

## **Rules of Kentish Aquatic Club Inc**

comprising the model rules prescribed under the Act by the Association's Incorporation (Model Rules) Regulations as modified by a Special Resolution of the Kentish Aquatic Club passed on the 24th day of October 1983.

*Association Registration Number 00898C*

- Name of the Association**     **1.**     The name of the Association shall be Kentish Aquatic Club Inc. (in these rules called “the Association”).
- Interpretation**     **2.**     (1)     In these rules unless the contrary intention appears -  
“committee” means the committee of management of the Association.  
“general meeting” means a general meeting of members convened in accordance with rule 13.  
“ordinary committeeman” means a member of the committee to whom paragraph (b) of sub-rule (1) of rule 23 relates.  
“T.W.S.A.” means the Tasmanian Water Ski Association.
- (2)     In these rules, expressions referring to writing shall, be construed as including references to electronic communication, printing, lithography, photography, and other modes of representing or reproducing words in a visible form.
- (3)     Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1931 and the Act as in force on the date on which these rules are adopted by the Association.
- (4)     In these rules unless the contrary intention appears, the singular shall include the plural and the masculine shall include the feminine and vice versa.
- Association's Office**     **3.**     The office of the Association shall be at the residence of the elected secretary or such other place as the committee may, from time to time determine.

**Objects and purposes of the Association**

4. (1) In addition to the basic objects of the Association, the objects and purposes of the Association shall be deemed to include -
- (a) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Association;
  - (b) the buying, selling, and supplying of, and dealing in, goods of all kinds;
  - (c) the construction, maintenance, and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Association;
  - (d) the accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Association;
  - (e) the taking of such steps from time to time as the committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the Association, whether by way of donations, subscriptions or otherwise;
  - (f) the printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Association;
  - (g) the borrowing and raising of money in such manner and on such terms as the committee may think fit or as may be approved or directed by resolution passed at a general meeting;
  - (h) subject to the provisions of the Trustee Act 1898, the investment of any moneys of the Association not immediately required for any of its objects or purposes in such manner as the committee may from time to time determine;
  - (i) the making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which paragraph (a) of subsection (1) of section 78 of the Income Tax and Social Services Contribution Assessment Act 1936-1964 of the Commonwealth relates;
  - (j) the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes, and conveniences calculated to benefit servants or past servants of the Association and their dependants, and the granting of pensions, allowances, or other benefits to servants or past servants of the Association and their dependants, and the making of payments towards insurance in relation to any of those purposes;
  - (k) the establishment and support, or aiding in the establishment or support, of any other association formed for any of the basic objects of the Association;
  - (l) the purchase or acquisition, and undertaking, of all or any part of the property, assets, liabilities, and engagement of any association with which the Association may at any time become amalgamated in accordance with the provisions of the Act and the rules of the Association; and
  - (m) the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Association or of any of the objects and purposes specified in the foregoing provisions of this sub-rule.
- (2) In this rule, “basic objects of the Association” means the objects and purposes of the Association as stated in the application under subsection (2) of section 7 of the Act for the incorporation of the Association lodged with the Registrar pursuant to that section. A copy of the basic objects is annexed to these rules.

**Membership of 5. Association**

- (1) A person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Association on payment of the annual subscription prescribed in, or fixed under, these rules.
- (2) A member who is not a member of the Association at the time of the incorporation of the Association shall not be admitted to membership -
  - (a) unless he is nominated as provided in sub rule (5) of this rule; and
  - (b) his admission as a member is approved by a 2/3 majority of all committee members.
- (3) Any person after having attended an association activity shall be eligible for membership nomination.
- (4) Classes of membership of this Association shall be -
  - (a) full membership, (for persons eighteen years and over).
  - (b) family membership (up to two full members and to include children up to the age of twenty one).
  - (c) junior membership, (for persons up to the age of eighteen).
  - (d) distant membership, (for persons whose permanent residence is greater than a 150km radius from Lake Barrington).
  - (e) life membership, (see sub-rule (14) of this rule).
  - (f) associate membership, (who may have power to speak at general meetings, but shall not have power to vote or nominate).
  - (g) interstate membership (for persons whose permanent residence is outside of Tasmania)
- (5) Nomination of a person for membership of the Association -
  - (a) shall be made in writing on the prescribed nomination form, signed by one full member of the Association.
  - (b) shall be accompanied by the written consent of the person nominated (which may be endorsed on the form of nomination), and shall be accompanied by the nomination fee if applicable.
  - (c) shall be lodged with the public officer of the Association.
- (6) As soon as is practicable after the receipt of a nomination, the public officer shall refer the nomination to the committee.
- (7) Upon a nomination being approved by the committee the public officer shall, with as little delay as possible notify the nominee, in writing, that he has been approved for membership of the Association and upon receipt of the sum payable by or on behalf of the nominee as his first year's subscription, shall enter the nominee's name in the register of members to be kept by the public officer, where upon the nominee becomes a member of the Association-
  - (a) a nominee's nomination shall lapse and be surrendered if subscriptions or notification of acceptance are not received within one month of the public officer forwarding acceptance of membership.
  - (b) upon the nominee becoming a member of the Association the public officer shall have delivered to him a copy of the Association's By-Laws and upon request a copy of the rules.
- (8) If an application is rejected, the committee shall not be obliged to assign any reason for such rejection provided that any person whose nomination is rejected

may nominate and be balloted for again, if a period of twelve months has expired following the date of his previous nomination.

- (9) If the application is rejected by the committee, the public officer shall with as little delay as possible notify the applicant accordingly.
- (10) (a) A member of the Association may, at any time, resign from the Association by delivering or sending to the public officer a written notice of resignation.  
(b) A member who is unfinancial at 1 December, in any year, shall be deemed to have resigned their membership. The payment of relevant overdue fees after this time will not assume reinstatement of their membership.
- (11) Upon a members' resignation under sub-rule (10 (a) or (b)) of this rule, the public officer shall remove the name of the member from the register of members, whereupon that member ceases to be a member of the Association. Any person who has resigned their membership and seeks to re-join the Association may only so via the specified nomination process as per sub-rule (5) of this rule.
- (12) (12) A right, privilege, or obligation of a person by virtue of his membership of the Association -
  - (a) is not capable of being transferred or transmitted to another person; and
  - (b) terminates upon the cessation of his membership, whether by death, resignation, or otherwise.
- (13) In the event of the Association being wound up -
  - (a) every full member of the Association; and
  - (b) every person who, within the period of twelve months immediately preceding the commencement of the winding up, was a full of the Association, is liable to contribute to the assets of the Association for payment of the debts or liabilities of the Association and for the costs, charges, and expenses of the winding up and for the adjustment of the rights of the contributories among themselves such sum, not exceeding five dollars, as may be required, but a former member is not liable so to contribute in respect of any debt or liability of the Association contracted after he ceased to be a member.
- (14) Nomination of a member for life membership of the Association -
  - (a) Nominations for Life Membership must be lodged with the Secretary by written submission addressing how the nominee measures up against the Life Membership criteria. The nomination will be assessed by the Life Membership subcommittee as defined in the Kentish Aquatic Club by laws.
  - (b) every life member shall be entitled to all the privileges and subject to all the duties of a member of the Association during his life (including provisions as to expulsion) without further payment of subscription, annual or otherwise.

**Income and property of Association**

6. (1) The income and property of the Association, however derived, shall be applied solely towards the promotion of the objects and purposes of the Association and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of the Association.
- (2) The Association shall not -

- (a) appoint a person who is a member of the committee to any office in the gift of the Association to the holder of which there is payable any remuneration by way of salary, fees, or allowance; or
  - (b) pay to any such person any remuneration or other benefit in money or money's worth (other than the repayment of out-of-pocket expenses).
- (3) Nothing in the foregoing provisions of this rule prevents the payment in good faith to a servant or member of the Association of -
- (a) remuneration in return for services actually rendered to the Association by the servant or member or for goods supplied to the Association by the servant or member in the ordinary course of business;
  - (b) interest at a rate not exceeding the lowest rate currently available from a bank or lending institution on money's lent to the Association by the servant or member: or
  - (c) a reasonable and proper sum by way of rent for premises let to the Association by the servant or member.

**Accounts of receipts, expenditure**

7. (1) True accounts shall be kept -
- (a) of all sums of money received and expended by the Association and the matter in respect of which the receipt or expenditure takes place; and
  - (b) of the property, credits, and liabilities of the Association,
- and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Association for the time being, those accounts shall be open to the inspection of the members of the Association.
- (2) The Treasurer of the Association shall faithfully keep all general records, accounting books, and records of receipts and expenditure connected with the operations and business of the Association in such form and manner as the committee may direct.
- (3) The accounts, books, and records referred to in sub-rules (1) and (2) of this rule shall be kept at the Association's office or at such other place as the committee may decide

**Banking and Finance**

8. (1) The Treasurer of the Association shall, on behalf of the Association, receive all moneys paid to the Association and forthwith after the receipt thereof issue official receipts therefor.
- (2) The committee shall cause to be opened with such bank as the committee selects a banking account in the name of the Association into which all moneys received shall be paid by the Treasurer as soon as possible after receipt thereof,
- (3) The committee may receive from the Association's bank or bankers for the time being the cheques drawn by the Association on any of its accounts with the bank or bankers and may release and indemnify the bank or bankers from and against all claims, actions, suits, or demands that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Association.

- (4) Except with the authority of the committee, no payment of a sum exceeding five dollars shall be made from the funds of the Association otherwise than by cheque drawn on the Association's bank account, but the committee may provide the Treasurer with a sum to meet urgent expenditure, subject to the observance of such conditions in relation to the use and expenditure thereof as the committee may impose.
- (5) No cheques shall be drawn on the Association's bank account except for the payment of expenditure that has been authorised by the committee.
- (6) All cheques, drafts, bills of exchange, promisory notes, and other negotiable instruments shall be signed by the Treasurer or, in his absence, by such other member or members of the committee as the committee may nominate for that purpose, and shall be countersigned by the public officer, or other authorised signatories.
- (7) If the committee decides to operate all or part of its financial matters using Internet banking it shall first discuss the process with the relevant bank and as a minimum shall make provision, in conjunction with the bank, to ensure that two of the nominated signatories subrule (6) shall approve the payments made by the club through the Internet,

**Auditor**

9. (1) At each annual general meeting of the Association, the members present shall appoint an auditor of the Association.
- (2) If an auditor is not appointed at an annual general meeting under [subrule \(1\)](#), the committee is to appoint a person as the auditor of the Association as soon as practicable after that annual general meeting.
- (3) The auditor is to hold office until the next annual general meeting and is eligible for re-appointment.
- (4) The first auditor –
  - (a) may be appointed by the committee before the first annual general meeting; and
  - (b) if so appointed, holds office until the first annual general meeting unless earlier removed by a resolution of the members of the Association at a general meeting.
- (5) If the first auditor is appointed by the committee under [subrule \(4\)\(a\)](#) and subsequently removed at a general meeting under [subrule \(4\)\(b\)](#), the members of the Association, at that general meeting, may appoint an auditor to hold office until the first annual general meeting.
- (6) Except as provided in [subrule \(4\)\(b\)](#), the auditor may only be removed from office by special resolution.
- (7) If a casual vacancy occurs in the office of auditor during the course of a financial year of the Association, the committee may appoint another auditor and the auditor so appointed shall hold office until the next succeeding annual general meeting.

**Audit of accounts**

10. (1) Once at least in each financial year of the Association, the accounts of the Association shall be examined by the auditor.

- (2) The auditor shall certify as to the correctness of the accounts of the Association and shall report thereon to the members present at the annual general meeting.
  
- (3) In his report, and in certifying to the accounts, the auditor is to -
  - (a) specify the information, if any, that he or she has required under subrule (5)(b) and obtained; and;
  - (b) whether, in his or her opinion, the accounts exhibit a true and correct view of the financial position of the Association according to the information at his or her disposal; and
  - (c) state whether the rules relating to the administration of the funds of the Association have been observed.
  
- (4) The public officer of the Association shall cause to be delivered to the auditor a list of all the accounts, books, and records of the Association.
  
- (5) The auditor -
  - (a) has a right of access to the accounts, books, records, vouchers, and documents of the Association;
  - (b) may require from the servants of the Association such information and explanations as may be necessary for the performance of his duties as auditor;
  - (c) may employ persons to assist him in investigating the accounts of the Association; and
  - (d) may, in relation to the accounts of the Association, examine any member of the committee or any servant of the Association.
  
- 10A.** (1) For any financial year that the Association is exempt from the requirement to be audited by virtue of section 24(1B) or (1C) of the Act
  - (a) an auditor is not required to be appointed for that financial year under rule 9 unless the Association elects to have the financial affairs of the Association for that financial year audited in accordance with the Act and these rules; and
  - (b) if an auditor is not appointed for a financial year by virtue of paragraph (a) –
    - (i) rules 9 and 10 do not apply in respect of the Association for that financial year; and
    - (ii) rule 11(5)(b), to the extent that it relates to an auditor, does not apply in respect of the annual general meeting held by the Association in respect of that financial year; and
    - (iii) rule 11(5)(d) does not apply in respect of the annual general meeting held by the Association in respect of that financial year.
  
- (2) For any financial year that the Association is exempt from the requirement to provide an annual return by virtue of section 24B(1B) of the Act, the

committee must provide, as part of the ordinary business of the annual general meeting for that financial year, a copy of the annual financial report given under the Australian Charities and Not-for-profits Commission Act 2012 of the Commonwealth in respect of that financial year.

- Annual General Meeting**
- 11.** (1) The Association shall, in each year, hold an annual general meeting.
- (2) The annual general meeting shall be held on such day, (being not later than three months after the close of the financial year of the Association) as the committee may determine.
- (3) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.
- (4) The annual general meeting shall be specified as such in the notice convening it.
- (5) The ordinary business of the annual general meeting shall be -
- (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - (b) to receive from the committee, auditor, and servants of the Association reports upon the transactions of the Association during the last preceding financial year;
  - (c) to elect the officers of the Association and the ordinary committeemen;
  - (d) to appoint the auditor and determine his remuneration;
  - (e) to determine the remuneration of servants of the Association;
  - (f) to elect the patron of the Association if required; and
  - (g) to deal with any relevant general business arising or brought forward by any member.
- (6) The annual general meeting may transact special business of which notice is given in accordance with these rules.
- (7) All general meetings other than the annual general meeting shall be called special general meetings.
- Special General Meetings**
- 12.** (1) The committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (2) The committee shall, on the requisition in writing of not less than ten members or twenty percent of members, whichever is the lesser, convene a special general meeting of the Association.
- (3) A requisition for a special general meeting shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the office of the Association and may consist of several documents in the like form, each signed by one or more of the requisitionists.
- (4) If the committee does not cause a special general meeting to be held within twenty-one days from the date on which a requisition therefore is deposited at the office of the Association, the requisitionists, or any of them, may convene the meeting; but any meeting so convened shall not be held after three months from the date of the deposit of the requisition.



- (5) A special general meeting convened by requisitionists in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring them.

**Notices of  
Special General  
Meeting**

13. (1) The public officer of the Association shall give to every member at least ten days notice in writing of the meeting and shall specify in such notice the date, time and place of the meeting and the business to be transacted, and every such notice may be either posted by pre-paid post addressed to the member at his last known place of abode or delivered to the member personally, but
- (2) Notwithstanding the forgoing provisions of this rule, the committee may in any particular case authorise the public officer to give notice of a general meeting to members by inserting in at least one newspaper published in this state at least ten days before the date of such meeting an advertisement specifying the place, day and time for the holding of the meeting and the nature of the business to be transacted there at.
- (3) Accidental omission to give notice to any member shall not invalidate the meeting.

**Business and  
Quorum at Annual  
General and Special  
General Meetings**

14. (1) All business that is transacted at special general meetings and all business that is transacted at the annual general meeting, with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting, shall be deemed to be special business.
- (2) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.
- (3) Twelve members or twenty five percent of members personally present (being members entitled under these rules to vote thereat) constitute a quorum for the transaction of the business of a general meeting.
- (4) If within one hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; and in any other case it shall stand adjourned to the same day in the next week, at the same time and place (unless another day, time and place is specified by the chairman at the time of the adjournment or by notice to members given before the day to which the meeting is adjourned) and if at the adjourned meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.
- (5) If a Kentish Aquatic Club committee member is unable to attend in person, they shall be able to participate via telephone or electronic communication, provided the absent committee member has a link throughout the meeting and can hear and participate throughout the meeting. This intent must be made known to the remainder of the committee not less than 10 days prior to the meeting.

- President to preside at General Meetings** 15. (1) The President, or in his absence or if he is unwilling to act, the Vice-President, shall preside as chairman at every general meeting of the Association.
- (2) If the President and Vice-President are absent or unwilling to act at a general meeting, the members present shall elect one of their number to preside as chairman thereat.
- Adjournment of any General Meeting** 16. (1) The chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a meeting is adjourned for fourteen days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.
- (3) Except as provided in the foregoing provisions of this rule, it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.
- Determination of questions arising at General Meetings** 17. A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the result of the show of hands a poll is demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried, or carried unanimously, or carried by a particular majority, or lost, and 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.
- Votes** 18. (1) Upon any question arising at a general meeting of the Association, a full member has one vote only.
- (2) All votes shall be given personally.
- (3) In the event of an equality of voting on any question, it shall be resolved so as to preserve the status-quo. The chairman may exercise a deliberative vote provided he does so before the result is known.
- Taking of Poll** 19. If at a meeting a poll on any question is demanded it shall be taken at that meeting in such manner as the chairman may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.
- When poll to be taken** 20. A poll that is demanded on the election of a chairman, or on a question of adjournment, shall be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the chairman may direct.
- Affairs of Association to be managed by a committee** 21. (1) The affairs of the Association shall be managed by a committee of management constituted as provided in rule 23.
- (2) The committee -
- (a) shall control and manage the business and affairs of the Association;
- (b) may, subject to these rules, exercise all such powers and functions as may be exercised by the Association, other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Association;

- (c) subject to the Act and these rules, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Association; and
- (d) to make alter and repeal from time to time, such By-Laws consistent with these rules as the Association may deem necessary or expedient or convenient for the proper conduct and management of the Association.

**Officers  
of the (a)  
Association**

- 22.** (1) The officers of the Association shall be -
- (a) President;
  - (b) a Vice-President;
  - (c) a Treasurer; and
  - (d) a Secretary.
- (2) The provisions of sub-rules (2), (3) and (4) of rule 24, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-rule (1) of this rule.
- (3) Each officer of the Association shall hold office until the annual general meeting next after the date of his election but is eligible for re-election.
- (4) In the event of a casual vacancy in any office mentioned in sub-rule (1) of this rule, the committee may appoint one of its members to the vacant office, and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his appointment.
- (5) From time to time the Association may appoint one person to hold the offices of Treasurer and Secretary.

**Constitution  
of the Committee**

- 23.** (1) The committee shall consist of -
- (a) the officers of the Association; and
  - (b) six other members,  
all of whom shall be elected at the annual general meeting of the Association in each year.
- (2) Each ordinary committee person shall, subject to these rules, be elected for a two year term, with half of the committee retiring annually but eligible for re-election
- (3) In the event of a casual vacancy occurring in the office of ordinary committeeman, the committee may appoint a member of the Association to fill the vacancy, and the member so appointed shall hold office, subject to these rules until the conclusion of the annual general meeting next following the date of his appointment.
- (4) Only full members of the Association shall be eligible for election to the committee.

**Election of  
Members of  
Committee**

- 24.** (1) Nominations of candidates for election as officers of the Association or as ordinary committeemen -
- (a) may be made in writing signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination);
  - (b) shall be delivered to the public officer of the Association at least five days before the date fixed for the holding of the annual general meeting; and
  - (c) further nominations may be received at the annual general meeting.
  - (d) nominees must be financial members of the association
- (2) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (3) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.

- (4) The ballot for the election of officers and ordinary committeemen shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (5) Retiring committeemen shall remain in office until the conclusion of the annual general meeting whereupon the incoming committeemen shall commence their duties.

**Vacation of Office**

25. For the purposes of these rules, the office of an officer of the Association or of an ordinary committeeman becomes vacant if the officer or committeeman -
- (a) dies;
  - (b) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors, or makes any assignment of his estate for their benefit;
  - (c) becomes of unsound mind;
  - (d) resigns his office by writing under his hand addressed to the committee;
  - (e) ceases to be resident in the State;
  - (f) fails, without leave granted by the committee, to attend three consecutive meetings of the committee;
  - (g) ceases to be a member of the Association; or
  - (h) fails to pay all arrears of subscription due by him within fourteen days after he has received a notice in writing signed by the public officer stating that he has ceased to be a financial member of the Association.

**Meetings of the committee and of sub-committees**

26. (1) The committee shall meet at such intervals and at such places and times as it shall from time to time determine.
- (2) Special meetings of the committee may be convened by the President, or any four of its members
- (3) Notice shall be given to each member of the committee of any meeting at a reasonable time before the meeting and may be delivered either verbally or in writing, specifying the general nature of the business to be transacted thereat.
- (4) Six committee members including two officers of the Association constitute a quorum for the transaction of the business of a meeting of the committee.
- (5) No business shall be transacted 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 shall stand adjourned to the same place and at the same hour of the same day in the following week unless -
- (a) the meeting was a special meeting, in which case it lapses;
  - (b) another day, time or place is specified by the chairman at the time of the adjournment or by notice to members given before the day to which the meeting is adjourned.
- (6) At meetings of the committee -
- (a) the President or in his absence or if he is unwilling to act, the Senior Vice-President, or in the absence or unwillingness to act of both the President and the Senior Vice-President, the other Vice-President; or
  - (b) if the President and the two Vice-Presidents are absent or are unwilling to act, such one of the remaining members of the committee as may be chosen by the members present, shall preside.
- (7) Questions arising at meetings of the committee or of any sub-committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

- (8) Each member present at a meeting of the committee or of any sub-committee (including the person presiding at the meeting) is entitled to one vote,

**Disclosure of interest in contracts**

27. (1) A member of the committee who is interested in any contract or arrangement made or proposed to be made with the Association shall disclose his interest at the first meeting of the committee at which the contract or arrangement is first taken into consideration, if his interest then exists, or, in any other case, at the first meeting of the committee after the acquisition of his interest.
- (2) If a member of the committee becomes interested in a contract or arrangement after it is made or entered into he shall disclose his interest at the first meeting of the committee after he becomes so interested.
- (3) No member of the committee shall vote as a member of the committee in respect of any contract or arrangement in which he is interested and if he does so vote his vote shall not be counted.

**Sub-committees and executive committee**

- (1) The Association or the committee may appoint a sub-committee from its members as it may think fit and shall prescribe the powers and functions thereof.
- (2) The Association or the committee may co-opt as members of a sub-committee such persons as it thinks fit, whether or not those persons are members of the Association, but a person so co-opted who is not a member of the Association, is not entitled to vote,
- (3) Three appointed members of a sub-committee constitute a quorum at a meeting of the sub-committee,
- (4) Notice of each sub-committee meeting shall be given to each member of the sub-committee at a reasonable time before the meeting and may be delivered either verbally or in writing.
- (5) The President, the Vice-President, the Treasurer, and the Secretary constitute an executive committee, which may issue instructions to the public officer and the servants of the Association in matters of urgency connected with the management of the affairs of the Association during the intervals between meetings of the committee, and where any such instructions are issued shall report thereon to the next meeting of the committee.

**Annual Subscriptions**

29. (1) The amount of the annual subscription of all classes of membership shall be set by the members at the annual general meeting.
- (2) The annual subscriptions of all classes of membership is due and payable at each annual general meeting
- (3) A member who has not paid the Association's annual subscription in full by the first of October in any year, shall be deemed unfinancial.

- |                             |            |   |
|-----------------------------|------------|---|
| <b>Financial Year</b>       | <b>30.</b> | The financial year of the Association is the period beginning on first June in each year and ending on the thirty first May next following.   |
| <b>Notices</b>              | <b>31.</b> | A notice may be served by or on behalf of the Association upon any member either personally or by sending it through the post in a prepaid letter addressed to the member at his usual or last-known place of abode.  |
| <b>Expulsion of Members</b> | <b>32.</b> | <p>(1) Subject to this rule, the committee may expel a member from the Association if, in the opinion of the committee the member has been guilty of conduct detrimental to the interests of the Association.</p> <p>(2) The expulsion of a member pursuant to sub-rule (1) of this rule does not take effect -</p> <p>(a) until the expiration of fourteen days after the service on the member of a notice under sub-rule (3) of this rule; or</p> <p>(b) if the member exercises his right of appeal under this rule, until the conclusion of the special general meeting convened to hear the appeal, whichever is the later date.</p> <p>(3) Where the committee expels a member from the Association, the public officer of the Association shall, without undue delay, cause to be served on the member a notice in writing -</p> <p>(a) stating that the committee has expelled the member;</p> <p>(b) specifying the grounds for the expulsion; and</p> <p>(c) informing the member that if he so desires he may, within fourteen days after the service of the notice on him, appeal against the expulsion as provided in this rule.</p> <p>(4) A member on whom a notice under sub-rule (3) of this rule is served may appeal against the expulsion to a special general meeting by delivering or sending by post to the public officer of the Association, within fourteen days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing his appeal.</p> <p>(5) Upon receipt of a requisition under sub-rule (4) of this rule, the public officer shall forthwith notify the committee of its receipt and the committee shall thereupon cause a special general meeting of members to be held within twenty-one days after the date on which the requisition is received by the public officer.</p> <p>(6) At a special general meeting convened for the purpose of this rule -</p> <p>(a) no business other than the question of the expulsion shall be transacted;</p> <p>(b) the committee may place before the meeting details of the grounds of the expulsion and the committee's reasons for the expulsion;</p> <p>(c) the expelled member shall be given an opportunity to be heard; and</p> <p>(d) the members present shall vote by secret ballot on the question whether the expulsion should be lifted or confirmed.</p> <p>(7) If at the special general meeting a majority of the members present vote in favour of the lifting of the expulsion, the expulsion shall be deemed to have been lifted and the expelled member is entitled to continue his membership of the Association.</p> <p>(8) If at the special general meeting a majority of the members present vote in favour of the confirmation of the expulsion the expulsion takes effect, and the expelled member ceases to be a member of the Association.</p> |

**Disputes**

33. (1) Subject to this rule, a dispute between a member of the Association, in his capacity as a member, and the Association shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1892.
- (2) Nothing in this rule affects the operation or effect of rule 32.

**Seal of the Association**

34. (1) The seal of the Association shall be in the form of a rubber stamp, inscribed with the name of the Association encircling the word “seal”.
- (2) The seal of the Association shall not be affixed to any instrument except by the authority of the committee, and the affixing thereof shall be attested by the signatures either of two members of the committee or of one member of the committee and of the public officer of the Association or such other person as the committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the committee.
- (3) The seal shall remain the custody of the public officer.
- 

**Annexure 1**

The Basic Objects of the Association are:

- (a) To encourage aquatic sports, water skiing in particular.
- (b) To provide for members, facilities for water skiing and the aquatic sports as required by the members. Such other activities to be passed by a two third majority of members voting at a special general meeting called for the purpose and attended by at least two thirds of club members.

**Amendment** to Membership of Association rules, passed at a Special General Meeting of the Kentish Aquatic Club Inc. held on the 1st day of November, 1992,

**Membership of Association** 5. (4) (e) life membership, (see sub-rule (14) of this rule).

**Amendment** to Membership of Association rules, passed at a Special General Meeting of the Kentish Aquatic Club Inc. held on the 5th day of August, 2000.

**Membership of Association** 5. (4) Classes of membership of this Association shall be -  
Move sub-section (d) associate membership to new sub-section (f)  
and to add a new sub-section (d).

(d) distant membership, for members whose permanent residence is greater than a 150 km radius from Lake Barrington).

**Amendment** to Membership of Association rules, passed at a Special General Meeting of the Kentish Aquatic Club Inc. held on the 2<sup>nd</sup> day of August 2008

**Membership of Association** 5. (3) (a) that Rule 5.3 (a) be deleted from the constitution.

**Amendment** to Membership of the Association rules, passed at a Special General Meeting of the Kentish Aquatic Club Inc. held on the 4th day of July 2009

**Membership of Association** 5. (4) (b) that Rule 5.4 (b) be changed to read “family membership (up to two full members and to include children up to the age of twenty five)”

**Amendment** to Membership of the Association rules, passed at an Annual General Meeting of the Kentish Aquatic Club Inc. held on the 21<sup>st</sup> of July 2012



**Membership of Association** 5. (4) (b) that Rule 5.4 (b) be changed to read “family membership (up to two full members and to include children up to the age of twenty one)”

Amendments to the Officers of The Association, Constitution of the Committee and the Election of Members of committee rules, passed at an Annual General Meeting of the Kentish Aquatic Club Inc. held on the 27<sup>th</sup> of July 2013

**Officers of the Association Constitution Of the Committee** 22. (1) (b) be amended from two to one Vice-President  
(2) be removed  
23. (1) (be to be amended from “five other members” to “six other members”  
(2) to be amended from “Each ordinary committeeman shall, subject to these rules, hold office until the annual general meeting next after the date of his election, but is eligible for re-election” to “Each ordinary committeeperson shall, subject to these rules, be elected for a two year term, with half of the committee retiring annually but eligible for re-election”

**Election of Members of Committee** 24. (1) (d) to be added “nominees must be financial members of the association”

Amendments to Membership of the Association rules, passed at an Annual General Meeting of the Kentish Aquatic Club Inc. held on the 4<sup>th</sup> of November 2017

**Membership of Association** 5. (f) words “for non participants of water sports, who” to be deleted.

**Banking and Finance** 8. (6) Add words “ or other authorised signatories.”

**Banking and Finance** 8. Addition of subrule (7) If the committee decides to operate all or part of its financial matters using Internet banking it shall first discuss the process with the relevant bank and as a minimum shall make provision, in conjunction with the bank, to ensure that two of the nominated signatories subrule (6) shall approve the payments made by the club through the Internet.

**Auditor** 9. Amend clauses (2) to (6) to read:  
(2) If an auditor is not appointed at an annual general meeting under subrule (1) , the committee is to appoint a person as the auditor of the Association as soon as practicable after that annual general meeting.  
(3) The auditor is to hold office until the next annual general meeting and is eligible for re-appointment.  
(4) The first auditor –  
(a) may be appointed by the committee before the first annual general meeting; and  
(b) if so appointed, holds office until the first annual general meeting unless earlier removed by a resolution of the members of the Association at a general meeting.  
(5) If the first auditor is appointed by the committee

under subrule (4)(a) and subsequently removed at a general meeting under subrule (4)(b) , the members of the Association, at that general meeting, may appoint an auditor to hold office until the first annual general meeting.

(6) Except as provided in subrule (4)(b) , the auditor may only be removed from office by special resolution.

**Audit of  
Accounts**

10. Change clause (3) to read:

- (3) In the report and in certifying to the accounts, the auditor is to –
- (a) specify the information, if any, that he or she has required under subrule (5)(b) and obtained; and
  - (b) state whether, in his or her opinion, the accounts exhibit a true and correct view of the financial position of the Association according to the information at his or her disposal; and
  - (c) state whether the rules relating to the administration of the funds of the Association have been observed.

**Audit of  
Accounts**

10. Addition of Clause (10)A

- (1) For any financial year that the Association is exempt from the requirement to be audited by virtue of section 24(1B) or (1C) of the Act –
- (a) an auditor is not required to be appointed for that financial year under rule 9 unless the Association elects to have the financial affairs of the Association for that financial year audited in accordance with the Act and these rules; and
  - (b) if an auditor is not appointed for a financial year by virtue of paragraph (a) –
    - (i) rules 9 and 10 do not apply in respect of the Association for that financial year; and
    - (ii) rule 11(5)(b), to the extent that it relates to an auditor, does not apply in respect of the annual general meeting held by the Association in respect of that financial year; and
    - (iii) rule 11(5)(d) does not apply in respect of the annual general meeting held by the Association in respect of that financial year.

(2) For any financial year that the Association is exempt from the requirement to provide an annual return by virtue of section 24B(1B) of the Act, the committee must provide, as part of the ordinary business of the annual general meeting for that financial year, a copy of the annual financial report given under the Australian Charities and Not-for-profits Commission Act 2012 of the Commonwealth in respect of that financial year.

**President to  
preside at  
General  
Meetings**

15. (1) Delete the words “ the Senior Vice-President, or in the absence or unwillingness to act of both the President and the Senior Vice-President, the other”
- (2) Delete the word “both”

**Officers of the  
Association**

22. (1) (b) Replace the word “one” with “a” Vice-President;

**Sub-committees and executive committee** 28. (5) Delete the “s” in Vice-Presidents.

**Amendments** to Membership of the Association rules, passed at an Annual General Meeting of the Kentish Aquatic Club Inc. held on the 15<sup>th</sup> August 2019

**Interpretation 2. (2)**

***Previous wording:***

In these rules, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form.

***Wording changed to:*** In these rules, expressions referring to writing shall, be construed as including references to electronic communication, printing, lithography, photography, and other modes of representing or reproducing words in a visible form.

**Membership of Association 5. (14) (a).**

***Previous wording:***

on the recommendation of the committee any member of the Association may at a special general meeting be nominated and elected as a life member of the Association (without any special payment for such life membership) in recognition of special or valuable services rendered to the Association. Provided that a three fourths majority of members present and voting at such special general meeting shall be required to elect a life member.

***Wording changed to:*** Nominations for Life Membership must be lodged with the Secretary by written submission addressing how the nominee measures up against the Life Membership criteria. The nomination will be assessed by the Life Membership subcommittee as defined in the Kentish Aquatic Club by laws.

**Business and Quorum at Special General Meetings. 14**

***Add Clause (5):*** If a Kentish Aquatic Club committee member is unable to attend in person, they shall be able to participate via telephone or electronic communication, provided the absent committee member has a link throughout the meeting and can hear and participate throughout the meeting. This intent must be made known to the remainder of the committee not less than 10 days prior to the meeting.

**Business and Quorum at Special General Meetings. 14**

***Change title to:*** Business and Quorum at Annual General Meetings and Special General Meetings.

**Annual Subscriptions (3). 29**

***Previous wording:*** A member shall not be deemed unfinancial until the first of December each year.

***Wording changed to:*** A member shall not be deemed unfinancial until the first of October each year.

**Amendments** to Membership of the Association rules, passed at an Annual General Meeting of the Kentish Aquatic Club Inc. held on the 13<sup>th</sup> August 2020

5. Membership of Association

Current wording is:

*(10) A member of the Association may, at any time, resign from the Association by delivering or sending to the public officer a written notice of resignation.*

*(11) Upon receipt of a notice under sub-rule (10) of this rule, the public officer shall remove the name of the member by whom the notice was given from the register of members, whereupon that member ceases to be a member of the Association.*

Change wording to:

*(10) Member resignation.*

*(a) A member of the Association may, at any time, resign from the Association by delivering or sending to the public officer a written notice of resignation.*

*(b) A member who is unfinancial at 1 December, in any year, shall be deemed to have resigned their membership. The payment of relevant overdue fees after this time will not assume reinstatement of their membership.*

*(11) Upon a members' resignation under sub-rule (10 (a) or (b)) of this rule, the public officer shall remove the name of the member from the register of members, whereupon that member ceases to be a member of the Association. Any person who has resigned their membership and seeks to re-join the Association may only so via the specified nomination process as per sub-rule (5) of this rule.*

29. Annual subscriptions

Current wording is:

*(3) A member shall not be deemed unfinancial until the first of October each year.*

Change wording to:

*(3) A member who has not paid the Association's annual subscription in full by the first of October in any year, shall be deemed unfinancial.*