application. Application shall be in writing and signed by the parent or guardian of the applicant. No joining fee will be charged. A nominal Junior membership fee determined by Council from time-to-time and ratified by the succeeding AGM to be paid annually by the parent or guardian and shall continue to be paid each year until the Junior Member attains the age of 18 years, at which time a Junior Member may be granted full adult membership. In such instances the joining fee shall be waived.

## 5) **COUNTRY MEMBERSHIP**

Council may grant Country Membership to any person who is not a permanent resident of Darwin and who is normally domiciled not less than 200 kilometres from the Darwin Post Office. No joining fee shall be imposed. Annual subscriptions shall be the same as those determined for Ordinary Members for the current financial year. Country Members shall be

entitled to use the facilities of the Club but shall not be eligible for election to the Council, neither shall they be entitled to vote at an election of Members of the Council, or have any voice or authority in the management or administration of the Club.

#### **6) SPOUSE/PARTNER MEMBERSHIP**

The partner of a Member may, on the approval of Council, be admitted as a Spouse/Partner Member and shall be eligible to vote at elections of Members of the Council and to do all those things House Members may do.

#### **7) TEMPORARY MEMBERSHIP**

Council may grant Temporary Membership to any person who is not a permanent resident of Darwin and who is normally domiciled not less than 200 kilometres from the Darwin Post Office. The Membership may only be granted for a period of three months in any financial year. The Temporary Membership fee shall be as determined by Council and ratified by subsequent Annual or Special General Meeting. Temporary Members shall be entitled to use the facilities of the Club but shall not be eligible for election to the Council. Neither shall they be entitled to vote at an election of Members of the Council, or have any voice in the management or administration of the Club.

### **7 ADMISSION TO MEMBERSHIP**

- 1) Application for membership of the Club must be made in writing on a form prescribed by the Council, or in the form of a letter, which shall bear the name and signature of the proposer and seconder both of whom shall be Ordinary Members, as well as the nominee's full name, address, whether or not a boat owner, signature and date, and be endorsed by two Council Members.
- 2) Particulars of proposal for membership (other than as Honorary) of the Club shall be entered in the order of time in which such proposals are received by the Secretary of the Club, in a proposals for membership register to be kept by the Club. Every such entry shall set forth the full name and address of the person proposed, whether a boat owner or operator, and the time and date of the receipt by the Club of the proposal. In relation to any and every vacancy howsoever arising in the membership of the Club, every proposal shall be dealt with and determined in the order of priority in which it is recorded in the application for membership register.
- 3) The names and addresses of all persons proposed as Members of the Club shall be displayed in a conspicuous place in the Club premises for at least a fortnight before being considered by the Council for acceptance. Proposals for membership shall be considered by the Council at its next meeting following the expiration of the period of display of proposals.
- 4) No person shall be allowed to become an Honorary Member of the Club or be relieved of the payment of the regular subscription, except a person possessing the qualifications defined in this Constitution, and subject to any conditions and regulations described herein.

### **8 RESIGNATIONS AND DISCIPLINE**

#### **1) RESIGNATIONS**

Resignation from the Club shall be made in writing to the Secretary, but no such resignation shall relieve any Member from payment of any subscription or other

moneys due or payable by him/her at the time of his/her resignation. The resignation of any Member shall mean immediate forfeiture of all rights and privileges in respect to all Club matters, but not of any claim under any agreement made between the Member and the Club.

- 2) Any Member failing to give written notice to the Secretary prior to November 30th in any year of his/her intended resignation shall be liable for the subscription fee for the year commencing on that date.
- 3) Notwithstanding (2) above the Council shall have the power to determine a pro rata subscription for any Member resigning after November 1st in any year.
- 4) **DISCIPLINE**
  - a) The Council shall have the power to reprimand, suspend or expel any Member who on the Club premises or elsewhere is guilty of conduct prejudicial to the interests of the Club.
  - b) A Member shall not be dealt with by the Council under this provision except on a complaint made in writing to the Secretary by another Member. Such complaint shall set out the conduct which is the subject matter of the complaint and be signed by the complainant. The Council shall not exercise its power to reprimand, suspend, or expel a Member without giving him/her an opportunity to be heard in his/her defence against such complaint.
  - c) Notwithstanding (4)(a) and (b) above, the President shall have the right on receipt of a written complaint from a Member or employee of the Club, and after conducting such investigations as he/she considers proper, to suspend a Member for a period not exceeding one month from the date he/she informs such Member either in writing or orally that he/she is so suspended. This suspension is subject to the Council dealing with the event and any Member so suspended has the right of appeal to the Council.
  - d) In the event a Member is suspended for a period in excess of 3 months, or expelled, the Member may in writing require the President to call a meeting of the Appeals Committee forthwith to review the decision of the Council. The Appeals Committee shall consist of the President (as Chairman) and two others drawn from past Presidents, Vice Presidents or office bearers in that order respectively. The decision of the Appeals Committee shall become the decision of the Council. A request to convene a meeting of the Appeals Committee must be received within one month of the date of the suspension or expulsion.
- 5) Council may remove from the List of Members the name of any person whose subscription is two months in arrears after receipt of written notice of the subscription falling due. The Council may at its discretion restore the name of such person to the List of Members on payment of all arrears.
- 6) An Active Member who ceases to have the qualification required for admittance to the Club as an Active Member ceases to be an Active Member on the last day of October next occurring, unless he/she again acquires that qualification and has it on that day of October.

## 9 ANNUAL SUBSCRIPTION AND JOINING FEES

- 1) Annual subscriptions ,joining fees for all membership categories and Boat Park Fees shall be set by the Council and ratified by the next succeeding Annual General Meeting.
- 2) Annual subscriptions in the case of a person becoming a Member six months after an Annual General Meeting in any year shall in respect of that year be such amount as the Council determines. Rebates of fees granted under this clause shall not apply to Spouse/Partner Membership.
- 3) Annual subscriptions shall fall due immediately following the Annual General Meeting and must be paid within 30 days of each AGM in the same year.
- 4) Where a person's annual subscription is in arrears for more than 90 days that person's membership shall be automatically terminated.
- 5) On rejoining the Club, any person whose membership has been terminated under 8(4) shall be required to pay the full membership and joining fees.
- 6) A Member may apply for a leave of absence, which may be approved by Council for periods of up to two years. The Council may also grant dispensation in advance to a Member with special circumstances; however this would include payment of any arrears of Club dues.
- 7) After a lapse of 90 days unpaid subscriptions, a Member's name and number will be deleted from the computer records, and if that person wishes to rejoin after the lapsed period, they will be required to reapply for membership and pay the full application fee.
- 8) Notwithstanding the above, the Council shall have the right to grant 'dispensation' for exceptional circumstances which shall however include payment of any arrears or a 'leave of absence' for periods of up to two (2) years. Applications in both cases shall be presented in writing, setting out the circumstances of the request.

## **10 CLUB MANAGEMENT**

- 1) The business and affairs of the Club shall be under the management of a Council, elected by the Ordinary, Spouse/Partner and Concessional Members for not less than twelve months and the Council shall be composed of:
  - a) the Office Bearers of the Club, and
  - b) six (6) additional Council Members.
- 2) The Office Bearers of the Club shall be Ordinary Members of the Club and shall consist of a President, a Vice President, a Secretary, an Assistant Secretary, a Treasurer, an Assistant Treasurer, of whom not less than three (3) shall be Active Members. These Office Bearers shall form an Executive Committee which will have the power to deal with matters of urgency relating to the affairs of the Club which arise at times when it is inconvenient for the whole of the Council to meet.
- 3) The Council shall have the power to appoint and dismiss a Manager to the Club. Amongst other duties as determined by Council he/she shall act as licensee as well as being responsible to the sitting Council for the efficient day-to-day running of the Club.
- 4) **FUNCTIONS OF COUNCIL**
  - a) The functions of the Council shall be to do all things necessary to further the objects of the Club including the appointment of sub-committees and to



determine the policy and activities to be undertaken within the framework of this Constitution.

- b) To raise funds by way of loans, mortgages, subscriptions, or other means to directly or indirectly further the objects defined in Section 2.
- c) The Council shall do all things required to be done:
  - i) by the Committee of an association incorporated under the *Associations Incorporation Act*; and,
  - ii) by the Committee of Management of a Club registered under the *Northern Territory Liquor Act*.

5) **TERM OF OFFICE**

- a) An election for vacant Council positions shall be held at each Annual General Meeting
- b) Office Bearers of the Club shall be elected for a two-year term. In order to provide continuity in managing the affairs of the Club, half-Council elections shall be held each year as follows:

First Year: Elections shall be held for the positions of President, Secretary, and Treasurer

***plus three Council Members.***

Second Year: Elections shall be held for the positions of Vice President, Assistant Secretary,

***and Assistant Treasurer plus three Council Members..***

- c) All sitting Councillors shall remain in office until the Declaration of the Ballot.

6) **PUBLIC OFFICER**

The Council of the Association shall appoint, at the first meeting of the Council following the election of Council, a member of the Executive Committee to the Public Officer of the Club.

## 11 DUTIES OF COUNCILLORS

1) **PRESIDENT**

The President shall preside at all meetings of the Club and Council. The President shall attend to the carrying out of the decisions of the Club or Council and generally see that Members are properly accommodated and that the Rules of the Club are fully adhered to by all.

2) **VICE PRESIDENT**

The Vice-President shall assist the President to see that all matters requiring attention are properly carried out. In the absence of the President, the Vice-President will carry out the duties normally performed by the President.

3) **SECRETARY**

The Secretary shall:

- a) keep or have kept a true record of the business transacted at all meetings of the Club and of the Council;
- b) enter or have entered minutes of all resolutions and proceedings of the Council in a book to be kept for that purpose;

- c) keep or have kept a list of Members with their addresses;
- d) issue notice of all meetings connected with the Club;
- e) conduct all correspondence as directed by the Council; and,
- f) if the Club is duly registered in pursuance of the legislation in force with respect to liquor licences:
  - i) keep all such books and records as are required by that legislation;
  - ii) furnish all necessary returns and information required to be furnished under that legislation; and,
  - iii) do all such things as are required or permitted to be done by the Secretary of a Club that is duly registered in pursuance of the legislation.

#### **4) ASSISTANT SECRETARY**

The Assistant Secretary shall:

- a) generally assist the Secretary in the discharge of their duties; and,
- b) act as Secretary if the Secretary is absent or ill or for any reason unable to perform their duties; or, the Council instructs the Assistant Secretary to act instead of the Secretary because the Secretary refuses to carry out any duties required by this Constitution and Rules.

#### **5) TREASURER**

The Treasurer shall keep a record of the receipts and expenditure of the Club and report the financial position of the Club at each ordinary meeting of the Council. He/she shall also submit to the Annual General Meeting a Statement of his/her accounts for the preceding year, said accounts to be audited by a person duly appointed for that purpose. Should the Treasurer be absent or ill or should he/she neglect or refuse to do anything required by the rules, the Council shall have the power to invite and appoint any other Member of the Club to act in his/her stead.

#### **6) ASSISTANT TREASURER**

The Assistant Treasurer shall:

- a) generally assist the Treasurer in the discharge of his/her duties; and,
- b) act as Treasurer if
  - i) the Treasurer is absent or ill or for any reason unable to perform his/her duties; or
  - ii) the Council instructs the Assistant Treasurer to act instead of the Treasurer because the Treasurer refuses to carry out any duties required by this Constitution and Rules.

#### **7) MEMBERS IN COUNCIL**

Every Member agrees to be bound by, and undertakes to observe each and every Rule as well as every By-law and Council decision of the Club, and at all times to conduct himself/herself with propriety.

## **12 ELECTION OF COUNCIL**

Office Bearers and Councillors hereinafter referred to as the 'Council' shall be elected by ballot at the Annual General Meeting in accordance with the procedure and conditions specified hereunder:

- 1) Nomination for office must be made in each case in writing by at least two Members, both of whom shall be Ordinary Members and must be accompanied by agreement of the nominee to act if elected and must be lodged with the Secretary at least twenty-one (21) clear days before the date determined for the meeting at which these offices will be elected.
- 2) The Secretary shall prepare a list of Members nominated and furnish the list to the person appointed at a Council Meeting to be the Returning Officer.
- 3) The election shall be arranged and supervised by the Returning Officer who shall declare the result to the Annual General Meeting. Voting shall be on simple majority principles.
- 4) If the number of candidates nominated be not in excess of the number of vacancies to be filled, an election shall not proceed and the candidates who have been nominated shall be declared duly elected.
- 5) If the number of candidates be less than the number of vacancies to be filled and candidates are not available at the Annual General Meeting the Council shall be empowered to accept nominations at a later stage and elect a candidate to the Council.
  - a) This candidate must submit to Council nomination procedures at the next Annual General Meeting.
- 6) In the event of the votes cast for two or more candidates being equal in number, the Returning Officer shall exercise a casting vote as may be necessary to determine election as amongst such candidates.

### **13 VACATION OF COUNCIL OFFICE**

- 1) Any Member of the Council may resign office by notice in writing addressed to the Secretary.
- 2) Any Member of the Council
  - a) who ceases to be an Ordinary Member of the Club; or
  - b) who fails to attend three consecutive monthly meetings of the Council without sufficient cause, of which the Council by resolution shall decide, and such decision shall be final; or
  - c) who becomes insolvent, or who executes a statutory deed of assignment, or deed of composition for the benefit of his/her creditors and is adjudged guilty of fraud, dishonourable conduct or extravagance in connection therewith; or
  - d) who is guilty of misconduct

*shall automatically cease to be a Council Member.*

### **14 VACANCY ON COUNCIL**

Any vacancy which may occur in the Council between Annual General meetings shall be filled by a nominee approved by a majority of the Council.

## **15 MEETINGS**

### **1) ANNUAL GENERAL MEETING**

The Annual General Meeting of the Club shall be held in the month of October each year on a date to be set by the sitting Council. The Meeting shall be called by the Secretary by giving twenty one {21} clear days notice to Members prior to the date of such meetings. The notification shall include a notice that the annual subscriptions are payable immediately after the Annual General Meeting. The business to be transacted shall be as follows:

- a) Reading of the notice convening the meeting.
- b) Confirmation of Minutes of the previous Annual or Special General Meeting.
- c) Consideration and Adoption of the Annual Report.
- d) Presentation of the Balance Sheet and Income and Expenditure Account.
- e) Election of Office Bearers and Council Members.
- f) Ratification of annual subscriptions , joining fees and Boat Park fees as determined by the Council.
- g) Motions of which notice has been given.
- h) General Business.

The order of the business shall be as set out unless exceptional circumstances warrant a change. The Council shall also cause notice for the Annual General Meeting and the business of the Annual General Meeting to be displayed in the Club premises and also in a daily newspaper published in Darwin not later than six (6) weeks prior to the Annual General Meeting inviting lodgement of nominations for election to the Council and the positions vacant.

### **2) SPECIAL GENERAL MEETING**

A Special General Meeting shall be called by the Secretary under instructions from the Council, or upon the written request of seven (7) or more Members of the Council, or upon the written request of not less than ten (10) Members of the Club. Any such written request shall state the purpose for which the meeting is called. The meeting shall be called within fourteen (14) days after receipt of the written request to do so and notice of the meeting shall be given as set forth in Section 14(1). The notice shall also state the purpose of the meeting. No other business shall be transacted at such meeting.

### **3) COUNCIL MEETING**

The Council shall meet at least once every calendar month, and the President or any three Council Members shall have power to call a Special Council Meeting at any time. Minutes of all resolutions and proceedings of the Council shall be entered in a book to be kept for that purpose.

### **3) SPECIAL RESOLUTIONS**

- a) A Special Resolution may be moved at any General Meeting of the Club.

- b) The Secretary must give all members not less than 21 days notice of the meeting at which a special resolution is to be proposed unless otherwise provided in the Schedule.
- c) The notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.

#### **4) VOTING AT AGM, SGM, AND COUNCIL MEETINGS**

- a) Subject to this Constitution each financial Ordinary, Honorary, Spouse/Partner and Concessional Member present shall be entitled to one vote at the AGM and at a SGM. The Chairman shall have a deliberative and a casting vote. Any two Members may call for a division of the meeting on any question placed before the meeting.
- b) Each Councillor present at a Council Meeting shall have one vote and the Chairman shall have a deliberative and a casting vote.

#### **5) PROXY VOTES**

- (a) A financial Member may vote by proxy if he/she is unable because of exceptional circumstances to attend an AGM, SGM or Council Meeting of the Club.
- (b) A proxy vote shall only be exercised by the Club Secretary on behalf of that Member if it is received in writing and including an apology for non attendance at the meeting, not less than five days before the meeting for which it is intended and sets out the exceptional circumstances for the absence from the said meeting.
- (c) 'Exceptional circumstances' are defined as:-
  - (i) sickness which precludes the Member attending the meeting (to be accompanied by a Doctor's Certificate);
  - (ii) away from Darwin on legitimate business, holidays, or family/personal matters;
  - (iii) work commitments: Members who are unable to attend because of shift rostering or other job related requirements.
- (d) 'Exceptional Circumstances' do not include:
  - (i) away at sea unless relevant to (c) (iii) above;
  - (ii) away fishing as a previous engagement.

#### **6) QUORUMS**

Fifteen (15) present of the total Club Membership shall constitute a quorum for the Annual General Meeting and any Special General Meeting, and seven (7) Members shall constitute a quorum for Council Meetings. Should a quorum not be present within half an hour of the time appointed the meeting shall stand adjourned to an hour and date fixed by the Members present. The adjourned meeting whether a quorum is present or not shall have power to proceed with the business for which the meeting was called.

#### **7) Chairman of Council Meetings**

At a meeting of the Council:

- a) the President shall be the Chairman if present. A Chairman shall remain Chairman for the duration of any meeting. Where a Chairman is not re-elected to his /her position following an AGM then he/she shall be required to attend the first Council meeting following that AGM and may attend any other meeting as requested by the sitting President to provide for a suitable hand over to the incoming Chairman;
- b) if the President is not present, the Vice-President shall be Chairman;
- c) if neither of these is present a Council Member elected by the Council Members present shall be the Chairman.

## **8) RECORD OF COUNCIL MEETINGS**

Minutes of the proceedings of every meeting of the Club and Council, and of the attendance of Members of the Club and Council thereat, shall be recorded by the Secretary and shall be signed by the Chairman of the meeting at which they were read and confirmed and such minutes when recorded and signed, shall in the absence of proof of error therein, be considered a correct record of the proceedings to which they relate. Minutes of all meetings shall be kept within the permanent records of the Club.

## **9) EXECUTIVE COUNCIL MEETINGS**

Any such meetings will be recorded by one attending Executive Member should the Secretary and Assistant Secretary be absent. Such recordings will then be confirmed at the next ordinary Council Meeting.

# **16 CLUB FINANCES**

## **1) FINANCIAL YEAR**

The financial Year shall begin on the first day of September in each year and end on the last day of August of the following year.

## **2) USE OF FUNDS**

The funds of the Club shall be used solely for the purpose of promoting the objects for which the Club has been formed. Rooms, furniture, equipment and facilities are provided and maintained from the joint funds of the Club and no person, except wage earning staff (PAYG employees) who are given Honorary membership status, are entitled under this Constitution to derive any profit, benefits or advantages from the Club which is not shared equally by every Member thereof.

## **3) BANKING**

- a) A banking account shall be opened with a recommended trading bank by the Council in the name of the Club.
- b) All receipts (including profits derived from functions, organised Sub-Committee or Activity Groups) shall be credited to the Club's banking account subject to subsequent disposal as may be directed by the Council.

## **4) Authority**

- a) Expenditure from the funds of the Club shall be authorised by the Council and all payments, except for petty cash expenses, shall be made by cheque or direct bank transfer. The Council may authorise the advance of such amounts to Sub-Committees or Activity Groups as considered reasonable to permit

such bodies to fulfill their functions and to meet preliminary expenses of such activities as fall within the scope of the respective bodies.

- b) No person whosoever of any Sub-Committee or Activity Group except persons or bodies duly authorised by the Council and acting within the limit of the authority conferred in that behalf, shall have the power to enter into any contract on behalf of the Club which will impose any liability on the Council of the Club or otherwise pledge the liability or obligation entered into or incurred without the authority of the Council as aforesaid shall be in any way recognised or accepted by the Council.

## **5) PAYMENTS**

Cheques and authorities for direct bank transfers shall be signed by any two of the Executive (ie President, Treasurer, Secretary, Vice President, Assistant Treasurer or Assistant Secretary).

## **6) INVESTMENT**

Surplus funds may be transferred from the Club banking account at the direction of the Council.

## **7) BOOKS OF ACCOUNT**

The Council shall cause proper books of account to be kept and written in the English language and shall cause such books to be balanced and a Balance Sheet and an Income and Expenditure Account prepared as soon as possible after the close of each financial year. The Balance Sheet shall show fully and truly the liabilities and assets of the Club at the close of such year, and the Income and Expenditure Account shall fully and truly show the income and expenditure of the Club in respect of such year. Both shall be audited and, together with the Auditor's Report thereon, presented at the Annual General Meeting.

# **17 ACTIVITY GROUPS**

Where sufficient interest has been shown amongst Club Members to justify the formation of an Activity Group to further the objects of the Club, the question shall be referred to a Council Meeting for:

- a) the approved formation of that Activity Group;
- b) to decide the structure and office bearers required to operate that Activity Group; and,
- c) to convey to the office bearers of the Activity Group their desires regarding the operation of that Group.

Any Activity Group so formed shall pass its collections to the Club Treasurer. Similarly, except for petty cash expenditure, all payments shall be made by cheque drawn on Club funds. The Council shall be empowered to direct the policy of an Activity Group so formed insofar as the policy of that Activity Group affects the overall policy of the Club.

The funds of an Activity Group may be paid into a bank account in the joint names of the Club and the Activity Group.

Notwithstanding the provisions of Section 15 of the Constitution and Rules, the Treasurer of such Activity Group shall be a mandatory signature to all cheques drawn on the Group's bank account. The funds of the Activity Group may only be expended in relation to a purchase authorised by the Rules of the Activity Group or for the purposes of the Club.

# **18 AUDITOR**

- 1) Subject to the ACT, the Council shall appoint a person to the auditor of the Club within 14 days after the Annual General Meeting.
- 2) The Council shall not appoint a member of Council to be the auditor of the Club.

## 19 VISITORS

Ordinary, Spouse/Partner, Country and Concessional Members shall have the privilege of introducing a friend or friends to the Clubhouse. Such visitors shall be entitled to all social privileges of Members of the Club, but shall not take part in any meeting of the Club, nor vote thereat. The maximum numbers of guests which a Member can sign in at any one time is limited by a maximum of six (6). A visitor may only be admitted six (6) visits per annum.

***A bona fide traveller is someone whose normal place of residence is greater than 100 kilometres from the Darwin GPO or is an Interstate or International traveller, need not be signed into the Club but must place their name and address in the Visitors Register.***

## 20 SUPPLY OF LIQUOR

- 1) Liquor shall not be sold or supplied to any person under eighteen years of age.
- 2) ***With the exception of a bona fide traveller***, a visitor shall not be supplied with liquor in the Club premises unless in the company of a Member.
- 3) Liquor shall not be sold or otherwise made available to any person except in accordance with the *Liquor Act*.

## 21 GRIEVANCE AND DISPUTES

- 1) This clause applies to disputes between:
  - a) a member and another member: or
  - b) a member and the Council.
- 2) Within fourteen (14) days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.
- 3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend the meeting, then the parties must, within ten (10) days after the meeting, hold another meeting in the presence of a mediator.
- 4) The mediator must be:
  - a) a person chosen by agreement between the parties; or
  - b) in the absence of agreement:
    - (i) for a dispute between a member and another member; - a person appointed by the Council; or
    - (ii) for a dispute between a member and the Council:- a person who is a mediator appointed or employed by a department administering the Act.
- 5) A member of the Club can be a mediator
- 6) The mediator can not be a party to the dispute.
- 7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation:



- a) give the parties to the mediation process every opportunity to be heard;
  - b) allow due consideration by all parties of any written statement submitted by any party; and
  - c) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.
- 9) The mediator must not determine the dispute.
- 10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **22 MEETINGS, GAMBLING AND UNSEEMLY CONDUCT**

- 1) No political party, rights activist or religious groups shall be eligible to hold meetings on the Club premises.
- 2) The Club reserves the right to sanction its own duly formed meetings, be it that these meetings may have some political overtones, if such meetings are considered beneficial to the Club's constitutional rights or interests. Such meetings must be approved by either,
  - a) a majority Council decision, or
  - b) the decision of a majority at a Special General Meeting.
- 3) No gambling, betting or games of chance are allowed on the premises, except those sanctioned by an approved Government Authority. Gambling machines and other Keno like games allowed within this Constitution shall be limited to a total of eleven (11) in number.
- 4) Obscene and abusive language or unseemly conduct will not be condoned. On receipt of a formal report submitted by any member or employee, of any alleged infringements, such report shall be investigated by the Council who have the powers to demand and direct apologies, and if necessary, terminate the membership of the offending party in accordance with the Constitution.

## **23 ALTERATION OF CONSTITUTION AND RULES**

Subject to Section 21(a) of this Constitution, alteration of the Constitution and Rules shall be made only at an Annual General Meeting or a Special General Meeting called for that specific purpose of the Club after written notice of the proposed alteration has been given to the Secretary not later than fourteen (14) days before the said Annual or Special General Meeting, so that he/she may have it printed in the circular calling the said meeting. No alteration shall be made unless passed by not less than two-thirds of the Members present and voting at the meeting.

- a) this Constitution shall only be altered at a *Annual General Meeting or Special General Meeting* of Active Members of the Club called for that specific purpose by not less than five (5) such Members who shall have given the Secretary notice of the meeting in the manner described in Section 21 and carried by not less than two-thirds of such Members as are present and voting at that meeting,

## **24 REGULATIONS**

The Council shall have the power to make, amend, alter or rescind, Regulations for the management of the affairs of the Club or any section or sections thereof not inconsistent with the Constitution and Rules.

## **25 DISSOLUTION**

- 1) Subject to sub-clause (2), the Club may, be dissolved by a resolution of a majority of at least two-thirds of the financial Active Members at a Special General Meeting.
- 2) The resolution to dissolve the Club must be confirmed, again by a majority of at least two-thirds of the financial Active Members, at a second Special General Meeting called not less than fourteen (14) nor more than thirty (30) days after the conduct of the first mentioned Special General Meeting.
- 3) The Special General Meetings set out in sub-clauses (1) and (2) may be convened by a single notice of meeting.
- 4) If on the winding up or dissolution of the Club, and after satisfaction of all its debts and liabilities, there remain any assets, the assets must not be distributed to the members or former members.
- 5) Subject to the Act, and the resolutions of the Special General Meetings dissolving the Club, the surplus assets must be given or transferred to another association incorporated under the Act that –
  - a) has similar objects or purposes;
  - b) is not carried on for profit or gain to its individual members; and
  - c) is not determined by resolution of the members.

## **26 RULES**

- 1) In addition to the Regulations and House Rules, the Council may make rules, not inconsistent with this Constitution, for the good order and conduct of the Club and its activities. Any such rules shall be notified to Members in writing not less than twenty-eight (28) days of the making of such rules and shall be immediately displayed in a prominent place within the Club and shall be so displayed continuously thereafter or until disallowed.
- 2) Any rules made under Section 24 may be disallowed at a General Meeting of the Club.

**D A R W I N**

## REGULATIONS AND HOUSE RULES

- 1 Any Member of the Club who is requested by a Member of the Council or an employee of the Club, to leave the premises and fails to do so without delay shall be deemed guilty of conduct prejudicial to the interests of the Club. He/she shall then be dealt with by the President upon notification of the offence as if a written complaint had been lodged by the Council Member in accordance with Section 7(4) (b) of the Constitution and Rules of the Club.
- 2 In the event that a visitor to the Club fails to comply with a request by a Member of the Council or the staff to leave the Club premises without delay he/she, and the Member who signed the visitor in, shall be deemed guilty of conduct prejudicial to the interests of the Club. In this event the visitor shall be banned from the Club premises for all time and the Member shall be dealt with by the President in the manner indicated in the preceding regulation.
- 3 Any Member who fails to comply with a reasonable request from a Council Member regarding his/her behaviour, parking of vehicles or boats, interfering with Club property or for any other cause shall be deemed guilty of conduct prejudicial to the interests of the Club and shall be dealt with by the President in accordance with (1) above.
- 4 Members are to ensure that their guests to the Club are signed in. The Visitors Book is located in the front entrance. Members are also responsible for the behaviour of their guests. A guest may not be signed in more than six (6) times in any one year.
- 5 The Manager and staff have the right to request the removal of children from the tile area surrounding the Bar.
- 6 Members are reminded that this is a family Club and swearing, especially in mixed company, is not condoned.
- 7 There are no strict dress rules except that, in the Clubhouse, body covering and footwear is required. Barefooted persons and those in swimming costumes can obtain service in the Fisherman's Bar. After dark all Members are expected to be tidily dressed, complete with footwear.
- 8 Members when nominating prospective Members should introduce the nominee to as many Council Members as possible to facilitate processing of the application and to ensure that the applicant at least knows several other Members of the Club.
- 9 Dogs are not permitted in any of the following areas: the Clubhouse, the whole of the lawned area, garden, bar and the children's playground area.
- 10 **Boat Registration**
  - a) Active Members must submit their boats and equipment for inspection and renewal of Club registration once every twenty-four (24) months.
  - b) All registered boats must possess and carry the full inventory of safety equipment as set out in the current Marine Branch, Northern Territory Department of Transport & Works rules.
  - c) 'Boats' not eligible for Club registration include, but are not limited to, canoes, tenders, dinghies etc which do not meet the objects of the Club or the intent of this Constitution.
- 11 **Boat Parking Agreement**

That any Active Member wishing to use the Club's boat park facility shall, in addition to the payment of an annual Licence Fee, agree to the terms and conditions of the Boat Parking Agreement, as endorsed by Council, by signing such an Agreement when paying their annual Licence Fee.